

MARINE SECURITY MODEL TO PREVENT CRIMINAL ACTS IN ACEH

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Abstract: Geographically, Indonesia occupies a strategically significant position at the crossroads of two oceans and two continents. Consequently, Indonesia's maritime territory has become a crucial maritime route for global trade and national and international shipping traffic. However, it is also highly vulnerable to maritime crimes, particularly in the Aceh region. Regarding maritime security in Indonesia, multiple agencies hold responsibilities in the security sector, with each agency operating under its legal framework defining its duties, functions, and authority. This research aims to elucidate the maritime security model of Aceh to prevent criminal acts at sea. This research employed normative and empirical juridical approaches. Research data consisted of primary and secondary data. The research findings reveal that Aceh is currently situated within the state border with other countries, directly accessible via sea routes. This situation requires special attention from the Central Government for several reasons. Firstly, data from the past six years (2018-2023) indicate seven recorded maritime crime cases occurring within the legal jurisdiction of Lhokseumawe City. Additionally, East Aceh has witnessed eleven criminal cases at sea, including acts of narcotics smuggling, goods smuggling, and human trafficking. In Sabang, seven cases have been reported, encompassing fisheries crimes, shipping crimes, and immigration crimes. Therefore, this study proposes a maritime security model to prevent criminal acts in the Sea of Aceh, termed the "Triangle security system". This model involves a maritime security triangle comprising the Police, especially Polairud as a fundamental institution, supported by other law enforcement officers such as TNI AL, Bakamla, BNN, Customs and Excise Department and Immigration. Moreover, active engagement of the local community is deemed essential. It is recommended for the government to pay more attention to the conditions of areas directly bordering sea routes, enabling regencies or cities to understand state border management strategies. Additionally,

regional governments should prepare plans and budgets for cities or regencies to manage their territories independently.

Keywords: Policy, Border Areas, Criminal Act At Sea

Abstrak: Secara geografis Indonesia mempunyai letak yang strategis antara persilangan dua samudera dengan dua benua, sehingga wilayah laut Indonesia menjadi alur laut yang sangat penting bagi jalur perdagangan dunia dan lalu lintas pelayaran nasional maupun internasional, namun juga menjadi wilayah yang sangat rentan terjadi tindak pidana laut khususnya di wilayah Aceh Dalam hal keamanan laut di Indonesia terdapat banyak instansi yang memiliki tugas di bidang keamanan, dimana masing-masing instansi tersebut memiliki dasar hukum tersendiri dalam melaksanakan tugas fungsi dan kewenangannya. Tujuan dari penelitian ini adalah mengungkapkan model pengamanan laut Aceh guna mencegah tindak pidana di laut, Penelitian ini dilakukan dengan metode pendekatan yuris normatif dan yuridis empiris. Data penelitian terdiri dari data primer dan data sekunder. Hasil penelitian adalah ditemukan bahwa saat ini Aceh yang termasuk dalam wilayah perbatasan negara dengan negara lainnya secara langsung dari jalur laut yang seharusnya menjadi perhatian khusus dari Pemerintah Pusat karena beberapa alasan yaitu; berdasarkan data 6 (enam) tahun terakhir (2018-2023) sudah tercatat 7 (tujuh) kasus tindak pidana laut yang terjadi di wilayah hukum Kota Lhokseumawe, 11 (sebelas) kasus tindak pidana di perairan Aceh timur diantaranya tindak pidana penyeludupan narkoba, penyeludupan barang dan perdagangan orang (*human Trafficking*); dan di Sabang berjumlah 7 (tujuh) kasus diantaranya tindak pidana perikanan, tindak pidana pelayaran, dan tindak pidana keimigrasian. Oleh karena itu penulis menawarkan model kemandirian laut untuk mencegah terjadinya tindak pidana di laut aceh yaitu *Triangle security system*, yaitu segitiga Pengamanan perairan yang melibatkan Polisi khususnya Polairud sebagai fundamental institution, kemudian dibantu aparat penegak hukum lainnya seperti TNI AL, Bakamla, BNN, Bea Cukai, dan Imigrasi sebagai added institution, adapun peran masyarakat yang sangat dibutuhkan. Disarankan kepada Pemerintah baik pusat/daerah agar lebih memperhatikan kondisi daerah yang secara langsung berbatasan dengan jalur laut, agar kabupaten atau kota dapat memahami strategi pengelolaan perbatasan negara dan pemerintah daerah juga menyiapkan rancangan dan anggaran untuk kota atau kabupaten dapat mengelola secara mandiri wilayahnya.

Kata Kunci: Kebijakan, Wilayah Perbatasan, Tindak Pidana Laut.

INTRODUCTION

Geographically, Indonesia is located in a strategic location between two oceans and two continents, making its maritime territory a major sea lane for global trade routes. This positioning endows Indonesia's pivotal role within the global supply chain system.¹ According to Suryo Sakti, Indonesia's territorial waters encompass all waters surrounding the nation, including those that connect islands or portions of islands within the mainland of the Republic of Indonesia, which fall under the sovereignty of the Republic of Indonesia.²

1 Rokhmin Dahuri, *Indonesia Sebagai Poros Maritim Dunia* (Media Indonesia 2014). See also, Oriola O Oyewole, 'Navigating The Waters: International Law, Environment and Human Rights' (2021) 6 *Petita : Jurnal Kajian Ilmu Hukum dan Syariah*.

2 Sakti S, *Batas Wilayah Negara Indonesia* (Gaya Media 2009); Chairul Fahmi and Muhammad Siddiq Armia, 'Protecting Indigenous Collective Land Property in Indonesia under International Human Rights Norms' (2022) 6 *Journal of Southeast Asian Human Rights* 1 <<https://jurnal.unej.ac.id/index.php/JSEHR/article/view/30242>>.

