



Reconceptualization of Marine Security Institutions to Make Indonesia Become a Maritime Axis Country

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Abstract

This research goal is to discover the idea of delivery safety companies in Indonesia these days and reconnect the best maritime safety establishments to underpin the life of Indonesia as a rustic with a maritime axis. This research makes use of the regulation research methods. Text is performed via way of means of checking the library data, with inside the shape of laws, books, articles, and journals and is different. This research uses SWOT analysis. The result of research suggests that currently, companies worried about safety in Indonesia can not feature successfully due to the fact there are too many enterprise companies that have interests, the life of the Maritime Safety Authority, which does now no longer have no precise authority, nor overlapping jurisdiction among establishments. Reconceptualization of maritime safety establishments had to be performed via way of means of growing and enhancing the popularity of Water Police to Maritime Police as a perfect shape of maritime safety.

Keywords: *Maritime Defense; Maritime Security; Maritime Axis Countries*

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Introduction

Indonesia is a country with the largest island in the world (Torry & Kusumo, 2010). Indonesia there are 17,480 islands with a long coastline of 95,181 km long, waiting for 92 islands small, including the most remote small islands (Ma'arif, 2009). Therefore, the Constitution of the Republic of Indonesia In 1945, Indonesia was established as a country reversed by the second change. Determination Indonesia is an archipelagic country, starting with the Declaration of Djoeanda about number 13, 1957. Declaration of Djoeanda was later followed by the concept of Archipelago Insight, law number 4 of 1960 concerning Indonesian waters, and UN ratification Five Laws of the Sea Conventions (UNCLOS) In 1985. After that, an understanding was born between maritime counties or archipelagic countries (Adhayanto, 2014). Thus, the territorial sea of Indonesia is 2/3 of the total area which leaves 1/3 of the land area.

Sir Walter Raleigh said the sea is one of the factors that maintain the existence of a country's territory with the argument "Commodities" whoever rules the sea, he will rule the world" (Naval Information Service, 2013). This idea later inspired the show strategy in Indonesia's vision as a key country maritime world (Paskarina, 2016). The maritime axis concept is based on five pillars, namely maritime culture, resource management sea, maritime connectivity, maritime diplomacy, and maritime defense (Atika Sari, 2019). A spirit of the first maritime development is coined by President Soekarno, in the quote in His 1953 speech "Try that we Become a nation of sailors again. Yes, the nation of sailors In the broadest sense. Not just being squatting on the ship, no. But the seafarers in the sense of the word horizon of the ocean. Nation sailors who have a merchant fleet, the nation sailors who have military fleets, nations sailors whose busy lives at sea match the rhythm of the waves of the ocean itself" (Sirmareza, 2017). Therefore, this maritime axis concept is important to study specifically.

To realize the idea of the shaft world maritime, maritime defense as a pillar The fifth needs serious attention. Indonesian territorial waters reaching 3.25 million square kilometers is a big challenge for the TNI Navy, waterway police, and related agencies for the safety and protection of the sovereign territory of Indonesia (Tahar, 2015). The main factors of the development of national defense still can't maintain the development of the ideal defensive posture of the state (Mundayat et al., 2018). In the implementation process, Indonesia faces a wide variety of transnational crimes that are common at sea.

Smuggling of goods, drug trafficking, human trafficking (smuggling) and Boat people, terrorists and pirates marine, and illegal, unreported, and unregulated (IUU) Fishing is often a crime came (Faculty of Law, 2021). IUU fishing by foreign fishing vessels and Indonesian-flagged vessels operating illegally into the territorial sea of Indonesia and fish without pocket authorized by the government (Pamase, 2018). This practice is certainly very detrimental to all countries year due to the export of caught fish in unregistered Indonesian territory and activities at the port until the auction market knows death due to the practice of transferring goods in the middle of the sea (transshipment). These bad things are still ongoing and cannot be resolved if Maritime safety has not been optimized.

