

# *Indonesia's Strategic Role In Sea Law Enforcement Towards National Marine Defense And Security*

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**Abstract** – The Unitary State of the Republic of Indonesia is a world maritime country and an archipelagic country that has 17,504 islands whose territorial area is dominated by the ocean. As a maritime country, Indonesia has 4 (four) points that become international chokepoints, namely the Malacca Strait, Sunda Strait, Lombok Strait, and the Ombai-Wetar Strait. Indonesia has established three Indonesian Archipelagic Sea Lanes for the peaceful passage of international shipping, which is guaranteed by international and national law. Indonesia Coast Guard (IDNCG) is a Non-Ministerial State Institution whose position is under and directly responsible to the President and has the authority to enforce the law at sea and is justified by law so that with the issuance of Law Number 32 of 2014 concerning Marine Affairs and Presidential Regulation Number 178 of 2014 regarding IDNCG, it can be interpreted that there is legal legitimacy for IDNCG in carrying out its duties, functions, and authorities to carry out law enforcement against special crimes at sea. This study aims to explore Indonesia's strategic role in law enforcement at sea towards national maritime security and resilience. The method used is a literature study approach and the data analysis technique used is a qualitative data approach by conducting secondary data analysis to explain the findings obtained. This research produces findings in the form of an analysis of Indonesia's strategic role in law enforcement at sea towards maritime resilience and security both nationally and regionally.

**Keywords** – Strategic Role, Sea Law Enforcement, Marine Defense and Security.

## I. INTRODUCTION

Indonesia is a unitary state in the form of a republic. As a unitary state, it is a consequence of Indonesia's geographical conditions with islands stretching from Sabang to Merauke and having a very wide sea area, about 2/3 (two-thirds) of Indonesia's territory is the ocean. With such a wide marine area coverage, Indonesia is also recognized internationally as an archipelagic country which was established in Montego Bay, Jamaica on December 10, 1982, in the 1982 United Nations Convention on The Law of the Sea (hereinafter referred to as UNCLOS), which gave authority and expanded its territory. Indonesian Sea with all the provisions that follow it. Based on UNCLOS 1982, a country's marine zone is divided into zones where the state has full sovereignty it and zones where the state only has limited jurisdiction and sovereign rights.

Indonesia has ratified this convention with the Republic of Indonesia Law number 17 of 1985, and this convention has been effective since November 16, 1994, and was signed by 117 countries. Thus, geographically, according to the Hydrographic and Oceanographic Service of the Indonesian Navy, Indonesia has 17,504 islands with an area of 7.9 million km<sup>2</sup> consisting of 1.8 million km<sup>2</sup> of land and 3.2 million km<sup>2</sup> of the territorial sea, of which 2.9 million km<sup>2</sup> as the waters of the Exclusive Economic Zone (EEZ) with a coastline of about ± 81,000 km. Thus, the total area of Indonesia is 77% in the form of water or three times the land area of Indonesia.

Indonesian waters, which are rich in natural resources, are very beneficial for the Indonesian people. Well-managed natural resources can improve the welfare of the Indonesian people. However, on the other hand, it also invites non-traditional vulnerabilities or threats. These threats are in the form of violations and crimes at sea, such as piracy, armed and robbery, smuggling (weapons, ammunition, narcotics, or psychotropic goods), transnational crime, terrorism by sea, theft. natural wealth (illegal fishing, logging, mining, and illegal oil or fuel oil), pollution of the marine environment, use of explosives, use of prohibited types of fishing gear, terrorism, sabotage of vital objects, and accidents at sea. There is a desire for other countries to take advantage of their wealth illegally or to present their fleet of warships for reasons of security against commercial ships flagged by their country.

Regarding the many threats that may be present in Indonesian waters, stakeholders are needed in handling maritime security. Currently, there are thirteen stakeholders related to security issues in Indonesia, this also allows for overlapping authorities between the thirteen stakeholders. And one of the authorized stakeholders is IDNCG. IDNCG as the Sole Non-military Body, based on the Law of the Republic of Indonesia. 32 of 2014 concerning Maritime Affairs, carrying out its roles, duties, and functions by continuing to coordinate with various relevant stakeholders in the maritime sector, as well as implementing law enforcement by sea and shipping security and safety in the waters of the National Jurisdiction. The form and nature of the IDNCG marine security patrol (Kamla) is law enforcement at or by sea. This is generally done and carries out special operations on objects occurring at sea in the waters of the National Jurisdiction, such as accidents/catastrophes at sea, pollution at sea, and SAR assistance at sea with the principle of filling the gap. This principle means that IDNCG RI coordinates with military agencies related to violations of sovereignty and law enforcement operations at or by the sea to avoid overlapping areas or maritime security patrol sectors.

