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Topic: Strengthening Legal Frameworks for Combating Human Trafficking and Enhancing Protection of Women and Children

Ending The Contestation of Authority at Sea in Indonesia Through Command Structuring and Case Routing

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Abstract. Indonesian maritime law enforcement faces disharmony of authority because maritime supervision is distributed among many institutions that operate under sectoral legal bases. This study aims to analyze the forms of disharmony in maritime law enforcement authority and formulate a direction of harmonization that provides certainty for the enforcement pathway at sea. This study uses a doctrinal method through statutory, conceptual, and comparative approaches. The findings show that the Indonesian Maritime Security Agency has a mandate to protect Indonesian waters, yet it does not have a binding position in determining the routing of cases. Investigative authority remains within sectoral institutions, allowing the handling of one maritime incident to move through several institutional doors. This difference in authority creates uncertainty in maritime law enforcement. Maritime legal structuring requires integrated operational command so that overlapping authority can be eliminated and enforcement effectiveness can be improved. A comparison with Japan and France shows that continental legal systems can organize maritime authority through strong civil or administrative authorities without eliminating the technical expertise of sectoral institutions. Indonesian legal reform can be directed toward strengthening the Indonesian Maritime Security Agency as the center of operational coordination and the authority that directs case routing. This idea provides legal certainty because authority is determined by the classification of violations, not by the institution that first discovers the case.

Keywords: Authority Disharmony; Bakamla; Maritime Law Enforcement.



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1. Introduction

Indonesia stands as an archipelagic state that makes the sea a living space, a trade route, a source of food, a connector between islands, and a gateway to international economic relations. This character places maritime regulation within a broad scope because the sea contains sovereignty, sovereign rights, shipping safety, national security, environmental protection, customs, fisheries, migration, and the enforcement of transnational crimes. Maritime governance cannot be separated from the legal aspiration of an archipelagic state, since the extent of waters, the number of islands, and Indonesia's position on global shipping routes create a demand for supervision that operates continuously and across sectoral boundaries.¹

Indonesia's maritime territory provides major economic benefits while also creating a heavy burden for law enforcement. Official government data records Indonesia's waters at around 6.4 million square kilometers, consisting of territorial sea, archipelagic waters, internal waters, contiguous zone, exclusive economic zone, and continental shelf, all of which are connected to economic activities and shipping safety. Violations at sea also continue to arise through illegal fishing, smuggling, shipping violations, pollution, unauthorized use of marine space, and transnational crimes that exploit distance, weather, and the limits of state supervision.²

Maritime law enforcement brings together many functions that originally emerged from sectoral needs. The Ministry of Marine Affairs and Fisheries is connected to fishery resources, the Directorate General of Sea Transportation is connected to shipping and ports, the Indonesian Navy has defense duties as well as certain authorities at sea, the Indonesian National Police has duties in security and law enforcement, the Directorate General of Customs and Excise carries out customs functions, and Bakamla was established to coordinate maritime security and safety patrols. The spread of these functions can enrich state capacity, but a normative structure that does not clearly divide command pathways and case follow-up creates repeated patrols, different handling standards, and space for contestation of authority.³

1 Muhammad Rafi Darajati Iswardhana, "Analisis Tata Kelola Maritim Indonesia: Implementasi Visi Poros Maritim Dunia," *Jurnal Kemaritiman* 2, no. 1 (2021): 35-53.

2 Kementerian Kelautan dan Perikanan, "KKP Tangkap 240 Kapal Pencuri Ikan Sepanjang 2024," <https://kkp.go.id/news/news-detail/kkp-tangkap-240-kapal-pencuri-ikan-sepanjang-2024-mqwr.html> accessed on 30 June 2026

3 Yerrico Kasworo, "Restrukturisasi Kewenangan guna Mendukung Pengelolaan Ruang Laut yang Berdaulat dan Berkelanjutan," *Jurnal RechtsVinding* 8, no. 2 (2019): 265-276.

