



ENFORCEMENT OF THE LAW OF THE SEA AND THE ROLE OF THE NAVY IN ENSURING INDONESIA'S SOVEREIGNTY IN THE EXCLUSIVE ECONOMIC ZONE (ZEE)

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Responsibility, Transnational Crime; Law Enforcement. As the largest archipelago with vast marine territory, Indonesia bears great responsibility in maintaining maritime security and sovereignty. The challenges faced include transnational crimes such as illegal fishing, smuggling of goods and drugs, as well as the threat of terrorism and piracy. Therefore, the national defence and security system, especially at sea, must be a priority. The Navy has a major role in maintaining territorial integrity, enforcing the law, and protecting the country from various threats. This research uses the normative juridical method, which examines the existence of jurisdictional law by adopting a historical perspective and involving various sources such as journal articles and legal commentaries. To maintain the sovereignty and security of territorial waters, Indonesia needs a strong maritime defence system. Law enforcement in the Zona Ekonomi Eksklusif (ZEE) is crucial to maintaining sovereignty over Indonesia's marine natural resources. This research aims to examine Indonesia's great responsibility in maintaining maritime security and sovereignty as the largest archipelago and analyse the main role of the Indonesian Navy in maintaining territorial integrity and enforcing the law in Indonesian waters.

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A. Introduction

Indonesia's position is a crossing point between the continents of Asia and Australia, the Pacific Ocean and the Indian Ocean, even in the ASEAN region, two-thirds of its territory is Indonesian waters. With such a position, the economic interests of the west and east will certainly use Indonesian waters as a trade route. So it is appropriate

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that Indonesia can reap the maximum benefits as a regulator of the course of the economy that crosses in Indonesian waters, including related to political, cultural and security matters which are also related to law enforcement and coastal state jurisdiction. The strategic position of NKRI, which is between two continents (Asia and Australia) and two oceans (Pacific and Indian) makes Indonesia play an important role in the development of the strategic environment at the regional and global levels (Listiyono et al., 2019). Indonesia is the largest archipelago in the world with 17,504 islands, 80,791 km of coastline, and 5.8 million km² of water area, indicating that 2/3 of Indonesia's territory is water. This makes maritime space a dominant factor for Indonesia's defense, where in the defense dimension, maritime space is a unity of land, sea connected by sea and air (Maryani & Nasution, 2019).

So Indonesia's security protection system must prioritize the protection system at sea. In essence, efforts to maintain the security of national jurisdictional maritime areas which are used as much as possible for the welfare of all Indonesian people are the obligation of all components of the nation, especially government agencies that have authority at sea in accordance with existing regulations (Supandi, 2015), including the Indonesian Navy by involving all stakeholders who synergistically will produce effective and efficient efforts to secure Indonesian national jurisdictional maritime areas. Strong state defense and security will maintain and protect the sovereignty of every country in the world, including Indonesia. However, if a country's protection and security function is weak, it can have an impact on vulnerabilities to national security and the integrity and sovereignty of the country. This is because the potential threat is not light, accompanied by the diverse social, economic and cultural conditions of the Indonesian nation and state, causing problems to become more complicated if state protection and security are not strong (Oemry, 2021). Development and potential for protection and security is one of the leading pillars for the security of national interests and goals which includes the state protection and security system. The Indonesian Navy, as the main component of national defense, carries it out based on government policies and political decisions in order to uphold state sovereignty, defend the territorial integrity of the Unitary State of the Republic of Indonesia (NKRI) and protect the entire nation and all of Indonesia's bloodshed from threats and disturbances to the integrity of the nation and state. There are 5 (five) legal bases for carrying out the duties and roles of the Indonesian Navy in this idea, namely (Portal Informasi Indonesia, 2022):

- 1) Law Number 3 of 2002 concerning National Defense. This regulation states that the Indonesian Navy is the main component of defense at sea.
- 2) TNI doctrine Tri Dharma Eka Karma. Where the function of the TNI is to act as an antidote to every threat, obstacle and disturbance that disturbs the country, to act as an antidote to every attack or threat that has entered Indonesian territory. And, become a restorer when the threat begins to disappear and restore things to normal.

- 3) Law Number 34 of 2004 concerning the TNI. This regulation states that the Indonesian Navy has the task of being the main defense component of the maritime dimension, maintaining security and carrying out law enforcement at sea. Then also carry out maritime and naval diplomacy, carry out building the strength of the Indonesian Navy so that it can carry out its main tasks, and carry out empowerment of maritime defense areas throughout Indonesia.
- 4) *Jalasveva Jayamahe* TNI Navy doctrine which states the military's role in enforcing law at sea as well as diplomacy and a support role.
- 5) United Nations Convention on the Law of the Sea (UNCLOS) 1982 and Universal Rule. These two regulations state that Indonesia is an archipelagic country that is not separated from one unit and is related to the universal role of navies throughout the world as a defense force, diplomatic force and national law enforcement force at sea, as mandated by law, the Indonesian Navy is obliged to support these efforts. In an effort to realize stability and security in Indonesia's seas which will lead to the realization of Indonesia as a large maritime country and the world's maritime axis in accordance with its basic functions, the Indonesian Navy is ready to carry out its main task of safeguarding national sovereignty.

