

# JURIDICAL PROBLEMS OF THE AUTHORITY OF THE NATIONAL POLICE AND BAKAMLA IN LAW ENFORCEMENT IN INDONESIAN SEA AREAS

## WAWAN MULIAWAN

Doctoral Program in Law, Faculty of Law, Diponegoro University, Jl. Prof. Soedarto, SH., Tembalang, Semarang. Email: wawanmuliawan@students.undip.ac.id

## LAZARUS TRI S

Lecturer in Law, Faculty of Law, Diponegoro University, Jl. Prof. Soedarto, SH., Tembalang, Semarang.

## SITI MALIKHATUN

Lecturer in Law, Faculty of Law, Diponegoro University, Jl. Prof. Soedarto, SH., Tembalang, Semarang.

### Abstract

The purpose of this study is to analyze: 1) Why are there juridical problems with the authority of the National Police and Bakamla in law enforcement in Indonesian sea areas? 2) What is the ideal construction in overcoming the Juridical Problems of the Authority of the National Police and Bakamla in Law Enforcement in Indonesian Sea Areas in the future?. The research method used is normative juridical with a statutory approach, concept approach, and case studies. The results showed that: 1) Regulations that regulate all aspects in the marine sector in Indonesia, and one of the impacts of many of these regulations is the overlapping authority of related agencies. u there are three agencies authorized in fisheries law enforcement based on Article 73 of Law No. 45 of 2009, namely the Ministry of Marine Affairs and Fisheries (MMAF), TNI Navy and Polri and Bakamla. However, this Law does not provide for a clear division of authority and a definite working mechanism. So that the three agencies have the same authority in enforcing fisheries law without any integration of the implementation system. This saves the potential for conflicts of authority, because all three have the authority to handle the same case, for example in terms of investigating and filing BAP and credit cards, contracts for shipping goods (land, sea and air, and so on. 2) to overcome the problems that occur between the National Police and Bakamla in law enforcement, they must look at the authority of each institution based on the law so that there is no misunderstanding in taking Law enforcement and coordination between law enforcement agencies is required.

**Keywords:** Problematic, Juridic, Authority, Polri, Bakamla, Law Enforcement, Sea Area, Indonesia.

## INTRODUCTION

### Background

Indonesia's territorial waters include inland waters, archipelagic waters, and territorial seas. In addition, Indonesia also has jurisdictional areas in sea waters outside the territorial sea which include the Exclusive Economic Zone, Continental Shelf, and Additional Zone where over this jurisdiction Indonesia has sovereign rights and certain other authorities based on laws and regulations and international law.<sup>1</sup> The sea as a territorial area, is an area that is the full responsibility of the state concerned with the application of the laws in force in its territory, namely national law. The territorial sea boundary of each ocean state uses its principle to determine the width of the territorial sea while taking into account international law of the sea conventions.<sup>2</sup>

This shows that the sea should not be backed, it is time for the Indonesian people to see the sea as the source of human life. Therefore, marine and fisheries development must be carried out by all stakeholders to change a situation for the better by utilizing marine and fisheries resources optimally, efficiently, effectively, and accountably, with the ultimate goal of improving community welfare in a sustainable manner.<sup>3</sup>

To maintain and secure the sea area of the Unitary State of the Republic of Indonesia, a strong law enforcement apparatus is needed in the process of enforcing certain criminal acts at sea.<sup>4</sup> As law enforcement officers at sea, in the aspect of legality of law enforcement at sea who have the authority to investigate certain criminal acts at sea include the Indonesian Navy, National Police, Ministry of Transportation, Ministry of Marine Affairs and Fisheries, Ministry of Finance, Ministry of Law and Human Rights Justice, Ministry of Energy and Mineral Resources (ESDM), Ministry of Environment and Forestry and other stakeholders who have the authority to carry out law enforcement against criminal acts that occur at sea.<sup>5</sup>

In accordance with the basis stated above, the Indonesian Navy, the National Police, the Ministry of Transportation, the Ministry of Marine Affairs and Fisheries, the Ministry of Finance, the Ministry of Law and Human Rights, the Ministry of Energy and Mineral Resources (ESDM), the Ministry of Environment and Forestry and other stakeholders as investigators in law enforcement at sea is an attributive authority, namely the authority attached to a position.<sup>6</sup> The issuance of Law No. 32 of 2014 concerning Marine Affairs which was then followed up by Presidential Regulation / Presidential Decree number 178 of 2014 concerning the Maritime Security Agency (BAKAMLA), the authority is mainly related to security and law enforcement is one part of the duties and functions of the establishment of the Maritime Security Agency (BAKAMLA), so clear legal rules are needed regarding law enforcement at sea, especially with the formation of the new organization BAKAMLA Regarding the duties, functions and authorities as law enforcement apparatus at sea so as not to cause confusion, doubt and legal uncertainty.<sup>7</sup>

