



## Reconstruction of the Norms on the Authority to Stop and Inspect Vessels by Polairud for Alleged Fisheries Crimes in Indonesia's Exclusive Economic Zone

Moch Abdan Salam\*, Effendy Lod Simanjutak

Universitas Borobudur, Indonesia

Email: salamabdanm@gmail.com\*, efendi@uhb.ac.id

---

### Keywords:

polairud; Indonesian exclusive economic zone; vessel stopping; vessel inspection; fisheries crimes.

---

### ABSTRACT

This study aims to analyze the problematic norms of Polairud's authority in stopping and inspecting vessels for suspected fisheries crimes in the Indonesian Exclusive Economic Zone, identify forms of disharmony in regulations between maritime law enforcement officers, and formulate a norm reconstruction model based on legal certainty and harmonization with international maritime law. The research method used was normative juridical with a statutory and conceptual approach, through a review of the 1982 United Nations Convention on the Law of the Sea, the Law on Police, Fisheries, the Indonesian Exclusive Economic Zone, Maritime Affairs, and the Criminal Procedure Code. The results of the study indicate that Polairud's authority in stopping and inspecting vessels in the EEZ still faces unclear norms, conflicting authorities, and procedural gaps, particularly related to first action authority, the legality of ship inspections as special searches, the time limit for termination, and the mechanism for handing over cases between institutions. Horizontal disharmony between Polairud, PPNS KKP, TNI AL, and Bakamla, as well as vertical disharmony between KUHAP, Fisheries Law, Maritime Affairs Law, and Article 73 UNCLOS 1982, has implications for weak legal certainty, potential abuse of power, and the risk of international disputes. The novelty of this research lies in the proposed reconstruction of norms based on first action authority that places Polairud as the initial action authority, the establishment of special maritime search procedures, and the development of a *lex specialis* maritime criminal procedure model within the framework of integrated maritime law enforcement.

---

### INTRODUCTION

The Indonesian Exclusive Economic Zone is a maritime legal regime that has special characteristics because it is not within the scope of the country's full sovereignty, but only provides sovereign rights to coastal states for the purpose of exploration and exploitation of natural resources, as regulated in the United Nations Convention on the Law of the Sea 1982, especially Articles 56 and 73 (Simarmata, 2017). In this context, Article 73 paragraph (1) of UNCLOS provides authority to coastal states to carry out law enforcement actions in the form of boarding, inspecting, arresting and processing foreign vessels to ensure compliance with fisheries regulations, but this authority is limited by the provisions of paragraph (3) which prohibits the application of prison sentences to foreign ship crews without a bilateral agreement (Irawan, 2019). This provision was later adopted into national law through Law Number 5 of 1983 concerning the Indonesian Exclusive Economic Zone and Law Number 31 of 2004 concerning Fisheries, which emphasizes the limitations of state jurisdiction within the EEZ. Consequently, the implication is that the stopping, inspection, and arrest of vessels cannot be

equated with the territorial sea regime, which is characterized by full sovereignty (Asrori, 2021). This situation indicates that from the outset, the law enforcement space in the EEZ has contained normative problems due to the tension between the authority of coastal states and the principle of freedom of international navigation (Setyadi, 2014).

On the other hand, the escalation of fisheries crimes in the Indonesian EEZ has shown a significant increase in both quantity and complexity of modus operandi, particularly in the form of illegal fishing by foreign vessels, the use of prohibited fishing gear, and violations of permits such as SIPI and SIKPI, as stipulated in Law Number 45 of 2009 concerning Amendments to Law Number 31 of 2004 concerning Fisheries (Ardila, 2020). The nature of these crimes is no longer conventional, but has evolved into transnational organized crime involving transnational corporations and global logistics networks, resulting in significant economic losses and significant damage to marine ecosystems (Kurnia, 2022). In such cases, swift action, such as stopping and inspecting vessels at sea, becomes a crucial instrument in the law enforcement process. However, it is precisely at this point that legal issues arise because these actions fall into a gray area between administrative authority and coercive measures in criminal law.

