

Analysis of Lobster Seed Export Policy on the National Economy in a Positive Legal System

Priska Khairunnisa¹ Gunardi Lie² Moody Rizqy Syailendra Putra³

Faculty of Law, Universitas Tarumanagara, West Jakarta, Province of DKI Jakarta, Indonesia^{1,2,3}

Email: priskachairunisa@gmail.com¹ gunardi@fh.untar.ac.id² moodys@fh.untar.ac.id³

Abstract

Indonesia is rich in diversity of marine biota because it is one of the countries that has a wider sea area than its land. Lobster is one of Indonesia's wealth, which is abundantly available and is the most sought-after commodity, even the seeds are exported to foreign countries. The existence of this writing is that the author wants to know how the government regulates the policy of exporting lobster seeds, in fact it is permissible or not since or before the corruption case of the former Ministry of Maritime Affairs and Fisheries and also wants the public to know how influential the export of lobster seeds is for the country's economy. By using descriptive research methods, the authors can compile the article based on existing data and regulations. Policies for lobster seed export activities have different opinions based on their interests. There are contrasts with the reason that it can harm the country because the selling value is lower than the sale value of lobsters that are already large, it is detrimental to fishermen because if the seeds are exported it results in the availability of large lobsters being small or even threatened to be non-existent, it is profitable for importing countries because the supply of lobsters will be more in imported countries, damage the marine ecosystem, rampant etc. Then, some people who are pro with the lobster seed export policy reasoned that if the export of seeds is prohibited or caught it can harm fishermen who used to export lobster seeds as a livelihood, lobster seeds can be eaten by other predators if left at sea, etc. Besides that, the government with its latest regulation prohibits the export of seeds and allows more if the seeds are bred according to the terms and conditions that have been regulated. Therefore, the government must be wise in making decisions, prioritizing the welfare of the community in the future and the welfare of natural resources.

Keywords: Lobster Seeds, Lobster Seed Exports, Lobster Seed Policy, National Economy



This work is licensed under a [Creative Commons Attribution-NonCommercial-ShareAlike 4.0 International License](https://creativecommons.org/licenses/by-nc-sa/4.0/).

INTRODUCTION

Indonesia is the largest archipelagic country in the world, making Indonesia a maritime axis for the world. This is because Indonesia has waters which cover 70% of the ocean and the rest is land so that it has abundant marine natural resources which make fishing work one of the biggest livelihoods. Ir. Soekarno, Indonesia's first president in his speech at the 1963 National Maritime Convention, said that in order to build Indonesia into a big country, a strong country, a prosperous country, a peaceful country, Indonesia must be able to control the seas. At the East Asia Summit in Nay Pyi Taw, Myanmar 2014, Indonesian President Joko Widodo (Jokowi) called for Indonesia to become the World Maritime Axis through maritime-based economic development in order to create prosperity. To become Indonesia as a World Maritime Axis, there are five pillars, namely Indonesia will rebuild Indonesia's maritime culture as a country consisting of 17 thousand islands whose identity is prosperous by being able to manage the oceans; Maintain and manage marine resources, with a focus on building seafood sovereignty, through the development of the fishing industry, by placing fishermen as the main pillar; Giving priority to the development of maritime infrastructure and connectivity, by building sea highways, deep seaports, logistics, the shipping industry, and maritime tourism; Through maritime diplomacy, inviting all Indonesian partners to work together in the maritime

field to jointly eliminate sources of conflict at sea, such as illegal fishing, violations of sovereignty, territorial disputes, piracy and marine pollution; As a country that is the fulcrum of two oceans, Indonesia has an obligation to build a maritime defense force, in maintaining shipping safety and maritime security.

Because it has a very wide water area, Indonesia has a very abundant variety of marine biota such as coral reefs which are habitat for fish, squid, small shrimp and lobsters. Lobster or better known as 'crayfish or barong prawns' is one of the most influential commodities from an economic point of view because its meat is thick, tasty and also rich in protein so it has a high selling value. According to Rian Pratiwi, a crustacean expert from the Indonesian Institute of Sciences (LIPI) Oceanographic Research Center, stated that lobsters are spread throughout almost all Indonesian waters and live in shallow waters to a depth of 100-200 meters below sea level with a temperature range of 20-30°C. In Indonesia, there are seven types of lobsters, namely sand lobster (*Panulirus homarus*), batik lobster (*Panulirus longipes*), rock lobster (*Panulirus penicillatus*), Pakistan lobster (*Panulirus polyphagus*), pearl lobster (*Panulirus ornatus*), bamboo lobster (*Panulirus versicolor*), and Batik Lobster (*Panulirus femoristriga*).