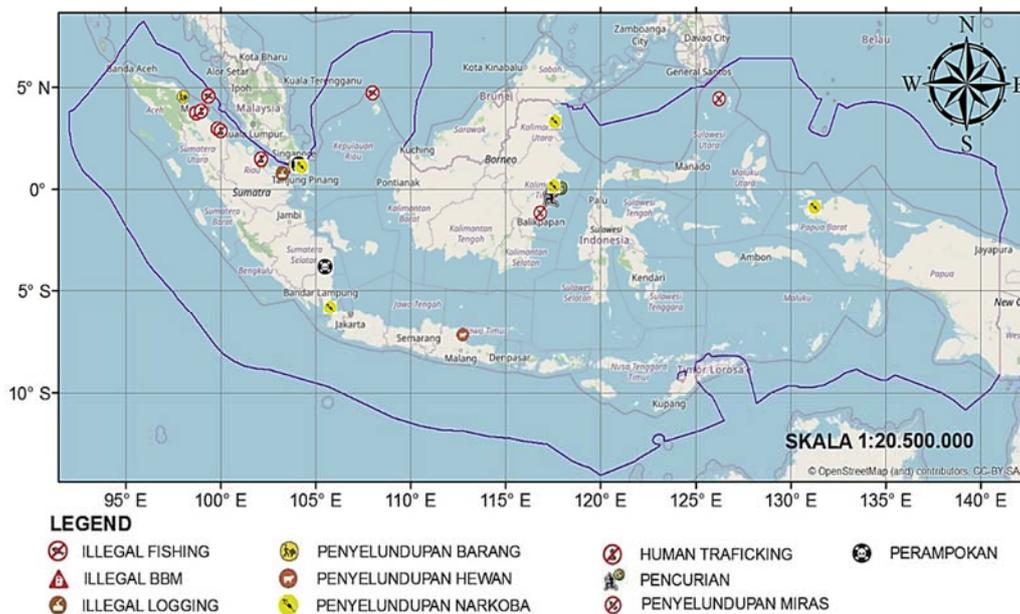


Figure 1. Map of Indonesian Maritime Security Vulnerability

(Source: IDNCG, 2021)

On the other hand, nowadays there have been crimes in the border areas of the Republic of Indonesia, which are related to territorial violations and illegal human activities, such as illegal fishing, illegal logging and which are detrimental to illegal human immigration or for some of the violations and crimes in Indonesian waters. following one of the missions of IDNCG, namely increasing safeguards, supervision, prevention, and violations of the law at the Indonesian dimensional, it is necessary to go deeper into the mission of IDNCG.

## II. LITERATURE REVIEW

### 2.1 Law enforcement

Law enforcement at sea is more specific in nature, in the sense that it is a process of activities carried out in the settlement of a case that arises as a result of a violation of law, both under national law and international law. This means that law enforcement at sea is not only a violation of the law in terms of criminal qualifications but in many cases a criminal act that is detrimental to the national interest of a nation for example law enforcement against foreign fishing vessels entering the territorial waters and territorial waters jurisdiction. Indonesia without being equipped with various permit documents issued by the Indonesian government can be said to be a criminal act. If the Indonesian government easily issues permits for foreign fishing vessels, it will cause jealousy with Indonesian fishermen and businessmen which as a result will cause social conditions for the community which will cause the possibility of national stability to be disturbed because the interests of local entrepreneurs and fishermen are not properly accommodated by the Government. Therefore, the Indonesian government will prioritize local entrepreneurs over foreign entrepreneurs by making regulations that make it easier for local entrepreneurs.

About the authority of law enforcement at sea which has the authority to carry out investigations, it is clearly stated that the investigating apparatus as mandated by law is *Lex Specialis Derogat Legi Generally*, which is following the mandate of the law with the authority of the investigating apparatus certain crimes in the sea.

### 2.2 Special Crimes at Sea

The definition of a special crime at sea is a crime that can only occur at sea and cannot occur on land, in contrast to general crimes that occur at sea. Starting from this understanding, the result is that a crime at sea becomes a special crime which means that a crime at sea has its specificity. The specificity that can occur includes all elements of a crime (subject, error, is against the law, contrary to the law, as well as other elements such as place, time, and other circumstances). Because it is a special crime, it is also called a special offense, a widespread offense, an offense outside the Criminal Code, then the solution has a specificity that deviates from the general criminal offense (KUHP) while the procedural law also has deviations from the Criminal Procedure Code and even law enforcement officers, the law enforced also has deviations and the medium is also different, namely in the form of the sea which has an international nature, while the procedures for committing crimes at sea are different because they use ships, but both the Criminal Code and the Criminal Procedure Code still cover crimes at sea.

