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## **Monopoly on Marine and Fisheries Policy on Lobster Management in 2020**

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### **Abstrak**

Kasus korupsi yang terjadi berkenaan kembali diizinkan ekspor benih lobster dalam Permen Kelautan dan Perikanan no. 12 tahun 2020 tentang Pengelolaan Lobster, Kepiting Dan Rajungan mendasari topik penelitian yaitu evaluasi kebijakan ekspor benur yang mengarah pada kasus korupsi. Hasil dari kajian ini diharapkan menjadi masukan untuk evaluasi pada kebijakan publik yang seharusnya dapat memecahkan masalah. Tujuan dari penelitian ini untuk mengkaji kebijakan pengelolaan lobster yang tercantum pada Permen KP no. 12 tahun 2020. Penelitian ini dilakukan bulan November 2020-Januari 2021. Metode penelitian bersifat deskriptif kualitatif dengan menggunakan studi pustaka berupa literatur review, kajian teoritis, data sekunder dari laman instansi terkait dan media komunikasi massa diantaranya media online. Hasil analisis diolah menggunakan aplikasi Nvivo 12 Plus untuk membantu akurasi data. Terdapat beberapa kejanggalan sejak ditetapkannya Permen KP No. 12 tahun 2020 tentang Pengelolaan Lobster, Kepiting dan Rajungan mulai 4 Mei 2020. Hingga 6 bulan setelah berlakunya peraturan tersebut terjadi Operasi Tangkap Tangan (OTT) menteri Kelautan dan Perikanan Edhy Prabowo dalam kasus suap ekspor benih lobster serta penyalahgunaan kekuasaan lewat memonopoli kebijakan untuk mencapai apa yang diinginkan yaitu meraup keuntungan pada penguasaan potensi yang dinilai strategis dan peluang investasi bagi beberapa aktor.

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### **Abstract**

*The corruption case is related to re-permitting the export of lobster seeds as regulated in the Minister of Marine Affairs and Fisheries Regulation no. 12 of 2020 concerning the Management of Lobster, Crab, and Crab, underlie the research topic, namely the evaluation of fry export that leads to cases of corruption. The results of this study are expected to be an input for the evaluation of public policies that should be able to solve problems. The purpose of this study is to examine the lobster management policies listed in Permen KP no. 12 of 2020. This research was conducted from*

November 2020-January 2021. This research was conducted from November 2020-January 2021. The research method is descriptive qualitative by using literature studies in the form of literature reviews, theoretical studies, data from pages of related agencies, and mass communication media. The analysis results are processed using the Nvivo 12 Plus application to help data accuracy. There have been several irregularities since the enactment of Permen KP No. 12 of 2020 concerning the Management of Lobster, Crab, and Crab starting May 4, 2020. Until 6 months after the enactment of the regulation, the Minister of Maritime Affairs and Fisheries Edhy Prabowo's Hand Catching Operation (OTT) occurred in the case of bribery for lobster seed exports. As well as the abuse of power possessed by monopolizing policies to achieve what is desired, namely reaping benefits in the control of strategic potentials and investment opportunities for several actors.

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## Introduction

Indonesia as a maritime country has 17,504 islands with 7000 species of fish which are predicted to have potential in the marine economy reaching US \$ 1,338 billion per year (KKP, 2020). The estimated figure comes from 11 sectors, namely US \$ 210 billion from aquaculture, US \$ 20 billion from capture fisheries, US \$ 180 billion from the biotechnology industry, US \$ 100 billion from industry or processing, US \$ 210 billion from Energy and Resources. Minerals (salt), US \$ 200 billion from Maritime Industry and Services, US \$ 60 billion from Maritime Tourism, US \$ 30 billion from Transportation, US \$ 200 billion from Unconventional Resources, around US \$ 120 billion from Regional Resources small islands, US \$ 8 billion from Coastal Forestry (Amanda, 2020).

In the 2019-2024 Advanced Indonesia cabinet, Edhy Prabowo was chosen by president Joko Widodo as Minister of Maritime Affairs and Fisheries to replace the previous minister, Susi Pudjiastuti (Margianto, 2020). With changing ministers there tends to be a change in policies. The policy is a strategy made by several actors to

solve problems that become the main problem (Mumpuni, 2019). At the time when Minister Susi took office, there was a regulation on the prohibition of catching lobster seeds in Indonesia which was regulated in the Minister of Marine Affairs and Fisheries Regulation (Permen KP) No. 1 of 2015 and later refined by Permen KP No. 56 of 2016 (Menteri Kelautan Dan Perikanan, 2016).

According to a study by Erlania, Radiarta, and Haryadi (2016) before the issuance of Permen KP No. 56 of 2016 Indonesia is an exporter of lobster seeds in several countries such as Vietnam, Hong Kong, Singapore, Thailand, Brunei Darussalam, and Malaysia. The results of his study indicate that one of the factors that make people prefer to export lobster seeds is that the technology for enlargement of lobster cultivation in Indonesia has not yet been developed, where many obstacles such as lobster feed, disease, and maintenance time are encountered. With fishing activities that tend to pay less attention to sustainability and the continuous export of lobster seeds with an increasing number of demands, it can have an impact on the availability of lobster seeds in nature (Munandar, Sarong and Edwarsyah, 2018).

The existence of candy that prohibits fishing is offset by the large potential of lobster seeds which opens opportunities for the development of lobster enlargement cultivation activities. So that the community gets alternative livelihoods as a substitute for the activity of catching seeds which are supported by the cultivators having to arrange the time of catching, regulating, and determining the zones with abundant stocks for conservation, allowing lobster seeds to supply the cultivators, requiring exporters to carry out cultivation, developing cultivation technology, eco-studies - lobster biology so that it can support this Indonesian aquaculture resource (Erlania, Radiarta and Haryadi, 2016).

