

## Police Authority in the Law Enforcement Process of Illegal Fishing in the Bali Regional Police

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### Abstract

Eradicating illegal fishing can no longer be achieved solely through rational and legal approaches. Given that illegal fishing is carried out using highly sophisticated methods, its eradication must be carried out in the same manner. A disorganized truth will be defeated by a well-organized crime. Therefore, the Indonesian National Police (Polri) is a crucial law enforcement agency in preventing illegal fishing. The main duties of the police, as stipulated in Law Number 2 of 2002 concerning the Indonesian National Police, include maintaining public order and security, enforcing the law, and providing protection, guidance, and service to the community. The research questions address the following: first, the regulation of police authority in the process of enforcing the law on illegal fishing, and second, the obstacles faced by the police in enforcing the law on illegal fishing within the Bali Regional Police. Based on the discussion, the regulation of police authority in the process of enforcing the law on illegal fishing is regulated by Law Number 2 of 2002 concerning the Police and Law Number 31 of 2004 in conjunction with Law Number 45 of 2009 concerning Fisheries. Through the Directorate of Water and Air Police (Ditpolairud), the police are tasked with conducting investigations, prosecutions, arrests, and confiscation of evidence related to illegal fishing activities. This law enforcement is carried out through cross-sectoral collaboration with other agencies such as the Ministry of Maritime Affairs and Fisheries (KKP), the Indonesian Navy (TNI AL), and Bakamla (Law and Security Agency). The process begins with the detection of violations through sea patrols or public reports, followed by joint operations, preparation of case files, and submission of cases to the courts. Obstacles to the Bali Regional Police's enforcement of illegal fishing laws include the vastness of Bali's maritime territory, limited personnel and technology, and overlapping authority between agencies. Therefore, effective coordination is key to optimal law enforcement.

**Keywords :** Authority, Illegal Fishing and the Republic of Indonesia Police.

### Introduction

Indonesia is known for its abundant fish resources. However, if these resources are not managed properly, Indonesia, two-thirds of whose territory is ocean, will eventually be unable to meet its population's protein needs from fish. Therefore, complete and accurate data is needed so that the ocean, as a reliable alternative resource, can continue to grow in the future.

The Indonesian government has enacted various national regulations, from laws to ministerial regulations, along with various international conventions, but the problems in the fisheries sector remain unresolved. Fish resources are decreasing, fishermen's lives are still poor, fishermen's education levels are still low, the marine environment is damaged due to fishing practices that damage coral reef ecosystems, and so on.

The existence of the Water Police as a law enforcement agency handling fisheries cases certainly

brings a breath of fresh air to the effectiveness and efficiency of marine fisheries management. This handling is certainly very helpful for small-scale fishermen whose livelihoods depend partly on marine products. In general, the police, in Article 1 number (1) of the Criminal Procedure Code, stipulates that investigators are officers of the Republic of Indonesia National Police or certain civil servants who are given special authority by law to conduct investigations. These investigators are important to prevent any actions in the fisheries sector that, according to law, violate statutory regulations and could harm the interests of the community. Thus, the police have a very important role in enforcing legal regulations in the fisheries sector for the sake of the life of the nation and state.

The law not only functions to regulate relations between people, but its existence also functions to regulate human behavior in utilizing natural resources. Because the sea is a part of nature, its protection must always be carried out. The sea has become a focus of attention for nation-states and transnational organizations seeking wealth, power, and prestige. Therefore, the existence of the Water Police is required to be able to assist state officials involved in protecting marine products. This protection is of course not only for foreign fishermen who enter Indonesia illegally, but the Water Police are also required to conduct deeper investigations for fishermen from Indonesia itself who catch fish in a way that is contrary to statutory regulations.

1. How is the police's authority regulated in the illegal fishing law enforcement process?
2. What are the obstacles facing the police in enforcing the illegal fishing law at the Bali Regional Police?