The problem becomes even more complex when examined from the perspective of national legal constructions governing the authority to stop and inspect vessels. The Criminal Procedure Code does not explicitly regulate the mechanism for stopping vessels at sea or inspecting vessels as moving objects in territorial waters. Meanwhile, the fisheries legal regime, through Articles 66 and 69 of Law Number 45 of 2009 concerning Fisheries, grants investigators and fisheries supervisors' broad authority to stop, inspect, and even take special action against fishing vessels (Wolly, 2024). On the other hand, provisions in UNCLOS limit such actions to the principle of proportionality and the obligation to respect the rights of the flag state of the vessel, resulting in a lack of synchronization between national criminal procedure law, fisheries law as *lex specialis*, and international maritime law as the global normative framework (Sarwono, 2025). This disharmony indicates regulatory fragmentation that directly impacts maritime law enforcement practices.

Within the national law enforcement system, the Indonesian National Police, through its Water Police (Polairud) function, has investigative and criminal authority as stipulated in Articles 13 and 14 of Law Number 2 of 2002 concerning the Indonesian National Police, including in the context of law enforcement in territorial waters (Jaya, 2025). However, Polairud is not the only actor with authority at sea, because there are also Civil Servant Investigators of the Ministry of Maritime Affairs and Fisheries based on Law Number 31 of 2004 concerning Fisheries, as well as the authority of the Indonesian Navy and the Maritime Security Agency based on Law Number 32 of 2014 concerning Maritime Affairs (Ubwarin, 2018). This multi-actor configuration creates a condition of overlapping authority, especially in initial actions in the form of stopping and inspecting ships, because there is no norm that clearly determines which authority is authorized to take the first action (first responder authority), thus potentially giving rise to conflicts of authority and dualism in the law enforcement process (Kadir & Kadir, 2024).

The fundamental problem lies in the lack of clarity in the legal framework regarding the nature of the act of stopping a vessel at sea, whether it falls into the category of investigative action, administrative action, or coercive action as recognized in criminal procedure law (Suswoto, 2023). The absence of explicit regulations regarding operational standards based on

criminal procedure law, including limitations on the use of force, creates legal uncertainty and opens up room for discretionary actions that potentially violate the principle of due process of law (Sudini, 2021). This problem becomes even more complex when associated with the act of inspecting a vessel, which substantially resembles a search, but in practice is conducted directly at sea without court permission, which normatively contradicts the search provisions in the Criminal Procedure Code (KUHAP), which require strict procedures and the protection of human rights (Sutrisna, 2023; Winoto, 2025).

The novelty of this research lies in offering a comprehensive model for reconstructing the norms of Polairud's authority based on the concept of first action authority, which positions Polairud as the initial authority for stopping and securing vessels in the EEZ, with vessel inspections qualified as special maritime searches, and the development of a *lex specialis* maritime criminal procedure model that integrates the principles of proportionality and prompt release in Article 73 of UNCLOS into a unified legal framework. This model is designed to bridge the normative gap between the Police Law, Fisheries Law, Maritime Affairs Law, the Criminal Procedure Code, and UNCLOS 1982, thereby creating a coherent and consistent legal system. The contribution of this research is the formulation of a concrete norm reconstruction model that can be the basis for policymakers in revising relevant laws and regulations and developing standard operating procedures for Polairud in the EEZ. The practical benefit of this research is to provide legal certainty for law enforcement officers in the field, protect the rights of ship crews, and strengthen Indonesia's position in global maritime law governance.

The disharmony between national law and international maritime law further emphasizes the urgency of the problem, as on the one hand, national law grants law enforcement officers broad authority, while on the other, UNCLOS limits such actions to maintain a balance between the interests of the coastal state and freedom of international navigation. This lack of synchronization has an impact on weak legal certainty, both for law enforcement officers and for international legal subjects such as ship crews and flag states, and has the potential to cause international disputes (Siswanto, 2019). Therefore, a reconstruction of the norms of Polairud's authority in stopping and inspecting ships in the Indonesian EEZ is needed based on the integration of the national criminal justice system, the principles of international maritime law, and the need for effective law enforcement, in order to realize legal certainty, justice, and benefits simultaneously.

