

## Law Enforcement against the Illegal Fishing of Napoleon Fish (*Cheilinus Undulatus*): An Empirical Legal Study in Gorontalo Province

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### Abstract

*The illegal fishing of Napoleon fish (*Cheilinus undulatus*), one of the protected marine species, is still a serious threat to the sustainability of marine ecosystems in Indonesia, including in Gorontalo Province. Although a regulatory framework on fisheries resource conservation is in place, the effectiveness of its enforcement implementation still faces various challenges. This study aims to analyze the legal arrangements regarding the protection of Napoleon fish, evaluate the implementation of law enforcement against illegal fishing practices, and identify the ecological impact caused in the Gorontalo waters. This study uses an empirical legal method with a socio-legal approach. The data was collected through literature studies, in-depth interviews with the Directorate of Water and Air Police (Ditpolairud) of the Gorontalo Police, the Gorontalo Provincial Marine and Fisheries Service, and coastal communities, then analyzed qualitatively. The results of the study show that law enforcement against the illegal fishing of Napoleon fish has not been effective due to limited supervisory resources, weak coordination between agencies, and low legal awareness of coastal communities. In addition, the monitoring and control mechanism for the trade and use of Napoleonic fish is still not able to prevent the practice of illegal fishing optimally. These conditions increase the risk of coral reef ecosystem degradation and threaten the sustainability of fishery resources. This study emphasizes that the effectiveness of Napoleon fish protection requires strengthening the capacity of law enforcement officials, integrating cross-sector supervision, and increasing community participation as the main prerequisites for the realization of sustainable marine conservation governance.*

**Keywords:** Law Enforcement; Napoleon Wrasse (*Cheilinus Undulatus*); Illegal Fishing; Marine Conservation; Fisheries Law.

### Abstrak

Penangkapan ilegal ikan Napoleon (*Cheilinus undulatus*), salah satu spesies laut yang dilindungi, masih menjadi ancaman serius terhadap keberlanjutan ekosistem laut di Indonesia, termasuk di Provinsi Gorontalo. Meskipun kerangka regulasi mengenai konservasi sumber daya perikanan telah tersedia, efektivitas implementasi penegakan hukumnya masih menghadapi berbagai tantangan. Penelitian ini bertujuan menganalisis pengaturan hukum mengenai perlindungan ikan Napoleon, mengevaluasi implementasi penegakan hukum terhadap praktik penangkapan ilegal, serta mengidentifikasi dampak ekologis yang ditimbulkan di wilayah perairan Gorontalo. Penelitian ini menggunakan metode hukum empiris dengan pendekatan socio-legal. Data dikumpulkan melalui studi kepustakaan, wawancara mendalam dengan Direktorat Kepolisian Perairan dan Udara (Ditpolairud) Polda Gorontalo, Dinas Kelautan dan Perikanan Provinsi Gorontalo, serta masyarakat pesisir, kemudian dianalisis secara kualitatif. Hasil penelitian menunjukkan bahwa penegakan hukum terhadap penangkapan ilegal ikan Napoleon belum efektif akibat keterbatasan sumber daya pengawasan, lemahnya koordinasi antarinstansi, serta rendahnya



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kesadaran hukum masyarakat pesisir. Selain itu, mekanisme pengawasan dan pengendalian terhadap perdagangan serta pemanfaatan ikan Napoleon masih belum mampu mencegah praktik penangkapan ilegal secara optimal. Kondisi tersebut meningkatkan risiko degradasi ekosistem terumbu karang dan mengancam keberlanjutan sumber daya perikanan. Penelitian ini menegaskan bahwa efektivitas perlindungan ikan Napoleon memerlukan penguatan kapasitas aparat penegak hukum, integrasi pengawasan lintas sektor, dan peningkatan partisipasi masyarakat sebagai prasyarat utama bagi terwujudnya tata kelola konservasi laut yang berkelanjutan.

**Kata Kunci:** Penegakan hukum; Ikan Napoleon (*Cheilinus undulatus*); Penangkapan ilegal; Konservasi laut; Hukum perikanan.

