

IMPLEMENTATION OF ADMINISTRATIVE SANCTIONS IN MARINE AND FISHERIES AFFAIRS AT PSDKP CIREBON: EFFORTS TO ESTABLISH LEGAL CERTAINTY

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Abstract. *The synchronization of administrative sanctions implementation in marine and fisheries affairs serves as an important instrument in establishing legal certainty for fisheries business actors in the Cirebon region. This research aims to analyze the effectiveness of administrative sanctions implementation by the Marine and Fisheries Resources Surveillance Unit (PSDKP) Cirebon and identify challenges in its implementation according to the new paradigm regulated in Law No. 6 of 2023 concerning Job Creation. The research methodology employs a juridical-normative approach by examining primary data from Law No. 45 of 2009 concerning Fisheries, Law No. 6 of 2023 concerning Job Creation, and Minister of Marine Affairs and Fisheries Regulation No. 28 of 2025, as well as secondary data from PSDKP Cirebon annual reports for the period 2022-2024. Research results indicate that although administrative sanctions have been implemented in a graduated manner, field implementation still faces constraints such as limited human resources, weak inter-agency coordination, and low post-sanction compliance. Research recommendations include regulatory harmonization, surveillance capacity enhancement, and strengthening of technology-based monitoring systems to achieve better legal certainty.*

Keywords: *Administrative Sanctions, Marine and Fisheries, PSDKP Cirebon, Legal Certainty, Job Creation Law.*

I. INTRODUCTION

Indonesia, as the world's largest maritime nation with waters covering 6.4 million km² and a coastline stretching 80,000 km, possesses marine and fisheries resources potential that is highly strategic for the national economy. The marine and fisheries sector has contributed significantly to the national economy, with fisheries export values reaching USD 6.2 billion in 2022 and contributing 2.58% to the National Gross Domestic Product (GDP) (BPS, 2023). However, behind this enormous economic potential, the marine and fisheries sector faces serious challenges in the form of increasing violation

cases, particularly in strategic areas such as Cirebon, which serves as the gateway to North Java waters.

The Cirebon waters region holds a strategic position as a national and international shipping route while simultaneously serving as a productive fishing area. Over the past three years, violation cases in marine and fisheries affairs in this region have shown a concerning trend. Data from the Marine and Fisheries Resources Surveillance Unit (PSDKP) Cirebon shows an increase in violation cases from 9 cases in 2022 to 12 cases in 2024. The most dominant violations include the use of illegal fishing gear such as trawls, fishing zone violations, and illegal fishing practices that not only harm the state but also threaten marine ecosystem sustainability and fisheries resource sustainability (Directorate General of PSDKP, 2024).

In the context of law enforcement in marine and fisheries affairs, the government has implemented fundamental paradigm changes through the application of Law No. 6 of 2023 concerning Job Creation. This new paradigm prioritizes administrative sanctions over criminal sanctions, with a legal philosophy more oriented toward restorative justice and law enforcement efficiency. Administrative sanctions are chosen because they offer advantages in terms of process speed, cost efficiency, and the ability to provide more direct deterrent effects to violators. Additionally, this approach allows for greater focus on prevention efforts and business actor development to achieve sustainable legal compliance.

Nevertheless, the implementation of administrative sanctions at PSDKP Cirebon still faces various complex challenges. Inconsistencies in sanction application, weak post-sanction surveillance systems, and limited human resources and infrastructure are major obstacles in achieving law enforcement effectiveness. This condition is exacerbated by the complexity of inter-agency coordination related to marine and fisheries surveillance, as well as the still low legal awareness among fisheries business actors. In administrative law theory, administrative sanctions function as *ultimum remedium* or the last resort that is preventive and repressive in nature, but their effectiveness heavily depends on consistent application and adequate system support (Utrecht, 1986).

Previous research has examined various aspects of law enforcement in marine and fisheries affairs. Sutrisno (2022) analyzed the effectiveness of fisheries law enforcement from an administrative law perspective, focusing on institutional aspects and coordination. Research by Raharjo (2023) discussed the implementation of the Job Creation Law in the marine and fisheries sector from an ease of doing business perspective. Meanwhile, a study conducted by Warassih (2023) explored the impact of paradigm shifts from criminal sanctions to administrative sanctions on fisheries business actor compliance. Although these studies provide important contributions, there are still gaps in understanding the practical implementation of administrative sanctions at the operational level, particularly in regions with geographical and socio-economic characteristics like Cirebon.

