

## Implementation Of Fisheries Commodity Shipments From Ambon By The Company

### Pelaksanaan Pengiriman Komoditas Perikanan Dari Ambon Oleh Perusahaan

Agusnal Fitriilus Hakim <sup>1)</sup>; Nur Handayati <sup>2)</sup>; Wahyu Prawesthi <sup>3)</sup>; Subekti <sup>4)</sup>; Bachrul Amiq <sup>5)</sup>  
<sup>1,2,3,4,5)</sup>Universitas Dr. Soetomo Surabaya, East Java, Indonesia  
E-mail: <sup>1)</sup>[agusney321@gmail.com](mailto:agusney321@gmail.com)

#### ARTICLE HISTORY

Received [24 Februari 2026]

Revised [31 Maret 2026]

Accepted [02 April 2026]

#### KEYWORDS

Juridical Analysis, Shipment Compliance, Fishery Commodities.

This is an open access article under the [CC-BY-SA](https://creativecommons.org/licenses/by-sa/4.0/) license



#### ABSTRAK

Sektor perikanan memiliki peran strategis dalam pembangunan ekonomi Indonesia sebagai negara kepulauan dengan kekayaan sumber daya laut yang melimpah. Selain sebagai sumber pangan, sektor ini juga menjadi komoditas ekspor unggulan yang berkontribusi terhadap devisa negara. Undang-Undang No. 31 Tahun 2004 mengatur bahwa setiap usaha perikanan wajib memiliki izin, dan setiap pengangkutan hasil perikanan harus dilengkapi dokumen sah seperti SKAI dan sertifikat karantina. Namun, praktik di lapangan masih menunjukkan pelanggaran terhadap ketentuan tersebut, seperti pengiriman ikan tanpa dokumen lengkap dan tidak melalui pelabuhan pangkalan resmi. Kasus-kasus di Ambon menunjukkan bahwa pengiriman sering dilakukan tergesa-gesa demi jadwal ekspor, sehingga aspek legalitas terabaikan. Kondisi ini diperburuk oleh lemahnya pengawasan, keterbatasan SDM terawas, dan adanya penyalahgunaan wewenang. Akibatnya, negara berpotensi mengalami kerugian dari sisi penerimaan dan reputasi ekspor. Dari sisi hukum pidana, pelanggaran tersebut dapat dijerat Pasal 93 UU No. 31 Tahun 2004, dengan ancaman pidana hingga 6 tahun dan denda Rp 2 miliar. Meski sanksi administratif dan pidana tersedia, implementasinya masih menghadapi tantangan dalam penegakan dan kepastian hukum.

#### ABSTRACT

The fisheries sector plays a strategic role in Indonesia's economic development as an archipelagic country with abundant marine resources. In addition to being a source of food, this sector is also a leading export commodity that contributes to the country's foreign exchange. Law No. 31 of 2004 stipulates that every fishing business must have a permit, and every shipment of fishery products must be accompanied by valid documents such as SKAI and quarantine certificates. However, practices in the field still show violations of these provisions, such as the shipment of fish without complete documents and not through official ports of call. Cases in Ambon show that shipments are often made in a hurry to meet export schedules, resulting in the neglect of legal aspects. This condition is exacerbated by weak supervision, limited supervisory human resources, and abuse of authority. As a result, the country stands to lose in terms of revenue and export reputation. From a criminal law perspective, such violations are punishable under Article 93 of Law No. 31 of 2004, with a maximum penalty of 6 years imprisonment and a fine of Rp 2 billion. Although administrative and criminal sanctions are available, their implementation still faces challenges in terms of enforcement and legal certainty.

## INTRODUCTION

According to the study participants' demographics, the business sector is made up of a variety of sectors, with technology-related ventures accounting for 10.71%, manufacturing companies for 14.29%, creative industries for 13.10% agricultural businesses for 30.95%, and education-related businesses for 5.95%. These figures demonstrate the diversity of the entrepreneurial landscape (Bernardus et al., 2024). For example, in other sectors in Indonesia's increasingly digitized marketplace, the premium vape industry presents a unique setting for such research due to its niche market dynamics, regulatory scrutiny, and experiential product orientation. The empirical R<sup>2</sup> value of 0.264 for Customer Equity implies that SMMAs meaningfully explain how consumers perceive long-term brand value, reinforcing the necessity for digital marketing strategies that combine informative, affective, and community-driven content (Brumadyadisty et al., 2025).

Ambon occupies a strategic position in the Eastern Indonesian maritime corridor and has been designated as a key hub in the National Fish Barn (LIN) policy. The city plays a central role as a logistics and processing center for fishery products in the national supply chain. However, despite this strategic position, there is still a gap between normative legal constructs and the practices carried out by fishery export companies. The shipment of fishery commodities involves a series of activities that encompass legal, administrative, technical, and logistical aspects in the process of transporting marine products such as fish, shrimp, and processed products, both domestically and to export markets. In Indonesia, particularly in strategic areas such as Ambon, these activities not only support the national economic

system, but are also an instrument of marine food security policy and sustainable marine resource management (Hopkins et al., 2024).

In connection with the primary objective of conducting a business or commercial activity, namely, to seek profit, business operations are often carried out in ways that are improper or, in other words, not in accordance with the mandates set forth in Article 33 of the 1945 Constitution, which concerns the development of the national economy. The frequent occurrence of such non-compliance has, in essence, become the rationale for the enactment of Law Number 5 of 1999 concerning the Prohibition of Monopolistic Practices and Unfair Business Competition (hereinafter referred to as Law No. 5 of 1999). The promulgation of this law has resulted in a legal framework that regulates the prohibition of business practices that are inconsistent with regulations and may be detrimental to the public (Alfiana et al., 2024).

