



## JURIDICAL ANALYSIS OF LAW ENFORCEMENT AGAINST FOREIGN SHIP WITHOUT A LICENSE TO OPERATE IN THE RIAU ISLANDS TO REALIZE LEGAL GUARANTEE IN SOVEREIGNTY NATIONS (RESEARCH STUDY OF MARINE SERVICE LOCATIONS AND CLASS II BEACH, TANJUNG UBAN)

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### Abstract

*What factors are the obstacles and solutions in law enforcement efforts against foreign ships without a permit to operate in the Riau Islands region to realize legal certainty in the sovereignty of the nation? The type of research is normative legal writing, using legal research methodology, supported by secondary data and literature. For the grand theory, using the theory of Justice (Justice Theory) as a grand theory is a theory building structure that has abstraction power. Middle Theory uses the theory of legal certainty by Mochtar Kusumaatmadja, Applied Theory uses the theory of legal system law from Lawrence M. Friedman. The results of the analysis concluded that the KPLP was formed to ensure the implementation of safety and security at sea and to enforce laws and regulations at sea and coast.*

**Keywords:** *Law Enforcement, Foreign Ships Without Operating Permit*

### 1. INTRODUCTION

Indonesia is an archipelagic country whose territory consists of the sea and two-thirds of Indonesia's territory consists of oceans with a total length of 81,000 km of coastline, about 75% of its territory is territorial waters and is also one of the largest in the world with a total of approx. 17,504 islands with a land area of 1,922,570 km<sup>2</sup>. With such a large sea area, Indonesia has great potential for natural resources from the marine sector (biological and non-biological), which are of high value and very abundant for the benefit of the community and the State to be used and utilized optimally because it plays an important role in survival.

The role of the sea is very important as a unifier of the nation and the territory of Indonesia and consequently the Government is obliged to administer governance in the field of law enforcement, both against threats of violations against the use of waters as well as maintaining and creating shipping safety and security. The safety and security system is an important factor that must be considered as the basis and benchmark for decision making in determining the feasibility of shipping both in terms of facilities in the form of ships and infrastructure such as navigation systems and human resources involved in it. Maritime issues in Indonesia are almost every day an endless discussion, so it is natural that the public or law enforcement officers in the shipping sector participate in discussing them.

Supervision of shipping must be increased in terms of supervision of accidents at sea which must be carried out efficiently and effectively. Shipping safety and security is the most important thing to avoid accidents at sea. To ensure the implementation of the security and safety of shipping at sea, a Marine and Coastal Guard Unit (KPLP) was formed which is directly responsible to the President. The duties, authorities and other matters related to KPLP are regulated by Law Number 17 of 2008 concerning Shipping. The Sea and Coast Guard Unit of the Republic of Indonesia or the Indonesia Sea and Coast Guard is a Directorate under the Directorate General of Sea Transportation, Ministry of Transportation of the Republic of Indonesia which is tasked with securing shipping in Indonesia. According to the Minister of Transportation,

Law Number 17 of 2008 concerning Shipping which contains acts subject to criminal sanctions are acts that violate provisions that are not sufficiently disciplined only by using

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administrative sanctions or civil sanctions. Administrative sanctions or civil sanctions are not effective enough to have an effect and prevent others from doing the same thing.

For the Indonesian state, whose territory is part of the waters, the Office of Harbor Master and Port Authority (KSOP) plays an important role in securing and enforcing the law in marine areas, where it has been clearly stated that the Harbormaster Office and the Tanjung Uban Port authority are under the Sailing Safety section. The Guard and Patrol (KBPP) has the task of carrying out criminal investigations in the shipping sector (PM Number 36 of 2012).

In the implementation of law enforcement at sea, what is meant here is an effort to carry out law enforcement activities and marine security operations carried out by government agencies such as (Water Police, Indonesian National Armed Forces Navy (TNI AL), Sea And Coast Guard, Syahbandar, Customs Excise, Immigration and others) in accordance with their respective main duties and functions and authorities based on the applicable laws and regulations. The authority referred to here is legal authority, namely actions to take policy on the rights used to enforce law at sea (Didik Heru Purnomo, 2004).