Permen KP No. 56 of 2016 is the beginning of controlling the lobster business in Indonesia by restoring lobster stocks. Studies (Zulham, 2018) said that the existence of social constructions ranging from policies, rules, or organizations can be used to intervene in social life and community culture related to this lobster business so that they can find out in the long term about the prospects for lobster utilization, economic, social, cultural opportunities that can help optimize the lobster business, of course sustainable. But in Indonesia, there are no regulations that can affect the lobster trade in the global market and there is no Indonesian lobster business organization that plays a role in assisting the government in developing the Indonesian lobster business, which is still overseeing and executing Regulation of the Minister of Marine Affairs and Fisheries No. 56 / PERMEN-KP / 2016.

Maskun et al., (2020) stated that there was a change of ministers, the policy was changed, namely by reopening the export of lobster seeds regulated in Permen KP No. 12 of 2020. With the enactment of this regulation, it is considered that it will increase fishermen's income, maintain the sustainability & availability of fishery resources, improve community welfare, technology equality in cultivation, investment development, increase foreign exchange, develop lobster cultivation, stop overfishing, and illegal fishing, fishing destructive fish, and implement science-based management plans (Menteri Kelautan Dan Perikanan, 2020)

The policy of reopening lobster seed exports will also have an impact on 11 Fishery Management Areas (WPP) in Indonesia with the status of 4 WPPs in the fully exploited category and 7 WPPs in the overexploited category which is contrary to the principle of sustainable development (Hamzah *et al.*, 2020). Even when this policy came out, there were no recent research results since 2017 by the National Commission for the Study of Fish Resources (KOMNAS KAJISKAN) which informed that the potential availability of lobsters in Indonesia's WPP was abundant (as the basis for lobster catch and export policies) (Maskun *et al.*, 2020). Management of fish resources to support the people's economy must still observe the aspect of environmental capability without causing loss of environmental ecological functions which may also have an impact on decreasing economic activity.

With the stipulation of Permen KP No. 12 of 2020 concerning the Management of Lobster, Crab, and Crab starting May 4, 2020, there are several irregularities. Up to 6 months after the enactment of the regulation, the Minister of Maritime Affairs and Fisheries (OTT), Edhy Prabowo, was involved in the alleged corruption case of lobster seed export (Eva, 2020). The OTT was carried out by the Corruption Eradication Commission (KPK) for allegedly receiving the prize on Tuesday, 24 November 2020 at 23.40 WIB after Edhy Prabowo returned from a working visit to the United States (Detik.com, 2020).

The research carried out in this study concerns public policy which is a series of actions carried out by government agencies in achieving the desired objectives (Anggara, 2014). According to Randall B. Ripley, the scope of stages of public policy includes agenda setting, problem formulation, policy implementation, and policy evaluation (Muadi, MH and Sofwani, 2016).

What must be done first before the formation of public policy is an agenda setting that contains the subject matter, problems to issues of the public and then determines the priority of public problems so that policy alternatives are sought for the

issues that will be the main concern (Nugrohu, 2003). At this stage, the selection of problems of concern has reached a serious point in the interests of the community and if it is not immediately addressed it will create a much more severe problem. So that the establishment of a policy needs to be formulated immediately.

The formulation is the initial stage for making a policy by carrying out the process of discussing problems that have been scheduled to find solutions to problems by developing alternatives that have been provided (Misna, 2015). This formulation process was carried out by several government actors and non-government actors such as universities, research institutions, non-governmental organizations, interest groups by discussing supporting data and information that support several policy alternatives and formulating what is actually a policy issue after it becomes an agenda for dealt with immediately (Suwitri, 2014). And do not escape to discuss alternative policies starting from how the implementation process, who will implement it, then what are the terms and conditions that must be met if implemented, because this formulation process is a stage as an effort to solve problems that exist in the public to be used as a guideline in the future in overcoming problems which exist. Then the determination of policies after the formulation process by determining the policies to enact the regulations that are considered the best of the discussed alternatives. It is different when the public policy formulation process involves many people, the determination of this policy only involves official actors from government agencies who have the power and authority to decide which regulations have been selected to be solutions to public problems (Anggara, 2014).

With the stipulation of a policy as a solution to the problem, it will then be implemented and applied. The process of implementing policies that have been determined and then used as guidelines for implementing activities in achieving the initial goal of solving public problems is called policy implementation (Nasirin and Hermawan, 2017). The process of implementing the implementation of this policy from top to bottom which in its application is carried out by all apparatuses, bureaucrats, and levels of society.

Policy evaluation becomes a stage to see what kind and to what extent has implemented the policy including evaluation of the agenda-setting process, the formulation process, implementation, and the impact of the policies that have been determined (Aripin, 2020). Evaluation of this policy is needed to assess how the existence of a regulation issued works and whether the impact of the policy has achieved its formulated goals.

The corruption case in the export of lobster seeds in 2020 occurred because of a gap in Marine and Fisheries policies regarding lobster management. According to article 3 of Law no. 31 of 1999, corruption is any person who intends to benefit himself or another person or a corporation, misuses the authority, opportunity, or means available to him because of his position or position that can harm the state finances or the state economy (Indonesia, 1999). Corruption is an act of self-benefit in secret that is used for personal gain (Heymann, 1996). Actions of corruption often occur because of the power possessed by the actor concerned with abusing power or often referred to as mercenary corruption where the actor can use his power to carry out his corrupt activities (ACLC, 2019).

Corruption (Tipikor) is grouped into 7 types and two of them are gratification, namely the receipt of money, goods, facilities by actors who are state apparatus and have the authority to be misused so that it needs to be reported to the KPK to determine the connection with these receipts (ACLC, 2019). Then bribery is a type of corruption that often occurs and the criminal classification regarding bribery is listed in Law Number 31 of 1999 in conjunction with Law Number 20 of 2001 in article 5 paragraph (1) letter a, article 11, article 5 paragraph (1) letter b, article 6 paragraph (1) letter a, article 13, article 6 paragraph (1) letter b, article 5 paragraph (2), article 6 paragraph (2), article 12 letter a, article 12 letter c, article 12 letter b, article 12 letter d (Indonesia, 2001). For example, such as bribes to launch a business license so that the processing is not complicated and takes a long time.