Meanwhile, the authority of the National Police based on Law number 2 of 2002 concerning the National Police is as one of the functions of the state government in the field of maintaining public security and order, law enforcement, community protection, community protection. Where the main duties of the Indonesian national police are a. Maintain public security and order. b. Enforce the Law. c. Provide protection, protection and services to the community. The National Police of the Republic of Indonesia is tasked with carrying out investigations and investigations into all criminal acts in accordance with the criminal procedure law and laws and regulations.<sup>8</sup> Based on the Criminal Procedure Code, the authority of the Indonesian national police as investigators and investigators has been regulated in the Criminal Procedure Code (KUHAP), namely investigators are every official of the National Police of the Republic of Indonesia. In another article, it is also stated that investigators are officials of the National Police of the Republic of Indonesia and civil servant officials (PPNS) who are specifically authorized by law.<sup>9</sup>

The number of law enforcement agencies that are equally authorized in law enforcement in water and marine areas causes overlapping policies and conflicts of authority, one of which is the authority of the POLRI in this case the Water Police and Bakamla. Therefore, it is necessary to conduct an in-depth study of these legal problems and ideal concepts in overcoming the problems that occur in order to create maximum law enforcement in Indonesia's sea areas and there are no conflicts of authority. Based on this, the author is interested in reviewing a study on "**JURIDICAL PROBLEMS OF THE AUTHORITY OF THE NATIONAL POLICE AND BAKAMLA IN LAW ENFORCEMENT IN INDONESIAN SEA AREAS**".

## **PROBLEM STATEMENT**

1. Why is there a juridical problem of the authority of the National Police and Bakamla in law enforcement in Indonesian sea areas?
2. What is the ideal construction in overcoming the Juridical Problems of the Authority of the National Police and Bakamla in Law Enforcement in Indonesian Sea Areas in the future?

## **THEORETICAL FRAMEWORK**

### **1) Grand Theory**

The Grand Theory or the main theory on which the analysis knife is based in this study is the theory of law enforcement. The definition of law enforcement can also be interpreted as the administration of law by law enforcement officers and by everyone who has interests in accordance with their respective authorities according to applicable legal rules. Criminal law enforcement is a unified process beginning with the investigation, arrest, detention, trial of the accused and ending with the correction of the convict. According to Soerjono Soekanto<sup>10</sup>, said that law enforcement is an activity to harmonize the relationship of values described in steady rules and attitudes of action as a series of final stage value elaboration. To create, maintain and maintain social peace.<sup>11</sup>

### **2) Middle Theory**

Middle Theory or supporting theory that is the basis of the analysis knife in this study is Legal Certainty. The ideals of Indonesian National Law based on Pancasila have been distorted to the extent of its failure to manifest its rules, culture, and legal structure. The strong current and paradigm of legal positivism in the post-independence Indonesian legal tradition, and the uncontrolled implementation of values, morals and norms of indigenous Indonesian culture, have made the law run alone and commit its arbitrariness against the legal community itself.<sup>12</sup> The ideal of Indonesian National Law must be penetrated with transcendental conceptions and paradigms that contain normative rules of religion, morals and social ethics so that the construction of laws that are born is truly able to humanize the law, not punish humans.<sup>13</sup>

Legal certainty is a condition where a regulation is made and promulgated with certainty because it regulates clearly and logically. Clear in the sense that there is no vagueness of norms or doubts (multiinterpretation) and logical in the sense of being a system of norms with other norms so that they do not clash or cause norm conflicts. Legal certainty refers to the clear, fixed, consistent and consequent enactment of laws, the implementation of which cannot be affected by circumstances of a certain nature.<sup>14</sup>

### 3) Applied Theory

Applied Theory or application theory that becomes an analysis knife in this study is the Theory of Hierarchy of Legal Norms or Hieraki of Laws and Regulations and authority theory.

#### a. Hierarchy Theory of Legislation

Hans Kelsen in the "*General Theori of Law and State*" translation of the general theory of law and <sup>15</sup>state elaborated by Jimly Assihiddiqie<sup>16</sup> under the title Hans Kelsen's theory of law among others that Legal analysis, which reveals the dynamic character of the system of norms and the functions of basic norms, also reveals a further peculiarity of law: law governs its own formation because a legal norm determines the way to create norms Other laws, and to some degree, determine the content of the other norms. Because, one legal norm is valid because it is made in a way determined by another legal norm, and this other legal norm is the basis for the validity of the first legal norm.

