

The Role of the Water Police in Supervising and Enforcing the Law on Fisheries Crimes in Indonesian Waters

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Abstract. Fisheries are movements of every kind connected with the administration and use of fish assets and their current circumstance beginning from pre-creation, creation, and handling to showcasing did in a fisheries business (Article 1 of Regulation Number 45 of 2009 concerning Fisheries). The long-term goal of this research is to preserve and utilize fisheries resources by all Indonesian people. Legal regulations regarding the authority of Indonesian Air and Water Police investigators in handling fisheries crimes in Indonesian jurisdiction are regulated in Fisheries Regulation Number 45 of 2009 article 73 passage 1 concerning Changes to Regulation No. 31 of 2004 concerning fisheries expresses that examinations concerning criminal demonstrations in the fisheries area in the fisheries the executives region of the Republic of Indonesia are done by Fisheries Civil Servant Investigators, Indonesian Navy Officer Investigators, and/or Republic of Indonesia State Police Investigators. The obstacles faced by Polairud in resolving fisheries crimes in the Belawan jurisdiction are the lack of necessary facilities and infrastructure, limited operational costs, and the enormous ocean area of Belawan. Efforts to overcome fisheries crimes committed by Polairud in the Indonesian jurisdiction are carried out by non-penal law enforcement and penal law enforcement.

Keywords: Polairud, Crime, Fishing

1 Introduction

Indonesia is one of the regions that is used as a shipping route which is part of ALKI I (Indonesian Archipelagic Sea Route I) which is traversed by various types of ships, where the traffic is several types of ships such as cargo ships, tankers, fishing ships and military ships as well as ships that use the Sunda Strait, to cross from the Indian Ocean to the Java Sea or continue to the Pacific Ocean or vice versa. Apart from that, on the west side of the Sunda Strait, especially about the mainland of Sumatra Island, there is a crossing port that connects Sumatra Island, namely the Bakauheni port which is an area that has a port that functions as a connection

with the island of Java, namely Merak port, where through this port, the distance between the two islands can be cut to ± 30 km by ferry which only takes around 1.5 hours.

The crime of fishing is one of the global problems faced by countries throughout the world because this type of crime not only causes damage to ecosystems and water resources in the sea or region but is also related to the sovereignty of a country, especially if the perpetrator is fishing.

This criminal offense is a criminal offense in fishing if a person enters the territorial waters of another country to carry out illegal fishing without permission.

The majority of crimes that occur in Indonesian territorial waters are related to fishing, namely illegal fishing, fishing that is not permitted by applicable laws and regulations, and fishing that is not reported to official fisheries institutions or agencies. Although it is difficult to map and estimate fisheries crimes that occur in Indonesian waters, fish theft by foreign fishing vessels originating from Thailand, the Philippines, and Vietnam is the type of fisheries crime that most often occurs in Indonesian fisheries management areas.

Fisheries crimes committed by foreign vessels mostly occur in the Exclusive Economic Zone (EEZ) and also quite a lot in archipelagic waters. The types of fishing gear used by illegal foreign vessels in Indonesian waters are productive fishing gear such as purse seines and trawls. Fisheries crimes are also committed by Indonesian citizens, not only by foreign citizens. Several modes/types of illegal activities that are often carried out by Indonesian citizens include fishing without a permit, having a permit but violating the provisions as stipulated in legislation relating to fisheries, forgery/control of reports, parcel adrift, not enacting the transmitter and damaging fishing utilizing synthetic substances, natural materials, explosives, apparatuses as well as strategies, and additionally structures that imperil the safeguarding of fish assets.

One of the things that is deemed necessary to reduce and ultimately "eradicate" crimes related to fishing is the implementation of continuous and continuous law enforcement. Structural, substantive, and cultural elements in the legal system must work together to support the implementation of law enforcement. This study was conducted at the Pesisir Selatan Regency Maritime Affairs and Fisheries Service, an organization that plays an important role in fisheries management in Indonesian waters, to determine the extent to which the components of the legal system are fulfilled.