As a country that has a very large sea area, Indonesia of course has many problems related to its sea area, Indonesia faces various transnational crimes that usually occur at sea, such as Trans National Crime traffic, Illegal fishing, goods smuggling, drug smuggling, Trafficking/ human smuggling and boat people, terrorism and pirates. To protect this vast maritime area, Indonesia has seven law enforcement agencies which have maritime patrol task forces. These law enforcement agencies include the Indonesian Navy, POLRI, Directorate of Water Police, Ministry of Transportation, Director General of Public Relations, Ministry of Maritime Affairs and Fisheries, Director General of PSDKP, Ministry of Finance, Director General of Customs, Bakamla, and the Task Force for Eradicating Illegal Fishing. The seven law enforcement agencies carry out patrols related to security at sea sectorally in accordance with the authority they have based on their respective laws and regulations. Furthermore, Indonesia, under the leadership of President Jokowi, launched the concept of the World Maritime Axis (PMD) as Indonesia's development agenda which could be said to be new (Murtadlo, 2020).

The PMD concept was announced to the international community during the 9th East Asia Summit meeting in Nay Pyi Taw, Myanmar, on November 13 2014. Maritime security is considered very important by realizing law enforcement and ensuring safety at sea so that conditions are achieved where there are no threats. " maritime (absence of threats). In its implementation, law enforcement and safety at sea are greatly influenced by international relations between countries bordering the sea, so it is necessary to implement defense, security, law enforcement and safety at sea in order to realize Indonesia as the world's maritime axis, which will have broad implications for

the development of Indonesia's maritime defense strategy (Presidential Decree No. 16 years 2017). On February 15 2022, President Jokowi officially signed the IKN Law in East Kalimantan, namely Law no. 3 of 2022 concerning National Capital (UU IKN). Furthermore, the law was promulgated by the Minister of Law and Human Rights, Yasonna Laoly. The existence of the IKN Law indicates that the construction of the new National Capital, known as Nusantara, can be implemented soon (Riry, 2023).

From the background explained above, the formulation of this research problem is 1) How does maritime law enforcement in the Exclusive Economic Zone (EEZ) become an important aspect in maintaining Indonesia's sovereignty over natural resources in its maritime area, considering international recognition through the United Nations Convention on the Law of the Sea (UNCLOS) of 1982; and 2) What are the challenges faced by Indonesia in enforcing maritime law in the Exclusive Economic Zone (EEZ) and what effective solutions can be implemented to overcome these challenges.

B. Method

The research method used in this study is normative juridical, which is simply research that explores the existence of law in a particular jurisdiction. Researchers in this method try to collect and analyze relevant legal norms (Marzuki, 2017). This method often adopts a historical perspective and may involve other sources such as journal articles or written commentaries on legal cases and statutes. The researcher's role is to describe specific legal norms and how those laws are applied. Apart from that, researchers can also provide legal analysis to show the development of legal norms in terms of judicial reasoning and legislative enactment. Thus, this research can be considered as pure normative or theoretical research with a statutory and conceptual approach. A legislative approach is used to analyze all laws relating to the topic discussed (Nasution, 2008).

C. Result & Discussion

1. Marine Law Enforcement in the Exclusive Economic Zone (EEZ) is an Important Aspect in Safeguarding Indonesia's Sovereignty over Natural Resources in its Marine Territory

The UN Convention on the Law of the Sea (UNCLOS) which Indonesia approved in 1985 with Republic of Indonesia Law no. 17 of 1985, which has been in effect since 1994, is ultimately responsible for the world's recognition of Indonesia as an archipelagic country. As a result, sovereign rights over natural resources on the continental shelf and the Exclusive Economic Zone (EEZ) are increasingly developing. Indonesia is a prosperous country because it also has control over the management of natural resources in the high seas and ocean floor. The government, society and fisheries development actors should all pay attention to the enormous fisheries potential of the Indonesian people, which is an asset for the country's future economy. The world community is aware of the existence of the Exclusive Economic Zone (EEZ) and is seeking clarity regarding the boundaries of which countries can claim ownership of their EEZ (Ariyanto, 2015).