## 2. IMPLEMENTATION METHOD

Research is a managed, systematic, data-based, critical, objective, and scientific investigation or investigation of a specific problem aimed at finding alternative solutions to related problems. The method is the process, principles and procedures for solving a problem. So the research method can be interpreted as a process of principles and procedures for solving the problems encountered in conducting research. The method used in a research is basically a stage to find the truth again. So that it will answer the questions that arise about an object of research (Bambang Sugono, 2001).

The theoretical framework is a means for researchers who must put forward normative theories that are relevant to the research to be carried out and must explain the research variables and the relationships between the variables that are laid out. while the theoretical framework is a framework of thought or points of theoretical opinion, a thesis on a case or problem (problem) which is the material for comparison of theoretical grips. Explain the theoretical framework that is arranged in the form of Grand Theory, Middle Theory and Applied Theory.

The specification of this research only analyzes only up to the level of detection, namely analyzing and presenting facts systematically so that it can be easier to understand and conclude. Research Specifications or it can be said that the type of research is a choice of the type of research format in examining the object of research in the field of legal science studied by the researcher. In particular, according to the type, nature and purpose of Soerjono Soekanto's specification of legal research, it is distinguished, namely normative legal research and sociological or empirical legal research. Is normative legal research as well as combining legal research that is sociological (empirical) by using secondary data obtained directly as the first source through field research through interviews and primary data as sources/information materials in the form of primary legal materials, secondary legal materials and tertiary legal materials. . Primary legal materials, for example: the 1945 Constitution of the Republic of Indonesia, Laws/Government Regulations in Lieu of Laws, Government Regulations, Presidential Regulations, Regional Regulations. Secondary legal materials, for example: scientific works, draft laws (RUU) and research results. And tertiary legal materials, for example: bibliographies, dictionaries, and so on. Tertiary Legal Materials or supporting legal materials,

The approach method in this research is a combination of methods between the normative approach of "legal research" with the empirical approach of "Juridical Sociologies". The research mechanism with the combined approach method is carried out by elaborating the explanation of the research in an inductive way leading to a deductive way and vice versa. This is done by the author



to help explain the relationship between research variables and research objects so that it can produce an understanding that is very helpful for readers, especially researchers and academics.

While viewed from its analytical nature, where the author makes efforts to explore verbal data that is sourced from the literature that the author gets from the library and with data that the author can obtain in the field then analyzed to obtain deductive conclusions (Noeng Muhajir, 1990). As data and data sources used in this study are primary data (6 Ronny Hanitijo Soemitro, 1985) and secondary data which can be grouped as follows: Primary Legal Materials, namely the main data that the author obtained by observing, collecting and comparing regulations applicable legal regulations, including laws, government regulations and related matters in this thesis that originate from: Law Number 17 of 1985 concerning Ratification of the United Nations Convention on the Law of the Sea and Law of the Republic of Indonesia Number 17 of 2008 concerning Shipping. Secondary Legal Materials, secondary data can be divided into three types, namely: Primary legal data, the author uses interviews, namely direct questions and answers to the respondents that the authors have set above; Secondary legal data, such as journals, articles, and other literature related to this research; Secondary legal data, such as journals, articles, and other literature related to this research. namely direct question and answer to the respondents that the author has set above; Secondary legal data, such as journals, articles, and other literature related to this research; Secondary legal data, such as journals, articles, and other literature related to this research. namely direct question and answer to the respondents that the author has set above; Secondary legal data, such as journals, articles, and other literature related to this research; Secondary legal data, such as journals, articles, and other literature related to this research.

In this study, data analysis was carried out qualitatively by describing the research, then doing a comparison between the data and legal theories, legal experts and legislation, where the analysis started from data collection, data processing and finally data presentation. While drawing conclusions, the deductive method will be used, namely the author takes data, information, opinions, which are general in nature and then draws specific conclusions.