## **METHOD**

The research method used in this study was normative juridical research, namely legal research that places law as a norm, rule, principle, and system built in legislation and legal doctrine, with the main focus on the analysis of normative ambiguity, normative conflict, and normative vacuum regarding the authority to stop and inspect vessels by Polairud in the Indonesian Exclusive Economic Zone. The approaches used include the statute approach and the conceptual approach. The legislative approach is carried out by systematically examining various relevant legal instruments, starting from the United Nations Convention on the Law of the Sea 1982, especially Article 56 and Article 73, Law Number 5 of 1983 concerning the Indonesian Exclusive Economic Zone, Law Number 31 of 2004 concerning Fisheries as amended by Law Number 45 of 2009, Law Number 2 of 2002 concerning the Indonesian National Police, Law Number 32 of 2014 concerning Maritime Affairs, as well as the Criminal

Procedure Code, to find forms of disharmony in norms and jurisdictional boundaries of law enforcement at sea. Meanwhile, a conceptual approach is used to dissect the legal concepts that form the basis of the research argument, such as the concept of sovereign rights in the EEZ, the concept of attribution and delegation authority, the concept of coercive action in criminal procedural law, due process of law, legal certainty, and the principle of proportionality in law enforcement at sea, so that an argumentative construction is obtained that is able to theoretically explain the urgency of reconstructing the norms of Polairud's authority. The legal materials used consist of primary legal materials in the form of laws and international conventions, secondary legal materials in the form of books, reputable journal articles, research results, and opinions of maritime law and criminal law experts, and tertiary legal materials in the form of legal dictionaries, encyclopedias, and regulatory indexes. All of these legal materials are analyzed prescriptively-analytically through grammatical, systematic, and teleological interpretation techniques to produce a comprehensive legal argument regarding the model of reconstruction of the norms of authority to stop and inspect ships by Polairud that is in line with the national legal system and international maritime law.

## **RESULTS AND DISCUSSION**

### **Problems with the Authority Norms of the Water Police in Stopping and Inspecting Ships in Indonesia's Exclusive Economic Zone**

The problematic norm regarding Polairud's authority to stop and inspect vessels in the Indonesian Exclusive Economic Zone is rooted in legal constructions spread across various regulatory regimes that are not entirely harmonious. Normatively, the authority of the Indonesian National Police, including Polairud, is derived from Articles 13 and 14 of Law Number 2 of 2002, which assigns the primary task of maintaining public security and order and enforcing the law, including investigating and prosecuting criminal acts throughout Indonesia's jurisdiction. However, in the context of maritime areas, specifically the EEZ, this authority does not stand alone because it must be read in conjunction with Law Number 5 of 1983 concerning the Indonesian Exclusive Economic Zone, which in Article 5 stipulates that law enforcement in the EEZ is carried out in accordance with national law while still taking into account international law, as well as the 1982 United Nations Convention on the Law of the Sea, particularly Articles 56 and 73, which limit the authority of coastal states to the utilization of natural resources. It indicates that from the outset, there have been normative limitations on Polairud's authority that are not entirely identical to the authority in areas of full sovereignty (Asror, 2023).

In the fisheries legal regime, the authority to stop and inspect vessels is explicitly granted through Article 69 paragraph (3) of Law Number 45 of 2009, which states that fisheries supervisory officers can stop, inspect, confiscate, and detain vessels suspected of committing violations within the fisheries management area of the Republic of Indonesia. This provision demonstrates a broad attribution of authority and even encompasses actions that are substantially coercive. However, this norm does not explicitly regulate the position of the Water Police (Polairud) within this authority structure, raising questions about whether the Polairud has the same authority or whether it merely coordinates with fisheries investigators. Furthermore, Article 73 of UNCLOS recognizes the authority of coastal states to conduct boarding, inspection, arrest, and judicial proceedings, but remains limited by the principle of

proportionality and the obligation to respect the rights of the flag state of the vessel, creating a tension between expansive national norms and restrictive international norms (Lubis, 2025).