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Law Number 32 of 2014 on Maritime Affairs gives Bakamla the task of conducting security and safety patrols in Indonesian waters and Indonesian jurisdictional waters. Articles 62 and 63 regulate the functions and authorities of Bakamla, including formulating national policy, administering early warning, carrying out guarding, supervision, prevention, enforcement against legal violations, synchronizing patrols of related institutions, conducting hot pursuit, stopping, inspecting, arresting, bringing, and handing over vessels to the authorized institution.⁴ This sequence of authority gives Bakamla a strategic position, but the handover of vessels to other institutions shows that the legal process after arrest still depends on sectoral authority channels.⁵

The Indonesian Exclusive Economic Zone shows the most pronounced meeting point of authority because the state holds sovereign rights over natural resources, while violations may fall within fisheries, shipping, immigration, customs, environmental, or maritime security domains. In fisheries crimes, investigation may involve fisheries civil servant investigators, the Indonesian National Police, and the Indonesian Navy, while patrol activities may involve Bakamla and other units.⁶ Sectoral norms provide a basis for action to each institution, but the division of territorial duties, the sequence of handling, the mechanism for handing over vessels, and the standard of preliminary evidence have not yet been placed within one common legal pathway.⁷

Previous studies have discussed overlapping maritime law enforcement institutions, the weakness of Bakamla's authority, the need for a Maritime Security Bill, and the urgency of a coast guard model in Indonesia. These discussions generally stop at descriptions of authority or recommendations to strengthen a single institution.⁸ A research gap remains in the formulation of a

4 Irwan Triadi dan Muhammad Fadhil Ardian, "Strategi Badan Keamanan Laut dalam Penegakan Hukum Terhadap Tindak Pidana Bidang Kelautan," *Innovative: Journal of Social Science Research* 4, no. 3 (2024): 8949-8960.

5 Undang-Undang Nomor 66 Tahun 2024 tentang Perubahan Ketiga atas Undang-Undang Nomor 17 Tahun 2008 tentang Pelayaran; Undang-Undang Nomor 3 Tahun 2025 tentang Perubahan atas Undang-Undang Nomor 34 Tahun 2004 tentang Tentara Nasional Indonesia; Undang-Undang Nomor 5 Tahun 2026 tentang Perubahan atas Undang-Undang Nomor 2 Tahun 2002 tentang Kepolisian Negara Republik Indonesia.

6 Muh. Khozinatul Asror dan Elisabeth Septin Puspoayu, "Harmonisasi Peraturan Perundang-Undangan Terkait Kewenangan Penyidikan oleh Lembaga Penegak Hukum di Wilayah Zona Ekonomi Eksklusif Indonesia," *Novum: Jurnal Hukum* (2023), <https://doi.org/10.2674/novum.v0i0.50616>.

7 Iwan Subekti, "Penegakan Kedaulatan dan Penegakan Hukum di Laut Indonesia," *Jurnal Hukum dan Peradilan Maritim* 4, no. 1 (2024): 57-75.

8 Christina Aryani, "Mendorong Lahirnya RUU Keamanan Laut dalam Penguatan Sistem Keamanan Laut Nasional," *Jurnal Pembangunan Hukum Indonesia* 3, no. 2 (2021): 155-173,



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legal pathway that connects patrol, pursuit, vessel stopping, preliminary inspection, investigation, case transfer, and cross-institutional data integration.⁹ The research gap in this study lies in constructing a harmonization model based on integrated command and case routing so that operational authority at sea and criminal process authority move within one measurable legal chain.

This study aims to analyze the forms of disharmony in maritime law enforcement authority within Indonesian legislation and to formulate the harmonization of Indonesian maritime law enforcement through the strengthening of operational command and case routing. This objective is directed toward producing a normative structuring idea that places Bakamla as the center of operational coordination, preserves the technical authority of sectoral institutions, and ensures that the case pathway runs from arrest to investigation without room for authority disputes.