Aceh, situated within the maritime border region, stands out as one of the provinces. Its marine territory lies between the Strait of Malacca on the east coast and the Indian Ocean on the west coast, placing Aceh in direct proximity to Southeast and South Asian countries. The Sea of Aceh serves as a vital asset, providing natural resources, energy and sustenance, facilitating inter-island cross-sea communication and trade, and serving as security defense area. This shows that Aceh is in a strategic position. Furthermore, the sea harbors abundant marine resources of significant strategic value for national development, which may provoke illegal exploitation by external parties, jeopardizing maritime security. Thus, robust law enforcement efforts are necessary to mitigate potential threats and uphold legal standards.

Maritime crime, defined as criminal acts occurring exclusively at sea and distinct from common land-based criminal activities, possesses unique characteristics.³ These specifics encompass various elements of criminal activity, including the perpetrator, the nature of the offense, its unlawfulness, its contravention of legal norms, and factors such as location, timing, and surrounding circumstances. The types of maritime crime or certain criminal acts at sea can be grouped as follows.⁴

- a. Armed Piracy or Piracy at Sea. (Article 438 paragraph (1) Criminal Code)
- b. Crime of Smuggling through Sea Lane (Smuggling). (Law Number 17 of 2006 concerning Amendments to the Law Number 10 of 1995 concerning Customs)
- c. Criminal Acts in the Shipping Sector. (the Law Number 17 of 2008 concerning Shipping).
- d. Criminal act of Marine Pollution. (Law Number 32 of 2009 concerning Environmental Protection and Management)
- e. Criminal Act of Cultural Heritage Objects Below Sea Surface (Law Number 11 of 2010 concerning Cultural Heritage)
- f. Criminal Act on the Management of Coastal Areas and Small Islands. (Law Number 1 of 2014 concerning Amendments to Law Number 27 of 2007 concerning Management of Coastal Areas and Small Islands)
- g. Criminal Act in Conservation of Biological Natural Resources and Their Ecosystems. (Law Number 5 of 1990 concerning Conservation of Biological Natural Resources and Ecosystems)
- h. A criminal act in the Exclusive Economic Zone of Indonesia. (Law Number 5 of 1983 concerning Indonesia's Exclusive Economic Zone)
- i. Criminal Act of Immigration in Water. (the Law Number 6 of 2011 concerning Immigration)
- j. Criminal Act of Fisheries. (Law Number 45 of 2009 concerning Amendments to Law Number 31 of 2004 concerning Fisheries)

Criminal acts at sea can be categorized as special, widespread, or offenses outside the Criminal Code (KUHP). These acts exhibit specific characteristics in their resolution, diverging from the standard procedures outlined in the Criminal Code. However, it is noteworthy that the Criminal Code still encompasses criminal acts at sea. The maritime environment, being inherently international, introduces unique challenges in terms of both the nature of the offenses and the mediums involved, primarily the sea itself.

3 Iwan Setiawan, 'Beragam Tindak Pidana Laut Dalam Hukum Pidana Indonesia' (2019) 4 Jurnal Ilmiah Galuh Yustisi 115; Olusola A Olabanjo and others, 'An Ensemble Machine Learning Model for the Prediction of Danger Zones: Towards a Global Counter-Terrorism' (2021) 3 Soft Computing Letters 100020 <<https://linkinghub.elsevier.com/retrieve/pii/S2666222121000101>>.

4 Irwandi Syahputra, *Modul Tindak Pidana Kelautan* (Universitas Maritim Raja Ali 2020).

Additionally, the procedures involved in committing criminal acts at sea are distinct due to the utilization of maritime vessels.⁵

Data from the Ministry of Maritime Affairs and Fisheries of the Republic of Indonesia reported 1,130 cases of maritime and fisheries crimes between 2016 and 2021. However, only 930 of these cases underwent legal proceedings. In 2021, Aceh recorded seven cases of maritime and fisheries criminal acts, identified through the operations of fisheries monitoring vessels and other enforcement efforts. Among these cases, four were in Lampulo, while three were on Simeulue Island.

In terms of maritime security in Indonesia, numerous agencies are tasked with ensuring security, each operating under its own legal framework and jurisdiction. For example, several agencies such as Lanal (Naval Base), Water and Air Police (Polairud), Maritime Security Agency (Sea Security and Safety Monitoring Station/SPKKL) Aceh, Customs and Excise (Ministry of Finance) and Department of Immigration play significant roles in maritime security. However, the multiplicity of agencies with overlapping authority in maritime domains often leads to inefficiencies and ineffectiveness in criminal law enforcement at sea. Given the context above, the research problem addressed in this study is: What security model can be implemented to prevent criminal acts in the Sea of Aceh?

Methods

Based on the problems presented, this research employed empirical juridical research methods. Empirical juridical legal research is legal research regarding the application of normative legal provisions (codification, legislation) in action to each specific legal event that occurs in society.⁶ Empirical legal research, also known as sociological or field research, relies on primary data from the community through interviews. This approach provides insights into various aspects of law and its application in society. In this study, the focus is on examining the management of border areas by local governments to prevent criminal activities at sea and explore different models and initiatives aimed at maintaining maritime security. Three specific regions were selected for analysis to achieve these objectives: Sabang City, Lhokseumawe City and East Aceh Regency.

