

# TNI AL Authority as Maritime Crime Investigator in Securing Indonesian Waters

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## ABSTRACT

This article aims to determine the authority of the Indonesian Navy as investigators of criminal offenses at sea, in line with their role in law enforcement in Indonesian waters. It examines the constraints faced by the Navy in law enforcement efforts and explores government measures to streamline these duties. The research method is normative legal research, which includes collecting, processing, and analyzing legal materials. The descriptive nature of this study connects factors with statutory regulations, theories, and expert opinions. A normative juridical approach is utilized, focusing on literature examination. The research concludes that the Indonesian Navy's authority as investigators in securing Indonesian waters is attributive, inherent to their office. From a constitutional law perspective, this attribution reflects the power of government organs to operate based on authority established by lawmakers, grounded in the constitution or legislation. According to the Law of the Republic of Indonesia Number 34 Year 2004 on the Indonesian National Armed Forces, Article 9, the Navy's role as law enforcement and security officers in Indonesian waters is hampered by unclear regulations. The Navy lacks authority to investigate all legal violations at sea, leading to overlapping law enforcement due to conflicting regulations that grant attributive authority.

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## 1. INTRODUCTION

Indonesia is one of the countries that has the largest sea area in the world, consisting of thousands of islands, both large and small islands. There are approximately 13,500 large and small islands covering 3,000 nautical miles stretching from Sabang in the western region to Merauke in the eastern region of Indonesia. However, the existence of abundant marine resources cannot yet be maintained and utilized optimally for the welfare of the Indonesian people. Apart from the abundance of marine resources, there is an increase in activities in the use of water areas in Indonesian territory which are used for exploration

and exploitation of marine economic potential as well as sea transportation activities that are currently occurring, which has an impact on the increasing number of violations in Indonesian territorial waters.

Indonesia's territorial sea area is a sea lane 12 nautical miles wide with a straight line that must be measured perpendicularly from the baseline or point on the baseline consisting of straight lines and connecting the outermost points at the lowest water line of the islands or parts the outermost islands in the territory of Indonesia, provided that if there is a strait whose width does not exceed 24 nautical miles and the country of Indonesia is one of those included in it, then the maritime boundary line of Indonesia's territory is drawn in the middle of the strait.

The occurrence of security disturbances that occur in Indonesia's territorial waters or maritime jurisdiction, the most important of which is disruption to passenger and goods shipping, is still quite high. In the Malacca Strait, which has an area of approximately 900 km with a width of 1.2 km, it is one of the routes The busiest shipping line in the world. Currently, every year approximately 50 thousand ships cross the waters of the Sunda Strait, carrying a third of the world's trade value and half of the world's oil and gas production. Apart from that, crimes in maritime areas (piracy), such as piracy and kidnapping, as well as other crimes that occur in the Malacca Strait, are the highest in the world when compared to other maritime areas. Based on data obtained, in February - In August 2010, at least 16 piracy incidents occurred in the Malacca Strait, including chemical tankers, tugboats, oil tankers, multi-purpose ships, cargo ships and fishing boats.

Due to the high incidence of crime occurring in Indonesian territorial waters, ideas have emerged from several countries to play an active role in securing activities in Indonesian territorial waters with all the busy shipping activities. There is a desire for other countries to play an active role, but this intention or desire is still completely untapped. This is because the Indonesian nation, with all its capabilities, still feels capable of protecting and securing the territorial waters in Indonesia. Another reason for refusing other countries' participation in securing shipping routes is to avoid difficulties or problems that will actually have an adverse impact on Indonesia in the future.

The main task in implementing maritime security is the responsibility of the TNI through the TNI AL and Polri, which are part of the elements of upholding sovereignty in the maritime area. It is hoped that they can make optimal efforts to increase their capabilities in efforts to uphold sovereignty and commit crimes that violate the law in the maritime area. Previously, maritime security efforts apart from elements of the TNI (TNI AL and Polri), the implementation of maritime security was also carried out by optimizing the role of Maritime Security Coordination carried out by the Maritime Security Coordinating Agency (Bakorkamla) with the aim of producing good coordination and balance in carrying out its duties and institutional functions in Indonesian territorial waters.

The increasing number of undocumented foreign vessels being caught in Indonesian territorial waters carrying out illegal acts, this provides evidence that crimes against the natural resources of the Indonesian nation are still not showing any signs of decreasing. Apart from that, they are still not effective in The implementation of security in maritime areas is one of the obstacles faced in handling crimes against natural resource wealth. The main problem that has become an important concern to date is the overlapping of existing authorities, as is the case between the TNI AL, Polri, PPNS and also Bakamla in handling cases of violations that occur in Indonesian waters.