The corruption case that occurs relates to the re-export of fries (lobster seeds) as regulated in the Minister of Marine Affairs and Fisheries Regulation no. 12 of 2020 concerning the management of lobsters, crabs, and crabs underlies the research topic that will be studied, namely the evaluation of fry export policy which includes agenda setting, policy formulation and policy implementation in cases of corruption that occur. The results of this study are expected to be an input for the evaluation of public policies that should be able to solve problems, not even provide opportunities to harm the state and society. The purpose of this study is to examine the lobster management policies listed in Permen KP no. 12 of 2020.

## **Method**

This research was conducted from November 2020 to January 2021. The research method is descriptive qualitative which aims to provide descriptions or descriptions using words based on the results of research examining lobster

management policies in the corruption case of lobster seed export in 2020. (Adam, 2016). This qualitative descriptive study explores the phenomenon and explains in detail the data from the results of the research conducted. Because this research problem is new and the data is still developing, it is necessary to extract data by analyzing developments that occur. This study uses literature review in the form of literature reviews, theoretical studies and data from the pages of related agencies and mass communication media including online media such as news portals and social media such as YouTube. (Sholikhati and Mardikantoro, 2017).

Social media and online media are included as sources of reference used to view credible sources. Because nowadays social media and online media have become government media in interacting with its citizens to be used as material for consideration of public policy (Nurmandi *et al.*, 2018).

The primary data sources used in this study include online media using the news portal Detik.com, Tirto.id, Kompas.com, Republika.online for the period November 2020-January 2021. As well as for social media using youtube on the Mata Najwa video show "Menteri Terjaring Lobster" and the Indonesian Lawyers Club "OTT Suap Ekspor Lobster: KPK Masih Bergigi" which were uploaded on the official website of their respective YouTube channels which were then transcribed into text to be used as a supporting source for the study. This was done because the sources who participated in the media were quite strong.

The object of this research is all information on social media and online media related to policies and corruption cases that have occurred. Whereas the data collection method uses the documentation method through documenting videos and written documents used in research such as official documents published by media and videos transcribed into text (Habsy, 2017). Data collection was carried out by collecting literature and data on lobster management policies through accessing news portals and downloading YouTube shows of Mata Najwa "Menteri Terjaring Lobster" and Indonesia Lawyers Club "OTT Suap Ekspor Lobster: KPK Masih Bergigi".

In order to facilitate the analysis of many research data, in processing data using the Nvivo 12 plus application with the intention of helping the coding process of the data obtained and helping the accuracy of this qualitative research data (Zamawe, 2015). With the step of capturing news portals and transcribing the narrative on YouTube shows then coding it to be processed into crosstab queries.

## RESULTS AND DISCUSSION

### LOBSTER MANAGEMENT POLICY EVALUATION

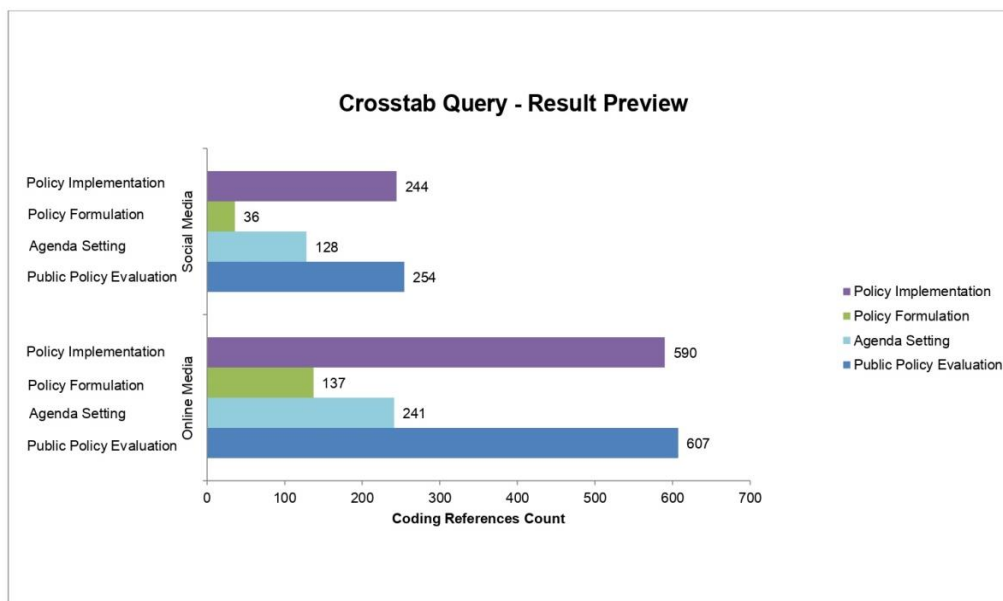
The 2019-2024 national mid-term development plan was presented in the initial speech for the election of Joko Widodo-Amin Ma'aruf of the five work programs for the 2019-2024 period, namely continuing infrastructure development to integrate road access with people's production areas, small industrial areas, special economic areas, rice fields tourism, plantations, and fishery ponds and cutting down things that hinder the opening of investment because the government opens up investment to create jobs (Tamtomo, 2020). The fishery is one of the sub-sectors of the agricultural sector which can be a mainstay of the Indonesian economy, which includes absorbing employment for around 40% or 45 million people in the Indonesian workforce and can boost national economic growth through the export route (KKP, 2020).

