

LOBSTER CLEAR SEEDS SMUGGLING'S THREATS AND MODES THROUGH THE CUSTOMS SIDE IN INDONESIA

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PAPER INFO		ABSTRACT
Received:	April 2023	Background: Indonesia is one of the countries that has a very diverse biodiversity in the world and is one of the strengths of Indonesia's natural resources. One of Indonesia's leading natural resources is lobster. Lobster commodities have a very high export value and have a wide market share in the world. However, the existence of lobsters is currently under threat considering the massive smuggling of lobster clear seeds which are lobster seeds for cultivation. The threat of smuggling and uncontrolled fishing of lobster clear fry threatens the resilience of lobster clear seeds in the wild. Aim: The purpose of the research was to determine the threat of smuggling lobster clear seeds and the mode of smuggling carried out by smugglers. Method: This research is a quantitative research with a statistical descriptive analysis method using secondary time series data with a case study approach to smuggling enforcement carried out by the Directorate General of Customs and Excise for the period 2018 – 2022. Findings: <i>Benur</i> smuggling still often occurs in Indonesia by utilizing illegal entrances through sea routes and international airports, supported by indications of the involvement of unscrupulous officials and organized international crime networks.
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INTRODUCTION

Indonesia has been widely known as a country rich in natural resources in the world. Indonesia has an area of ± 5.1 million km² which crowns Indonesia as the country with the largest area no. 7 in the world. The potential of Indonesia's natural resources is so vast spread from the east to the west which includes biological and non-biological resources (Setiawan et al., 2021; Wahyuningtyas et al., 2020). Biological resources, especially marine resources, are one of the richest resources owned by Indonesia. With a sea area of ± 3.3 million km²/ $\pm 65\%$ of all Indonesian territory, Indonesia has a fishery potential of 12 million tons per year (Direktorat Jenderal Perikanan Tangkap, 2022). Based on the Decree of the Minister of Marine Affairs and Fisheries (*Kepmen KP, Keputusan Menteri Kelautan dan Perikanan*) Number 19 of 2022 concerning Estimation of Fish Resource Potential, Number of Fish Catches Allowed, and Utilization Rate of Fish Resources in Fisheries Management Areas of the Republic of Indonesia, Indonesia has 9 (nine) potential fish resources regulated by MMAF, namely demersal fish, reef fish, small pelagic, squid, penaeid shrimp, lobsters, crabs, crabs and large pelagic.

Of the nine fish resources above, one of the commodities that is excellent is lobster, and in particular is Lobster Clear Seed or *Benur*. *Benur* becomes a commodity with a very high economic value compared to other commodities, because if it is well-cultivated and has

appropriate size, markets will be willing to buy at a high price. However, the still weak lobster cultivation in Indonesia and the low public knowledge of how to manage lobsters make fry that have been caught by fishermen immediately sold. The concern is that many fry caught in Indonesia are sold illegally to buyers abroad and then cultivated abroad and sold at high prices when they have reached the ideal size. The activities of issuing Indonesian fry abroad are also carried out illegally by smuggling through unofficial channels and not complying with the rules of expenditure of goods (Export). Smuggling activities have a negative effect and great losses for Indonesian economy, because the economic potential that should be enjoyed by Indonesia is lost and makes people, especially fishermen, unable to improve their standard of living.

Smuggling activities can be categorized as one of the crimes included in Transnational Organized Crime. Transnational crime is a transnational crime involving individuals located in more than 1 (one) country who violate state rights for personal interests (Stahn, 2019). Transnational crime is carried out in an organized and secret manner, which makes its existence outside the applicable law, including the issue of smuggling (Militello & Spena, 2019). Smuggling is closely related to the traffic of goods in a country supervised by a special institution in customs (Misbach et al., 2022; Priyanto et al., 2022). In Indonesia, the authority to supervise the traffic of goods in and out of Indonesian territory is exercised by the Directorate General of Customs and Excise (DJBC, *Direktorat Jenderal Bea dan Cukai*). Based on enforcement data conducted by the DGCA for the last 4 years (2018 – 2021), there has been an increase in *benur* enforcement carried out by the DGCA nationally with a large value of the goods resulting from the crackdown. This shows that *benur* smuggling activities are still very frequent and make the issue of *benur* smuggling the focus of DGCA supervision.

The purpose of the research was to determine the threat of smuggling lobster clear seeds and the mode of smuggling carried out by smugglers. The research also explains how the strategy of the Directorate General of Customs as a state border guard institution in overcoming the smuggling of lobster clear seeds.

