

Law Enforcement by Kualanamu Customs and Excise For The Crime of Smuggling Lobster Seeds (Study Of Decision Number 1758/PID.B/2020/PN. LBP)

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KEYWORDS

Kualanamu Customs,
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ABSTRACT

The formulation of the problem is (1) What is the legal regulation regarding customs for baby lobster smuggling according to provisions of regulations – invitations in Indonesia? (2) How is law enforcement carried out by Kualanamu Customs and Excise regarding the crime of smuggling lobster seeds? (3) What are the obstacles Kualanamu Customs and Excise officers face in carrying out law enforcement for the crime of baby lobster smuggling? The research method used is normative juridical. The results of the study show that customs law arrangements for baby lobster smuggling are regulated in Law no. 17 of 2006 concerning customs. Law enforcement is carried out by Customs and Excise officers, namely arresting the perpetrators and transferring them to the Attorney General's Office for further legal proceedings. The obstacle faced by Customs and Excise officials is that very often unscrupulous law enforcement officials and unscrupulous airline officers who work at airports are involved in criminal cases of smuggling and assist perpetrators who will try to bring prohibited items to pass from the customs area. This has further reduced public trust in law enforcers and this is an obstacle for law enforcers in general. The conclusion of this study is that Kualanamu Customs and Excise officers as customs law enforcers work together with other law enforcement officers in accordance with statutory regulations. The suggestion from this thesis is for Kualanamu Customs and Excise officers to become officers who really carry out law enforcement in the field of customs, so that in the future there will be no more smuggling cases that occur within the scope of Kualanamu airport carried out by the public or unscrupulous officers working at Kualanamu Airport.

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Introduction

The facts show that the lobsters owned by Indonesia are very large and can affect the international trade market. The lobster life cycle consists of 5 stages, starting from eggs that produce sperm or eggs in adulthood, hatching into filaments (larvae), then becoming eggs (post-larvae), developing into larvae and adults. The *Panulirus* genus has many life cycles, especially for species that live in tropical waters, and there is still a lack of understanding of the life stages of the larvae (Wijayanti & Achmad, 2011).

One of the crimes that is currently happening in Indonesia is the crime of smuggling lobster seeds. The crime of smuggling is a crime that often increases and occurs in the community. This crime has become very concerning and has become the government's concern in anticipating and increasing the spread of smuggling crimes that violate the norms that apply in society so that these actions become criminal acts.

In addition, that free trade tends to result in circulating goods and services that do not necessarily guarantee the security, safety and health of consumers. Under these circumstances consumers are less careful, because the position of the consumer is on the weak side in dealing with the producer. Because of this problem, the government issued a legal regulation, namely Law No. 8 of 1999 concerning consumer protection, which aims to protect consumer rights, the right to comfort, security and safety in consuming goods or services. With the existence of these laws, it is expected to guarantee the achievement of the implementation of consumer protection in society (Setyanto et al., 2018).

In the current condition of our country's economy in the midst of globalization, it is necessary to prepare and plan directed to make law able to answer future challenges. There have been frequent policy changes in the economic sector, in accordance with the elasticity of economic crimes, since the issuance of the Minister of Maritime Affairs and Fisheries Regulation Number 17 of 2021 concerning Management of Lobsters (*Panulirus* spp.), Crabs (*Scylla* spp.), and Rajungan (*Portunus* spp.) in the territory of the Republic of Indonesia which was later replaced by Regulation of the Minister of Marine Affairs and Fisheries Number 16 of 2022 concerning Amendments to Regulation of the Minister of Maritime Affairs and Fisheries Number 17 of 2021 concerning Management of Lobsters (*Panulirus* spp), Crab (*Scylla* spp), and Rajungan (*Portunus* spp) in The territory of the Republic of Indonesia has prohibited the fishing and shipping of lobster seeds abroad (Marzuki, 2017). The banning of lobster catching and release based on policy is basically expected to be able to change perceptions and increase awareness of *stakeholder* lobster fisheries in maintaining the sustainability of human resources, especially lobster fishermen.

In this day and age any goods can enter and leave quickly so that entrepreneurs can expedite their business related to the export and import of goods. Entrepreneurs are required to know the export-import procedures which are part of the procedures for implementing government regulations in carrying out export-import transactions. On the one hand, the crime of lobster smuggling can occur rampantly, this is due to the many regulations made by the government plus policies from the Directorate General of Customs and Excise and can become a potential crime in the field of customs crime (Prajna, 2011).