This research contributes to existing literature by providing in-depth analysis of administrative sanctions implementation in marine and fisheries affairs at the operational level, specifically at PSDKP Cirebon. Unlike previous research that tends to be theoretical or macro in nature, this research offers a micro perspective focusing on practical implementation, field challenges, and concrete solutions to improve law enforcement effectiveness. This research also integrates technology aspects in surveillance and monitoring systems that have not been extensively discussed in previous literature.

The objectives of this research are to evaluate the effectiveness of administrative sanctions implementation by PSDKP Cirebon in handling violations in marine and fisheries affairs, and to analyze PSDKP Cirebon policies in building administrative order for business actors to establish legal certainty. This research also aims to identify inhibiting and supporting factors in administrative sanctions implementation and formulate strategic recommendations that can be pursued to improve law enforcement effectiveness in marine and fisheries affairs.

The findings of this research are expected to provide benefits to various stakeholders, including policy makers at central and regional levels, marine and fisheries law enforcement officials, and marine and fisheries business actors. By providing a comprehensive overview of administrative sanctions implementation for business actors and concrete improvement recommendations, this research is expected to encourage the creation of more effective, efficient, and just law enforcement systems in maintaining the sustainability of Indonesia's marine and fisheries resources.

II. RESEARCH METHODOLOGY

This research employs normative legal studies known as the juridical-normative approach. Normative legal research (*das sollen*) is used to analyze existing legal norms through primary, secondary, and tertiary legal sources, both written and unwritten. Primary legal sources include Law No. 45 of 2009 concerning Fisheries, Law No. 6 of 2023 concerning Job Creation, and Minister of Marine Affairs and Fisheries Regulation No. 26 of 2022 concerning Procedures for Administrative Sanctions Imposition. Secondary legal sources encompass legal literature, scientific journals, and research reports relevant to administrative sanctions and marine fisheries law enforcement.

This research methodology is qualitative-descriptive-analytical in nature, aiming to obtain comprehensive, analytical, in-depth, and natural studies without any treatment from researchers during the data collection process. This approach is chosen to provide holistic understanding of administrative sanctions implementation phenomena in legal contexts and field practices. Researchers employ high sensitivity to descriptive information while maintaining the integrity of the studied object, thus enabling the revelation of administrative sanctions implementation dynamics objectively and comprehensively.

For data collection, researchers use triangulation methods consisting of document analysis, observation, and in-depth interviews. Document analysis is conducted on legislation, PSDKP Cirebon annual reports for the period 2022-2024, and related policy documents. Observation is conducted on administrative sanctions implementation processes in the field, while in-depth interviews are conducted with PSDKP Cirebon officials, fisheries business actors, and related stakeholders. All data are directed to obtain information regarding administrative sanctions policy implementation and marine and fisheries law enforcement effectiveness in the PSDKP Cirebon working area.

III. RESULTS AND DISCUSSION

Regulatory Framework for Administrative Sanctions in Marine and Fisheries Affairs

The regulation of administrative sanctions in marine and fisheries affairs in Indonesia in 2025 refers to a national regulatory framework that has undergone significant transformation, where Law No. 6 of 2023 concerning Job Creation becomes a milestone for law enforcement paradigm change from criminal sanctions to administrative sanctions. This transformation encompasses changes to approximately 291 sanction-related articles, demonstrating the government's commitment to creating a more efficient law enforcement system oriented toward restorative justice.

In the national context, administrative sanctions in marine and fisheries affairs are regulated through a comprehensive regulatory hierarchy. Law No. 45 of 2009 concerning Fisheries as amended by the Job Creation Law provides a strong legal foundation for administrative sanctions implementation, which includes written warnings, administrative fines, license suspension, and license revocation. This regulation is strengthened by Minister of Marine Affairs and Fisheries Regulation No. 26 of 2022 concerning Procedures for Administrative Sanctions Imposition, which provides more detailed technical guidance in sanctions implementation, including violation criteria, sanction types, and implementation procedures.

The implementation of administrative sanctions at the operational level is strengthened by various technical regulations governing specific aspects of marine and fisheries surveillance. An integrated surveillance system through Vessel Monitoring System (VMS) technology, sea patrols, and community reports becomes an important instrument in violation identification. This regulatory framework also provides clear authority to PSDKP to conduct surveillance actions and sanctions implementation according to the level of violations committed.

