

## Legal Analysis of Criminal Law Enforcement of Sea Sand Export Violations in Indonesia Based on Justice Values (Study of Tanjungkarang District Court Decision No. 267/Pid.Sus/2019/PN Tjk)

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**Abstract.** *Violations of sea sand exports in Indonesia constitute an environmental crime with widespread impacts on the sustainability of marine ecosystems and the social justice of coastal communities. This study aims to analyze the enforcement of criminal law against violations of sea sand exports in Indonesia based on the value of justice, identify influencing factors, and identify obstacles and solutions to criminal law enforcement against violations of sea sand exports in Indonesia based on the value of justice. This research method uses normative legal research. The approaches employed are the statute approach and the conceptual approach. The data used are qualitative and the data sources are secondary. Data collection was conducted through literature review, while data analysis was conducted using descriptive analysis. The research results show that criminal law enforcement against violations of sea sand exports in Indonesia remains substantively weak. This is reflected in the Tanjungkarang District Court Decision Number 267/Pid.Sus/2019/PN Tjk, in which the defendant was found guilty of illegally exporting sea sand without a valid permit, but was only given a light sentence without considering the extent of the ecological damage caused. This decision does not reflect the application of the polluter pays principle and intergenerational justice as mandated by Philippe Sands' Environmental Law Theory. Furthermore, the lack of firmness in sentencing demonstrates the failure of the legal system to realize ecological and social justice for affected coastal communities. From the perspective of John Rawls's Theory of Justice, this condition indicates an unequal distribution of legal burdens and benefits that should protect the most vulnerable groups.*

**Keywords:** Criminal Law Enforcement; Sea Sand Exports; Violations.

## 1. Introduction

The use of sea sand as an export commodity raises serious environmental concerns. Uncontrolled sea sand mining has caused ecological damage such as coastal erosion, loss of coral reefs, and changes in ocean currents that threaten the lives of coastal communities and the sustainability of marine ecosystems. In the 1990s–2000s, Indonesia was a major supplier of sea sand for reclamation projects in neighboring countries like Singapore. However, large-scale exports have caused significant environmental damage.<sup>1</sup> The Indonesian government responded to this problem by issuing Decree of the Minister of Industry and Trade Number 117 of 2003, which expressly prohibits the export of sea sand. This prohibition aims to maintain environmental sustainability and protect the country's sovereign territory, including small islands in the outermost regions. This policy is in line with the spirit of Article 33 paragraph (3) of the 1945 Constitution of the Republic of Indonesia, which states that the land, water, and natural resources contained therein are controlled by the state for the prosperity of the people.<sup>2</sup>

Despite the export ban, illegal sea sand exports continue in various regions. These violations involve document falsification, bribery of officials, and exploitation of natural resources without official permits. This situation illustrates the gap between ideal legal regulations and actual practice, where legal regulations are not always consistently implemented.<sup>3</sup> One concrete example of this inequality can be seen in the criminal case of Tanjungkarang District Court Decision No. 267/Pid.Sus/2019/PN Tjk. The defendant in this case was the President Director of a company that exported sea sand to Singapore without official permission from the relevant authorities. Despite being sentenced to criminal penalties, the verdict drew criticism for its perceived lack of deterrence and failure to reflect substantive justice, particularly for the environment and coastal communities.<sup>4</sup>

Criminal law enforcement against perpetrators of illegal sea sand exports tends to rely on a legal-formalistic approach. The legal process focuses more on proving the formal elements of the crime without considering the ecological damage caused by the crime. This paradigm is inconsistent with the principles of ecological justice, which emphasize the importance of protecting the environment as an entity with the right to exist and thrive.<sup>5</sup> An ecological justice approach requires the legal system to position the environment as a subject that must be protected on an equal footing with humans. This concept is rooted in the principle of intergenerational justice, which guarantees that future generations have the right to a healthy and sustainable environment. In this context, the exploitation of sea sand that negatively impacts the environment is not only a violation of administrative or criminal law, but also a violation of the human rights of future generations.<sup>6</sup>