Kualanamu International Airport is one of the entry and exit points for passengers, passenger luggage and cargo goods. Kualanamu Airport is located in Deli Serdang district, North Sumatra Province and is one of the largest airports in Indonesia where its land area reaches 1,365 Ha with a distance of about 26 Km from the east of Medan city

and is integrated with the train making it easier to access to and from the airport. As the largest airport in Sumatra and serving dozens of domestic and international flights, Kualanamu airport is a potential place for smuggling activities, especially lobster seeds. This is because lobster seeds are time sensitive, so speed is needed in sending lobsters to the destination area and risks must be minimized. Therefore, based on the background described above, the author took the title of the thesis with the title "Law Enforcement by Kualanamu Customs and Excise for the Crime of Lobster Seed Smuggling (Study of Decision Number 1758/Pid.B/2020/PN. Lbp)"

Based on the description above, this research is important to do the following things. 1) What are the legal arrangements regarding Customs for baby lobster smuggling according to the provisions of the laws and regulations in Indonesia? 2) How is law enforcement by Kualanamu Customs and Excise regarding the crime of smuggling lobster seeds? 3) What are the obstacles faced by Kualanamu Customs and Excise in carrying out law enforcement for the crime of baby lobster smuggling?

This research is important to do because it is to study and analyze legal arrangements regarding customs for smuggling of lobster seeds according to the provisions of laws and regulations in Indonesia, to study and analyze law enforcement by Kualanamu Customs and Excise for the crime of smuggling lobster seeds, to study and analyze obstacles faced by Kualanamu Customs and Excise officers in carrying out law enforcement for the crime of smuggling lobster seeds.

Research methods

The research method used in this research is library research. The purpose and use of literature studies is basically to show how to solve research problems. If the researcher already knows what other researchers have done, the researcher will be better prepared with deeper and more complete knowledge (Sunggono, n.d.).

All data in this study were analyzed qualitatively. This qualitative analysis will be presented in the form of a systematic description by explaining the relationship between various types of data. Furthermore, all data is selected and processed, then analyzed descriptively so that besides being able to describe and reveal, it is hoped that it can provide solutions to the problems in this study (Amiruddin, 2016).

The approach used in this study is an empirical approach, which is an approach used to analyze the extent to which rules or laws or laws apply effectively in society. The approach method in this study was used to analyze the role of Kualanamu Customs and Excise in carrying out law enforcement regarding the crime of smuggling lobster seeds (Decision Study Number 1758/Pid.B/2020/PN. Lbp) and other regulations (Sinamo, 2010).

The research location was conducted at the Kualanamu Airport Customs and Excise Office, Jl. Kualanamu Airport, Beringin District, Deli Serdang Regency, North Sumatra Province. The data collection tool used is a literature study or document study (*Documentary Study*) by using secondary data legal sources. The procedure for taking and collecting data in this study was carried out by:

- a. Library research (*Library Research*) namely by conducting research on various reading sources, namely books, legal magazines, opinions of scholars, laws and regulations as well as lecture materials.
- b. Field Research (*Field Research*) namely by conducting field research at the Kualanamu Airport Customs and Excise Office, Jl. Kualanamu Airport, Beringin District, Deli Serdang Regency, North Sumatra Province.

- c. The data collection tools used were: Document study to obtain secondary data, by reading, studying, researching, identifying, and analyzing primary data, secondary data and tertiary data related to this research (Nasution, 2008).

Data analysis was carried out qualitatively, namely research on research that is descriptive in nature and tends to use analysis, process and meaning which takes precedence. In qualitative research the theoretical basis is used as a guide so that the research focus is in accordance with the facts in the field.

Data obtained through secondary data collection will be collected and then analyzed in a qualitative way to get clarity on the issues to be discussed. All collected data is edited, processed and arranged systematically to be concluded using general to specific deductive methods, namely the process of reasoning from one or more general statements to reach conclusions.

Results and Discussion

1. Customs Legal Regulations According to Laws and Regulations

A. Legal Regulations According to Law Number 17 of 2006 concerning Amendments to Law Number 10 of 1995 concerning Customs

Smuggling according to Article 102 and Article 102 paragraphs (a) and (b) of Law Number 17 of 2006 states that the person convicted of smuggling in the field of import is sentenced to a minimum imprisonment of 1 (one) year and a maximum imprisonment of 10 (ten) years and a fine of at least Rp. 50,000,000.- (fifty million rupiah), and a maximum fine of Rp. 5,000,000,000.- (five billion rupiah).