Lobsters go through 4 phases of their life cycle, including the reproductive/breeding phase, the phyllosome larval phase, the young lobster (puerulus) phase, and the adult lobster phase. During the breeding season, one egg laying can reach 460,000 items with an incubation period of 3-4 weeks. Based on this, Rianta said that the potential for breeding lobster seeds in Indonesia is very large because it reaches 20 billion per year due to oceanographic and climatological dynamics which affect the number of lobster seed yields. In breeding, the terms and conditions must be taken into account according to natural conditions, such as the water temperature around 25-26°C; salinity 30-35 ppt; waters must be free from the influence of fresh water and from other flows originating from activities on land, factories, agriculture and settlements; close to seed sources and feed sources; easy to reach by transportation. The cultivation of lobster seeds must also pay attention to the principle of sustainability so as not to be detrimental to the country and have the potential for scarcity or extinction.

Then, this is not in line with what is expected which in the regulations stipulated at the time of the Minister of Maritime Affairs and Fisheries Susi Pudjiastuti lobster seeds may not be traded even for cultivation until research. According to him, it is necessary to think about the long term survival of marine biota and the availability of food for the Indonesian people because if the seeds are sold, it will result in scarcity and lead to high domestic lobster prices. However, it was different when Edhy Prabowo replaced Susi Pudjiastuti as Minister of Maritime Affairs and Fisheries. He allowed the capture and also the release or export of lobster seeds on the grounds of sustainability from lobsters by first cultivating them in nature and to help the lobster fishermen's economy which had been hampered due to a ban on catching lobster seeds. Therefore, the author will discuss the problems that have been arranged in such a way. Problem Formulation: Does the export of lobster seeds affect national economic growth? What are the existing regulations governing the export of lobster seeds? The purpose of this writing is that the author wants to find out how the government regulates the policy of exporting lobster seeds, in fact it is permissible or not since or before the corruption case of the former minister of MMAF and also wants the public to know how influential the export of lobster seeds is for the country's economy.

RESEARCH METHODS

The research method used is descriptive research method. Because the contents of the discussion describe the facts of the object under study.

RESEARCH RESULTS AND DISCUSSION

Does the export of lobster seeds affect national economic growth?

Every policy made by the government certainly takes into account the needs or conditions of the people because it remembers that in Article 27 paragraph 2 of the 1945 Constitution, it states that "Every Indonesian citizen has the right to work and a life worthy of humanity". Regarding the policy of allowing the export of lobster seeds, there are pros and cons in several circles, such as experts in the field of fisheries, lecturer at the Department of Fisheries, Faculty of Agriculture UGM, Dr. Ir. Alim Isnansetyo, M.Sc, former Minister of Maritime Affairs and Fisheries, Susi Pudjiastuti, former Minister of Law and Human Rights, Yusril Ihza Mahendra, to Indonesian President, Joko Widodo also commented on this policy. When during Susi's leadership, lobster seeds were absolutely not allowed to be caught even for research, cultivation and even export. This policy is based on KKP research conducted by the National Commission for the Assessment of Fish Resources (Komnas KAJISKAN) which shows that 8 out of 11 Fishery Management Areas (WPP) in Indonesia, lobsters have been over-exploited. Then, this policy also takes into account the sustainability system which can result in fishermen no longer being able to sell lobsters when the seeds are gone. However, with the existence of a policy that does not allow exports or catching lobsters, many do not agree because it will reduce the fishermen's economy. With this, the smuggling of lobster seeds is rife, which is very detrimental to the state. In 2019, the Head of PPATK, Kiagus Ahmad Badaruddin together with the Ministry of Maritime Affairs and Fisheries and the National Police's Criminal Investigation Agency worked together to uncover smuggling cases in one year there was an inflow of funds from abroad which was used to fund collectors buying fry caught by local fishermen reaching IDR 300 billion to IDR 900 billion. In his press conference, Kiagus said they used foreign exchange business activities (PVA) or money changers as transaction intermediaries between syndicates located abroad and actors in Indonesia and also used money laundering techniques so that many parties were involved.

