E-ISSN : 2963-4946
Vol. 4 No. 9 June 2026
https://ajosh.org/

Asian Journal of Social and Humanities

A Critical Criminological Study of Destructive Fishing Crimes in The Serutbar Conservation Area

Charly Timothy Hahury*, Yanti Amelia Lewerissa, J.E. Latupeirissa
Universitas Pattimura, Indonesia
Email: Charly001puth@gmail.com*

Keywords:
destructive fishing; critical criminology; serutbar conservation area

ABSTRACT

Maluku Province, as one of the archipelagos with the greatest potential for marine resources in Indonesia, is vulnerable to the threat of maritime crime, particularly destructive fishing practices (the use of fish bombs and poison), including those occurring in the Serutbar Conservation Area. This study aims to analyze destructive fishing crimes in the Serutbar Conservation Area not only as a phenomenon of individual deviance (fishermen) but also as a form of structural and ecological injustice. Using a critical criminology approach, this study examines criminogenic factors such as structural poverty, the marginalization of traditional fishermen, the power relations between financiers (cukong) and perpetrators in the field, and the suboptimal effectiveness of current positive law in prosecuting intellectual actors. The results of the study indicate that destructive fishing practices in the Serutbar Conservation Area are rooted in the economic pressures of coastal communities caused by limited fishing space and lack of access to environmentally friendly technology, which are then exploited by organized crime syndicates. From a critical criminology perspective, repressive law enforcement that targets only the main perpetrators (small-scale fishermen) has proven ineffective in providing a deterrent effect and ignores the massive damage to the ecosystem. Therefore, a reconstruction of criminal law policy is needed that combines prevention, criminalization of corporate intellectual actors, and a restorative justice approach that focuses on environmental restoration and alternative economic empowerment for coastal communities in Maluku, particularly those living around the Serutbar Conservation Area.

INTRODUCTION

The utilization of fishery resources has not yet resulted in a sustainable and equitable improvement in living standards through optimal fisheries management, supervision, and law enforcement systems. This is evident in the ongoing practice of fishing using environmentally unfriendly fishing gear, which can damage marine ecosystems. This type of fishing activity is often referred to as destructive fishing. However, Indonesian legislation provides a legal framework for preventing and addressing destructive fishing.

Article 8 paragraph (1) of Law No. 31 of 2004 concerning Fisheries stipulates that:

Everyone is prohibited from fishing and/or cultivating fish using chemicals, biological materials, explosives, tools and/or methods, and/or structures that could harm and/or endanger the sustainability of fish resources and/or their environment in the fisheries management areas of the Republic of Indonesia.

Article 8 paragraph (1) of Law No. 31 of 2004 concerning Fisheries prohibits everyone from fishing using chemicals, biological materials, explosives, tools, or other methods that could harm the sustainability of fish resources and their environment.

Furthermore, Article 9 paragraph (1) of Law No. 45 of 2009 concerning Amendments to Law No. 31 of 2004 concerning fisheries stipulates that:

Every person is prohibited from owning, controlling, carrying, and/or using fishing gear and/or fishing aids that disrupt and damage the sustainability of fish resources on fishing vessels in the fisheries management area of the Republic of Indonesia.

Article 9 paragraph (1) of Law No. 45 of 2009 concerning Amendments to Law No. 31 of 2004 concerning Fisheries prohibits anyone from owning, controlling, carrying, and/or using fishing gear that disrupts and damages the sustainability of fish resources in the WPP-NRI (Republic of Indonesia Fisheries Management Area).

Regarding the imposition of sanctions, Article 85 of Law No. 45 of 2009 concerning Amendments to Law No. 31 of 2004 concerning Fisheries states that:

Any person who intentionally owns, controls, carries, and/or uses fishing gear and/or fishing aids that disturb and damage the sustainability of fish resources on fishing vessels in the fisheries management area of the Republic of Indonesia as referred to in Article 9 shall be punished with imprisonment for a maximum of 5 (five) years and a maximum fine of IDR 2,000,000,000.00 (two billion rupiah).

Article 85 regulates criminal sanctions for violators, namely a maximum imprisonment of 5 years and a maximum fine of IDR 2 billion, often applied in cases of destructive fishing such as bombing and electrocution.

