



## The Coordination Between The Investigators and The Traditional Marine Leaders (*Panglima Laot*) in The Legal Enforcement of Fishery Criminal Offenses in The Territorial Waters of Aceh Province

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### ABSTRACT

The government, employing investigators, attempts to overcome fisheries criminal offenses by conducting law enforcement based on Law Number 45, the Year of 2009, concerning Fisheries. The regional government, with the assistance of the navy investigators, marine police investigators, and civil servant investigators performs the law enforcement and cooperates with the traditional marine leaders (*Panglima Laot*). However, the coordination concerning the law enforcement process has not been conducted effectively. The data in this study was secondary data relating to the provisions of the law, reference books, and other scientific works gathered by library research. Besides, field research was conducted to obtain primary data.

The results of the study showed that the coordination in the law enforcement of illegal fishing vessels in Aceh territorial waters had been undertaken; sanctions were imposed on the vessels or the captains that were found guilty. The coordination occurred between the investigating agencies and *Panglima Laot*. The *Panglima Laot* conveyed the information to one of the law enforcers to help and support law enforcement. However, the coordination was not effective due to inadequate civil servant investigators, equipment, and funding. Thus, it is recommended to increase the personnel, equipment, and fund, as well as to strengthen the coordination between the investigators in the territorial waters of Aceh Province.

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### 1. Introduction.

The law enforcement process should always refer to the applicable lawsto fulfill the obligation in enforcing the rule of laws, including the law enforcement in the sea. The law enforcers, such as the national police investigator and civil servant investigator, perform their duties based on the applicable rules and collaborate with relevant parties, such as *Panglima Laot*.

*Panglima Laot* has a significant role concerning adat laot (the custom of the sea) to prevent violations in the sea, including illegal fishing, violation of sailing permits, violation of the fishing business permit, and other violations, such as the violation of the fishing gear.

Article 73 section (1) of the Law number 45, the Year of 2009, concerning fisheries establishes that the investigation of a criminal offense related to fisheries in the Republic of Indonesia Fisheries management shall be conducted by fisheries civil servant investigators, Indonesian navy officers, and Indonesian national police officers. Investigations are conducted when an act violating the law occurs, both national and international law. Article 73 UNCLOS, the Year of 1982, articulated that law enforcement measures that can be conducted for foreign fishermen committing violations in the EEZ, in particular, related to illegal fishing. Law enforcement in EEZ is under the authority

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of navy officers and civil servant investigators for fisheries as mandated in Article 73 section (2) of the Law Number 45 the Year of 2009, concerning Fisheries, that currently applies.

There are multiple law violations in the sea, including offenses related to fisheries, business licenses, and other general crimes. Therefore, law enforcement is required, involving various law enforcement agencies and following their respective authorities. However, it should not disregard the Panglima Laot, who has a vital role in the sea, especially concerning the initial information of law violations. Thus, a pattern of cooperation between the law enforcers is required.

Coordination in law enforcement has been established, for example, between the police investigators and civil servant investigators in dealing with illegal fishing cases by foreign vessels, and other permit violations. The coordination practiced has successfully arrested some offenders and sunk their ships; however, it has not succeeded in handling all the violations.

The above explanation indicates that many law violations occur in the sea, such as illegal fishing; and foreign or national fishing vessels sailing without permits in the territorial waters of Aceh Province. However, law enforcement has not run optimally, leading to the disruption of fisheries resources, the declining income of traditional fishermen, and weak law enforcement.

Based on Law Number 45, the Year of 2009 about fisheries, investigators are granted forced efforts such as arresting, detention, searching, and confiscation (including managing the evidence). Besides, they have the authority to investigate and sink the vessels conducting illegal fishing. Concerning the law enforcement, the investigators also have the power to coordinate harmoniously between the investigators, including the Indonesian navy investigators, marine police investigators, and civil servant investigators, both in the central and regional government per the provision of the applicable laws.