Then, when the regulation regarding the prohibition of catching and exporting lobsters was repealed, this regulation contradicted the previous regulations. According to the regulations made by Edhy, the catching of lobster seeds and the export of lobster seeds may be carried out with the condition that they must be in the same province as the waters where the clear lobster seeds (BBL) are caught. Then, another condition that must be met is that it has been harvested in a sustainable manner and as much as two percent of the results of lobster cultivation have been released. In addition, requirements that may be difficult to fulfill are potential exporters who have carried out the process of cultivating and harvesting lobsters in a sustainable manner. Normally the normal process of cultivating lobsters takes about 8-12 months to be able to harvest. Meanwhile, BBL exports have been carried out in just 1-2 months since Permen 12/2020 was issued. For the initial export of lobster seeds, carried out in June 2020, it was recorded that only 32 kilograms were recorded with a value of US \$ 112,900. Since the opening of the expo faucet, based on data from the Central Statistics Agency (BPS), there has been a steady increase in lobster seed exports. In August 2020 it reached US\$6.43 million or the equivalent of Rp.94.5 billion. Compared to July 2020, the export value for August 2020 rose 75.2 percent and the quantity increased 135.66 percent. In 2020, Vietnam managed to export mature lobsters worth US\$13.59 million. Vietnam is the main export destination country for lobster seeds and significant production of cultivated lobsters with high selling value also comes from Vietnam. It should be admitted, Vietnam is indeed reliable in cultivating lobster seeds. Therefore, this policy regarding the export of lobster seeds can be a weapon for you for Indonesia in the future because other countries will be many times more profitable.

According to the calculation of non-tax state revenue from the export of lobster seeds, which still refers to Government Regulation Number 75 of 2015, exports of lobster seeds are relatively small. From the export of around 100,000 lobster seeds by two companies on June 12 2020, for example, non-tax state revenue (PNBP) of IDR 34,375, excluding laboratory tests. PT TAM which exports 60,000 lobster seeds is subject to PNBP of IDR 15,000 and a health certificate (HC) of IDR 5,000. As for PT ASL, which exported 37,500 lobster seeds, they were subject to PNBP of IDR 9,375 and an HC certificate fee of IDR 5,000. Then, in PP No 75/2015, the tariff for clinical examination services for crustacean seeds is set at Rp. 250 per 1,000 heads, for HC certificates at Rp. 5,000 per certificate, and laboratory tests vary according to the specification requirements. Judging from the data obtained, the export of lobster seeds is actually more profitable for other countries. In Indonesia, it even causes losses and only carries out massive exploitation.

What are the existing regulations governing the export of lobster seeds?

During Mrs. Susi Pudjiastuti's leadership for the 2014-2019 period, catching lobster seeds was strictly prohibited both for cultivation, as well as for research, research and other things regulated in the Regulation of the Minister of Maritime Affairs and Fisheries of Indonesia Number 1 of 2015 concerning Catching Lobsters (*Panulirus* spp.), Crab (*Scylla* spp.), and Rajungan (*Portunus Pelagicus* spp.) on the grounds that the export of lobster seeds will benefit neighboring countries, especially Vietnam and lobsters are included in the germplasm category which cannot be spawned artificially by humans because until now lobster cultivation is only can raise lobsters from lobster seeds to adult lobsters (enlargement of lobsters).

A year later, it was revised by the government which in the Regulation of the Minister of Maritime Affairs and Fisheries of the Republic of Indonesia No. 56 of 2016 concerning the Prohibition of Catching and/or Exporting Lobster (*Panulirus* spp.), Crab (*Scylla* spp.), and Rajungan (*Portunus* spp.) from the Territory of the Republic of Indonesia (PermenKP No. 56/2016) allows fishing with conditions and intentions which has been specified. Article 2 states that catching and/or releasing lobsters can be carried out from the territory of Indonesia provided they are not in a spawning condition and the carapace length is above 8 (eight) cm or the weight is above 200 grams per head. Furthermore, Article 5 also emphasizes that the catching and/or release of lobsters, crabs and small crabs is permitted for research, education and development. However, when Susi was replaced by Edhy Prabowo as the Minister of Maritime Affairs and Fisheries in 2019, he revised and revoked the old regulation with the Minister of Maritime Affairs and Fisheries Regulation Number 12 of 2020 concerning Management of Lobsters (*Panulirus* Spp.), Crabs (*Scylla* Spp.), and swimming crabs (*Portunus* spp.) in the territory of the Republic of Indonesia. In this regulation, Edhy allows catching lobster seeds on the grounds of boosting the economy of fishermen who have been affected in the Covid-19 era. In Article 2 paragraph 1 letters a and b it is explained that catching lobster seeds may not be carried out if they are not in a laying condition that can be seen on the abdomen or outer stomach of the lobster. This indicates that the export of lobsters can still be carried out if they are not visible on the outside of the abdomen. Then, in those regulations in Articles 5 and 6, provisions have been set for how to release lobster seeds in and/or from the territory of Indonesia. These provisions consist of:

Table 1. Requirements for Releasing Lobster Seeds (Based on KP Regulation Number 12 of 2020)