## Methods

This study employed a quantitative descriptive research approach to analyze product quality and production process stability at Nuraini Collection, a convection business located in West Bandung. The research object was batik shirt production during January 2025, with a total production volume of 6,850 units. Data were collected through production records, direct observation, and documentation of defective products. The analysis was conducted using the Statistical Quality Control (SQC) method. Quality control tools applied in this study included check sheets to record defect data, Pareto diagrams to identify dominant defect types, control charts (p-chart) to evaluate process stability, and fishbone diagrams to analyze the root causes of defects. The results of the analysis were used to formulate recommendations for quality control improvement aimed at reducing defect rates and enhancing production performance.

## Results and Discussion

### Regulation of Police Authority in the Law Enforcement Process for Illegal Fishing

In Indonesia, there are 12 patterns of fishing practices that are classified as Illegal, Unreported, and Unregulated (IUU) Fishing, including: falsifying vessel permit documents, using two flags on one vessel, fishing without a permit or official shipping documents, unauthorized vessel modifications, illegally employing foreign captains and crew, failing to activate vessel monitoring systems (such as VMS and AIS), illegal transshipment, manipulating logbook data, violating established fishing routes, using prohibited fishing gear, failing to cooperate with fish processing units, and failing to land fish at the port listed in the permit.

Therefore, illegal fishing is a form of crime committed through the following activities:

1. The use of explosives in fishing, which falls under the category of destructive fishing because it can damage marine ecosystems.
2. The use of modified fishing gear to increase catches. However, these modifications often do not comply with applicable laws.
3. Fishing outside permitted areas, violating fishing zones within Indonesian waters, which are divided into 11 Fisheries Management Areas (WPP) as stipulated in Minister of Maritime Affairs and Fisheries Regulation Number 1 of 2009.

Combating crime by enforcing criminal laws is also crucial for protecting the public (social protection). The Indonesian government addresses fisheries crimes through various regulations, including Law Number 45 of 2009, which covers the stages of law enforcement, including investigation, prosecution, confiscation of evidence, summons, arrest, detention, searches, examinations, and the preparation and submission of case files to the prosecutor.

In response to illegal fishing, Presidential Regulation Number 115 of 2015 was issued, establishing Task Force 115 (Satgas 115) to eradicate illegal fishing through joint, integrated, and special operations. This task force coordinates sea and air patrols and prosecutes violations through vessel inspections and evidence collection.

The Indonesian National Police (Polri), through the Directorate of Water and Air Police (Ditpolairud), also plays a crucial role. Ditpolairud carries out patrols, law enforcement, search and rescue (SAR), and police transportation functions in waters. This task is carried out from the central level (National Police Headquarters) to the regional level (Regional Police), with the support of operational units such as the Urbinopsnal, Urmintu, Patrol Unit, Gakkum Unit, and Ship Unit. The Polairud Standard Operating Procedure (SOP) details the steps for patrolling, inspecting, and taking action against vessels suspected of violating the law. This includes pursuit, document and cargo inspection, guidance if no violations are found, and escorting the vessel to port if it is proven to have violated the law.

Overall, addressing illegal fishing involves inter-agency synergy, the application of technology, and a comprehensive legal approach to create a deterrent effect and protect national fisheries resources. The focus of this effort is typically on the Exclusive Economic Zone (EEZ). The concept of the Exclusive Economic Zone (EEZ) was first introduced by US President Harry S. Truman in 1945 as an effort to exploit natural resources beyond the territorial sea. The EEZ is defined in Article 55 of UNCLOS III as the maritime area beyond and adjacent to the territorial sea, with a special legal regime governing the rights and jurisdiction of coastal states and the rights and freedoms of other states.