## INTRODUCTION

Napoleon fish is an endangered fish that is in high demand, has experienced a severe population decline and is considered a prestigious fish in Hong Kong and in particular the main market of China.<sup>1</sup> *Napoleon fish* are notorious for predators for species that deplete coral reefs and are poisonous, such as the crowned star of thorns, but other varieties of invertebrates. The decline of Napoleon's fish has been a sign of unhealthy coral reef habitats.<sup>2</sup>

A decline in the population of Napoleon fish due to overfishing can reduce predation pressure on invertebrates, thus risking a surge in the population of the organism. These conditions can have an impact on changing the composition of benthic communities as well as disrupting the ecological function of coral reefs as a whole.<sup>3</sup>

Underlined its status from vulnerable and upgraded to endangered on *the Red List of Endangered Species of the International Union for Conservation of Nature and Natural Resources* (IUCN) in 2004. Listed as a traded species, Napoleon's fish must have a special code to determine the category of origin, whether the specimen comes from a wild catch or from a farming system.<sup>4</sup>

In the Decree of the Minister of Maritime Affairs and Fisheries Number 37 of 2013, the grouping of fish protection status is divided into two categories, namely full protection and limited protection.<sup>5</sup> Full protection means that fish must not be caught or traded under any conditions, either in terms of time, location, or size throughout Indonesia. Meanwhile, limited protection still allows the use of fish under certain conditions, such as restrictions on size, time, or fishing area.

Indonesia already has various regulations related to the protection of marine species and the conservation of fishery resources, both through national regulations and

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<sup>1</sup> Mauli Kasmi, *MANAGEMENT OF EXOTIC ORNAMENTAL FISH RESOURCES GOSPEL NAPOLEON Pomacanthus xanthometopon* (Central Java: CV. Pena Persada, t.t.).

<sup>2</sup> Arieta, Siti, et al. "Calling for institutional arrangements in Napoleon Wrasse conservation and management in Indonesia: The Anambas Islands case." *Marine Policy* 145 (2022).

<sup>3</sup> Amran Ronny Syam, *Density and Utilization Status of Napoleon Fish (Cheilinus undulatus) in Sinjai Waters, South Sulawesi*, No. 4 (2020).

<sup>4</sup> Hendrik Sombo et al., "CONDITIONS AND PRIORITIES FOR CONTROLLING THE UTILIZATION OF NAPOLEON FISH (*Cheilinus undulatus*, RÜPPELL, 1835) IN RAJA AMPAT REGENCY," *Indonesian Fisheries Research Journal* 23, no.3 (2018): 181, <https://doi.org/10.15578/jppi.23.3.2017.181-191>.

<sup>5</sup> Lukman Adam, "REVIEW OF THE POLICY OF PROTECTION OF FISHERMEN AND FISH FARMERS IN INDONESIA," *Study* 20, no. 2 (2015): 145–62, <https://doi.org/10.22212/kajian.v20i2.575>.

international provisions such as CITES.<sup>6</sup> However, the implementation of law enforcement against the illegal fishing of Napoleon fish still faces various obstacles, including weak supervision and coordination between agencies.<sup>7</sup>

This napoleon fishing activity does not only occur in one area but has occurred in several other areas, including in Gorontalo. Gorontalo as one of the archipelago provinces in Indonesia, has great potential for marine resources, one of which is coral reefs. The diversity of coral reefs in Gorontalo is very beneficial in maintaining the underwater ecosystem, but with the existence of illegal napoleon fishing, it is a serious threat to the preservation of coral reefs in this region. Napoleonic fishing not only reduced the population of the fish but also upset the balance of coral reef ecosystems and caused wider damage. Although the actual data on this fishing in Gorontalo is still limited, we still have to strengthen supervision and law enforcement of these activities.<sup>8</sup>

Law enforcement against the fishing of Napoleon (*Cheilinus undulatus*) is an important instrument in efforts to protect marine and fishery resources in Indonesia. Napoleon fish has been categorized as a species that receives limited protection based on the Decree of the Minister of Marine Affairs and Fisheries Number 37/KEPMEN-KP/2013, so its use is only allowed by meeting certain conditions, especially related to size limitations.<sup>9</sup> In addition, the provisions regarding the prohibition of fishing and/or releasing Napoleonic fish are also affirmed in various laws and regulations governing the fisheries sector and the conservation of biological natural resources.<sup>10</sup>

In its implementation, law enforcement against illegal Napoleonic fishing violations is still faced with a number of obstacles, such as limited supervision in the waters, ineffective coordination between law enforcement officials, and low public legal awareness, especially among coastal and fishermen. This situation results in the practice of illegal fishing of Napoleon fish continuing and has the potential to threaten the survival of the species and the balance of marine ecosystems.<sup>11</sup> Therefore, firm, consistent, and sustainable law enforcement measures are needed as a form of the state's commitment to maintaining fish resources that have high ecological and economic value, especially in the Gorontalo waters.