Convicted of committing smuggling in the export sector with a minimum imprisonment of 1 (one) year and a maximum imprisonment of 10 (ten) years and a minimum fine of Rp. 50,000,000.- (fifty million rupiah) and a maximum fine of Rp. 5,000,000,000.- (five billion rupiah).

Article 102 B of Law No. 17 of 2006:

“The violations referred to in Article 102 and Article 102 A which result in disruption of the joints of the State economy shall be subject to imprisonment for a minimum of 5 (five) years and a maximum imprisonment of 20 (twenty) years and a minimum fine of Rp. 5,000,000,000.- (five billion Rupiah) and a maximum fine of Rp. 100,000,000,000.- (one hundred billion rupiah).

B. Regulation of the Minister of Maritime Affairs and Fisheries Number 16 of 2022 concerning Amendments to the Regulation of the Minister of Maritime Affairs and Fisheries of the Republic of Indonesia No. 17 of 2021 concerning the Management of Lobsters (*Panulirus spp*), Crab (*Scylla spp*), and Rajungan (*Portunus, spp*) in the Territory of the Republic of Indonesia

In order to maintain the sustainability and availability of fishery resources, improve people's welfare, equalize cultivation technology, develop investment, increase foreign exchange, and develop lobster (*Panulirus spp.*), crab (*Scylla spp.*) and crab (*Portunus spp.*) cultivation, as well as it is necessary to review the Regulation of the Minister of Maritime Affairs and Fisheries Number 17/PERMEN-KP/2021 concerning

Management of Lobsters (*Panulirus* spp), Crab (*Scylla* spp.), and Rajungan (*Portunus* spp.) in the Territory of the Republic of Indonesia.

Lobster cultivation is a business that is very useful for the community for the development of economic growth. In the provisions of Article 1 paragraph 8 large business fish cultivators are fish farming business actors who have business capital of more than Rp. 10,000,000,000,- (Ten Billion Rupiah) excluding land and buildings for business premises. Provisions for catching and releasing lobsters are carried out with the harmonized system code 0306.31.20 from the territory of the Republic of Indonesia by:

1. Not in egg-laying condition which can be seen on the outer abdomen and carapace length measuring above 6 (six) centimeters or weighing more than 150 (one hundred and fifty) grams per head for sand lobster (*Panulirus homarus*);
2. not in egg-laying condition which can be seen on the outer abdomen and carapace length measuring above 8 (eight) centimeters or weighing more than 200 (two hundred) grams per head for other types of lobster (*Panulirus* spp.).

The government is very closely monitoring the issuers of lobster seeds from Indonesia because they are protected by law. Supervision of fishing activities for clear lobster seeds (*puerulus*), lobster seeds, lobsters (*Panulirus* spp.), crabs (*Scylla* spp.), and blue swimming crab (*Portunus* spp.) as referred to in paragraph (1) letter a is carried out by checking:

- a. Determination document as a fisherman catching clear lobster seeds (*puerulus*);
- b. Certificate of origin for clear lobster seeds (*puerulus*), lobster seeds, crabs (*Scylla* spp.), and blue swimming crab (*Portunus* spp.);
- c. Suitability of fishing location for clear lobster seeds (*puerulus*), lobster seeds, lobsters (*Panulirus* spp.), crabs (*Scylla* spp.), and crabs (*Portunus* spp.);
- d. A certificate from the agency that carries out tasks in the field of marine and fishery research.

Provisions for sanctions for people who release lobster seeds are regulated in the provisions of article 19 of this ministerial regulation, namely:

1. Everyone who performs the export of Clear Lobster Seeds (*puerulus*) outside the territory of the Republic of Indonesia as referred to in Article 18 paragraph (1) shall be subject to criminal sanctions in accordance with the provisions of laws and regulations.
2. Everyone who catches, cultivates, traffics and/or releases clear lobster seeds (*puerulus*), lobster seeds, lobsters (*Panulirus* spp.), crabs (*Scylla* spp.), and crabs (*Portunus* spp.) in conditions not in accordance with the provisions referred to in Article 18 paragraph (2), paragraph (3), and paragraph (4), are subject to administrative sanctions in the form of:
 - a. Written warning/reprimand;
 - b. Government coercion consisting of:
 - 1) Cessation of catching, cultivating, exporting, education, research and development, study, and/or application activities;
 - 2) sealing;

- 3) Reduction or temporary revocation of quotas and fishing locations; and/or
 - 4) Other actions aimed at stopping violations and actions to restore the sustainability of resources.
- c. Administrative fines;
 - d. Freezing of business licensing documents; and/or
 - e. Revocation of business license documents.