Realize the need for security in Indonesia's increasingly complex maritime area Thereafter, the Maritime Safety Authority was established to carry out the mandate of law number 32 2014 on the Marines. security agency The sea is formed based on the president's regulations Number 178 of 2014 regarding the Security Service sea. However, the establishment of Maritime security raises a new problem that is, there is an overlap of authority between organizations working at sea, among others Ministry of Defense, Ministry of Transport, Ministry of Energy and Mineral Resources, Ministry of Tourism and Creative Economy, Ministry of Industry, Ministry of Commerce, Ministry of Forestry, Ministry of Public Works General, Ministry of Finance, Ministry of Finance Environment, Navy and Police RI. The coordination of these organizations still tends to be interlaced less too many times non-compliance policies appear and created a dilemma in the society. In addition, the Maritime Safety Authority did not specific authority and basis The Maritime Safety Authority does not change the model related to the earth-centered trend in central islands. Based on the above conditions the research aims to discover the idea of delivery safety companies in Indonesia these days and reconnect the best maritime safety establishments to underpin the life of Indonesia as a rustic with a maritime axis.

Method

This research method uses a literature review method that uses legal research sources. Collecting data using secondary data or not conducting direct interviews with respondents or article authors. The research data were taken from basic legal documents, secondary law, and legal subjects in the form of books, magazine articles, and others. Then the data were analyzed quantitatively and processed using a SWOT analysis (strengths, weaknesses, opportunities, and threats).

Results and Discussion

Current Marine Institutional Concept

In law enforcement and security efforts at sea, Indonesia arranged it in 17 national laws and regulations (Wasisto, 2015). From an institutional point of view, Indonesia has 13 organizations with regional interests sea. A number of maritime organizations or bodies in Indonesia rank highly against other countries in the world. Among these are six facilities with special patrol forces at sea and seven other organizations that did not have a maritime patrol forces (Azis et al., 2016). Law enforcement agency there's a patrol group at sea, the Indonesian Navy, Indonesian National Police/General Department of Police Sea area, General Administration of Maritime Transport Report to the Ministry of Transport, Direction des General monitoring of marine resources and Fisheries Control under the supervision of the

Ministry of Maritime Affairs and Fisheries, General Department of Customs under the Ministry of Finance and the Agency Maritime Safety.

Law No. 34 of 2004 regarding Indonesian National Army article 9, letter b Managing Navy missions is one of them is to respect the law and maintain security in the maritime area under national jurisdiction by provisions of national and international law has been ratified. This is due to the location Indonesian Navy has a role under Kent Booth in his book *Marines and Foreign Policy*, declares the global role of the Navy as the Trinity The role of the navy is a military function, diplomacy, and policing (Supandi, 2015). The role of the police is made to law enforcement at sea, protect resources national marine resources, and wealth, maintain command at sea, as well as support the development country by contributing to stability and development of the country. Based This is where the Navy also has authority over maritime safety.

Through Law Number Two Year 2002 about the Indonesian National Police Article 14, letter g states that "The National Police of the Republic of Indonesia is on duty" carry out investigations and investigations of all criminal acts by procedural law criminal law and other laws and regulations". Apart from the Police Act and the Criminal Procedure Code, the authority of the police in marine waters is well stated in various other laws and regulations governing criminal acts in certain areas of marine waters (Umbara, 2018). The Directorate of Water Police is part of them from the police structure that has the authority in certain criminal acts as referred to in Article 282 paragraph (1) of Law Number 17 the Year 2008 on Shipping including giving authority to State Police officers in Republic of Indonesia to investigate criminal acts in the shipping sector.

Based on the Decree of the National Police Chief Number: Kep/07/I/2005 dated January 31, 2005, concerning Amendment to the Decree of the Chief of Police Number: Kep/54/X/2002 dated October 17, 2002, regarding Organizational Structure and Work Procedures of Organizational Units at the Regional Police of the Republic of Indonesia (Polda) level, it was explained that the Directorate The Water Police is in charge of organizing water police function. Police function waters include patrols including handling first against water crimes and Search and Rescue (SAR) accidents at sea, coastal community development, as well as the function of the water police within the Polda.

Another institution that also carries out supervision in the sea area is the Directorate General of Customs and Excise (Supomo, 2017). Law No 17 of 2006 in conjunction with Law Number 10 1995 concerning Customs in Article 75 paragraph (1) gives authority to officials customs and excise in carrying out supervision against means of transport at sea or in rivers using patrol boats or other means. Even in paragraph (2) patrol boats or other means used by customs and excise officials can be equipped with a large number of firearms types determined by government regulations. Patrols are carried out for the sea area, its territory covering inside and outside the port area parts of the sea and the entire territorial waters of Indonesia, territorial sea, contiguous zone, EEZ, and shelf continent (Tahar & Krulinasari, 2012). The authority which can be taken by customs and excise officials in patrols include: taking action against foreign ships or Indonesian ships that violates the provisions of the waters of Indonesia; preventing conflicting actions and dangers to the sovereignty, security, and the interests of the state; eradicate smuggling in all forms; eradicate illegal immigrants; eradicate trafficking in prohibited goods such as narcotics, counterfeit money, munitions, and firearms; eradicate theft of fish and other marine products; and oversee the best save of international navigation (Tahar & Krulinasari, 2012). Marine patrols are carried out by units of customs and excise duties consisting of commanders patrol, deputy patrol commander, and unit members duties appointed by the competent authority issue a warrant.