A country that has an EEZ can pass laws to implement regulations within it. It is important to remember that international law must be taken into account when implementing such laws. Articles 55 to 75 of the 1982 UN Convention on the Law of the Sea cover laws relating to the EEZ. Since Indonesia ratified UNCLOS in 1982, the legislation regarding the Exclusive Economic Zone (EEZ) is in line with Law Number 5 of 1983. Neighboring countries must be taken into account when determining claims to maritime areas up to 200 nautical miles. This shows that the sea width of up to 200 nautical miles was decided in collaboration with countries bordering Indonesia. This is not decided unilaterally. This is important because the distance between Indonesia and neighboring countries is only 200 nautical miles. This shows that international law now covers the EEZ. As stated in the 1982 UN Convention on the Law of the Sea, each country is recognized as being able to claim an EEZ of up to 200 nautical miles. Countries respect and respect each other's claims to their EEZs in the international community (Ariyanto, 2015).

Indonesian national legislation, which includes the following, regulates law enforcement and security operations in Indonesian waters:

- 1) Law Number 5 of 1983 concerning the Indonesian Exclusive Economic Zone (EEZ). The Indonesian Navy (TNI AL) is authorized by the EEZ Law to enforce state sovereignty and law in the EEZ. According to Article 13 of the EEZ Law, law enforcement officials of the Republic of Indonesia are authorized to carry out law enforcement operations in accordance with the Criminal Procedure Code (KUHAP). Furthermore, as regulated in Article 14 paragraph (1) of the EEZ Law, naval officers assigned by the TNI Commander are tasked with carrying out investigations in Indonesia's EEZ.
- 2) United Nations Convention on the Law of the Sea (UNCLOS) 1982 Ratification of Law Number 17 of 1985. This law regulates the implementation of maritime law, as defined in UNCLOS 1982, in all its components. However, the authorities in law enforcement are not mentioned in this law. According to Article 224 of UNCLOS 1982, law enforcement at sea can be carried out by officials, warships, military aircraft, or other vessels that are clearly marked as belonging to the government and have the authority to carry out such operations.
- 3) 3) Law Number 3 of 2002 concerning National Defense. According to this law, the Indonesian National Police (POLRI) and the Indonesian National Army (TNI) are the country's main defense forces. Upholding state sovereignty, protecting the integrity of Indonesian land, and protecting the entire country from threats and disturbances are some of their main responsibilities.
- 4) Law Number 17 of 2008 concerning Shipping. Based on this law, the Harbormaster is tasked with shipping security and safety and carries out his responsibilities as a General Official (PPNS) as well as collaborating and managing investigations by the Indonesian National Police. As specified in certain articles, the coast guard and sea guard are tasked with maintaining

law and order both on land and at sea. In accordance with Article 340 of the Shipping Law, the Indonesian Navy is also able to enforce the law in EEZ waters (Herlambang Suryo Putro & others, 2022).

So enforcement of maritime law in Indonesia's Exclusive Economic Zone (EEZ) is crucial in ensuring the country's sovereignty over natural resources in its maritime area. With international recognition through the UN Convention on the Law of the Sea (UNCLOS) in 1982, Indonesia was given greater responsibility as an archipelagic country. This resulted in the development of sovereign rights over natural resources on the continental shelf and EEZ, strengthening Indonesia's position as a prosperous country with full control over the management of natural resources on the high seas and ocean floor. In an effort to maintain security and sovereignty, as well as law enforcement in Indonesian waters, national laws and regulations have been clearly regulated. Laws such as the Exclusive Economic Zone Law, UNCLOS 1982, the National Defense Law, and the Shipping Law, provide the legal basis for the Indonesian Navy (TNI AL) and other law enforcement agencies to carry out their duties. Through cooperation and recognition of EEZ claims between countries in the international community, Indonesia confirms its position as a country that respects and is respected in maintaining its maritime sovereignty and security.

2. Challenges Facing Indonesia in Enforcing the Law of the Sea in the Exclusive Economic Zone (EEZ) and Effective Solutions that Can Be Implemented

Utilization of marine and coastal resources is a complex dynamic where it involves several individuals or groups who have different (diverse) interests (Suharto & MSi, 2019). Coupled with increasing economic activity, of course, conflict between users of marine and coastal resource services is increasingly becoming something that needs to be taken seriously. This phenomenon has become a trend that shows that joint efforts in managing and utilizing marine space need to be improved for the sustainability of the ecosystem and the communities involved. Each party has its own perspective on exploiting this potential. In fact, each agency prepares its own plans according to its sectoral policies and functions without considering marine spatial planning.