Compliance with legal aspects is a fundamental element in the implementation of these shipments. Every distribution activity must follow national regulations, such as Law Number 31 of 2004 concerning Fisheries, which has been amended by Law Number 45 of 2009, Government Regulation Number 27 of 2021, and technical provisions from the Minister of Maritime Affairs and Fisheries Regulation concerning catch certification. Only legal entities or cooperatives that have official permits, Fishing Permits (SIP), and standard-compliant cold chain facilities are allowed to carry out shipping activities (Chumaida et al., 2025).

Sutanto's research found that service innovation has a positive and significant impact on marketing performance, which is the basis for product innovation and competitive advantage (Sutanto et al., 2024). Operationally, fisheries logistics involves various stages ranging from post-harvest handling such as storage, cooling, and sorting to the distribution process to export ports or regional logistics centers. All shipments must also undergo quarantine procedures and obtain quality certification from the competent authorities. In Ambon, as the center of LIN, the availability of infrastructure such as ports, cold storage, and sea transportation routes is a key prerequisite for ensuring the effectiveness of distribution and the quality of fishery products (Fauzan & Ariyandani, 2024).

The implementation of shipments requires complex inter-agency coordination. The Ministry of Maritime Affairs and Fisheries (KKP), the Fish Quarantine Agency, local governments through maritime agencies, and port authorities such as harbor masters have roles in supervision and facilitation. The lack of synchronization between central regulations and practices in the regions often leads to administrative violations and institutional jurisdictional conflicts, resulting in weak legal compliance (Chumaida et al., 2025).

Implementation in the field also faces serious challenges, such as weak law enforcement against businesses that do not meet administrative requirements or violate export procedures, rampant document manipulation, and the dominance of large companies that ignore the principles of sustainability and fair distribution. In addition, the capacity of human resources at the local level in terms of supervision and legal understanding is still low, which exacerbates the situation (Jaya et al., 2025).

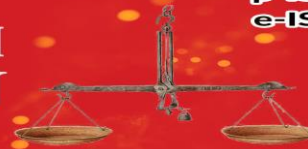
Various provisions in national maritime law, fisheries law, and the regional autonomy framework have been designed to ensure sustainability, compliance, and fair economic distribution. However, procedural violations, weak transparency, and fragmentation in law enforcement continue to occur. This phenomenon is clearly seen in Ambon, where local institutional capacity has not been able to balance the dominance of central norms. This situation threatens the sustainability of marine resources and reduces legal certainty and the legitimacy of maritime sector governance (Hopkins et al., 2024).

The gap in scientific literature is evident in the lack of normative legal evaluations that specifically address the intersection between logistics regulations, the implementation of regional autonomy, and the governance of fishery commodities in Eastern Indonesia. Most previous studies have focused on economic and ecological aspects, but few have examined the normative coherence and effectiveness of law enforcement in the fisheries logistics distribution chain as a whole (Kadfak et al., 2025; Skerritt, 2024). Therefore, this study aims to fill this gap.

This study examines the legal structure governing the shipment of fishery commodities in Ambon through a normative legal approach. This study also utilizes the theories of legal pluralism and regulatory decentralization to understand the imbalance between legal norms and their implementation in the field.

The normative approach in this study is based on a number of key theories. Hans Kelsen's Pure Theory of Law views law as a hierarchy of norms, in which each norm derives its legitimacy from a higher norm until it reaches the Grundnorm as the highest basis. This framework is used to evaluate the validity of positive law governing fisheries logistics in Ambon objectively, without the intervention of moral considerations or empirical facts.

On the other hand, Julia Black's theory of regulation offers a decentralized approach that recognizes the role of non-state actors such as logistics companies and cooperatives in the regulatory system. Through the concepts of nodal governance and responsive regulation, this theory allows for analysis of how business actors interpret, adapt to, or even avoid the application of legal rules.



Public Interest Theory emphasizes that regulation serves to correct market failures and ensure public welfare. In the context of fisheries commodity shipping, a regulation is considered normatively valid if it is able to balance the economic interests of business actors and the need to preserve natural resources.

Meanwhile, the theory of Legal Pluralism explains the existence of various normative systems, both formal and informal, that operate simultaneously in a single social space. In the context of Ambon, this approach is used to examine how local norms, customary law, and community practices influence the effectiveness of state law in the fisheries sector.

These four theories together form a conceptual framework used to analyze the relationship between legal norms, institutional structures, and corporate practices in decentralized maritime logistics governance.

This study offers a doctrinal synthesis that integrates the study of logistics law with marine resource governance in Eastern Indonesia.

This approach distinguishes itself from the majority of previous studies, which have focused more on ecological and economic dimensions, by directing attention to the coherence of legal norms and the effectiveness of their implementation within the regulatory framework.

One important contribution of this research is the mapping of normative inconsistencies in fisheries logistics regulations, particularly in the context of overlapping multilevel legal jurisdictions. This study also develops a decentralized regulatory model by referring to the frameworks of *responsive regulation* and *meta-regulation* as proposed by Julia Black, which are considered more relevant to institutional dynamics at the regional level. In addition, this study compiles prescriptive legal reform recommendations with a theoretical foundation that includes the principles of legal compliance, normative positivism, and local governance frameworks.