Results and Discussion

Indonesia has long been recognized as a maritime nation, characterized by its vast maritime territory and abundant natural resources.⁷ Alfred Tayler Mahan, a prominent maritime strategist, defined the concept of a maritime country as one that utilizes marine resources to achieve prosperity and glory. A maritime vision further supports this notion, which entails a perspective guiding endeavors to achieve prosperity and glory by utilizing marine resources.⁸

5 Ahmad Zaid Usman, Deviana Salsabilla Wijaya and Riska Andi Fitrono, 'Penanggulangan Dan Pencegahan Tindak Pidana Laut Dalam Perspektif Kriminologi' (2021) 3 Jurnal Dialektika Hukum 169 <<http://ejournal.fisip.unjani.ac.id/index.php/jdh/article/view/734>>. See also, Nyak Fadhlullah, 'Kajian Kriminologi Terhadap Penanam Ganja (Studi Kasus Di Kecamatan Beutong Ateuh Banggalang Kabupaten Nagan Raya)' (2017) 6 LEGITIMASI: Jurnal Hukum Pidana dan Politik Islam <<https://jurnal.ar-raniry.ac.id/index.php/legitimasi/article/view/1845>>.

6 Abdulkadir Muhammad, *Hukum Dan Penelitian Hukum* (PT Citra Aditya Bakti 2004).

7 Adhyaksa Dault, *Bangsa Bahari Pemuda Dan Kelautan* (Citra Aji Pratama 2009).

8 Indrita Hardiana and Benedicta Trixie, 'Potensi Indonesia Sebagai Negara Maritim' *Metro TV* (Jakarta, 2014) <<http://ekonomi.metrotvnews.com/read/2014/10/22/308561/potensiindonesia-sebagai-negara-maritim>>.

In Indonesia, the maritime state began with the promulgation of the Djuanda Declaration on December 13, 1957, a declaration stating to the world that the Indonesian seas, including the seas around, between, and within the Indonesian archipelago, constituted integral parts of the Unitary State of the Republic of Indonesia, Jurisdiction and Maritime Boundaries. This assertion is aligned with international regulations regulated in UNCLOS and previous government policies in implementing maritime policies. President Soekarno stated "Our geopolitical destiny is maritime" at the meeting on December 13 1957. Fundamentally, Indonesia is an archipelagic state with a distinctive approach, maintaining territorial integrity and legal sovereignty while facilitating peaceful international maritime traffic (peaceful passage).⁹

The criminal act at sea is defined as unlawful activities occurring exclusively at sea, distinct from conventional criminal offenses on land. Starting from this understanding, criminal acts at sea become a special criminal act, with their own specificities. This specificity can include all elements of a criminal act (subject, offense, unlawful nature, contrary to the law, as well as other elements such as place, time, and other circumstances). The types of criminal acts at sea include the following.

- 1) Criminal Act of Piracy/Maritime Piracy
Piracy is defined as any act of violence, robbery, or unauthorized detention, or any destructive act against persons or property, committed for personal gain by the crew or passengers of a ship. The regulations about piracy are governed by Article 438 of the Criminal Code.
- 2) Criminal Act of Fisheries
The criminal act of Fisheries is an act or conduct of capturing fish against the law, as regulated and subject to criminal sanctions under Law Number 45 of 2009 concerning Amendments to Law Number 31 of 2004 regarding Fisheries. Fishing refers to activities aimed at obtaining fish in non-cultivated waters, using any method, including the use of vessels for loading, transporting, storing, cooling, processing, or preserving.
- 3) Criminal Act of Valuable Objects Originating from the Cargo of a Ship Sunk on the Seabed (Cultural Heritage Objects/CHO)
Cultural Heritage Objects (CHO) are items that possess historical, cultural, economic, and other values. CHO originates from the cargo of sunken ships in Indonesian waters and is over 50 years old. Lifting is the activities such as research, surveys, and the retrieval of Cultural Heritage Objects (CHO). Utilization involves activities such as selling to third parties and other users for government purposes. The regulations regarding the criminal act of CHO below the sea surface are stipulated in Law Number 11 of 2010 concerning Cultural Heritage.
- 4) Environmental Crime
Environmental crime is destruction and pollution of the environment whether intentional or not due to the negligence in carrying out actions that result in pollution and/or destruction of the environment. This provision is regulated in Law Number 32 of 2009 concerning the Protection and Management of Environment.
- 5) Criminal Act of Shipping

⁹ Massimo Lando, 'Identification as the Process to Determine the Content of Customary International Law' (2022) 42 Oxford Journal of Legal Studies 1040 <<https://doi.org/10.1093/ojls/gqac015>>. See also, Pierre-Hugues Verdier and Mila Versteeg, 'International Law in National Legal Systems: An Empirical Investigation' (2015) 109 American Journal of International Law 514 <https://www.cambridge.org/core/product/identifier/S0002930000002360/type/journal_article> accessed 27 June 2021.

The Criminal Act of Shipping is an act prohibited by law and disgraceful in shipping activities. Shipping is a unified system consisting of water transportation, ports, safety and security of shipping to carry out transportation business between Indonesian ports regardless of the direction reached from one to another with the applicable provisions.¹⁰ Provisions regarding the criminal act of shipping are regulated in Law Number 17 of 2008 concerning Shipping.

