



LAW ENFORCEMENT POLICY REFORM IN INDONESIA'S SEA AND COASTAL AREA

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Abstract: Indonesia adheres to the concept of multi-agency single task in law enforcement in the marine and coastal areas. This can be seen from the existence of 13 (thirteen) state institutions that have law enforcement authority in the sea and coastal areas as a result of the delegation of 17 (seventeen) laws relating to maritime areas. The large number of ministries/state institutions involved in law enforcement make the implementation of law enforcement ineffective due to the widespread overlapping of authorities regarding which institution is authorized to enforce the law in the event of a violation in the marine and coastal areas of Indonesia. In addition, the problem of the large number of institutions authorized to enforce the law in marine and coastal areas creates a domino effect in the form of a lack of budget allocation for law enforcement, a lack of number and quality of investigators, and a lack of support for facilities and infrastructure. So that the drafting of the Sea Security Bill which is currently being formulated by the government must be carried out by involving the views of the 13 ministries/state institutions that have authority in the field of maritime and coastal law enforcement. In addition, the government also needs to hear polls from representatives of entrepreneurs and communities affected by law enforcement activities in marine and coastal areas.

Keywords: Policy; Sea; Coast; Law Enforcement.

1. INTRODUCTION :

Indonesia is a country that has various kinds of potential and natural wealth . This is indicated by the fact that the State of Indonesia has a strategic position which is located between two oceans, namely the Indian Ocean and the Pacific Ocean and between two continents, namely the Australian continent and the Asian continent. This has resulted in Indonesia having a large marine area and coastline as well as large marine biological and non-biological natural resources where biological natural resources consist of high fishery products and non-biological natural resources consist of large maritime mining. This description is also in line with Plato's view of the characteristics of the victorious State of Atlantis, Plato conveyed in his dialogues contained in his work entitled *Timeaus and Critias*, that tens of thousands of years ago there had been a simultaneous volcanic eruption in an area along with an earthquake. earth and the melting of ice in the world which leads to flooding problems (Ahmad Y. Samanto, 2015)

This resulted in the sinking of part of the land, some of the lost land was later referred to by Plato as Atlantis (Ahmad Y. Samanto, 2015). Regarding Plato's explanation, it can be concluded that the characteristics of the Continent of Atlantis have similarities with Indonesia. This view of the similarities between Atlantis and Indonesia is also supported by the opinion of Aryso Santos who stated that Atlantis was Indonesia through 30 years of research. The views of Plato and Santos in its development cannot be fully proven, however, it can be seen that the country of Indonesia is a country that has a wealth of rich natural resources and the location of the country is very advantageous in various aspects.



Indonesia's wealth also includes a vast marine area. This is evidenced by the recorded number of islands in the territory of Indonesia, which reached 17,499 islands. This number consists of 13,446 islands that already have names and only 6,000 islands that have inhabitants. Although for now it is still necessary to re-collect the data due to the reduced number of islands caused by the tides. Apart from being an archipelagic country, Indonesia also has quite unique marine characteristics which are used as international transportation routes that are supported by its geostrategic position. For these advantages, Indonesia deserves to be the world's maritime axis.

This kind of condition has an important impact, both positive and negative for Indonesia in international relations. One of the positive impacts that can be learned is the enormous economic potential of the international trade traffic process which passes through the three Indonesian archipelagic sea lanes (ALKI) (Geograph88.blogspot.com, 2010). Meanwhile, one of the negative impacts that often occurs is the loss of marine resources as a result of the low ability to provide protection and protection from foreign parties (Budi Winarno, 2014).

As an archipelagic country, the sea in Indonesia has a very important function for the Unitary State of the Republic of Indonesia, namely the sea as a unifying medium for the nation, media for transportation, media for resources, media for defense and security, and media for diplomacy. country, maritime industrial space, *Sea Lane on Communication* (SLOC), and as an ecosystem (media.neliti.com, 2020)