C. Regulation of the Minister of Finance of the Republic of Indonesia No. 21/PMK.04/2019 Concerning the Third Amendment to Minister of Finance Regulation No. 145/PMK.04/2007 Concerning Customs Provisions in the Export Sector

Article 14 of this Ministerial Regulation also stipulates that goods that have been notified for export and have obtained an Export Customs Notification registration number can have their exports canceled, unless it is proven that there has been a violation of customs provisions in the export sector. Export cancellation as intended in paragraph 1 applies the following conditions:

1. Exporters are required to report export cancellations to Customs and Excise Officials at the Customs Office of loading; And
2. export cancellation reporting as referred to in letter a, is carried out within 3 (three) working days from:
 - a. Departure of means of transport stated in the customs notification; or
 - b. The estimated date of export in the event that the means of transport is canceled.

If the goods whose export has been canceled are not physically inspected, except for the exported goods which, based on the results of the information analysis, there is a strong indication that there will be or has been a violation of customs provisions in the export sector. In the event that the results of the physical inspection based on the results of the information analysis show the quantity and/or type of goods:

- a. Accordingly, export cancellation is approved;
- b. Not suitable, further research is carried out by Customs and Excise Officials.

D. Regulation of the Director General of Customs and Excise Number 07/BC/2019 concerning the Second Amendment to Regulation of the Director General of Customs and Excise Number Per-32/BC/2014 concerning Customs Administration in the Export Sector

Several provisions in the Regulation of the Director General of Customs and Excise Number Per-32/BC/2014 concerning Customs Administration in the Export Sector as amended by the Regulation of the Director General of Customs and Excise Number Per-29/BC/2016 concerning Amendments to the Regulation of the Director General of Customs and Excise Excise Tax No. PER-32/BC/2014. For goods to be exported, exporters are required to notify the export of goods through customs and have fully implemented export registration through:

1. Research by service computer system
2. Research by customs and excise officials who handle research on goods identification numbers or customs access
3. Research by customs and excise officials who handle research on prohibited and/or restricted goods.
4. At the customs office of loading which in its customs service system serves goods export notifications in the form of electronic data storage media and has fully implemented the Indonesian National Window System system.
5. At the Customs Office of loading which in its customs service system serves the Registration of exporters of goods in the form of electronic data storage media but has not fully implemented the Indonesian National Window System system
6. At the Customs Office of loading which in its customs service system serves the registration of export of goods in written form on the form

2. Law Enforcement of the Crime of Lobster Seed Smuggling by Kualanamu Customs and Excise Officers

According to Soerjono Soekanto, the scope of the term law enforcement is very broad, because it includes those who are directly and indirectly involved in law enforcement. Sociologically, every law enforcer has a position *status* and *role*. This position is actually a container whose contents are certain rights and obligations. These rights and obligations are called roles (Soekanto, 2015).

The main problem of law enforcement actually lies in the factors that greatly influence it. These factors have a neutral meaning, so the positive or negative impact lies in the content of these factors, namely:

A. Law Enforcement Viewed From Legal Substance (Act)

Regarding the criminal act of smuggling baby lobsters, law enforcement will be carried out by Kualanamu Customs and Excise officers in terms of the regulatory aspect, namely that this lobster smuggling case has violated customs regulations in Article 102 A letter a Law No. 17 of 2006 concerning changes to Law no. 10 of 1995 concerning customs jo. Article 55 paragraph (1) of the Criminal Code, as well as Regulation of the Minister of Maritime Affairs and Fisheries No. 56 /Permen-KP/2016 concerning the prohibition of catching and exporting lobsters, crabs and crabs from the territory of the Republic of Indonesia in article 7: that everyone is prohibited from selling lobster seeds for cultivation, besides that also everyone who takes lobster seeds out of the territory of the Unitary State The Republic of Indonesia will be subject to sanctions in accordance with statutory provisions.