The passing of a new law, namely Law no. 32 of 2014 concerning Maritime Affairs, is part of an effort to provide legal certainty in maritime law enforcement which is also able to resolve the problem of overlapping law enforcement systems in maritime areas. It is hoped that the existence of Law Number 32 of 2014 concerning Maritime Affairs when it is promulgated will not cause any new problems, but it is hoped that it will actually help simplify the problems faced in the context of law enforcement in maritime areas. In this way, it is hoped that it will be better in providing legal clarity for institutions that have authority in maritime areas and can provide legal certainty to business actors, service users and maritime transportation service operators.

The Indonesian Navy as the main component of national defense in the territorial waters is obliged to safeguard state sovereignty and territorial integrity of the Republic of Indonesia, maintain security

stability in the territorial waters, protect natural resources in the territorial waters from various forms of security disturbances and violations of the law in the territorial waters of Indonesia's national jurisdiction. The basic conception of the realization of security in territorial waters essentially has two dimensions, namely upholding sovereignty and upholding security which are interrelated with each other.

"BAKAMLA is responsible to the President through the Coordinating Minister for Political, Legal and Security Affairs," reads Article 2 of the Presidential Decree. The task of BAKAMLA is to carry out security and safety patrols in Indonesian waters and Indonesian jurisdiction. 10 In Presidential Regulation Number 178 of 2014 concerning BAKAMLA, BAKAMLA has several authorities, namely:

- a. give chase immediately.
- b. stop, inspect, arrest, transport and hand over the ship to the relevant authorized agency for further legal proceedings.
- c. synergize security and safety information systems in Indonesian territorial waters and Indonesian jurisdictional areas.

In carrying out its main duties, the TNI AL must refer to the main duties of the TNI AL as stated in article 9 of Republic of Indonesia Law Number 34 of 2004 concerning the Indonesian National Army, including:

- (1) Carry out TNI maritime duties in the defense sector.
- (2) Enforce the law and maintain security in the maritime area of national jurisdiction in accordance with the provisions of national law and ratified international law.
- (3) Carrying out Navy diplomacy duties in order to support foreign political policies determined by the government.
- (4) Carry out tasks and develop maritime forces.
- (5) Implementing maritime defense area empowerment.

In sea or maritime area security activities, it is not only related to law enforcement in sea areas, but also includes large areas that are safe for use by users and must be free from forms of threats or interference with various resource use and utilization activities. sea, including:

- a. Seas that are free from the threat of violence, including the threat of the use of armed force which is considered to have the ability to disrupt and endanger state sovereignty.
- b. Seas that are free from threats to navigation, namely threats posed by geographic and hydrographic conditions, which endanger shipping safety.
- c. Seas that are free from pollution and ecosystem destruction, which are threats to environmental sustainability whose impacts are detrimental to local communities and future generations.
- d. Seas that are free from the threat of legal violations, namely violations of applicable national and international legal provisions such as illegal logging, illegal fishing and others.

For this reason, it is very important to be able to understand the maritime security system well, with the aim of creating a comprehensive and integral approach system in the handling process. One of the maritime or maritime security topics that is of considerable concern nowadays is related to criminal or illegal acts in Indonesian territorial waters. Crimes committed in Indonesian territorial waters are actually increasingly widespread, illegal activities carried out have increased both in terms of intensity and complexity so that they have seriously threatened the social, economic and political conditions of the Indonesian state and the surrounding areas.

Based on the situation and conditions experienced related to illegal crimes in Indonesian territorial waters, as well as the increase that has occurred in the maritime world, there are two big challenges that must be faced both in Asia and in the maritime world, including:

- a. There is no clear guarantee regarding sea routes for the smooth flow of goods and natural resources.
- b. There is a process to avoid conflicts between countries in terms of competition/fight over trade and natural resources in the region.

Apart from the above, as the relationship between social and economic activities between countries increases, of course there will also be an increase in transportation traffic activities in water areas that transport people and goods. In the maritime transportation sector, it has a function as the main support

in transportation activities, and even has a very important role in improving a country's economy. This is because the transportation sector has the power to support growth and development in the production sector. Current forms of transportation This is considered quite affordable and can be used as a means of transporting quite a lot of capacity over quite long distances, namely via sea transportation. By utilizing sea transportation as a means of connecting trade between countries, it is also supported by advances in technology and communications which shorten the time taken.