In the history of human life, various rules of life to control, regulate, and manage marine or marine industries are required.<sup>4</sup> Thus, the utilization of fisheries resources must be based on the applicable rules, including to enforce the law in the sea by investigators.

Based on the above explanation, the Indonesian navy investigators, marine police investigators, and civil servant fisheries Investigators have the authority to conduct investigation and detention, which mainly require coordination between them. Coordination is necessary due to multiple law violations concerning fisheries in the sea, such as illegal fishing, vessel licensing violation, and fisheries business permit violation. This circumstance requires good and systematic coordination of law enforcement. However, the coordination between the investigators in the Aceh Province territorial waters has not yet run harmoniously and effectively. Coordination did occur between the investigators, both in the investigation process of foreign fishermen without detaining, as part of the forced effort, but they were released. The same case happened to the national fishermen who had no permits for their fishing vessels and business.

Therefore, the investigators should investigate by coordinating essential issues, especially concerning the authority to perform the investigation, for example, the investigation by the navy investigator and the investigation by civil servant fisheries investigator together with Panglima Laot. Thus, the coordination between investigators; and between the investigators and Panglima Laot is paramount in conducting the law enforcement task concerning the marine fisheries crimes. However, it has not run as expected.

Based on the background previously elaborated, the research questions in this study are:

- a. How is the coordination conducted between the investigators and Panglima Laot concerning the law enforcement in the sea for the fisheries criminal acts in the territorial waters of Aceh Province?
- b. Has the coordination implementation between the investigators and Panglima Laot in the law enforcement of the fisheries criminal acts in the territorial waters of Aceh Province been executed properly?

## 2. Review of Law Enforcement.

In a state of law, every deed and action must adhere to the applicable laws. If there be a law violation in the maritime area such as illegal fishing, the government or the authorities must enforce the law for offenders.

Customary marine law prohibits all types of equipment damaging the marine environment, such as bombing, poisoning, anesthetizing, and shocking.<sup>5</sup> Another example is illegal fishing using illegal tools. With the motives and mode of operating, illegal fishing falls into the economic crime category. The category is reasonable as referring to the general explanation of the Law Number 31 the Year of 2004 that was amended by the Law Number 45, the Year of 2009 concerning Fisheries.<sup>6</sup>

This is part of illegal fishing, unreported fishing, and unregulated fishing. Illegal fishing occurs when fishermen violate the law. Unreported fishing occurs when there are legal regulations to control fisheries, but no reporting is required, or no penalties apply. Besides, unregulated fishing is a complete legal regulation that is not enforced to the offenders.<sup>7</sup>

Concerning the determination of unreported fishing and illegal fishing, when it is doubtful, this becomes part of the problem-reviewing of illegal fishing conducted by related parties or fishermen.<sup>8</sup>

<sup>5</sup> Sulaiman, "Traditional Wisdom in the Management of Fisheries Resources in Aceh in the Era of Special Autonomy", *Journal of Legal Dynamics*, Vol. 11 No. May 2, 2011, Purwokerto, 2011. P. 299.

<sup>6</sup> Yanti Amelia Lewirissa, *Illegal Fishing Practices in Maluku Waters as Economic Crimes*, *Jurnal Sasi*, Vol. 16. No. July 3-September 2010, Pattimura University, Maluku, 2010, p. 31

<sup>7</sup> Brack and Hayman, *Summarizing Definitions from: FAO (2001). Journal Environmental Development*, 11, 2014, p. 112.

<sup>8</sup> Moslem Dalili, Ehsan Kamrani, S. Yousef Paighambari, *Illegal Shrimp Fishing in Hormorgan In shore water of the Persian Bulf*, *Egyptian Journal of Aquatic Research*, 2015. p. 351

<sup>4</sup> Okan Daru, *Irrationality in Politics and Governance of Maritime Affairs*, *International Journal of e-Navigation and Maritime Economy*, 1, 2014, p. 55.