Through a study of the practice of legal pluralism in fisheries logistics in Ambon and testing the validity of norms in the context of implementation, this study successfully formulated a conceptual legal design that can be used as a strategic reference for the direction of future maritime sector regulatory reform.

The main issue analyzed in this study relates to the discrepancy between normative provisions and the reality of implementation in the delivery of fishery commodities from Ambon. Although a number of formal regulations have been established, such as catch certification, cold chain systems, export licensing, and interregional distribution mechanisms the level of compliance among business actors remains low. This condition is exacerbated by overlapping authorities between central agencies such as the Ministry of Maritime Affairs and Fisheries and BPSDMKP with local governments and port authorities, weak law enforcement due to regulatory fragmentation, and the lack of integration of marine conservation objectives in the logistics policies implemented.

Based on these issues, this study raises a number of fundamental legal questions, namely: what is the legal framework governing the shipment of fishery products from Ambon; to what extent do companies apply these provisions in practice; what forms of normative inconsistencies or legal loopholes arise in the implementation process; and what legal reforms are needed to strengthen compliance and improve the quality of fisheries sector logistics governance.

This study applies a normative juridical approach by analyzing primary legal sources, including Law No. 45 of 2009, Law No. 17 of 2008, and Government Regulation No. 27 of 2021. In addition, this study also examines various implementing regulations, regional logistics regulations, and court decisions relevant to the issues under review. As supporting materials, secondary legal materials such as legal literature, policy documents, and theoretical studies related to legal concepts and regulations are also used.

Geographically, the scope of this study is limited to the city of Ambon, Maluku Province, which was chosen as a case study of fisheries logistics practices within the framework of decentralization in Eastern Indonesia. In terms of substance, this study focuses on applicable legal norms, the institutional structures involved, and the enforcement of laws in the distribution of fishery commodities. Temporally, the scope of analysis covers regulatory developments and implementation since 2010, with a particular focus on post-2020 policies, including the implementation of the National Fish Barn program and omnibus law regulations.

This research is not intended to examine economic aspects or fishery production data, but rather focuses on the validity, coherence, and applicability of legal norms. Thus, the expected outcome is prescriptive and applicable legal and policy recommendations that are relevant to the complexity of institutional governance at the local and national levels.

## THEORETICAL BASIS

### Legal Positivism (Hans Kelsen)

Hans Kelsen made a significant contribution to the development of legal positivism through his Pure Theory of Law, which advocated a strict conceptual separation between law and fields such as morality, politics, and empirical reality. He viewed law as a structured hierarchy of norms, in which each norm derives its validity from a higher norm. This chain of normative authority culminates in the “Grundnorm” or basic norm, which serves as the fundamental prerequisite of the legal system, regardless of moral or empirical justification. Kelsen viewed legal norms as prescriptive statements of what “should” be, as opposed to descriptive factual statements. His theory aims to establish a value-neutral science of law. The Grundnorm, often represented by the constitution in modern democracies, legitimizes the validity of subordinate legal rules such as statutes and court decisions through a chain of hierarchical legitimacy. Although coercion, including legal sanctions, may accompany the law, Kelsen asserts that its defining characteristic lies in its position within the legal order (Kraevsky, 2021).

### Regulatory Theory (Black, 2001)

Black defines regulation as a series of processes that support productive social and economic activities. He emphasizes the importance of dynamic interaction between the state, the business sector, and civil society in creating an adaptive regulatory system. The main shift identified is the transition from hierarchical law enforcement to pluralistic approaches such as self-regulation, meta-regulation, and responsive regulation. In this responsive strategy, regulators are expected to be able to adjust their actions to the behavior of the entities they oversee, rather than simply applying penalties mechanically. In this case, Black introduces the concept of “nodal governance,” which is a power structure that is spread and distributed to various points of influence, rather than centralized in a single institution (Burris et al., 2005; Latorre, 2024).

### Public Interest Theory of regulation

Public Interest Theory states that government regulation exists to improve the collective welfare of society by correcting various forms of market failure, such as monopolies, externalities, and information asymmetry. Within this framework, regulators are positioned as neutral agents oriented toward the public interest, who make decisions based on a cost-benefit analysis approach without being driven by personal or group interests. Regulatory intervention occurs when market mechanisms are unable to distribute resources efficiently. For example, in the case of natural monopolies, price regulation is needed so that the public can continue to access essential goods or services such as public utilities. Policies such as taxes on negative externalities such as pollution, or subsidies for positive externalities such as education, are designed to align the behavior of the private sector with social welfare objectives. In its implementation, regulators also consider the cost of compliance and the effectiveness of law enforcement to ensure that the net result continues to provide greater social benefits (Mazzucato, 2024; Vijayagopal et al., 2024).

### Legal Pluralism

Legal pluralism represents a condition in which various legal systems or normative orders operate simultaneously within a single social space, thereby challenging the classical assumption of the state's monopoly on legal authority. Within this framework, state law coexists alongside customary, religious, local community, or transnational norms, most of which are rooted in colonial heritage and cultural diversity. The conceptualization of legal pluralism was developed by thinkers such as John Griffiths, who distinguished between legal pluralism in the empirical sense, namely the diversity of legal systems that exist in social life, and the juridical or ideological approach related to formal recognition by the state. There are forms of weak pluralism, in which non-state systems gain validation through integration into the national legal framework, and strong pluralism, which allows alternative legal systems to operate independently. The relationship between these systems can be confrontational in the form of state oppression, or conversely, complementary in a structurally recognized hybrid configuration (Hariri & Babussalam, 2024; Lubis, 2025).