In some parts of East Asia, it has a high contribution related to world trade activities. Many of the largest ports in the world are in the East Asia region with relatively high and dynamic economic growth which has an impact on the increasing frequency of sea transportation through the Straits of Malacca and Singapore which continues to increase. . We know that 6 of the 25 largest container ports are in the Southeast Asia region, including Singapore, Port Kelang in Malaysia, Tanjung Priok in Indonesia, Tanjung Perak in Surabaya, Tanjung Ppanjang in Malaysia, Laem Chabang in Thailand and Manila, and almost half of the world's merchant ships are owned by Asian countries. This growth is also supported by the increasingly advanced shipping industry in Asia.

Looking at the problems described above, it is known that security in Indonesian territorial waters is a very strategic area, both economically and politically, which is a very important factor both for parties who use shipping routes but also for countries. the beach and the surrounding area. There are currently security threats occurring and developing in Indonesia's territorial waters, consisting of crimes against foreign ships, as well as threats to navigational safety, threats to marine natural resources and threats to the sovereignty and law of a country. Security issues in these two straits have implications for disruption to the international relations of the coastal countries in question.

Based on the background to the authority of the Indonesian Navy as investigators of crimes at sea which has been described above, the problem that will be discussed is: How does the authority of the Indonesian Navy as investigators of crimes at sea correspond to the role of the TNI in enforcing law at sea?

## 2. METHOD

The research method of this paper is based on the results of normative legal research which includes collecting legal materials, processing legal materials and analyzing legal materials. Its descriptive nature means that it describes the factors studied in connection with statutory regulations, theories and opinions of legal experts. This paper uses a normative juridical approach. The normative approach is legal research carried out by examining literature. The juridical approach is intended to reveal various legal instruments that can be used in the context of law enforcement in Indonesian waters.

## 3. RESULTS AND DISCUSSION

In the Indonesian unitary territory, part of whose territory is water, the Indonesian Navy plays a major role in carrying out security and guarding maritime areas, where universally the Indonesian Navy has three roles, namely the military role, the police role and the diplomatic role,<sup>17</sup> this is as stated in Law no. 34 of 2004 concerning the TNI which confirms that the TNI Navy is tasked with carrying out duties in the field of defense, upholding the law and maintaining security in maritime areas of national jurisdiction, as well as carrying out naval diplomacy. Therefore, the Indonesian Navy is required to be able to carry out its roles and duties optimally in order to uphold sovereignty and law in maritime areas. As an effort to secure and enforce law in Indonesian maritime areas, there are three authorized agencies, each of which is supported by law. -Separate law.

At this time we know that the Indonesian Navy is one of the main parts of the Indonesian state defense system in the territorial waters which has the obligation to maintain the integrity and sovereignty of the state as well as the territorial integrity of the Republic of Indonesia, maintain security stability at sea, protect natural resources at sea from various forms of security disturbances and

violations of the law in the waters of Indonesia's national jurisdiction. The basic conception of the realization of security at sea essentially has two dimensions, namely upholding sovereignty and upholding security which are interconnected with each other. Formally juridically, according to various applicable laws and regulations, especially those governing the Indonesian National Army, Indonesian maritime waters, as well as certain criminal acts in Indonesian maritime waters, the Indonesian Navy has the authority and obligation to enforce the law in territorial waters. criminal law and other laws and regulations. 2) TNI Navy, which based on Article 9 of Law no. 34 of 2004 concerning the TNI, states that apart from carrying out duties in the defense sector, the TNI Navy is also tasked with enforcing the law and maintaining security in maritime areas of national jurisdiction. Besides that, in article 17 of Government Regulation no. 27 of 1983 concerning the Implementation of the Criminal Procedure Code and its explanation, it is emphasized that investigations in Indonesian waters, additional zones, the continental shelf and the exclusive economic zone of Indonesia, are carried out by TNI Navy officers and other investigators determined by the law that regulates them AND 3) Civil Servant Investigators (PPNS), where based on article 6 paragraph (1) letter b of the Criminal Procedure Code, what is meant by investigators are police officials and civil servant investigators who are given special authority by law. Apart from that, the authority of civil servant investigators to carry out investigations into criminal acts in maritime waters is also expressly stated in various laws and regulations which regulate both Indonesian maritime waters and certain criminal acts in maritime waters.

Indonesia is limited in the scope of pursuit, arrest, inquiry and investigation which is then handed over to the prosecutor's office for the prosecution process, this is as stated in the explanation of article 9 letter b of law no. 34 of 2004 concerning the Indonesian National Army. Apart from that, in article 17 of Government Regulation no. 27 of 1983 concerning Implementation of the Criminal Procedure Code and its explanation. Thus, from a formal juridical perspective, the authority of the Indonesian Navy in carrying out law enforcement in marine waters is beyond doubt. In accordance with legal provisions and bearing in mind the duties of the TNI AL, especially in the field of law enforcement, the TNI AL is very obliged and interested in implementing and enforcing law in maritime waters in order to create security and order.