METHOD

The research method used was quantitative research with statistical descriptive analysis methods through a case study approach. Quantitative research methods used to test objective theories by examining relationships between variables, in which these variables can be measured in the form of numerical data then analyzed to obtain conclusions or research results. In this study, the analytical method used is descriptive statistics, namely quantitative or statistical data analysis techniques used in research by describing, simplifying, and presenting data in a form that is easier to understand in description or narrative.

The focus of the research was to explain and describe statistical data related to *benur* smuggling in Indonesia descriptively so that the data can be more easily understood. In this research using a case study approach. The case study approach was chosen to be able to get a comprehensive picture of a case by collecting data and information related to the case to be studied in a certain period of time. The selected case study was the supervisory activities of the Directorate General of Customs and Excise in cracking down on illegal *benur* smuggling in Indonesia during the period 2018 - 2022.

The data in this study was obtained through searching literature, documents, and open source sources. The statistical data used in this study is secondary data obtained from the DGCA and is time series data with a data period for the last 5 years (2018-2022). The data used in this study were national enforcement data on illegal fry, data on the mode of smuggling illegal fry, data on the location of illegal *benur* enforcement carried out by the DGCA. In addition to these data, interviews were also conducted with DGCA officials who supervised *benur* smuggling. The data were analyzed descriptively and then were connected and causal relationship analysis was applied.

RESULTS AND DISCUSSION

Potential and Threat of *Benur* Smuggling Activities

Lobster is one of the marine resource commodities that has high economic value and has a stable level of demand internationally. So it is important for lobster producing countries such as Indonesia, which is the 7th largest lobster producer in the world to be able to maintain the lobster environment in its habitat so that lobster production does not decrease. This is important because according to FishStat data (Dahuri, 2020) during the period 2010 – 2016 shows that 99.5%/around $\pm$ 324.5 million tons of lobster came from capture fisheries and only 0.5%/around 1.6 million tons came from aquaculture. Given the survival rate of fry in nature which is only 0.004%, a special strategy is needed that must be carried out by the Indonesian government to be able to preserve lobster habitat in the wild. Because if it is not regulated/supervised, excessive fry fishing will greatly impact the sustainability of lobster resources in the wild.

However, the practice of catching fry in the wild is still rife and has become a regular routine carried out by fishermen catching fry. Based on the results of deepening intelligence information in the field, it is known that there is a high demand from fry collectors and the selling price of fry to collectors is also high, making many fishermen finally focus on catching fry compared to other marine products. The process of catching fry can also be said to be easier than other marine products such as fish or crabs. Fishermen catching fry do not need to sail far into the middle of the ocean to catch fry, simply by using a small boat and looking for the seafront with many corals, the fisherman has got the fry. In addition, the economic condition of coastal communities, the majority of which are fishermen with low economic levels and lack of skills, makes them look for shortcuts to make money for their daily needs (Weeratunge et al., 2014). This condition then caused the capture of fry to be carried out on a large scale.

Those who benefit from this condition are, of course, foreign business actors, especially Vietnamese smugglers. Vietnam is the main destination for smuggling from Indonesia. Although Vietnam is the largest fry cultivation country in the world, Vietnam is very dependent on Indonesia because lobster seeds come from Indonesia (Petroenergy.id, 2021). The fry obtained from Indonesia are then cultivated in Vietnam until they reach the ideal size to then be sold at a higher price. The concern is that not all fry are shipped to Vietnam through official channels/through export mechanisms. Vietnam's dependence on Indonesian fry can be seen based on BPS data in 2014, that Vietnam became the main export destination country for Indonesian fry by controlling 89.59% of Indonesia's total *benur* exports. In 2016, the government tried to change policy by trying to increase the value of fry with a mechanism to strengthen lobster farming. for this reason, the Ministry of Maritime Affairs and Fisheries

issued Regulation of the Minister of Marine Affairs and Fisheries number 56/PERMEN-KP/2016 concerning the Prohibition of Catching and/or Producing Lobster (*Panulirus spp.*), Crab (*Scylla spp.*), and Rajungan (*Portunus spp.*) from the Territory of the Republic of Indonesia. With this regulation, the export activities of fry out of Indonesia have been officially banned and arrests are monitored and regulated by the government. However, this ban actually makes smugglers more intensively use unofficial channels or through smuggling to remove fry out of Indonesia.