The reopening of sea sand exports through Government Regulation No. 26 of 2023 has sparked controversy among academics, environmentalists, and civil society. Many consider this policy a step backward in environmental protection due to the lack of a monitoring system, environmental audits, and strong sanctions for violations in marine resource exploration. The absence of a comprehensive ecological risk assessment means this regulation has the potential to repeat past mistakes that have harmed the state and its people.<sup>7</sup> The right to a good and healthy environment is a constitutional right guaranteed by Article 28H paragraph (1) of the 1945 Constitution. When resource exploitation is carried out in an exploitative manner and without the principle of caution, the state has failed to fulfill its obligation to protect these rights. Therefore, the existence of environmental criminal law is not merely a means of repression, but also an instrument for the protection of human rights and ecological social justice.<sup>8</sup>

## 2. Research Methods

The approach used in this research is a normative juridical approach. This approach uses a statute approach. This means that the researcher uses statutory regulations as the initial basis for the analysis.<sup>9</sup> This Legislative Approach is carried out by examining all Legislation related to the legal issue being studied.<sup>10</sup> Furthermore, in this research, the author also employed a conceptual approach. This conceptual approach is intended to analyze legal materials to understand the meanings contained within legal terms. This is done in an effort to derive new meanings from the terms studied, or to test these legal terms in theory and practice.<sup>11</sup>

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<sup>1</sup>Giyarsih, S. R. (2017). Kerusakan Lingkungan Akibat Penambangan Pasir Laut di Indonesia. *Jurnal Sosiologi*, Universitas Gadjah Mada, 3(2), p. 145–160

<sup>2</sup>Haris, S. (2020). *Pengelolaan Sumber Daya Alam dan Keadilan Ekologis*. Jakarta: Prenada Media.

<sup>3</sup>Erwiningsih, E. (2019). Penegakan Hukum Lingkungan dan Problem Gap Das Sollen dan Das Sein. *Jurnal Yustisia*, 8(1), p. 35–47.

<sup>4</sup>Decision of the Tanjungkarang District Court No. 267/Pid.Sus/2019/PN Tjk.

<sup>5</sup>Lubis, A. M. (2021). Ekologi dan Hukum: Telaah Kritis terhadap Penegakan Hukum Lingkungan di Indonesia. *Jurnal Hukum Lingkungan*, 13(1), p. 27–39

<sup>6</sup>Wijaya, A. (2020). Intergenerational Justice dalam Konstitusi: Perlindungan Lingkungan Hidup dalam Perspektif Hak Asasi Manusia. *Jurnal Konstitusi*, 17(3), p. 519–540.

<sup>7</sup>Satria, A., & Prasetyo, E. (2023). Kebijakan Ekspor Pasir Laut: Tinjauan Lingkungan dan Keadilan Sosial. *Jurnal Hukum & Kebijakan Publik*, 5(2), p. 211–229.

<sup>8</sup>Wahyudi, T. (2022). *Hukum Pidana Lingkungan: Konsep, Prinsip, dan Implementasinya di Indonesia*. Bandung: Refika Aditama.

<sup>9</sup>Mukti Fajar & Yulianto Achmad, (2015), *Dualisme Penelitian Hukum Normatif dan Empiris*, Cetakan Ke-3, Yogyakarta : Pustaka Pelajar, p.185

<sup>10</sup>*Ibid.*, p. 186

<sup>11</sup>Hajar M, (2015), *Model-Model Pendekatan Dalam Penelitian Hukum dan Fiqh*, Pekanbaru : UIN Suska Riau, p. 41

### 3. Results and Discussion

#### 3.1. Criminal Law Enforcement for Sea Sand Export Violations in Indonesia is Based on the Value of Justice

Enforcing criminal law against violations of sea sand exports in Indonesia is one of the state's efforts to protect natural resources, maintain the sustainability of coastal ecosystems, and uphold the principle of justice. Sea sand is a strategic resource with high economic value, but its uncontrolled exploitation, particularly through illegal exports, has caused significant environmental damage. In this context, criminal law should function not only as a repressive tool but also as a preventive and corrective instrument to ensure that environmental violations are not simply ignored. Environmental criminal law has special characteristics because it concerns the rights of future generations and ecological sustainability, which cannot be replaced by financial compensation alone. Environmental damage from sea sand exploitation can lead to coastal abrasion, decreased marine productivity, and even the loss of marine biota habitats that are vital to the balance of coastal ecosystems.