Previous research on *Cheilinus undulatus* has generally focused on aspects of biological conservation, international trade, and fisheries resource management. Meanwhile, studies that discuss the linkages between legal regulation, law enforcement implementation, and the ecological impact of illegal fishing of Napoleonic fish, particularly in Gorontalo, are still relatively limited. Therefore, this study is focused on analyzing

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<sup>6</sup> Fathi Hanif, "EFFORTS TO PROTECT INDONESIAN WILDLIFE THROUGH LEGAL AND LEGISLATIVE INSTRUMENTS," *Indonesian Journal of Environmental Law* 2, no. 2 (2021): 29–48, <https://doi.org/10.38011/jhli.v2i2.24>.

<sup>7</sup> Putri, Fadilla Elza Aida, Nurul Agustin Damayanti, and Rayi Kharisma Rajib. "The Urgency of Coral Reef Ecosystem Protection in Indonesia to Meet the Sustainable Development Goals (SDGs) Program Point 14." *Scientific Journal of Education Forum* 10.24.2 (2024).

<sup>8</sup> Julkarnain Ahmad et al., *Basics of Fishing* (Kamiya Jaya Aquatic, 2024).

<sup>9</sup> Amran Ronny Syam et al., "MANAGEMENT OF NAPOLEON FISH RESOURCES (*Cheilinus undulatus*) IN THE WATERS OF THE ANAMBAS ISLANDS," *Indonesian Fisheries Policy Journal* 11, no. 2 (November 2019): 75–87, <https://doi.org/10.15578/jkpi.11.2.2019.75-87>.

<sup>10</sup> Dr. Yulia A. Hasan M.H S. H., *Law of the Sea for Conservation of Fish Resources in Indonesia* (Prenada Media, 2021).

<sup>11</sup> Eka Yunita, Shila Wida Yuwansa, and Sri Devi Kristin Sinaga, "Analysis of UNCLOS Violations of Illegal Fishing Gear in the Riau Islands," *Public Knowledge* 1, no. 2 (September 2024): 159–75, <https://doi.org/10.62771/pk.v1i2.13>.

Napoleon's fish protection regulations, law enforcement implementation, and the ecological impact of illegal fishing practices in the region.

## RESEARCH METHODS

This research is an empirical legal research with a socio-legal approach to analyze the implementation of law enforcement against the illegal fishing of Napoleon fish (*Cheilinus undulatus*) in Gorontalo Province. This approach is used to assess the compatibility between the legal norms governing the protection of protected fish species and law enforcement practices in the field, while identifying factors that affect the effectiveness of their implementation. The research locations include the Directorate of Water and Air Police (Ditpolairud) of the Gorontalo Police, the Gorontalo Provincial Marine and Fisheries Service, as well as coastal communities involved in fishing activities.

The source of research data consists of primary data and secondary data. Primary data was obtained through in-depth interviews with investigators from the Gorontalo Regional Police Directorate, officials of the Gorontalo Provincial Marine and Fisheries Service, and coastal communities as parties who interact directly with fishery resource utilization activities. Meanwhile, secondary data was obtained through literature studies of laws and regulations, relevant court rulings, scientific literature, books, government reports, as well as policy documents related to Napoleonic fish protection, fisheries resource conservation, and law enforcement in the marine sector. Data collection was carried out through field observations, interviews, documentation, and systematic literature studies.

The data was analyzed qualitatively using qualitative content analysis techniques combined with legal interpretation to assess the suitability between legal provisions, law enforcement practices, and empirical conditions in the field. The analysis was carried out through the stages of data reduction, data presentation, and inductive conclusion drawing to identify patterns, obstacles, and implications of law enforcement on the protection of Napoleon fish. The validity of the data is ensured through source triangulation by comparing information obtained from interviews, observations, legal documents, and scientific literature so as to produce valid, credible, and academically accountable findings.