The change of the Minister of Marine Affairs and Fisheries in 2020 then issued a new policy by allowing the export of fry. This caused *benur* exports to be carried out again and occurred massively where based on BPS data in August 2020, the number of *benur* exports to Vietnam reached 99% or equivalent to 4,216 Kg of total *benur* exports (Ulya, 2020). In 2021, there was a corruption case involving the highest leadership in the Ministry of Marine Affairs and Fisheries, where the case was related to *benur* export permits. So that the *benur* export policy was reviewed and then a new regulation was established that prohibits the export of fry based on the Regulation of the Minister of Marine Affairs and Fisheries number 17/PERMEN-KP/2021 concerning Lobster Management (*Panulirus spp.*), Crab (*Scylla spp.*), and Rajungan (*Portunus spp.*) in the territory of the Republic of Indonesia. The policy of allowing the export of fry can be said to be inappropriate because if you look at the study and potential of Indonesian waters, Indonesia should be able to become the largest lobster exporting country in the world beating Vietnam. By allowing the export of fry means that Indonesia has handed over lobsters to Vietnam (Anggarini & Dewi, 2021; Setyagama et al., 2023). Based on BPS data, there was a decrease in lobster exports that occurred from 2012 to 2020. This decline is thought to be due to the massive catching and smuggling of fry in the wild so that the number of lobsters in the wild decreases.

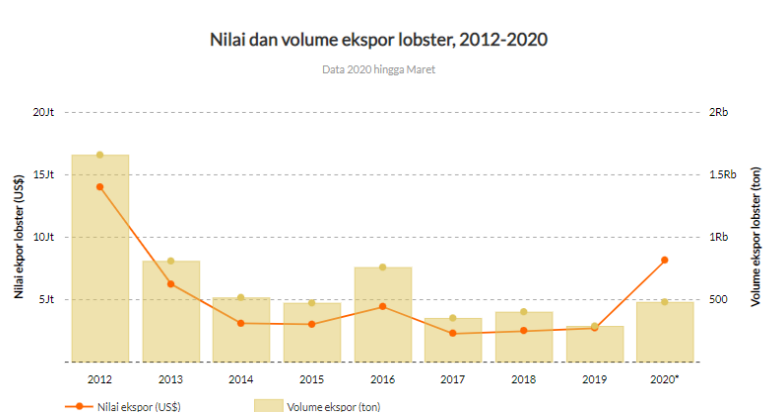


Figure 1. Data on the Export Value and Volume of Lobster 2012 - 2020

Based on data from the enforcement carried out by the DGCA against *benur* smuggling, it is known that the number of *benur* smuggling increases every year. The increase in the number of enforcement is also accompanied by an increase in the number of fry carried out. In total during the period 2018 – 2022 there were 53 actions carried out by the DGCA with the number of goods resulting from the enforcement of $\pm$ 4.5 million fry with a value of $\pm$ Rp 240 billion and potential state losses reaching $\pm$ Rp 120 billion.

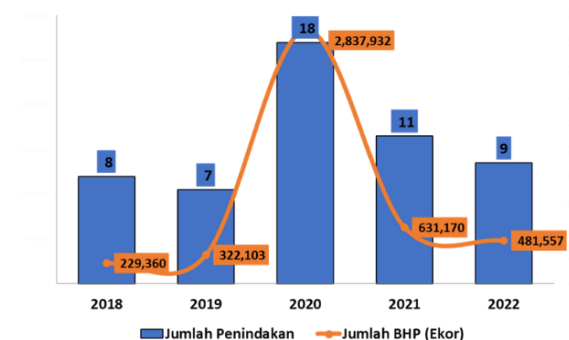


Figure 2. National *Benur* Commodity Enforcement Data by DJBC for the period 2018 – 2022

Benur smuggling and large-scale *benur* fishing activities are an inseparable link in the *benur* smuggling channel in Indonesia. There are 3 (three) types of threats if this illegal activity continues, namely threats to state finances, independence of community welfare and environmental sustainability. The amount of potential state losses due to smuggling is one of the threats that can endanger the country's economy. The state loss calculated here is state revenue in the form of PNB in accordance with the provisions in Government Regulation No. 75 of 2015 concerning Types and Rates of Non-Tax Types of State Revenue applicable to the Ministry of Marine Affairs and Fisheries. By not receiving the state income that should be received, the state cannot develop the economy of coastal communities who are fishermen catching fry to be even better. This loss greatly impacts the country's economic activities and makes the state's capacity reduced to be able to prosper its people. In addition, the increasing number of fry smuggling will have an impact on decreasing lobster exports. With a decrease in lobster exports whose higher value will reduce the country's foreign exchange from lobster exports.