The practice of illegal sea sand exports, conducted without official permits, legal environmental documents, and through smuggling, has threatened the sustainability of Indonesia's marine ecosystem. This crime has a direct impact on environmental damage, reduced marine biodiversity, coastal erosion, and the loss of livelihoods for fishing communities. This research shows that despite the government's implementation of various strict regulations, violations of sea sand exports continue to occur systematically. This not only reflects weaknesses in law enforcement but also demonstrates the inequality in achieving justice for coastal communities and the environment as affected entities.

According to Satjipto Rahardjo's theory of justice, this theory emphasizes that law should not only regulate formal procedures but also address the demands of society's substantive sense of justice. Living law is law that adapts to social realities, not merely a rigid normative text.<sup>12</sup>In the context of illegal sea sand exports, overly formalistic law enforcement often fails to deliver ecological and social justice because it only focuses on administrative aspects without considering the collective losses incurred.

John Rawls' theory of justice also emphasizes that the principle of justice should provide the greatest benefit to those who are least fortunate in society.<sup>13</sup>In the

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<sup>12</sup>Rahardjo, Satjipto. (2006). *Hukum Progresif: Hukum untuk Manusia*. Jakarta: Kompas.

<sup>13</sup>Stone, Christopher D. (1972). "Should Trees Have Standing? Toward Legal Rights for Natural Objects." *Southern California Law Review*, Vol. 45.

case of sea sand exports, coastal communities are the most impacted groups and should receive priority in legal protection and environmental policies.

Violations against the sea and its ecosystem must be viewed as violations against entities that have the same moral and legal standing as humans. Therefore, the crime of exporting sea sand cannot be viewed as a mere administrative violation, but rather as an extraordinary crime requiring an extraordinary legal response.

Criminal law enforcement also requires social legitimacy from the community as a form of acceptance of a just legal system. If the public perceives sanctions against perpetrators of environmental crimes as too lenient, trust in the legal system will decline drastically. As Soetandyo Wignjosebroto points out, law is not merely a normative system but also a social system influenced by societal values and perceptions. Therefore, the role of coastal communities in monitoring and reporting illegal sand mining practices is also an important part of creating just law enforcement.

Based on the Tanjungkarang District Court Decision Number 267/Pid.Sus/2019/PN Tjk, the defendant was proven to have illegally exported sea sand without fulfilling environmental requirements as stipulated in Law No. 32 of 2009. However, the decision only gave a light sentence that did not reflect the ecological losses and state losses incurred.<sup>14</sup>An analysis of this decision shows that the judge failed to consider the values of substantive justice, ecological justice, and intergenerational justice. This demonstrates that our legal system remains trapped in a legalistic paradigm and is unresponsive to the challenges of environmental degradation.

Critical legal theory also provides a framework for understanding why environmental laws often fail to provide maximum protection. According to Duncan Kennedy, laws are often designed to maintain existing power structures and are not neutral toward social conflict.<sup>15</sup>In cases of sea sand exports, the perpetrators are generally large capital owners or corporations, while the victims are marginalized communities such as traditional fishermen. Therefore, reforms to environmental criminal law must be directed at defending vulnerable groups and dismantling discriminatory legal structures.

Law enforcement in sea sand export cases faces complex structural challenges. One of these is inconsistent regulations between the central and regional governments, which often give rise to conflicts of authority and legal loopholes

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<sup>14</sup>Decision of the Tanjungkarang District Court No. 267/Pid.Sus/2019/PN Tjk.

<sup>15</sup>Kennedy, Duncan. (1982). "Legal Education and the Reproduction of Hierarchy." *Journal of Legal Education*, Vol. 32.

that perpetrators can exploit.<sup>16</sup> Furthermore, the low integrity and capacity of law enforcement officers also weakens effective law enforcement. Many cases are not followed up or even dropped due to a lack of administrative evidence, even though ecological damage has clearly occurred. In this regard, the law enforcement approach proposed by Kelling and Moore should be developed into an integrated strategy involving intersectoral collaboration, the use of marine surveillance technology, and the involvement of coastal communities as the frontline in reporting violations.