2. Research Methods

This study uses a doctrinal method because the issue examined centers on norms of authority, legal principles, the structure of legislation, and the model of interinstitutional relations in maritime law enforcement. Primary legal materials include Law Number 32 of 2014 on Maritime Affairs, Law Number 17 of 2008 on Shipping as most recently amended by Law Number 66 of 2024, Law Number 45 of 2009 concerning the Amendment to Law Number 31 of 2004 on Fisheries, Law Number 5 of 1983 on the Indonesian Exclusive Economic Zone, Law Number 3 of 2025 concerning the Amendment to Law Number 34 of 2004 on the Indonesian National Armed Forces, Law Number 5 of 2026 concerning the Amendment to Law Number 2 of 2002 on the Indonesian National Police, Government Regulation Number 13 of 2022, and Presidential Regulation Number 59 of 2023. Secondary legal materials were obtained from relevant journals, books, and official reports. The approaches used include the statutory approach to assess the relationship between norms, the conceptual approach to formulate the limits of authority and coordination, and the comparative approach to examine the models of Japan and France. The analysis was carried out through grammatical, systematic, and teleological interpretation, and was arranged gradually from the general norms of an archipelagic state toward the technical formulation of case handling at sea.¹⁰

<https://doi.org/10.14710/jphi.v3i2.155-173>.

9 Putra Perdana Ahmad Saifulloh, "Penataan Politik Hukum Kelembagaan Laut yang Ideal dalam Rangka Mewujudkan Indonesia sebagai Poros Maritim Dunia," *Jurnal RechtsVinding Online* (2023): 1-8.

10 Nazili Abdul Azis, Tri Setyawanto, dan Soekotjo Hardiwinoto, "Kewenangan Badan Keamanan Laut (Bakamla) dalam Pelaksanaan Pengamanan di Wilayah Perairan Indonesia," *Diponegoro Law*

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3. Results and Discussion

3.1. Disharmony of Norms on Maritime Law Enforcement Authority in Indonesia

Indonesian maritime law enforcement operates in a layered legal space because the sea is not only viewed as an area of sovereignty, but also as a jurisdictional space, an economic space, a shipping route, and a border area. This division creates different legal consequences. Internal waters, archipelagic waters, and territorial sea provide a basis for full state sovereignty, while the contiguous zone, exclusive economic zone, and continental shelf provide a basis for sovereign rights or certain jurisdictional authority. These differences in the legal basis of maritime zones require officers at sea to understand the limits of action, the type of violation, and the forum for case handling from the early stage of vessel inspection.¹¹

The large number of institutions at sea arises from the need to protect different legal objects. The Sea and Coast Guard Unit operates within the line of shipping safety and security, fisheries civil servant investigators operate in the field of fishery resources, Customs and Excise handles cross-border goods flows, the Indonesian National Police handles general crimes and security functions, the Indonesian Navy carries out defense duties as well as certain law enforcement functions, while Bakamla conducts maritime security and safety patrols and coordinates across institutions.¹² This arrangement places Indonesia within a multi-agency model that is strong sectorally, but vulnerable when one incident contains more than one element of violation.¹³

Bakamla has obtained a mandate as a node of synergy, but the norms that regulate case follow-up still leave a gap between operational authority and investigative authority. The authority to stop, inspect, arrest, bring, and hand over vessels shows that Bakamla can take initial action at sea. The next pathway still depends on the receiving institution according to the type of violation. This situation creates a vulnerable point when a vessel that is stopped contains

Journal 5, no. 4 (2016): 1-13, <https://doi.org/10.14710/dlj.2016.15743>.

11 Abdul Muthalib Tahar, "Pembagian Kewenangan dalam Penegakan Hukum terhadap Pelanggaran Peraturan Perundang-Undangan di Perairan Indonesia," *Fiat Justisia: Jurnal Ilmu Hukum* 6, no. 1 (2012), <https://doi.org/10.25041/fiatjustisia.v6no1.342>.

12 Kurnia Saleh, "Peningkatan Keamanan Laut Melalui Rekonstruksi Kelembagaan Lembaga Penjaga Laut dan Pantai," *SOL JUSTICIA* 5, no. 1 (2022): 76-86, <https://doi.org/10.54816/sj.v5i1.480>.

13 A. A. Z. Nanga, M. Alfian, dan N. Hasan, "Faktor Penyebab Tumpang Tindih Kewenangan Penegakan Hukum di Laut Indonesia," *Al-Zayn: Jurnal Ilmu Sosial dan Hukum* 3, no. 1 (2025): 25-41.