- 6) Criminal Acts in Conservation of Biological Natural Resources and their Ecosystems
Law Number 5 of 1990 concerning Conservation of Biological Natural Resources and Ecosystems states that actions that leading to changes to the integrity of natural reserve areas and activities constituting violations against protected animals or their parts such as skin, body or other components, as well as goods goods derived from such animals, are prohibited. Additionally, the law prohibits activities that infringe upon the core zone of national parks, utilization zones, and other designated areas within national parks, grand forest parks, and natural tourism parks.
- 7) Customs Crime/Smuggling (smuggling)
A customs crime is the transportation of goods leaving/entering the country by sea without being protected or not in accordance with customs documents. This customs area is the territory of the Republic of Indonesia, including land, waters, and air space above it, as well as certain places in the EEZ and Continental Shelf applicable in Law Number 17 of 2006 regarding Amendments to Law Number 10 of 1995 concerning Customs.
- 8) Immigration Crimes
An immigration crime is the arrival or presence of a person in the territory of the Republic of Indonesia where the person is not registered as an Indonesian citizen and does not have/is protected by immigration documents. This is regulated in Law Number 6 of 2011 concerning Immigration.
- 9) Crime of violation of territory (without security clearance)
The criminal act of territorial violation is the act of foreign ships deliberately sailing or floating for certain purposes, impacting on security aspects and/or passing through closed areas in Indonesian waters without permission. These foreign ships include foreign war/military ships, fishing vessels, vessels carrying out hydrographic surveys, vessels engaged in exploitation/exploration activities, yachts and vessels passing through closed areas in the territory of the Republic of Indonesia. Law Number 43 of 2008 concerning State Territory regulates the violations related to state territory and its boundaries.
- 10) Criminal acts in the Indonesian EEZ (Exclusive Economic Zone).
Criminal acts in the Indonesian EEZ are acts against the law as regulated in Law Number 5 of 1983 concerning the Indonesian Exclusive Economic Zone and other regulations.

10 Wirjono Prodjodikoro, *Hukum Laut Bagi Indonesia* (Sumur Bandung 1984). See also, Qonita Royani Salpina, Rusjdi Ali Muhammad and Yenny Sriwahyuni, 'Kedudukan Memorandum of Understanding (MOU) Helsinki Dalam Pembentukan Undang-Undang Nomor 11 Tahun 2006 Tentang Pemerintahan Aceh' (2018) 3 Petita: Jurnal Kajian Ilmu Hukum dan Syariah; Wenny Setiawati, 'The Prospect of Channeling Dispute Between Labour and Foreign Investor' (2021) 6 Petita: Jurnal Kajian Ilmu Hukum dan Syariah 65 <<https://petita.ar-raniry.ac.id/index.php/petita/article/view/113>>; Muhammad Ridwansyah, 'Tindak Pidana Kerusakan Lingkungan Dalam Undang-Undang Nomor 32 Tahun 2009 Dan Tinjauan Fiqh Al-Bi'ah' (2016) 1 Petita 15; Ozy, 'Legal Perspective on the Trade Facilitation Agreement (TFA): Indonesia Case Studies' (2016) 1 Petita: Jurnal Kajian Ilmu Hukum dan Syariah.

Therefore, as a rule-of-law nation, Indonesia has made efforts to assert several maritime security regulations in writing within its legislative framework.¹¹ Aceh is the westernmost region of Indonesia and shares its borders with neighboring countries. The maritime waters of Aceh directly adjoin the waters of Malaysia, Thailand, and India. Due to this geographical proximity, the maritime waters of Aceh, especially the Indian Ocean, are often utilized as routes for smuggling and various criminal activities in Aceh. Therefore, efforts to protect and secure Aceh's waters, particularly the Malacca Strait, involve the active participation of the local community. Regions in Aceh, such as Lhokseumawe, East Aceh, and Sabang, are highly vulnerable to maritime crimes. As an illustrative example, over the past five years, the Aceh Regional Police have dealt with more than 20 cases of criminal acts of human trafficking.¹²

1. The city of Lhokseumawe

The area of Lhokseumawe City and the northern part of East Aceh Regency directly borders the Malacca Strait. It is a waterway in the Southeast Asian region connecting the Indian and Pacific Ocean. Situated between the island of Sumatra and the Malay Peninsula, the Malacca Strait is referred to as an international shipping route.

The strategic and busy shipping routes in the Malacca Strait make this strait vulnerable to security disturbances and criminal acts at sea. Security disturbances frequently occurring in this strait include piracy, smuggling, illegal fishing, human trafficking, and criminal acts of fisheries. The maritime crime cases within the legal jurisdiction of Lhokseumawe City from 2018 to August 2023 are detailed in Table 1.

Table 1. Cases of Maritime Criminal Act in the Legal Jurisdiction of Lhokseumawe City 2018-2023

No	Year	Cases
1	2018	- 1 case of Human Trafficking
2	2020	- 1 case of Human Trafficking
3	2022	- 2 cases of Human Trafficking - 1 case of criminal act of fisheries
4	2023	- 1 case of Illegal Cigarette Smuggling - 1 case of Narcotics Smuggling
Total		7 Cases

Source: Bagops Polres Lhokseumawe

Based on the data in Table 1, over the past six years, there have been seven recorded cases of criminal acts at sea in the legal jurisdiction of Lhokseumawe City. These

- 11 Muhammad Siddiq et al Armia, 'Post Amendment of Judicial Review in Indonesia: Has Judicial Power Distributed Fairly?' (2022) 7 JILS 525; Muhammad Siddiq Armia, 'Ultra Petita and the Threat to Constitutional Justice: The Indonesian Experience' [2018] Intellectual Discourse. See also, Muhammad Siddiq Armia, 'Public Caning: Should It Be Maintained or Eliminated? (A Reflection of Implementation Sharia Law in Indonesia)' [2019] Qudus International Journal of Islamic Studies; Muhammad Siddiq Armia and others, 'Criticizing the Verdict of 18/JN/2016/MS.MBO of Mahkamah Syar'iyah Meulaboh Aceh on Sexual Abuse against Children from the Perspective of Restorative Justice' (2022) 17 AL-IHKAM: Jurnal Hukum & Pranata Sosial 113.
- 12 Taufik Mohammad and Michael C Gearhart, "'The Law Is the Law": The Malaysian Police Readiness for the Implementation of Restorative Policing' (2021) 67 International Journal of Law, Crime and Justice 100505 <<https://www.sciencedirect.com/science/article/pii/S1756061621000501>>.

cases include the Criminal Act of human trafficking (TPPO) handled by the Lhokseumawe Regional Police, the case of illegal cigarette smuggling and criminal act of fisheries intercepted by the Indonesian Navy in Lhokseumawe, and the case of narcotics smuggling uncovered by the National Narcotics Agency (BNN) in collaboration with Customs and Excise Department. These cases prove that the waters within the legal jurisdiction of Lhokseumawe City are prone to security disturbances and crimes at sea.