Law Number 17 of 2008 concerning Shipping in Article 276 paragraph (1) states: to ensure the safety and security at sea are carried out with a guard function and enforcement of laws and regulations at sea and coast. In paragraph (2) the implementation of the function is carried out by the marine and coast guard and explained further in paragraph (3) marine guards and the coast is formed and is responsible for President and are technically operational and implemented by the Minister. Article 276 paragraph (3) is a legal basis for the formation of a

Unity Marine and Coast Guard (KPLP) or Coast and Sea Guards. To carry out this function, KPLP has the tasks described in Article 277 paragraph (1), namely carrying out safety supervision and shipping security; carrying out surveillance, prevention, and control of pollution in the sea; supervision and control of activities as well as ship traffic; etc. Article 278 paragraph (1) explain the authority of the KPLP, namely to carry out a marine patrol, conduct instant chase (hot pursuit), stop and inspect the ship at sea, and conduct investigations.

Other organizations also do maritime security supervision is Fisheries monitoring vessel belonging to the Resource monitoring branch Ministry of Maritime Affairs and Fisheries and Peaches. This fisheries monitoring vessel was established based on the law of numbers. 45 of 2009 related to fishing. About the article 66 subsections (1) describe fisheries monitoring by the fisheries inspector. Text 2) explains that the fishing supervisor is responsibly Supervising the orderly implementation of the provisions of the law fisheries law. Alike in Article 66 C paragraph (2) fisheries controllers in performing their duties can be equipped with Fishery monitoring vessels, firearms, and/or personal security devices.

Presidential Regulation Number 81 of 2005 about the Maritime Security Coordination Agency created a Security Coordination Agency sea. However, this body is only coordinating for agencies dealing with problems waters as described in Articles 2, 3, and 4, which essentially states that the Agency Maritime Security Coordination is an institution nonstructural who is under and responsible answer to the President (Kusumo, 2012). As a coordinating agency, Security Coordination Agency The sea is only in charge of coordinating law enforcement tasks that are included in the authority of the agencies by the laws and regulations each and has no authority force, so that the implementation of security maritime areas face various obstacles in implementation. For example, Body Maritime Security Coordination is already planning joint marine patrols, but often not can be implemented due to a lack of support from related institutions, especially in an operating patrol boat.

Due to that condition Thus, the Maritime Safety Authority was established by Presidential Regulation No. 178 Years 2014 based on rule number 32 2014 on the Marines. But different things must be observed regarding the authority of the Maritime Safety Authority. One of them specifically Article 2 of Presidential Regulation No. 178 2014 has the content Security Agency The sea is accountable to the president by the Coordinating Minister for Political, Legal and Financial Affairs Safety, while Article 60 of Law No. 32 of 2014 on maritime matters The Maritime Safety Authority said to reside under and be responsible for directly with the president through the minister, who coordinates it. About the Agency's mission Maritime safety as stipulated in the provisions included in Section 61, Maritime Safety Authority security patrol duty and safe in the waters of Indonesia and Indonesian Judiciary. So It is clear that the duty of the maritime security service is just patrol.

The Maritime Security Agency is not a law enforcement agency because members are not enumerators. Enforcement of the law for breaking the law The number 32 of 2014 is related to the Sea absolutely must be carried out by the Maritime Safety Authority, but can be done by other units as long as assigned tasks and powers as prescribed by law in article 59 of the law Issue 32 of 2014 deals with maritime affairs. Terms use of ships, rule number 32 years 2014 about the Marines there are no regulations arrangements to supplement the Maritime Safety Authority by boat. This is very different from what occurs in KPLP and fisheries monitoring vessels. Therefore, we can explain that there are no Specific tasks that the Agency may perform in Maritime Safety. Based on various data that there can also be concluded that the implementation of the concept of marine security institutions that exist in Indonesia is currently still not effective. Referring to the fact of overlapping authority between institutions, the concept of marine management as a natural resource needs to be reconstructed by maximizing repair, preservation, and defense (Noor, 2018). All idealism This can be achieved if there is synergy between institutions so that they can support Indonesia as the world's maritime axis.