B. Law Enforcement Viewed from Law Enforcement

Scope Law enforcement is very broad, because it includes those who are directly and indirectly involved in law enforcement. Sociologically every law enforcer has a position (*status*) and role (*role*). Social position is a certain position in the social structure, which may be high, medium or low. This position is actually a container, the contents of

which are certain rights and obligations. Therefore, a person who has a certain position is usually called a role holder (*role occupant*).

A law enforcer, as is the case with other members of society, usually has several positions and roles at once. Thus it is not impossible, that between position and role conflict arises (*status conflict dan conflict of roles*). This sociological framework will be applied in the analysis of law enforcers, so that the focus of attention will be directed to their role.

Law enforcers are a group of role models in society, who should have certain abilities in accordance with the aspirations of the community. They must be able to communicate and gain understanding from the target group, besides being able to carry out or carry out roles that are acceptable to them. Apart from that, role models must be able to take advantage of certain traditional pattern elements, so as to stimulate participation from the target group or the wider community (Soekanto, 2015).

Based on the results of an interview with Mr. Mohamad Mutaqin as the Head of the Customs and Excise Enforcement and Investigation Section at Kualanamu airport regarding law enforcement in terms of law enforcement that law enforcers in customs crimes are Customs and Excise officers. In the case of the crime of baby lobster smuggling, the Customs and Excise officers cooperated with other agencies, in this case the Deli Serdang Police, the Deli Serdang District Attorney, and the Lubuk Pakam District Court to carry out the law enforcement process which will be examined and decided by Panel of Judges of the Lubuk Pakam District Court. Also, Customs and Excise officers are working with the National Police and the Immigration Agency to immediately search for 2 people on the Wanted Person List (DPO) named Rohmani and Yusri Martono who are also involved in customs crimes related to baby lobster smuggling.

C. Law Enforcement Viewed from Facilities And Infrastructure

Without certain means or facilities, it is impossible for law enforcement to take place smoothly. These facilities and facilities include educated and skilled human resources, good organization, adequate equipment, adequate finances, and so on. If these things are not fulfilled, it is impossible for law enforcement to achieve its goals.

The existence of obstacles to settling cases is not solely due to the large number of cases that must be resolved, while the time to try them or solve them is very limited. Justice seekers must stand in line waiting for the settlement of their case, but they do not have to queue to buy something they want.

From the explanation above it is also evident that the economic means or costs of implementing negative sanctions are taken into account, adhering to more effective and efficient methods, so that costs can be reduced in long-term crime eradication programs. Certainty (*certainty*) in case handling and speed, has a more tangible impact when compared to mere increases in negative sanctions. The certainty and speed of case handling always depend on the input of resources provided in crime prevention and eradication programs. Thus it can be concluded, that facilities or facilities have a very important role in law enforcement.

Based on the results of an interview with Mr. Mohamad Mutaqin as the Head of the Customs and Excise Enforcement and Investigation Section at Kualanamu airport regarding law enforcement in terms of facilities and infrastructure:

- a. X-ray machine
- b. Drug detection tool (Narkotest)
- c. Patrol car
- d. Drug sniffer dog

D. Law Enforcement Viewed From The Community Aspect

In Soerjono Soekanto's opinion related to law enforcement comes from the community, and aims to achieve justice in society. Therefore, seen from a certain point of society, society can influence law enforcement. Indonesian people in particular have certain opinions about law. Of the many meanings given to law, there is a great tendency in society to interpret law and even to identify it with officials (in this case law enforcers as individuals).

From the standpoint of social and cultural systems, Indonesia is a pluralistic society (*plural society*), there are many ethnic groups with special cultures. Besides that, most of Indonesia's population lives in rural areas which have different characteristics from urban areas. Problems that arise in rural areas may have to be handled more in traditional ways, in urban areas not all problems can be solved without using traditional methods. Therefore a law enforcer must be familiar with the social stratification or strata of society that exist in that environment, along with the existing status or position and roles.

According to the results of an interview with Mr. Mohamad Mutaqin as the Head of the Enforcement and Investigation Section of the Kualanamu Middle Type Customs and Excise Supervision and Service Office, that law enforcement that can be carried out by the community regarding baby lobster smuggling is that the community must be able to cooperate with law enforcement officials in matters this is the customs officer to immediately submit a complaint report to the customs officer if there is someone who is suspected of exporting lobsters outside of customs. This is so that customs officers can carry out law enforcement efforts for the perpetrators of the crime of smuggling, so that the perpetrators are immediately prosecuted.