## RESEARCH METHODS

This research adopts a normative juridical method, commonly referred to as doctrinal legal research. It centers on the examination of written legal norms as the primary basis for resolving formulated legal questions. Such a methodological orientation proves suitable for assessing the consistency, normative authority, and interpretative latitude within Indonesia's fisheries regulatory



framework, particularly in the context of decentralized fisheries logistics and the legal relations among distribution stakeholders.

The study applies three analytical approaches: the statute approach, the conceptual approach, and the comparative approach. The statute approach involves a detailed examination of relevant legislation, including Law No. 31 of 2004 on Fisheries and its derivative rules such as ministerial regulations issued by the Ministry of Maritime Affairs and Fisheries. The conceptual approach is utilized to explore foundational legal principles, such as the legality principle, the principle of public accountability, and legal responsibility. Meanwhile, the comparative approach facilitates the identification of analogous legal practices and regulatory policies in foreign jurisdictions to enhance the formulation of national legal reforms.

This research employs three categories of legal sources: primary, secondary, and tertiary materials. Primary sources comprise statutory instruments such as Law No. 31 of 2004, its amendments and implementing regulations, relevant government regulations, and ministerial decrees. Furthermore, judicial decisions with precedential value and institutional reports including audits conducted by the Audit Board of Indonesia (BPK) form part of the primary legal corpus.

Secondary legal sources encompass academic publications, legal analyses, commentaries, textbooks, and policy documents from sectoral ministries or international regulatory bodies concerned with fisheries and maritime logistics. Tertiary materials, such as legal dictionaries, encyclopedias, and regulatory indexes serve as interpretive tools to enhance conceptual clarity.

As a normative legal inquiry, the primary unit of analysis comprises legal documents and regulatory texts with normative effect rather than individuals or statistical datasets. These include statutory laws, regulatory compliance documents related to fisheries logistics, subnational policy instruments governing commodity distribution, judicial rulings, and institutional audits from oversight agencies such as BPK.

The study's analytical focus lies in examining how these norms structure, govern, or formalize legal relations in fisheries logistics, while identifying potential legal gaps that may give rise to administrative or civil infractions. The research also investigates institutional configurations and evaluates whether existing legal instruments adequately address practical implementation challenges.

Legal data is analyzed using a descriptive-prescriptive method. This technique includes four core stages: (1) achieving analytical clarity by deconstructing normative structures and regulatory hierarchies; (2) applying logical systematization to establish coherent inter-norm relationships; (3) conducting interpretive analysis to resolve ambiguities or multiplicities in norm meanings; and (4) developing legal reasoning to construct substantiated normative arguments based on the findings.

The analysis proceeds in a layered manner, beginning with the textual interpretation of legal norms, identifying regulatory inconsistencies, and culminating in the formulation of legally grounded policy recommendations. This process emphasizes rigorously reasoned arguments that are logically consistent and normatively verifiable, while also drawing on comparative examples from international practice to reinforce the legal reasoning.

In normative legal research, the validity of findings is determined by the internal consistency of legal argumentation, the depth of normative analysis, and the precision of legal interpretation. To enhance the reliability of conclusions, this study employs source triangulation by cross-referencing statutory laws, doctrinal literature, and pertinent judicial decisions.

The methodological rationale is grounded in the appropriateness of normative juridical analysis for resolving legal problems with a structured and coherent framework. Given that this study centers on normative content rather than empirical behavioral data, the selected approach is deemed well-suited for examining the architecture of legal norms and institutional arrangements within Indonesia's fisheries logistics regime.

## RESULT AND DISCUSSION

### Implementation of Fishery Commodity Shipments from Ambon by Companies

The city of Ambon occupies a strategic position within Indonesia's national fisheries sector due to its geographic location in the eastern maritime region and its abundance of marine resources. The distribution of fisheries commodities from Ambon is primarily carried out by fisheries companies in collaboration with fishermen, fisheries cooperatives, and transportation service providers. This distribution serves both domestic markets and export demands, thereby playing a vital role in regional and national economic development (Maruli et al., 2023).

The legal foundation of fisheries commodity distribution from Ambon is inseparable from civil law, particularly concerning contractual agreements. Legal relationships between the consignor, transporter, and consignee originate from agreements as stipulated in Article 1313 of the Indonesian Civil Code

(KUHPerdata), which defines an agreement as an act whereby one or more persons bind themselves to one or more other persons. These agreements govern the rights and obligations of each party throughout the shipping process (Yusuf, 2019).

In practice, distribution utilizes both sea and air transportation. Maritime transport is typically chosen for large shipments, while air transport is preferred for high-value, time-sensitive commodities. The distribution process must comply with handling standards to preserve product quality, in accordance with Law No. 45 of 2009 amending Law No. 31 of 2004 on Fisheries (Leiwakabessy et al., 2021).

Distributors must also ensure product safety and quality, aligning with Law No. 18 of 2012 on Food, which mandates that all food business operators guarantee the safety, quality, and nutritional value of food products throughout production, storage, transportation, and distribution stages (De Lima et al., 2013). Consequently, fisheries companies in Ambon are required to implement packaging and shipping systems that meet established standards.