The legal character of vessel stops and inspection actions in maritime law enforcement practices also raises serious conceptual problems. From a criminal procedural law perspective, the act of stopping a vessel can be classified as part of an investigation or inquiry, as stipulated in Law Number 8 of 1981 concerning the Criminal Procedure Code. However, the Criminal Procedure Code itself does not explicitly recognize the act of stopping a moving object at sea as a form of legal action. Meanwhile, the act of inspecting a vessel bears similarities to a search as stipulated in Articles 32 to 37 of the Criminal Procedure Code, which requires court permission. However, in practice at sea, such actions are carried out directly without a permit mechanism. Even the act of bringing a vessel to port, as accommodated in Article 69 paragraph (3) of the Fisheries Law, can be categorized as a form of deprivation of freedom of movement, and therefore substantially constitutes a coercive measure that should be subject to the principle of due process of law (Sitirahmah, 2025).

The normative issue is further complicated by the ambiguity in determining whether the act of stopping and inspecting a vessel constitutes an administrative or criminal action. In administrative law, such actions can be viewed as part of a supervisory function, while in criminal law, they constitute coercive measures. This lack of clarity has serious implications for the legality of the authorities' actions, as every coercive measure must have a clear legal basis and comply with the principle of legality as reflected in Article 1 paragraph (1) of the Criminal Code. Furthermore, there are no detailed regulations regarding the time limit for stopping vessels, inspection procedures, or stages of escalation of action, thus opening room for discretion that could potentially exceed authority (abuse of power) (Afdini, 2021).

This lack of norms is also evident in the aspect of the use of force in stopping vessels at sea, where there are no clear standards in national laws and regulations regarding when and under what conditions authorities may use force, including the use of firearms. However, in the international context, UNCLOS and various international maritime law instruments require that the use of force be carried out proportionally and as a last resort. The absence of this norm has the potential to lead to violations of international law and state responsibility, particularly if such actions are carried out against foreign vessels in the EEZ, which legally remains within the freedom of navigation regime (Hutajulu, 2014).

The overall legal structure governing the Water Police (Polairud)'s authority to stop and inspect vessels in the EEZ demonstrates normative problems in the form of unclear norms, conflicting norms, and a lack of norms that directly impact legal certainty. The inconsistency between the Police Law, the Fisheries Law, the Indonesian EEZ Law, the Criminal Procedure Code, and UNCLOS 1982 creates wide room for interpretation and potentially leads to uncertainty in law enforcement practices. Therefore, a reconstruction of norms is needed that can clearly define the limits of the Water Police's authority, in a measurable manner, and in alignment with the principles of national law and international maritime law to ensure legal certainty and protect the rights of all legal entities involved.

### **Disharmony in Regulations and Overlapping Authority Between Law Enforcement Officials in the Indonesian EEZ**

Disharmonious regulations and overlapping authority among law enforcement officials in Indonesia's Exclusive Economic Zone are logical consequences of sectoral and unintegrated