That all forms of criminal acts that occur at sea are referred to as special crimes at sea, referred to as special criminal acts at sea because the type of law violation that occurred is a violation of the law of a special crime contained in law or special rules contained outside The Criminal Code with the authority of investigation carried out by each investigator with different qualifications for criminal acts, then a crime at sea is a special crime by using special provisions or rather applying the legal principle of *Lex Specialis Derogat Legi Generally*, based on the provisions of Article 17 of Government Regulation Number 27 of 1983 which states that investigations according to special provisions for criminal procedures as referred to in certain laws contained in Article 284 paragraph (2) of the Criminal Procedure Code are carried out by investigators, prosecutors and other authorized investigating officials based on statutory regulations.

Then the investigative authority in certain criminal acts which are specifically regulated by certain laws are carried out by investigators, prosecutors, and other authorized investigating officials appointed based on laws and regulations and for investigators in Indonesian waters, additional zones, continental shelves, and the Exclusive Economic Zone. In Indonesia, investigations are carried out by Indonesian Navy officers and other investigative officers as determined by the law that governs them.

### 2.3 Authority Theory

Authority in making decisions can only be obtained in two ways, namely by attribution or by delegation, with the following definition that attribution is a form of authority attached to a position, whereas when talking about the form of authority in the form of delegation if there is a transfer/transfer of a form existing authority, while what is meant by Mandate is there is no acknowledgment of authority or transfer of authority at all.

### 2.4 Illegal Fishing

Illegal fishing is illegal fishing activities, fishery activities that are not regulated by applicable regulations, their activities are not reported to an available/authorized fisheries institution or institution. This can occur in all capture fisheries activities

regardless of the fishing gear used, location, target species, and exploitation and can occur in all types of fisheries, both small-scale and industrial, fisheries in national and international jurisdictional zones. It can be said as illegal fishing if fishing or fishing activities that are contrary to applicable national regulations or international obligations are carried out by foreign people or ships of a country without permission from the country where fishing occurs, and if carried out by ships flying the flag of a country that become a member of a regional fisheries management organization but operate not following the conservation and management provisions applied by the organization or applicable international law.

Illegal fishing in the territory of Indonesia has six categories, namely, catching fish in the fisheries management area of the Republic of Indonesia without a permit, fishing activities using fake permits, fishing activities not being reported at base ports, bringing catches directly abroad, using fishing gear. prohibited fishing and the last is to use fishing gear with the type or size of fishing gear that is not following the permit. Thus, fishing theft activity by foreign fishermen results in damage to Indonesian marine fish stocks, and this is very detrimental to the Indonesian nation, usually, the foreign fishermen catch fish using environmentally unfriendly technology which can result in habitat destruction and non-selective fishing.

Law Number 45 of 2009 concerning Fisheries states that fishing is an activity to obtain fish in waters that are not in a state of being cultivated by any means or method, including activities that use ships to load, transport, store, cool, handle, process, and/or preserve it. Illegal fishing means all forms of fishing activities that violate Law Number 45 of 2009 and other applicable laws and regulations. Based on existing data, the total number of cases of violations that occurred from December 23 to April 14 2021 were 35 cases, with the value of fish resources being saved equivalent to Rp. 210 billion.

### **2.5 Illegal Logging**

Illegal logging is an activity of logging, transporting, and selling timber which is a form of factual threat around the border that is not legal or does not have a permit from the local authority. Trading activities in goods and services of this kind get great benefits with relatively disguised actors. Illegal activities within the scope of Transnational Organized Crime (TOC) can be very broad, including smuggling and trafficking in weapons, drugs, people, timber, oil, and cyber theft.

Timber is one of the smuggled goods or illicit trade that is rife between Indonesia and neighboring countries. The smuggling or illicit trade of timber from Indonesia abroad is part of a series of illegal logging of timber in forests such as on the islands of Sumatra, Kalimantan, Sulawesi, and Irian Jaya. As a result, the socio-economic standard of living of the community around the forest has been eroded. The balance of ecosystems and the biodiversity that sustains their lives is threatened.

The lack of law enforcement, political uncertainty, and the economic crisis are fertile media for the wide network of international criminal syndicates in terms of illegal logging. The network certainly works with the motive of money and power, which can easily recruit professionals such as accountants, lawyers, judges, financial advisors, bankers, corrupt politicians, businessmen, even the police and army to launch and protect their illegal operations.