In implementing the sustainable work plan for the 2019-2024 period, the Ministry of Maritime Affairs and Fisheries under the leadership of Edhy Prabowo realized through the development of sustainable fisheries (sustainability) and prosperity which must go hand in hand (KKP, 2020). One of them is policies related to lobster, crab, and small crab. Lobster is a marine crustacea commodity that has advantages and high economic value and is in demand by many domestic and international markets (Rady, 2020). This underlies the CTF to review previous regulations that prohibit the fishing of lobsters, crabs, and crabs by issuing a lobster, crab, and crab management policy, which not only allows lobster exports but also allows the export of lobster seeds. The regulation is listed in the Minister of Marine Affairs and Fisheries Regulation Number 12 / PERMEN-KP / 2020 concerning the Management of Lobster, Crab, and Crab in the Territory of the Republic of Indonesia (Menteri Kelautan Dan Perikanan, 2020). Without realizing it, the high demand for lobsters has an impact on the existence of lobsters in the sea. It is proven by the lobster seeds that are also exploited for sale inside and outside the country, because of the lack of large lobsters and it takes a long time to wait for the seeds to become lobsters. So that other countries carry out lobster cultivation by importing lobster seeds from Indonesia (Nasution *et al.*, 2018).

#### Agenda Setting

The results of the research on the agenda setting indicators were sourced from social media and online media, respectively 128 data and 241 data which corroborate the main issues in the public, problems that are of concern to policy-making actors and seeking solutions to issues of primary concern





**Figure 1.** Nvivo 12 Plus Data Processing Results on Indicators for Evaluation of Public Policy and Corruption from Social Media and Online Media

In the picture above, data sourced from social media and online media shows more than online media. Because online media is a mass communication media that tries to provide information to the public every day about the developments of cases that occur, especially research conducted in the period November 2020 to January 2021. So that online media will update information that occurs in the field. As for social media, using YouTube on Mata Najwa's broadcast on November 26, 2020 episode of the Minister of Lobster and the Indonesia Lawyers Club on December 2, 2020 episode of the OTT Lobster Export Bribery: KPK Still Teeth, which discussed cases and limited data until the date the topic was broadcast.

The enactment of Permen KP No. 12 of 2020 is based on excellence and high economic value which is in great demand by the domestic market or the international market, then still many people make a living by catching lobster and lobster seeds before finally issuing Permen No. 56 of 2016 which prohibits fishing for lobsters (Erlania, Radiarta and Haryadi, 2016), and the existence of a ban on the Permen, there is still a lot of fishing at sea. So it is necessary to have a clear lobster catching permit again so that the export/export of lobster seeds provides added value to the state and increase fishermen's income. In the consideration section of Ministerial Regulation KP No. 12 of 2020, the stipulation of this Permen for maintain sustainable availability of fishery resources, improve community welfare, technology equality in cultivation, investment development, increase foreign exchange, develop Lobster

cultivation (*Panulirus spp.*), Crab (*Scylla spp.*), and crab (*Portunus spp*) (Menteri Kelautan Dan Perikanan, 2020).

However, the fact is inversely proportional to the background of the promulgation of this regulation through article 5 paragraph 1, namely reopening the export of lobster seeds which in fact does not support sustainability and maintain the availability of fishery resources which can lead to exploitation, even Indonesian WPP is in the status of overexploited and fully exploited which can disturb the lobster ecosystem in Indonesian waters. Komnas KAJISKAN itself has not re-conducted research on this matter since its last study in 2017, where the results of the research are also used for guidelines for determining quotas and locations for catching seeds lobster in this candy which is written in article 5 paragraph 1 point a.

Regarding the concern about the presence of lobsters in Indonesian waters as a result of the export of fry, lobster cultivation activities are considered as legal consideration. The fulfillment of this regulation is by stipulating export requirements, namely the cultivation of lobsters as stated in Article 5 paragraph 1 point b and c. Which article 5 paragraph 1 point b requires exporters to cultivate lobsters by including fishermen and cultivators where lobster seeds are caught, which then in point c explains that the exporter has succeeded in carrying out lobster cultivation activities provided that the harvest is sustainable and the harvest from lobster cultivation has been released. as much as 2%. However, the facts regarding the purpose of cultivation to maintain the existence of lobster stocks regarding the export of this fry are not carried out. It is proven that many new companies that previously did not have a background in the field of fisheries but had political affiliation with the Minister of KKP Edhy Prabowo passed to become export players even after the issuance of this regulation was also followed by the release of lobster seeds by new export companies from the territory of Indonesia without having to cultivate. Normally, to be able to export lobster seeds to a new company, it must meet these requirements, which takes about 1 to 2 years after this regulation is passed to maintain the sustainability and availability of lobster stocks. Do not miss the exporting companies that used to be illegal exporters also passed the verification to deal with smuggling. Meanwhile, some fishermen in NTB who registered to become exporters with complete requirements did not pass verification for export activities.

Seeing the potential that can provide added value by reopening the export of lobster seeds instead of banning it, which results in a lot of smuggling that is detrimental to the state, is also the goal of this Permen. By reopening lobster seed

exports, in fact, it does not affect smuggling companies from continuing to export illegally, even rogue exporters who are legally registered are still doing it smuggling on legal exports

The objective of the legalization of Permen KP No. 12 of 2020 concerning the economic sector, namely increasing the country's foreign exchange, developing investment, and improving people's welfare through regulations that set the lowest price for fishermen, export benchmark prices, determination of the closest airport to the location of fish resources, as well as the obligation of exporters to pay Export Duty or Non-Tax State Revenue (PNBP). In its implementation, the stipulation of the lowest price stipulated in Article 5 paragraph 2 is correct to reduce the selling value so that it does not drop, namely Rp. 5,000 to Rp. 10,000 per seed but exporters can set the price to the importer much higher up to Rp. 180,000 per seed (Dina and Hasanah, 2020). The People's Coalition for Fisheries Justice (KIARA) has informed that the export of lobster seeds will harm the state and fishermen themselves who depend more on the natural sector, where the purchase price of lobster seeds to fishermen is Rp. 10,000 per head, the selling price of the exporter to the importer is Rp. 139,000- Rp. 180,000 per benur, and the obligation to pay PNBP is around Rp. 15,000 for 60,000 per seed, but until this export is on the road there are no regulations regarding PNBP obligations. So clear that over it benefits the exporting company rather than fishermen who catch at sea, even though the stipulation is an excuse so that the selling price of fishermen is stable.