The crime of illegal fishing occurs in almost all Indonesian waters. In the West Sumatra region, especially in Pesisir Selatan Regency itself, criminal acts of fish theft often occur so the issue of illegal fishing has become a major enemy that must be eradicated for the sake of sustainable fishing businesses. Regulation Number 45 of 2009 concerning Corrections to Regulation Number 31 of 2004 concerning Fisheries states clearly that illegal fishing is punishable by imprisonment and fines, but so far it has not been implemented properly because there are numerous obstacles faced so that law enforcement cannot be carried out optimally, especially in Indonesian waters.[1] Another lack of clarity is the rewards/sanctions for the licensing and supervisory bureaucracy as well as law enforcement officers at sea who deliberately levy charges outside the provisions or pass violators through conspiracy.[2]

Theoretically, law enforcement involves more than simply punishing individuals or organizations that break the law; it also involves understanding the relationship between law enforcement and the idea of preventive law enforcement.[3]

It is impossible to isolate the global strategic environment—especially fisheries conditions in neighboring countries bordering seas and systems of Indonesian fisheries management—from the elements that contribute to fisheries crimes in Indonesian waters. These causal factors can generally be divided into seven (seven) categories, which include: [4] 1) The world's need for fish (demand) is increasing, on the other hand, the world's fish supply is decreasing, there is

overdemand, especially for types of fish from the sea such as Tuna. This encourages the world's fishing fleet to hunt fish anywhere, legally or illegally. 2) The uniqueness (distinction) in the cost of entire new fish in different nations contrasted with Indonesia is very high so there is as yet a pay excess. 3) Fishing grounds in different nations are beginning to run out, while in Indonesia they are as yet encouraging, even though they have to maintain the supply of fish for their consumption and must keep processing production in the country afloat. 4) The Indonesian seas are very wide and open, on the other hand, surveillance capabilities, especially the national surveillance fleet (surveillance vessels) are still very limited compared to the need to monitor vulnerable areas. The vast sea area under Indonesia's jurisdiction and the fact that Indonesia's EEZ is still very open, which borders the high seas, has become a magnet for attracting foreign and local fishing vessels to commit fisheries crimes. 5) The fisheries management system in the form of a licensing system is currently open (open access), the restrictions are only limited to fishing gear (input restriction). It is not suitable when faced with the factual geographical conditions of Indonesia's EEZ which borders the high seas. 6) There are still limited monitoring facilities and infrastructure as well as human resources for monitoring, especially in terms of quantity compared to the area of water that must be monitored. This is compounded by limited monitoring facilities and infrastructure. 7) The perception and cooperative steps of law enforcement officials in handling fisheries criminal cases are still not optimally organized, especially in terms of understanding legal actions, and commitment to operating supervisory vessels in the EEZ.

2 Method

This examination was led utilizing a regularizing technique [4], namely analyzing and seeking answers to the problems raised based on legal substance/legal norms contained in statutory regulations, Indonesian Police Regulations, Republic of Indonesia Police Decrees, and other regulations related to duties, and the authority of the police to carry out investigations into perpetrators of fisheries crimes in Indonesia. In the specifications of this research, a research approach is used, a statute approach (based on statutory regulations here, namely Law Number 45 of 2009).

3 Results and Discussion

3.1 The role of POLAIRUD in Indonesia

The security conditions that currently exist in Indonesian waters are basically in line with the community's goal of maintaining order and security that has been put into practice. To make Korpolarud's role and duties a success in carrying out its duties, law enforcement is carried out by making breakthroughs, optimizing roles, and expanding human resources. Korpolarud not only maintains security and order, but community involvement in places close to water is also very important. To reduce crime in Indonesian waters, it is hoped that this can support the responsibilities of Korpolarud and other security officers.

Korpolairud's role in ensuring the security of water areas is in line with its responsibilities, including protecting, advising, and serving the community; enforcing the law in all waters and air areas; assisting with all police and regional functions; increasing the organization's ability to conduct training operations for water and air police; supervision, control and monitoring of water safety; and handling complaints from the maritime community and organizing security surveillance activities in the context of carrying out the duties and management of Korpolairud. This activity is useful in carrying out the duties and management of Korpolairud.

In line with the role of the National Police, especially Harkamtibmas and law enforcement officers, in strengthening security in Indonesian waters, and connected to them. A dynamic society prioritizes security and order because this is necessary to carry out the national development process and achieve national goals, which are defined as maintaining peace, security, and the supremacy of law, as well as the ability to progress. and developing the potential and strength of society to prevent and overcome all forms of law violations and other threats that could have a disturbing impact on society.