### 3. RESULTS AND DISCUSSION

#### **Legal Arrangements in Law Enforcement Efforts Against Foreign Ships Without Permits to Operate in the Riau Islands Region to Realize Legal Certainty in National Sovereignty**

Law enforcement is an attempt to bring the ideas of justice, legal certainty and social benefits into reality. Law enforcement is an effort to realize the ideas and legal concepts that are expected by the people to become a reality. Where law enforcement is a process that involves many things. Conceptually, the essence of law enforcement according to Prof. DR Soerjono Soekanto SH, MA is law as a science that is systematically arranged on the basis of the power of thought. activities to harmonize the relationship of values that are described in solid rules and attitudes of action as a series of elaboration of the final stage of values, to create, maintain and maintain peaceful social life.

Law as a government process, means the process of reciprocal relations between the main elements of the state system. Currently, there are thirteen (13) law enforcement agencies at sea, each with its own legal umbrella, such as the Indonesian Navy (TNI AL), Polair, Directorate General of Immigration, Directorate General of Customs and Excise, Attorney General's Office, Directorate General of Transportation. Marine (PLP/KPLP Fleet), as well as other agencies.

The Sea and Coast Guard Unit (KPLP) of the Republic of Indonesia or the Indonesia Sea and Coast Guard is a port security agency under the Directorate General of Sea Transportation, Ministry of Transportation of the Republic of Indonesia. According to Law No. 17 of 2008 Article 276, KPLP was established to ensure the implementation of safety and security at sea and to enforce laws and regulations at sea and coast. KPLP is the oldest organization in Indonesia that carries out safeguards and law enforcement at sea. The history of the KPLP has begun before Indonesia's independence, precisely since the days of the Dutch East Indies government (Maulida Sari, 2018).

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KPLP 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), orderly shipping, disaster management and work under water, marine and coastal protection facilities and infrastructure. The Decree of the Minister of Transportation Number KM 24 of 2001 concerning the Organization and Work Procedure of the Ministry of Transportation stipulates in article 345 that the Directorate of Guard and Rescue has the following functions: Preparation of policy formulation in the field of security, patrols, disaster and pollution management, orderly waters and ports, salvage and work underwater, the readiness of guarding and rescue facilities; Preparation of the formulation of guidelines, norms, criteria and procedures in the field of security, patrol, disaster and pollution management, orderly waters and ports, salvage and underwater work, readiness of guarding and rescue facilities; Providing technical guidance in the field of patrolling security, disaster and pollution management, orderly waters and ports, salvage and underwater work, readiness of guarding and rescue facilities; Preparation of licensing services in the field of orderly waters and ports, disaster management and pollution as well as salvage and underwater work and rescue; Implementation of evaluation of the implementation of activities in the field of waters and ports, disaster management and pollution as well as salvage and underwater work as well as rescue; Implementation of administrative, staffing and household affairs of the Directorate.

According to Law Number 17 of 2008 concerning Shipping, a ship is declared seaworthy if it is equipped with a ship safety certificate, a pollution certificate from a ship, a Load Line certificate and loading, Gross Deed, Sea Certificate or Large Pass or Small Pass or River and Lake Pass. , Certificate of Safety Management and prevention of pollution from ships as well as certificates of ship security in accordance with the shipping area. The ship must also be manned by crew members who meet the qualification and competence requirements in accordance with national and international regulations. The work agreement between the ship's owner or ship operator which includes salary, working hours and rest hours as well as maintenance and health care must also not violate the laws and regulations. Law Number 17 of 2008 concerning Shipping states that safety certificates are given to all types of ships with a GRT size of more than 7 GT, except for warships, state ships and ships used for sports purposes. These ship safety requirements apply to every procurement, construction and construction of ships including their equipment and when operating ships in Indonesian waters. Before sailing, a ship must complete the completeness of the ship's documents first. This is done so that shipping activities become legal and avoid being ticketed. Not only to avoid ticketing, the completeness of documents can also make it easier for ships to enter the port area. except for warships, state ships and ships used for sporting purposes. These ship safety requirements apply to every procurement, construction and construction of ships including their equipment and when operating ships in Indonesian waters. Before sailing, a ship must complete the completeness of the ship's documents first. This is done so that shipping activities become legal and avoid being ticketed. Not only to avoid ticketing, the completeness of documents can also make it easier for ships to enter the port area. except for warships, state ships and ships used for sporting purposes. These ship safety requirements apply to every procurement, construction and construction of ships including their equipment and when operating ships in Indonesian waters. Before sailing, a ship must complete the completeness of the ship's documents first. This is done so that shipping activities become legal and avoid being ticketed. Not only to avoid ticketing, the completeness of documents can also make it easier for ships to enter the port area. a ship must complete the completeness of the ship's documents first. This is done so that shipping activities become legal and avoid being ticketed. Not only to avoid ticketing, the completeness of documents can also make it easier for ships to enter the port area. a ship must complete the completeness of the ship's documents first. This is done so that shipping activities





