

## The Role of Polairud in Overcoming Crime in Indonesian Water Areas

**Andre Christanto Paeh**

Faculty of Law, Sultan Agung Islamic University, Semarang, Indonesia, E-mail:  
[Andrechristantopaeh.std@unissula.ac.id](mailto:Andrechristantopaeh.std@unissula.ac.id)

**Abstract:** The aim of this research is to find out and analyze the Polairud mechanism in tackling crime in Indonesian waters. In this writing the author uses a normative juridical method with research specifications in the form of descriptive analysis. Polairud's role in maintaining security and order in Indonesian territorial waters is also assisted by other officers/institutions with a combination of roles between officers/institutions. The role of Korpolairud is assisted by Dipolairud in maintaining security in Indonesian waters which is in accordance with its main duties, namely carrying out preparation, planning, organizing, implementing the involvement of Air Police functions in the deployment of Police operations both at the central and regional levels. The Ditpoludara carries out air transportation and air patrols including activities to disburse and chase perpetrators in criminal acts with high mobility as well as rescue/rescue activities in activities to protect Indonesian waters. Furthermore, the procedures for handling criminal acts at sea or waters can be carried out through the stages of ship detection, ship investigation which consists of stopping the ship and inspecting the ship.

**Keywords:** Crime; Defense; Polairud; Waters.

### 1. Introduction

Transnational crimes, whether crimes against state assets or other forms of crimes, have shown significant developments in both quality and quantity and have become an issue in various regional and international meetings.<sup>1</sup> Several aspects related to the development of crime, among others: the emergence of new forms of crime, the increasing complexity of the modus operandi, the increasing sophistication of the equipment used by criminals, the increasing scope of the area of criminal operations, not limited to one country but also across countries. Currently and in the future, no country in the world is free from the threat of transnational crime.

---

<sup>1</sup>Ade Christian Manapa, (2019), Policy Formulation of Criminal Law against Narcotics Traffickers Based on Justice Value, Journal of Sovereign Law, 2 (4). p 531

Cross-border crimes in Indonesia are classified as crimes that very potential to occur, due to several factors as follows: First, the form of an archipelagic state with open coastlines. Second, the cross-regional position of Indonesia as a world trade crossing route. Third, the very large population of Indonesia and as a source of sending labor. Fourth, the increasingly open free trade system. Fifth, weak supervision and law enforcement.<sup>2</sup>

Guidance by the government in the form of regulations, the government carries out actions that are regulatory in nature in the procedural process which includes determining general and technical policies, including, among others, determining norms, standards, guidelines, criteria, planning, and procedures including shipping safety and security requirements and licensing. The form of supervision carried out by the government in this case is the supervision of development and operation activities to comply with laws and regulations including taking corrective actions and law enforcement.<sup>3</sup>

The undeniable fact is that no matter how good and perfect the legal means and regulations are, both in the field of material and formal law, if they are not supported by the availability of law enforcement officers who are full of wisdom and a full sense of responsibility and dedication, then what...will happen is in vain in law enforcement. Law enforcement officers in carrying out their functions and authorities must not act solely on the basis of force. Before the enactment of Law Number 8 of 1981 concerning Criminal Procedure Law (Hereinafter referred to as the Criminal Procedure Code).<sup>4</sup>

In Indonesia, law enforcement officers who have legal authority in the sea and water areas are in several institutions, including the Water Police or known as POLAIRUD. The Directorate of Water and Air Police (Ditpolairud) is an integral part of the Police which carries out duties in the waters in order to maintain public order and security, enforce the law, provide protection, shelter and public service, as an effort to create domestic security.

The area of the waters must always be guarded and monitored at all times from people or legal entities carrying out activities in the waters. The Water Police is one of the law enforcement officers who is responsible as mandated by law to carry out these tasks, because it has ship facilities as the main means to carry out patrols in the waters.