Provision	Seed Prices	Tax	Quota Determination
1. Quotas and locations for catching lobster seeds are determined by the Director General of Fisheries	1. The lowest benchmark price is set by the	Must pay export duty and/or non-	Quotas and seed catching locations are

2. Before being exported, exporters must cultivate domestically with the provisions that it has been harvested and 2% has been cultivated has been released 3. The exit must go through the designated airport 4. Lobster seeds are obtained from registered fishermen 5. The time for releasing lobsters is seen from the availability in nature, which is determined by the Director General of Fisheries 6. Catching is done using passive fishing gear 7. Have a certificate 8. Capture of seeds is determined by the director general 9. Exporters must be registered with the relevant director general	director general of fisheries 2. The export price is determined by the ministry of trade	tax state revenue per unit of lobster seed as determined by the Director General of Taxes.	determined annually by the director general.
--	---	--	--

From the provisions in the table above, in my opinion, there is a need for a review regarding pricing, which exporters can play with and pay more attention from a sustainability perspective for the availability of lobsters in Indonesia. Regarding quotas and locations for catching lobster seeds, these have been adjusted based on the results of a study by the National Commission for the Assessment of Fish Resources (Komnas KAJISKAN) which was stipulated by the Director General of Fisheries. Then, the Director General issued Decree of the Director General of Capture Fisheries Number 51/KEP-DJPT/2020 concerning Quotas for Catching Seeds Clear Lobster in WPPNRI In this decision it is a guideline for clear lobster seed exporters and fishermen that the quota obtained in and/or from outside the territory of Indonesia is 139,475,000 fish per year.

Table 2. Quotas for Catching Clear Lobster (Puerulus) Seeds in the Indonesian Fisheries Management Area

No	WPPNRI	Lobster Seed Catching Quota	No	WPPNRI	Lobster Seed Catching Quota
1	571	8.412.500	7	714	9.050.000
2	572	18.537.500	8	715	10.575.000
3	573	12.125.000	9	716	11.175.000
4	711	17.762.500	10	717	13.050.000
5	712	12.362.500	11	718	14.837.500
6	713	11.587.500	Total		139.475.000

The letters under the heading of the Fisheries Management Area of the Republic of Indonesia, are the codes for each region. For example 571 is the code for the Malacca Strait and Andaman Sea area. Then, the lowest benchmark price stipulated in the Decree of the Director General of Capture Fisheries concerning Number 53/KEP-DJP/2020 concerning the Lowest Benchmark Price for Clear Lobster Seeds for Fishermen is the lowest purchase price for Clear Lobster Seeds (Puerulus) at the fishing fishermen's level. The lowest benchmark price for clear lobster (Puerulus) seeds for fishermen is determined by considering the variable costs of production; production fixed costs; other costs; and profit margins that are evaluated at least once a year.

Table 3. The Lowest Benchmark Price for Clear Lobster (Puerulus) Seeds by Fishermen

No	Types of Lobster Clear Seeds (Puerulus)	Price/Tail
1	Sand Lobster (Panulirus Homarus)	Rp. 5000,00
2	Pearl Lobster (Panulirus Ornatus)	Rp. 10.000,00

After replacing Edhy Prabowo, Sakti Wahyu Trenggono stepped forward as Minister of Maritime Affairs and Fisheries. During his term of office Trenggono issued two regulations which were made in 2021 and 2022. In 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 The Republic of Indonesia, Trenggono prohibits the export of lobster seeds and places more emphasis on their cultivation by catching small fishermen registered with the Online Single Submission Agency (OSS), paying attention to the number of catches, as well as the quota and location. This regulation also contains terms and conditions regarding cultivation, such as cultivation must be carried out at the location or province where lobster seeds are caught, lobster cultivation is carried out to a certain predetermined size, cultivation is carried out by micro business fish farmers to large business fish farmers with conditions that have been registered. at the Online Single Submission (OSS) Institute. In addition, cultivators must meet requirements in the form of having a location for cultivation, the carrying capacity of the aquatic environment, handling diseases, handling waste, etc.