### **2.6 Illegal Migration**

Illegal immigration is a threat of transnational crime at the border, a country should have a defense or security control over the border area. The concept of control or security in border areas is known as Border Control, Border Security, and Border Enforcement. The number of countries bordering Indonesia will certainly increase the risk of cross-national problems in Indonesia's border areas, especially illegal migration.

Tabel 1. Illegal Migration Violations in Indonesia

No.	Date	Country of origin	Modus Operandi	Border traversed	News Source
1.	26/01/2021	Myanmar	Using the sea route with a boat with a capacity of 100 people.	Malacca Strait	BBC News, 2021
2.	30/04/2020	Malaysia	Enter through the Malaysia-Indonesia border at Entikong	Batam and Karimun	Merdeka.com, 2021
3.	10/03/2020	Sri Lanka	120 Sri Lankan citizens illegally entered from Indonesia through Tanjung Balai, Riau and headed to Reunion Island, France	Tanjung Balai	Medcom.id, 2020
4.	22/07/2019	Afghanistan	A total of 35 WN. Afghanistan entered Indonesia via Bali, then by land route to DUMai, Riau in the hope of illegally entering Malaysia.	Bali	News.okezone.com, 2019
5.	07/02/2019	Bangladesh	193 Bangladesh citizens entered illegally from Bali and then used sea and land routes to Malaysia.	Medan	Tempo.com, 2019

Cases of illegal immigration are problems that cannot be underestimated because illegal immigration has the potential to cause various crime problems, people smuggling, and various other crimes. To ensure the security of the Indonesian state from various threats that come from outside and so as not to cause much more complex problems, Indonesia's territorial borders play a very vital role. The Coordinating Ministry for Political, Legal, and Security Affairs of the Republic of Indonesia stated that currently, 14,425 illegal immigrants have managed to enter Indonesian territory. Based on UNHCR data, there are 14,425 immigrants or refugees who come here, data as of January 31, 2017. They consist of 8,039 refugees and 6,386 asylum seekers (News Detik, 2017). In April 2020, the Indonesian National Police recorded as many as 200 Illegal Immigrants Entering Indonesia during the Covid-19 Pandemic, through the border lanes in the Karimun Islands and Batam (Merdeka.com, 2020). Not only that, IDNCG found a case of smuggling Indonesian Migrant Workers who were mobilized in Batam that brought 19 people in May 2020 (regional Kompas.com 2021). Even though in 2019, IDNCG RI had strengthened the synergy with the Directorate General of Immigration to monitor human mobility through the sea. (tni.mil.id, 2019)

## 2.7 Source of Legal Material

The legal sources used in this research are primary legal materials and secondary legal materials that are related and relevant to the problem under study. With the following explanation:

- a. Primary legal materials are legal materials that are authoritative, meaning that they have the authority consisting of legislation, official records, or minutes in statutory actions and judges' decisions.

This Legal Research uses legal materials from the relevant laws and regulations, which are as follows:

- 1) Law Number 8 of 1981 concerning the Criminal Procedure Code;
- 2) Law Number 5 of 1983 concerning the Indonesian Exclusive Economic Zone (ZEEI);
- 3) Law Number 17 of 1985 concerning the Ratification of UNCLOS (United Nations Convention on The Law of The Sea) 1982;
- 4) Law Number 17 of 2008 concerning Shipping;
- 5) Law Number 45 of 2009 concerning fisheries;
- 6) Law Number 32 of 2014 concerning Marine Affairs;
- 7) Government Regulation Number 27 of 1983 concerning Implementation Regulations of the Criminal Procedure Code
- 8) Presidential Regulation Number 178 of 2014 concerning Maritime Security Agency

- b. Secondary legal materials, in the form of all publications on a law that are not official documents, publications on law include textbooks, legal dictionaries, legal journals, and comments on court decisions. In this case, the authors use secondary legal materials in the form of legal journals, legal research results, and the work of the legal community.

## 2.8 Maritime Security Agency (IDNCG)

IDNCG is an agency that has the task of guarding security and safety in Indonesian waters, then to create its existence in international relations, IDNCG uses the name Indonesia Coast Guard (ICG). The formation of IDNCG is not easy to do, considering that many agencies have the authority to maintain security at sea based on their respective laws. The number of agencies that have the authority to maintain security at sea include the Indonesian National Navy (TNI AL), Water Police (Polair), Customs and Excise (BC), Supervision of Marine and Fishery Resources (PSDKP), and the Marine Guard Unit. and Beaches (KPLP). Of the many agencies, only two or three of these agencies are actually "sea agencies".