The Ideal Concept of the Marine Security Institution

The maritime area is the main artery of global economic and security interactions, so that makes maritime security a very important issue crucial. Understanding and efforts to realize

sea area as the center of policy are expected able to realize maritime security stability and national interests to have an impact on economic development and wellbeing (Syahrin, 2018). Despite the border issues land and sea which have not been completed yet resulted in the Indonesian economy becoming difficult to develop.

Up to now, the country's development direction is development-oriented by territory let the sea be only a place of exploitation and natural resource exploration, waste treats and illegal activities such as smuggling. Status This is exacerbated by development policies navigation is performed in part and not in full. Each set and institutions for implementing marine development programs piecemeal, not yet integrated and centralized good (Kartika, 2016). Therefore, there is a need for a security organization sea is eligible for marine protection Indonesia is very large. Based on regulations President No. 178 2014, specifically the Agency Maritime Safety. Most of the Agency's personnel Marine Security is filled by active members of the Indonesian Navy, even the leadership was appointed from a Navy officer with the rank of Vice Admiral. In study juridically, this is against the law Number 34 of 2004 concerning the TNI, as follows: the provisions of Article 47 paragraph (1) which states: that soldiers can only occupy positions civilian after resigning or retiring from active military service. Paragraph (2) explains active soldiers can occupy positions in the office who is in charge of the Coordinator for Political Affairs and State Security, National Defense, Secretary Presidential Military, State Intelligence, State Code, National Defense Institute, Defense Council National Search and Rescue Agency (SAR) National, National Narcotics, and the Court Great. Seeing most of the Agency's personnel Marine Security is filled by active Indonesian Navy members gives the impression that the Navy is just changing its robes become the Maritime Security Agency.

Like the constitutional order, namely: listed in article 30 on national defense state and state security, obviously TNI is deploying defensive efforts while Indonesian National Police (Polri) made security efforts. Therefore, be straight (re)concept of security The Indonesian Sea is a must-do. National defense and security is really one unit, but defense and security are two different things. It's worth it is a concern, so security organizations neatly lined up in the sea. Based on the 3 year rule 2002 regarding National Defense, article 1 point 1 indicates that what means defense is all efforts to protect the sovereignty and integrity of the country territory of the unitary state of the Republic of Indonesia, and security of all nations against threats and undermine the integrity of the nation and Nation. Then in Article 7 paragraphs (2) and (3) said that the national defense system in facing a military threat placing the TNI as the main component supported by spare components and supporting components; and the national defense system in the face of nonmilitary threats put institutions government outside the defense sector as an element main, according to the form and nature of the threat faced with the support of other elements of the nation's power. Article 10 states that (1) TNI acts as a defense tool The Unitary State of the Republic of Indonesia; (2) TNI consists of over the Army, Navy, and Army Air; (3) TNI is in charge of implementing policies national defense to: (a) defend state sovereignty and territorial integrity, (b) protect the honor and safety of the nation, (c) carry out military operations other than war, and (d) actively participate in maintenance tasks regional and international peace. It means, related to defense is the duty of the TNI, in terms of the sea, namely the Navy.

In regards to security, it can be seen in Act No. 2 of 2002 concerning Indonesian National Police. Article number 1 5 sheds light on the definition of security that public order and safety are a dynamic condition of society is one of before doing the development process to achieve national goals characterized by ensuring security, order, and the rule of law, and establish peace, including the ability to build and develop the potential and strengths of the community, prevent and remedy all forms of breaking the law and other forms of disturbance that may disturb Public. Article 1, point 6 explains safety domestic is an obvious condition with the guarantee of safety and order orderly society, obeying the law and the implementation of protection, protection and community service. For the main quest The National Police of the Republic of Indonesia is operated by Article 13, specifically: (a) maintaining security and public order; (b) law enforcement; and (c) ensure the protection, protection, and community service. that is saying everything everything related to safety is a duty of the Indonesian National Police.