Even though efforts have been made to eradicate criminal acts in marine waters, the problem of maritime security remains a problem that must be resolved immediately, one of which is due to the still high intensity of criminal acts in marine waters. Therefore, in order to increase the effectiveness of handling criminal acts in maritime areas to create security and order, it is necessary to optimize the role of the Indonesian Navy, especially in the field of law enforcement.

In Article 9 of Law Number 34 of 2004, it is clearly stated regarding the main duties of the TNI AL. 21 If we focus on the duties of the TNI AL in the second point as mentioned above, efforts to enforce the law and maintain security at sea under national jurisdiction are all forms of activity. related to law enforcement at sea in accordance with the TNI AL's authority (contabulary function) which applies universally and in accordance with it. It is emphasized that investigations in Indonesian waters, additional zones, continental shelves and the exclusive economic zone of Indonesia, investigations are carried out by TNI Navy officers and investigators. others determined by the law that regulates it.

First, carrying out TNI maritime duties in the defense sector. Second, enforce the law and maintain security in maritime areas of national jurisdiction in accordance with the provisions of national law and international law that have been ratified. Third, carrying out naval diplomacy duties in order to support foreign political policies determined by the government. Fourth, Carry out the TNI's duties in building and developing maritime forces, Fifth, Carry out the empowerment of maritime defense areas. applicable statutory provisions to overcome threats of acts of violence, threats to navigation, and violations of law in maritime areas of national jurisdiction. Thus, the TNI AL's main task, apart from the field of defense at sea, is also to provide maritime security for its users. The implementation of the TNI AL's duties in the field of maritime security is not only focused on enforcing law at sea, because maritime security implies that the sea can be controlled and is safe for use by users. to be free from threats or interference with marine utilization activities.

As one of the organizers of security at sea, the Indonesian Navy has the right to investigate certain cases (criminal acts) that occur at sea, this is in accordance with the applicable law (legal basis). In carrying out its duties as the organizer of security at sea, the Indonesian Navy always work together and cooperate and coordinate with relevant international and national institutions and institutions. Realizing the above matters and the complexity of problems at sea. <sup>23</sup> Therefore, ensuring security at sea cannot only be carried out by the Indonesian Navy institution alone but also involves other institutions and agencies.

Various efforts have been made by the Indonesian Navy to carry out security at sea through a series of patrol activities, investigations and action based on national laws and regulations and International Maritime Law against all forms of law violations at sea as well as carrying out security of vital national objects at sea. There are several efforts that can be made to optimize the role of the Indonesian Navy in efforts to eradicate criminal acts in marine waters. As emphasized in the 1945 Constitution of the Republic of Indonesia, First, the sea is free from threats, which can be in the form of piracy, sabotage or other acts. armed terror. Second, the sea is free from threats to navigation, posed by geographic and hydrographic conditions as well as inadequate navigation aids, thereby endangering shipping safety. Third, the sea is free from threats to marine resources in the form of pollution and destruction of marine ecosystems as well as excessive exploitation and exploration. Fourth, the sea is free from the threat of law violations, both national and international law, such as illegal fishing, illegal logging, illegal migrants, smuggling and others.

At sea, two mutually binding interests meet, namely international and national interests, thus there are two applicable laws, namely national law and international law). that Indonesia is a country of law,<sup>24</sup> which regulates all aspects of life in statutory regulations, therefore all government actions, including in the field of law enforcement, must also be based on clear legal rules as an implementation rather than the principle of legality.

That legally the agency authorized to enforce law in marine waters has the authority to make legal rules of a regulatory nature in carrying out its authority to enforce the law, this is as regulated in Law no. 10 of 2004 concerning the Formation of Legislative Regulations. By remembering the legality principle of Law no. 10 of 2004, it is important for the Indonesian Navy to immediately establish internal regulations regarding operational standards and procedures for handling criminal acts by the Indonesian Navy.

Although there has been progress in handling criminal acts in marine waters, this is only limited to handling fisheries crimes, while security problems in marine areas are broader than the fisheries sector. Therefore, in order to increase the effectiveness of handling criminal acts in marine waters by the Indonesian Navy, it is necessary to create internal regulations in the nature of regulations regarding operational standards and procedures for handling criminal acts in marine waters as a basis for legal action for Indonesian Navy investigators.

As we know, there are three agencies that have the authority to enforce law in marine waters, where the authority of these three agencies is specifically regulated in various statutory regulations. This situation gives rise to overlapping authority in the field of investigating criminal acts.