The case of the criminal act of fisheries in the waters of Lhokseumawe was apprehended by personnel from the Naval Base of Lhokseumawe in June of 2022. The foreign fishing vessel from Taiwan entered Indonesia's territorial waters, positioned at eight nautical miles from Lhokseumawe waters without permission. Furthermore, personnel of the Naval Base of Lhokseumawe successfully thwarted the smuggling of 350 cartons of untaxed cigarettes in the waters of North Aceh at the beginning of November 2023.

Regarding the narcotics smuggling case in the sea waters of Lhokseumawe in July 2023, the National Narcotics Agency (BNN) collaborated with the Customs and Excise Department to apprehend two suspects transporting narcotics from Thailand to Aceh through the maritime route of Lhokseumawe using a small boat (Oskadon). Upon searching the vessel, 10,617 grams of methamphetamine were discovered, intended for entry into the Aceh region.

The Cases of Criminal Acts of Human Trafficking (TPPO) is the most prevalent in the waters of Lhokseumawe City over the past six years. Data from the Operational Division (*Bag Ops*) of the Regional Police of Lhokseumawe (Table 2) reported ten individuals identified as suspects in human trafficking cases.

Table 2. Human Trafficking Cases in the Legal Jurisdiction of Maritime Area of Lhokseumawe City 2018-2022

No	Year	Number of Suspects
1	2018	1 person
2	2020	3 persons
3	2022	6 persons
Total		10 persons

Source: *Bagops Polres Lhokseumawe*

There have been four cases of Human Trafficking in the legal jurisdiction of Lhokseumawe City over the past six years. In 2018, a case of human trafficking occurred where victims were promised for the employment in Malaysia as café workers; however, they were exploited as Commercial Sex Workers (CSWs) in Malaysia. In this case, the Lhokseumawe Regional Police identified one suspect who is a resident of Muara Dua Subdistrict, Lhokseumawe. Subsequently, in November 2020, personnel from the Military District Command of North Aceh (Kodim 0103) successfully apprehended and handed over the three suspects involved in the criminal act of human trafficking to the Regional Police of Lhokseumawe. These three suspects played distinct roles in their actions to transport 18 Rohingya immigrants to Malaysia. In a similar case at the end of November 2022, the Regional Police of Lhokseumawe identified three suspects attempting to smuggle 20 Rohingya immigrants from a camp in Lhokseumawe. Initially, the case originated from information provided by the Foreigners Monitoring Team (Tim Pengawas

Orang Asing - POA) of the Lhokseumawe Immigration Office, collaborating with other agencies such as the Indonesian National Army (TNI), Police of the Republic of Indonesia (Polri), Customs and excise department, Prosecutor's Office, Fire Department, and National Unity and Politics Agency (Kesbangpol) of Lhokseumawe. Lastly, in early December 2022, the Lhokseumawe Regional Police apprehended three suspects transporting ten Rohingya immigrants from a displacement camp.

2. East Aceh Regency

East Aceh is a regency located on the eastern side of Aceh province, Indonesia. Generally, it consists of lowlands, hills, some marshlands, and mangrove forests, with a height of 0-308 meters above sea level. To the north, East Aceh Regency directly borders North Aceh Regency and the Malacca Strait, the most productive international route in Southeast Asia.

The waters in the territory of East Aceh Regency are also prone to criminal acts at sea (maritime crime). Table 3 provides information on maritime crime cases occurred in the legal jurisdiction of East Aceh Regency.

Table 3. Cases of Criminal Act at Sea in the Legal Jurisdiction of East Aceh Regency from 2018 to 2023

No	Year	Cases
1	2018	- 2 Cases of Narcotics Smuggling
2	2019	- 2 Cases of Narcotics Smuggling
3	2020	- 1 Case of Narcotics Smuggling
4	2021	- 1 Case of Narcotics Smuggling
5	2022	- 1 Cases of Narcotics Smuggling
6	2023	- 1 Case of Criminal Act of Human Trafficking - 1 Case of Smuggling of Goods - 2 Cases of Narcotics Smuggling
Total		11 Cases

Source: Bagops Polres Aceh Timur

Table 3 reveals 11 cases of criminal acts in the waters of East Aceh in the last six years, including narcotics and goods smuggling, and human trafficking. The eastern coastal area of Aceh Province remains the most favorable entry point for methamphetamine smuggling. Of the total cases the waters of East Aceh Regency, 80% was narcotics smuggling.

In early 2018, a collaborative effort between the National Narcotics Agency (BNN) and the Customs and Excise Department intercepted the smuggling of 40 kg of methamphetamine originating from Penang, Malaysia, destined for Idi, East Aceh, employing a motorboat. Three suspects involved in narcotics smuggling were apprehended in this operation. Subsequently, in November, the Naval Base (Lanal) thwarted the smuggling of 67.42 kg of methamphetamine.

In 2019, the Customs and Excise Department intercepted two narcotics smuggling cases in conjunction with the Criminal Investigation Agency of the Indonesian National Police (Bareskrim Polri). Firstly, in the Peurelak waters, officers confiscated five kilograms of narcotics transported via an Oscadon-type wooden ship. Furthermore, officers succeeded in confiscating 30 kilograms of methamphetamine in the waters of Ujung Curam, East Aceh.