Based on this understanding of the function of the sea and the importance of the Indonesian sea, it is understandable that in the sea there are various interests that may synergize or even attract each other. This condition will directly or indirectly affect law enforcement and security efforts at sea. The many interests at sea cause problems in handling crimes at sea such as smuggling, transnational crimes, piracy, armed foreign fishermen, destruction of natural resources, theft of natural resources, and shipping safety (Budi Winarno, 2014). So it is important to enforce the law against crimes in coastal and marine areas. In law enforcement and security efforts in the sea, if viewed from the Legislation, has been regulated in 17 (seventeen) national Legislations. Likewise, if viewed from an institutional perspective, the number of maritime institutions or agencies has 13 (thirteen) law enforcement agencies at sea. Of these, there are 6 (six) institutions that have a patrol task force at sea and 7 (seven) other law enforcement agencies do not have a patrol task force at sea. Law enforcement agencies that have a patrol task force at sea are: TNI-AL, POLRI/Directorate of Water Police, Ministry of Transportation-Directorate General of Sea Transportation, Ministry of Maritime Affairs and Fisheries - Director General of PSDKP, Ministry of Finance-Directorate General of Customs and Excise and BAKAMLA. The six law enforcement agencies carry out patrols related to security in Indonesia sectorally in accordance with the authority possessed based on the respective statutory regulations. Meanwhile, law enforcement agencies that do not have a patrol task force at sea are: the Ministry of Tourism, the Ministry of Health, the Ministry of the Environment, the Ministry of Forestry, the Ministry of Energy and Mineral Resources, the National Narcotics Agency, and the Regional Government. In many laws that regulate law enforcement at sea to many institutions, it has the potential to create overlapping authorities, and differences in perceptions of authority that tend to lead to institutional ego. This difference is very possible for the occurrence of asynchronous in terms of coordination of performance and authority which in the end becomes inefficient and effective in guarding and enforcing the law at sea and coast (law.ui.ac.id, 2020)

As a maritime country, Indonesia does not yet have a law enforcement agency at sea that is integratedly capable of enforcing good laws, as is the case in Japan, China, Australia and the United States which already have one one-stop agency, namely the *Coast Guard* or *the Maritime Coast*. As a result, if there is a violation of the law in our seas, the handling is often incomplete. Recognizing the importance of the sea as the basic capital of development that must always be maintained and protected, security at sea will be an integral part of efforts to maintain state sovereignty at sea. This is the right of the government as the personification of the state to control and manage Indonesian waters (*a right to government*). In order to realize efforts to enforce sovereignty and law at sea which involves all components of the nation, several heads of institutions and ministries that have the authority to carry out law enforcement functions at sea, namely the Minister of Defense/Commander of Armed Forces, the Minister of Transportation, the Minister of Finance, the Minister of Justice and the Attorney General have formed a National Security Agency. Maritime Security Coordination (BAKORKAMLA). The law enforcement institution at sea that is owned by Indonesia is only a coordinating body, namely BAKORKAMLA (Marine Security Coordination Agency). BAKORKAMLA was established through Presidential Regulation Number 81 of 2005, which is a derivative of Law Number 6 of 1996 concerning Indonesian Waters, although the law does not clearly specify BAKORKAMLA. This body is chaired by the Minister of Defense/Commander of Armed Forces with a membership structure consisting of: the Minister of Transportation, the Minister of Finance, the Minister of Justice, the Attorney General, the National Police Chief and the Chief of Staff of the Navy. The main task of BAKORKAMLA is to coordinate all operational security activities at sea,



to solve all problems of violation of law at sea, to cooperate with neighboring countries with the aim that the implementation of security operations at sea is always guaranteed for optimal power and results (dephub.go.id, 2020)

The presence of BAKORKAMLA is considered to still have several weaknesses, due to the fact that each institution in it, among others; TNI (Navy), Police (Polair), Customs and Excise, Marine and Coast Guard Unit (Ditjen Sea Transportation), Ministry of Maritime Affairs and Fisheries and Immigration often operate independently in accordance with their authority, thus confusing ship crews and shipping companies. who work in the sea. In addition, BAKORKAMLA is not effective, because the basis for its formation is not strong, there is no official budget support, it is militaristic, there is MPR Decree Number VI/MPR/2000 concerning the Separation of the Indonesian National Army and the Indonesian National Police, which implies that the POLRI does not send its elements to BAKORKAMLA. Furthermore, with the enactment of Law Number 17 of 2008 concerning Shipping, the government is mandated to establish the *Indonesia Sea and Coast Guard*, Article 281 of Law Number 17 of 2008 concerning Shipping, stipulates that: "Further provisions regarding the establishment and the organization and working procedures of the sea and coast guards as referred to in Article 276 are regulated by a Government Regulation". and Article 352 which states that: "Sea and Coast Guard must have been established no later than 3 (three) years since this law comes into force. However, until now the Draft Government Regulation on Guard and Law Enforcement at Sea and Coast has not been ratified.