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Documents of completeness of the ship are also evidence that the ship is fit for sailing and has completed the bureaucracy in accordance with the law: Certificate of Register (Surat Tanda Kebangsaan Vessel); Seaworthy Certificate (Certificate of Eligibility); Safety Certificate (Security Certificate); Deratting certificate (Rat Free Certificate); Crew Register Letter; Bill of Health (Letter of Health); Load Line Certificate (Embossed Stomach Certificate); Mee Tebrief or Letter of Measurement; and Other Documents That Must Be Completed.

### **Implementation in Law Enforcement Efforts Against Foreign Ships Without Operating Permits in the Riau Islands Region to Realize Legal Certainty in National Sovereignty**

Marine and coastal guard bases are technical implementing units within the marine transportation directorate which are under and responsible to the director general of sea transportation. The Marine and Coastal Guard Base (PPLP) has the task of carrying out guarding, saving, securing and controlling activities as well as enforcing regulations in the field of shipping in sea and coastal waters. The KPLP structure itself consists of the KPLP Directorate and the Technical Implementation Unit (UPT) of Marine and Coast Guard Bases (PLP) spread across Indonesia. The Marine and Coastal Guard Base has the task of carrying out guarding, saving, securing and controlling activities as well as enforcing regulations in the field of shipping in sea and coastal waters. Each Base has an organization consisting of Administrative Subdivision, Operations Section, Facilities and Infrastructure Section (Specially for Class I Bases), and Functional Position Groups. Besides consisting of 5 main bases, KPLPs are also placed at each port, and can also be driven by KSOP. The Marine and Coastal Guard Unit (KPLP) continues to improve its capacity and quality in carrying out its duties and functions in ensuring the creation of shipping safety and security as well as the protection of the maritime environment in all Indonesian waters. The Class II Tanjung Uban Marine and Coastal Guard Base (PPLP) is no exception. Where the working area starts from the western tip of Sumatra Island, Riau Islands covering the Malacca Strait and the Singapore Strait. and can also be driven by KSOP. The Marine and Coastal Guard Unit (KPLP) continues to improve its capacity and quality in carrying out its duties and functions in ensuring the creation of shipping safety and security as well as the protection of the maritime environment in all Indonesian waters. The Class II Tanjung Uban Marine and Coastal Guard Base (PPLP) is no exception. Where the working area starts from the western tip of Sumatra Island, Riau Islands covering the Malacca Strait and the Singapore Strait. and can also be driven by KSOP. The Marine and Coastal Guard Unit (KPLP) continues to improve its capacity and quality in carrying out its duties and functions in ensuring the creation of shipping safety and security as well as the protection of the maritime environment in all Indonesian waters. The Class II Tanjung Uban Marine and Coastal Guard Base (PPLP) is no exception. Where the working area starts from the western tip of Sumatra Island, Riau Islands covering the Malacca Strait and the Singapore Strait. The Class II Tanjung Uban Marine and Coastal Guard Base (PPLP) is no exception. Where the working area starts from the western tip of Sumatra Island, Riau Islands covering the Malacca Strait and the Singapore Strait.