Various problems at sea faced by Indonesia. This makes it an important problem in Indonesian maritime security. In terms of mitigation, maritime security issues

---

<sup>2</sup>Hasyim Jalal. (2009), *Indonesia's Struggle in the Field of Maritime Law*, Bandung: Bina Cipta, p. 53- 54

<sup>3</sup>Mirja Fauzul Hamdi, (2016), *Government Authority Regarding the Safety and Security of Indonesian Waters*. *Samudra Keadilan*, 11 (1), p. 33.

<sup>4</sup>Mahdin Marbun, Elawijaya Alsa. (2022), *The Role of the Water and Air Police in Handling Fisheries Crimes in the Belawan Jurisdiction (Study at the Belawan Police and Air and Water Directorate)*, *Jurnal Law of Deli Sumatera*, II (1), p 2

not only concern traditional threats, such as territorial sovereignty, but also create spaces for non-traditional security issues such as cross-border crimes including human trafficking, weapons and drugs, sea piracy, terrorism, and fish theft. The impact of these threats on Indonesian maritime security has often occurred, causing Indonesia to suffer enormous economic losses.

From the things outlined in the introduction above, it can be formulated that the aim of this research is to find out and analyze the Polairud mechanism in dealing with crime in Indonesian waters.

## **2. Research Methods**

To conduct a study in this writing, the author uses a normative legal method, emphasizing on literature studies. As a normative-based legal writing, this writing is based on an analysis of legal norms, both law in the sense of law as it is written in the books (in statutory regulations) and law in the sense of decided by judge thought judicial process. Thus, the objects analyzed are legal norms and statutory regulations.<sup>5</sup>

## **3. Results and Discussion**

### **3.1. Polairud Overview**

In carrying out its duties, the Police Organization is structured in a hierarchical manner from the central level to the Regional level. The Police Organization at the central level is called the Headquarters of the National Police of the Republic of Indonesia (Mabes Polri) which is led by the Chief of the National Police of the Republic of Indonesia (Kapolri), while the Police Organization at the Regional level is called the Regional Police (Polda) which is led by the Chief of Regional Police (Kapolda). In the Regulation of the Chief of National Police No. 22 of 2010 Article 1 number 3 it is explained that the Regional Police is the executor of the duties and authorities of the Police in the Provincial Region which is under the Chief of Police. The Regional Police in carrying out its main duties, especially in terms of implementing water policing, is assisted by a subsection for implementing the main duties, namely the Directorate of Water Police (DitPolair).

The duties of the Water Police are specifically regulated in Article 67 paragraph (2) of the Regulation of the Head of the Republic of Indonesia National Police Number 23 of 2010 concerning the Organizational Structure and Work Procedures at the Resort Police and Sector Police Level as follows:

- 1) Water Patrol;
- 2) Law enforcement in waters;
- 3) Development of coastal and other water communities, as well as "SAR".

---

<sup>5</sup>Mukti Fajar and Yulianto Achmad, (2010), Dualism of Normative and Empirical Legal Research, Yogyakarta, Pustaka Pelajar, p. 153

During the reformation period through TAP MPR No: TAP/VI/MPR/2000 concerning the separation of TNI and Polri and TAP/VII/MPR/2000 concerning the role of TNI and Polri, with the separation of Polri from ABRI since then also carried out reorganization within the Polri body especially Dit Samapta Polri and its Subdits. On September 14, 2010, the Chief of Police issued Regulation of the Chief of Police No.21 of 2010 concerning the Organizational Structure of Work Procedures at the Polri Headquarters level. Along with the organizational changes, Babinkam Polri changed to the Polri Maintenance and Security Agency (BAHARKAM POLRI). Therefore, Ditpolair changed to Ditpolair Baharkam Polri and Ditpoludara changed to Ditpoludara Baharkam Polri.