Subsequent developments The government is trying to optimize law enforcement at sea, by perfecting BAKORKAMLA to BAKAMLA. The replacement was carried out because BAKORKAMLA was considered no longer able to adapt to environmental needs in accordance with the passage of time. The legal basis for the establishment of BAKAMLA is Law Number 32 of 2014 concerning Marine Affairs and Presidential Regulation Number 178 of 2014 concerning BAKAMLA. BAKAMLA is an agency that has the task of guarding security and safety in Indonesian waters, then to create its own existence in international relations, BAKAMLA uses the name *Indonesia Coast Guard* (ICG), so that BAKAMLA is mandated as *the Coast Guard*. Whereas *the Coast Guard* had previously been carried by the Marine and Coast Guard Unit (KPLP).

The improvement of BAKORKAMLA to BAKAMLA is a completely new organization; in accordance with the needs of the archipelagic state of Indonesia; has one command with multiple functions of maritime security, law enforcement on marine and fishery resources, shipping, customs, construction, SAR, and so on; and the working area covers all territorial, archipelagic and inland waters. The organizational structure of BAKAMLA is an agency or institution that is domiciled and responsible directly to the President and BAKAMLA's operational costs through AP B N funding. In Article 4 of Presidential Regulation Number 178 of 2014 concerning BAKAMLA it is determined that the authority of BAKAMLA includes *hot persuasion*; stop, inspect, arrest, carry, and hand over the ship to the relevant competent authorities for the implementation of further legal processes; and integrate security and safety information systems in Indonesian waters and Indonesian jurisdictions. This authority is exercised by command by BAKAMLA.

The change from BAKORKAMLA to BAKAMLA is a form of Indonesia's seriousness in realizing the world's maritime axis and guaranteed marine safety and security. The existence of BAKAMLA is the command holder, who can direct 13 stakeholder agencies to achieve common goals. In addition, BAKAMLA is the budget regulator of the 13 stakeholder agencies, so it can be ascertained that the existence of BAKAMLA can save the state budget up to 50%. Not only that, BAKAMLA has also implemented an Early Warning System (SPD) which is very much needed by the State of Indonesia which geographically and climatologically has the potential to cause (natural) disasters. The implementation of the Early Warning System (SPD) is what caused BAKAMLA to be named the *Coast Guard*.

One agency that has the same task as BAKAMLA is KPLP. KPLP is internationally known as the only law enforcer in terms of maintaining security and safety in Indonesian waters, especially in the field of international shipping. The legal basis for this KPLP is Law Number 17 of 2008 concerning Shipping. Prior to the enactment of Law Number 17 of 2008 concerning Shipping, the KPLP had actually existed since 1942 and was internationally known as the only institution in Indonesia that served as law enforcement in terms of safeguarding security and safety in Indonesian waters, especially in Indonesia. shipping field. KPLP is internationally known as the *Indonesia Sea and Coast Guard* (ISCG) (Eko Ismadi, 2020)

The most prominent thing between BAKAMLA and KPLP is that BAKAMLA is not law enforcement, because BAKAMLA is not mandated as an investigator by Law Number 32 of 2014 concerning Marine Affairs. This is different from the KPLP mandated by Law Number 17 of 2008 concerning Shipping as an investigator. The establishment of the BAKAMLA has caused Indonesia to have two agencies that are tasked with guarding security and safety in Indonesian waters. With the existence of these two agencies that have the same task, it is possible that there will be overlapping of authorities which will also result in less than optimal benefits resulting from the establishment of the two agencies. Until now, Indonesia does not yet have an institution that has dimensional or comprehensive functions which include law enforcement, security and safety functions at sea, whose duties consist of aspects of early warning information system



services, law enforcement at sea, customs and excise, shipping security and safety, control of living and non-biological natural resources in the marine environment, search and rescue at sea and national defense in a state of war.

So far, existing institutions carry out these functions, but because they are not integrated into an institution, they cannot run optimally. Practices so far have shown that law enforcement, security and safety at sea carried out by patrol units from various agencies/ministries have not been able to create marine security in Indonesian waters, this will be difficult to achieve because each relevant agency/ministry has a strategy/ministry policies, equipment (infrastructure), different human resources, not in one integrated system, as well as in a unified command and control. Therefore, in its implementation there is often *overlapping* of authority and friction between agencies and even sectoral egos between agencies or institutions are likely to occur. so it is clear that according to the author there are various problems in the law enforcement system in marine and coastal areas which include:

- There are many institutions authorized to maintain and enforce the law at sea and coast. There are at least 13 institutions/agencies authorized to maintain and enforce the law at sea and coast, of which 7 institutions have a task force (Satgas) for patrols at sea and 6 other institutions do not have a task force for patrol at sea. Law enforcement agencies that have a patrol task force at sea are TNI-Navy, POLRI-Directorate of Water Police, Ministry of Transportation-Directorate General of Hubla, Ministry of Maritime Affairs and Fisheries-Directorate General of PSDKP, Ministry of Finance-Directorate General of Customs, Bakamla, and the Fishing Eradication Task Force Illegally. Meanwhile, law enforcement agencies that do not have a patrol task force at sea are the Ministry of Tourism, Ministry of Health, Ministry of Environment, Ministry of Forestry, Ministry of Energy and Mineral Resources, National Narcotics Agency, and Local Government. This condition certainly causes confusion for shipping companies whose ships are often inspected by many institutions/agencies.
- Epistemologically, there are overlapping rules that give authority to many institutions/agencies to maintain and enforce the law at sea and coast.
- Axiologically, it is necessary to have a single agency/agency or at least one command that is recognized and capable of coordinating safeguards and law enforcement at sea and coast, so as not to cause confusion for shipping companies.
- Theoretically, there has been a shift in the institutional format of safeguarding and law enforcement at sea and coast, after the birth of Law Number 32 of 2014 concerning the Marines, from the concept of *multi agency* to *single agency*. In addition, theoretically, investigators, including civil servants investigators, are given authority related to law enforcement in the environment that is their duty and function. However, civil servant investigators within the ministry of transportation, in this case the Marine and Coastal Guard Unit (KPLP) are still given authority by Law Number 17 of 2008 concerning Shipping related or related to law enforcement.
- Juridically, there are overlapping rules that give authority to many institutions/agencies to maintain and enforce the law at sea and coast. Even between Law Number 17 of 2008 concerning Shipping and Law Number 32 of 2014 concerning the Sea, there was a horizontal conflict of norms related to the institution authorized to maintain and enforce the law in the ocean area. Sociologically, shipping companies become restless and confused due to the many institutions authorized to maintain and enforce the law at sea and coast.

2. LITERATURE REVIEW

This article uses a study of legal and juridical sociology, the sociology of law reference in this article explains the relationship between legal formulations and their implementation with social dynamics in social life in various aspects, while the juridical reference in this article shows that there has been harmonization between regulations related to shipping licensing in Indonesia. Indonesia.

3. MATERIALS

Legal materials are obtained from books, laws and regulations, papers, and articles from the internet relating to the issue of implementation of shipping licensing in Indonesia.

4. METHODS:

The approach used in this paper is a normative approach in which the study conducted is related to the rule of law and legal norms.

5. DISCUSSION:

The issue of disputes due to *overlapping* law enforcement authorities in the marine and coastal areas also occurs in Bakamla and KPLP. Bakamla is a body mandated by Law no. 32 of 2014 concerning Marine Affairs which is under



the command of the Coordinating Minister for Political, Legal and Security Affairs. Meanwhile, KPLP is mandated by Law no. 17 of 2008 concerning Shipping which is under the command of the Ministry of Transportation. These two institutions are predicted to become a single agency called the *Indonesia Coastal Guard* to realize a *single multi-task agency*. Of course, the above issue becomes interesting to discuss considering the many pro-contra arguments regarding which institution is deemed worthy to bear the name of the *coastal guard*.

Basically Article 62 of Law no. 32 of 2014 explains that Bakamla's functions include:

- a. formulate national policies in the field of security and safety in Indonesian waters and Indonesian jurisdictions;
- b. implement an early warning system for security and safety in Indonesian waters and Indonesian jurisdictions;
- c. carry out safeguards, supervision, prevention, and prosecution of law violations in Indonesian waters and Indonesian jurisdictions;
- d. synergize and monitor the implementation of water patrols by relevant agencies;
- e. provide technical and operational support to relevant agencies;
- f. provide search and rescue assistance in Indonesian waters and Indonesian jurisdictions;
- g. and carry out other tasks in the national defense system, which in the Universal Defense System are declared as Reserve Components/Komcad (*Maritime Militia*).