## RESULTS AND DISCUSSION

### Legal Regulations for the Protection of Napoleonic Fish in Indonesia

The protection of Napoleon fish (*Cheilinus undulatus*) in Indonesia has been regulated through various national and international legal instruments. The regulation aims to preserve species as well as prevent illegal fishing and trade practices that can threaten the sustainability of marine ecosystems.<sup>12</sup> The Gakkum Sub-Directorate has the authority to enforce the law against illegal fishing in Gorontalo waters, including the Sulawesi Sea and Tomini Bay. Normatively, law enforcement against the fishing of Napoleon (*Cheilinus undulatus*) has been regulated in the Fisheries Law and the Decree of the Minister of Maritime Affairs and Fisheries Number 37/KEPMEN-KP/2013. Criminal provisions have also regulated strict sanctions against the use of destructive fishing gear.

Regulations regarding law enforcement against *illegal fishing* practices, including the fishing of Napoleon (*Cheilinus undulatus*), have been regulated in Law Number 31 of 2004 concerning Fisheries which was later amended through Law Number 45 of 2009

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<sup>12</sup> Benny Diah Madusari, *Introduction to fisheries science* (Devata Library, 2026).

and strengthened by Law Number 6 of 2023 concerning Job Creation. In addition, special arrangements regarding the protection of Napoleon fish are also outlined in the Decree of the Minister of Maritime Affairs and Fisheries Number 37/KEPMEN-KP/2013 concerning the Determination of the Protection Status of Napoleon Fish (*Cheilinus undulatus*).

Especially for Napoleon's fish, the limited protection provisions regulate the classification of permissible sizes, which are below 100 grams, between 1000 grams to 3000 grams, and above 3000 grams. Sizes below 100 grams are generally used as seeds for cultivation activities in cages. The size below 1000 grams is the initial phase of the fish reaching gonadal maturity or spawning for the first time. Sizes between 1000 grams to 3000 grams indicate that the fish has undergone spawning several times. Meanwhile, a size above 3000 grams indicates an important phase in the fish's life cycle, which is when there is a change in sex from female to male as well as an ideal size to be used as a brood.<sup>13</sup>

Criminal sanctions that can be imposed are generally related to the use of destructive fishing gear, such as explosives and toxic substances. This is as stipulated in Article 84 and Article 85 of the Fisheries Law, which threaten the form of imprisonment and large fines for the perpetrators.<sup>14</sup>

#### **Law Enforcement Challenges to the Napoleonic Fishing in Gorontalo**

Although legal arrangements regarding the protection of Napoleonic fish are in place, the implementation of law enforcement on the ground still faces various challenges.<sup>15</sup> This condition can be seen from the lack of optimal supervision of the illegal fishing practice of Napoleon fish in Gorontalo waters. Based on the results of an interview with the Sub-Directorate of Law Enforcement Polairud of the Gorontalo Police, although preventive efforts have been made through the establishment of 14 surveillance posts in the Tomini Bay and Sulawesi Sea areas, they have never received reports related to the practice of illegal fishing of Napoleon.<sup>16</sup>

The absence of official reports regarding the illegal fishing of Napoleonic fish does not necessarily indicate that the practice did not occur. This condition can actually indicate limitations in the supervision, monitoring, and reporting mechanism for fisheries crimes in the Gorontalo area. Thus, weak detection of violations has the potential to cause the practice of illegal arrests to continue without adequate legal handling. Based on Soerjono Soekanto's theory, these conditions show that law enforcement facilities and facilities, especially the supervision and monitoring of aquatic areas, are still not running optimally.

Law enforcement efforts have so far been more focused on *illegal fishing* in general, which is shown by the increase in the number of cases from 1 case (2023), to 4

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<sup>13</sup> Billy Jenawi Ana Jemi Ferizone, "The Role of the Marine and Fisheries Service of Anambas Islands Regency in the Protection of Napoleonic Fish (Study in Air Sena Village, Central Siantan District)," *Public Dialectics: Journal of State Administration of Putera Batam University* 4, no. 1 (2019): 20–31, <https://doi.org/10.33884/dialektikapublik.v4i1.1360>.