3. The Role of Kualanamu Customs and Excise Officers in Implementing Law Enforcement of the Crime of Lobster Seed Smuggling

A. Duties, Functions of Kualanamu Customs and Excise

The Directorate General of Customs and Excise (DJBC) is a government agency that is under and directly responsible to the Minister of Finance, has a quite important and central role in helping to realize the resilience and development of the country's economy. Based on the Regulation of the Minister of Finance Number 118/PMK.01/2021 concerning the Organization and Work Procedure of the Ministry of Finance, it has been emphasized that Customs and Excise has the task of carrying out the formulation and

implementation of policies in the fields of supervision, law enforcement, service and facilitation, as well as optimizing state revenue in the field of customs and excise in accordance with the provisions of the legislation.

In carrying out these tasks, Customs and Excise also has a vision, namely to become a leading customs and excise institution in the world and carries out a mission, namely community protector and trade facilitator, in which Customs and Excise establishes 1 (one) non-cascade objective, namely "Public protection and support for effective and contributive economy", in addition to 3 (three) cascade objectives from the Ministry of Finance. Then the goal of "Sound and sustainable fiscal management" is a reflection of DGCE's mission as industrial assistance. While the goal of "Optimal state revenue" is a reflection of the mission of Customs and Excise as a revenue collector.

B. The Role of Kualanamu Customs and Excise in Implementing Law Enforcement of the Crime of Lobster Seed Smuggling

Kualanamu Customs and Excise is a government agency that is under and directly responsible to the Minister of Finance, has a quite important and central role in helping to realize the resilience and development of the country's economy. Based on the Regulation of the Minister of Finance Number 118/PMK.01/2021 concerning the Organization and Work Procedure of the Ministry of Finance, it has been emphasized that Customs and Excise has the task of carrying out the formulation and implementation of policies in the fields of supervision, law enforcement, service and facilitation, as well as optimizing state revenue in the field of customs and excise in accordance with the provisions of the legislation.

Based on the provisions in Law number 17 of 2006 concerning Customs states that everything related to monitoring the traffic of goods entering or leaving the customs area and the collection of import and export duties has become the duty of Customs and Excise because as an agency that specifically handles exit the entry of goods must strengthen performance at Kualanamu Airport, because cases of baby lobster smuggling have often occurred.

4. Obstacles Faced by Kualanamu Customs and Excise Officers in Implementing Law Enforcement of the Lobster Seed Smuggling Crime

A. Constraints From Legal Regulations (Acts)

According to Satjipto Rahardjo quoting from Radbruch, there are basic values of law, namely Justice, Usability and Legal Certainty. Not infrequently these three basic legal values conflict with each other in law enforcement. If this happens, what should be prioritized is justice, considering that the purpose of law is to create a sense of justice in society.

Laws and regulations that are unresponsive and democratic will only generate opinions in society that can disrupt legal stability, economic and political security. So that in order to form laws and regulations that are in accordance with the aspirations that develop in society, they must be free from intervention and the interests of certain parties or groups.

Another problem found in the law is the existence of various laws that do not yet have implementation regulations, even though the law has been ordered. Another issue that may arise in the law is the lack of clarity in the words used in the formulation of certain articles. The possibility of this is due to the use of words whose meaning can be interpreted broadly.

Based on the results of an interview with Mr. Mohamad Mutaqin as the Head of the Enforcement and Investigation Section of the Kualanamu Customs Middle Type B Customs and Excise Service Office that the obstacles faced by Kualanamu Customs and Excise officers in terms of legal regulations, namely legal regulations are often ignored by Customs and Excise officers as well as officers of other agencies who are included in the scope of customs control, so that criminal acts of smuggling are still rampant in Indonesia, including cases of baby lobster smuggling.

B. Constraints From Law Enforcement

Law enforcers are a group of role models in society, who should have certain abilities in accordance with the aspirations of the community. They must be able to communicate and gain understanding from the target group, besides being able to carry out or carry out roles that are acceptable to them. Apart from that, role models must be able to take advantage of certain traditional pattern elements, so as to stimulate participation from the target group or the wider community.