Furthermore, Article 84 of Law No. 31 of 2004 concerning Fisheries formulates a more severe criminal threat, namely:

Any person who intentionally, within the fisheries management area of the Republic of Indonesia, catches fish and/or cultivates fish using chemicals, biological materials, explosives, tools and/or methods, and/or structures that can harm and/or endanger the sustainability of fish resources and/or their environment as referred to in Article 8 paragraph (1), shall be punished with a maximum imprisonment of 6 (six) years and a maximum fine of IDR 1,200,000,000.00 (one billion two hundred million rupiah) (Herdiana & al., 2025; Kamahi, 2017; Meiryani, 2021).

Destructive fishing is closely linked to and contradicts environmental management. This practice poses a serious threat, destroying marine ecosystems and fisheries resources, directly undermining coastal environmental conservation and sustainability efforts. Destructive fishing practices such as the use of explosives and poisons (cyanide) instantly destroy vital marine habitats. Fishing traps can damage coral reefs that take decades to regrow, thus destroying fish "homes" and spawning grounds (Irwansyah, 2020; Lewerissa & al., 2023; Mahmud & al., 2021; Septiani, 2022; Suryani et al., 2023; UNFCCC, 2022).

These destructive methods are often non-selective. Cyanide or fish traps kill target fish, non-target fish, juvenile fish, and even larvae. This disrupts the food chain and leads to ecological overfishing, which directly contradicts the principles of sustainable fisheries resource management. Destructive fishing (particularly bottom trawling) can disrupt the ocean's ability to store carbon, which is an essential ecosystem function in mitigating climate change (Abuodha, 2023; Pham et al., 2023; Simataa & al., 2025).

The continuous exploitation of marine resources has had its own impacts on Indonesia. Increasingly modern developments have led to the abandonment of traditional fishing methods

and the use of modern equipment, which sometimes causes damage to marine ecosystems. Destructive fishing is a major obstacle to sustainable marine environmental management.

The novelty of this research is threefold. First, it applies Michel Foucault's theory of power relations to analyze destructive fishing in the Serutbar Conservation Area, examining the complex dynamics between traditional small-scale fishermen, fisheries corporations, and law enforcement officials. Unlike previous studies that focused solely on legal norms, this research reveals how unequal power relations enable the persistence of destructive fishing. Second, it offers an integrated policy reconstruction that combines penal approaches (strict law enforcement against intellectual actors) and non-penal approaches (community empowerment, local wisdom such as Sasi Laut, and restorative justice focusing on ecosystem restoration). Third, it provides primary empirical data from field observations and interviews with fishermen, law enforcement officials, and community leaders in Sawai Saleman Village and Gale-Gale Village, offering ground-level insights into the realities of destructive fishing practices.

In reality, Maluku, as an archipelagic province, is still rife with destructive fishing activities that damage the surrounding environment, better known as destructive fishing. The waters in the West North Seram Conservation Area, commonly abbreviated as the Serutbar Conservation Area, are frequently subject to fishing using environmentally unfriendly fishing gear. To prevent and address the practice of fishing using environmentally unfriendly fishing gear around the Serutbar Conservation Area, critical criminology studies are needed to examine and analyze the causal factors and how to address them.

METHOD

The type of research used is empirical legal research. Empirical legal research is a legal research method that aims to examine law in a concrete sense and examine how it operates in society. Research is a scientific work that aims to objectively uncover scientific secrets, complemented by complete and conclusive evidence. Research is a creative process for obtaining information by uncovering phenomena in its own way. Therefore, through this empirical legal research, the researcher examines and analyzes the causal factors and mitigation efforts for destructive fishing, particularly in the Serutbar conservation area (Muktadi & Syafei, 2003; Nasution, 2003; Prastowo, 2012).

According to Nasution, the research location refers to the concept of a social location characterized by three elements: the perpetrator, the place, and the observable activity. The research location chosen was the North West Seram (Serutbar) conservation area, which is suspected of being a frequent site for fishing using environmentally unfriendly fishing gear. In other words, destructive fishing is common in this area.