### **3.2. Polairud Mechanism in Combating Crime in Indonesian Waters**

Law enforcement in a broad sense is the process of efforts to maintain or enforce legal norms as guidelines for road traffic behavior and legal relations in community and national life. Law enforcement can be carried out thematically against various subjects and can also be interpreted as law enforcement efforts involving all legal entities in all legal relations. Someone who enforces normative rules or who does or does not do something based on applicable legal norms means carrying out or enforcing the rule of law. Law enforcement in the narrowest sense can be understood objectively as an effort to guarantee and ensure that the law is obeyed by law enforcement officers, while allowing law enforcement to be carried out by law enforcement officers when necessary.<sup>6</sup>

In order to maintain the existence of Indonesia as an intact and comprehensive archipelagic state, the integrity of Indonesia's maritime territory must be maintained, preserved, and protected as a whole and as a territorial unity with the land and airspace above it. In particular, law enforcement at sea, including law enforcement in Indonesian waters and additional waters, is needed to protect Indonesia's interests and ensure the security of Indonesia's territorial waters.

The benefits and importance of Indonesian waters are so great that in Indonesian waters there are often violations of laws related to Indonesian waters, fish theft carried out by foreign fishing vessels (illegal fishing), smuggling of goods, immigration, disposal of oil waste from ships, and non-peaceful ship traffic. Against these violations of laws, action must be taken.

Related to efforts in enforcing the supremacy of law in the waters and efforts in supporting shipping safety, it is expected that the agency can play an active role in accordance with the duties and authorities of its agency, to ensure the vision of enforcing the supremacy of law in the waters and efforts in supporting shipping safety, The existence of Polri Ships and aircraft can be used together in operations in water areas will have a very good impact in preventing and responding to all threats and security disturbances, police ships that have

---

<sup>6</sup>Jimly Asshiddiqie, (2005), Law Enforcement, Rineka Cipta, Jakarta, p.63.

Hellypad facilities for landing helicopters. Since the re-merging of the two Directorates, namely the Directorate of Water Police and the Directorate of Air Police into Korpolairud Baharkam Polri in September 2017, it has increasingly shown its existence in responding to the challenges of Polri's duties, especially in water and air areas in the future.<sup>7</sup>

The role of Korpolairud in maintaining security in Indonesian waters is in line with its duties, including providing protection, shelter and devotion to the community, as well as law enforcement in all waters and airspace, supporting all police and territorial functions, increasing capacity to carry out water and air police training functions, supervision, control and monitoring of water security, as well as the organization of complaints and complaints from marine communities, as well as the organization of security surveillance functions for the implementation of Korpolairud's duties and management, which are useful for the implementation of Korpolairud's duties to support Baharkam Polri in order to realize domestic security.

Correlated with the role of Polairud in supporting security in Indonesian waters in line with the role of the Police, especially Harkamtibmas and law enforcement officers. Prioritizing security and order in society is a dynamic state of society as one of the prerequisites for the implementation of the national development process in order to achieve national goals which are marked by guaranteed security, order, and the supremacy of law, as well as the creation of peace, the ability to advance and develop the potential and strength of society to prevent, prevent, and overcome all forms of violations of the law and other forms of threats that have an impact on disturbing society.

The role of Polairud in maintaining the security of the Indonesian Waters is in line with the function of the Police, especially Harkamtibmas and law enforcement officers. Harkamtibmas (maintaining public order and security) itself is the responsibility of everyone for all organizations that are responsible for their primary role as protectors, guardians and servants of the community in the waters. So that all strategic efforts are made to maximize public security and order, as well as calls and messages to the community to participate in maintaining security and order. So that by prioritizing and also increasing security in the Indonesian Waters, existing crimes will decrease so that a safe and prosperous society is created in carrying out activities.<sup>8</sup>

The role of Korpolairud is also supported by government programs such as Traffic Separation Scheme (TSS) which is a maritime traffic management route system whose regulation is under the International Maritime Organization (IMO). This maritime traffic lane shows the general direction of ships in the related zone and

---

<sup>7</sup>Sukoco, Windy Darmawan and Naszifa Indradi, (2022), The Role of Korpolairud in Maintaining Security in The Sunda Strait Area, *Jurnal Strategi Pertahanan Udara*, 8 (2), p.64

<sup>8</sup>Syahrin MN Al. (2018), Jokowi's Maritime Axis Policy and the Synergy of Indonesia's Economic and Maritime Security Strategy. *Indonesia Perspect.* 3 (1), p 1-17

all ships under TTS navigation will all sail in the same direction regularly. The implementation of the TTS will help to reduce and also manage traffic in opposing traffic flows, assist in the management of ships entering or leaving the port area, as well as directions on safe distances between ships, and provide routes for deep draught vessels.