Then the independence of the community will also be threatened if smuggling continues. The high demand for fry and high prices make fishermen who do not have many choices end up catching fry immeasurably and tend to overdo it. Fishermen then have no other choice but to catch fry, even though if the fry are cultivated it can increase the value of the fry and ultimately can improve the welfare of fishermen's lives. Conveyed by fisheries observer, Suhana, said that the cost of lobster cultivation in Indonesia is expensive and the condition of fishermen is very poor, which makes fishermen prefer to directly sell their fry to earn money rather than having to raise them (Hikam, 2019). Based on the results of deepening information, many lobster fishermen do not have many choices in catching fry and there are individuals who act as collectors willing to buy fry at high prices. Fishermen also have minimal knowledge about lobster farming. When fishermen do not get enough education and skills to do lobster farming, fishermen will continue to be trapped in fry fishing alone and cannot develop their value and life.

Uncontrolled fishing of fry is a real threat to the preservation of fry in the wild. Fry that are continuously caught irresponsibly will reduce the number of fry in nature and do not rule out the possibility that fry in the wild will become rare. The reduction in the number of fry in the wild will also directly impact the number of lobsters in the wild. The number of fry in the wild will correlate with the number of lobsters present in the wild. The chain impact as a result of the capture and smuggling of fry has an impact on various aspects of community life,

especially coastal communities that depend on fishery products. For this reason, serious handling and supervision from various parties involved are needed to overcome this problem.

Benur Smuggling Mode

Based on DGCA enforcement data, *benur* smuggling can generally be classified into 2 (two) main modes, namely pure smuggling (without documents) and smuggling by not disclosing the amount correctly. Pure/undocumented smuggling is the most frequent smuggling carried out by unscrupulous smugglers in Indonesia. The difference between these two modes is that smuggling without documents is carried out by avoiding the flow of the official export process, and smuggling with the wrong mode of notification of the number and type of goods is carried out through official channels, only obscuring data so that it is not known how many fry are actually exported. Based on enforcement data conducted by the DGCA, the majority of *benur* smuggling was carried out through the undocumented export method 28 times. Then the next mode is carried out through passenger luggage via airplane 23 times. Then there is a mode through shipments 2 times and utilization of customs facilities 1 time.

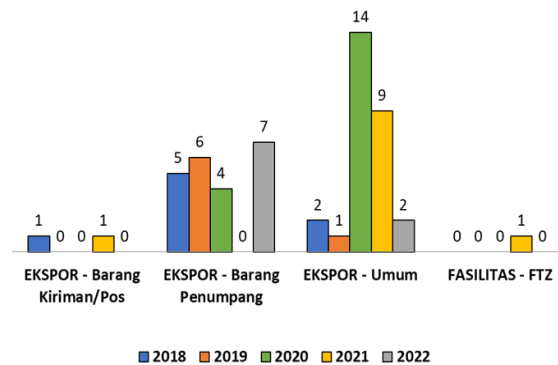


Figure 3. Data on National *Benur* Commodity Violations by DJBC for the Period 2018 - 2022

Benur smuggling in Indonesia is mostly carried out using air/airplane transportation routes. This type of transportation was chosen because it is the fastest route to get to the destination country and to minimize the death of fry during the trip. Smuggled fry are highly vulnerable to death if they are not in sufficient water and oxygen. Therefore, the fry to be smuggled are put into plastic tubes filled with water and oxygen so that the fry can survive during the journey. Based on information on *benur* smuggling perpetrators carried out by the DGCA it is said that on average in 1 (one) plastic office there are around 100 fry/with a weight of ± 100 gr/plastic and the durability of fry in this plastic is not long, only about ± 8 -10 hours. So considering that this fry is very vulnerable for time, many smugglers are desperate to smuggle using planes even though they are closely guarded by law enforcement officials, in this case the DJBC.