<sup>14</sup> Syarifuddin Sy, Danialsyah Danialsyah, and Mukidi Mukidi, "LAW ENFORCEMENT AGAINST FISHERY BUSINESS ACTORS WHO CARRY OUT FISHING USING EXPLOSIVES (DYNAMITE FISHING) IN THE WATERS OF SIMEULUE ACEH," *Scientific Journal of METADATA* 6, no. 2 (May 2024): 205–17, <https://doi.org/10.47652/metadata.v6i2.506>.

<sup>15</sup> Ruswan Latuconsina, Uwiyono Uwiyono, and Listyowati Sumanto, "Reconstruction of Criminal Law Arrangements for Illegal Fishing Based on Legal Certainty," *Indonesian Journal of Islamic Jurisprudence, Economic and Legal Theory* 3, no. 4 (October 2025): 3691–6701, <https://doi.org/10.62976/ijjel.v3i4.1535>.

<sup>16</sup> Interview with investigators of the Gorontalo Regional Police Directorate

cases (2024), and 6 cases (2025).<sup>17</sup> Nonetheless, the absence of specific treatment of Napoleon fish suggests that the protection of this species has not yet become a priority in law enforcement practice.

This condition shows that law enforcement against Napoleon's fishing has not been carried out optimally, although the practice of illegal fishing is still found in the field. In fact, Napoleon fishing which is included in the protected fish category has the potential to have a serious impact on the preservation of marine ecosystems and the sustainability of fishery resources.<sup>18</sup>

In a number of scientific articles, issues related to Napoleon fishing are still often reported to occur in various areas of the waters and even in the trade and in illegal business, even though its status as a protected species has been established. The findings in these articles show that weak surveillance, high market demand, and lack of public awareness are the main factors driving the sustainability of illegal fishing practices.<sup>19</sup>

The news described in detail the Napoleonic fish trade chain, starting from the catch in Wakatobi waters, the distribution process through Bali as a transit route, to its use as a consumer commodity in Hong Kong.<sup>20</sup> This information shows that napoleon fishing is not only local, but has been connected to cross-regional and international trade networks. This condition reinforces the findings in various scientific articles stating that the high demand of the international market is one of the main drivers of the continued occurrence of Napoleonic fishing, even though this species has been protected.

Based on Lawrence Friedman's theory of the legal system, the effectiveness of law enforcement is influenced by three elements, namely the legal structure, the substance of the law, and the legal culture.<sup>21</sup> In this study, the legal substance regarding the protection of Napoleonic fish has actually been available through various national and international regulations. However, the legal structure in the form of supervision and law enforcement in the field is still not optimal, coupled with the community's low legal culture towards the protection of protected species. This condition shows that there is a gap between regulation and law enforcement implementation in Gorontalo.

### **The Ecological Impact of Napoleon's Illegal Fishing**

Illegal fishing of Napoleon not only raises legal issues, but also has an impact on the balance of marine ecosystems. The decline in Napoleon fish populations has the potential to disrupt the ecological function of coral reefs and the sustainability of fishery resources.<sup>22</sup>

From an environmental aspect, illegal fishing of Napoleon has a direct impact on

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<sup>17</sup> Data from the Gorontalo Regional Police Directorate

<sup>18</sup> Vernandito Sudharta Raftua Tampubolon and Irwan Triadi, "A Comprehensive Analysis of the Consequences and Efforts to Counter Unlawful Fishing," *Media Legal Indonesia (MHI)* 2, no. 2 (June 2024), <https://doi.org/10.5281/zenodo.12513608>.

<sup>19</sup> Ibid.

<sup>20</sup> Azwin Apriandi M.Si S. Pi and Novi Winarti, *Exploring the Implementation of Blue Economy in the Maritime Country* (CV Eureka Media Aksara, 2025).

<sup>21</sup> Askari Razak, "Realizing Fair and Dignified Elections: A Review of Lawrence M. Friedman's Legal System," *Fundamentals: Legal Scientific Journal* 12, no. 2 (December 2023): 471–88, <https://doi.org/10.34304/jf.v12i2.185>.