Article 3 of Presidential Regulation Number 81 of 2005 concerning Bakorkamla stipulates the task of Bakorkamla which was initially only to coordinate the formulation of policies and activities of maritime security operations. In Presidential Regulation Number 178 of 2014 concerning IDNCG, it shows that there has been a change in the duties of this agency, the task of IDNCG is to carry out security and safety patrols in Indonesian waters and Indonesian jurisdictions.

On the other hand, after the enactment of Law Number 32 of 2014 concerning Marine Affairs, the function has become wider. The function of Bakorkamla is stated in Article 4 of Presidential Regulation Number 81 of 2005 concerning Bakorkamla. The most visible expansion of the function from Bakorkamla to IDNCG is the implementation of the Early Warning System which is very much needed by the State of Indonesia, which geographically and climatologically is an area prone to (natural) disasters. The function of IDNCG is stated in Article 3 of Presidential Regulation Number 178 of 2014 concerning IDNCG.

Presidential Regulation Number 81 of 2005 concerning Bakorkamla does not mention the authority of Bakorkamla at all. Meanwhile, Law Number 32 of 2014 concerning Maritime Affairs and Presidential Regulation Number 178 of 2014 concerning IDNCG clearly state the authority of IDNCG. The authority of IDNCG is stated in Article 4 of Presidential Regulation Number 178 of 2014 concerning IDNCG which states that the authorities of IDNCG include hot pursuits, stopping, inspecting, arresting, bringing, and handing over the ship to the relevant agency authorized to carry out the legal process. Furthermore; and integrate security and safety information systems in Indonesian waters and Indonesian jurisdictions.

IDNCG as a substitute agency for Bakorkamla has many advantages. The very visible advantages are Bakorkamla initially as an agency that implemented the Multi-Agency Single Task system, after being replaced by IDNCG the system was changed to Single Agency Multi Tasks, namely IDNCG as a single, integrative body and command holder without eliminating the authority of the 12 stakeholder agencies. . Single Agency Multi Tasks moves itself and the 12 stakeholder agencies into one integrated unit in achieving goals. Unlike the Multi-Agency Multi-Task, the 12 stakeholder agencies are still fragmented and not well integrated because they are sectoral.

### **III. RESEARCH METHODS**

The type of writing method used is descriptive research. The data used using secondary data. As well as the data collection method used comprehensively in this study using library research and internet media. The data analysis technique used is a qualitative data approach by analyzing secondary data to explain a phenomenon or event being studied with the data that has been obtained.

### **IV. RESULT AND DISCUSSION**

Regional cooperation between Indonesia and neighboring countries in the region in tackling illegal fishing, illegal logging, and illegal immigration as well as other marine violations needs to be carried out considering that these actions have seriously threatened the security of the archipelago's marine waters as well as the existence and preservation of Indonesia's marine resources. In this regard, ASEAN plans to make AMF begin to develop cooperative approaches and steps for further maritime cooperation. For this purpose, the ASEAN Leaders are committed to creating an effective maritime cooperation mindset on related issues as well as providing recommendations and solutions to various challenges that arise today.

#### **4.1 IDNCG's Authority in Law Enforcement at Sea**

Law No. 32 of 2014 concerning Marine Affairs which was then followed up by Presidential Regulation/Perpres number 178 of 2014 concerning the Marine Security Agency (IDNCG) which became a strong foundation for the authority of IDNCG in carrying out security and law enforcement under the duties and functions of IDNCG.

IDNCG is a Non-Ministerial State Institution whose position is under and directly responsible to the President and has the authority to enforce the law at sea and is justified by law so that with the issuance of Law Number 32 of 2014 concerning Marine Affairs and Presidential Regulation Number 178 of 2014 regarding IDNCG, it can be interpreted that there is legal legitimacy for IDNCG in carrying out its duties, functions, and authorities to carry out law enforcement against special crimes at sea.

IDNCG in carrying out its functions, one of which has the authority to enforce the law at sea, concerning the authority of law enforcement, namely to stop, inspect, arrest, bring and hand over ships that have violated the law at sea to the relevant investigating agencies authorized to carry out further legal processes. carry on.