Elements of the EEZ include: being located beyond the territorial sea, directly adjacent to the territorial sea, being governed by a *sui generis* legal regime, and recognizing the rights and freedoms of other states. The maximum width of the EEZ is 200 miles from the baseline (normal or straight), with a territorial sea boundary of 12 miles, resulting in an effective EEZ width of 188 miles. Delimitation of EEZ boundaries with other states must be through agreement or peaceful settlement. The sovereign rights of coastal states in the EEZ include the exploration, exploitation, and conservation of natural resources in the waters, seabed, and subsoil. Disputes related to violations in the EEZ can be submitted to the International Tribunal for the Law of the Sea.

UNCLOS 1982 distinguishes maritime areas into areas under sovereignty (inland waters and territorial seas) and areas under jurisdiction (EEZ and continental shelf). The EEZ has *sui generis* legal status, with sovereign rights limited to marine resources, distinct from full sovereignty over the territorial sea. The concept of sovereignty itself should be absolute, indivisible, and inalienable. However, it now appears to have been sidelined by the emergence of various international economic cooperation agreements.

The rights and obligations of coastal states in the EEZ include exploration, resource regulation, installation construction, scientific research, and environmental protection. Coastal states must respect the rights of other states, establish maximum catch quotas, and provide access to surplus quotas for conservation.

British philosopher John Austin stated that law is a command originating from the highest authority or sovereign within a state. According to Austin, law is a rule intended to regulate rational beings, originating from rational beings who possess and exercise power. In other words, law originates from the authority of the ruler. Austin argued that true law is law created by the ruler for his subjects and consists of four main elements: commands, sanctions, obligations, and sovereignty.

Once the law is drafted, it needs to be implemented in everyday life, known as law enforcement. This term is also often referred to as "implementation of law," or in foreign languages as "rechsttoepassing" and "rechtshandhaving" (Dutch), and "law enforcement" and "application" (English/American). According to Soerjono Soekanto, law enforcement is an effort to reconcile the relationship between values reflected in established norms and views, then embody them in concrete actions as part of the process of creating order and peace in communal life.

According to Inspector I Ketut Suci Redana, S.H., Pamin Siharkan, Subditfasharkan, Ditpolairud, Bali Regional Police, bahwa praktik *illegal fishing* melibatkan berbagai pihak, seperti nelayan, pemerintah, dan pelaku usaha perikanan. Untuk menekan dan mengatasi kejahatan ini, sejumlah strategi alternatif dapat diterapkan, antara lain:

1. Strengthening the monitoring system, namely by increasing the frequency of patrols intensively and continuously.
2. Improving the licensing system, through simplification and transparency of stricter licensing procedures.
3. Improving the fisheries justice system, so that decision-makers can impose firm sanctions in accordance with legal provisions.
4. Regionalizing fisheries management, to facilitate monitoring of fisheries catches.
5. Developing traditional fisheries, to monitor the capabilities and reach of local fishermen in fishing activities.
6. Establishing an integrated fishing industry, as a step to organize catches more efficiently.
7. Increasing international cooperation, to strengthen cross-border monitoring.
8. Providing public education on fisheries law, as a preventative measure to increase understanding of applicable laws and regulations.

A perpetrator of a crime, in this case Illegal Fishing, is considered capable of being held responsible only if his mental state is healthy, with the following characteristics: 1) has the ability to realize or know that what he does is against the law and 2) has the ability to determine his own will in accordance with his awareness.

As an archipelagic nation, Indonesia faces various crimes in its maritime territory, such as illegal fishing, smuggling, and even terrorism. Maritime law enforcement involves numerous institutions, such as the Indonesian Navy, the Indonesian National Police (Polri), relevant ministries, and other agencies, each with statutory authority. However, overlapping authority often occurs, necessitating coordination and clarity of duties between law enforcement agencies. Some key regulations governing maritime law enforcement include:

1. Instruction of the Director General of Sea Transportation regarding integrated patrols,
2. Regulation of the Minister of Maritime Affairs and Fisheries regarding fisheries surveillance,
3. Presidential Regulation No. 178 of 2014 concerning Bakamla,
4. Regulation of the Chief of Police No. 6 of 2017 concerning the duties of the Korpelairud,
5. Presidential Regulation No. 115 of 2015 concerning the Illegal Fishing Eradication Task Force.