In the implementation of law enforcement at sea there are procedures that aim to prevent arbitrary actions that can damage the law enforcement process itself. Furthermore, regarding the procedures for handling criminal acts at sea or in waters, it can be carried out in the following stages:<sup>9</sup>

#### 1. Ship Detection

- a. Carrying out surveillance activities in water areas prone to criminal acts based on the information obtained.
- b. Target recognition using existing means (radar, sonar, binoculars, radio communication, or signals).
- c. Target assessment is intended to assess and determine the target of the suspected object.

#### 2. Ship Investigation

##### a. Ship Determination

If a ship is suspected of committing a violation/criminal act based on sufficient preliminary evidence, it will be stopped on the grounds that the ship has committed a violation/criminal act as regulated by law.

##### b. Ship inspection

After the ship is stopped, the next action is carried out: inspection on the orders of the Commander, the ship docks with the patrol ship or vice versa. Things to note in the inspection process at sea:

- a) Inspections at sea must use legitimate means with clear identity and characteristics that can be recognized as patrol vessels or government vessels authorized to carry out such actions.
- b) The inspection team must wear complete uniform and be equipped with a warrant.
- c) The inspection must be witnessed by the captain or crew of the ship being inspected.
- d) The inspection must be carried out in an orderly, firm, thorough, fast manner, without loss or damage and without violating inspection procedures.

After completing the inspection, things to pay attention to:

---

<sup>9</sup>Jurian Runtukahu, (2016), Responsibilities of the Marine Police in Law Enforcement in the Territorial Sea Area of the Republic of Indonesia, Sam Ratulangi University, *Lex Et Societatis Journal*, 4 (1), p 28

- 1) Make a written statement and have it signed by the ship's captain, stating that the inspection was carried out in an orderly manner, without any violence, damage or loss.
- 2) Make a written statement and have it signed by the ship's captain, which explains the results of the inspection of the ship's letters/documents, stating the place and time.
- 3) Recording in the journal of the inspected ship which contains: time and position of inspection, opinion on the inspection results, the inspecting officer signs the inspection results in the ship's journal, for foreign ship captains who cannot speak Indonesian, upon arrival at the nearest base/port, a complete and detailed explanation regarding the case is provided with the assistance of a translator before further investigation is carried out.

In the 1982 Law of the Sea Convention, the boundaries of the country's territory have been regulated, this regulation is intended to provide legal certainty regarding the scope of the country's territory, the authority to manage the country's territory, and sovereign rights. Based on this Convention, Indonesia has sovereignty over inland waters, archipelagic waters, territorial seas, additional zones, Exclusive Economic Zones (EEZ) and continental shelves.<sup>10</sup>

The Marine Police in implementing the authority of supervision and law enforcement activities in Indonesian Waters is limited to territorial sea areas only, namely in areas up to 12 miles from the outermost coastline. The Marine Police cannot handle problems that touch the EEZ. So if they have to arrest foreign-owned vessels or vessels owned by Indonesian citizens in the EEZ, the Police must hand them over to the Ministry of Maritime Affairs and Fisheries (KKP) or the Indonesian Navy (TNI-AL).

Crime prevention efforts are known by various terms, including penal policy, criminal policy, or strafrechtspolitik is an effort to overcome crime through criminal law enforcement, which is rational, namely fulfilling a sense of justice and utility. In order to overcome crime against various means as a reaction that can be given to perpetrators of crime, in the form of criminal means or non-criminal law, which can be integrated with one another.