From a civil law perspective, the distribution process involves legal risk, particularly in cases of delay, damage, or loss of goods. The aggrieved party has the right to claim compensation under the doctrine of breach of contract, as regulated in Article 1243 of the Civil Code. This provision enables the injured party to seek redress if one party fails to fulfill contractual obligations (Duma et al., 2023).

Sociologically, the distribution of fisheries commodities from Ambon remains influenced by its geographical characteristics as an archipelagic region, limited transportation infrastructure, and unpredictable weather conditions. These factors often lead to delivery delays, which negatively affect the quality of perishable fishery products. Nevertheless, disputes are frequently resolved through mutual agreement rather than formal legal channels to preserve ongoing business relationships (Raman et al., 2023).

Legal provisions on freight transportation, including fisheries products, also relate to Law No. 17 of 2008 on Shipping. This law imposes legal responsibility on transporters to ensure the safety and security of goods during maritime transport. Accordingly, shipping companies bear a legal obligation to deliver goods in accordance with the agreed terms.

The implementation of fisheries commodity distribution from Ambon entails civil legal relationships and adherence to various legal regulations. Its success depends not only on technical and economic aspects but also on legal compliance by all parties. Thus, enhancing legal literacy among fisheries business actors is essential to ensure legal certainty and protection in distribution activities.

The legal relationship among parties involved in fisheries distribution is essentially civil in nature, arising from economic interests and contractual agreements. These parties typically include the fisheries company as the consignor, the transportation service provider as the carrier, and the buyer or consignee. This relationship is based on binding agreements, as outlined in Article 1233 of the Civil Code, which states that obligations arise either from contracts or from the law itself.

Contracts serve as the foundation for defining the rights and duties of the parties involved. In the context of fisheries commodity distribution, such agreements may take the form of sale and purchase contracts, transport agreements, or distribution cooperation agreements. These provide legal certainty concerning each party's responsibilities during the distribution process.

The relationship between the consignor and the buyer is generally governed by a sale and purchase agreement. Under this agreement, the consignor must deliver the goods in accordance with agreed quality, quantity, and timing, while the buyer is obligated to pay the stipulated price. This reflects Article 1457 of the Civil Code, which defines a sale and purchase contract as one where one party agrees to deliver an item and the other agrees to pay the price.

The relationship between the fisheries company and the carrier emerges from a transportation agreement, which obliges the carrier to deliver the goods safely and on time. This is supported by Law No. 17 of 2008 on Shipping, which assigns carriers responsibility for goods from receipt to delivery.

Legal responsibilities extend to maintaining the quality and safety of fishery products, as mandated by Law No. 45 of 2009. The consignor and carrier must ensure that fishery commodities retain their quality during transit. Failure to do so can result in legal liability for breach of contract under Article 1243 of the Civil Code, which allows for compensation in cases of non-performance (Bridail et al., 2024).

From a socio-legal perspective, legal relationships are influenced not only by written laws but also by business customs and mutual trust. Many agreements are informal and lack detailed written contracts. This practice reveals a disparity between statutory law and social realities, which may lead to legal uncertainty (Ismail & Y., 2021).

These complex legal relationships are regulated by the Civil Code and sectoral legislation in fisheries and shipping. Therefore, comprehensive legal understanding and compliance are necessary to ensure effective distribution and equitable legal protection for all parties.

The execution of rights and obligations in the distribution of fisheries commodities represents the core of the contractual civil relationship. These arise upon mutual agreement among the fisheries



company, the transport provider, and the buyer. Legally, such execution is governed by the principle of *pacta sunt servanda*, which binds parties to lawfully made agreements as per Article 1338(1) of the Civil Code.

The fisheries company, as consignor, must prepare and deliver products in accordance with agreed standards. The consignee has the right to receive the goods in acceptable condition. These responsibilities are underscored by Law No. 45 of 2009, which requires fishery businesses to ensure product quality and safety.

Transport providers are responsible for delivering the goods safely and punctually. This duty encompasses maintaining suitable storage conditions and aligns with Law No. 17 of 2008, which obligates carriers to safeguard goods from receipt to delivery.

The buyer must fulfill payment obligations per the sale contract, as specified in Article 1457 of the Civil Code. In cases of non-payment, the consignor may seek fulfillment or compensation through legal channels.

Operational challenges, such as weather-related delays or handling errors, may result in financial losses. These instances qualify as breaches of contract if negligence is proven, and they are subject to compensation under Article 1243.

Sociologically, the realization of contractual obligations is shaped by informal practices and trust-based relationships. Dispute resolution is often achieved through consensus rather than litigation. Nevertheless, clear legal frameworks remain essential to prevent uncertainty and ensure fair treatment for all parties.

Company liability in the event of loss during fisheries commodity distribution stems from the civil relationships between the consignor, carrier, and consignee. Losses such as delivery delays, product damage, or quality degradation impose legal liability on the negligent party (Mirza et al., 2017).

Under civil law, this liability is typically fault-based, as stipulated in Article 1243. A company may be held responsible for failing to meet contract terms, including maintaining proper storage or adhering to delivery schedules.

Carriers have a specific duty to protect goods throughout the shipment process, as outlined in Law No. 17 of 2008. If loss or damage occurs due to carrier negligence, the aggrieved party is entitled to compensation (Hakim et al., 2020).

Fisheries companies also bear responsibility for ensuring that traded products meet safety and quality standards, as mandated by Law No. 45 of 2009. Negligence in quality control can result in civil liability (Syahra et al., 2025).