The rule of law rests on three concepts, namely (1) the concept of Rechtsstaat (Rule of Law), with characteristic elements: the principle of legality, protection of human rights, division of state power, government based on law, and administrative justice. (2) the concept of the rule of law with characteristic elements: supremacy of law, equality before the law, the constitution based on individual rights or due process of law. (3) the concept of the Indonesian rule of law, with characteristic elements: harmony of relations between the government and the people based on the principle of kinship, proportional functional relations, inter-institutional state power, the principle of resolving disputes by deliberation and justice as a last resort, balance between rights and obligations certain things that occur in marine waters. This overlapping of authority can result in ineffective efforts to eradicate criminal acts in marine waters if law enforcement is handled by relevant agencies sectorally without any coordination and has the potential to give rise to conflicts of authority in law enforcement.

In order to increase the effectiveness of handling criminal acts in marine waters, there needs to be uniformity in action patterns and harmonization between the three agencies, therefore coordination is the key to success in eradicating criminal acts in marine waters. In connection with this cross-sectoral collaboration, the government has established a maritime security coordinating body which has the main task of coordinating the preparation of policies and implementation of maritime security operations activities in an integrated manner. Even though there is a coordinating body, in reality the implementation of this coordination is not optimal, this can be reflected in the handling and resolution of criminal acts in marine waters.

That although eradicating criminal acts in maritime areas as an effort to uphold the law is supported by various increasingly sophisticated and modern legal facilities and infrastructure is one of the prerequisites for successful law enforcement, if progress in law enforcement is not balanced with high quality human resources, the law enforcement process will be hampered, therefore with regard to the human resources of law enforcement officers, there must be comprehensive reform starting from the recruitment system, education and training system, as well as the career development system, including in this case the selection system, type of education and training and learning patterns. Apart from that, technical legal education and training is also needed for TNI officers.

- a. The implementation of security operations at sea is more often carried out individually by each agency, where this influences operational patterns and force deployment.
- b. Even though there has been a joint agreement between the Ministry of Maritime Affairs and Fisheries, the National Police of the Republic of Indonesia and the Indonesian Navy Number 150/!!/2008 concerning Operational Standards and Procedures for Handling Fisheries Crime at the Investigation Level, the implementation of law enforcement activities still runs independently. Alone.
- c. The existence of a maritime security coordinating body is still not effective and optimal, where coordination between law enforcers is weak, which can lead to overlapping authority and policies of each party.
- d. Navy to increase professionalism and integrity in handling criminal acts in maritime waters.

Bearing in mind that professionalism is essentially related to expertise, TNI Navy officers who act as law enforcers must be oriented towards three things. 27 In accordance with Law of the Republic of Indonesia Number 34 of 2004 concerning the Indonesian National Army in Article 9, the duties of the TNI AL are determined. 28 Because the Law never regulates operational aspects in detail, the word "task" has the same meaning as "role". Looking at the duties of the Indonesian Navy in relation to its universal role, especially in Kenth Both's theory above, the duties of the Indonesian Navy in points 1 to 3 are closely related to the universal role of the Navy, then points 4 and 5 are the application of the Navy's role in coaching. non-military maritime power. Every government action must be based on legitimate authority. Without legal authority, an official or institution cannot carry out a government action. Therefore, legitimate authority is an attribute for every official or institution. Based on the source, authority is divided into two namely personal authority and official authority. Personal authority is authority that originates from intelligence, experience, values or norms, and the ability to lead. Meanwhile, official authority is official authority received from the authority above it. Authority is obtained by a person in 2 (two) ways, namely:

- a. To the ability to understand the complexity of law enforcement tasks both those that arise within organizations and those related to the community.
- b. The ability to understand cooperation between people both vertically and horizontally, namely cooperation within the institutional scope and within the framework of cooperation between institutions oriented towards the implementation of law enforcement duties.
- c. Ability to apply methods, techniques, procedures based on formal and material criminal law as well as rules within the organization.

The following are the authorities of Indonesian Navy investigators:

- 1) Carry out TNI maritime duties in the defense sector.
- 2) Enforcing the law and maintaining security in maritime areas of national jurisdiction in accordance with the provisions of Indonesian national law and ratified international law.
- 3) Carrying out Navy diplomacy duties in order to support foreign political policies determined by the government;
- 4) Carrying out TNI duties in the construction and development of maritime forces;
- 5) Implementing maritime defense area empowerment.