More explicitly, the authority of Bakamla is regulated in Article 63 paragraph (1), which states that; In carrying out the duties and functions as referred to in Article 61 and Article 62, the Maritime Security Agency has the authority to make immediate pursuit; stop, inspect, arrest, carry, and hand over the ship to the relevant competent authorities for the implementation of further legal processes; and integrate security and safety information systems in Indonesian waters and Indonesian jurisdictions. The authority as referred to in paragraph (1) is carried out in an integrated and integrated manner in a single command and control unit. In Bakamla itself, in accordance with the mandate of Presidential Regulation 178 of 2014 Article 28, a Law Enforcement Unit has been established, where the Unit contains representatives from investigators from relevant agencies who will be able to directly handle the catch or *onboard* on patrol boats so that there are no problems. rules or problems that non-Bakamla investigators may not arrest, even though the Bakamla patrol boats themselves already contain investigators from each of the relevant agencies (<http://samudranesia.id/who-yang-lahan-tepat-menjadi-coast-guard-indonesia/>, 2020)

From the authority of Bakamla in accordance with the Maritime Law No. 32 of 2014 concerning Marine Affairs, Bakamla can carry out action up to the arrest of all forms of criminal acts or violations at sea. With Bakamla's current authority, Bakamla is not sectoral, but multi-functional and multi-tasking. The working area of Bakamla is from Indonesian Waters to the Indonesian Jurisdiction Territory (From the inland sea to the Continental Shelf).

Meanwhile, referring to Article 277 paragraph (1) of Law No. 17 of 2008 the work functions of KPLP are:

- a. to supervise the safety and security of shipping;
- b. carry out supervision, prevention, and control of pollution in the sea;
- c. supervision and control of ship traffic and activities;
- d. supervision and control of salvage activities, underwater work, as well as exploration and exploitation of marine resources;
- e. security of Sailing-Navigation Assistance Facilities; and
- f. support the implementation of life search and rescue activities at sea.

Based on Article 277 above, it is known that there is a limitation on the scope of the object of security by KPLP which only includes shipping (ship traffic), pollution at sea, *salvage work*, underwater, exploration and exploitation of marine resources, navigation aids, and *search and rescue*. In order to carry out its functions, the KPLP may:

- a. formulating and establishing general policies for law enforcement at sea;
- b. develop policies and standard operating procedures for law enforcement at sea in an integrated manner;
- c. activities for guarding, supervising, preventing and prosecuting violations of the law as well as securing shipping and securing community and government activities in Indonesian waters; and
- d. provide administrative technical support in the field of law enforcement at sea in an integrated manner.

Furthermore, the task of KPLP as regulated in Article 346 of the Regulation of the Minister of Transportation Number KM 60 of 2010 states that, " The Directorate of Marine and Coastal Guard Units has the task of formulating and implementing policies, standards, norms, guidelines, criteria and procedures, as well as technical guidance, evaluation and reporting in the field of patrols and security, safety supervision and Civil Servant Investigators (PPNS), shipping order, disaster management and underwater work, marine and coastal guarding facilities and infrastructure." This task is considered to be much different from the task of the KPLP as regulated in Article 277 of Law no. 17 of 2008 concerning Shipping. The current position of KPLP is one of the Directorates in the Ministry of Transportation. That is why legally KPLP cannot be considered as Marine and Coast Guard (PLP) as mandated by Law no. 17 of 2008.



Then, KPLP as an existing institution also cannot be called a law enforcer as mandated by Law no. 17 of 2008 concerning Shipping. The use of Law no. 17 of 2008 concerning Shipping as the legal basis for KPLP to act in carrying out its duties is inappropriate, it can even potentially violate the law (Soleman B, 2018)

6. ANALYSIS :

Based on the theory above, it can be seen that the problem of the ineffectiveness of implementing law enforcement in the marine and coastal areas is caused by weaknesses in the form of:

a. Weaknesses of Legal Substance

Political weakness in Chambliss and Seidman's theory is described as a role holder that will act as a response to the rule of law is a function of the regulations directed at him, the sanctions, the activities of implementing agencies and the overall complex of social, political, and other forces. -other about him. In addition to the role holders, it is also explained by Chambliss and Seidman that the legislators will act as a function of the regulations that govern their behavior, the sanctions, the whole complex of social, political, ideological, and other forces that govern their behavior. about themselves and the feedback that comes from stakeholders and the bureaucracy (Satjipto Rahardjo, 1979). The description above shows that political power influences the regulators, which in this case is the regulation related to the granting and distribution of law enforcement authority in the marine and coastal areas to several institutions. In addition to the level of regulators, every role holder who exercises this authority is also subject to political pressure from interested parties, both domestic and international politics.