Compensation may take various forms, not limited to financial restitution. Article 1267 of the Civil Code allows the injured party to demand contract execution, cancellation, or damages. In practice, compensation often involves negotiation, replacement of goods, or price adjustments.

From a socio-legal standpoint, companies often favor non-litigious dispute resolution to preserve business relationships. However, a well-defined legal framework remains necessary to ensure equitable liability enforcement and legal certainty for all parties.

A socio-legal analysis of fisheries commodity distribution from Ambon reveals an interaction between normative legal frameworks and real-world conditions. Legally, this activity is governed by civil law and sector-specific regulations. However, social, economic, and geographical constraints particularly those related to Ambon's island context, significantly influence legal effectiveness (Maruli et al., 2023).

Civil obligations originate from contracts regulated by the Civil Code. Specific obligations concerning product quality and carrier responsibility are addressed in Laws No. 45 of 2009 and No. 17 of 2008, respectively. These provide legal certainty in theory.

In practice, however, customary practices and interpersonal trust dominate business dealings. Many contracts are informal and lack detailed written terms, leading to a gap between codified law and its practical application. This may foster legal uncertainty in case of disputes.

Geographical and environmental factors also contribute to delayed deliveries, raising questions of breach versus *force majeure*. These matters are typically resolved through mutual agreement rather than strict legal interpretation (Yusuf, 2019).

Legal awareness among business actors further influences legal enforcement. Many remain unfamiliar with their rights and responsibilities, particularly regarding liability for damages. Hence, effective legal implementation requires not only normative rules but also improved legal literacy and compliance.

In conclusion, successful fisheries commodity distribution from Ambon necessitates the integration of normative and sociological dimensions. Strengthening written agreements, enhancing legal understanding, and improving logistical infrastructure are essential to bridge the gap between law and practice, ensuring that civil law functions effectively as a regulatory and protective tool.

## **Penalties if the Commodity Delivery Agreement does not comply with the provisions of Law Number 31 of 2004 concerning Fisheries and its implementing regulations.**

The fisheries shipment agreement holds a crucial legal role within the framework of Law No. 31 of 2004 on Fisheries. Although classified as a civil contract under the Indonesian Civil Code, its enforceability must align with sector-specific fisheries regulations, particularly concerning quality assurance, safety, and sustainability of marine resources (Leiwakabessy et al., 2021). The principle of freedom of contract grants parties autonomy in determining agreement terms. However, this autonomy is constrained by mandatory legal provisions, as affirmed in Article 1337 of the Civil Code, which invalidates contracts that conflict with statutory regulations, morality, or public order.

Fisheries law mandates various obligations for business operators, such as handling, transporting, and distributing fisheries products in accordance with quality standards, licensing, and technical requirements. These obligations restrict the scope of contract content. Thus, shipment agreements must not exclude compliance with fisheries regulations or undermine public interests, including consumer protection and sustainability. Any contractual terms contrary to fisheries law may be deemed legally unenforceable and dismissed by the court in case of disputes (De Lima et al., 2013). Consequently, shipment agreements in the fisheries sector must conform with Law No. 31 of 2004 and its implementing regulations to be considered legally valid and to ensure legal protection for all parties involved.

The principle of contractual freedom, as enshrined in Article 1338(1) of the Civil Code, allows parties to establish binding agreements. Nonetheless, such freedom is not absolute; agreements must comply with binding legal provisions. Article 1337 reaffirms that agreements contravening statutory law, public order, or morality are void. Therefore, in the context of fisheries distribution, any shipment agreement that violates Law No. 31 of 2004 may be legally null and void (Duma et al., 2023). This reinforces the supremacy of law over private contractual arrangements.

The binding nature of agreements to statutory provisions serves broader societal interests. Law does not merely regulate individual rights but also seeks to safeguard public welfare, such as consumer safety and marine resource sustainability (Yuliaty et al., n.d.). Agreements favoring only one party at the expense of legal compliance risk being declared invalid. Furthermore, legal adherence ensures certainty in the execution of agreements. Parties cannot override binding laws even by mutual consent, and judges will assess contract validity and execution based on applicable laws. Accordingly, in the fisheries sector, compliance with Law No. 31 of 2004 is essential for the legitimacy and legal protection of contractual arrangements.

Law No. 31 of 2004, as amended by Law No. 45 of 2009, establishes a comprehensive legal framework for fisheries activities, including the shipment and distribution of fisheries commodities. Violations of its provisions may lead to both administrative sanctions and civil liability. These two forms of sanctions serve distinct yet complementary functions in law enforcement (Raman et al., 2023).

Administratively, the fisheries law empowers the government to impose sanctions on business actors who violate licensing requirements, quality standards, and fisheries handling procedures. These sanctions aim to ensure compliance and deter future violations without judicial proceedings (Bridail et al., 2024). Sanctions include written warnings, suspension or revocation of business licenses, and temporary business closure, particularly when violations risk consumer harm or product degradation. These measures are preventive and corrective in nature.

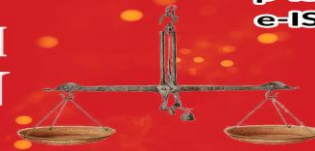
On the civil side, violations causing losses to other parties may trigger liability based on contractual obligations. Civil claims may arise from failure to fulfill contract terms or violations of fisheries law. Legal remedies include compensation for material losses (e.g., delay or damage), enforcement of contract terms, cancellation of agreements under Articles 1266 and 1267 of the Civil Code, or replacement of goods as a non-litigious dispute resolution approach (Ismail & Y., 2021).