#### **4.2 Maritime Security Concept**

The existence of the meaning of maritime security exists because of problems with the characteristics and use of the sea and the threats that occur in it. Maritime has a strong influence on aspects of maritime security, strategy, and regional cooperation. Thus, maritime security is the responsibility of all countries in maintaining the security of their territory, especially for countries that have large sea areas. This is a new issue in the unconventional dimension. In maritime thinking, the discussion is not only about the concept of military-scale maritime defense but also includes issues of defense against non-military threats, including timber smuggling, illegal immigrants, theft of marine resources, and various other types of threats.

From the perspective of the number of actors involved, maritime security cooperation can be done in two ways, namely (1) through direct bilateral diplomacy and (2) through the development of regional cooperation mechanisms. (Keliat, 2009). The issue of maritime security is currently getting attention because of its increasingly widespread nature, including threats of violence, threats to navigation, threats to resources, and threats to sovereignty and law. Meanwhile, according to The United Nations Secretary-General, he did not define maritime security in detail, but in the 2008 Report on Oceans and the Law of the Sea, he stated several indications that could be declared a threat to maritime security, including:

a. Piracy and Armed Robbery, sea crimes that endanger the safety of sailors as well as the safety of navigational and commercial routes.

- b. Terrorist acts, which threaten ships, offshore installations, and other maritime activities that have an impact on disrupting the country's economic situation and even physical attacks.
- c. Illicit trafficking in arms and weapons of mass destruction.
- d. Illicit trafficking in narcotic drugs and psychotropic substances, which accounts for 70% of the total drug trafficking both during and after the voyage.
- e. Smuggling and trafficking of persons by sea using ships that are not suitable for use and treatment that are not following human rights.
- f. Illegal, Unreported, and Unregulated (IUU) Fishing, identified on a security scale that threatens the stability of international relations and maritime security

#### **4.3 Maritime Cooperation With Neighboring Countries**

Starting with the AMF as the initial bridge for their maritime cooperation. Under the recommendations given that exploring operational cooperation can be developed in real terms, in the end, each country itself translates these recommendations into closer maritime cooperation, both bilaterally and multilaterally. This cooperation is carried out because these countries have proximity to maritime and land geographical boundaries, where many cross-border crimes threaten the sovereignty and security of their countries.

##### **a. Indonesia-Malaysia Bilateral Cooperation**

The Joint Commission on Bilateral Cooperation (JCBC) is a forum for bilateral meetings that are regularly held to explore potential and monitor the progress of cooperation between the two countries. The two countries agreed on monitoring, evaluation, and review efforts in coordination between Indonesian maritime law enforcement agencies such as Bakorkamla, TNI AL, Indonesian Air Force, Police, Ministry of Maritime Affairs and Fisheries, Ministry of Transportation, Indonesian Customs and Excise, and Malaysian law enforcement agencies, namely Maritime Enforcement. Agency Malaysia (MMEA), Royal Navy, Royal Airforce, Royal Malaysian Police, and Malaysian Department of Fisheries and Royal Customs.

##### **b. Indonesia-Malaysia-Philippines Trilateral Cooperation**

To face security challenges related to current maritime issues, Indonesia, together with Malaysia and the Philippines, officially started a trilateral coordinated maritime patrol cooperation activity or called the Indomalphi Trilateral Maritime Patrol. This Trilateral Cooperation aims to strengthen and coordinate patrols in each of the maritime areas in Indonesia, Malaysia, and the Philippines through increased communication, exchange of information and intelligence, acceleration of the deployment of Navy assets for rapid response to vessels in danger and threats. on human safety, and maintain regular communication and coordination with maritime command centers and state assets on the coast of each country.

#### **4.4 Management of Marine Spatial Areas and Marine Resources**

What is meant by utilization or management of marine space according to Law No.26 of 2007 concerning spatial planning, Article 1 paragraph 14 is that spatial management is an effort to realize the spatial structure and pattern under the spatial plan through the preparation and implementation of the program. To achieve the target of regulating the use of space in coastal areas, seas, and small islands, incentives and disincentives can be formulated to direct and control the development and change in the function of the area and be developed by sector and across sectors. The incentive tool aims to provide stimulation to activities that support the function of coastal areas, seas, and small islands and are in line with the spatial planning objectives outlined in the spatial plan. Meanwhile, disincentive devices are arrangements aimed at limiting growth or reducing activities that are not in line with the spatial plan or which are destructive or disrupt the environmental sustainability of coastal areas, seas, and small islands including marine resources. (BPPP KKP Tegal, 2017)

#### **4.5 IDNCG's Efforts in Enforcing Law Violations in Archipelago Seas**

Some examples of law enforcement efforts in the archipelago seas carried out by IDNCG include:

- a. On August 18, 2019, the Indonesian IDNCG Special Operations Team (Opsus) using KN Bintang Laut-401 arrested five ships suspected of carrying out illegal activities in the waters of Bangka Belitung (Babel). These five vessels consist of one Tin Suction Vessel (KIP) and four SPOB/MT vessels, suppliers of diesel fuel oil (BBM).