Friedrich Karl von Savigny argued as quoted by Sudarto: Law is formed based on the desire and awareness of each individual in society, with the intention that the law can run as desired by society itself, namely wanting harmony and peace in social life together. People who commit crimes will be held accountable for their actions with criminal penalties if they have made a mistake, a person has

---

<sup>10</sup>Tommy Hendra Purwaka, (2015), Scientific Research on the Boundaries of Indonesian Maritime Territory Based on the 1982 UN Convention on the Law of the Sea, Journal of Legal Issues, 44 (3), p.389

made a mistake if at the time of committing an act seen from the perspective of society it shows a normative view of their mistake.<sup>11</sup>

#### 4. Conclusion

The role of Polairud to maintain security and order in Indonesian Waters is also assisted by other apparatus or institutions with combined roles between apparatus or institutions. The role of Korpolairud is assisted by Dipolairud in maintaining security in Indonesian Waters in accordance with the main duties and functions, namely implementing the preparation, planning, organizing, implementing the involvement of the Air Police function in the involvement of the deployment of Police operations both at the central and regional levels. Ditpoludara carries out air transportation and air patrols including activities to disburse and pursue perpetrators in criminal acts with high mobility as well as assistance or rescue activities in securing Indonesian Waters. Furthermore, regarding the procedures for handling criminal acts at sea or waters, it can be carried out with the stages of ship detection, ship investigation consisting of stopping the ship and inspecting the ship. The Water Police in implementing the authority of supervision and law enforcement activities in Indonesian Waters is limited to the territorial sea area only, namely in the area up to 12 miles from the outermost coastline. The Water Police cannot handle problems that touch the EEZ. So if they have to arrest foreign-owned vessels or vessels belonging to Indonesian citizens in the EEZ, the Indonesian National Police must hand them over to the Ministry of Maritime Affairs and Fisheries (KKP) or the Indonesian Navy (TNI-AL).

#### 5. References

##### Books:

Hasyim Jalal. (2009), *Indonesia's Struggle in the Field of Maritime Law*, Bandung: Bina Cipta

Jimly Asshiddiqie, (2005), *Law Enforcement*, Rineka Cipta, Jakarta

Mukti Fajar and Yulianto Achmad, (2010), *Dualism of Normative and Empirical Legal Research*, Yogyakarta, Pustaka Pelajar

Sudarto, (1986), *Selected Chapters on Criminal Law*, Bandung: Alumni

##### Journals:

Ade Christian Manapa, (2019), *Policy Formulation of Criminal Law against Narcotics Traffickers Based on Justice Value*, *Journal of Sovereign Law*, 2 (4)

Jurian Runtukahu, (2016), *Responsibilities of the Marine Police in Law Enforcement in the Territorial Sea Area of the Republic of Indonesia*, Sam Ratulangi University, *Lex Et Societatis Journal*, 4 (1)

---

<sup>11</sup>Sudarto, (1986), *Selected Chapters on Criminal Law*, Bandung: Alumni, p 7



- Mahdin Marbun, Elawijaya Alsa. (2022), The Role of the Water and Air Police in Handling Fisheries Crimes in the Belawan Jurisdiction (Study at the Belawan Police and Air and Water Directorate), *Jurnal Law of Deli Sumatera*, II (1)
- Mirja Fauzul Hamdi, (2016), Government Authority Regarding the Safety and Security of Indonesian Waters. *Samudra Keadilan*, 11 (1)
- Sukoco, Windy Darmawan and Naszifa Indradi, (2022), The Role of Korpolairud in Maintaining Security in The Sunda Strait Area, *Journal of Air Defense Strategy*, 8 (2)
- Syahrin MN Al. (2018), Jokowi's Maritime Axis Policy and the Synergy of Indonesia's Economic and Maritime Security Strategy. *Indonesia Perspect.* 3 (1)
- Tommy Hendra Purwaka, (2015), Scientific Research on the Boundaries of Indonesian Maritime Territory Based on the 1982 UN Convention on the Law of the Sea, *Journal of Legal Issues*, 44 (3)