The data collection techniques used in this research include primary data collected through field studies, observations, and interviews. Secondary data were collected through literature review. After the researcher completed data collection through field studies/observations and interviews, the data was then processed through editing. Data processing must be in accordance with data validity. Processing techniques refer to the process of explaining data presented in logical, sequential, and non-overlapping sentences. This efficient presentation aims to facilitate the understanding, analysis, and interpretation of the data by both readers and researchers.

The data analysis used in this research is qualitative data analysis. Qualitative research is descriptive in nature, tends to utilize analysis and reveals the process of meaning. Qualitative data analysis methods are in-depth data processing methods using data from observations, interviews, and literature.

RESULT AND DISCUSSION

The Dynamics of Power Relations Between Traditional Small-Scale Fishermen, Fisheries Corporations, and Law Enforcement Officials Influence the Management and Sustainability of Destructive Fishing Practices in the Serutbar Conservation Area

Nearly 92.4% of Maluku Province's territory is ocean, which contains significant fishery resource potential. Minister of Marine Affairs and Fisheries Decree No. 19/KEPMEN-KP/2022 stipulates that the sustainable potential of fish resources in this province reaches 4,386,836 tons/year, with a total allowable catch of 3,287,179 tons/year. Fisheries resources are renewable biological resources, but they must be managed properly and optimally to ensure their sustainability.

Destructive fishing poses a threat to sustainable fisheries management. The dynamics of power relations between traditional small-scale fishers, fisheries corporations, and law enforcement officials (APH) are key factors influencing the effectiveness of handling/mitigating and sustaining destructive fishing practices in conservation areas such as the Serutbar conservation area (North-West Seram). Power relations are often complex, unbalanced, and involve conflicting economic interests.

However, the utilization of fisheries resources must be aimed at empowering them while maintaining sustainability and improving public welfare. Utilization of fisheries resources must improve the standard of living of small-scale fishers, provide employment opportunities, increase foreign exchange earnings, enhance the competitiveness of fishery products, and ensure the sustainability of fish resources (McCarthy et al., 2024; Seara et al., 2024; Vigo & al., 2024).

Therefore, in order to utilize fisheries resources in a way that improves the standard of living and welfare of the community and prevents and mitigates environmentally unfriendly capture fishing activities frequently conducted around the Serutbar conservation area, the dynamics of power relations within these capture fishing practices must be considered. These power relations include :

1. Power Relations Between Traditional Small-Scale Fishermen and Fisheries Corporations
   a. Weak Position of Fishermen: Small-scale fishers in Sawai Saleman Village and Gale-Gale Village are often in a weak economic position, ultimately forcing them to resort to destructive fishing for quick profits to meet their living needs.
   b. Dominance of Corporations/Capitalists: Fishing corporations or large capitalists often act as "receivers" or even backers of capital (explosives/poison) for local fishermen. This dependent relationship makes it difficult for fishermen to break free from destructive practices, despite the high risks.
   c. Conflict over Access: Corporations that control technology and access to capital often marginalize traditional fishers, increasing competition in conservation areas, ultimately triggering the use of environmentally unfriendly fishing gear as a form of resistance or survival.

2. Power Relations Between Fishermen and Law Enforcement Officials
   a. Law Enforcement Gaps: Destructive Fishing efforts are often less than optimal due to limited personnel, infrastructure, and oversight across vast waters.
   b. Collusion Issues: Findings often indicate collusive relationships between officials and perpetrators (fishermen/raw material suppliers), which undermines the effectiveness of law enforcement.
   c. Lack of Frontline Officers: At the local level, a lack of appreciation or consistent oversight often leaves fishermen feeling free to take action, especially if Law Enforcement Officials (APH) are less than firm.
3. The Role of Corporations in Influencing Policy and Officials
   a. Power Intervention: Large corporations sometimes have the power to influence policy or even coordinate with officials to pass environmentally unfriendly fishing activities (violating conservation zones).
   b. Economic Profits: Economic losses due to destructive fishing reach trillions of rupiah, with profits often flowing to large investors while the impacts of ecosystem damage are borne by small-scale fishers and the ecosystem.
4. Impacts on the Sustainability of Destructive Fishing
   a. Habitat Destruction: The use of bombs and poisons, maintained due to the power dynamics mentioned above, causes damage to marine habitats, such as the destruction of coral reefs.
   b. Resource Threats: Destructive fishing causes a significant decline in fish stocks, ultimately impoverishing traditional fishermen themselves.
   c. Weak Law Enforcement: This unequal power dynamic means that law enforcement against perpetrators of destructive fishing often does not provide a maximum deterrent effect.

