

**ABSTRAK**

**ANALISIS PERTANGGUNGJAWABAN PIDANA PELAKU TURUT  
SERTA TINDAK PIDANA PERDAGANGAN BENIH BENING  
LOBSTER TANPA PERIZINAN BERUSAHA  
(Studi Putusan No: 796/Pid.Sus/2024/PN. Tjk)**

**Oleh**  
**Dean Ezekiel Surbakti**

Selama beberapa Tahun terakhir, benih bening lobster banyak ditangkap dan diperjualbelikan sebagai komoditas bernilai ekonomi tinggi. Kegiatan eksploitasi terhadap komoditas benih bening lobster yang dilakukan tanpa pengawasan dan perizinan tidak hanya menimbulkan kerugian ekonomi bagi negara tetapi juga mengancam kelestarian sumber daya alam perikanan. Permasalahan yang akan dibahas dalam penelitian ini adalah bagaimanakah pertanggungjawaban pidana bagi para pelaku turut serta melakukan tindak pidana perdagangan benih bening lobster tanpa perizinan berusaha dan apakah dasar pertimbangan hakim dalam menjatuhkan putusan pada perkara nomor 796/Pid.Sus/2024/PN Tjk di Pengadilan Negeri Tanjung Karang.

Penelitian ini menggunakan pendekatan yuridis normatif yang didukung dengan pendekatan empiris guna memperoleh gambaran yang menyeluruh mengenai permasalahan hukum. Narasumber dalam penelitian terdiri dari Hakim Pengadilan Negeri Tanjung Karang Kelas IA, Jaksa Penuntut Umum Kejaksaan Negeri Bandar Lampung, dan Dosen Bagian Hukum Pidana Fakultas Hukum Universitas Lampung. Data dikumpulkan melalui studi kepustakaan, kemudian dianalisis secara kualitatif.

Hasil penelitian dan pembahasan menunjukkan bahwa secara pertanggungjawaban pidana, para pelaku turut serta tindak pidana perdagangan benih bening lobster terbukti secara sah dan meyakinkan memenuhi unsur Pasal 92 *jo.* Pasal 26 Ayat (1) Undang-Undang Nomor 45 Tahun 2009 tentang Perubahan Atas Undang-Undang Nomor 31 Tahun 2004 tentang Perikanan sebagaimana telah diubah Undang-Undang Nomor 6 Tahun 2023 tentang Penetapan Peraturan Pemerintah Pengganti Undang-Undang Nomor 2 Tahun 2022 *jo.* Pasal 55 Ayat (1) ke-1 KUHP karena meliputi adanya perbuatan yang memenuhi rumusan tindak pidana (*actus reus*), adanya kesengajaan (*dolus*), kemampuan bertanggung jawab, dan tidak ditemukannya alasan pembenar maupun pemaaf yang dapat menghapuskan pertanggungjawaban. Pertimbangan hakim meliputi aspek yuridis dengan

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terpenuhinya unsur-unsur dari pasal yang didakwakan, aspek filosofis yang mencerminkan upaya mewujudkan keadilan dengan menjatuhkan pidana yang proporsional terhadap perbuatan para terdakwa, serta aspek sosiologis mempertimbangkan dampak perbuatan terhadap kelestarian sumber daya perikanan dan kepentingan masyarakat luas.

Saran dari hasil penelitian ini yaitu pentingnya peningkatan konsistensi dan ketegasan aparat penegak hukum dalam menangani tindak pidana perikanan, khususnya perdagangan benih bening lobster tanpa perizinan berusaha. Hakim diharapkan dapat mengintegrasikan pertimbangan yuridis, filosofis, dan sosiologis yang memperhatikan sisi ekologis dalam proses peradilan. Selain itu, diharapkan pemerintah, khususnya Kementerian Kelautan dan Perikanan, perlu mewujudkan kebijakan yang stabil dan konsisten dalam pengelolaan benih bening lobster. Dinamika kebijakan yang berubah-ubah dapat menimbulkan kebingungan di kalangan masyarakat perikanan, khususnya nelayan dan pelaku usaha kecil yang pada umumnya masih memiliki tingkat kesadaran dan pemahaman hukum yang rendah.

**Kata Kunci: Pertanggungjawaban Pidana, Tindak Pidana, Benih Bening Lobster, Perizinan Berusaha**

## **ABSTRACT**

### **ANALYSIS OF CRIMINAL LIABILITY OF PERPETRATORS PARTICIPATING IN THE CRIME OF TRAFFICKING IN LOBSTER CLEAR SEEDS WITHOUT A BUSINESS LICENSE**

**(Study of Decision No: 796/Pid.Sus/2024/PN. Tjk)**

**By**

**Dean Ezekiel Surbakti**

*Over the past few years, lobster clear seeds have been widely caught and traded as commodities of high economic value. Exploitation activities of lobster clear seed commodities carried out without supervision and licensing not only cause economic losses for the state but also threaten the preservation of fishery natural resources. The problem that will be discussed in this study is how to criminally responsible for the perpetrators who participate in the criminal act of trading clear lobster seeds without a business license and what is the basis for the judge's consideration in imposing a verdict in case number 796/Pid.Sus/2024/PN Tjk at the Tanjung Karang District Court.*

*This study uses a normative juridical approach supported by an empirical approach to obtain a comprehensive picture of legal problems. The resource persons in the study consisted of the Judge of the Tanjung Karang District Court Class IA, the Public Prosecutor of the Bandar Lampung District Attorney's Office, and the Lecturer of the Criminal Law Section of the Faculty of Law, University of Lampung. Data was collected through literature studies, then analyzed qualitatively.*

*The results of the research and discussion show that in terms of criminal liability, the perpetrators participated in the criminal act of trafficking in clear lobster seeds that were legally and convincingly proven to meet the elements of Article 92 jo. Article 26 Paragraph (1) of Law Number 45 of 2009 concerning Amendments to Law Number 31 of 2004 concerning Fisheries as amended by Law Number 6 of 2023 concerning the Stipulation of Government Regulations in Lieu of Law Number 2 of 2022 jo. Article 55 Paragraph (1) 1 of the Criminal Code because it includes the existence of acts that meet the formula of a criminal act (actus reus), the existence of intentionality (dolus), the ability to be responsible, and the absence of a justifiable reason or forgiveness that can eliminate responsibility. The judge's considerations include juridical aspects with the fulfillment of the elements of the indicted article, philosophical aspects that reflect efforts to realize justice by imposing proportionate penalties on the defendants' actions, and sociological*

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*aspects considering the impact of the act on the conservation of fishery resources and the interests of the wider community.*

*The suggestion from the results of this study is the importance of increasing the consistency and firmness of law enforcement officials in dealing with fisheries crimes, especially the trade in clear lobster seeds without a business license. Judges are expected to integrate juridical, philosophical, and sociological considerations that pay attention to the ecological side of the judicial process. In addition, it is hoped that the government, especially the Ministry of Maritime Affairs and Fisheries, needs to realize a stable and consistent policy in the management of clear lobster seeds. Changing policy dynamics can cause confusion among the fishing community, especially fishermen and small business actors who generally still have a low level of awareness and understanding of the law.*

**Keywords: Criminal Liability, Criminal Act, Clear Seeds Of Lobster, Business Licensing**