regulatory construction. Within the normative framework, maritime law enforcement authority rests not only with the Indonesian National Police through its Water Police (Polairud) function under Articles 13 and 14 of Law Number 2 of 2002, but also with Civil Servant Investigators within the Ministry of Maritime Affairs and Fisheries under Article 73 in conjunction with Article 69 of Law Number 45 of 2009 concerning Fisheries, and with the Maritime Security Agency established under Article 59 paragraph (3) of Law Number 32 of 2014 concerning Maritime Affairs, which is tasked with conducting security and safety patrols in Indonesian waters and jurisdiction. Furthermore, the Indonesian Navy also has specific maritime law enforcement authority within the context of national defense and security. The multi-actor configuration demonstrates that Indonesia's maritime law enforcement system is a fragmented one, opening room for overlapping authority. The overlapping authority is obviously evident in the actions of stopping and inspecting vessels, where each institution has a legal basis granting similar authority without any clear boundaries regarding who has the authority to take first-responder authority. Article 69 paragraph (1) of the Fisheries Law grants the fisheries supervisory apparatus the authority to stop, inspect, detain, and bring vessels to port, while the Water Police (Polairud), as general investigators, also has the authority to conduct inquiries and searches under the Criminal Procedure Code. On the other hand, Bakamla, based on Articles 61 and 63 of Law Number 32 of 2014, has operational authority in maritime security patrols, which in practice often includes stopping and inspecting vessels. This unclear boundary of authority leads to a dualism in vessel inspections, where a single vessel can be inspected by more than one institution within a short period of time, thus creating legal uncertainty for the legal subjects being inspected.

Disharmony occurs not only horizontally between institutions, but also vertically between applicable legal norms. The Criminal Procedure Code, as a general procedural law, does not specifically regulate the stopping and inspection of vessels at sea, while the Fisheries Law, as a *lex specialis*, grants broad authority without fully adopting the principles of due process of law in the Criminal Procedure Code. Meanwhile, Law No. 32 of 2014 concerning Maritime Affairs seeks to provide an integrative legal framework for the management and enforcement of maritime law. However, its implementation has actually increased complexity by introducing a new actor, the Maritime Security Agency (Bakamla), without rigid regulations regarding the relationship of authority with other institutions. This situation is exacerbated by the obligation to comply with the provisions of the 1982 United Nations Convention on the Law of the Sea, particularly Article 73, which limits coastal states' law enforcement actions in the EEZ, creating a conflict between national and international norms.

This clash of norms ultimately gives rise to a conflict of principles between Indonesia's sovereign rights in the EEZ as stipulated in Article 56 of UNCLOS and the principle of freedom of navigation, also guaranteed by international maritime law. The Indonesian state has the right to enforce the law against the exploitation of fishery resources, but cannot arbitrarily restrict the freedom of navigation of foreign vessels. In practice, the stopping and inspection of vessels by various law enforcement agencies is often perceived as a restriction on freedom of navigation, especially when carried out without a clear legal basis and transparent procedures. It indicates a normative tension between national interests and international obligations that has not been adequately harmonized.

The legal consequences of this disharmony and overlapping authority are significant, both in the context of national and international law. Nationally, this situation creates a conflict of authority between law enforcement agencies, potentially leading to abuse of power, as each institution can interpret its authority broadly without clear boundaries. Furthermore, the dualism and even pluralism of vessel inspections have the potential to violate the principle of due process of law, which requires clear, transparent, and accountable legal procedures. In practice, this lack of synchronization has even led to criticism that the existence of new institutions such as Bakamla increases legal uncertainty in maritime law enforcement.

Internationally, this disharmony has the potential to give rise to disputes with other countries, particularly if the stoppage and inspection of foreign-flagged vessels is performed without regard to the limitations set forth in Article 73 of UNCLOS. The flag state of the vessel can file a protest or even bring the dispute to an international forum if it deems the actions of Indonesian authorities to violate international maritime law. Therefore, this condition of overlapping authority and disharmony of norms not only impacts the effectiveness of law enforcement but also affects Indonesia's credibility as a state of law in the eyes of the international community, thus strengthening the urgency to harmonize and reconstruct the norms of law enforcement authority in the Indonesian EEZ.