#### b. Authority Theory

The concept of authority can be seen in Dutch known as "*bevoegdheid*" which means authority or power.<sup>17</sup> Authority is the ability to perform certain legal actions in the sense of actions that cause legal consequences and include the emergence and disappearance of legal consequences.<sup>18</sup>

## RESEARCH METHODOLOGY

This research is included in the type of non-doctrinal research with an empirical juridical approach which in other words is a type of sociological legal research and can also be called field research<sup>19</sup>. Juridical approach (law is seen as a norm or *das sollen*), because in discussing this research problem using legal materials (both written and unwritten laws or both primary legal materials and secondary legal materials).<sup>20</sup>

Empirical approach (law as social, cultural reality or *das sein*), because in this study used primary data obtained from the field. In analyzing is done by combining primary flat from the field with secondary data from legal materials.<sup>21</sup> Data collection techniques in this study were obtained based on *library research*. The study conducted was a literature study (*library research*) using secondary data. Secondary data in this study was obtained through literature studies, by seeking information as complete and as much as possible with journal literature, newspapers, articles, scientific papers and laws and regulations related to those related to the research theme.<sup>22</sup> The research technique in this dissertation is descriptive analytical, where analysis is carried out critically using various

theories of research problems. The data collected in this study will be analyzed descriptively with a *qualitative approach*, namely by providing a thorough and in-depth explanation and explanation (*holistic / verstelen*), based on words arranged in a scientific setting.<sup>23</sup>

## RESEARCH RESULTS

### Juridical Problems of the Authority of the National Police and Bakamla in Law Enforcement in Indonesian Sea Areas

An area that has been confirmed as a sovereign territory of a state has the consequence that the state is fully sovereign to inhabit and administer the territory.<sup>24</sup> The country's sovereignty is one of the important provisions of the 1982 United Nations Convention of the Law of the Sea (UNCLOS). An archipelagic state according to this convention is a state consisting entirely of one or more archipelagos and may include other islands, while what is meant by archipelagic cluster means a cluster of islands including parts of islands, waters between the clusters of islands, and others natural forms that are closely related to each other so that the cluster of islands, waters and other natural forms is a geographical unity and politics that is essential, or historically has been regarded as a whole.<sup>25</sup>

The convention regulates maritime zones with unequal legal status. This maritime zone is divided into two parts, namely zones that are under and outside national jurisdiction. Maritime zones under national jurisdiction are divided into maritime zones that are under the full sovereignty of coastal states and maritime zones, parts of coastal states can exercise special powers and rights provided for in the convention.<sup>26</sup> On that basis, what is meant by maritime zones is divided into:

- a. The maritime zone under full sovereignty consists of internal waters, *archipelagic waters*, and *territorial seas*;
- b. The maritime zone under the authority and special rights of coastal states consists of *contiguous zones*, exclusive economic zones, and continental *shelves*; and
- c. Maritime zones outside national jurisdiction consist of *high seas* and *international seabed areas*

These maritime zones can be national waters of coastal states or island states that have sovereignty. Sovereignty is the supreme and full power of a state that is comprehensive, limited by the territory of that state, and based on the provisions of national law with due regard to the provisions of international law.<sup>27</sup> This state sovereignty is described in the form of state authority or rights, including jurisdiction which is the authority of the state in making and enforcing legal regulations.<sup>28</sup> Ivan Shearer stated that to exercise sovereignty requires jurisdiction, namely the legal authority of the state to make laws and regulations that regulate legal relations carried out by people, both citizens or foreign nationals and property located in its territory and also includes the authority of the state to force the subject of law to obey regulations (laws).<sup>29</sup>



Indonesia to maintain its sovereignty at sea has made a marine policy through ocean *culture* policy, ocean governance policy, ocean economic policy, maritime security policy, and marine environment policy.<sup>30</sup>Indonesia's maritime policy is based on Pancasila, the 1945 Constitution, UNCLOS 1982 which has been ratified by Law Number 17 of 1985 concerning the Ratification of the United Nations Convention of the Law of the Sea 1982 (Law 17/1985), and Law Number 17 of 2007 concerning the National Long-Term Development Plan 2005-2025 (RPJPN 2005-2025).

Regulations regarding maritime security are closely related to laws and regulations governing the sea and all activities connected to the sea. This is because Indonesia's marine aspect holds enormous potential so that it involves many *stakeholders* who are given authority over the Indonesian sea and its regulation is spread in several laws and regulations. The laws in force at sea have provided legal arrangements and authority from each agency, but have not been well coordinated, overlapping arrangements, overlapping stakeholder authorities, and overlapping institutional aspects, because there are more than 14 ministries/agencies and local governments authorized in it. An example of such overlap occurs on the territory of the exclusive economic zone. Based on national law stipulated in Article 14 paragraph (1) of the EEZ Law, the EEZ area is the responsibility of the Indonesian National Army (TNI-AL) navy. In addition, Article 224 of UNCLOS 1982 indirectly specifies that the most authoritative agency at sea is the armed forces in a country. On that basis, the TNI AL is responsible for all criminal acts and violations of law in Indonesia's marine waters. However, at the implementation level, there is a conflict of authority in this EEZ area between the TNI-AL and the Directorate General of Customs when exercising the authority to carry out legal proceedings against ships suspected of smuggling. Conflict also occurred between the TNI-AL and the Ministry of Marine Affairs and Fisheries which patrolled the sea for inspection and investigation in Indonesia's EEZ when handling the legal process of fishing vessels that committed violations at sea. Conflicts occur due to unclear regulation of the duty area of the Directorate General of Customs and the Ministry of Marine Affairs and Fisheries, so it is not uncommon for intersections between the TNI-AL and other agencies in handling cases of violations in Indonesian territorial waters, especially in the EEZ.<sup>31</sup>