Politics certainly affects the state of government considering that the existence of a country is always influenced by its environmental conditions. The surrounding environment in question includes, among others, the *strategic environment* which shows a dynamic interaction pattern between the internal and external contexts, the relationship of tendencies, opportunities, and *threats*. This interaction pattern certainly involves a number of state actors and non-state actors which Yerger said as a dynamic interaction relationship will involve a pattern of relationships between the natural environment, state actors, and non-state actors (I Nengah Putra A and Abdul Hakim 2016). The paragraph above intends to show that the existence and resilience of a country is influenced by the strategic environment. Where the management of the maritime sector is classified as a strategic environment because the strategic environment has various contexts, conditions, relationships, trends, interactions, and impacts on internal and external state entities that affect success in establishing relationships with the physical world, entities of other countries, and other countries. actor. Non-state actors are organizations in the private sector, both for-profit and not-for-profit (I Nengah Putra A and Abdul Hakim 2016). The strategic environment affects the existence of a country with *randomness* or *order*. The strategic environment is prone to rapid changes and developments that have implications for policy *outputs* and the orientation of political institutions. Such conditions will have implications for both positive and negative impacts. The positive implications will bring benefits to support the ideals, goals, and political interests, while the negative implications will cause an increase in the potential threat to political sustainability. This strategic environment needs to be observed as a form of consideration for issuing political decisions (I Nengah Putra A and Abdul Hakim 2016). Furthermore, the strategic environment develops from various dimensions such as dimensions of security, economy, politics, social, technology, and so on. Each of the above dimensions competes with each other so scanning is necessary. This is also related to the idea that the implementation of public policy has a close relationship with politics. Domestic and international politics are analyzed using an intermestic approach. The intermestic approach is intended to analyze changes in the era of globalization that are used as a bridge between international approaches and domestic approaches to formulate or change a maritime law enforcement policy.

Through the policy of drafting regulations, the authority for law enforcement in marine and coastal areas is often linked to policy agendas and political agendas. This refers to the direction or strategy of enforcing the law of the sea like what is desired to be implemented. If you look at the factual conditions, the strategy in question tends to refer to the context of the division of authority in each relevant agency. Furthermore, political influence on the distribution of law enforcement authorities in the sea and coastal areas is closely related to the political situation promoted by the cabinet. This condition is emphasized in the Indonesian Defense White Paper which states that significant arrangements are currently coloring the course of national political conditions starting from aspects of political infrastructure, political superstructure, and political culture. Specifically in the maritime sector, the Coordinating Ministry for Maritime Affairs was formed in 2014 and now it has been changed to the Coordinating Ministry for Maritime Affairs and Investments so that it can improve and improve the quality of maritime policy coordination. In addition to establishing the Coordinating Ministry for Maritime Affairs and Investment, the relationship between ministries/state institutions has also colored the ups and downs of law



enforcement in the maritime and coastal areas as mentioned in the discussion of the first weakness. That the political direction proclaimed by the elected president and vice president will affect which institution/ministry will receive the largest portion of support as the "ruler" of law enforcement in the marine and coastal areas.

b. Weaknesses of Legal Structure

If examined using the theory of Chambliss and Seidman, the role of political and cultural relations has a major role in determining the harmony of the coordinating relationship between government institutions. Given the existence of an authority structure that is created is a political product that was born by the order of legislation. In this case, the role of political and cultural relations refers to aspects of institutional coordination both vertically and horizontally. Both internal to the institution itself or external relations built with other institutions. If you pay attention, the main problem of law enforcement in the marine and coastal areas lies in the coordination and synchronization of authorities between related institutions. In that the synchronization and communication has been running effectively, logically the existence of Bakorkamla does not need to be changed to Bakamla. The position of Bakorkamla is set as the main institution in charge of coordinating other institutions that also have the authority to enforce law in the marine and coastal areas.

Such conditions are caused by the institutional ego of each institution where all institutions implement the Operational Control Under Coordination (BKO) so that the implementing department is only subject to the direction of the institution that oversees it (Bambang Usadi, 2014). In addition, there are also differences in perceptions of authority that lead to miscoordination which in the end causes the implementation of law enforcement to be ineffective in solving security problems at sea and coast. Even the difficulty of coordinating and synchronizing authority between institutions was agreed by the former Coordinating Minister for Political, Legal and Security Affairs Luhut Binsar after one year after the establishment of Bakamla.

Furthermore, the problem of coordination between these institutions has an impact on the ineffectiveness of absorption and use of law enforcement budgets in marine and coastal areas. Such conditions are practically detrimental to state finances considering that every law enforcement agency obtains budget sources from the State Budget (State Revenue and Expenditure Budget). Specifically, these conditions result in:

- 1) Indonesia's image has declined in the eyes of the international community because many countries have threatened to use warships to escort their merchant ships due to Indonesia's inability to maintain security and safety in Indonesian waters.
- 2) The state suffers a loss of around 30 to 40 trillion Rupiah per year due to *illegal fishing*, not including rampant smuggling, damage to the marine and coastal environment as well as shipping.
- 3) The burden of maritime insurance in Indonesian waters is increasing because it is declared the most unsafe sea area.
- 4) State money was spent inefficiently to finance the purchase of patrol boats and the construction of a "*Multi Agency Single Task*" law enforcement operation system.
- 5) The high number of violations and crimes at sea (APK) and weak law enforcement are due to differences in perceptions between law enforcement officers in the application of punishment.