In 2020, a joint task force comprising BNN, the Customs and Excise Department, and the National Police intercepted 101 kg of narcotics smuggled from Malaysia into Aceh via the sea in East Aceh Regency. Additionally, in 2021, a collaborative effort between the Customs and Excise Department and BNN thwarted the smuggling of 80 kilograms of methamphetamine in the waters of East Aceh Regency, facilitated by a motorboat dispatched from Thailand.

In March 2022, a joint operation by BNN and the Customs and Excise Department successfully intercepted a ship passing through Idi waters, East Aceh, carrying 203.99 kilograms of methamphetamine. In addition to confiscating the evidence, officers apprehended three suspects. In February, the Directorate of Narcotics of Aceh Regional Police confiscated 42 kg of methamphetamine in East Aceh, originating from Malaysia. Then, in August, the Customs and Excise Department collaborated with the Military District Command of East Aceh (Kodim Aceh Timur) to conduct a joint operation along the East Aceh Coast to Langsa, resulting in the successful confiscation of illegally imported goods from Thailand, including 100 boxes and 88 plant seeds. Later, in October, police and Customs and Excise officers confiscated 86 kg of methamphetamine in the waters of East Aceh, shipped from Thailand and Malaysia using fishing boats. Finally, in November, the Police Resort of East Aceh identified a resident from East Aceh as a suspect in a human trafficking case involving the attempted transportation of 36 Rohingya immigrants to Medan.

Compared to East Aceh Regency, the City of Lhokseumawe is the region where most cases of criminal acts of human trafficking occur compared to other cases that occur in the water/sea, while in East Aceh Regency, narcotics smuggling cases are the most prevalent in the last six years. Data obtained from the Operational Division (*Bag Ops*) of the Police Resort of East Aceh (Table 4) reported 32 suspects have been named in the criminal case of narcotics smuggling.

Table 4. Narcotics Smuggling Cases in the Legal Jurisdiction of Maritime Area of East Aceh Regency From 2018-2023

No	Year	Number of Suspects
1	2018	5
2	2019	4
3	2020	9
4	2021	4
5	2022	3
6	2023	7
Total		32

Source: *Bagops Polres Aceh Timur*

Table 4 illustrates the recurring instances of narcotics smuggling annually, attributable to the existence of numerous "rat route ports/piers" (*"Pelabuhan/dermaga jalur tikus"*) on the coast of the East Aceh region. The collaboration among Indonesian National Military-Naval Force (TNI AL), the National Narcotics Agency (BNN), Customs and Excise Department, and Polri who were assigned in East Aceh has been excellent. However, several challenges persist, including insufficient budget allocation for fuel for patrols, a limited fleet of vessels available, and a shortage of human resources (HR).

3. The City of Sabang

Sabang City is the westernmost region in the Republic of Indonesia, bordered to the north and east by the Malacca Strait, to the south by the Bengal Strait and to the west by the Indonesian Ocean. Geopolitically, Sabang City holds significant strategic importance due to its direct borders with countries such as India, Malaysia, and Thailand and its position as an international shipping lane for vessels entering and exiting Indonesian territory from the west. It consists of five islands: Weh Island, Klah Island, Rubiah Island, Seulako Island and Rondo Island along with a cluster of rocky islands in North Pantee. Weh Island is the largest island and is the only island utilized for settlement, while Rondo Island is one of the outermost islands, situated approximately + 15.6 km away from Weh Island. The waters in the jurisdiction of Sabang City are highly susceptible to maritime crimes, as evidenced by the data in Table 5 illustrating maritime crime cases within the legal jurisdiction of Sabang City.

Table 5. Cases of Criminal Act at Sea in the Legal Jurisdiction of Sabang City 2018-2023

No	Year	Number of Suspects
1	2018	- 1 Case of criminal act of fisheries - 1 Case of Criminal Act of Shipping
2	2019	- 2 Cases of immigration Criminal Act
3	2022	- 1 Case of Criminal Act of Fisheries - 2 Cases of immigration Criminal Act
Total		7 Cases

Source: Bagops Polres Sabang dan Bakamla

Table 5 shows seven criminal cases at sea in the city of Sabang in the last six years, including fisheries, shipping and immigration crimes. Efforts to overcome water/marine crimes in the city of Sabang have been progressing well, with TNI AL playing a significant role in patrolling Sabang's waters regularly. However, recently there have been cases of Rohingya immigrants stranded in Sabang. This matter continues to be monitored by Police Resort of Sabang, TNI AL and Sabang City Government.

In 2018, one case of fisheries crime was committed by the captain of the foreign fishing vessel FV STS-50 with the Togo (African) flag. The Russian citizen was proven guilty in a fisheries violation case (illegal fishing). Additionally, In the same year, a Taiwanese citizen committed a shipping crime. The suspect was immediately arrested by the Bakamla team while on patrol duty in Sabang waters. In 2019, there were two cases of immigration crimes committed by French citizens who were ultimately deported to their country following a decision from the Sabang District Court. In 2022, a fisheries crime occurred and TNI AL successfully apprehended the perpetrator during patrol. The case was handed over to the Sabang District Prosecutor's Office for further action. At the end of 2022, there were also cases of immigration crimes committed by Malaysian and Australian citizens. The perpetrators were deported to their respective countries after the Sabang District Court's decision. These cases show that the security measures for waters in the Lhokseumawe, East Aceh, and Sabang regions remains inadequate despite joint patrols. This ineffectiveness is evident from continued criminal acts in the Aceh region's seas annually.

Maritime crime comprises various activities, including such as maritime piracy, ship hijacking, illicit trade, drug smuggling, illegal weapons shipments, and infiltration of illegal refugees. Additionally, the high demand for drugs, refugee infiltration, and

economic needs serve as significant catalysts for these various criminal activities. The ongoing prevalence of maritime crime is attributed to Indonesia's vast maritime territory, which lacks the necessary facilities and infrastructure to support maritime security. This situation poses significant challenges to fishermen, coastal communities, ship owners and captains, and business actors who depend on Indonesian seas for their livelihoods.