In terms of implementation, a restorative justice approach should be considered to complement traditional sentencing mechanisms. This concept prioritizes reparation for the harm suffered by victims and communities, as well as environmental restoration efforts.<sup>17</sup> For example, fines paid by perpetrators of environmental crimes can be used for ecosystem rehabilitation activities and empowerment of affected coastal communities.

From a legal perspective, law enforcement against sea sand exports is regulated by various regulations, such as Law No. 32 of 2009 concerning Environmental Protection and Management, Law No. 1 of 2014 concerning Coastal Area Management, and Government Regulation No. 26 of 2023 concerning Management of Marine Sedimentation Products. However, the effectiveness of these regulations depends heavily on the commitment of implementing agencies and the synergy between the central and regional governments. This demonstrates the weak oversight system in small ports and border waters, which serve as the primary entry points for illegal sea sand exports.

The law should favor vulnerable groups, including coastal communities, who are often victims of natural resource exploitation by those in power. More than 60% of fishermen in marine sand mining areas have experienced a drastic decline in catches and even lost their livelihoods due to abrasion and coral reef damage.<sup>18</sup> Law enforcement that does not pay attention to these aspects is a form of structural injustice that must be corrected.

Based on the above, the author argues that Tanjungkarang District Court Decision No. 267/Pid.Sus/2019/PN.Tjk does not reflect substantive justice or ecological justice. The light sentences imposed on perpetrators of illegal sea sand exports not only fail to deter them but also ignore the suffering of coastal communities and the threat of long-term environmental damage. Future law enforcement must be

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<sup>16</sup>Budiman, F. (2019). "Perdagangan Pasir Laut: Antara Regulasi dan Kenyataan." *Jurnal Hukum Maritim*, Vol. 5(2).

<sup>17</sup>Zehr, Howard. (2002). *The Little Book of Restorative Justice*. Good Books.

<sup>18</sup>Lestari, I. & Aditama, Y. (2022). "Kerusakan Lingkungan Akibat Tambang Pasir Laut di Kepulauan Riau." *Jurnal Sosial Pesisir*, Vol. 8(3).

implemented with a new paradigm that combines a progressive legal approach, ecological justice, and robust and participatory institutional reform.

### **3.2. Factors Influencing Violations of Sea Sand Exports in Indonesia Based on Justice Values**

Violations of marine sand exports in Indonesia do not occur in a vacuum, but are influenced by various interrelated, multidimensional factors. These factors include economic, institutional, regulatory, political, and public legal awareness aspects. Understanding these factors is crucial for criminal law enforcement strategies to be not only repressive, but also preventative and transformative.

Economic factors are a key driver. Sea sand has a high selling value on the international market, particularly for reclamation purposes in neighboring countries like Singapore. High demand and the potential for substantial profits encourage businesses to engage in illegal exports to gain quick profits, even though they violate the law. As Sembiring explained, the massive extraction of sea sand occurs due to the significant economic disparity between importing countries and Indonesia's impoverished and economically vulnerable coastal areas. This situation is further exacerbated by weak controls over distribution and export permits, allowing loopholes for systematic abuse to be exploited.<sup>19</sup>

Institutional factors also play a significant role. Indecisive oversight, weak human resource capacity in environmental and customs regulatory agencies, and minimal synergy between institutions such as the Ministry of Maritime Affairs and Fisheries, the Ministry of Environment and Forestry, and Customs and Excise contribute to weak law enforcement. In many cases, inter-agency coordination is slow, overlapping, or even undermining each other's authority. This aligns with Satjipto Rahardjo's law enforcement theory, which emphasizes the importance of structural aspects for successful law enforcement.

Regulatory factors also play a significant role in creating room for violations. There are inconsistencies between central and regional regulations, unclear licensing procedures, and legal loopholes in monitoring the export of marine sediment products. These inconsistencies make it difficult for law enforcement officials to take firm action against violations, as the legal basis is often open to multiple interpretations. According to Sihombing, overlapping regulations between the maritime and trade sectors lead to weak control over export

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<sup>19</sup>Sembiring, R. (2022). "Ekonomi Politik Sumber Daya Alam dan Perdagangan Pasir Laut di Indonesia." *Jurnal Ilmu Sosial Maritim*, Vol. 5 No. 2, p. 112–129.



activities.<sup>20</sup>Regulatory uncertainty reduces the impetus for fair and effective law enforcement.