When compared with the theory of authority, there are 3 (three) ways of obtaining authority as regulated in Law no. 30 of 2014 concerning Government Administration and the theory of authority recognized by Konijnbelt, namely:

a. Attribution

Attribution is the authority attached to a position. In reviewing constitutional law, this attribution is shown in the authority possessed by government organs in carrying out their government based on the authority established by the legislator. This attribution refers to genuine authority on the basis of the constitution (UUD) or statutory regulations.

b. Delegation of authority

Delegation of authority is the transfer of part of the authority of a superior official to a subordinate to assist him in carrying out his duties and obligations to act on his own. This delegation of authority is intended to support the smooth running of duties and the orderly flow of responsible communication, and as long as it is not specifically determined by statutory regulations. valid invitation.

Apart from attribution, authority can also be obtained through a delegation process called:

a. Delegation:

Delegation is usually given between one government organ and another government organ, and usually the party giving the authority has a higher position than the party given the authority.

b. Mandate:

Generally mandates are given in internal working relationships between superiors and subordinates.

In Lutfi Effendi's book, legal authority is viewed from where the authority is obtained, so there are three categories of authority, namely:

a. Attributive Authority

Attributive authority is usually outlined or derived from the division of state power by the Constitution. Another term for attributive authority is original authority or authority that cannot be shared with anyone. In attributive authority, the implementation is carried out solely by the official or agency stated in the basic regulations. Regarding responsibility and accountability, it lies with officials or bodies as stated in the basic regulations.

b. Mandatory Authority

Mandatory authority is authority that originates from a process or procedure of delegation from a higher official or body to a lower official or body. Mandatory authority exists in routine superior-subordinate relationships, unless it is expressly prohibited. Then, at any time the person giving the authority can use the delegated authority themselves.

c. Delegative Authority

Delegative authority is authority that originates from the delegation of a government organ to another organ on the basis of statutory regulations. In contrast to mandated authority, in delegative authority, responsibility and accountability shifts to the person who is delegated the authority or transfers to the delegata ris. In this way, the person giving the delegated authority cannot use that authority again except after revocation by adhering to the principle of contrarius actus Therefore, in



delegative authority the basic regulations in the form of statutory regulations are the basis for the birth of this delegative authority. Without the existence of statutory regulations governing the delegation of this authority, there is no delegative authority.

According to Philipus M. Hadjon, "Authority to make decisions can only be obtained in two ways, namely by attribution or by delegation. Attribution is the authority attached to a position." Philipus added that "Talking about delegation in the event that there is a transfer/transfer of an existing authority. If the authority is less than perfect, it means that decisions based on that authority are not valid according to law."

Regarding mandates, Philip stated "In the case of mandates there is no recognition of authority or transfer of authority at all. Here it concerns internal work promises between the ruler and the employee. In certain cases an employee obtains authority on behalf of the ruler."

Based on several descriptions & opinions above, it can be seen that the authority of TNI AL investigators and other investigators at sea is attributable (original) authority, namely: authority granted directly by statutory regulations. Example: The President has the authority to enact Law of the Republic of Indonesia Number 34 of 2004 concerning the Indonesian National Army, Article 9 of which stipulates the duties of the Indonesian Navy. Disharmonious conditions between the police investigating officers and investigators at other institutions will certainly give rise to negative perceptions regarding the performance of these institutions. these institutions, which in turn will reduce public trust in the law (including law enforcement officials). In fact, the role of law enforcement officials in the context of law enforcement occupies a very strategic and decisive position towards the creation of legal supremacy.

That all law enforcement institutions, especially those with authority to handle certain criminal cases in Indonesian waters, including the Indonesian Navy, are responsible for carrying out their duties in dealing with and controlling criminal acts in Indonesian waters. Whereas in its efforts to eradicate criminal acts in maritime areas, even though the government has made various efforts, such as through legislative policies or by establishing forums or coordinating bodies, the eradication of criminal acts in maritime areas cannot be separated from the various problems faced, including in this case the problems that faced by the Indonesian Navy as one of the law enforcement elements in maritime waters.

The strategic objective of the Indonesian Navy is to protect and defend Indonesia's national interests at sea which include: security stability in all waters of Indonesia's national jurisdiction, security in the extraction of biological and non-biological marine natural resources, security of maritime communications and transportation, the sea as a vehicle for power projection to land. The division of roles is closely related to one another, inherent and cannot be separated and should not be interpreted as compartmentalizing tasks for one element from another, especially in grouping KRI functions.