In accordance with Article 3 of the Decree of the Minister of Transportation Number KM.65 of 2002, it is stated that the Class II Tanjung Uban Marine and Coastal Guard Base has the following functions: Preparation of plans, programs and evaluations; Implementation of operations and enforcement of regulations in the shipping sector; Implementation of operations and enforcement of regulations in the shipping sector; Implementation of supervision and control of salvage activities and underwater work, installation/exploration and exploitation dives, buildings above and below water; Providing search and rescue assistance for disasters at sea and fire prevention; Implementation of security and supervision of shipping navigation aids as well as

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pollution control; Implementation of ship crewing and installation training; procurement implementation,

Based on the Decree of the Director General of Hubla No.13/VIII/DV-05 dated August 13, 2005, the boundaries of the Tanjung Uban class II marine and coastal guarding work area include: The eastern waters of North Sumatra Province, all east of the waters of Nangroe Aceh Darussalam, Riau, Riau Islands and west of West Kalimantan Province, and is bounded by straight lines drawn between the points with the following coordinates:

No	Latitude	longitude	Information
1	050 54'.10" U	0950 13'.00" T	Map No. 7
2	010 01'.24" U	1040 21'.44" T	Map No. 60
3	000 02'.40" U	1090 10'.40" T	Map No. 148
4	040 47'.20" U	1080 01'.00" T	Map No. 38



To support the implementation of its duties and functions, the Tanjung Uban Class II PPLP is supported by a fleet of state vessels and qualified personnel. The following is a fleet of state vessels owned by PPLP Class II Tanjung Uban:

Class	Ship name	Crew Number
I	KN. Kalimasada P.115	19 people
II	KN. Sarotama P.112	19 people
II	KN. Rantos	10 people
IV	KN. 406	6 people
V	KN. 464	3 people
	KN. 543	3 people
	KN. 544	3 people
	KN. 546	3 people
	KN. 547	3 people

In addition to having a State Ship, Tanjung Uban Class II PLP Base also has a Rigid Inflatable Boat (RIB), a combination of a rigid speedboat made of FRP (glass fiber reinforced polyester) and a tube made of hypalon, which maintains stability while maneuvering as well as a floating instrument. . This RIB can move quickly even in tight spaces, making it suitable for use in



times of emergency. PPLP Class II Tanjung Uban, the entire fleet owned by PPLP Class II Tanjung Uban, is very helpful for its personnel in carrying out their duties and functions, including monitoring and controlling salvage activities and underwater work, diving, exploration installations and exploitation of buildings above and below. underwater, providing assistance and seeking relief from disasters at sea, fighting fires,

PPLP Tanjung Uban has achieved many achievements in carrying out its duties and functions in the field of law enforcement in Indonesian waters. The Head of PPLP Class II Tanjung Uban, stated that he and all his staff always strive to realize PPLP's vision to continue to strive to create safe transportation and protect the maritime environment in all marine and coastal waters of Indonesia. "Our mission is to realize reliable sea transportation supervision, in accordance with national and international standards, which can be achieved by improving safety, security, order and law enforcement in the shipping sector in all Indonesian waters. Thus, of course, it can show Indonesia's sovereignty and existence in the eyes of the world," he said.

In addition to conducting security patrols in the work area, PPLP Class II Tanjung Uban also conducts investigations on ships suspected of having violated regulations or not having a permit, the investigation is regulated in Law no. 17 of 2008 concerning Shipping Article 282 paragraph (1) In addition to investigators from the Indonesian National Police 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 the Law. this and paragraph (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 police of the Republic of Indonesia.

Article 283 paragraph (1) 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; paragraph (2) Civil servant investigators as referred to in paragraph (1) are authorized to: Research, seek, and collect information in connection with criminal acts in the shipping sector; Receiving a report or information from a person regarding the existence of a criminal act in the shipping sector; Summon people to be heard and examined as suspects or witnesses; Arrest and detain people suspected of committing criminal acts in the shipping sector; Request information and evidence from people suspected of committing criminal acts in the shipping sector; Taking pictures and/or recording through audiovisual media of people, goods, ship or anything that can be used as evidence of a crime in the shipping sector; Examine the records and books required under this Law and other books related to shipping crimes; Take fingerprints; search the ship, its place and examine the goods contained in it if a criminal act in the shipping sector is suspected; confiscate objects that are strongly suspected of being goods used to commit criminal acts in the shipping sector; Provide security signs and secure anything that can be used as evidence in connection with criminal acts in the shipping sector; Bring in the necessary expert witnesses in connection with the examination of criminal cases in the shipping sector; order to stop the person suspected of committing a crime in the shipping sector and check the suspect's identification; To stop the investigation; Take other legally responsible actions. And paragraph (3) Civil servant investigators as referred to in paragraph (1) submit the results of the investigation to the public prosecutor through the investigating officers of the State police of the Republic of Indonesia.