Regulations in the marine sector have not been implemented effectively and efficiently and there is no integration among sectoral laws in the marine sector, so they sometimes clash with each other in legal arrangements and responsible institutional authority at sea. Therefore, harmonization of the legal system and laws and regulations is needed to create maritime security in Indonesia's maritime jurisdiction, compile and compile existing laws and regulations to facilitate reference in law enforcement at sea, and create a database of laws and regulations. In addition, a comprehensive Indonesian marine policy and regulation is also urgently needed and regulates authority at sea as a manifestation of a good and *clean governance* system. These maritime policies and regulations must be in the form of laws so that they have the force of binding law nationally by containing philosophical, sociological, and juridical bases that are adapted to the geopolitical

conception and legal needs of this country. This is intended to integrate laws and regulations that are sectoral in nature and apply in Indonesia's marine waters.<sup>32</sup>

The threat of law transgression is non-compliance with national and international laws applicable in national jurisdictional waters including *illegal fishing*. To overcome certain criminal acts at sea like this, there is actually an agency that handles it, namely the Marine Security Agency (Bakamla). However, problems in the field of fisheries as regulated in Law Number 45 of 2009 concerning Fisheries, the institutions authorized in law enforcement as investigators are PPNS, Polri and TNI AL.

The existing regulations so far are regulations that regulate all aspects of the marine sector in Indonesia, and one of the impacts of many of these regulations is the overlapping authority of related agencies. There are three agencies authorized in fisheries law enforcement based on Article 73 of Law No. 45 of 2009, namely the Ministry of Marine Affairs and Fisheries (MMAF), the Navy and the National Police and Bakamla. However, this Law does not provide for a clear division of authority and a definite working mechanism. So that the three agencies have the same authority in enforcing fisheries law without any integration of the implementation system. This holds the potential for conflicts of authority, because all three have the authority to handle the same case, for example in terms of investigation and filing of BAP (except for the Navy in the EEZ).<sup>33</sup>

In Law No. 32 / 2014 on Marine Affairs Article 62: BAKAMLA functions: a. formulate national policies in the field of security and safety in Indonesian territorial waters and Indonesian jurisdiction; b. organizing a security and safety early warning system in Indonesian territorial waters and Indonesian jurisdiction; c. carry out guarding, supervision, prevention, and enforcement of violations of the law. Then, Presidential Decree No. 178/2014 concerning Bakamla Article 3: Bakamla's authority: a. formulate national policies in the field of security and safety in Indonesian territorial waters and Indonesian jurisdiction; b. organizing a security and safety early warning system in Indonesian territorial waters and Indonesian jurisdiction; c. carry out guarding, supervision, prevention, and enforcement. While Law No. 17 / 2008 concerning Shipping Article 278 paragraph b (1): sea and coast guards have the authority to: a. carry out sea patrols; b. hot pursuit; c. dismiss and inspect vessels at sea; and d. conduct investigations. (ket: mandate to the National Police).<sup>34</sup> from there it is clear that there is an overlap in law enforcement authority between the National Police and Bakamla.

### **Ideal Construction in Overcoming Juridical Problems of the Authority of the National Police and Bakamla in Law Enforcement in Indonesian Sea Areas**

Law enforcement is the process of making efforts to uphold or function legal norms in real terms as a code of conduct in traffic or legal relations in public and state life.<sup>35</sup> Law enforcement can also be interpreted as an activity to harmonize the relationship of values described in solid rules and the embodiment and attitude of action as a series of final stage value elaboration, to maintain and maintain social peace.<sup>36</sup> Law enforcement will be fulfilled if the pillars of the law run well, namely good legal instruments, strong law enforcement officials, adequate equipment, law-aware communities, and supporting

bureaucracy. Law enforcement officials as one of the pillars of law enforcement include law enforcement agencies and law enforcement officials. There are three important elements that affect the working process of law enforcement officials, namely:<sup>37</sup>

- a. Law enforcement institutions along with various supporting facilities and infrastructure and institutional work mechanisms;
- b. Work culture related to its apparatus, including regarding the welfare of its apparatus; and
- c. A set of laws and regulations that support both institutional performance and those that regulate legal material that is used as work standards, both material law and formal law.