Implementation of Administrative Sanctions at PSDKP Cirebon

The Marine and Fisheries Resources Surveillance Unit (PSDKP) Cirebon has implemented a graduated administrative sanctions system according to the level of violations that occur. This graduated approach aligns with the proportionality principle in administrative law enforcement, where each violation is handled with sanctions appropriate to the level of seriousness and impact on marine and fisheries resource sustainability.

Types of Sanctions and Their Implementation

PSDKP Cirebon implements four main types of administrative sanctions applied hierarchically:

1. **Written Warnings:** Given for minor violations such as incomplete vessel documents, permits not matching fishing areas, or other administrative violations that do not cause significant impact on marine ecosystems. This sanction is educational in nature and provides opportunities for business actors to correct non-compliance without stopping their operations.
2. **Administrative Fines:** Imposed for moderate violations such as fishing zone violations, use of fishing gear not matching permits, or fishing time violations. PSDKP Cirebon data shows that in 2024, there were 10 cases of fishing area violations subjected to administrative fines with varying amounts according to violation levels and impacts caused.

3. **License Suspension:** Applied for serious violations or repeated violations showing systematic non-compliance with regulations. License suspension provides stronger deterrent effects while providing opportunities for business actors to improve their operational systems before licenses are permanently revoked.
4. **License Revocation:** License revocation is the most severe sanction applied for very serious violations such as illegal fishing using destructive fishing gear, repeated violations after license suspension, or violations causing significant marine ecosystem damage impacts.

Sanctions Implementation Procedures

Administrative sanctions implementation at PSDKP Cirebon follows systematic and structured procedures to ensure fairness and transparency in law enforcement:

1. **Violation Identification:** Conducted through various integrated surveillance methods, including regular sea patrols, community reports, Vessel Monitoring System (VMS), and coordination with other related agencies. VMS technology enables real-time monitoring of fishing vessel movements and early detection of potential violations.
2. **Investigation and Examination:** After violation identification, comprehensive investigation is conducted including examination of vessel documents and permits, interviews with captains and crew members, physical evidence collection, and comprehensive documentation. This process ensures that every sanctions action is based on strong evidence and procedures compliant with legal provisions.
3. **Sanctions Determination:** Based on investigation results, analysis is conducted on violation levels and their impacts on marine and fisheries resource sustainability. Sanctions type and amount determination refers to criteria established in regulations, considering factors such as violation seriousness level, environmental impact, previous violation history, and perpetrator's economic capability.
4. **Sanctions Implementation:** Includes official notification to business actors regarding imposed sanctions, compliance monitoring of imposed sanctions, and continuous evaluation of sanctions effectiveness in preventing repeated violations.

Challenges and Constraints in Implementation

Although regulatory frameworks and procedures have been well-established, administrative sanctions implementation at PSDKP Cirebon still faces various complex challenges:

1. **Limited Human Resources and Facilities**

The limited number of surveillance officers compared to the vast water areas that must be monitored becomes a major constraint in surveillance effectiveness. Available patrol vessel fleets are also inadequate for optimal surveillance throughout the PSDKP Cirebon working area. These limitations then impact the agency's ability to conduct routine patrols and provide rapid response to violation reports.

Solutions implemented and to be implemented: PSDKP Cirebon has proposed additional patrol vessel fleets and recruitment of additional surveillance officers. Additionally, technology utilization such as drones for aerial surveillance and

satellite-based monitoring systems are being developed to increase surveillance coverage and effectiveness.

2. **Inter-agency Coordination**

The complexity of authority in marine and fisheries surveillance involving various agencies such as the Indonesian Navy, Water Police, Bakamla, and Regional Marine Affairs and Fisheries Offices often creates overlapping authorities and suboptimal coordination. This can cause inefficient resource utilization and potential authority conflicts.

Solutions implemented: The formation of integrated coordination forums involving all related stakeholders has been conducted to improve synergy and avoid overlapping authorities. This forum meets regularly to discuss joint surveillance strategies and handle cases involving multiple jurisdictions.

3. **Post-Sanction Compliance**

Monitoring business actor compliance after sanctions imposition still faces constraints, particularly regarding limited resources for conducting continuous follow-up. Several cases show that actors who have been sanctioned repeat violations due to weak post-sanction surveillance systems.