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fisheries, shipping, customs, and immigration violations at the same time, because the determination of the receiving institution can affect control over evidence, the speed of examination, and the direction of investigation.¹⁴

The principle of legality of authority places every official action on a written legal basis. This principle ensures that vessel arrest, cargo inspection, document seizure, and the handover of suspects do not depend merely on operational habit. The Maritime Affairs Law, Government Regulation Number 13 of 2022, and Presidential Regulation Number 59 of 2023 have provided a coordinating framework for security, safety, and law enforcement in Indonesian waters and Indonesian jurisdictional waters. This framework has not fully resolved the problem of the limits of investigative authority because coordination norms operate above sectoral authorities that still stand separately.¹⁵

Modern maritime security studies place maritime security as a combination of protection for the state, humans, the economy, and the environment. This understanding makes a violation at sea rarely stand within a single field. A foreign fishing vessel without a license may contain fisheries violations, immigration issues involving crew members, vessel safety violations, pollution, or the use of prohibited fishing gear. Law enforcement that is spread across many investigative doors faces obstacles when there is no standard for determining the main case, derivative cases, priority evidence, and cross-institutional transfer.¹⁶

Fisheries crime provides a clear example of intersecting authority. The Fisheries Law gives investigative authority to fisheries civil servant investigators, police investigators, and certain Indonesian Navy officers.¹⁷ This division provides a broad reach, but it also requires working rules that determine who leads the investigation when several institutions are present at the same location, how the minutes of examination are prepared, how vessels are detained, and how coordination with the fisheries court is carried out. Without the same case

14 Wartoyo, Rokhmat, Imam Yahya, dan Setiyowati, "Strengthening Indonesia's Maritime Sovereignty: Implementing a Single Agency Multi-Tasks Model to Combat IUU Fishing," *Diponegoro Law Review* 10, no. 1 (2025): 1-15, <https://doi.org/10.14710/dilrev.10.1.2025.1-15>.

15 Undang-Undang Nomor 32 Tahun 2014 tentang Kelautan; Peraturan Pemerintah Nomor 13 Tahun 2022 tentang Penyelenggaraan Keamanan, Keselamatan, dan Penegakan Hukum di Wilayah Perairan Indonesia dan Wilayah Yurisdiksi Indonesia; Peraturan Presiden Nomor 59 Tahun 2023 tentang Kebijakan Nasional Keamanan, Keselamatan, dan Penegakan Hukum di Wilayah Perairan Indonesia dan Wilayah Yurisdiksi Indonesia.

16 Christian Bueger, "What Is Maritime Security?," *Marine Policy* 53 (2015): 159-164, <https://doi.org/10.1016/j.marpol.2014.12.005>.

17 Puteri Hikmawati, "Permasalahan Hukum dalam Penyidikan Tindak Pidana di Bidang Perikanan," *Negara Hukum* 3, no. 1 (2012): 77-96.



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pathway, law enforcement depends on field coordination whose quality is not always uniform.¹⁸

Another weakness appears in the relationship between the patrol function and the investigative function. Patrol produces initial information, vessel stopping, document inspection, and securing of evidence. Investigation requires certainty of case status, investigator authority, control of evidence, witness examination, and fulfillment of procedural law. Bakamla can become the discoverer of an event and the executor of initial action, but it does not always become the investigator in the case discovered. This gap can slow the legal process when the receiving institution needs to repeat the examination or reassess the basis for stopping the vessel.¹⁹

The model of unifying maritime law enforcement institutions is often proposed as an answer to overlapping authority. This idea has appeal because one agency can reduce repeated patrols and establish a single command. Strengthening a single institution still has to take account of technical authority attached to fisheries, shipping, customs, environmental, and immigration fields. Total unification without a design for transferring expertise may reduce the quality of sectoral proof. A more balanced option is to place one operational command center and one pathway for determining cases, while special investigative authority continues to operate according to the field of violation.²⁰

Disharmony of authority is also related to norms that stand at the same statutory level. The Maritime Affairs Law, Shipping Law, Fisheries Law, Indonesian National Armed Forces Law, Indonesian National Police Law, Customs Law, and Indonesian Exclusive Economic Zone Law each provide their own mandates. *Lex specialis* works when there is a general-specific relationship within the same field, but maritime issues often bring together different legal fields.²¹ The same event can be touched by several *lex specialis* norms at once, so that principle

18 Yermia Siahaya, "Penegakan Hukum terhadap Kapal Asing yang Melakukan Illegal Fishing di Wilayah Perairan Indonesia menurut UNCLOS 1982," *Lex Crimen* 10, no. 5 (2021): 34-44.