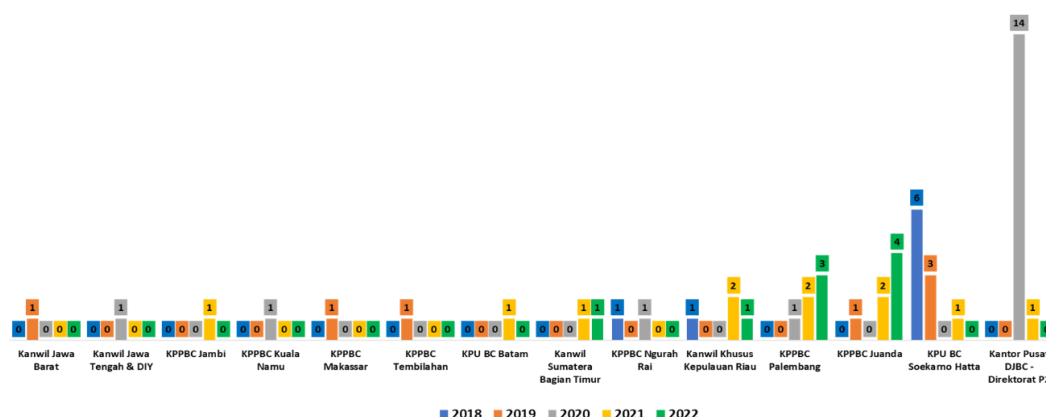


Figure 4. National *Benur* Enforcement Data based on Enforcement Location by DGCA for the 2018 – 2022 Period

Based on DGCA enforcement data, Soekarno-Hatta Airport is the place where the most fry enforcement was carried out during the 2018-2022 period, with the number of enforcement as many as 24 (twenty-four) times with the number of fry successfully secured as many as 3 million fry with an estimated value of ± IDR 21.7 billion. Crackdown on *benur* commodities is almost evenly distributed at all international airports, because indeed the destination of smuggled *benur* is foreign destinations. I Gusti Ngurah Rai Airport (Bali), Juanda Airport (Surabaya), SMB Airport (Palembang), Kualanamu Airport (Medan), Sultan Hasanuddin Airport (Makassar) are international airports that have been enforced by the DJBC. This is in line with the location of existing fry production sites in Indonesia which include West Nusa Tenggara, the South Coast of Java, the Coast of Sumatra and Sulawesi Waters.

There are 2 (two) modes carried out by smugglers when smuggling via plane. The first way is to carry out the smuggling of *benur* through passenger goods through the terminal and the second way is through passenger goods by courier and separate goods. For the first method is a mode that is classified as very traditional and often done, where fry are hidden in passenger luggage both through baggage and carried in the aircraft cabin. However, this method is very vulnerable because it has to go through airport x-ray inspection and even though it has been hidden, it is almost certain that the fry that are invaded will still be visible on x-rays. While the second method is a more organized way and based on intelligence information analysis, this mode involves many people, including unscrupulous airport officials. In this second way, couriers and goods (*benur*) do not enter the plane at the same time. The courier will enter through the line as usual without carrying luggage. While the fry will be carried by unscrupulous officers so that they can enter through the apron doors. This officer will usually carry fry in the apron with the mode of goods transported using a catering car or using a car and using the access he has then meeting with the courier on the apron according to the agreement.

In addition to using planes, there is one more smuggling route that is often also used by smugglers even though it is a fairly long route, namely through land travel then continued across using fast boats/high speed craft to Singapore, then from Singapore just flown to Vietnam/from the fast boat then the fry are transferred to a larger ship directly to Vietnam. This route does look longer, but many smugglers in the Sumatra region use this mode. The eastern coastal area of Sumatra was chosen because of the characteristics of coastal areas that have

long coastlines and also very many river routes so that they become potential places for smuggling *benur*. The very close distance to Singapore with a travel time of less than 2 (two) hours is one of the reasons that make smugglers use sea routes.

The mode of smuggling *benur* using air and sea routes is a mode created by a network of cross-border individuals to extract benefits from Indonesia's natural resources. Every mode used always takes advantage of the gaps in the alacrity of officers, uses irresponsible individuals, or uses Indonesia's geographical advantages to be able to smuggle. Therefore, it is important the role of institutions that have the authority to guard borders and goods traffic to be able to prevent and overcome *benur* smuggling.

DGCA Supervision Strategy to Tackle *Benur* Smuggling

Directorate General of Customs and Excise (DJBC) is one of the echelon I units under the Ministry of Finance which has one of the duties as a supervisor of Indonesia's territorial borders with other countries, especially in terms of entry and exit of goods from and outside Indonesian territory from the customs side. In carrying out supervisory duties in the customs sector, DGCA carries out its role as a community protector, namely protecting the public from goods that can damage the environment, interfere with health, threaten the economy and domestic industries (illegal goods) and collectors of state revenue. In supervision in the customs sector, the DGCA plays these two important roles where the supervision of imported goods is carried out to protect the public against the presence of illegal goods that can endanger the community as well as to maintain state finances in terms of customs revenue.