Enforcement of this law applies in all regions of the country including in marine space. Such law enforcement implies the demand for the ability to maintain and supervise the observance of certain legal provisions in the waters of Indonesia's national jurisdiction and other waters in order to defend and protect national interests. This enforcement of law in the sea cannot be separated from the enforcement of state sovereignty at sea. Enforcement of sovereignty at sea can be carried out within the scope of the state and net beyond state borders, while law enforcement at sea is a process of arrest and investigation of a case arising as a result of violations of international law and national law, so that in its implementation the enforcement of sovereignty and law enforcement at sea are carried out simultaneously.<sup>38</sup> These two things are dimensions of maritime security.

Therefore, to provide solutions to the nation's problems in maritime security, it is necessary to formulate regulations in the form of laws in which it contains aspects of defense and security at sea which include:

1. Integrated defense and security in border areas;
2. Development of monitoring, control, and surveillance (MCS) systems;
3. Security of border areas and small and frontier islands; and
4. Coordination of security and handling violations at sea.

In addition to this substance, this regulation also needs to regulate the responsible party, institutional form, and authority of the right to conduct investigations and investigations into violations of law that occur at sea.<sup>39</sup>

Article 60 of Law Number 32 of 2014 concerning Marine Affairs regulates the establishment of the Maritime Security Agency. The Maritime Security Agency (Bakamla) is a non-ministerial government agency under the President, whose main task is to conduct security and safety patrols in Indonesian territorial waters and Indonesian jurisdiction. Basically, Bakamla is a revitalization of Bakorkamla, which has strengthened its authority, which is to become the central command of law enforcement in Indonesian territorial waters as stipulated in Article 63, in contrast to Bakorkamla which only



coordinates related agencies. The establishment of Bakamla will shift the paradigm of law enforcement at sea from multi-agency multi-task, to *single agency multi-task*, which in practice will create effectiveness and efficiency, as well as true law enforcement. However, Article 73 of Law No. 45 of 2009 concerning Fisheries also does not regulate Bakamla's authority as a fisheries investigator, thus Bakamla cannot be expected to be an agency that is able to harmonize the work of fisheries law enforcement officials.<sup>40</sup>

Institutions authorized in law enforcement at sea that have patrol task forces, namely, TNI-AL; POLRI/Directorate of Water Police (Polair); Marine and Fisheries Guard Unit (KPLP); Ministry of Marine Affairs and Fisheries (MMAF); Ministry of Finance (Directorate General of Customs); and Bakamla. Each institution has duties and authorities that have been regulated in their respective laws and regulations. Overall, the authority of each agency is to patrol the territorial sea area, conduct inspections, detentions and dismissals of vessels suspected of criminal acts. However, for the task of investigation, authority is given to the Navy, Polair, KPLP, PPNS Customs, PPNS Fisheries, while the institution that does not have the authority to investigate is Bakamla.<sup>41</sup> Thus, to overcome the problems that occur between the National Police and Bakamla in law enforcement, they must look at the authority of each institution based on the law so that there is no misunderstanding in taking law enforcement and coordination between law enforcement agencies is needed.

Weak coordination between Law Enforcement agencies can lead to overlapping authorities and policies of each, making it very prone to causing conflicts of interest. Uncoordinated law enforcement is one of the obstacles in tackling *Illegal, Unreported and Unregulated (IUU) Fishing*. The judicial process from investigation to trial requires a very large cost, a very long legal process and very adequate facilities / infrastructure require special expertise in handling the case. In one institution, of course, it does not have all components, data / information or facilities and infrastructure needed in the context of law enforcement. Therefore, synergistic coordination and cooperation between relevant institutions is needed in law enforcement efforts against illegal fishing. Coordination between these various agencies greatly determines the success of criminal law enforcement against illegal fishing crimes which are organized crimes that have a very wide network ranging from illegal fishing, fish transshipment in the middle of the sea to illegal fish exports.<sup>41</sup>

## CONCLUSION

The results showed that;

- 1) Regulations that regulate all aspects of the marine sector in Indonesia, and one of the impacts of many of these regulations is the overlapping authority of related agencies. There are three agencies authorized in fisheries law enforcement based on Article 73 of Law No. 45 of 2009, namely the Ministry of Marine Affairs and Fisheries (MMAF), the Navy and the National Police and Bakamla. However, this Law does not provide for a clear division of authority and a definite working mechanism. So that the three agencies have the same authority in enforcing fisheries law without

any integration of the implementation system. This saves the potential for conflicts of authority, because all three have the authority to handle the same case, for example in terms of investigating and filing BAP and credit cards, contracts for shipping goods (land, sea and air, and so on).