<sup>22</sup> Elen Anedya Frahma, "INTERNATIONAL CRIMINAL LAW STUDY ON ILLEGAL FISHING CASES IN INDONESIAN SEA AREAS.," *Cerdika: Indonesian Scientific Journal* 5, no. 1 (January 2025): 132, <https://doi.org/10.59141/cerdika.v5i1.2367>.

the balance of marine ecosystems.<sup>23</sup> Based on the results of interviews with the Gorontalo Provincial Marine and Fisheries Service, Napoleon fish has a very important ecological role in maintaining the health of coral reefs. These fish serve as natural predators that help control populations of certain organisms that can damage coral reefs.

Overfishing of Napoleon, even more so if the use of destructive fishing gear such as bombs or poisons, can lead to a drastic decline in the Napoleonic fish population. The decline in the population has implications for the disruption of the seafood chain and the destruction of coral reef ecosystems.<sup>24</sup>

In addition, the environmental impact of illegal fishing of Napoleon fish also has the potential to threaten the conservation status of Napoleonic fish that has been designated as a limited protected species.<sup>25</sup> If illegal fishing practices are not controlled, the Napoleon fish population can further decline and risk local extinction, especially in Gorontalo waters.

The environmental impacts caused by illegal Napoleonic fishing, such as population decline and disruption of the balance of coral reef ecosystems, indicate a failure in the application of conservation principles.

Arrests carried out without paying attention to legal provisions and environmental carrying capacity are contrary to the goal of conservation, which is to maintain the stability of marine ecosystems and the sustainability of fishery resources. In this context, the practice of *illegal fishing* can be seen as a form of unsustainable exploitation of natural resources.

## CONCLUSION

This study concludes that the legal framework regarding the protection of Napoleon fish (*Cheilinus undulatus*) in Indonesia has basically provided an adequate normative foundation through various national regulations and commitments to international instruments. However, the findings of the study show that there is a significant gap between the law in the books and its implementation (law in action) in Gorontalo Province. Law enforcement against the illegal fishing of Napoleon fish has not been effective because it is influenced by limited supervision in the waters, the lack of facilities and capacity of law enforcement officials, weak coordination between institutions, and low legal awareness of coastal communities. The absence of case handling specifically does not reflect the absence of violations, but rather indicates a weak system of detection, reporting, and enforcement of illegal arrest practices.

The study's main findings confirm that the effectiveness of Napoleonic fish protection is not only determined by the existence of regulations, but also by the institutional capacity to implement the law consistently. Weak law enforcement has an impact on increasing vulnerability of protected species, disturbing the balance of coral reef ecosystems, and declining sustainability of fishery resources. Thus, this study provides an empirical contribution that strengthening marine conservation governance

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<sup>23</sup> Mery Pemilia Astriyanti and Ayu Efridadewi, "Management, Understanding and Protection of the Community, and Law Enforcement of Criminal Acts Regarding Illegal Fishing," *Scientific Journal of Wahana Pendidikan* 10, no. 10 (June 2024): 498–507, <https://doi.org/10.5281/zenodo.11447187>.

<sup>24</sup> Mauli Kasmi, *MANAGEMENT OF EXOTIC ORNAMENTAL FISH RESOURCES GOSPEL NAPOLEON Pomacanthus xanthometopon*.

<sup>25</sup> Hendrik Sombo et al., "Recovery of the Napoleon Fish (*Cheilinus undulatus*) Population in the Waters of Misool, Raja Ampat Regency: Evaluation of Trends, Density, and Impact of Conservation Policies 2013-2023: Recovery of the Napoleon Fish (*Cheilinus undulatus*) Population in the Waters of Misool, Raja Ampat Regency: Evaluation of Trends, Density, and Impact of Conservation Policies 2013-2023," *Berperikanan Pesupik* 53, no. 3 (2025): 2954–72.

requires integration between legal instruments, institutional capacity, and community participation as a unit of protection system that supports each other.

Based on these findings, this study recommends strengthening technology-based surveillance systems and integrated patrols in Gorontalo waters, increasing resource capacity and coordination between law enforcement agencies, and optimizing reporting and enforcement mechanisms for fisheries conservation violations. In addition, the government needs to develop sustainable legal education and conservation programs for coastal communities by involving local governments, law enforcement officials, academics, and community organizations. Further research is recommended to develop a collaborative environmental governance model and evaluate the effectiveness of conservation policies for protected marine species in various coastal areas of Indonesia as a basis for more adaptive and sustainable policy formulation.

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The authors state that there is no conflict of interest in the publication of this article.

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