Korpolairud's responsibility in ensuring the security of water areas lies with the authority of the National Police, especially law enforcement officers and Harkamtibmas. Maintaining public order and security or Hakamtibmas is the duty of all groups who have the main task of protecting and protecting communities in places that have water. so that calls and messages are conveyed to the community to encourage their participation in upholding public order and security, as well as all strategic efforts that can be made to maximize security. To create a safe and prosperous society in its activities, it is hoped that it can reduce existing crimes by prioritizing and increasing security in water areas.

Korpolairud's role is also supported by government programs such as the Traffic Separation Scheme (TSS), which is an oceanic traffic the board course framework whose guideline is under the Worldwide Sea Association (IMO). This oceanic roadway shows the overall course of boats in the significant zone and all boats under TTS route will all sail in a similar bearing routinely. The use of TTS will assist with diminishing and furthermore oversee traffic in contradicting traffic streams, assist with overseeing ships that need to enter or leave the port region, as well as coordinating safe distances among ships, and giving courses to profound draft vessels.[5]

Officials and other institutions have a combination of roles that support Korpolairud's duties in upholding security and order in the Water Area. By its main responsibilities which include organizing, planning, preparing, and implementing the involvement of the Air Police function in deploying Police operations at the central and regional levels, Dipolairud assists Korpolairud in enforcing security in Indonesian waters.[6]

The members' ability in the development, dilbangspes, and personnel capacity now shows that the Ditpolair Korpolairud Baharkam Polri has adequate human resources. However, this needs to be developed and trained further to minimize or reduce the number of crimes and accidents at sea and in the waters by upholding the law, actively carrying out search and rescue, encouraging community involvement through mentoring, community policing, conducting visits to homelands and fishermen, outreach, and a police approach to the community. So that the objectives of Linyonyamas, Harkamtibmas, and law enforcement can be implemented well so that domestic security, especially in the water area, can be achieved. So, the role of Korpolairud in the Indonesian Territory includes preventing and taking action against criminal acts,

maintaining comfort in the Sunda Strait region, and creating prosperity in the region. Indonesian waters and maintaining the smooth running of activities in Indonesian waters.

3.2 Law Enforcement Efforts for Fisheries Crimes Based on the Legal System

In preventing or dealing with fisheries crimes that occur in the Belawan jurisdiction carried out by the Polairud investigation team, is part of the law enforcement system in Indonesia in general, the law enforcement system in the Belawan jurisdiction. The law enforcement system in dealing with fisheries crimes cannot be separated from the legal system theory put forward by Friedman which states that dealing with criminal acts must include the main elements of the Legal System. Elements in the Legal System are: [7]

- a. Legal Structure
- b. Legal Substance
- c. Legal Culture
- d. Legal Impact

Based on elements in the Legal System, the success or failure of law enforcement to overcome fisheries crimes in the Belawan jurisdiction carried out by Belawan Polairud investigators must depend on the Legal Structure, Legal Substance, and Legal Culture. Culture).

The aim of Polairud Investigators' efforts to eradicate fishing crimes in Indonesian jurisdiction is to determine whether the law can be enforced. This is done by using legal substance law enforcement. The substance can also refer to the output of individuals or organizations operating within a legal system, such as the rules they create and the legal norms they establish—in this example, a complete set of clauses or statutory regulations that regulate types of behavior and situations. which is prohibited by law. The basis for the initiative to eradicate fisheries crimes in Indonesian jurisdiction is Regulation Number 45 of 2009 concerning Fisheries and Policing. The policing in light of this hypothesis is impacted by the general set of laws in Indonesia. In Article 1 of the Crook Code, it is resolved that "no crook act can be rebuffed assuming that there are no principles overseeing it" so whether a fisheries criminal demonstration can be dependent upon correctional authorizations assuming the demonstration has been controlled in Regulation Number 45 of 2009.[4]