On the other hand, exporters complain about the centralization of airports for export activities. Meanwhile, there are 6 airports that are recommended as places for releasing lobster seeds, namely Kualanamu Airport in Medan, Soekarno Hatta Airport, Juanda Airport in Surabaya, I Gusti Ngurah Rai Airport in Denpasar, Lombok International Airport, and Hasanuddin Makassar Airport which are regulated in article 5 paragraph 1 point d. This causes the costs incurred to be high, starting from the purchase price at the fishermen, the operational price, the payment price for cargo that has been appointed as a service company for exporting fry, PNBP payments, not to mention the selling price seen from the quality of the fry. The existence of a price chain that must be paid makes many exporters lose, while in Article 5 paragraph 3 it is explained that the lowest benchmark price for fishermen is used as a consideration for the export benchmark price. After this has been passed in fact, the exporters who have repeatedly exported are losing money, of course, the aim of developing investment is not entirely successful.

Since the beginning there was an issue of re-opening lobster seed exports, KIARA has highlighted that there was an OTT case of corruption in the export of lobster seeds which was clearly detrimental to the state for the sake of several actors by ignoring what had been the original objective of the enactment of the Permen. And there are no more efforts regarding empowerment for cultivation that address the exploitation of fry so that it is questionable on whose behalf this KKP exists.

### **POLICY FORMULATION**

Research data on the indicators of policy formulation are presented in Figure 1 showing the smallest data on policy formulation from other data. Because the data obtained regarding policy formulation is also limited and too closed.

In the process of formulating policies to stipulating policies that should be based on expert data to minimize misuse of rules made for the benefit of several people, this regulation is not implemented enough. At the beginning of the issue that would reopen the export of lobster, there was no latest study result from Komnas KAJISKAN regarding the potential of lobster in Indonesia. Whereas in article 3 paragraph 1 point a and article 5 paragraph 1 point a stipulate the quota and location for catching seeds inside and outside the territory of Indonesia based on the results of a study by Komnas KAJISKAN. Meanwhile, the institution has not re-conducted research since 2017, in which the source of the study data included stakeholders. The basis for the catch quota for a lobster seed that is in this candy is using Komnas KAJISKAN 2017 data, which shows the potential for lobster in Indonesia to be in the full and over-exploited category. Which was then obtained with a rough count of 139,475,000 seeds without direct research at WPP Indonesia.

Then KIARA as an organization that is concerned with fisheries revealed that the process of formulation and determination did not involve the community such as fishermen as the stakeholders themselves. UI's Senior Economist, Emil Salim, the Ombudsman of the Republic of Indonesia also rejected the formulation of this policy which was considered less transparent and had the opportunity for fraud. However, this was ignored in the policy formulation process. For the determination of prospective exporters and companies that are given permission to export as stated in article 5 paragraph 1 point, b and c are very likely to be manipulated so that they can immediately fulfill these requirements, one of which is to cooperate with fishermen who have been cultivating which then during the export process will back up with permits owned by the exporters. So without the need for a long cultivation process, you can immediately export lobster seeds and add companies that pass the verification to

become the majority exporters because of political relations with Edhy Prabowo. The determination of quotas and the determination of exporters which are mostly based on political interests is further strengthened by the existence of 26 companies that have cleared export permits in May and June at the same time there is already 1 company that exports around 20-25 million seeds, meaning that if there are 26 companies each exporting 20 million seeds are already 260,000,000 seeds, which is almost equivalent to the potential number of lobster seeds as a result of the study by the head of the Human Resources Research Agency (BRSDM), for example, 10 million fries per company is still more than the allowed number of catch (JTB) in Figure 2 which written JTB per year 139,475,000 fry and from the issuance of May to June has exceeded the limit per year so breaking the rules has been made. The data used is also Komnas KAJISKAN data from 3 years ago, namely 2017 which was exploited. It is clear that the objective of this Permen is more to invest than maintain the lobster ecosystem echoed by the KKP.

Step The formulation and stipulation of policies that are less transparent, minimal involvement of formulation actors, lack of providing answers to what is in question, and the existence of political interests make this regulation an opportunity to commit fraud in the public.

## **POLICY IMPLEMENTATION**

After the enactment of the Regulation of the Minister of Marine Affairs and Fisheries (Permen KP) Number 12 of 2020 concerning the Management of Lobster (*Panulirus* spp.), Crab (*Scylla* spp.), And crab (*Portunus* spp.) In the Territory of the Republic of Indonesia, the lobster seed export policy ( fries) listed in articles 5 and article 6. In article 5, paragraph 1 point a, the stipulation of the permitted lobster seed quota as described in the section on the policy formulation and listed in Figure 2 is 139,475,000 then 2 months after the Ministerial Regulation is issued 1 company that exports 20-25 million fry, which, if calculated with 26 companies, reaches 260 million seeds that are exported and automatically deviates from the data decided.

The implementation of export terms and conditions in article 5 paragraph 1 points b and c is a lot of irregularities even though it has been assisted by Decree Number 53 / KEP MEN-KP / 2020 concerning the Due Diligence Team for Lobster Cultivation Fisheries Business by Edhy Prabowo as a decision to establish a team that selects prospective exporters. However, there are still new companies that do not have a background in the maritime sector but have passed export permits, export companies

that were previously illegal exporters also pass verification to deal with smuggling, while fishermen-owned companies that apply to become exporters do not pass the selection and there are engineering on cultivation. For example, PT. Nusa Tenggara Cultivation, which is 2 days apart from the enactment of the KP Regulation, namely on May 2, 2020, then in early July 2020 the company license was issued to export, and on July 16, the export was carried out. Cultivation that should be carried out with an estimated time of at least 1 year is engineered by offering cooperation with fishermen to later back up the fry export process by the exporter so that the company can immediately carry out export activities. The provisions for the release of the harvest also include buying lobsters to farmers who are recognized as cultivated crops.