In terms of supervision of *benur* export smuggling, the DGCA has carried out various surveillance strategies at the crossing gates, in this case airports, which are favorite targets for *benur* smuggling. Based on the results of interviews with DGCA supervisory officers, DGCA has implemented strengthening supervision at airports by implementing a risk management system, placing micro expression officers in charge of assessing passenger behavior and supervision through x-ray infrastructure. Increased surveillance is carried out by deepening the luggage of suspicious passengers/suitcases and increasing x-ray capabilities to be more sophisticated in order to detect goods more optimally. In addition to strengthening the supervision of passenger goods, the DGCA also strengthens intelligence activities for early detection of potential smuggling of fry that will be carried out. Supervision activities against smuggling certainly cannot be carried out alone by the DGCA. In its supervisory activities, DGCA synergizes with other law enforcement officials in its work area such as the Police, TNI, Ministry of Marine Affairs and Fisheries, Avsec, and agencies related to fisheries handling such as BKIPM. This synergy continues to be promoted to close supervisory loopholes that cannot be carried out by the DGCA and close the space for those who try to play with the provisions of the law.

In addition to conducting surveillance at the airport, the DGCA also conducts surveillance of sea areas to anticipate the leakage of smuggling carried out through sea routes. The DGCA intensified sea patrol activities at its main smuggling hotspots on the east coast of Sumatra. DGCA has a special operation carried out in the coastal area of Sumatra called the call sign "Operation TNet Sriwijaya". In this integrated sea operation, all DGT vertical work units in Sumatra, West Kalimantan, and South Kalimantan operate jointly in eastern Indonesia. This integrated operation can be said to be effective in closing the space for smuggling vessels that

will commit violations. In the Sriwijaya Net operation in 2021 which was carried out from March 18 to May 16, 2021, the DJBC sea patrol team succeeded in carrying out 6 (six) enforcements, with one of the commodities carried out by the enforcement was baby lobster/fry (Direktorat Jenderal Bea dan Cukai RI, 2021). In addition to carrying out independent operations, the DGCA also runs international patrol cooperation with Malaysia with the call sign "Operation Patkor Kastima". Operation Patkor Kastima is a synergy of joint sea patrols that has been running since 1994 and signifies a good synergy relationship between Indonesia and Malaysia. In this operation, there has been a lot of supervision and enforcement of illegal commodities, one of which is the smuggling of illegal fry. Strengthening this synergy is very important and useful to be able to improve the effectiveness of supervisory activities carried out.

CONCLUSION

The very high economic value of fry makes many people compete to utilize its potential even against the law. Large-scale and irresponsible fishing of fry has a devastating impact on the sustainability of fry in the wild. Public awareness of the importance of preserving the environment needs to be increased. The community also needs to be given an understanding that fishing fry continuously in addition to having a negative impact on the ecosystem means also supporting illegal smuggling activities that have been running. *Benur* smuggling activities are illegal activities that violate customs regulations. The issuance of fry is carried out clandestinely without going through official procedures, causing losses to state revenues. The offenders and smuggling actors involved have been organized and have a series of modes and networks that have taken root abroad.

Supervision of smuggling is certainly the duty of the DGCA as the owner of the authority to control goods at the country's borders. DGCA must remember its duties and functions as a border guard to protect the community (Community Protector) as well as an institution that maintains state finances/fiscal guards by collecting revenue from the customs side (Revenue Collector). In maintaining such a wide state border, the DGCA has carried out various strategies in layers both at land and sea borders. From this strategy, the DGCA has succeeded in cracking down on *benur* smuggling and securing the country's financial rights. The success of the supervision strategy carried out by the DGCA must be carried out consistently and sustainably in order to maintain state revenue for the benefit of state development and resilience. In addition, consistency in the implementation of synergy with other agencies and also other law enforcement officials must also be accompanied by innovation in supervisory activities in order to adapt to potential threats and growing modes of development. What must be understood is that no threat is static/fixed, threats are always changing. There is even a common assumption in the community that the strategy / skill / technology owned by violators is always one step ahead of officers. Challenges and obstacles in the increasingly challenging future require strong commitment from all levels of the DGCA both in the central and regional environments to jointly secure the interests and financial rights of the state while maintaining the welfare of the community.

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