Political factors and corruption also cannot be ignored. In practice, many violations of illegal sea sand exports involve local residents with powerful relationships with regional officials, including in permit issuance, supervision, and enforcement. Transactional licensing policies and a bias toward investors' interests lead to a disregard for the principles of ecological justice and environmental sustainability. This demonstrates a legal culture that is permissive of environmental violations. Prasetyo's opinion asserts that the existence of "clientelism" within the local bureaucracy is a major obstacle to strengthening the environmental legal system.

Public legal awareness, particularly in coastal areas, also contributes to the high rate of violations. Many local communities lack a thorough understanding of the long-term impacts of sea sand mining. As a result, they resist and even engage in illegal mining activities, considering them a source of income. According to Wibisono, a legalistic approach to communities without participatory education will only strengthen resistance to the law and widen the scope for violations.<sup>21</sup>

The addition of surveillance technologies such as ship monitoring systems and satellite surveillance has not been evenly distributed across Indonesia. This has compromised the government's ability to prevent violations in remote waters. According to a study by Lestari and Ahmad, a lack of budget and technical personnel means that technology-based surveillance systems are only effective in large ports.

According to Sands, environmental law is not only aimed at regulating and punishing, but also at preventing environmental damage through the precautionary principle, the polluter pays principle, and the principle of sustainable development.<sup>22</sup>These principles require states to be responsible for preventing and addressing all forms of environmental damage seriously and systematically. In the context of marine sand export violations, states have a responsibility not only to prosecute the perpetrators but also to eliminate the structural factors that allow the violations to occur.

Within the framework of environmental law theory, the state is obliged to apply the precautionary principle to all natural resource exploitation activities, including sea sand. When sea sand extraction is carried out without an adequate

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<sup>20</sup>Sihombing, D. (2021). "Tumpang Tindih Regulasi dalam Ekspor Pasir Laut: Telaah Yuridis dan Praktis." *Jurnal Legislasi Indonesia*, Vol. 18 No. 3, p. 201–215.

<sup>21</sup>Wibisono, M. (2021). "Kesadaran Hukum Masyarakat Pesisir dan Penegakan Hukum Lingkungan." *Jurnal Pembangunan Hukum*, Vol. 11 No. 2, p. 143–159.

<sup>22</sup>Sands, Philippe. (2012). *Principles of International Environmental Law*, 3rd ed. Cambridge: Cambridge University Press.



environmental impact analysis (EIA), without legal permits, or without transparent oversight, the state has failed to fulfill this principle. Furthermore, if the perpetrator is not subject to compensation or responsibility for remediation, the polluter pays principle is ignored. This reflects a violation not only of national legal norms but also of universal values of environmental protection.

Violations of sea sand exports must be viewed as a structural problem that requires a comprehensive and just legal response. Every factor that drives violations cannot be separated from the state's responsibility to guarantee the right to a good and healthy environment as mandated in Article 28H paragraph (1) of the 1945 Constitution.

### **3.3. Obstacles and Solutions to Criminal Law Enforcement of Sea Sand Export Violations in Indonesia Based on Justice Values**

Criminal law enforcement against violations of sea sand exports in Indonesia is not only a manifestation of the state's obligation to uphold the rule of law, but also an integral part of protecting the rights of communities and ecosystems. From the perspective of Soerjono Soekanto's law enforcement theory, legal effectiveness is largely determined by three main components: legal structure, legal substance, and legal culture. All three must work hand in hand for the law to be optimally enforced and reflect the values of substantive justice.