Philipus M. Hadjon, said that every government action is required to rely on legitimate authority. This authority is obtained through three sources, namely attribution, delegation and mandate. Attribution authority is usually outlined through the division of state power by the constitution, while delegation and mandate authority is authority that comes from delegation. Then Philipus M Hadjon basically makes a distinction between delegation and mandate. In the case of delegation regarding delegation procedures originating from one government organ to another government organ with statutory regulations, with responsibility and accountability shifting to the delegate. The delegatee cannot use this authority again, except after revocation by adhering to the principle of "contrarius actus". This means that every change, revocation of a statutory implementing regulation, is carried out by the official who stipulates the regulation in question, and is carried out with equivalent or higher regulations. In terms of mandates, delegation procedures are within the framework of routine superior-subordinate relationships. The responsibility and accountability remains with the mandate giver. At any time, the mandate giver can use the delegated authority himself. 35 Attribution (original) authority is permanent, at the end it becomes obscure. Non-attributive (non-original) authority is authority that is given due to delegation/transfer of authority.

Based on the description above, in carrying out the duties and functions of the Indonesian Navy, the obstacles encountered by the Indonesian Navy are:

1. The Indonesian Navy does not have clear law enforcement authority due to the attributive authority given by law to law enforcers at sea.
2. The fact that the government has not been given full delegation of investigative authority to the Indonesian Navy in carrying out security duties and taking action against perpetrators of crimes in maritime areas is a major obstacle in enforcing the law and taking action against perpetrators of crimes in maritime areas.
3. The existence of the authority of other agencies or units means that the implementation of the duties and roles of the Indonesian Navy in accordance with the law cannot be carried out optimally. There are 12 (twelve) agencies that enforce laws and regulations regarding the sea jointly, as mentioned in the journal article in, including the Indonesian Navy, TNI Headquarters, Indonesian Police (Polair), Ministry of Foreign Affairs, Ministry of Home Affairs, Ministry of Defense, Ministry of Law and Human Rights, Ministry of Finance, Customs and Excise, Ministry of Transportation, Ministry of Maritime Affairs and Fisheries, Attorney General's Office, as well as the State Intelligence Agency.

These institutions each have their own legal basis which contains intersecting systems. Even though they intersect, in carrying out their function as law enforcers in Indonesian maritime areas, their activities are not yet integrated so that security and law enforcement are not running optimally. Each agency/ The relevant ministries have different policies, infrastructure and human resources. This causes frequent overlaps in authority. This institutional system is called a multi-agent system. In practice, we find many events that have not been regulated in law or legislation, or even though they have been regulated, they are incomplete and unclear. Therefore, legal regulations that do not exist must be implemented, those that are unclear must be explained, and those that are incomplete must be completed, by finding the law so that the legal rules can be applied to the event.

This idea then came to the surface and became a very interesting study to study further. What was initiated by Prof. This Tjip offers a new perspective, spirit and way to overcome "legal paralysis in Indonesia. Progressive comes from the word progress which means progress. Law should be able to keep up with the times, be able to respond to changes in the times with all the basis therein, and be able to serve the interests of society by relying on the moral aspects of the law enforcement human resources themselves. 38 Laws that are not clear result in The law cannot build progress/is not progressive, so that if laws are unclear, the government must immediately update, clarify and emphasize.

Fuller in his theory put forward an opinion to measure whether we can at some point talk about the existence of a legal system. He places this measure on eight principles called principles of legality, namely: 1) A legal system must contain regulations. What is meant here is that it must not contain mere ad hoc decisions. 2) The regulations that have been made must be announced. 3) There must be no regulations that apply retroactively, because if such regulations are rejected, then the regulations cannot be used to guide behavior. Allowing regulations to apply retroactively means damaging the integrity of regulations intended to apply for the future. 4) Regulations must be prepared in a formula that can be understood. 5) A system must not contain regulations that conflict with each other. 6) Regulations must not contain demands that exceed what can be done. 7) There should be no habit of frequently changing rules so that someone will lose orientation. 8) There must be a match between the regulations promulgated and their daily implementation. (Satjipto Rahardjo, 2000: 51-52)<sup>39</sup>

The TNI AL as an investigator in accordance with the mandate of Law of the Republic of Indonesia Number 34 of 2004 concerning the Indonesian National Army in Article 9 has the problem of unclear regulations as law enforcement and security officers in Indonesian waters, because in its implementation the TNI AL is not given the authority to carry out investigations into all violations. laws that occur at sea. The overlapping of law enforcement officers at sea is all the impact of overlapping regulations at sea which give authority to law enforcers at sea which are attributive in nature.

As explained in the discussion regarding the literature review, according to various laws and regulations which are legally in force, there are three agencies that are authorized to carry out investigations into criminal acts in Indonesian maritime waters, namely TNI Navy Officers, Indonesian National Police Investigators, and Civil Servant Investigators. Certain Civil States.