The sea has a strategic position and potential for extraordinary wealth to support the nation's progress. On the other hand, globalization and trade liberalization have caused many countries to become expansive and try to control various water areas. Thus, it is necessary to manage and regulate the marine sector to protect and manage biological natural resources sustainably.¹³ To address Indonesia's marine security needs, a development management pattern supported by a bureaucratic system and a commitment to protect national marine and fisheries is essential. The effectiveness of the bureaucracy is influenced by government policies related to the implementation of the policy of World Maritime Axis (*Poros Maritim Dunia*/PMD).¹⁴

This strategy is crucial for establishing Indonesia as a maritime nation and protecting maritime sovereignty.

The World Maritime Axis (PMD) Strategy, implemented by the Indonesian Government from 2014 to 2024, serves as a concrete effort to protect national waters. Key pillars of the PMD strategy include revitalizing maritime culture, responsibility for protecting maritime resources, supporting the development of maritime connectivity, strengthening maritime diplomacy, and strengthening maritime defense. This strategy is crucial for establishing Indonesia as a maritime nation and protecting maritime sovereignty. It reflects the nation's commitment as outlined in the 1957 Juanda Declaration and recognized by the 1982 UNCLOS. Through the PMD, the Indonesian government shifts its focus from prioritizing land areas to giving due attention to national seas. PMD is also an effort by the state to protect against potential maritime threats and position the sea as a source of future prosperity the Indonesian nation.¹⁵

The PMD strategy has been implemented with various policies, such as protecting maritime security, enforcing maritime law, empowering outer islands and border areas, improving fishermen's welfare and sustainable use of the sea, developing marine tourism, integrating industry with port networks, building sea highways, and maritime diplomacy to the international world. Additionally, from the external dimension of PMD, four strategic pillars must be realized, namely defense, security, law enforcement and maritime safety, marine governance and institutions, marine space management and

13 Sunyowati and Dina, 'Tata Kelola Kelautan Berdasarkan Integrated Coastal and Ocean Management Untuk Pembangunan Kelautan Berkelanjutan' (2010) 15 Jurnal Perspektif.

14 Kusumastanto and Tridoyo, *Kebijakan Tata Kelola Kelautan Indonesia* (Pusat Kajian Sumber Daya Pesisir Maritim Institut Pertanian Bogor 2010).

15 Iswardhana and Muhammad Ridha, *Pendidikan Pancasila Dan Kewarganegaraan: Merajut Kebinekaan Dalam Menghadapi Tantangan Revolusi Industri* (Kanisius 2020). See also, Muhammad Siddiq Armia and Muhammad Syauqi Bin-Armia, 'Introduction: Maintaining the Constitutional Rights to Create a Better Society' (2023) 8 Petita : Jurnal Kajian Ilmu Hukum dan Syariah 69; Muhammad Siddiq Armia and Muhammad Syauqi Bin-Armia, 'Introduction: Form Over Substance, Achieving Objectives While Preserving Values' (2023) 8 Petita : Jurnal Kajian Ilmu Hukum dan Syariah i.

marine environmental protection, and pillars of maritime diplomacy.¹⁶ In this research focuses on the maritime security model to prevent criminal acts in the Sea of Aceh.

The Indonesian government adopted the concept of marine institutional governance based on various elements, namely: fisheries, marine industry, resources and energy, communications and transportation, marine services, and marine buildings. This concept is demonstrated by the various Ministries/Institutions (*Kementerian/Lembaga*) participating in the protection and management of Indonesian seas. The Indonesian Government implements a PMD strategy to make marine waters a strategic point and the future of the nation, which is then followed up in various governance of Indonesian maritime institutions as follows.¹⁷

- 1) Surveillance and security patrols
- 2) Marine and coastal conservation,
- 3) Coastal and marine disaster mitigation,
- 4) Trade in fishery commodities and fishery industry products,
- 5) Utilization of coastal and marine biological natural resources,
- 6) Utilization of coastal and marine non-biological resources,
- 7) Utilization of fisheries and marine industries,
- 8) Coastal and marine environmental pollution
- 9) Utilization of marine tourism,
- 10) Ports, maritime transportation and shipping safety,
- 11) Development of infrastructure, buildings and marine services,
- 12) Protection of Ship's Workers / Crew,
- 13) Coastal Community Welfare
- 14) Maritime Diplomacy

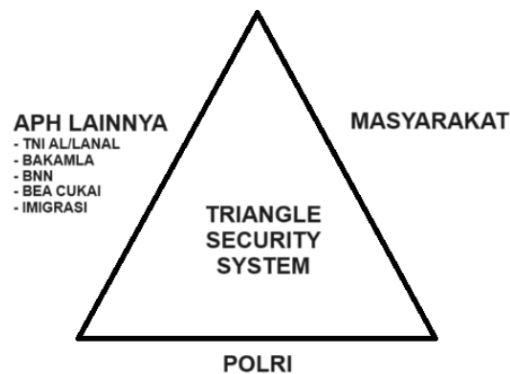
Based on Law Number 34 of 2004 concerning the Indonesian National Army (TNI), Indonesia's maritime strength refers to the strength of the TNI AL, tasked with guiding and supervising the coordination of various civil fleets including trade fleets, fishing, transportation, maritime service industries and others, in strengthening maritime resilience potential. However, the handling of Indonesian maritime security also involves other institutions, namely the Indonesian National Police (Polri), Customs and Excise Department, Immigration, the Ministry of Transportation, the Ministry of the Environment, and the Maritime Security Coordination Agency (Bakorkamla).¹⁸

16 Laksmana, Evan A., Gindarsah, Iis & Mantong, Andrew W, Menerjemahkan Visi Poros Maritim Global ke dalam Kerangka Diplomasi Pertahanan Maritim dalam Kebijakan Luar Negeri Indonesia di Era Jokowi. 'CSIS WORKING PAPER SERIES WPSINT' (2018).