The investigation of fisheries crimes is regulated by Law No. 31 of 2004 by the Civil Servant Officers (PPNS), the Indonesian Navy (TNI AL), and the Indonesian National Police (Polri). However,

a detailed working mechanism and division of authority are lacking, necessitating a revision of the law and the establishment of an integrated law enforcement system. To prevent conflicts of authority, the Coordination Forum for Handling Fisheries Crimes was established through Ministerial Regulation No. 13/MEN/2005 (and its revisions), tasked with coordinating investigations and involving various agencies. This forum aims to strengthen the coordination, efficiency, and effectiveness of fisheries law enforcement in Indonesia.

Illegal fishing disputes in Indonesia are still relatively new to the national legal system and their application in the courts. Although Law No. 45 of 2009 concerning Fisheries provides a legal basis, effective enforcement remains a challenge. In the province of Bali, numerous cases of illegal fishing by foreign vessels have occurred, demonstrating the vulnerability of territorial waters to fish theft.

Law enforcement in these cases involves institutions such as the Water Police Directorate (Ditpolair) and the Water Police Unit (Satpolair), which are under the Regional Police (Polda). Ditpolair is tasked with enforcing the law and maintaining security in waters through patrols, handling violations, and search and rescue missions. Satpolair carries out similar functions under the POLRES (Regional Police), including investigating violations and providing guidance to coastal communities. The structure and duties of Ditpolair and Satpolair are regulated through several regulations, including Perkap No. 22 of 2010 and Perkap No. 23 of 2010, which establish the functions, units, and authorities of these two institutions as legitimate law enforcers in Indonesian waters.

### **Police Obstacles in Enforcing Illegal Fishing Law at the Bali Regional Police**

Linguistically, the word "batas" comes from the word "hambat." In the Big Indonesian Dictionary, the word "batas" is defined as a hindrance; a barrier.. Obstacles tend to be negative because they can disrupt ongoing activities. Obstacles are anything that can limit the implementation of a program. Basically, there are two possible causes of obstacles: internal and external. In the concept of education, these internal aspects originate from each individual. Conversely, external aspects consist of factors such as facilities, student background, location, and so on.

Weak coordination between law enforcement agencies can lead to overlapping authority and policies, which can lead to conflicting needs. Uncoordinated legal enforcement is one obstacle to resolving illegal fishing. The judicial process, from investigation to trial, requires significant costs, is very lengthy, and adequate equipment and infrastructure require expertise.

In general, factors inhibiting law enforcement include:

1. Objects of Law Enforcement Are Difficult to Penetrate
2. Weak Coordination Between Law Enforcement Agencies
3. Problems with Evidence
4. Narrow Scope of Criminal Acts
5. Formulation of Criminal Sanctions

6. Subjects and Perpetrators of Criminal Acts
7. Confiscation Process
8. Change in Ecological Losses
9. Lack of Knowledge and Integrity Among Law Enforcement Agencies

The inhibiting factors or obstacles to the crime of Illegal Fishing faced by the Indonesian Police include:

1. Law enforcement officers; law enforcement officers, both preventive and repressive, are limited in number and capability in addressing illegal fishing cases. Currently, law enforcement officers, specifically the police, carry out preventive tasks such as monitoring, coaching, and warnings. The obstacle experienced by the police in their preventative efforts is the difficulty of gathering fishermen to conduct outreach on the laws and regulations that must be complied with to prevent illegal fishing activities. Another obstacle is the still-weak human resources among fishermen in mastering the purchase of fishing gear that complies with laws and regulations. This is evident when perpetrators are caught red-handed carrying out illegal fishing activities, fishermen state that they received offers to share relatively cheap fishing gear but with relatively large catches. This indicates a still-low level of transparency in the purchase and use of fishing gear that complies with laws and regulations. The role of law enforcement, specifically the maritime police, is required to intensify its dissemination of legislation regarding the use of fishing gear in accordance with applicable laws and regulations. If illegal fishing activity is detected, those involved must take action, investigate, confiscate, and submit files to the legal court for further processing to ensure legal certainty regarding the violation. This demonstrates that law enforcement officers, such as investigators, prosecutors, and judges, understand the applicable regulations and legal requirements.
2. Facilities and infrastructure: Law enforcement objectives will be achieved if facilities and infrastructure are available in the Tanjung Balai waters. Limited facilities and infrastructure will impact the success of law enforcement. Facilities and infrastructure are necessary to combat illegal fishing in Indonesian waters. Tanjung Balai will integrate various advanced technological features for operational purposes, which require expert personnel and relatively expensive maintenance costs.
3. Public understanding in supporting the performance of the National Police. Limited public understanding of the law regarding legal fishing is due to public ignorance regarding various aspects. In this regard, public understanding of the waters can be fostered and improved through efforts such as education, tutorials, role models, and community involvement in combating illegal fishing. In the Tanjung Balai waters, patrols will continue to be optimized to suppress crime, particularly in addressing the issue of illegal fishing.

The Bali Police also face challenges in enforcing the law against illegal fishing. An interview

with IPDA I Putu Adi Eka Putra, Acting Head of Unit 2 Sisarbinmasairdanpotdirgan, Subditpatroliairud Ditpolairud Polda Bali, stated that Ditpolair Polda Bali faces several obstacles when enforcing the law in its waters, including:

1. The first obstacle is the frequent bad weather. The recent unpredictable seasons have also been a challenge for the Bali Regional Police's Water Police Directorate. This is especially true with the stormy or westerly season. During the westerly or rainy season, winds and very large waves are expected, making patrols unsuitable. It's not uncommon for fishing boats operating at sea during this season to become stranded or break apart.
2. The second obstacle faced by the Bali Regional Police's Water Police Directorate during enforcement operations, according to a source, is the size of its patrol boats. Our boats are small, and to cover Bali's vast waters, a large fleet is needed to ensure law enforcement can reach the farthest corners of the operational area, which is sometimes even farther away. Sometimes, for long-distance patrols, the Bali Regional Police's Water Police Directorate requests assistance from a fleet of boats to conduct patrols in waters further out into its jurisdiction.
3. The third obstacle, according to an interview conducted by a researcher with a source, stated, "The obstacle is when we (the Water Police Directorate) receive a report of an incident." Unlawful acts in our jurisdiction, given our limited fleet and territorial waters, require relatively longer preparation time than police on land. First, we need to consider the distance to the coordinates where the violation occurred and whether the perpetrator has moved. There's also the issue of fishing gear. Sometimes, even permitted and non-hazardous fishing gear has been modified, categorizing it as potentially damaging, yet there are no more detailed regulations regarding the use of such gear. As technology advances, the use of fishing gear to maximize fish catches has become increasingly complex and creative, to the point that environmental sustainability is neglected.
4. The fourth obstacle, according to the source, is the relatively small number of patrol boats. Given the vastness of Bali's waters, many patrol boats are required to be on standby at sea in case of an emergency. Because the Bali Regional Police's Water Police Directorate's duties in the waters extend beyond crime prevention, they also include maintaining and repairing facilities and vessels within the Regional Police's jurisdiction, conducting patrols, overseeing law enforcement in the waters, and assisting with coastal community development within the Regional Police's jurisdiction, providing search and rescue (SAR) assistance when necessary.
5. The fifth obstacle in the Bali Regional Police's law enforcement process is the misinterpretation of existing laws. The names of fishing gear have different names, while others have slight differences, but are still damaging. This is what sometimes hinders the Bali Regional Police's law enforcement..