Then the frying out is listed in article 5 paragraph 1 point d which can be done through 6 airports including Kualanamu Airport in Medan, Soekarno Hatta Airport, Juanda Airport in Surabaya, I Gusti Ngurah Rai Airport in Denpasar, Lombok International Airport, and Hasanuddin Airport in Makassar. However, the implementation is that there is a concentration of frying fries at 1 airport, namely Soekarno Hatta airport, plus there is only one shipping company to send lobster seeds to export destination countries. The cargo company also charges a hefty fee of Rp. 1800 per seed which is normally collected based on mass basis units, so this causes a price increase in the shipping process. Not to mention the delivery from the area of origin to catch the seeds to Soekarno Hatta airport, which if the quality decreases it will affect the selling price. The length of the process caused losses to the exporting companies so that there were 14 companies that pocketed export permits without wanting to lose, namely smuggling while carrying out legal exports by manipulating the number of fries that were reported and sent differently. Then at the Commission IV DPR RI Working Meeting (Raker) (Agriculture, Environment, and Forestry, and Marine Affairs) together with the KKP on September 22, 2020, they agreed to revoke the export permits of the 14 companies that had previously only been given guidance. The obligation to pay PNBP through article 6 was also discussed in the Commission IV Meeting with the KKP because the value that exporters had to pay for PNBP on fry exports had not yet been determined.

An implementation that is far from matters and provisions that have been formulated and determined makes the objectives of this Permen not maximally conveyed. In fact, public trust in policy-making actors has decreased to the point that they are considered to lack understanding of existing problems and are considered as a means to achieve political interests.

Weak fry export policy creates opportunities for fraud in the Regulation of the Minister of Marine Affairs and Fisheries (Permen KP) Number 12 of 2020 concerning Management of Lobster (*Panulirus* spp.), Crab (*Scylla* spp.), And Crab (*Portunus* spp.) In the Territory of the Republic of Indonesia Indonesia, which legalized the export of lobster seeds, has made several actors use this opportunity to reap personal benefits. Because it is based on political interests which the formulation itself is closed, this policy cannot run according to its function, namely as a way out of the main problems that occur to stakeholders or the general public.

Regarding the corruption that occurs shows that there is a scope of crime that is a way of reaping profits. Many acts of corruption are committed because they are based on the abuse of power possessed by the perpetrator or are called mercenary corruption. Meanwhile, corruption shows the gratification which is later determined to be a bribe.

The scope of corruption crimes that occurred in the fry export case was based on trying to formulate policies for political interests which were also known that the formulation was not based on expert data and was carried out privately without involving stakeholders as implementers and those affected by the existence of previous policies.

In the implementation of the case of abuse of power through the airport centralization, there is only one expedition that can export, namely PT. Aero Citra Kargo (PT. ACK) is managed by Amri and Ahmad Bahtiar who are suspected of being nominees from Edhy Prabowo and Yudi Surya Atmaja's side. PT. ACK is a newly formed PT. Perishable Logistics Indonesia (PLI) is specifically for exporting fry and there are shares from name borrowers.

In addition, Edhy Prabowo said Decree Number 53 / KEP MEN-KP / 2020 concerning the Due Diligence Team for Lobster Cultivation Fisheries Business Licensing by Edhy Prabowo as a letter to form a team that selects prospective exporting companies chaired by Special Staff of the Minister Andreau Pribadi Misata assisted by the deputy chairman, namely the Special Staff of the Minister Safri as the initial way to commit criminal acts of corruption, gratification and bribery. Starting with forming a licensing selection team, it is prone to engineering for several reasons such as incomplete requirements to the practice of launching a business license without a long process and being willing to pay fees or other conditions that can benefit the business permit issuer. In this case, Suharjito, the owner of PT Dua Putra Perkasa (PT. DPP), applied for a permit to Andreau accompanied by Amiril as the manager of PT.

ACK gave a certain amount of money so that the application for a business license to be accepted as an exporter of fry and an agreement to use PT. ACK as the cargo shipper which costs Rp. 1,800 per seed with the permission of Edhy Prabowo.

Through the airport centralization, the formation of the Lobster Cultivation Fishery Business Licensing Due Diligence Team as a selection team for prospective exporters and providing provisions for PT. ACK as the only cargo that can export lobster seeds reinforces that this policy has been planned by political actors to monopolize fishery resources and abuse their power for personal gain through the export of fry.

After further investigation by the KPK with the evidence found in this case leading to a bribery case in which this corruption phenomenon shows a reward for smoothing licensing for prospective exporting companies so that they can carry out export activities without a long process plus the existence of export provisions can only be done using PT. ACK is suspected to have a specific purpose which is none other than to make profits through monopoly activities on lobster seed delivery.

So that in the case of alleged corruption in the export of fry, the KPK named 7 suspects including the suspect who received bribes, Edhy Prabowo, the head of the selection team for lobster seed export business, Stafsus Minister of KKP Andreu Pribadi Misata along with his deputy Special Staff to Minister Safri, Ainul Faqih as staff of Edhy's wife who accepted bribes to be distributed to Edhy and his wife, the management of PT. ACK Amiril Mukminin and Siswadi. By being charged with Article 12 Paragraph (1) letter a or b or Article 11 of Law Number 31 of 1999 as amended by Law Number 20 of 2001 concerning Eradication of Corruption in conjunction with Article 55 Paragraph (1) 1st of the Criminal Code. Meanwhile, for the giver of bribes, namely Suharjito as the director of PT. DPP which is criminalized under Article 5 Paragraph (1) letter a or b or Article 13 of Law Number 31 of 1999 as amended by Law Number 20 of 2001 concerning Eradication Corruption Crime.