Furthermore, in the 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 Number 17 of 2021 concerning Management of Lobsters (*Panulirus* spp.), Crab (*Scylla* spp.), and Rajungan (*Portunus* spp.) in the State Territory The Republic of Indonesia, has experienced the addition of articles and the deletion of several articles regarding fishing in Article 2, namely fishermen groups that are determined on the recommendation of the district/city service, if they are not registered, fishermen who have been determined by the Director General of Fisheries may make arrests, the results are reported through the district service fisherman group /city for further submission to the Director General of Fisheries, and quotas and fishing locations are determined by the Decree of the Minister of Fisheries. Then, in terms of cultivation, adding that the location of lobster seed cultivation may be carried out outside the fishing area province, lobster seed catching is used for demonstrations, etc. Then, cultivation is carried out with business segmentation starting from thrashing I (0-5 grams), thrashing II (5-30 grams), enlargement I (40-150 grams), enlargement II (> from 150 grams), etc. Cultivation locations in Article 1 letter a are reduced to compatibility with spatial and/or zoning plans, determination of cultivation capacity in a location must be in accordance with recommendations from the fields of fisheries, education, etc. Finally, catching lobster seeds provided they are not laying eggs which can be seen on the external abdomen with a carapace length of 6 cm and a weight of 150 grams is intended for sand lobsters, rock lobsters, batik lobsters and Pakistani lobsters, etc.

CONCLUSION

Policies for lobster seed export activities have different opinions based on their interests. There are contrasts with the reason that it can harm the country because the selling value is lower than the sale value of lobsters that are already large, it is detrimental to fishermen because if the seeds are exported it results in the availability of large lobsters being small or even threatened to be non-existent, it is profitable for importing countries because the supply of lobsters will be more in imported countries, damage the marine ecosystem, rampant etc. Then, some people who are pro with the lobster seed export policy reasoned that if the export of seeds is prohibited or caught it can harm fishermen who used to export lobster seeds as a livelihood, lobster seeds can be eaten by other predators if left at sea, etc. Besides that, the government with its latest regulation prohibits the export of seeds and allows more if the seeds are bred according to the terms and conditions that have been regulated. Therefore, the government

must be wise in making decisions, prioritizing the welfare of the community in the future and the welfare of natural resources.

The advice that can be conveyed by the author is that by holding the cultivation of lobster seeds, the government is more closely monitoring the flow of lobster cultivation activities, for fishermen who do not have capital, provide them with capital and facilities such as training because cultivating lobsters requires large capital and it is difficult to grow them. . Then, the government in the field of fisheries together with customs and related fields, has tightened the guard against persons who smuggle lobster seeds even though the export of lobster seeds has been banned.

BIBLIOGRAPHY

- Agung, "Pandangan Pakar UGM Soal Polemik Ekspor Benih Lobster", Google Privacy Policy, 27 November, 2020,
- Karina Isna Irawan/Bm Lukita Grahadyarini, " Pnpb Ekspor Benih Lobster Masih Mengacu PP NO 75/2015 Dengan Nilai Mungil".
- Keputusan Direktur Jenderal Perikanan Tangkap tentang Nomor 53/KEP-DJP/2020 tentang Harga Patokan Terendah Benih Bening Lobster di Nelayan
- Keputusan Direktur Jenderal Perikanan Tangkap tentang Nomor 53/KEP-DJP/2020 tentang Harga Patokan Terendah Benih Bening Lobster di Nelayan
- Khairunnisa Bella Dina, Hamnah Hasanah. "Analisis PermenKP No. 12/2020 Terkait Kebijakan Ekspor Benih Lobster berdasarkan Prinsip Pembangunan Berkelanjutan pada New Normal". *Jurnal Hukum Lingkungan Indonesia*, Vol. 7, No. 1, 2020: Halaman 48 – 70.
- M. Taufik Anas, "Menimbang Kebijakan Ekspor Benih Lobster", Center for Indonesian Policy Analysis,
- Maritimnews.id, "Ekspor Benih Lobster dan Pertaruhan Kredibilitas KKP", Nusantara Maritime News, 2020,
- Peraturan Menteri Kelautan dan Perikanan Indonesia Nomor 1 Tahun 2015 tentang Penangkapan Lobster (*Panulirus spp.*), Kepiting (*Scylla spp.*), Dan Rajungan (*Portunus Pelagicus spp.*
- Peraturan Menteri Kelautan dan Perikanan Nomor 17 tahun 2021 Tentang Pengelolaan Lobster (*Panulirus spp.*), Kepiting (*Scylla spp.*), dan Rajungan (*Portunus spp.*) Di Wilayah Negara Republik Indonesia
- Peraturan Menteri Kelautan dan Perikanan Republik Indonesia No. 56 Tahun 2016 tentang Larangan Penangkapan dan/atau Pengeluaran Lobster (*Panulirus spp.*), Kepiting (*Scylla spp.*), dan Rajungan (*Portunus spp.*) dari Wilayah Negara Republik Indonesia (PermenKP No. 56/2016)
- Silvia Estefina Subitmele, " Mengapa Indonesia Disebut Negara Maritim? Ketahui Syarat dan Karakteristiknya", liputan enam, 15 desember, 2022,