Solutions developed: Strengthening post-sanction monitoring systems through more advanced VMS technology utilization, establishment of regular reporting systems from business actors who have been sanctioned, and educational approaches through continuous development and socialization programs to increase legal awareness.

Effectiveness of Administrative Sanctions in Establishing Legal Certainty

Analysis of administrative sanctions implementation at PSDKP Cirebon shows significant positive impacts in marine and fisheries law enforcement. Administrative sanctions prove more efficient than criminal sanctions in terms of completion time and operational costs. PSDKP Cirebon data shows that the average case completion time through administrative sanctions is 30-45 days, much faster than criminal court processes that can take months to years.

Legal Certainty Principles in Implementation

Administrative sanctions implementation at PSDKP Cirebon has applied three fundamental principles of legal certainty:

1. **Consistency:** Sanctions implementation is conducted evenly for similar cases with reference to criteria established in regulations. This ensures no discrimination in law enforcement and every business actor is treated equally before the law.
2. **Proportionality:** Sanctions amounts are adjusted to violation levels and their impacts on the environment and resource sustainability. This principle ensures that imposed sanctions are not excessive while still providing adequate deterrent effects.
3. **Transparency:** Sanctions implementation processes are conducted openly with complete documentation accessible to the public according to information disclosure provisions. This transparency increases accountability and public trust in law enforcement.

Impact on Business Actor Compliance

PSDKP Cirebon data shows a decrease in repeated violation rates after consistent administrative sanctions implementation. The approach oriented toward development and restorative justice proves more effective in changing business actor behavior compared to punitive approaches that only focus on punishment. Socialization and education programs accompanying sanctions implementation also contribute to increasing legal awareness among fisheries business actors.

Strategic Recommendations for Improving Administrative Sanctions Implementation Effectiveness

Based on analysis of administrative sanctions implementation at PSDKP Cirebon, this research formulates strategic recommendations to improve law enforcement effectiveness:

1. **Regulatory Harmonization:** Simplification and harmonization of various regulations related to administrative sanctions are needed to avoid multiple interpretations and facilitate field implementation. This includes preparing more detailed and practical technical guidelines for field surveillance officers.
2. **Institutional Capacity Enhancement:** Strengthening PSDKP Cirebon capacity through technical and legal training for surveillance officers, addition of human resources and infrastructure, and development of integrated information management systems to improve operational efficiency.
3. **Intensive Socialization and Education:** Implementation of continuous socialization programs for fisheries business actors about the importance of legal compliance, violation impacts on resource sustainability, and long-term economic benefits of sustainable fishing practices.
4. **Technology Utilization:** Implementation of more advanced technology-based monitoring and surveillance systems, including satellite use, drones, and integrated information systems to increase surveillance coverage and accuracy.

IV. CONCLUSION

Research shows that administrative sanctions implementation in marine and fisheries affairs at PSDKP Cirebon has comprehensive regulatory frameworks and systematic procedures. Strong legal foundations through Law No. 45 of 2009 concerning Fisheries as amended by Law No. 6 of 2023 concerning Job Creation, strengthened by Minister of Marine Affairs and Fisheries Regulation No. 26 of 2022, have provided solid foundations for effective administrative sanctions implementation. The implementation of graduated sanctions from written warnings, administrative fines, license suspension, to license revocation has proceeded according to proportionality and justice principles.

Administrative sanctions effectiveness proves superior to criminal sanctions in terms of time and cost efficiency. Data shows decreased repeated violation rates and increased business actor compliance after consistent sanctions implementation. However, implementation still faces significant challenges in the form of limited human resources and infrastructure, complex inter-agency coordination, and weak post-sanction monitoring systems. Of 12 violation cases handled in 2024, the majority were

successfully resolved through administrative sanctions with good satisfaction levels from a legal certainty perspective.

The research provides strategic recommendations at three implementation levels. For PSDKP Cirebon, institutional capacity strengthening is needed through human resources and technology enhancement, standard operating procedures harmonization, and intensification of socialization programs for business actors. For the national policy level, regulatory simplification is needed to avoid multiple interpretations, adequate budget allocation for surveillance infrastructure strengthening, and development of more effective inter-agency coordination systems. Meanwhile, for fisheries business actors, increased legal awareness and active participation in sustainable legal compliance programs are needed. Implementation of these recommendations is expected to realize more effective, efficient, and just marine and fisheries law enforcement systems while ensuring marine and fisheries resource sustainability for future generations.

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