### **Reconstruction of the Norms on the Authority to Stop and Inspect Ships by Polairud Based on Legal Certainty and Harmonization of International Maritime Law**

Reconstructing the normative authority for the Polairud (Water Police) to stop and inspect vessels must begin with the formulation of an ideal model of authority based on clear attribution, measurable jurisdictional boundaries, and operational coordination mechanisms. Normatively, the Polairud needs to be affirmed as the first-action authority for suspected fisheries crimes in the Indonesian Exclusive Economic Zone (EEZ) detected through maritime police patrols, intelligence reports, maritime radar, or electronic surveillance systems. Concrete action that must be formulated is amending the norms in Law No. 2 of 2002 concerning the Police and Law No. 31 of 2004 in conjunction with Law No. 45 of 2009 concerning Fisheries by adding the provision that "if a vessel is suspected of committing a fisheries crime in the Indonesian EEZ, the Polairud has the authority to conduct an initial stop for the purposes of identification, security, and initial investigation." This formulation is crucial to resolving the ambiguity of authority between the Polairud, the PPNS (National Maritime Affairs and Fisheries Agency), the Indonesian Navy, and Bakamla (Law and Security Agency), while also providing a clear legal basis for field action.

Furthermore, the normative boundaries for vessel stopping must be firmly reconstructed to prevent arbitrary actions that violate Article 73 of UNCLOS. A concrete action is to formulate norms that define the objective requirements for vessel stopping. This can only be done if there is reasonable suspicion in the form of legal indicators such as an inactive Automatic Identification System (AIS), inconsistencies in permit documents, visible prohibited fishing gear, violations of fishing areas, or verified intelligence information. In the new normative formulation, the stopping must be time-limited, for example, a maximum of 24 hours for an initial inspection at sea. If sufficient preliminary evidence is not found within that time, the vessel must be released. This model represents a concrete action to integrate the principles of proportionality and prompt release, as required by Article 73 of UNCLOS, into national law.

Regarding vessel inspections, the normative reconstruction must position these actions as special maritime searches, subject to the principles of the Criminal Procedure Code but adapted to the characteristics of maritime space. A concrete action that needs to be regulated is the creation of a special chapter in the revised Criminal Procedure Code or a new sectoral law that regulates procedures for ship inspections without prior court permission in urgent circumstances. However, it must be conducted based on an on-board digital record directly connected to the national command system. Inspections should be limited to areas relevant to suspected fisheries crimes, such as fish holds, engine rooms, navigation documents, and fishing gear, to prevent them from becoming general searches that violate the rights of crew members. Therefore, a concrete action is to establish specific and operational maritime due process standards.

To address overlapping authorities, the first action authority coordination model must be reconstructed into an integrated command system. The most important concrete action is the establishment of an integrated law enforcement protocol in the EEZ, which stipulates that the Water Police (Polairud) has the authority to carry out initial stoppages and security measures, the Ministry of Maritime Affairs and Fisheries (KKP) PPNS (National Police) conducts technical verification of fisheries crimes, the Indonesian Navy (TNI AL) acts in situations of security escalation and armed threats, and the Maritime Security Agency (Bakamla) performs monitoring and support functions for maritime security patrols. This protocol must be outlined in a Government Regulation or Presidential Regulation on integrated maritime law enforcement, ensuring a clear chain of command for every field action, avoiding dual ship inspections, and minimizing conflicts of authority.

The revised norm must include concrete procedural provisions regarding when vessels can be brought to port and how cases are referred. A concrete action would be to stipulate that vessels can only be brought to port if sufficient preliminary evidence has been found, such as illegal catches, prohibited fishing gear, falsified permits, or evidence of violations of fishing areas. Following this, a handover proceeding mechanism must be in place, requiring the Water Police (Polairud) to hand over the vessel, crew, evidence, and digital report to authorized investigators no later than six hours after the vessel docks. This norm is crucial for eliminating the potential for abuse of authority, such as the detention of vessels without clear legal status, and ensuring continuity of the evidence-gathering process from sea to land.

The proposed reconstruction model should be directed toward the establishment of *lex specialis* maritime criminal procedure as a specific maritime criminal procedure law that integrates the principles of integrated maritime law enforcement. A concrete action is to recommend the establishment of a Maritime Criminal Procedure Law that comprehensively regulates the actions of stopping, inspecting, securing vessels, the use of force, digital chain of custody, case transfer, and inter-agency coordination within the EEZ. This model is a concrete solution because it no longer imposes the land-based Criminal Procedure Code (KUHAP) into maritime areas with different jurisdictional characteristics. Thus, this normative reconstruction not only provides legal certainty for the Water Police (Polairud) but also creates harmonization between national law and Article 73 of UNCLOS, while strengthening Indonesia's position as an archipelagic nation with a modern, effective, and internationally standardized maritime law enforcement system.