However, these various laws and regulations do not strictly and clearly regulate the division of authority, as well as setting definite work mechanisms, so that the three agencies can claim authority to enforce the law without having an integrated system in its implementation. This kind of arrangement can give rise to vulnerabilities regarding differences in interpretation of laws and regulations and differences in law enforcement patterns among fellow officers, and even concerns arise about disharmony or friction between officers in the implementation of law enforcement operations at sea.

This situation has the potential to give rise to conflicts of authority in law enforcement. In fact, conflict of authority is a very unfavorable situation and reflects weak and sub-optimal law enforcement, so that it has an impact on the existence of criminal acts in marine waters with quite high frequency and continues to continue.

In Law no. 34 of 2004 concerning the TNI That TNI Navy officers basically have the main duties inherent to the TNI as a whole, namely upholding state sovereignty, defending the territorial integrity of the State, and protecting the entire nation and all of Indonesia's bloodshed from threats and disturbances to the integrity of the nation and country, not all have law degrees and not all Indonesian Navy officers receive investigative courses. As is known, the procedures and procedures for examining criminal acts at sea as part of law enforcement at sea have unique characteristics and methods and have several differences from examining criminal acts on land. This is because at sea there are not only national interests, but there are also international interests that must be respected. Therefore, the quality and quantity of human resources for law enforcement officers who are professional and have integrity is needed, where every TNI Navy officer appointed as an investigator of criminal acts in Indonesian maritime waters must have individual skills that are not only good but also expert (expert) in in the legal field, especially in case handling.

Apart from that, even though the law mandates that the Indonesian Navy act as law enforcers at sea and as well as investigators of certain criminal acts at sea. However, in practice, not all criminal acts that occur at sea fall under the authority of the Indonesian Navy in the investigation process, so there must be regulations that emphasize that the Indonesian Navy is the law enforcer and investigator of all criminal acts that travel by sea.

In eradicating criminal acts in Indonesian waters, in relation to the authority of each institution which is legally authorized to carry out investigations, it appears that there is no synergy between institutions. This situation can be seen in the implementation of security operations at sea which are more often carried out individually by each agency, where this greatly influences the pattern of operations and force deployment. This situation gives rise to problems in practice, which are caused by other than the existence of differences in perception, but also due to egocentrism where both the police, the Indonesian Navy and civil servant investigators feel they have authority so that efforts to eradicate criminal acts in maritime areas become less effective. Apart from that, this condition is also prone to giving rise to conflicts of interest between law enforcement agencies and it is not uncommon for implementers in the field to often fight over catch vessels. There are even fishing vessels that have been arrested and inspected by Indonesian Navy investigators after being released due to insufficient evidence, then arrested again by Police investigators.

Conditions like this are clear evidence that a double law enforcement process has occurred, meaning that a criminal act that has been investigated by one agency must be re-investigated by another agency which is also authorized to investigate criminal acts in marine waters. has an active role in administering the country to achieve social welfare, especially regarding the problems faced by Indonesia, the government must be able to overcome and provide solutions or solutions so that it can overcome the problems faced. As an archipelagic country whose territory is mostly water, the sea has

a strategic position and extraordinary potential in the economic, defense and security sectors. The sea has four very strategic meanings, namely:

1. As a natural resource and medium to earn a living
2. As a unifier of the nation
3. As a defense medium
4. As a medium of communication

Considering the importance of maritime areas, security of maritime areas is an absolute requirement for every country that desires peace, prosperity and well-being because if the seas are not safe, the smooth running of the economy and security will be greatly disrupted. 42 Apart from legislative policies, efforts to eradicate criminal acts in maritime areas This is also done by forming certain forums or bodies whose functions and duties are limited in terms of coordination. Where this forum or body was formed considering that in a formal juridical manner, as determined in various laws and regulations, there are three agencies that have the authority to enforce the law in Indonesian waters, namely TNI Navy officers, the National Police of the Republic of Indonesia, and certain civil servant investigators.

#### 4. CONCLUSION

In general, arranged marriages carried out on minors constitute criminalization of children. Arranged marriages should be carried out when the child is mature enough in terms of age, psychology, physical material and so on. In general, traditional arranged marriages involving children in the modern era no longer need to exist, or in this case have been abolished. Because the essence of custom is actually based on human values.

Based on the data from the discussion above, the involvement of the government and academics in efforts to socialize the rejection of child matchmaking and traditional marriages of children under the age is the author's suggestion so that there are no more cases of captive marriages, forced matchmaking and psychological problems after arranged marriages.

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