The legislative framework and law enforcement methods used by Polairud investigators to combat fisheries violations under Indonesian jurisdiction dictate that law enforcement—in this example, Polairud investigators—must decide whether the law can be properly implemented or not. The legislation guarantees the duties and authority of investigators in eradicating fisheries crimes within the scope of the Sub-Directorate of the Polairud Directorate. This allows investigators to carry out their duties without interference from federal, state, or local governments, or other external forces. As the saying "fiat justitia et pereat mundus" states the supremacy of law must be obeyed even though the world is ending. Without reliable, capable, and impartial law enforcement officials, the law cannot be enforced or enforced. Law enforcement will not work as it should if weak law enforcers support it, no matter how good the legislation is. Without strong law enforcement officials, justice is just wishful thinking. Meanwhile, efforts to overcome fisheries crimes in the Indonesian legal territory by Polairud investigators are based on law enforcement. Legal Culture is the attitude of humans or the Indonesian

Aquatic community towards the law and the legal beliefs, values, thoughts, and hope. Legal culture is the atmosphere of thinking of the Indonesian people in understanding the law enforcement of fisheries crimes that have occurred in society. The community's thinking is the level of community understanding in efforts to participate in overcoming fisheries crimes that occur in Indonesian jurisdiction.[8]

In resolving maritime crime cases in Indonesia through penal and non-penal policies.

3.2.1 Penal Enforcement of Criminal Acts

Overcoming and preventing fisheries crimes in the Belawan jurisdiction is taking repressive action, namely law enforcement efforts in the form of taking action against perpetrators of fishing crimes with activities to improve the quality of investigations and resolution of cases up to the Public Prosecutor and tried transparently, implementing and improve coordination between investigators and the Public Prosecutor in handling these cases, good coordination will, of course, provide good results, especially in this case so that the criminal act of fishing can be resolved and the perpetrators receive punishment or sanctions that are assessed by the losses caused and provide a deterrent effect for perpetrators and an example for other communities and provide firm action against perpetrators of fishing crimes so that they can provide a deterrent effect and example for other people or parties.[9]

To eradicate fisheries crimes in Indonesian jurisdiction, Polairud investigators take legal action against violators who use explosives, chemicals, biological materials, tools, and/or methods that can harm and/or endanger the environment at WPPNRI and/or environmental sustainability. life. fish resources (SDI). In addition, criminal sanctions are imposed on perpetrators of fisheries crimes with firm and consistent action, so that they can provide a deterrent effect both for the perpetrators and for future fisheries crimes in Indonesian jurisdiction.

In light of the Unified Countries Show on the Law of the Ocean 1982 (Joined Countries Show on the Law of the Ocean 1982), the Indonesian government approved it with Regulation No. 17 of 1985, then, at that point, the Indonesian government likewise gave Regulation No. 45 of 1985. 2009 concerning Fisheries. This aims to ensure that perpetrators of illegal fishing can be prosecuted according to the rules. The Indonesian government issued Law No. 45 of 2009 concerning Fisheries by international provisions in the field of fisheries and accommodates the problem of fisheries crimes and can keep pace with current developments in technological progress. In implementing law enforcement at sea, this law is very important and strategic because it concerns legal certainty in the fisheries sector.

Imposing criminal penalties as an effort to overcome fisheries crimes in the Belawan jurisdiction has a deterrent effect both on the perpetrators and on other people in the community. Criminal law provisions in fisheries crimes are regulated in Law Number 45 of 2009 concerning Fisheries and law enforcement including coordination between agencies in eradicating fisheries crimes. Article 35 of Regulation Number 27 of 2007 about Administration of Waterfront Regions and Little Islands expresses that utilizing explosives, harmful materials, as well as different materials that harm the coral reef biological system.[10] Regulations regarding fisheries crimes are contained in Article 8 of Regulation

Number 31 of 2004 related to Regulation Number 45 of 2009 concerning Fisheries:

- 1) Every individual is denied from getting fish or potentially developing fish utilizing synthetics, natural materials, explosives, apparatuses and additionally techniques, as well as structures that can hurt as well as imperil the maintainability of SDI and additionally the climate in the Fisheries The executives Region of the Republic of Indonesia (WPP RI).
- 2) Captains or leaders of fishing vessels, fishing experts, and crew members (ABK) who carry out fishing are prohibited from utilizing synthetic substances, natural materials, explosives, devices and additionally techniques, or potentially structures that can imperil the maintainability of fish assets (SDI). or potentially its current circumstance in WPP RI.
- 3) Owners of fishing vessels, proprietors of fishing organizations, individuals accountable for fishing organizations, and additionally administrators of fishing vessels are denied from utilizing synthetics, natural materials, explosives, instruments or potentially techniques as well as designs that can hurt or potentially jeopardize ecological manageability.