Meanwhile, viewed from the aspect of public policy implementation, basically the implementation of public policy emphasizes not only involving the behavior of administrative bodies responsible for implementing programs and causing obedience to the target group, but also involving a network of political, economic and social forces that are directly or indirectly related to the implementation of public policies. can indirectly affect the behavior of all parties involved, and ultimately affect the impact, both expected (*intended*) and unintended (*unintended*) of the progra (M. Fahturrahman 2016).

Implementation itself refers to the process of getting additional resources, so that it can calculate what must be done. Implementation is nothing less than a stage of a policy that requires at least two kinds of successive actions. First, formulate the actions to be taken, second, carry out the actions that have been formulated. The main core of policy implementation is the actions taken in this case law enforcement actions carried out by each relevant institution. These actions, at some point seek to transform decisions into operational patterns, and continue these efforts to achieve both large and small changes mandated by certain policy decisions (M. Fahturrahman 2016). Therefore, the policy implementation process is influenced by various weaknesses, including the behavior of the organization that implements the program/policy, political, economic, and social forces that influence the behavior of all parties involved and ultimately affect the expected and unexpected impacts (M. Fahturrahman 2016).

Furthermore, in the implementation of policies, the weakness of the bureaucracy has an important role for the success of policy implementation. This can be seen from the performance of the bureaucracy which is full of



references: 1) Commitment to mutually agreed socio-political values (*public defined societal values*) and public goals (*public purpose*); 2) Implementation of ethical-based socio-political values in public management (*provide an ethical basic for public management*); 3) Realization of socio-political values (*exercise social political values*); 4) Emphasis on public policy work in the context of implementing the government's mandate (*emphasis on public policy in carrying out the mandate of government*); 5) Involvement in public services (*involvement overall quality of public services*); 6) Work in the context of handling the public interest (*operate in public interest*).

Efforts to reconstruct the law enforcement system for maritime and coastal areas based on the value of justice are carried out by compiling the idea of *Maritime Security* or Indonesian Maritime Security in a law. Where the Sea Security Bill will provide certainty and justice for the arrangement of a *single multi-task agency* authorized in law enforcement in marine and coastal areas. In this case Bakamla will be lined up again as the *Indonesian Coast Guard* in charge of the relevant ministries/state institutions so as to minimize overlapping authorities. In addition, the reconstruction of legal norms was also carried out by changing the norms in Article 61 of Law no. 32 of 2014 and Article 2 of Presidential Regulation 178 of 2014 by reinstating Bakamla's duties as coordinator in the field of maritime security. The provisions that should be reconstructed consist of:

- a. Article 58 paragraph (2) of Law No. 32 of 2014 added one paragraph so that it becomes:
 - 3) The marine defense system as referred to in paragraph (1) and the implementation of sea defense as referred to in paragraph (2) are coordinated and supervised and also implemented by the Maritime Security Agency.
- b. Article 60 of Law No. 32 of 2014 added one paragraph so that it becomes:
 - 2) Members of BAKAMLA consist of elements of the Indonesian Navy, POL AIR, CUSTOMS, QUARANTINE, Civil Servants of the Department of Fisheries, Civil Servants of the Department of ENVIRONMENT, academics, and come from marine and coastal observer institutions, as well as members from BAKAMLA itself.
- c. Article 61 of Law No. 32 of 2014 becomes:
The Maritime Security Agency has the task of coordinating the formulation of policies and the implementation of integrated maritime security operations to realize security and safety in the territorial waters and jurisdiction of Indonesia.
- d. Article 207 of Law Number 17 of 2008 about Shipping so that it becomes:
 - 1) Syahbandar carries out the function of shipping safety and security which includes, implementation, supervision and law enforcement in the field of transportation in waters, ports, and protection of the maritime environment in ports.
 - 2) In addition to carrying out the functions as referred to in paragraph (1), the harbormaster assists in the implementation of search and rescue (SAR) at ports in accordance with the provisions of laws and regulations.
 - 3) In carrying out the provisions as referred to in paragraph (1) and paragraph (2), the harbormaster is under the supervision of the Maritime Security Agency and is obliged to coordinate with the Marine Security Agency.
 - 4) Syahbandar is appointed by the Minister after fulfilling the competency requirements in the field of shipping safety and security and portability.
- e. Article 276 of Law Number 17 of 2008 about Shipping so that it becomes:
 - 1) To ensure the implementation of safety and security at sea, the function of guarding and enforcing laws and regulations at sea and coast is carried out.
 - 2) The implementation of the functions as referred to in paragraph (1) is carried out by the marine and coastal guards.
 - 3) The sea and coast guard as referred to in paragraph (2) is established and is responsible to the President and technically operational is carried out by the Minister.
 - 4) The Marine and Coast Guard Institutions in carrying out their duties and functions are supervised and coordinated with the Maritime Security Agency.