- 2) To overcome the problems that occur between the National Police and Bakamla in law enforcement, they must look at the authority of each institution based on the law so that there is no misunderstanding in taking law enforcement and coordination between law enforcement agencies is needed.

### Notes

- 1) Yulia A Hasan and M H SH, Law of the Sea Conservation of Fish Resources in Indonesia (Prenada Media, 2021).
- 2) Abdul Muthalib Tahar and M SH, "Law Enforcement in Indonesian Waters," International Law of the Sea in Development, Series Monograph 3, no. 1 (2015): 1.
- 3) Budi Pramono, Law Enforcement in Indonesian Waters (Scopindo Media Pustaka, 2021).
- 4) Arif Budi Kusuma, "Overlapping Law Enforcement in Indonesian Seas," 2021.
- 5) Dimas Bayu Rakhmatullah, "The Position of the Maritime Security Agency (Bakamla) in Law Enforcement at Sea (Study Based on Law Number 17 of 2008 on Shipping)," Badamai Law Journal 2, no. 1 (2022): 39–58.
- 6) The Gospel of Vigil Milinia Kapahese, "A Review of the Settlement of Interstate Boundary Disputes from the Perspective of International Law," Lex Administratum 9, no. 3 (2021)
- 7) Yoyon Mulyana Darusman, "The Effect of the 1982 International Convention on the Law of the Sea on Indonesian Sea Territory," Journal of Cita Hukum 6, no. 2 (2018): 343–60
- 8) Ibnu Suka and Gunarto Gunarto, "The Role and Responsibility of the National Police as Law Enforcers in Implementing Restorative Justice for Justice and Community Benefit," Khaira Ummah Law Journal 13, no. 1 (2018): 111–18.
- 9) ahegga Primananda Alfath, Asimatul Chobibah, and Resi Puspitosari, "Police Legal Conformity in the Indonesian Sea Law Enforcement System," Law & Justice Review Journal 1, no. 1 (2021): 37–46.
- 10) Soerjono. Soekanto, Factors Influencing Law Enforcement (Jakarta: PT. RajaGrafindo Persada, 2013), p. 32.
- 11) Mashuril Anwar and Maya Shafira, "Harmonization of Lampung Coastal Environmental Management Policy in a Community-Based Management Regime," Indonesian Journal of Environmental Law 6, no. 2 (2020): 266–87, <https://doi.org/10.38011/jhli.v6i2.156>
- 12) Moh. Mahfud MD., "Law Enforcement and Good Governance," National Seminar "Time for Conscience to Speak", January 8, 2009, 2009.
- 13) Sudikno Mertokusumo, Knowing the Law of a Pengntar (Yogyakarta: Liberty Press, 2007), p. 150
- 14) Fernando M Manulang, Law in Certainty (Bandung: Prakarsa Media, 2007), p. 95
- 15) Hans Kelsen, General Theory of Law and State Original title (Theory of Law and State) translated by Rasul Muttakin (Bandung: Nusamedia, 2010), p. 179
- 16) Jimly Asshiddiqie, Hans Kelsen's Theory of Law (Jakarta: Press Constitution, 2009).
- 17) Ridwan HR, State Administration Law (Jakarta: PT. Raja Grafindo Persada, 2006), p. 102.