Administrative and civil sanctions operate in parallel; one does not negate the other. Even if the government has imposed administrative sanctions, affected parties retain the right to pursue civil compensation (Bridail et al., 2024). Thus, fisheries law functions not only as a regulatory instrument but also as a basis for enforcing civil accountability. The dual mechanisms aim to ensure compliance, legal certainty, and equitable protection for all stakeholders involved in fisheries business and commodity distribution.

## **CONCLUSION AND SUGGESTION**

### **Conclusion**

Based on the preceding analysis, the implementation of fisheries commodity shipments from Ambon is fundamentally grounded in civil legal relationships arising from agreements between fisheries companies, transportation service providers, and recipients. Shipments are conducted via sea and air



while adhering to handling standards to preserve product quality. However, in practice, several challenges persist, including adverse weather, limited transportation infrastructure, and inadequately formalized agreements. These issues highlight a gap between normative legal provisions and actual practices, potentially leading to legal uncertainty and losses for the involved parties.

Shipment agreements that fail to comply with Law No. 31 of 2004 on Fisheries and its implementing regulations may trigger legal consequences. Civilly, the violating party may be held liable for breach of contract, compensation claims, or contract cancellation under the Civil Code. Additionally, business actors may face administrative sanctions such as written warnings, license suspension, or revocation. Therefore, legal compliance with fisheries regulations is essential to ensure legal certainty, protect the parties involved, and support the sustainability of fisheries operations.

### Suggestion

Based on the conclusions previously outlined, this study recommends that fisheries sector companies formalize shipment agreements in clearly written and detailed contracts, while also applying appropriate standards in handling and transporting fishery products to maintain quality and minimize potential losses. Furthermore, fisheries business actors should enhance their compliance with Law No. 31 of 2004 on Fisheries and its implementing regulations. Simultaneously, the government is encouraged to strengthen oversight mechanisms and consistently enforce administrative sanctions to ensure legal certainty.

### REFERENCES

- Alfiana, A. S., Widayanti, I. D., & Puspaningrum, G. (2024). Suitability of the Decidendi Ratio of the Business Competition Supervisory Commission Panel in the Settlement of the Monopoly on Lobster Clear Seed Delivery Transportation Services ( Study of KPPU Decision NO . 04 / KPPU-I / 2021 ) Kesesuaian Ratio Decide. *Jurnal Hukum Sehasen*, 10(04), 389–396.
- Bernardus, D., Arisa, F., Sufa, S. A., & Oka, D. (2024). *Supporting Start-ups in Indonesia : Examining Government Policies , Incubator Business , and Sustainable Structure for Entrepreneurial Ecosystems and Capital*. 5(1), 236–259.
- Bridail, B., Purba, H., Harianto, D., Sukarja, & D. (2024). Tanggung Jawab Hukum Atas Kerusakan Produk Impor Hasil Perikanan Di Pelabuhan. *Locus Journal Of Academic Literature Review*, 3(3), 297–316. <https://doi.org/10.56128/LJOALR.V3i3.302>
- Brumadyadisty, G., Mulyadi, E., Erialdy, & Shadiq, T. F. (2025). FROM SCROLL TO SALE: HOW SOCIAL MEDIA MARKETING BUILDS CUSTOMER EQUITY THROUGH BRAND EXPERIENCE AT CREAMSIE WHIMSIE. *Journal of Management and Bussines (JOMB)*, 7(4), 2656–8918. <https://doi.org/https://doi.org/10.31539/770hj964>
- Burris, S., Drahos, P., & Shearing, C. (2005). Nodal Governance. *Australian Journal of Legal Philosophy*, 30.
- Chumaida, Z., Subagyono, B., Sabrie, H., & Romadhona, M. (2025). Beyond Maritime Research: Export Under the Indonesian Transportation Law. *Transactions on Maritime Science*, 14. <https://doi.org/10.7225/toms.v14.n03.012>
- De Lima, F., Nur Bambang, A., & Suprijanto, J. (2013). Analisis Tingkat Hubungan Dan Kondisi Sektor Perikanan Terhadap Pdrb Kabupaten Maluku Tengah. *Pencanangan Bulan Mutu Dan Keamanan Hasil Perikanan & Seminar Nasional Mphi*.
- Duma, F., Matatula, J., M., Eoh, & M. (2023). Compliance Of Users Of Quarantine Services With The Implementation Of Agricultural Quarantine Procedures And Some Factors That Affect It. *Jurnal Agrosilvopasture-Tech*, 2(1), 176–186. <https://doi.org/10.30598/J.Agrosilvopasture-Tech.2023.2.1.176>
- Fauzan, M., & Ariyandani, N. (2024). *LOGISTICS DISTRIBUTION PERSPECTIVE IN THE FISHERIES SECTOR TO SUPPORT WEST SULAWESI ' S READINESS AS A*. 3(1), 117–132.
- Hakim, A., D., Havez, & M. (2020). Politik Hukum Perlindungan Pekerja Migran Indonesia Dalam Perspektif Fikih Siyasa Dusturiyah. *Tanjungpura Law Journal*, 4, 95–116.
- Hariri, A., & Babussalam, B. (2024). LEGAL PLURALISM: CONCEPT, THEORETICAL DIALECTICS, AND ITS EXISTENCE IN INDONESIA. *Walisongo Law Review*, 6(2), 146–170. <https://doi.org/10.21580/walrev.2024.6.2.25566>
- Hopkins, C. R., Roberts, S. I., Caveen, A. J., Graham, C., & Burns, N. M. (2024). Improved traceability in seafood supply chains is achievable by minimising vulnerable nodes in processing and distribution networks. *Marine Policy*, 159, 105910. <https://doi.org/https://doi.org/10.1016/j.marpol.2023.105910>
- Ismail, & Y., W. S. P. (2021). Penerapan Kebijakan Subsidi Perikanan Indonesia Berdasarkan