The results of the arrest of the five vessels included 4 (four) tankers and 1 (one) tin Suctioning Sand (KIP) with several violations committed by 4 (four) tankers, namely: not having a Trading Business Permit (SIUP), not having license transportation of fuel in the middle of the sea, licensing of tankers not registered with Pertamina, d. there is no oil price permit and finally, the quality of the oil is not under Pertamina and in particular the Tin Ship (KIP) and does not have a permit to carry out mining activities.

In handling crimes at sea, IDNCG has synergized with related elements. Especially dealing with the problem of illegal fuel and natural resource extraction in Indonesia. Furthermore, the arrest of the five vessels on the same day on August 25, 2019, was delegated to the Directorate of Polair Polda Babel for further examination.

b. On Sunday, June 30, 2019, at 02.00 WIB, the IDNCG ship named KN Bintang Laut 401 has arrested the Vietnamese-flagged vessel BV 8909 TS with a crew of 20 people, all of whom are Vietnamese nationals, that the vessel at the time of its arrest was illegally fishing. and using fishing gear that is prohibited in the waters of the Indonesian Exclusive Economic Zone (EEZ) of the North Natuna Sea to which the ship is handed over.

An illegal vessel from Vietnam BV 8909 TS was handed over to the Riau Islands Natuna Supervision Unit, at that time the BV 8909 TS vessel was fishing illegally and using prohibited fishing gear in the waters of the Indonesian Exclusive Economic Zone in the North Natuna Sea. As for the evidence that was also submitted in the form of ship documents, navigation tools, pair trawl fishing gear, and fish caught as much as approximately 500 kilograms, IDNCG's success in capturing foreign fishing vessels is a form of cooperation between various authorized agencies in eradicating illegal fishing in Indonesian waters. The legal basis is Presidential Regulation Number 115 of 2015 concerning the Task Force for the Eradication of Illegal Fishing or better known as Task Force 115.

c. On September 24, 2019, the Special Task Force Trisula IDNCG, namely the State Ship (KN) Bintang Laut - 401 succeeded in securing the ship with the initials PS 5001 which was transferring fuel oil of the Fame oil type, by floating barge in the waters. Kabil, Batam, Riau Islands. In his statement, the Secretary of IDNCG, conveyed the chronology of when his staff arrested a ship with the initials PS 5001 which was found to be transferring fuel oil to a tugboat with the initials GS 88 through a tugboat with the initials MTP. or in other words, the PS 5001 that was secured was carrying out a floating barge to the GS 88 tugboat and the MTP tugboat.

In this action, the fuel that has been successfully transferred to two tugboats is 14 tons, the transfer process for FAME (Fatty Acid Methyl Ester) type fuel, which is a type of biofuel obtained from palm oil extract, is indicated to be done illegally, because it does not accompany by valid documents and carried out while the ship is sailing, which for the next legal process an escort is carried out to the Container Port, Batu Ampar, Batam and will then be submitted to the Ministry of Energy and Mineral Resources for processing under applicable legal provisions.

Some of the efforts of IDNCG above show the consistency and existence of IDNCG to maintain the sovereignty of the archipelago by maintaining, supervising, preventing as well as taking action against all attempts to violate the law in the archipelago sea by referring to the provisions of national and international law.

## **V. CONCLUSION**

Based on the description of the discussion above, some conclusions can be drawn as follows:

- a. Indonesia's potential, which has abundant marine natural resources, is often exploited by irresponsible parties. This is evidenced by the high number of violations of the law in the marine waters of the archipelago.
- b. IDNCG in carrying out its functions, one of which has the authority to enforce the law at sea, about the authority of law enforcement, namely to stop, inspect, arrest, bring and hand over ships that have violated the law at sea to the relevant investigating agencies authorized to carry out further legal processes. carry on.
- c. IDNCG's efforts in law enforcement in the archipelago sea show the consistency and existence of IDNCG to maintain the sovereignty of the archipelago by guarding, supervising, preventing, and taking action against all attempts to violate the law in the archipelago sea by referring to the provisions of national and international law.

Based on the conclusions above, some suggestions can be given as follows:

- a. It is necessary to carry out International Cooperation, both Bilateral and Multilateral Cooperation with Regional countries

in the context of law enforcement in border waters which are areas prone to the occurrence of crimes at sea.