Based on the results of an interview with Mr. Mohamad Mutaqin as the Head of Enforcement and Investigation Section of KPPBC Middle Type Customs B Kualanamu that the obstacles faced by Kualanamu Customs and Excise officers in terms of law enforcement are that often Customs and Excise officers as well as agency officers who fall within the scope of the customs area are involved in cases of criminal acts of smuggling and assisting perpetrators who will try to bring goods that are not permitted to pass from the customs area. This increasingly makes the public distrust the customs law enforcers, and this is an obstacle for customs law enforcers.

C. Constraints From Facilities And Infrastructure

Without certain means or facilities, it is impossible for law enforcement to take place smoothly. These facilities and facilities include educated and skilled human resources, good organization, adequate equipment, adequate finances, and so on. If these things are not fulfilled, it is impossible for law enforcement to achieve its goals.

From the explanation above it is also evident that the economic means or costs of implementing negative sanctions are taken into account, adhering to more effective and efficient methods, so that costs can be reduced in long-term crime eradication programs. Certainty (*certainty*) in case handling and speed, has a more tangible impact when compared to mere increases in negative sanctions. The certainty and speed of case handling always depends on the input of resources provided in crime prevention and eradication programs. Thus it can be concluded, that facilities or facilities have a very important role in law enforcement.

Based on the results of an interview with Mr. Mohamad Mutaqin as the Head of the Enforcement and Investigation Section of KPPBC Middle Type Customs B Kualanamu that the obstacles faced by Kualanamu Customs and Excise officers in terms of facilities and infrastructure are that often the x-ray machine is damaged due to its long use, so this is an obstacle for Kualanamu Customs and Excise officers in enforcing customs law.

D. Constraints From Society

Very often the community becomes a factor causing obstacles to the tasks of law enforcement in fighting criminal acts of smuggling. This is because people who experience economic deficiencies want to cooperate with smuggling mafias in order to get additional commissions to provide for their families. From this it is clear that the community's economic factors are an obstacle faced by law enforcers in eradicating acts of smuggling.

Based on the results of an interview with Mr. Mohamad Mutaqin as Head of the Section for Enforcement and Investigation of Customs and Excise Kualanamu that the obstacles faced by law enforcers are seen from the aspect of society because the community is often difficult to work with in eradicating criminal acts of smuggling, especially baby lobster smuggling. This is because the cost of the baby lobster turnover is very tempting for the community to meet the economic needs of their families. So that the public becomes motivated to commit the crime of baby lobster smuggling in order to get a lucrative commission from the mafia of the baby lobster smuggling crime. And also there is a lot of public ignorance regarding customs crimes, so people are tempted to export baby lobsters without entering customs in order to get a bigger commission.

Conclusion

Based on the results of the discussion in the previous chapters related to the research title *The Role of Kualanamu Customs and Excise in Implementing Law Enforcement of the Crime of Baby Lobster Smuggling (Decision Study Number 1758/Pid.b/2020/Pn. Lbp)*, this chapter will take a the conclusion is Customs-related legal arrangements consist of 4 (four) legal arrangements, namely: a. Legal arrangements according to Law Number 17 of 2006 concerning Amendments to Law Number 10 of 1995 concerning Customs. b.Regulation of the Minister of Maritime Affairs and Fisheries Number 16 of 2022 concerning Amendments to the Regulation of the Minister of Maritime Affairs and Fisheries of the Republic of Indonesia No. 17 of 2001 concerning Management of Lobsters (*Panulirus spp*), Crab (*Scylla spp*), and Rajungan (*Portunus, spp*) in the Territory of the Republic of Indonesia. In this regulation the criminal act of smuggling baby lobsters is regulated in Article 18 and Article 19 of this regulation. c. Regulation of the Minister of Finance of the Republic of Indonesia No. 21/PMK.04/2019 Concerning the Third Amendment to Minister of Finance Regulation No. 145/PMK.04/2007 Concerning Customs Provisions in the Export Sector. d. Regulation of the Director General of Customs and Excise Number 07/BC/2019 concerning the Second Amendment to the Regulation of the Director General of Customs and Excise Number Per-32/BC/2014 concerning Customs Procedures in the Export Sector.