17 Diah Apriani Atika Sari, 'Integrasi Tata Kelola Kebijakan Pembangunan Kelautan Berkelanjutan' (2019) 8 Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional 147 <<https://rechtsvinding.bphn.go.id/ejournal/index.php/jrv/article/view/320>>.

18 I Nengah Putra, *Analisis Ancaman Maritim Sebagai Dampak Perkembangan Lingkungan Strategis Dalam Mendukung Penyelenggaraan Strategi Pertahanan Negara Di Laut* (Bintang 2016).

Sea Security Model



Triangle security system is a water security triangle involving the Police, especially Polairud as a fundamental institution, supported by other law enforcement officers such as the TNI AL, Bakamla, BNN, Customs and excise department and Immigration. Additionally, the involvement of the community is essential due to the presence of sea handlers and other associated parties.

The National Police Water /Police has the authority to guide and protect maritime communities, conduct waters patrol to prevent crime, and execute rescue operations for accidents within a radius of 12 miles from the coastline. This jurisdictional limit is commensurate with the operational capabilities of the National Police's C2 vessels, which are constrained to distances not exceeding 12 nautical miles. TNI AL has the authority to maintain maritime territorial sovereignty throughout Indonesia's maritime waters, undertake maritime defense functions, and engage in maritime diplomacy extending to international waters and border demarcations. Finally, community engagement is pivotal for fostering cooperation in information sharing and other supportive endeavors.

Regarding maritime security in Indonesia, several agencies below have similar authority.

- 1) TNI AL is tasked with maintaining maritime sovereignty in all maritime zones including the high seas based on Law Number 34 of 2004 and Law Number 32 of 2014,
- 2) Bakamla is tasked with supervising maritime security in all maritime zones except the high seas based on Law Number 32 of 2014 and Presidential Decree Number 178 of 2014,
- 3) The Ministry of Maritime Affairs and Fisheries of the Republic of Indonesia (KKP RI) is tasked with maintaining maritime security, especially regarding marine and fisheries resources in all zones except the high seas,
- 4) The Directorate General of Customs and Excise of the Republic of Indonesia (DJBC RI) is tasked with supervising customs and excise in territorial zones and additional zones, and
- 5) Marine Police (Polair) is tasked with maintaining maritime security in the territorial zone in accordance with Law Number 2 of 2002.

Among several agencies with similar authority, only Bakamla has the authority to supervise Indonesian maritime security, including Aceh, evacuation of accidents and natural disasters, and maritime patrols up to 200 nautical miles. Despite the Indonesian

Government's commitment to positioning Bakamla as the sole institution authorized to protect Indonesia's maritime security, this directive has yet to be fully actualized. Legal frameworks and provisions governing maritime security institutions in Indonesia vary significantly, presenting a contradiction to the advocated principle of Multi Agency Single Task, as outlined in the PMD strategy. On the other hand, existing maritime security institutions maintain distinct regulations, jurisdictional domains, and operational protocols. Consequently, there exists a pressing need for legal clarity to consolidate these disparate institutions into a unified entity, standardizing operational protocols across the board.

The concept of Multi-Agency Single Task delineates the presence of multiple law enforcement bodies empowered to enforce maritime security, albeit with overlapping responsibilities. Therefore, the establishment of Bakamla could be an initial manifestation of the implementation of the Multi-Agency Single Task paradigm, facilitating the integration of supervisory and enforcement authorities. It is envisaged that Bakamla will enhance maritime security in a more effective and efficient manner, obviating the necessity for multiple agencies to surveil the same maritime areas. This enhancement encompasses early detection capabilities and security monitoring, with Bakamla complementing existing institutional frameworks. Through enhanced surveillance bolstered by Bakamla's involvement and community engagement in information sharing, seamless coordination with the National Police, particularly the marine police (POLAIR), can be achieved to enforce maritime law and combat criminal activities at sea.

Conclusion

Based on research findings, Aceh is presently situated within the state border area accessible via maritime routes, warranting special attention from the Central Government for several reasons. Over the past six years (2018-2023), seven maritime crime incidents have been documented within the jurisdiction of Lhokseumawe City, encompassing cases such as human trafficking handled by the Police Resort of Lhokseumawe, illegal cigarette smuggling and fisheries crimes addressed by the Indonesian Navy (TNI AL) of Lhokseumawe, and narcotics smuggling uncovered through collaborative efforts between the National Narcotics Agency (BNN) and the Customs and Excise Department. Moreover, East Aceh continues to witness criminal activities involving narcotics and goods smuggling, and human trafficking, while Sabang grapples with fisheries, shipping, and immigration offenses.

Therefore, this study presents a maritime security model to counter criminal activities in the Aceh Sea, proposed as the "Triangle Security System." This model entails a collaborative effort among law enforcement agencies, with the Police, particularly Polairud, serving as the cornerstone institution, augmented by agencies such as TNI AL, Bakamla, BNN, Customs and Excise, and Immigration. In addition, community engagement is indispensable, given the pivotal role of local stakeholders and maritime operators. With Bakamla's support and community participation in intelligence sharing, direct coordination with the National Police, especially Polair, can be established to address maritime crimes promptly. It is recommended that both central and regional governments allocate greater resources toward managing areas bordering maritime routes, fostering a comprehensive understanding of state border management strategies. Regional authorities should also allocate sufficient resources and funding to effectively manage their territories, prioritizing measures to overcome criminal acts prevalent in Aceh's strategic and maritime domain.

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