- f. Article 282 of Law Number 17 of 2008 About Shipping
- 1) In addition to investigators from the State Police of the Republic of Indonesia and other investigators, certain civil servants within the agency whose scope of duties and responsibilities are in the shipping sector are given special authority as investigators as referred to in this Law.
 - 2) In carrying out their duties certain civil servant officials as referred to in paragraph (1) are under the coordination and supervision of investigators from the State Police of the Republic of Indonesia.
 - 3) Investigators in carrying out their authorities and functions must be monitored and coordinated with the Maritime Security Agency.
- g. Article 2 Presidential Regulation No. 178 of 2014 concerning the Maritime Security Agency becomes: The Maritime Security Agency has the task of coordinating the formulation of policies and the implementation of integrated maritime security operations to realize security and safety in the territorial waters and jurisdiction of Indonesia.

7. FINDING:

The findings in this article are the fact that the over-lapping of the authority of security institutions in the marine and coastal areas in Indonesia has resulted in the creation of opportunities for abuse of authority to seek profits in the management of shipping permits.

8. RECOMMENDATION

- The drafting of the Maritime Security Bill which is currently being formulated by the government must be implemented by involving the views of the 13 ministries/state institutions that have authority in the field of maritime and coastal law enforcement. In addition, the government also needs to hear polls from representatives of entrepreneurs and communities affected by law enforcement activities in marine and coastal areas.
- The government needs to review the implementation of the *Indonesian Coast Guard* as the sole agency that enforces the marine and coastal areas which are planned to be given to Bakamla. In this case, it is necessary to have a comparative study or comparative study to formulate a clear division of authority between the security and sovereignty sectors, so as to minimize authority disputes between Bakamla and the TNI-AL.
- *Standard guidelines Clear procedures* in the implementation of law enforcement that involve coordination between ministries/state institutions.

9. CONCLUSION :

The issue of shipping permits is marked by the overlapping authority of 13 (thirteen) ministries/state institutions mandated by 17 (seventeen) laws as law enforcement officers in the marine and coastal areas. The overlapping authority in question is marked by the existence of equal authority to carry out surveillance, pursuit, and investigation in the marine area and jurisdiction of Indonesia. Such conditions are especially experienced by the Navy based on Article 14 paragraph (1) of Law no. 5 of 1983 concerning the EEZ, Article 9 of Law No. 34 of 2004 concerning the TNI, and Article 10 of Law no. 3 of 2002 concerning National Defense. In addition, it also overlaps with the authority of the KPLP as regulated in Article 276-Article 278 of Law no. 17 of 2008 concerning Shipping. The weaknesses experienced by law enforcement officers in order to enforce the sea and coastal areas so that they have not been able to realize the value of justice include: First, the suitability of the regulation of legal norms on the authority of law enforcement officers to enforce the law in the marine and coastal areas. Second, the lack of infrastructure and quality human resources, especially investigators. Third, the high sectoral ego of each agency often results in ineffective enforcement or investigations in marine areas and jurisdictions. Fourth, the uneven distribution of law enforcement budget allocations among related ministries/state institutions considering the high budget focused on the Ministry of Defense, Police, and Ministry of Finance. Such conditions lead to a lack of infrastructure facilities so that they are not proportional to the proportion of the total area of Indonesian waters that must be monitored. Efforts to reconstruct the shipping permit system policy that relies on the authority to enforce the law on licensing in marine areas based on the value of justice are carried out by compiling the idea of Maritime Security or Indonesian Maritime Security in a law. Where the Sea Security Bill will provide certainty and justice for the arrangement of a single multi-task agency authorized in law enforcement in marine and coastal areas. In this case Bakamla will be lined up again as the Indonesian Coast Guard in charge of the relevant ministries/state institutions so as to minimize overlapping authorities.



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