The threat of criminal action against fisheries crimes is contained in Article 84 of Regulation Number 31 of 2004 related to Regulation Number 45 of 2009 concerning Fisheries: [11]

- 1) Every individual who deliberately in the fisheries the board region of the Republic of Indonesia completes fishing as well as fish development utilizing synthetic compounds, natural materials, explosives, apparatuses or potentially strategies, and additionally structures that can hurt and additionally jeopardize supportability. fish assets as well as their current circumstance as alluded to in Article 8 Passage (1) will be rebuffed with a greatest detainment of 6 (six) years and a most extreme fine of Rp. 1,200,000,000 (One billion 200,000,000 rupiah).
- 2) The chief or head of a fishing vessel, fishing master, and team individuals who purposefully enter the fisheries the executives region of the Republic of Indonesia fishing utilizing synthetics, natural materials, explosives, devices or potentially strategies as well as designs that can hurt and additionally imperil the manageability of fish assets as well as the climate as expected in article 8 Passage (2) will be rebuffed by detainment. a limit of 10 (A decade) and a most extreme fine of Rp. 1,200,000,000 (One billion 200,000,000 rupiah).
- 3) Owners of fishing vessels, proprietors of fishing organizations, individuals responsible for fishing organizations, or potentially fishery administrators who purposely do fishing exercises in the fisheries the board region of the Republic of Indonesia utilizing synthetics, natural materials, explosives, apparatuses and additionally techniques as well as structures. which might hurt or potentially imperil the manageability of fish assets as well as the climate as planned in Article 8 Passage (3)

will be rebuffed with detainment for a limit of 10 (A decade) and a fine of a limit of Rp. 2,000,000,000 (two billion rupiah).

- 4) Owner of a fish development organization, intermediary of the proprietor of a fish development organization, or potentially individual responsible for a fish development organization who purposely does fish development business in the fisheries the board region of the Republic of Indonesia utilizing synthetics, natural materials, explosives, pads as well as techniques and additionally structures that can hurt as well as jeopardize the maintainability of fish assets as well as the climate as expected in Article 8 Passage (4) will be rebuffed with detainment for a limit of 10 (A decade) and a fine of a limit of Rp. 2,000,000,000 (two billion rupiah).

The formulation of sanctions in fisheries crimes is another word to refer to sanctions that apply in criminal law. In other words, criminal law is a form of sanction specifically used in criminal law.

Indonesian Criminal Law only recognizes two types of crimes, namely basic crimes and additional crimes. In the Criminal Code (KUHP), no definition is given regarding the word "criminal". However, in the Criminal Code regarding this crime, the types have been determined. Article 10 of the Criminal Code determines that criminal penalties consist of:

- 1) Principal Crimes: 1. Death penalty 2. Imprisonment penalty 3. Imprisonment penalty 4. Fine 5. Imprisonment penalty
- 2) Additional punishments: 1. Hardship of specific privileges 2. Seizure of specific things 3. Declaration of the adjudicator's choice

3.2.2 Penal Enforcement of Criminal Acts

Non-penal actions include improving the welfare of children and adolescents, fostering public health through moral and religious education, providing social assistance and education to help community members develop a sense of social responsibility, carrying out patrols, and other forms of continuous supervision of the police and security forces. Non-penal activities can be seen in every area of social policy. Although improving certain social conditions is the primary goal of many non-penal initiatives, they also significantly reduce crime.

Therefore, if viewed from the perspective of criminal politics, all non-penal preventive initiatives occupy a very strategic position and have a crucial role that needs to be strengthened and made successful. The impact of not addressing this strategic position would be disastrous for initiatives aimed at preventing crime. Consequently, all non-penal prevention efforts must harmonize and integrated into a coherent system of state action through criminal policy.