19 Rika Kurniaty, Madha Apriandi Siregar, Ahmad Yunus, dan Dhiana Puspitawati, "The Role of Marine Security Agency (Bakamla) as Sea and Coast Guard in Indonesia," *Fiat Justitia: Jurnal Ilmu Hukum* 15, no. 3 (2021): 221-232.

20 Andi Muhammad Ridha, Mohammad Heri, dan Bayu Tri Setiaji, "Urgensi Penyatuan Lembaga Penegak Hukum di Laut Indonesia," *Legalitas: Jurnal Hukum* 16, no. 1 (2024): 1-12, <https://doi.org/10.33087/legalitas.v16i1.556>.

21 Sugianto, "Harmonisasi Kewenangan Hukum Laut Indonesia dalam Penegakan Hukum Kelautan," *Tanjungpura Law Journal* 7, no. 2 (2023): 210-228.

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does not automatically determine the handling door. Harmonization has to enter the level of intersectoral norms, not merely administrative coordination orders.²²

Legal certainty for business actors, fishers, shipmasters, and coastal communities is also affected by the clarity of the authorized official.²³ A vessel stopped by one institution and re-examined by another institution will bear time costs, risk of cargo damage, and procedural uncertainty. For the state, repeated actions increase operational costs and weaken the quality of proof because the chain of custody over evidence can be broken. Maritime law enforcement requires a single standard on reasons for stopping vessels, the format of preliminary inspection, electronic evidence and vessel documents, and a handover report that binds the receiving institution.²⁴

3.2. Harmonization of Indonesian Maritime Law Enforcement through the Strengthening of Operational Command and Case Routing

Harmonization of maritime law enforcement authority must begin with mapping the functions of the state at sea. The first function is detection and supervision through radar, patrols, complaints, and information systems.²⁵ The next function is initial action in the form of stopping, inspection, pursuit, arrest, and securing of evidence. The subsequent function is determining the type of violation and appointing the authorized investigator. The final function is investigation, prosecution, trial, execution, and recovery of state or victim losses. This chain requires one working procedure so that each institution does not move on its own after an incident is discovered.²⁶

Bakamla can be placed as a national maritime operation coordinator that controls information, joint patrols, and initial handling, without taking over all sectoral investigative authority. This formulation is in line with Bakamla's task of synchronizing and monitoring the implementation of maritime patrols by related institutions. Bakamla's main strength lies in its cross-sector position, allowing this

22 Muhammad Khairi, "Kewenangan Pemerintah Daerah Provinsi dalam Pemberian Izin Pengelolaan Perairan di Wilayah Pesisir dan Pulau-Pulau Kecil," *Jatiswara* 35, no. 3 (2020): 267-281.

23 Faridah dan Fajarwati, "Pengawasan Transportasi Laut demi Mewujudkan Keselamatan dan Keamanan Pelayaran Nasional," *Jurnal Keamanan Nasional* 8, no. 2 (2022): 396-407.

24 Akbar Danial, Bayu Setiawan, dan Nurul Hidayah, "Penegakan Hukum terhadap Pelanggaran Pelayaran di Selat Sunda," *Jurnal Penelitian Hukum De Jure* 22, no. 4 (2022): 505-520.

25 Gantika, Prayitno, dan Yandi, "Upaya Badan Keamanan Laut dalam Penegakan Hukum Terhadap Tindak Pidana Kelautan," *Science and Research Journal of Mai Wandeu* 3, no. 1 (2023): 8-16.

26 D. R. Rothwell dan Tim Stephens, "The International Law of the Sea and Maritime Enforcement Cooperation," *Ocean Development and International Law* 52, no. 2 (2021): 145-168.