From the five obstacles mentioned above, researchers can conclude that the challenges faced by the Bali Regional Police's Water Police Directorate are not solely internal factors such as available facilities. They also involve weather conditions and distance. Considering that the ship traffic used for patrols is at sea, which is dependent on natural conditions, officers from the Bali Regional Police's Water Police Directorate also consider the safety of personnel in the field when carrying out their duties. Furthermore, the distance and size of the patrol area are inadequately supported by a fleet of vessels. Therefore, if there is a report of a violation or crime, the absence of patrol vessels scattered in nearby areas requires bringing in patrol boats from bases. The Bali Regional Police's limited number of vessels required to perform surveillance activities in Balinese waters results in suboptimal processes for both search and rescue (SAR) assistance and law enforcement.

Unclear interpretations of the law and the different designations of fishing gear in various regions of Bali also contribute to the obstacles faced by the Bali Regional Police's Water Police Directorate in enforcing law in the region. These five obstacles are what make law enforcement in the jurisdiction of the Bali Regional Police's Water Police Directorate less effective. In order to carry out more effective law enforcement, according to researchers, the obstacles are:

1. First, during the storm season, Ditpolair's activities are focused on land-based outreach and further studies on maritime law to broaden and understand fishing gear, providing a strong legal basis.
2. To address the second, third, and fourth obstacles, budget increases and facilities are needed for Ditpolair patrols at sea. The limited number of patrol boats and their small size mean that law enforcement within the Bali Regional Police's Ditpolair area is less than optimal. The central government needs to focus on the Bali Regional Police's Ditpolair fleet, ensuring it has larger and more sophisticated vessels. Given that the existing fleet is both insufficient and relatively small, larger vessels allow for patrols at sea to cover a wider and more distant area. Furthermore, a larger fleet of patrol boats at sea allows for less time spent on site when urgent matters arise.
3. Further study is being provided to investigators at Ditpolair Polda Bali to better understand the legal basis for illegal fishing, its categorization, and its legal basis. Considering that sometimes permitted fishing gear is modified to become environmentally unfriendly.
4. Efforts to resolve the law enforcement of illegal fishing by foreign fishing vessels include the establishment of international agreements, both bilateral and multilateral, to protect fish resources in the Bali Sea.
5. Providing understanding to Indonesian citizens and foreign citizens, as well as law enforcement officials, regarding Indonesian fisheries management areas, in accordance with the Joint Permanent Working Group on Maritime and Ocean Concerns between the Republic of Indonesia and Foreign States (JPWG-MOC), which has been ratified by the Indonesian

government through Law Number 4 of 2017 concerning the ratification agreement between the governments of the Republic of Indonesia.

Conserving fish resources aims to protect fish species, maintain species diversity, protect ecosystems, and utilize fish resources sustainably.

## Conclusion

1. Police authority in the process of enforcing the law on illegal fishing is regulated by Law Number 2 of 2002 concerning the Police and Law Number 31 of 2004 in conjunction with Law Number 45 of 2009 concerning Fisheries. Through the Directorate of Water and Air Police (Ditpolairud), the police are tasked with conducting investigations, prosecutions, arrests, and confiscation of evidence related to illegal fishing activities. This law enforcement is carried out through cross-sectoral collaboration with other agencies such as the Ministry of Maritime Affairs and Fisheries (KKP), the Indonesian Navy (TNI AL), and Bakamla (Labor and Maritime Security Agency). The process begins with the detection of violations through sea patrols or public reports, followed by joint operations, preparation of case files, and referral to the courts.
2. Obstacles to the police in enforcing the law on illegal fishing at the Bali Regional Police include the vastness of Bali's maritime territory, limited personnel and technology, and overlapping authority between agencies. Therefore, effective coordination is key to optimal law enforcement.

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