Efforts to Combat Destructive Fishing in the Serutbar Conservation Area Through Critical Criminology

Efforts to combat destructive fishing in conservation areas, including areas in Maluku such as West/North Seram (Serutbar), require a comprehensive approach, not only through conventional law enforcement (penal) but also an in-depth analysis of socio-economic factors (non-penal) using a critical criminology perspective.

Critical criminology views destructive fishing not simply as an individual crime, but as the result of socio-economic structural and policy inequalities. The root of the problem is the poverty of fishermen, the lack of alternative livelihoods, the high demand for fish, and weak oversight in the vast waters. Structural inequalities, such as local fishermen often being pressured by economic needs, while large capital actors (cukong) often escape the law. There is also criticism of the law, in this case, criminal law often only targets small-scale fishermen, not the intellectual actors who provide explosives (Coll et al., 2008; Zhao et al., 2025).

Efforts to combat destructive fishing practices can be pursued using two approaches: penal and non-penal. Penal efforts involve increased joint operations by increasing patrols between the Indonesian Navy, the Water Police, and the Marine and Fisheries Resources Development Agency (PSDKP) and the Ministry of Marine Affairs and Fisheries (KKP) to disrupt the explosives supply chain; strict law enforcement by imposing severe sanctions on

financiers and perpetrators based on the Fisheries Law (Law No. 31/2004 in conjunction with Law No. 45/2009); and the implementation of restorative sanctions by encouraging sanctions that focus on repairing ecosystem damage (restorative justice) rather than mere imprisonment.

Remedial efforts cannot rely solely on a penal approach (law enforcement); they must integrate non-penal approaches to address the root causes. Non-penal efforts that can be implemented include: community empowerment by providing alternative sustainable livelihoods for coastal fishermen to reduce reliance on fish bombs; Strengthening community-based surveillance (Pokmaswas) by optimizing the role of Community Surveillance Groups (Pokmaswas) around the Serutbar conservation area to monitor their own areas, supported by Indonesian Navy/Police/KKP personnel; local wisdom approach by reviving traditional cultures such as Sasi Laut in Maluku to prohibit the taking of marine products for a certain period of time, which effectively minimizes illegal fishing practices; awareness & education through socialization activities on the dangers of fish bombs for the ecosystem and the safety of fishermen themselves.

CONCLUSION

This study demonstrates that destructive fishing practices in the Serutbar Conservation Area are not merely a phenomenon of individual deviance but rather a manifestation of structural and ecological injustice rooted in unequal power relations, structural poverty, and weak law enforcement. The dynamics of power relations between traditional small-scale fishermen, fisheries corporations, and law enforcement officials reveal a complex system where economic pressure, collusive networks, and limited state capacity enable the persistence of destructive fishing despite legal prohibition. Critical criminology provides an essential analytical lens for understanding these dynamics, revealing that current positive law enforcement, which targets only small-scale fishermen, fails to address the structural causes of destructive fishing and ignores the massive damage to marine ecosystems. The integration of penal approaches (strict law enforcement against intellectual actors, increased patrols, restorative sanctions) and non-penal approaches (community empowerment, local wisdom revitalization, economic incentives, education) offers a comprehensive strategy for combating destructive fishing sustainably. Strengthening the position of small-scale fishers, breaking the corporate funding chain to perpetrators, improving the integrity of law enforcement officers, and actively involving communities in monitoring are key to the sustainability of the ecosystem in the Serutbar Conservation Area.

REFERENCE

Abuodha, P. A. (2023). Illegal, Unreported, and Unregulated Fishing Governance in Disputed Maritime Areas: Reflections on the International Legal Obligations of States. *Fishes*, *8*(1), 36. https://doi.org/10.3390/fishes8010036

Coll, M., Libralato, S., Tudela, S., Palomera, I., & Pranovi, F. (2008). Ecosystem Overfishing in the Ocean. *PLoS ONE*, *3*(12), e3881. https://doi.org/10.1371/journal.pone.0003881

Herdiana, Y., & al., et. (2025). *Inventarisasi Data Kelautan dan Perikanan di Wilayah Pengelolaan Perikanan WPP-714 (Laut Banda) dan 718 (Laut Arafura) untuk Mendukung Pengelolaan Kawasan Konservasi*. Konservasi Indonesia.