- Pengaturan Subsidi Perikanan WTO. *Jurnal Bina Mulia Hukum*, 5(2), 328–346. <https://doi.org/10.23920/Jbmh.V5i2.10>
- Jaya, I., Wardana, K., Prananta, A. W., Suyadnya, I. W., & Fauzi, I. M. (2025). *Fisheries Supply Chain Model Using Structural Equation Modeling ( SEM ) to Support the SDGs in the Fisheries Industry*. 11(10), 144–149. <https://doi.org/10.29303/jppipa.v11i10.12325>
- Kadfak, A., Hanh, T. T. H., & Widengård, M. (2025). The impact of state-led traceability on fisheries sustainability. *Journal of Environmental Policy & Planning*, 27(2), 95–107. <https://doi.org/10.1080/1523908X.2024.2422825>
- Kraevsky, A. (2021). Validity and efficacy of international law according to the pure theory of law. *Vestnik of Saint Petersburg University. Law*, 12, 184–204. <https://doi.org/10.21638/spbu14.2021.113>
- Latorre, Indira. (2024). The global dimension of domestic regulatory agencies: Why do we need a networked perspective of political legitimacy? *Journal of International Political Theory*, 21(1), 32–59. <https://doi.org/10.1177/17550882241255314>
- Leiwakabessy, B., Tupamahu, A., Tuapetel, & F. (2021). Halaman: 28-38 Diterbitkan Oleh: Program Studi Agrobisnis Perikanan. Fakultas Perikanan Dan Ilmu Kelautan-Unpatti. *Papalele*, 5(1), 28–38. <https://doi.org/10.30598/Papalele.2021.5.1.28>
- Lubis, A. F. (2025). LEGAL PLURALISM AND SOCIAL IDENTITY: AN ANALYSIS OF STATE AND RELIGIOUS LAW INTERACTION IN LOCAL DISPUTE RESOLUTION IN INDONESIA AND PAKISTAN. *LEX LOCALIS-JOURNAL OF LOCAL SELF-GOVERNMENT*, 23(11), 1910–1921.
- Maruli, S., Damayanti, P., Solihin, A., Ahmadi, & N. (2023). Strategy For Strengthening Fish Quality In The Fish Transportation And Distribution In Ambon. @COJ (Coastal and Ocean Journal).
- Mazzucato, M. (2024). Governing the economics of the common good: from correcting market failures to shaping collective goals. *Journal of Economic Policy Reform*, 27(1), 1–24. <https://doi.org/10.1080/17487870.2023.2280969>
- Mirza, C., A., Anggraini, R., R. A., Soetijono, & R., I. (2017). Implementasi Pengelolaan Sumber Daya Laut Nasional Terhadap Kebijakan Pemerintah Provinsi Kepulauan Riau. *Journal Lentera Hukum*, 4(2).
- Raman, L., Bau, & O., S. (2023). Sejarah Kota Pelabuhan Ambon Tahun 1602-1942: Dari Pelabuhan Monopoli Menuju Kota Pelabuhan Bebas. *Agastya: Jurnal Sejarah Dan Pembelajarannya*, 13(1), 47–57. <https://doi.org/10.25273/Ajsp.V13i1.12833>
- Skerritt, D. J. (2024). Seeking clarity on transparency in fisheries governance and management. *Marine Policy*, 165, 106221. <https://doi.org/https://doi.org/10.1016/j.marpol.2024.106221>
- Sutanto, J. E., Harianto, E., & Krisprimandoyo, D. A. (2024). *Uncertain Supply Chain Management The role of service innovation and competitive advantage ad mediators of product innovation on marketing performance : Evidence from the SME manufacturing firms in Indonesia*. 12, 1–12. <https://doi.org/10.5267/j.uscm.2024.1.024>
- Syahra, N., Azhari, & T. (2025). Penerapan Hukum Islam Dalam Konteks Indonesia: Interaksi Dengan Sistem Hukum Nasional Dan Tantangan Pengembangannya. *Journal of Mister Br Saragih*, 2(2), 3026–3033. <https://doi.org/10.32672/Mister.V2i2.3078>
- Vijayagopal, P., Jain, B., & Viswanathan, S. A. (2024). *Regulations and Fintech : A Comparative Study of the Developed and Developing Countries*.
- Yuliaty, C., Kurniasari, N., Muhartono, R., Priyatna, & N., F. (n.d.). *Implikasi Kebijakan Relokasi Kapal Izin Pusat Terhadap Nelayan Lokal Di Kepulauan Aru*.
- Yusuf, H. (2019). Peningkatan Peran Bea Cukai Dalam Mendorong Ekspor Komoditas Perikanan: Studi Kasus Di Wilayah Maluku. *Jurnal Bppk*, 12. [www.Liputan6.com](http://www.Liputan6.com)