Several cases that have been handled by PPLP Class II Tanjung Uban include: Chinese fishing vessel MV. Lu Huang Yuan Yu 117 and 118 who were suspected of committing the crime of human trafficking and were also found storing the bodies of Indonesian crew members (ABK) in their refrigerators; The Malaysian-flagged Pisces Singaporean tanker was secured by PPLP Class II Tanjung Uban officers from Nongsa Waters. The vessel was secured while anchored in the danger zone near the gas pipeline. The ship was left with no crew, cargo and no shipping documents; The Malaysian-flagged MS Carla, which was anchored in the Singapore Strait, MS Carla had trouble with the main turbo engine overheating with a temperature of 500°. After the inspection, it turned

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out that there were no types of violations committed by the MS Carla ship and would be directed to the anchor lego area in the waters of Batu Ampar; Evacuating passengers on the KMP Tanjung Burang ship which ran aground. The KMP Tanjung Burang ship departed from Punggur Port to Tanjung Uban Port and carried 38 passengers and 35 vehicles. KN ship. 547 and RIB Rescue belonging to the Tanjung Uban Class II PLP Base immediately went to the scene to secure and evacuate the passengers on the ship. The KMP Tanjung Burang ship departed from Punggur Port to Tanjung Uban Port and carried 38 passengers and 35 vehicles. KN ship. 547 and RIB Rescue belonging to the Tanjung Uban Class II PLP Base immediately went to the scene to secure and evacuate the passengers on the ship. The KMP Tanjung Burang ship departed from Punggur Port to Tanjung Uban Port and carried 38 passengers and 35 vehicles. KN ship. 547 and RIB Rescue belonging to the Tanjung Uban Class II PLP Base immediately went to the scene to secure and evacuate the passengers on the ship.

PPLP Class II Tanjung Uban always prioritizes professionalism, effectiveness, and synergy in carrying out its duties and functions in carrying out supervision and security in its work area which has a fairly wide scope. In carrying out daily patrols, PPLP Class II Tanjung Uban has mapped water areas that are considered vulnerable in order to facilitate operations at sea. In addition to a strong fleet, reliable and professional personnel are also needed to be able to carry out PPLP's duties and functions properly. Therefore, the 67 PPLP Class II Tanjung Uban continuously conduct trainings to increase the capacity of their personnel, such as firefighting and diving training.

PPLP Class II Tanjung Uban in addition to carrying out its duties technically, it also coordinates with other agencies related to the maritime sector such as the Navy, water satpol, SAR, Patkamla, and so on, and during coordination there are no obstacles found, because coordination with other agencies is sufficient. good. The term coordination in general is to harmonize or continue the work activities of one party with another in order to achieve the goals of each party and end. With a common goal, the condition for coordination is that maturity is needed in terms of being on time so as not to hamper the performance and duties of each party, then there is always communication both within one party and in a broad scope. The coordination carried out by PPLP Class II Tanjung Uban with other agencies is usually carried out in the form of conducting patrols at sea and conducting some preparedness training to carry out sea search and rescue operations in the event of a sea transportation accident. This aims to ensure the safety of shipping which includes human life and property, which is a big contribution to the efficiency of sea transportation activities. Based on the description above, it is clear that it is not only the safety of the human soul that is a problem but also the safety of the sea. Lack, neglect or consciously not paying attention to safety rules by humans, will not only harm humans and property but also harm or damage the environment. The agency for controlling and securing shipping safety in Indonesia is the Directorate General of Sea Transportation whose technical guidance is carried out by the Technical Directorates of Marine and Coastal Guard Units (KPLP), Navigation, Shipping and shipping safety. The Head of PPLP Class II Tanjung Uban emphasized that PPLP Class II Tanjung Uban in supervising the safety and security of operating shipping, it is necessary to establish relations with other agencies related to the maritime environment.