Obstacles to criminal law enforcement against illegal sea sand exports can be categorized as structural, instrumental, and cultural. Structurally, there is still overlapping authority between institutions such as the Ministry of Environment and Forestry, the Directorate General of Customs and Excise, the National Police, and local governments. The lack of data integration and the absence of a centralized monitoring system make it difficult to detect and respond promptly to violations at sea.<sup>23</sup> Law enforcement is also hampered by weak political will at both the central and regional levels. Many regional heads are reluctant to take firm action in handling environmental cases due to pressure from large business players who are political donors or part of powerful networks.<sup>24</sup>

From a legal substance perspective, obstacles arise from disharmony in existing regulations. Regulations governing sea sand exports are often inconsistent between central and regional regulations, leading to multiple interpretations. Overlapping provisions between Law No. 32 of 2009 concerning Environmental Protection and Management, Law No. 32 of 2014 concerning Maritime Affairs, and

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<sup>23</sup>Sulistiyono, A. (2018). "Tantangan Penegakan Hukum Lingkungan Hidup di Indonesia." *Jurnal Hukum dan Lingkungan*, Vol. 4.

<sup>24</sup>Nurhasanah, I. (2021). "Kesiapan Teknologi Pengawasan Laut di Indonesia." *Maritime Law Journal*, Vol. 9(1).

trade regulations render law enforcement ineffective due to loopholes that can be exploited by business actors. This situation undermines legal certainty and makes it difficult to consistently apply criminal and administrative sanctions.

From a legal structural perspective, obstacles lie in overlapping authorities among law enforcement agencies, such as the Ministry of Environment and Forestry, the Directorate General of Customs and Excise, the National Police, and local governments. The lack of an integrated maritime surveillance system makes it difficult to detect and promptly prosecute violations. Furthermore, limited legal resources, both in terms of personnel, technical capacity, and monitoring facilities, further weaken the effectiveness of law enforcement. As a result, inter-agency coordination is weak and often partial.

Meanwhile, from a legal culture perspective, obstacles arise from weak political will at both the central and regional levels. Many regional heads are reluctant to take a firm stance in addressing environmental issues due to pressure from large businesses with political and economic influence. A culture of political patronage, practices of corruption, collusion, and nepotism (KKN), and low legal awareness among coastal communities exacerbate this situation. Communities still view sea sand exploitation as an economic resource without considering the long-term ecological impacts. This legal culture factor hinders the implementation of regulations and the functioning of institutions.<sup>25</sup>

Instrumentally, surveillance technologies such as VMS and AIS have not been optimally utilized, particularly in remote coastal areas. This is exacerbated by a lack of human resources familiar with modern surveillance technology and low budget allocations for surveillance patrols.<sup>26</sup> In the digital era, law enforcement approaches should utilize big data analytics and artificial intelligence to identify patterns of violations. However, the implementation of this advanced technology is still far from expectations.

Cultural barriers are equally important. Low public legal awareness and a permissive culture toward environmental violations make criminal law seem to lack moral legitimacy in the eyes of the public. Some people consider sand mining a legitimate livelihood because it has been going on for a long time, even though it is unlicensed and causes environmental damage. In fact, in a number of areas, illegal mining is carried out openly with the knowledge of law enforcement officers who also profit from this practice.

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<sup>25</sup>Safitri, M. A. (2012). Politik hukum sumber daya alam: antara sentralisasi dan desentralisasi. *Jurnal Hukum & Pembangunan*, 42(3), 389–407.

<sup>26</sup>Zainal, M. & Hafidz, M. (2021). "Kolusi dan Konflik Kepentingan dalam Penegakan Hukum Lingkungan Daerah." *Jurnal Integritas Hukum*, Vol. 6.

This situation reflects what Satjipto Rahardjo calls a law "under pressure from an unjust social structure." This means that even if the law is well-formulated, when it enters into unequal social relations, the law becomes blunt and loses its function as a tool of justice. This reinforces the urgency of implementing criminal law enforcement that is progressive and oriented toward substantive justice.

A comparative study of sea sand export regulations highlighting two major countries in Southeast Asia: Indonesia and Singapore, namely:

#### 1) Indonesia

Since the early 2000s, Indonesia has taken a restrictive stance on sea sand exports.

- a. Prohibition Policy: In 2003, Indonesia issued Decree of the Minister of Industry and Trade No. 117/MPP/Kep/2/2003 which expressly prohibited the export of sea sand, mainly due to the damage to coastal and small island environments caused by mining.
- b. Environmental Legal Basis: This prohibition is reinforced by Law No. 32 of 2009 concerning Environmental Protection and Management and Law No. 27 of 2007 concerning Management of Coastal Areas and Small Islands.
- c. Latest Policy: In 2023, Indonesia reopened sea sand exports through Government Regulation No. 26 of 2023, with the requirement that only sand from dredging to maintain shipping lanes be exported, not new exploitation. However, this regulation has drawn criticism as it is considered contrary to ecological protection commitments.