## CONCLUSION

The conclusion of this study confirms that the main problem with Polairud's authority in stopping and inspecting vessels in the Indonesian Exclusive Economic Zone lies in the ambiguity of norms, disharmony of regulations, and overlapping authority among maritime law enforcement officers. The unclear relationship between Law Number 2 of 2002 concerning the Indonesian National Police, Law Number 31 of 2004 in conjunction with Law Number 45 of 2009 concerning Fisheries, Law Number 5 of 1983 concerning the Indonesian EEZ, Law Number 32 of 2014 concerning Maritime Affairs, the Criminal Procedure Code, and Article 73 of the United Nations Convention on the Law of the Sea 1982 has given rise to normative conflicts both horizontally and vertically, particularly regarding who has the authority to conduct initial stops, the legality of ship inspections at sea, when ships can be brought to port, and the mechanism for handing over cases between institutions. These conditions have a direct impact on weak legal certainty, open up space for abuse of power, disrupt the principle of due process of law, and have the potential to give rise to international disputes with foreign flag states. Therefore, the novelty of this research lies in its proposed reconstruction of Polairud's authority based on first action authority. Polairud is positioned as the initial authority for stopping and securing vessels in the EEZ, with vessel inspections qualified as special maritime searches. A *lex specialis* maritime criminal procedure model is developed that aligns with the principles of proportionality and prompt release in Article 73 of UNCLOS. A concrete follow-up to this research suggests the need for legislative reform and an integrated institutional design for Indonesian maritime law enforcement. The government and the House of Representatives need to immediately amend the Police Law, the Fisheries Law, and the Maritime Affairs Law, or, more progressively, establish a Maritime Criminal Procedure Law as a *lex specialis* that specifically regulates the stopping, inspection, use of force, time limits for vessel detention, digital chain of custody mechanisms, and cross-agency case transfer. Furthermore, the President needs to issue a Presidential Regulation on integrated maritime law enforcement, which emphasizes the division of functions between Polairud, the Ministry of Maritime Affairs and Fisheries' (KKP) personnel, the Indonesian Navy (TNI AL), and Bakamla (Law and Security Agency) based on a single command and coordinated response model, thereby eliminating the dualism of vessel inspections in the EEZ. Operationally, Polairud also needs to develop a national standard operating procedure for stopping and inspecting vessels in the EEZ based on procedural law, maritime surveillance technology, and respect for international maritime law, so that law enforcement is not only effective in eradicating illegal fishing but also provides legal certainty, protects the rights of ship crews, and strengthens Indonesia's position in global maritime law governance.