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Law enforcement carried out by Kualanamu customs and excise officers can be reviewed from: Law enforcement will be carried out by Kualanamu Customs and Excise officers in terms of the regulatory aspect, namely that this lobster smuggling case has violated customs regulations in Article 102 A letter a Law No. 17 of 2006 concerning changes to Law no. 10 of 1995 concerning customs jo. Article 55 paragraph (1) of the Criminal Code, as well as Regulation of the Minister of Maritime Affairs and Fisheries No. 56 /Permen-KP/2016 concerning the prohibition of catching and exporting lobsters, crabs and crabs from the territory of the Republic of Indonesia in article 7: that everyone is prohibited from selling lobster seeds for cultivation, besides that also everyone who takes lobster seeds out of the territory of the Unitary State The Republic of Indonesia will be subject to sanctions in accordance with statutory provisions.

Law enforcers in customs crimes are Customs and Excise officers. In the case of the crime of baby lobster smuggling, the Customs and Excise officers cooperated with other agencies, in this case the Deli Serdang Police, the Deli Serdang District Attorney, and the Lubuk Pakam District Court to carry out the law enforcement process which will be examined and decided by Panel of Judges of the Lubuk Pakam District Court. Also, Customs and Excise officers are working with the National Police and the Immigration Agency to immediately search for 2 people on the Wanted Person List (DPO) named Rohmani and Yusri Martono who are also involved in customs crimes related to baby lobster smuggling.

Judging from the aspect of the facilities, the facilities needed by the Kualanamu Customs officers in enforcing the law on the crime of smuggling lobster seeds are x-ray machine, Drug detection tool (narcotest), Patrol car, Drug sniffer dog.

Law enforcement that can be carried out by the community regarding smuggling of baby lobsters is that the community must be able to cooperate with law enforcement officials, in this case the customs officers, to immediately submit a complaint report to the customs officials if someone is suspected of exporting lobsters outside of customs. This is so that customs officers can carry out law enforcement efforts for the perpetrators of the crime of smuggling, so that the perpetrators are immediately prosecuted.

The obstacles faced by Kualanamu Customs and Excise officers in carrying out law enforcement for the crime of baby lobster smuggling are Constraints from legal regulations (laws) What is an obstacle to Kualanamu Customs and Excise in terms of legal regulations is that legal regulations are often ignored by Customs and Excise officials as well as other agency officials who are included in the scope of customs supervision, so that smuggling crimes are still rampant in Indonesia, including cases of baby lobster smuggling.

What is an obstacle to Kualanamu Customs and Excise seen from law enforcers is that very often Customs and Excise officers as well as agency officers who fall within the scope of the customs area are involved in cases of criminal acts of smuggling and assist perpetrators who will try to bring items that are not permitted to pass from the area. customs. This increasingly makes the public distrust the customs law enforcers, and this is an obstacle for customs law enforcers.

What becomes an obstacle to Kualanamu Customs and Excise in terms of facilities and infrastructure is that often the x-ray machine is damaged due to its long use, so this becomes an obstacle for Kualanamu Customs and Excise officers in enforcing customs law.

The problem with Kualanamu Customs and Excise seen from the community is that it is often difficult for the community to cooperate in eradicating criminal acts of

smuggling, especially baby lobster smuggling. This is because the cost of the baby lobster turnover is very tempting for the community to meet the economic needs of their families. So that the public becomes motivated to commit the crime of baby lobster smuggling in order to get a lucrative commission from the mafia of the baby lobster smuggling crime. And also there is a lot of public ignorance regarding customs crimes, so people are tempted to export baby lobsters without entering customs in order to get a bigger commission.

The suggestions that can be taken from this thesis research are as follows: To the Kualanamu Customs and Excise officers so that they become officers who really carry out law enforcement in the field of customs, so that in the future there will be no more smuggling cases that occur within the scope of Kualanamu Airport carried out by the public or unscrupulous officers working at Kualanamu Airport. Kualanamu Customs and Excise to carry out socialization or counseling related to the rule of law as well as efforts to eradicate customs crime to the public, so that the public can understand and be able to participate in assisting Kualanamu Customs and Excise officers in eradicating customs crime.

To the public to be able to cooperate with government agencies, especially Customs and Excise in eradicating criminal acts of smuggling in the Kualanamu Airport area, if the public directly sees the perpetrators of criminal acts of smuggling to immediately report the criminal acts of smuggling to customs law enforcement officials in this case Customs and Excise Kualanamu.

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