Friedman attests that social variables are basic to the outcome of policing. There are times when the degree of local area policing is exceptionally high due to the way of life that exists locally, remembering the elevated degree of local area association for endeavors to forestall wrongdoing, revealing and documenting grievances about violations that happen in their environmental factors, and helping cops. in their work. wrongdoing anticipation, despite the

fact that the local area doesn't believe that conventional strategies should be carried out appropriately and the underlying and meaningful parts are bad.

The handling of fisheries crimes in the Indonesian jurisdiction by Polairud Belawan cannot be separated from the interdisciplinary investigative actions that begin with pre-emptive (development) and preventive (prevention) efforts before the criminal act occurs.

1) Efforts to deal with fisheries crime pre-emptively

Pre-emptive efforts, namely outreach actions carried out by the Water Police, Maritime Affairs and Fisheries Service, or other agencies related to Belawan water problems. This can be done by strengthening the community's preventive and deterrent power around the 8 Belawan water areas. Through outreach and outreach, it will strengthen the community's attention and participation in detecting illegal fishing practices or activities and immediately coordinating with law enforcement officials. This will certainly prevent further destructive and detrimental practices from occurring because fast treatment starts with fast information from the public. Carrying out early detection, counseling, and outreach through community development, leadership work visits, strengthening the role of community monitoring groups (POLMAS), namely groups consisting of elements of society that function as police in general, namely supervising, maintaining order and security in the community, including community activities. as fishermen or other people or other people who carry out activities such as fishing and others in Indonesian waters and strengthen the prevention and deterrence power of the community.

2) Efforts to prevent fisheries crime

Preventive efforts are one of the efforts to prevent fisheries crimes. Preventive action is an effort carried out systematically and planned, integrated, and directed, which aims to ensure that fisheries crimes in the Belawan jurisdiction can be minimized. Preventive efforts taken include:

- a. Legal counselling. This activity is carried out in various ways and forms, for example through mass media, directly holding seminars, or just regular meetings with the community to discuss the applicable laws so that people know about the law, and it is hoped that the community will obey and implement these laws or regulations, providing understanding, regarding the importance of preserving the sea and the ecosystem within it, as well as conveying the dangers of fishing using explosives for both perpetrators and the public, appealing to the entire community to immediately report to the police if a fisheries crime occurs.
- b. Conduct regular patrols, and establish an effective and continuous security system under the coordination of Polairud Belawan.
- c. Collaborate with other related agencies and involve the community directly to play a role and support monitoring illegal fishing practices.

4 Closing

The crime of fishing is one of the global problems faced by countries throughout the world because this type of crime not only causes damage to ecosystems and water resources in the sea or region but is also related to the sovereignty of a country, especially if the perpetrator is fishing. Fisheries crimes committed by foreign vessels mostly occur in the Exclusive Economic Zone (EEZ) and also quite a lot in archipelagic waters. The types of fishing gear used by illegal foreign vessels in Indonesian waters are productive fishing gear such as purse seines and trawls. Fisheries crimes are also committed by Indonesian citizens, not only by foreign citizens. Several modes/types of illegal activities that are often carried out by Indonesian citizens include fishing without permission, having a permit but violating the provisions relating to fisheries, forgery/control of reports, parcel adrift, not enacting the transmitter and damaging fishing utilizing synthetic substances, natural materials, explosives, apparatuses as well as strategies, and additionally structures that imperil the safeguarding of fish assets. Legal regulations regarding the authority of Indonesian Air and Water Police investigators in handling fisheries crimes in Indonesian jurisdiction are controlled in Fisheries Regulation Number 45 of 2009 article 73 passage (1) concerning Alterations to Regulation No. 31 of 2004 in regards to fisheries expresses that examinations concerning criminal demonstrations in the fisheries area in the fisheries the executives region of the Republic of Indonesia are completed by Fisheries Civil Servant Investigators, Indonesian Navy Officer Investigators, and/or Republic of Indonesia State Police Investigators. The obstacles faced by Polairud in resolving fisheries crimes in the Belawan jurisdiction are the lack of necessary facilities and infrastructure, limited operational costs, and the enormous sea area of Belawan. Efforts to overcome fisheries crimes committed by Polairud in the Indonesian jurisdiction are carried out by non-penal law enforcement and penal law enforcement.

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