- b. It is necessary to develop the IDNCG by considering the coverage area of operations and the current amount of strength.
- c. It is necessary to integrate and collaborate more intensely between stakeholders related to law enforcement at sea so that there is no overlap of authority in the task of operating at sea.

#### **VI. DECLARATION OF CONFLICTING INTERESTS**

The authors declared no potential conflicts of interest concerning the research, authorship, and/or publication of this article.

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#### **REFERENCES**

- [1] Achmad Romsan, et al. 2003. Introduction: International Refugee Law. Bandung: UNHCR Regional Representation.
- [2] Alditya Bunga Gerald. "Formation of a Law on Additional Zones as a Step to Protect Indonesia's Marine Territories." *Journal of Law*, May 2015: Vol. 2 No. 2.
- [3] Atje Misbach Muhjiddin. 1993. *Legal Status of Indonesian Archipelagic Waters and the Right of Passing Foreign Ships*. Bandung: PT. Alumni.
- [4] National Agency for Border Management of the Republic of Indonesia. 2013. *Strategic Plan for the Management of National Borders of the Sea and Air Territory of the National Border Management Agency of the Republic of Indonesia*. Jakarta: BNPP-RI.
- [5] Dedi Supriyadi. 2013. *International Law (from Conception to Application)*. Bandung: Faithful Library.
- [6] Dina, Sunyowati. 2014. "Role and Efforts of Law Enforcement and Stakeholders in Handling and Eradicating IUU Fishing in Indonesia's Border Areas." National Seminar, accessed on December 25, 2019.
- [7] Eddy Rifai and Khaidir Anwar, *Legal Politics of Handling Fisheries Crime in Bandar Lampung*, *Journal of the University of Lampung*, 2010.
- [8] Indonesia, Malaysia, and the Philippines Officially Start Coordinated Maritime Patrol Cooperation. Accessed at: <https://www.kemhan.go.id/2017/06/19/indonesia-malaysia-dan-Filipina-Resmi-mulai-Kerja-Sama-patrol-Maritim-terkoded.html>. On January 29, 2018
- [9] Keliat, Prosperous. 2009. *Maritime Security and Its Policy Implications for Indonesia*, *Journal of Social and Political Science* Vol 13 No 1. 7. Jakarta Leonita Ersanti Putri, 2016. *Indonesia-Philippines Cooperation Efforts in Overcoming Illegal Fishing Practices in Indonesian Waters 2007-2011 Period*.
- [10] ASEAN Community: Building Indonesia's Maritime Gait in the Region, Vol 14, December 2016, Mitha Dwi utari, 2018. *Indonesia's Foreign Policy in Overcoming Illegal Fishing in Indonesian Waters 2005-2014*.
- [11] Natalie, Klein, Joanna Mossop, and Donald R. Rothwell, 2010. *Maritime Security: International Law and Policy Perspectives from Australia and New Zealand*, New York: Routledge.
- [12] The state loses Rp. 80 trillion, Accessed from: <http://www.haluankepri.com/nasional/3057>. On January 16, 20.
- [13] Sagena, Uni W, 2013, *Understanding Traditional And Non-Traditional Security in the Straits of Malacca: Issues and Interactions Between Actors*. *Journal of International Relations Interdependence Mulawarman University*, Th. 1, Vol. 1. Samarinda Scott Burchill, et al, 2001. *Theories of International Relations*, second edition, Palgrave, New York.

- [14] Salmiatun Budi Utami, China's Policy Blocking the Process of Arresting Illegal Fishing Perpetrators by Indonesia in Natuna Waters, Thesis of International Relations Study Program, Faculty of Social and Political Sciences, University of Muhammadiyah Yogyakarta 2017.
- [15] Wasisto, Gentur. The Authority of IDNCG in Law Enforcement of Certain Crimes at Sea Based on Law Number 32 of 2014 concerning the Ocean. Journal of S2 Faculty of Law, Universitas Brawijaya Malang, 2015
- [16] Widjajanto, Andi, et al, National Security Policy Arrangement. Dian Cipta. 2013.
- [17] Wiji Astuti Sari. "Reorientation of Legal Politics of Management of Marine Areas in the Regions According to Law No. 23 of 2014 concerning Regional Government: Supporting the Vision of the Regional Maritime State." Straits Journal of Law, October 2015: Vol. 3, No. 1.
- [18] Law 32 of 2014 concerning Marine Affairs is accessed from <http://www.Hukumonline.com/centerdata/downloadfile/lt54535c46e24ee/parent/lt54535ba76713f>. On January 27, 2018.

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