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institution to become the initial door for operational integration. The strengthening needed is not limited to additional vessels or personnel, but includes legal authority to establish case routing after preliminary inspection and to ensure that the receiving institution carries out follow-up within a set time limit.²⁷

The harmonization design can use the concept of integrated command and case routing. Integrated command means that all security, safety, and law enforcement patrols at sea are placed within one operational control center that records the position of patrol vessels, operational areas, objects of supervision, and the results of actions. Case routing means that every case found at sea is immediately classified according to the main violation, accompanying violations, authorized investigator, transfer location, and status of evidence. These two concepts unite the operational side and the procedural law side so that the process does not stop merely at the handover of vessels.²⁸

This structuring direction is consistent with the need for a maritime axis that emphasizes not only the development of the maritime economy, but also the security of shipping routes and the protection of resources. Without certain law enforcement, the economic value of the sea can be disrupted by illegal fishing, smuggling, environmental damage, and shipping safety violations. Every disturbance at sea creates a chain effect for state revenue, resource sustainability, crew safety, and business confidence. A clear command pathway and case pathway provide the basis for managing maritime potential as a national asset.²⁹

Strengthening coordination must also reach device and data interoperability. Patrols by the Indonesian Navy, Bakamla, the Ministry of Marine Affairs and Fisheries, the Indonesian National Police, the Sea and Coast Guard Unit, and Customs and Excise require a shared database on vessels, licenses, violation records, routes, beneficial owners, crew members, cargo, and inspection results.³⁰ This data will prevent repeated enforcement against the same object and help investigators determine the main case. Interoperability mechanisms

27 Furqon Lourdiananda, "Upaya Badan Keamanan Laut dalam Penegakan Hukum Tindak Pidana di Laut Indonesia," *Jurnal Hukum Universitas Atma Jaya Yogyakarta* (2019): 1-17.

28 Michael Bormasa, Diana F. Pasalbessy, dan Evert A. Ubwarin, "Penegakan Hukum di Wilayah Laut pada Wilayah Perbatasan Negara," *Pattimura Legal Journal* 1, no. 1 (2022): 30-43, <https://doi.org/10.47268/pela.v1i1.5902>.

29 Poltak Partogi Nainggolan, "Kebijakan Poros Maritim Dunia Joko Widodo dan Implikasi Internasionalnya," *Jurnal Política* 6, no. 2 (2015): 167-187.

30 Nicolas Grimaud, "Maritime Security and the French State Action at Sea," *Marsafe Law Journal* 2, no. 1 (2016): 41-58.



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also close the space for the loss of evidence because every action is recorded in an operational log and can be reviewed by superiors as well as oversight institutions.³¹

The comparison with Japan shows that a coast guard can operate as a strong civilian institution without turning into an armed force.³² The Japan Coast Guard carries out law enforcement at sea, search and rescue, crime prevention, vessel traffic control, hydrography, and navigation safety. Its institutional character is maintained as a civilian law enforcement organization, while its relationship with the Self-Defense Forces remains within separate boundaries.³³ The Japanese model shows that a maritime authority can be given clear inspection, arrest, and preliminary investigation powers, with an institutional identity that is distinct from military defense.³⁴³⁵

France uses the action de l'État en mer model, which places state coordination at sea under a single administrative authority, especially the préfet maritime for metropolitan areas. This model does not eliminate ministries or technical units that have sectoral tasks, but it unifies the direction of operations, supervision priorities, and the command of state action at sea. This arrangement is relevant to Indonesia because violations at sea also involve many administrations.³⁶ The advantage of the French model lies in the clear separation between coordination command and sectoral expertise, so that every action can be directed by one authority without eliminating the technical capacity of related institutions.³⁷

These two civil law models show that an archipelagic state or maritime state does not have to choose between many institutions operating separately and

31 Muhammad Rafi Darajati Iswardhana, "Strategi Keamanan Laut Pemerintah Indonesia untuk Menjaga Keamanan Maritim," *Nusantara: Jurnal Ilmu Pengetahuan Sosial* 8, no. 6 (2021): 1406-1428.

32 Fadillah Afriandi, M. Natsir, dan Rini Fitriani, "Analisis Illegal Fishing di Perairan Aceh dan Penguatan Pengawasan Perikanan," *Jurnal Kelautan dan Perikanan Terapan* 5, no. 2 (2022): 109-121.

33 Japan Coast Guard Act, Act No. 28 of 1948, sebagaimana tersedia pada Japanese Law Translation dan e-Gov Japan; Secrétariat général de la mer, "L'action de l'État en mer," *Gouvernement de la République Française*, 2024.

34 Atsuko Kanehara, "How to Ensure the Safety of the Japan Coast Guard While Maintaining Its Nature as a Police Organization," *The Japan Review* 6, no. 1 (2023): 33-48.