## REFERENCES

- Afdini, H. a. (2021). Upaya hukum dalam meminimalisir illegal fishing terkait kawasan ZEE (Zona Ekonomi Eksklusif) Indonesia. *Jurnal Hukum Adigama*, 2156-2175.
- Ardila, R. (2020). Sengketa Wilayah Zona Ekonomi Eksklusif Indonesia (Studi Kasus Klaim Cina Atas Laut Natuna Utara). *Uti Possidetis: Journal of International Law*, 358-377.
- Asror, M. K. (2023). Harmonisasi Peraturan Perundang-Undangan Terkait Kewenangan Penyidikan Oleh Lembaga Penegak Hukum Di Wilayah Zona Ekonomi Eksklusif Indonesia. *Novum: Jurnal Hukum*, 69-89.
- Asrori, F. I. (2021). Kajian Penanggulangan Tindak Pidana Perikanan Illegal Fishing Di Laut Natuna Dalam Perspektif Kriminolog. *Gema Keadilan*, 278-298.
- Hutajulu, M. S. (2014). Analisis Hukum Pidana Terhadap Pencurian Ikan Di Zona Ekonomi Eksklusif Indonesia Wilayah Pengelolaan Perikanan Republik Indonesia (Studi Putusan No: 03/Pid. Sus. P/2012/PN. MDN. USU Law Journa, 230-247.
- Irawan, A. (2019). Penegakan Hukum Pidana terhadap Tindak Pidana Perikanan. *Jurnal Yuridis UNAJA* , 43-54.
- Jaya, H. (2025). Analisis Yuridis Kepolisian Perairan dan Udara Dalam Pemeliharaan Keamanan Masyarakat dan Penegakan Hukum di Polda Jawa Barat. Semarang: Universitas Islam Sultan Agung.
- Kadir, Z. K., & Kadir, N. K. (2024). Examining of the Concept of Standard of Proof in the Indonesian Criminal Procedure Code. *International Journal of Global Community*, 7(2), 149–160.
- Kurnia, I. (2022). Aspek nasional dan internasional pemanfaatan surplus perikanan di Zona Ekonomi Eksklusif Indonesia. Jakarta: Sinar Grafika.
- Lubis, F. A. (2025). Penegakan Hukum Tindak Pidana Perikanan Di Zona Ekonomi Eksklusif Indonesia (Studi Kasus pada Kejaksaaan Negeri Belawan). *Iuris Studia: Jurnal Kajian Hukum*, 157-162.
- Sarwono, S. a. (2025). Kewenangan Ideal Mahkamah Pelayaran Dalam Menyelesaikan Kecelakaan Kapal Untuk Mewujudkan Keadilan. *The Juris*, 419-429.
- Setyadi, I. Y. (2014). Upaya negara Indonesia dalam menangani masalah illegal fishing di Zona Ekonomi Eksklusif Indonesia. *Jurnal Ilmiah Ilmu Hukum*, 1-15.
- Simarmata, P. (2017). Hukum Zona Ekonomi Eksklusif Dan Hak Indonesia Menurut Undang-Undang RI Nomor 5 Tahun 1983. *Syntax Literate; Jurnal Ilmiah Indonesia*, 108-123.
- Siswanto, A. H. (2019). Peran Pengadilan Perikanan Dalam Illegal Fishing Oleh Kapal Asing Di Wilayah Kedaulatan Laut Indonesia. *Forum Ilmiah*, 161.
- Sitirahmah, N. (2025). Peran Kejaksanaan dalam Penegakan Hukum Pidana Illegal, Unreported, and Unregulated Fishing (Studi Kasus Konflik Maritim di Zona Ekonomi Eksklusif Indonesia). *The Prosecutor Law Review*, 33.
- Sudini, L. P. (2021). Penggunaan Hak Pengejaran Segera Terhadap Kapal-Kapal Asing yang Melanggar Wilayah Laut Indonesia. *Jurnal Ilmu Hukum*, 17.
- Suswoto, S. N. (2023). Peneggelaman Kapal Asing Yang Melakukan Ilegal Fishing Di Wilayah Perairan Indonesia Dalam Prespektif Hukum Laut Internasional. *QISTIE*, 139-156.
- Sutrisna, M. D. (2023). Criminal Procedure Code: Application “Due Process Of Law.” *Jurnal Ilmu Hukum Dan Administrasi*, 8(2), 34–50.

- Ubwarin, E. (2018). Penegakan hukum yang dilakukan oleh polair Polda Maluku. *Jurnal Muara Ilmu Sosial, Humaniora, dan Seni*, 44-55.
- Winoto, T. P. (2025). A Comparative Study of KUHAP and the Draft KUHAP on the Protection of Human Rights in Criminal Justice Processes. *Jurnal Hukum Dan Keadilan*, 2(6), 28–38.
- Wolly. (2024). Rekonstruksi Regulasi Kewenangan Penyidik Pegawai Negeri Sipil (Ppns) Perhubungan Laut Dalam Penanganan Kecelakaan Kapal Yang Berbasis Nilai Keadilan. Semarang: Universitas Islam Sultan Agung Semarang.