## **CONCLUSION AND RECOMMENDATION**

Policy evaluation on the Regulation of the Minister of Marine Affairs and Fisheries (Permen KP) Number 12 of 2020 concerning Management of Lobster (*Panulirus* spp.), Crab (*Scylla* spp.), And crab (*Portunus* spp.) In the Territory of the Republic of Indonesia by reopening the export of lobster seeds there are many discrepancies in public policy principles. Starting from the agenda-setting stage, the policy formulation stage, the implementation, there were many inconsistencies with



existing policies, starting from the centralization of the airport at Soekarno Hatta airport from 6 scattered airports, then there was only 1 expedition that could export the fry, namely PT. ACK by setting a delivery fee of Rp. 1,800 per seed which is normally per unit mass. The issuance of a decree regarding the document selection team for prospective exporters was then found through the convenience of new exporters without taking long to be able to carry out exports because the majority had political affiliations with the Minister of KKP. There is a disparity in the selling price of fishermen with export companies to importing countries, because there is no set export benchmark price, and there is no stipulation of fees that must be paid for PNPB of lobster seed exports to the country until Edhy Prabowo's arrest occurs.

The corruption that occurs through opportunities through this policy such as airport centralization, the formation of the Lobster Cultivation Fishery Business Licensing Due Diligence Team as a selection team for prospective exporters, and providing provisions for PT. ACK as the only cargo that can export lobster seeds further reinforces that this policy has been planned by political actors to monopolize fishery resources and abuse their power for personal gain through the export policy of fry. The scenario for the formation of a selection team for prospective exporters becomes a field so that exporters want to provide facilitation payments so that they can immediately process their export permits without completing incomplete requirements plus an offer that exports can only be done using PT. ACK with a delivery fee of Rp. 1,800 per fry. As was done to PT. DPP.

The lobster seed export policy that dragged the Minister of Marine Affairs and Fisheries Edhy Prabowo in the case of accepting bribes and the abuse of his power, namely through monopolizing policies to achieve what he wanted, such as reaping profits in the control of strategic potential and investment opportunities for several actors. From the evaluation, what has been done by Edhy Prabowo contradicts his vision at the KKP, namely the development of sustainable fisheries (sustainability) and prosperity, both of which must go hand in hand.

Involvement stakeholder as implementers of policies can minimize abuse of rules made for the benefit of several people and can become further research with a different research focus and method.

## **REFERENCE**

- ACLC, K. (2019) 'Tindak Pidana Korupsi'. Indonesia.  
Adam, L. (2016) 'Telaah Kebijakan Perlindungan Nelayan Dan Pembudi Daya Ikan Di Indonesia', *Kajian*, 20(2), pp. 145–162.

- Amanda, M. N. dan G. (2020) Edhy: Sektor Kelautan dan Perikanan Bisa Jadi Andalan, *Republika.co.id*. Available at: <https://republika.co.id/berita/qfepjo423/edhy-sektor-kelautan-dan-perikanan-bisa-jadi-andalan> (Accessed: 15 November 2020).
- Anggara, S. (2014) *Kebijakan Publik, Kebijakan Publik*. Bandung, Indonesia: CV. Pustaka Setia.
- Aripin, H. (2020) Pengaruh Kebijakan Peraturan Menteri Kelautan dan Perikanan No. 2 Tahun 2015 Terhadap Kondisi Ekonomi Melalui Strategi Adaptasi Nelayan di Kecamatan Medang Deras Kabupaten Batubara. Universitas Sumatera Utara.
- Detik.com, T. (2020) Menteri KKP Edhy Prabowo Terjerat OTT KPK, Ini Kronologi Penangkapannya, *Detik News*. Available at: <https://news.detik.com/berita/d-5269090/menteri-kkp-edhy-prabowo-terjerat-ott-kpk-ini-kronologi-penangkapannya?single=1> (Accessed: 12 December 2020).
- Dina, K. B. and Hasanah, H. (2020) 'Analisis PermenKP No. 12/2020 Terkait Kebijakan Ekspor Benih Lobster berdasarkan Prinsip Pembangunan Berkelanjutan pada New Normal', *Jurnal Hukum Lingkungan Indonesia*, 7(1), p. 48. doi: 10.38011/jhli.v7i1.223.
- Erlania, E., Radiarta, I. N. and Haryadi, J. (2016) 'Status Pengelolaan Sumberdaya Benih Lobster Untuk Mendukung Perikanan Budidaya: Studi Kasus Perairan Pulau Lombok', *Jurnal Kebijakan Perikanan Indonesia*, 8(2), pp. 85–96. doi: 10.15578/jkpi.8.2.2016.85-96.
- Eva (2020) KPK Tangkap Menteri KKP Edhy Prabowo, *Detik News*. Available at: <https://news.detik.com/berita/d-5268702/kpk-tangkap-menteri-kkp-edhy-prabowo> (Accessed: 16 December 2020).
- Habsy, B. A. (2017) 'Seni Memahami Penelitian Kuliitatif Dalam Bimbingan Dan Konseling : Studi Literatur', *JURKAM: Jurnal Konseling Andi Matappa*, 1(2), p. 90. doi: 10.31100/jurkam.v1i2.56.
- Hamzah, F. et al. (2020) 'Pengelolaan Sumber Daya Ikan Berkelanjutan di Indonesia', *Komisi Maritim dan Kelautan PPI Dunia, PPI Brief*, pp. 1–14. Available at: <https://ppi.id/wp-content/uploads/2020/09/PPI-Brief-No-12-2020-Komisi-Maritim-dan-Kelautan.pdf>.
- Heymann, P. B. (1996) 'Democracy and Corruption', *Fordham International Law Journal*, 20(2), pp. 323–346.
- Indonesia, P. R. (1999) *Undang-Undang Republik Indonesia Nomor 31 Tahun 1999 Tentang Pemberantasan Tindak Pidana Korupsi*. Indonesia.
- Indonesia, P. R. (2001) *Undang-Undang Republik Indonesia Nomor 20 Tahun 2001 Tentang Perubahan Atas Undang-Undang Nomor 31 Tahun 1999 Tentang Pemberantasan Tindak Pidana Korupsi*. Indonesia.
- KKP, A. (2020) Menteri Edhy Optimis Sektor Kelautan dan Perikanan Bisa Jadi Andalan Ekonomi Nasional, *kkp.go.id*. Available at: <https://kkp.go.id/artikel/22637-menteri-edhy-optimis-sektor-kelautan-dan-perikanan-bisa-jadi-andalan-ekonomi-nasional> (Accessed: 15 November 2020).
- Margianto, H. (2020) *Susunan Kabinet Indonesia Maju 2019-2024*, *Kompas.com*. Available at: <https://www.kompas.com/tren/read/2019/10/23/092257065/susunan-kabinet-indonesia-maju-2019-2024?page=all> (Accessed: 6 January 2021).
- Maskun et al. (2020) 'Legal Analysis Of Lobster Export Policies In Indonesia : The