35 Xu Wang, "Forcible Measures for Maritime Law Enforcement by Coast Guard Agencies," *Frontiers in Marine Science* 12 (2025): 1-14.

36 Ali Mufti, "Overlapping Authorities in Maritime Law Enforcement: A Case Study of Ternate City," *Journal of Maritime Law and Governance* 2, no. 1 (2025): 45-63.

37 François Rousseau, "L'Action de l'État en Mer: Un Modèle Français de Coordination Maritime," *Bulletin de l'Association de Géographes Français* 90, no. 2 (2013): 205-219.



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one institution that takes over all functions.³⁸ Japan strengthens a civilian coast guard with a clear law enforcement mandate. France strengthens one authority that directs state action at sea with the support of all sectoral administrations.³⁹ Indonesia can draw the lesson that harmonization is better designed through integrated operational command, a shared database, and binding case routing, rather than merely through a coordination forum that depends on the willingness of each institution.⁴⁰

Indonesian lawmaking can be directed toward a limited revision of the Maritime Affairs Law or the formation of a Maritime Security Law containing five main materials. These materials include the position of Bakamla as the operational command center for maritime security and safety, standards for initial action at sea, case routing authority, data interoperability obligations, and time limits for handover and case follow-up. These norms preserve sectoral investigative authority, but the determination of the institution handling a case is made through uniform legal classification from the preliminary inspection stage. This strengthening can also be linked to the latest amendments to the Shipping Law, the Indonesian National Armed Forces Law, and the Indonesian National Police Law.⁴¹

The novelty of this study lies in the idea of integrated command and case routing as a bridge between Bakamla's patrol authority and sectoral investigative authority. This idea differs from proposals for total institutional unification because it continues to preserve the technical expertise of the Ministry of Marine Affairs and Fisheries, the Sea and Coast Guard Unit, the Indonesian National Police, the Indonesian Navy, Customs and Excise, and sectoral civil servant investigators. The proposed reform is located in the command pathway and the case pathway, namely that every maritime operation is controlled in an integrated manner, every arrest enters a case classification system, every vessel handover is accompanied by a standard report, and every receiving institution is obliged to report follow-up. This design provides legal certainty for officials, business actors, fishers, and communities because authority is no longer

38 Umi Rohana, Amarulla Octavian, dan A. Susanto, "Interoperabilitas TNI AL dan Bakamla RI dalam Operasi Keamanan Laut Natuna Utara," *Journal of Industrial Engineering and Management Research* 3, no. 2 (2022): 200-214.

39 Dimas Bulandari, "Komparasi Kelembagaan Coast Guard di Empat Negara: Analisis Praktik Baik bagi Indonesia," *Jurnal Politica* 16, no. 1 (2025): 78-100.

40 Clive Schofield, "Maritime Zones and Jurisdictional Boundaries in Archipelagic States," *International Journal of Marine and Coastal Law* 36, no. 4 (2021): 603-628.

41 Ivan Fernandes, "Peran Badan Keamanan Laut Republik Indonesia dalam Penegakan Hak Berdaulat di Zona Ekonomi Eksklusif," *Jurnal Hukum Das Sollen* 11, no. 1 (2025): 111-124, <https://doi.org/10.32520/das-sollen.v11i1.4144>.



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determined by who first discovers the case, but by a legally accountable classification.⁴²

4. Conclusion

Disharmony in Indonesian maritime law enforcement authority arises from the distribution of mandates among many institutions, each with its own sectoral legal basis, while the operational command pathway and case follow-up have not yet been united in one binding norm. Bakamla has a strategic position as a node for maritime security and safety patrols, but authority that ends with the handover of vessels to authorized institutions creates a gap between initial action at sea and the investigative process. Legal reform is needed through the structuring of integrated command and case routing, placing Bakamla as the operational control center, establishing standards for vessel stopping and inspection, building a shared database, and determining investigative institutions based on the classification of the main violation and accompanying violations. Comparisons with Japan and France show that civil law states can maintain maritime coordination through strong civil or administrative authorities without eliminating the technical expertise of sectoral institutions. This model provides direction for Indonesia to formulate a maritime security law that is more certain, efficient, and consistent with the character of an archipelagic state.

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