- 18) Yudhi Setiawan, *Mixed Law Instrument (Gemeenschapelijkrecht) in Land Consolidation* (Jakarta: PT. Raja Grafindo Persada, 2009), p. 16
- 19) BambangWaluyo, *Legal Research in Practice*, Jakarta; Sinar Grafika, 2002, p. 15
- 20) Peter Mahmud Marzuki, *Legal Research* (Jakarta: Kencana Prenada Media Group, 2008).
- 21) Johnny Ibrahim, *Theory and Methodology of Normative Legal Research* (Malang: Banyumedia Publishing, 2006), p. 299.
- 22) Soerjono Soekanto and Sri Mamudji, *Normative Legal Research, A Brief Review*, Jakarta : Raja Grafindo Persada, 2011.
- 23) Sugiyono, "Quantitative, Qualitative and R&D Research Methods," 26th (Bandung: Cv. Alfabeta, 2018), p. 34
- 24) Suryo Sakti Hadiwijoyo, *Territorial Boundaries of the State of Indonesia, Dimensions, Problems, and Handling Strategies (An Empirical and Juridical Review)*, Yogyakarta: Gava Media Publishers, 2009, p. 6
- 25) Explanation of Law No. 17 of 1985 concerning the Ratification of the United Nations Convention on the Law of the Sea.
- 26) Ety R. Agus in Dikdik Mohamad Sodik, *International Law of the Sea and Its Regulation in Indonesia*, Bandung: PT. Refika Aditama, 2011, p. 19
- 27) Dikdik Mohamad Sodik, *International Law of the Sea and Its Regulation in Indonesia*, p. 20.
- 28) National Law Development Agency, *Research Report on Law Enforcement in Indonesian Waters and Additional Zones*, Jakarta, 2006, p. 12.
- 29) Valentino R.Sabar, 'The Position of Fisheries Courts in Resolving Fisheries Criminal Cases', (2014) 2 *Lex et Societatis*. pp 86-87
- 30) Makmur Keliat, *Maritime Security and its Policy Implications for Indonesia*, *Journal of Social and Political Sciences* Volume 13, Number 1, July 2009, p. 112
- 31) Supriadi and Alimuddin, *Indonesian Fisheries Law* (Sinar Grafika, 2001, p. 63.
- 32) Heru Wiratama "The Authority of the Indonesian Navy as an Investigator of Criminal Acts at Sea in Securing Indonesian Waters", *Student Journal of the Faculty of Law*, p. 6.
- 33) Alfin Ramadhan & Djoko Wahyu Winarno, "Juridical Review of the Authority of the Maritime Security Agency in Maintaining Sea Security", *Journal of Discretie*: Vol.1, No.1, April, 2020, p. 32.
- 34) Yerrico Kasworo, "(Restructuring of Authority to Support Sovereign and Sustainable Sea Space Management)", *Journal of Rechtsvinding: Media Pembinaan Hukum Nasional* Volume 8, Number 2, August 2019, p. 273.
- 35) Jimly Asshidqie, *Law Enforcement*, jimly.com/makalah/ filename/56/Penegakan\_Hukum.pdf, retrieved 20 November 2023
- 36) Bambang Sutiyoso, *Actuality of Law in the Reformation Era*, Jakarta: Raja Grafindo Persada, 2004, p. 57-67
- 37) Jimly Asshidqie, *op.cit.*
- 38) National Law Development Agency, *Research Report on Law Enforcement*.
- 39) Shanti Dwi Kartika, "Maritime Security From The Aspects Of Regulation And Law Enforcement", *The Rule Of Law*: Vol. 5, No. 2, November 2014, p. 156.

- 40) Ranu Samiaji, "Harmonization Of The Authority Of State Institutions In Tackling Illegal Fishing In Indonesian Waters",
- 41) Pinging Jeand'arc Angie Doodoh, "Juridical Review Of Law Enforcement Of The Right Of Peaceful Passage For Foreign Vessels In Indonesian Seas, *Lex Et Societatis* Vol. VI/No. 9/Nov/2018, p. 76.
- 42) Yep. Khozinatul Asror & Elisabeth Septin Puspoayu, "Harmonization Of Laws And Regulations Related To The Authority Of Investigations By Law Enforcement Agencies In The Exclusive Economic Zone Of Indonesia", *Novum: Journal of Law*, 2023, p 70

### **Bibliography**

- 1) Abdul Muthalib Tahar and M SH, "Law Enforcement in Indonesian Waters," *International Law of the Sea in Development*, Series Monograph 3, no. 1 (2015):
- 2) Ahegga Primananda Alfath, Asimatul Chobibah, and Resi Puspitosari, "Police Law Conformity in the Indonesian Sea Law Enforcement System," *Law & Justice Review Journal* 1, no. 1 (2021): 37–46.
- 3) Alfin Ramadhan & Djoko Wahyu Winarno, "Juridical Review of the Authority of the Maritime Security Agency in Maintaining Sea Security", *Journal of Discretie: Vol.1, No.1, April, 2020*
- 4) Arif Budi Kusuma, "Overlapping Law Enforcement in Indonesian Seas," 2021.
- 5) National Law Development Agency, *Research Report on Law Enforcement in Indonesian Waters and Additional Zones*, Jakarta, 2006.
- 6) National Law Development Agency, *Research Report on Law Enforcement*.
- 7) Bambang Sutiyoso, *Actuality of Law in the Reformation Era*, Jakarta: Raja Grafindo Persada, 2004, p. 57-67
- 8) BambangWaluyo, *Legal Research in Practice*, Jakarta; Sinar Grafika, 2002
- 9) Budi Pramono, *LAW ENFORCEMENT IN INDONESIAN WATERS (SCOPINDO MEDIA PUSTAKA, 2021)*.
- 10) Dikdik Mohamad Sodik, *International Law of the Sea and Its Regulation in Indonesia*.
- 11) Dimas Bayu Rakhmatullah, "The Position of the Maritime Security Agency (Bakamla) in Law Enforcement at Sea (Study Based on Law Number 17 of 2008 on Shipping)," *Badamai Law Journal* 2, no. 1 (2022): 39–58.
- 12) Ety R. Agus in Dikdik Mohamad Sodik, *International Law of the Sea and Its Regulation in Indonesia*, Bandung: PT. Refika Aditama, 2011.
- 13) Fernando M Manulang, *Law in Certainty (Bandung: Prakarsa Media, 2007)*
- 14) Hans Kelsen, *General Theory of Law and State Original title (Theory of Law and State) translated by Rasul Muttakin (Bandung: Nusamedia, 2010)*
- 15) Heru Wiratama "The authority of the Indonesian Navy as an investigator of criminal acts at sea in securing Indonesian waters", *Journal of Students of the Faculty of Law*.
- 16) Ibnu Suka and Gunarto Gunarto, "The Role and Responsibility of the National Police as Law Enforcers in Implementing Restorative Justice for Justice and Community Benefit," *Khaira Ummah Law Journal* 13, no. 1 (2018): 111–18.
- 17) The Gospel of Vigil Milinia Kapahese, "A Review of the Settlement of Interstate Boundary Disputes from the Perspective of International Law," *Lex Administratum* 9, no. 3 (2021)
- 18) Jimly Asshiddiqie, *Hans Kelsen's Theory of Law (Jakarta: Press Constitution, 2009)*