- Principle Of Sustainable Development Approach Legal Analysis Of Lobster Export Policies In Indonesia: The Principle Of Sustainable Development Approach', IOP Conference Series: Earth and Environmental Science, 564(1), pp. 1–9. doi: 10.1088/1755-1315/564/1/012067.
- Menteri Kelautan Dan Perikanan, R. I. (2016) Peraturan Menteri Kelautan Dan Perikanan Republik Indonesia Nomor 56/Permen-Kp/2016 Tentang Larangan Penangkapan Dan/Atau Pengeluaran Lobster (*Panulirus Spp.*), Kepiting (*Scylla Spp.*), Dan Rajungan (*Portunus Spp.*) Dari Wilayah Negara Republik Indonesia, KKP RI. Indonesia.
- Menteri Kelautan Dan Perikanan, R. I. (2020) Peraturan Menteri Kelautan Dan Perikanan Nomor 12/Permen-Kp/2020 Tentang Pengelolaan Lobster (*Panulirus Spp.*), Kepiting (*Scylla Spp.*), Dan Rajungan (*Portunus Spp.*) Di Wilayah Negara Republik Indonesia, KKP RI. Indonesia. Available at: <file:///C:/Users/User/Downloads/fvm939e.pdf>.
- Misna, A. (2015) 'Formulasi Kebijakan Alokasi Dana Desa Di Desa Kandolo Kecamatan Teluk Pandan Kabupaten Kutai Timur', *Jurnal Administrasi Negara*, 3(2), pp. 521–533.
- Muadi, S., MH, I. and Sofwani, A. (2016) 'Konsep Dan Kajian Teori Perumusan Kebijakan Publik', *Jurnal Review Politik*, 6(2), pp. 195–224. Available at: <http://jurnalpolitik.uinsby.ac.id/index.php/jrp/article/view/90>.
- Mumpuni, N. W. R. (2019) 'Sistem Kinerja Lembaga Legislatif Dalam Proses Policy-Making', *Literasi Hukum*, 3(2), pp. 18–37.
- Munandar, R. A., Sarong, M. A. and Edwarsyah (2018) 'Pengelolaan Perikanan Lobster (*Panulirus Sp.*) Dengan Metode Ecosystem Approach To Fisheries Management Di Kabupaten Simeulue', *Jurnal Perikanan Tropis*, 5(1), pp. 1–12.
- Nasirin, C. and Hermawan, D. (2017) 'Kontroversi Implementasi Kebijakan Penenggelaman Kapal Dalam Rangka Pemberantasan Illegal Fishing di Indonesia', *Spirit Publik*, 12(1), pp. 9–24.
- Nasution, Z. et al. (2018) 'Kesiapan Dan Penguatan Kelembagaan Masyarakat Dalam Mendukung Pengelolaan Program Restocking Lobster', *Jurnal Kebijakan Perikanan Indonesia*, 10(1), pp. 33–42. doi: 10.15578/jkpi.10.1.2018.33-42.
- Nugrohu, R. D. (2003) 'Kebijakan Publik Evaluasi, Implementasi, dan Evaluasi Bab II Landasan Teori', in *Kebijakan Publik Evaluasi, Implementasi, dan Evaluasi*. Jakarta: Elex Media Komputindo, pp. 23–38.
- Nurmandi, A. et al. (2018) 'To What Extent Is Social Media Used In City Government Policy Making? Case Studies In Three Asean Cities', *Public Policy and Administration*, 17(4), pp. 600–618. doi: 10.13165/VPA-18-17-4-08.
- Rady, D. Y. (2020) 'Pengaruh Sistem Hazard analysis Critical control point (HACCP) terhadap ekspor lobster Indonesia', *Journal of Chemical Information and Modeling*, 53(9), pp. 1689–1699.
- Sholikhati, N. I. and Mardikantoro, H. B. (2017) 'Analisis Tekstual dalam Konstruksi Wacana Berita Korupsi di Metro TV dan NET dalam Perspektif Analisis Wacana Kritis Norman Fairclough', *Seloka: Jurnal Pendidikan Bahasa dan Sastra Indonesia*, 6(2), pp. 123–129. Available at: <https://journal.unnes.ac.id/sju/index.php/seloka/article/view/17276>.
- Suwitri, S. (2014) 'MODUL 1 Konsep Dasar Kebijakan Publik', in *Analisis Kebijakan*

- Publik. Tenggara Selatan: Penerbit Universitas Terbuka, pp. 1–51. doi: <http://dx.doi.org/10.1016/j.atmosenv.2007.12.054>.
- Tamtomo, A. B. (2020) INFOGRAFIK: 5 Poin Pidato Visi Indonesia Jokowi, Kompas.com. Available at: <https://nasional.kompas.com/read/2019/07/15/17463351/infografik-5-poin-pidato-visi-indonesia-jokowi> (Accessed: 15 November 2020).
- Zamawe, F. C. (2015) 'The Implication Of Using Nvivo Software In Qualitative Data Analysis: Evidence-Based Reflections', *Malawi Medical Journal*, 27(1), pp. 13–15. doi: 10.4314/mmj.v27i1.4.
- Zulham, A. (2018) 'Kontruksi Sosial Dalam Membangun Bisnis Lobster Di Indonesia', *Jurnal Kebijakan Perikanan Indonesia*, 10(1), pp. 43–52.