The nature of this relationship is coordination to carry out the task of maintaining the safety and security of shipping. And during the coordination, there were never found any obstacles or obstacles that could affect shipping safety guarding activities because in fact the agencies had a fairly good relationship with each other. Coordination in particular is the ability of an organization to work together to achieve goals. It has goals such as to create maximum effectiveness of an organization, namely so that within one organization it has success in achieving all goals correctly and correctly, then coordination has a goal, namely to unite outside parties and internal parties to





always be in harmony in carrying out the process of activities so as not to damage one organization. this is one of the main keys in achieving common goals and finally coordination aims to stabilize efficiency within an organization.

### **Obstacles and Solutions in Law Enforcement Efforts Against Foreign Ships Without a Permit to Operate in the Riau Archipelago Region to Realize Legal Certainty in National Sovereignty**

International law of the sea is based on the concept of freedom of the sea, with the control of each state. In the mid-20th century, as each country increased its capacity to engage in long-distance and commercial fishing, concerns arose about pollution and damage to marine resources and demanded rights to the resources of the continental shelf. Of course, it is imperative to develop an agreement-based regime for ocean governance. The United Nations (UN) Conference on the law of the sea in 1958, 1960 and 1973-1982, produced a number of treaties and adopted UNCLOS 1982 as a convention on the international law of the sea. Hugo Grotius as an expert in the field of natural law expressed his objection to the ownership of marine areas on the basis of two reasons: First, There is no ocean that can belong to a nation/state. Second, Nature does not give the right to anyone to have facilities that can be used by everyone and which are inexhaustible in nature. In other words, (*res gentium*) the open/high seas are the rights of all nations or (*res extra commercium*) (Asiyah Jamilah, 2020).

UNCLOS 1982 ensures the legal framework to govern all uses of the oceans and the entire international sea which also regulates overlapping claims in both the territorial sea, EEZ and continental shelf. The implication of this definition has caused the high seas to become a free area for all states and no state can claim the area as part of its jurisdiction provided that it complies with the provisions stipulated in Article 87 of UNCLOS 1982. This freedom must be exercised by each country with due regard to the rights of other countries in exercising their rights to freedom on the high seas based on the provisions in UNCLOS 1982. Then regarding administrative sanctions for perpetrators of violations based on the provisions of the law, it has not been effective and has not caused a deterrent effect. For example,

As for other obstacles, namely against foreign ship captains or witnesses in the trial process, the immigration agency that takes care of foreigners who will be repatriated to their country does not want to accept the custody of the 72 captains or witnesses before the case process has permanent legal force. Based on the provisions of UNCLOS and statutory regulations, in the event of an arrest, the captain and crew are not allowed to be unloaded from the ship. They can only be detained outside, in this case, only on the ship belonging to the person concerned. In this regard, the life rights of the captain and crew are disturbed because they cannot get off the ship and cannot carry out maintenance of the ship. Therefore, it is the responsibility of investigators and investigators to support the captain and crew and care for the ship being detained. The handling of crew members who commit fisheries crimes faces several obstacles in their implementation, including limited facilities and infrastructure for shelters (Temporary Shelters and Rudenim), insufficient shelter capacity, limited number of officers for security, and limited foreign language translators. Currently in every temporary shelter there are still inadequate facilities and infrastructure, especially in terms of the availability of food for the crew, beds, and various other facilities. This condition is due to overload capacity, both in the Temporary Shelter House and Rudenim. Due to insufficient storage capacity, it is feared that the crew of the *pro justitia* ship will run away, besides that it is often found that foreign crew members mingle with the surrounding community, this will have an impact on the security aspects of the surrounding community as well as the security aspects of the guard officers. To minimize the various obstacles faced in handling crew members, it is necessary to make efforts to accelerate the legal process against crew members who are suspects and witnesses.