As formerly mentioned that simply protection at sea is a duty Indonesian Navy, whilst maritime safety is a the responsibilities and powers of the Police. However, reality what's taking place now's that many institutions have jurisdiction over maritime safety. Wrong the opposite is the Maritime Security Agency. The life of a body Maritime safety is the end result of a land-centric paradigm in order that the precept of safety at sea is and on land is different. On land safety becomes the responsibilities and government of the police, however now no longer at sea the responsibilities and government of the Police, however the employer that in particular shaped for maritime safety, that is currently it's far referred to as the Maritime Security Agency. Should the mainland centric paradigm has to be moving to an archipelago centric paradigm as said withinside the charter Article 25 A that the Unitary State of the Republic of Indonesia is an archipelagic united states characterised with the aid of using the archipelago with territory whose barriers and rights installed with the aid of using law.

The archipelago-centered model requires Safety both on land and at sea is police responsibility. Special on December 13 1957, Djoeanda Declaration stipulates The world includes the Indonesian sea the seas around, between and within the islands Indonesia becomes a unified territory of the Republic of Indonesia (Soemarmi et al., 2019). Therefore, the principle of defense and Security must be a unit between land and sea. Currently there is the Department of Waterway Police, whose main task is to promote and organize the function of the central waterway police serve, protect, nurture and maintain public order and security and law enforcement in Indonesian waters (Regulation Of The State Police Of The Republic Of Indonesia, 2018). However, the seas that These are the waters close to continent. Meanwhile, Indonesia's sovereign territory includes archipelagic waters, territorial sea and inland waters.

As Article five paragraph (2) of Law Number 34 2014 regarding the Marines said that Sovereignty of Indonesia as an archipelagic country masking land areas, inland waters, archipelagic waters, and the territorial sea, which includes the air area above it and the seabed and land below, which includes the herbal wealth contained inner it. Therefore, the Police Directorate These waters want to be evolved into implementers the principle project of the so-known as Marine Security Police. Marine Security Police in fee most important protection at sea supported via way of means of Directorate General of Sea Transportation below Ministry of Transportation, Directorate General of Marine and Fishery Resources Supervision below the Ministry of Marine Affairs and Fisheries, Directorate General of Customs below the Ministry of Finance according with the specs of every institution. Marine Security Police became the principle character in fee of maritime protection entire and attain the complete sea area supported via way of means of positive agencies which has been stated above if it occurs issues at sea which can be in particular concerned with the agency.

The concept of maritime security policy in the context analyzed using a SWOT with purpose Proposed concept related to security police The sea can be accepted and considered the solution Ideal. SWOT analysis can be seen in the following table

INTERNAL EXTERNAL	Strengths - Has a strong constitutional and juridical basis; - Has existing institutions.	Weaknesses - Human resources are still few - Inadequate facilities and infrastructure
Opportunities The government strongly supports the improvement of this sector.	S-O Establishment of new regulations to support and maximize the Maritime Security Police	W-O - Labor recruitment - Development of supporting facilities and infrastructure
<i>treat</i> - Institutional ineffectiveness; - Tendencies of existing institutions.	S-T Specific explanation of the main duties and functions of the Maritime Security Police and supporting institutions.	W-T Collaborating between agencies (Maritime Security Police, NAVY, ARMY, etc)

Table 1. SWOT Analysis

Based on the SWOT analysis, The institution of the maritime security police is considered sufficient the potential to be a solution to the problem who exists. Therefore, the repayment of the security obligation sea for those who adhere to the main duties and functions in maintaining security, specifically the police is a problem it must be completed. Furthermore, to achieve maritime security police training as a form develop and enhance the status of the police Water is made by removing items affiliated with the Deep Sea Security Agency Law No. 32 of 2014 regarding Navy, specifically Sections 59 through 68. Indonesia's path and process towards a maritime nation being strong and famous is not an easy thing, but it can be passed if Indonesia can maintain the stability and security of its seas and the surrounding waters where This is supported by maritime policy strategy. With police training Maritime Safety and the powers it has, Indonesia should have security organizations the sea concentrates and consolidates sovereignty Indonesia adopts maritime security management structured to support Indonesia as national maritime axis.

Conclusion

Security-related organizations sea areas in Indonesia are currently inoperable effective because there are so many organizations fields have their own interests, the existence of an organization of the Maritime Safety Authority that does not have specific authority, as well as the appearance of Duties overlap between facilities. Acceptance of maritime security institutions what to do is grow and raise the status of the water police Marine Security Police Form ideal sea. Re-realize online with the model of the size focusing on the archipelago, the mission constitution, as well as related laws The job of the security is the police. The Maritime Security Police is an organization responsible for maintaining maritime safety in supported by other organizations to support Indonesia to become the axis of a maritime nation.

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