- 19) Johnny Ibrahim, *Theory and Methodology of Normative Legal Research* (Malang: Banyumedia Publishing, 2006).
- 20) Makmur Keliat, Maritime Security and its Policy Implications for Indonesia, *Journal of Social and Political Sciences* Volume 13, Number 1, July 2009.
- 21) Mashuril Anwar and Maya Shafira, "Harmonization of Lampung Coastal Environmental Management Policy in a Community-Based Management Regime," *Indonesian Journal of Environmental Law* 6, no. 2 (2020): 266–87, <https://doi.org/10.38011/jhli.v6i2.156>
- 22) Moh. Mahfud MD., "Law Enforcement and Good Governance," National Seminar "Time for Conscience to Speak", January 8, 2009, 2000
- 23) Yep. Khozinatul Asror & Elisabeth Septin Puspoayu, "Harmonization Of Laws And Regulations Related To The Authority Of Investigations By Law Enforcement Agencies In The Exclusive Economic Zone Of Indonesia", *Novum: Journal of Law*, 2023.
- 24) Explanation of Law No. 17 of 1985 concerning the Ratification of the United Nations Convention on the Law of the Sea
- 25) Peter Mahmud Marzuki, *Legal Research* (Jakarta: Kencana Prenada Media Group, 2008).
- 26) Pinging Jeand'arc Angie Doodoh, "Juridical Review Of Law Enforcement Of The Right Of Peaceful Passage For Foreign Vessels In Indonesian Seas, *Lex Et Societatis* Vol. VI/No. 9/Nov/2018, p. 76.
- 27) Ranu Samiaji, "Harmonization Of The Authority Of State Institutions In Tackling Illegal Fishing In Indonesian Waters"
- 28) Ridwan HR, *State Administration Law* (Jakarta: PT. Raja Grafindo Persada, 2006)
- 29) Shanti Dwi Kartika, "Maritime Security From The Aspects Of Regulation And Law Enforcement", *State Of Law: Vol. 5, No. 2, November 2014,*
- 30) Soerjono. Soekanto, *Factors Influencing Law Enforcement* (Jakarta: PT. RajaGrafindo Persada, 2013)
- 31) Sudikno Mertokusumo, *Knowing the Law of a Ruler* (Yogyakarta: Liberty Press, 2007)
- 32) Sugiyono, "Quantitative, Qualitative and R&D Research Methods," 26th (Bandung: Cv. Alfabeta, 2018)
- 33) Supriadi and Alimuddin, *Indonesian Fisheries Law* (Sinar Grafika, 2001).
- 34) Suryo Sakti Hadiwijoyo, *Territorial Boundaries of the State of Indonesia, Dimensions, Problems, and Handling Strategies (An Empirical and Juridical Review)*, Yogyakarta: Gava Media Publishers, 2009
- 35) Valentino R.Sabar, 'The Position of Fisheries Courts in Resolving Fisheries Criminal Cases', (2014) 2 *Lex ET Societatis*.
- 36) Yerrico Kasworo, "(Restructuring of Authority to Support Sovereign and Sustainable Sea Space Management)", *Journal of Rechtsvinding: Media Pembinaan Hukum Nasional* Volume 8, Number 2, August 2019
- 37) Yoyon Mulyana Darusman, "The Effect of the 1982 International Convention on the Law of the Sea on Indonesian Sea Territory," *Journal of Cita Hukum* 6, no. 2 (2018): 343–60
- 38) Yudhi Setiawan, *Mixed Law Instrument (Gemeenschapelijkrecht) in Land Consolidation* (Jakarta: PT. Raja Grafindo Persada, 2009)
- 39) Yulia A Hasan and M H SH, *Law of the Sea Conservation of Fish Resources in Indonesia* (Prenada Media, 2021).