Irwansyah. (2020). *Penelitian Hukum Pilihan Metode dan Praktik Penulisan Artikel*. Mira

Buana Media.
Kamahi, U. (2017). Teori Kekuasaan Michel Foucault: Tantangan bagi Sosiologi Politik. *Jurnal Al-Khitabah*, *3*(1), 117–133.
Lewerissa, Y. A., & al., et. (2023). Criminal Policy on Destructive Fishing Activities in Serutbar, Indonesia. *Jambura Law Review*, *5*(2), 240. https://ejurnal.ung.ac.id/index.php/jalrev/article/viewFile/18087/6608
Mahmud, F., & al., et. (2021). Tinjauan Aliran Kritis Kriminologi terhadap IUU Fishing di Indonesia. *Jurnal Gema Keadilan*, *8*(3), 13.
McCarthy, A. H., Steadman, D., Richardson, H., Murphy, J., Benbow, S., & al., et. (2024). Destructive fishing: An expert-driven definition and exploration of this quasi-concept. *Conservation Letters*, *17*(3), e13015. https://doi.org/10.1111/conl.13015
Meiryani. (2021). *Memahami Perbedaan Analisis Kualitatif dan Analisis Kuantitatif Dalam Penelitian Ilmiah*. BINUS University. https://accounting.binus.ac.id/2021
Muktadi, A. S., & Syafei, A. A. (2003). *Metode Penelitian Dakwah*. Pustaka Setia.
Nasution. (2003). *Metode Penelitian Kualitatif*. Tarsito.
Pham, C.-V., Wang, H.-C., Chen, S.-H., & Lee, J.-M. (2023). The Threshold Effect of Overfishing on Global Fishery Outputs: International Evidence from a Sustainable Fishery Perspective. *Fishes*, *8*(2), 71. https://doi.org/10.3390/fishes8020071
Prastowo, A. (2012). *Metode Penelitian Kuantitatif Dalam Prespektif Rancangan Penelitian*. Universitas Gadjah Mada.
Seara, T., Williams, S. M., Acevedo, K., Garcia-Molliner, G., Tzadik, O., Duval, M., & al., et. (2024). Development and analyses of stakeholder driven conceptual models to support the implementation of ecosystem-based fisheries management in the U.S. Caribbean. *PLoS One*, *19*(5), e0304101. https://doi.org/10.1371/journal.pone.0304101
Septiani, M. (2022). *Destructive Fishing, Penangkapan Ikan Yang Merusak Ekosistem Perairan*. https://national-oceanographic.com/article/destructive-fishing-penangkapan-ikan-yang-merusak-ekosistem-perairan
Simataa, M., & al., et. (2025). Illegal, Unreported and Unregulated (IUU) Fishing in Africa: A Systematic Review of Challenges and Management Strategies. *Aquaculture, Fish and Fisheries*, *5*. https://doi.org/10.1002/aff2.70107
Suryani, N., Jailani, M., & Suriani, N. (2023). *Konsep populasi dan sampling serta pemilihan partisipan ditinjau dari penelitian ilmiah pendidikan*. http://ejournal.yayasanpendidikandzurriyatulquran.id/index.php/ihsan
UNFCCC. (2022). *Plenty of Fish*. https://unfccc.int/news/plenty-of-fish
Vigo, S., & al., et. (2024). Dynamic marine spatial planning for conservation and fisheries benefits. *Fish and Fisheries*, *25*, 630–646. https://doi.org/10.1111/faf.12830
Zhao, Y., Wang, Z., Hu, F., Guo, Z., Gong, J., & al., et. (2025). Fish Diversity and Environmental Relationships in the Jinsha River During the Initial Phases of the 10-Year Fishing Ban: A Metabarcoding Approach. *Ecology and Evolution*, *15*(8), e72002. https://doi.org/10.1002/ece3.72002