With the emergence of differences in goals, targets and plans, a conflict is ultimately created in the utilization of marine and coastal resource potential (Subagiyo et al., 2017). Each sector overlaps and competes in exploiting the potential of marine and coastal resources in the same space. Conflict over the use of marine space is a conflict that arises due to the utilization of various potential marine and coastal resources by users of marine and coastal resource services. This conflict tends to increase from year to year. Several things or aspects that cause conflicts that often occur in the use of marine space include:

- a. Provision of Limited Space; Population and economic growth causes an increase in demand for marine space. Competition between sectors such as tourism, fisheries and the renewable energy industry is the cause of conflict.
- b. Environmental Impact; Human activities, such as overfishing and coastal development, can damage marine ecosystems. Conflict arises when different sectors have to share limited resources and are threatened by environmental impacts
- c. Legal Uncertainty; Ambiguity in regulation and ownership of maritime areas is often a source of uncertainty. Conflicts arise when the boundaries of rights and responsibilities are not clear.

Vertically, marine wealth can also cause conflict. On the surface of the sea, for example, it is used for shipping. Meanwhile, the column below is designated as a location for fishing and fishing culture. Meanwhile, on the seabed it is used for marine tourism because it has beautiful coral reefs with various types of ornamental fish. This same pattern of use of marine space is what triggers conflicts between shipping operators, fishermen, fish farmers and marine tourism entrepreneurs.

There are two main factors that are the reasons for expanding authority within the state's sovereign territory, especially in the Exclusive Economic Zone (EEZ) and the continental shelf. These two factors include national security and protection of the marine environment (Asmara, 2012). The sovereignty of a country within the EEZ and continental shelf is not only related to the exploitation of natural resources, but also to aspects of national security. Large and strategic sea areas such as the EEZ and continental shelf can become potential targets for threats to national security, such as threats to trade routes, transnational criminal activities, or conflicts between countries related to marine resources. The EEZ and continental shelf regions have rich marine ecosystems and are vulnerable to various threats, including pollution, habitat destruction and overfishing. Protecting the marine environment is a global priority in the context of conserving marine resources and maintaining healthy ecosystems. Therefore, additional authority in this area can be motivated by the aim of monitoring and controlling human activities that have the potential to damage the marine environment, as well as to ensure the sustainability of marine ecosystems that are important for marine life and humans.

By prioritizing national security and protection of the marine environment in the expansion of authority in the Exclusive Economic Zone (EEZ) and continental shelf areas, states can fulfill their obligations under international law of the sea, as set out in the United Nations Convention on the Law of the Sea (UNCLOS) (Sunyowati et al., 2015). In addition, they can also ensure economic sustainability, the environment and national security. Effective security management requires a good governance system and institutions that have full authority to maintain security and sovereignty in Indonesia's maritime areas. The following are several things that need to be considered in designing a maritime security management institution:

- a. Comprehensive Functions and Duties; Institutions need to be given sufficient authority to carry out their duties and responsibilities effectively. This includes the authority to carry out surveillance, patrols, law enforcement, and cooperation with other related agencies.
- b. Inter-Institutional Collaboration; Institutions must have comprehensive functions and duties in maintaining security and sovereignty in maritime areas. This includes monitoring illegal activities, taking action against violations of maritime law, and collaborating with relevant parties to address maritime security challenges.
- c. Community Involvement; It is important for maritime security management institutions to collaborate with other related institutions, such as the navy, police and other agencies involved in managing maritime areas. This collaboration is important to increase coordination and effectiveness in maintaining maritime security.
- d. Transparency and Accountability ; It is important to ensure that these institutions operate in a transparent and accountable manner, providing clear reports on their activities and achievements. This will help build public trust and ensure that the institution is working according to its objectives.

According to Hamid, in the context of a maritime country, there are two important concepts, namely naval power and sea power (Muthmainna et al., 2024). Naval strength refers to a country's military capabilities that focus on the navy or fleet. Meanwhile, maritime power has a broader scope and includes all aspects of a country's power related to the sea. Naval power allows a country to maintain the security of its maritime territory and protect national interests through military power at sea. In contrast, maritime power reflects a more comprehensive capability, involving economic, political and cultural aspects related to the sea. A strong maritime country will have these two aspects well, so that it can play a significant role in global and regional affairs.

D. Conclusion

Indonesia has a strategic position located between two continents (Asia and Australia) and two oceans (Pacific and Indian), and has two-thirds of its territory consisting of water. This makes Indonesia an important international trade route, and Indonesia must take advantage of the economic benefits of this position. A strong maritime defense system is needed to maintain the sovereignty and security of Indonesia's territorial waters. Law enforcement in the Exclusive Economic Zone (EEZ) is crucial for maintaining sovereignty over natural resources in Indonesia's maritime areas. The challenges facing Indonesia include transnational crimes such as illegal fishing, smuggling of goods and drugs, as well as the threat of terrorism and piracy. In this case, seven law enforcement agencies that have maritime patrol task forces must work together synergistically to ensure effective and efficient security.

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