#### 2) Singapore

Singapore is a country with high demand for sea sand for land reclamation.

- a. Sand Sources: In the 1970s–1990s, Singapore imported a lot of sand from Indonesia, Malaysia, and Cambodia.
- b. Impact of Indonesian Regulations: After Indonesia banned sea sand exports in 2003, Singapore followed suit, followed by Malaysia and Vietnam. Malaysia then also banned sea sand exports in 2018 for environmental reasons.
- c. National Policy: Singapore does not have a ban on sea sand imports; instead, it encourages diversification of import sources and the development of alternative reclamation technologies (e.g., the polder system on Pulau Tekong).

Solutions to overcome these obstacles must be comprehensive, including:

- 1) First, harmonization of central and regional regulations is needed to avoid conflicts of authority and create legal certainty.
- 2) Second, there is a need to revitalize the role of law enforcement agencies by improving human resource capacity and institutional integrity. Integrated training on environmental law should be provided to law enforcement officers on a regular basis.
- 3) Third, the whistleblower system needs to be strengthened so that the public has the courage to report violations without fear of criminalization or political pressure.
- 4) Fourth, community empowerment through a participatory approach can be key to effective environmental monitoring. Strengthening the capacity of local communities to detect illegal coastal activities has been proven to reduce environmental damage and increase collaboration between communities and law enforcement.<sup>27</sup>
- 5) Fifth, special environmental courts are needed in strategic areas where violations are frequent. These courts would not only prosecute perpetrators but also assess ecological damage and determine concrete remedial measures.
- 6) Sixth, international cooperation is needed with destination countries for illegal sea sand exports, such as Singapore and Malaysia, to establish a mechanism for shared responsibility and cross-border law enforcement.
- 7) Seventh, environmental criminal law enforcement must be based on the principle of responsive law enforcement, namely, law as an instrument of social engineering and justice, not merely a rigid text. This principle aligns with the views of Philippe Nonet and Philip Selznick, who state that law must be adaptive and responsive to societal values and the needs of the times.<sup>28</sup> Therefore, the success of law enforcement is not only measured by the number of cases processed, but by how much the law can prevent damage and restore damaged ecosystems.

Criminal law enforcement against sea sand exports must be oriented toward ecological justice and sustainability. Criminal law should not be merely a tool for

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<sup>27</sup>Soekanto, S. (1983). *Faktor-faktor yang Mempengaruhi Penegakan Hukum*. Jakarta: RajaGrafindo Persada.

<sup>28</sup>Nonet, P., & Selznick, P. (2001). *Law and Society in Transition: Toward Responsive Law*. New York: Harper & Row.

revenge against perpetrators, but also a means of structural correction and protection for the rights of the environment and future generations. The application of law enforcement theory, supported by the justice and Rahardjo approach, is crucial to realizing a legal system that is not only formally just, but also substantively and ecologically just.

#### 4. Conclusion

Based on the value of justice, violations of sea sand exports in Indonesia can be concluded that law enforcement in this area is still suboptimal. Normatively, existing laws and regulations provide a strong legal basis for prosecuting perpetrators of illegal sea sand exports, such as Law No. 32 of 2009 concerning Environmental Protection and Management and Law No. 17 of 2006 concerning Customs. However, implementation in the field demonstrates the law's continued weak effectiveness, both in terms of substance, structure, and legal culture. Criminal law enforcement in sea sand export cases remains formalistic and does not fully reflect substantive justice and ecological equity. Court decisions, such as those in Tanjungkarang District Court case No. 267/Pid.Sus/2019/PN Tjk, demonstrate that perpetrators are only given light sanctions without considering the ecological damage caused or its impact on coastal communities. This contradicts the principles of justice as articulated by John Rawls and the progressive legal concept of Satjipto Rahardjo. Thus, the criminal law enforcement system for violations of sea sand exports needs to be reformed so that it can function not only as a deterrent, but also as a means of ecological restoration and protection of the rights of the community and future generations.

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