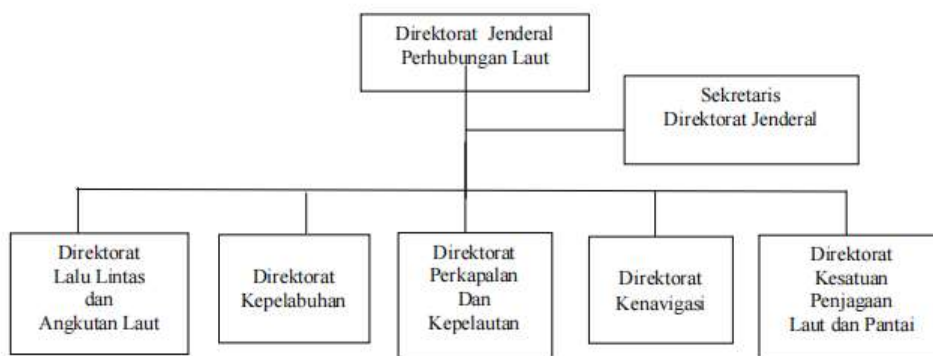
In addition, accelerating the repatriation of non-*justitia* crew members by maximizing the Fisheries Crime Handling Coordination Forum, which in the forum has synergized several related ministries/agencies. Through this forum, a formal mechanism format or joint SOP can also be

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agreed upon in the handling and repatriation of crew members. The 12 Joint SOPs regarding the handling and repatriation of crew members of fishery criminal acts will involve law enforcement officers for fisheries crimes, namely the Fisheries PPNS, the Navy, and the Police, as well as the Directorate General of Immigration of the Ministry of Law and Human Rights and the Directorate General of Protocol and Consular Affairs of the Ministry of Foreign Affairs. This SOP will regulate the coordination mechanism between agencies in the case of harboring foreign nationals, security assistance from the police and the Indonesian Navy in terms of securing foreign crew members at the Temporary Shelter House or at the Rudenim, developing a database application for foreign nationals who commit fishing crimes, exchanging data and information on the handling of foreign crew members, as well as the process of repatriating crew members. foreign nationals to their country of origin. In the agenda of eradicating Illegal Fishing, the Indonesian government has established a policy of sinking ships as a strategic policy. This is intended to protect territory and sovereignty, create a deterrent effect, and secure the sea from foreign looting. The sinking of fishing vessels is an effort by the government to demonstrate the obligation to protect the territorial waters and fish resources contained therein.

**Organizational Structure of the Directorate General of Sea Transportation**



**4. CONCLUSION**

Law enforcement is an attempt to bring the ideas of justice, legal certainty and social benefits into reality. Law enforcement is an effort to realize the ideas and legal concepts that are expected by the people to become a reality. In an effort to enforce the law, the Marine and Coastal Guard Unit (KPLP) is regulated in the legal entity Law Number 17 of 2008 concerning shipping with the aim of establishing a KPLP to ensure the implementation of safety and security at sea and to enforce laws and regulations at sea and coast. The responsibility of the KPLP is to supervise both the departing ship and physically check whether the ship is fit for sailing, inspecting ABK (Children of the Ship) and documents to fulfill shipping safety requirements because Shipping Security and Safety is a very important factor to support smooth sea transportation and prevent accidents where shipping lanes are determined. The responsibility of the KPLP is to supervise both the departing ship and physically check whether the ship is fit for sailing, check the crew and documents for the fulfillment of shipping safety requirements because Shipping Security and Safety is a very important factor. important to support the smoothness of sea transportation and prevent accidents where the determination of shipping lanes.

It is recommended that the role of Marine and Coastal Guards needs to be further enhanced in conducting supervision, especially on the safety and security of shipping at sea by making special regulations or affirming laws and regulations regarding the supervision of the safety and security of shipping at sea, so that its role in supervision can be carried out effectively and



efficiently to avoid in the event of an accident at sea. Marine and Coastal Guards are increasingly increasing coordination in nature with agencies related to the maritime environment. Cooperation between the two agencies can help each other to prevent legal violations in the territorial waters, so that shipping safety and security can be guaranteed.

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