In relation to the case of illegal fishing in the territorial waters of Aceh, PanglimaLaot supports the law enforcement for offender the law in the sea. Moreover, this has been regulated in legislation. In the event of a violation close to the coast, PanglimaLaot usually plays more roles than other agencies, unless the violation happens in the sea area far from the coast.<sup>9</sup>

On the other hand, there are also an indication of overfishing, bombing, fish stealing, and other illegal fishing; these not only lead to the losses to the country but also harm the interests of fishermen and fisheries development, the climate of the fishing industry, and Indonesian fisheries business.<sup>10</sup>

Concerning the increasing number of fisheries issues, observers say that these are significant problems, the estimated number of suspected fishing violations is 86% in the Pacific and 79.8% elsewhere. This estimation illustrates a large number of fishing violations in multiple areas.<sup>11</sup>

The related parties discovered that the discussion concerning law enforcement as a result of an agreement made often stopped. Therefore, the parties involved reviewed and differentiated the debate concerning the illegal fishing criminal acts and included the minthe conceptual thinking of the law enforcement on illegal fishing. On the otherhand, this problem is related to the economic issues and activities damaging the environment, including the marine environment.<sup>12</sup>

Illegal fishing has result edinvarious consequences, such as reduced fisheries resources.<sup>13</sup> Thus, the law enforcement efforts conducted professionally and honestly is required to restore the fisheries resources to its excellent condition.

According to Barda Nawawi Arief,<sup>14</sup> the law enforcement is an essential effort to rationally overcome and eliminate crimes across many fields, by meeting the sense of justice and empowerment in line with its usefulness.

The illegal fishing caused some disadvantages for the fishermen, such as reducing their income. Fishermen are one of the marginal communities who are often excluded from government policy accommodation. The fishermen face many many problems, starting from their lack of income to their limited activities, such as farmers and laborers.<sup>15</sup>

<sup>9</sup> Adwani, Muazzin, Enzus, International Sea Law Teaching Book, FH Unsyiah Press, Darussalam Banda Aceh, 2017, p. 24

<sup>10</sup> Maria Maya Lestari, Fisheries Criminal Law Enforcement in Indonesia Case Study of the Medan District Court ", Journal of Legal Studies, Vol. 3 No. 2, 2014, Unsri, Palembang 2014, P. 273

<sup>11</sup> Read D. Porter, Fisheries Observers as Enforcement, Asset: Lesson from the North Pacific Marine Police, 2010, p. 386

<sup>12</sup> Klas Sander, Julian Lee, Valerie Hickey, Victor Bendi Majoti, John Virdi, William B. Margrath, Conceptualizing Maritime Envorimental and natural Resources Law Enforcement- the Case of Illegal Fishing, Journal Environmental Development, 2014, P. 114

<sup>13</sup> Adwani, "Protection of Marine Fisheries Resources as a Form of Responsibility of Regional Governments in the Sea Waters of the Province of Aceh", Journal of Legal Media, Vol. 18, No. 2, Fac. UMY Law, Yokyakarta, 2012, P. 194.

<sup>14</sup> Barda Nawawi Arief , Capita Selekt Criminal Law concerning Integrated Contemporary Criminal Justice System, Dipenegoro Press University, Semarang Bandung, 2012, P. 109

<sup>15</sup> Agus Abdurrahman, The Bantul Fishermen Empowerment Policy Model Viewed from an Economic and Legal Perspective, Journal of Phenomena, Vol. 6 No. March 1, 2008, p. 2

Both national and foreign fishermen conduct fishing in the sea. The countries sometimes refrain themselves from implementing their jurisdiction to the cases of foreign vessels in their territorial waters; however, when a vessel enters the territorial waters and violates the marine law, it may be subject to a legal sanction from the sovereignty country.<sup>16</sup>

The discussion of the fishing issue involves a situation, an activity related to the framework for an organization, reviewing the illegal fishing problem to examine its participation in the context of law enforcement. It is vital to understand the ways and types of illegal fishing for its prevention and recovery.<sup>17</sup>

Various legal provisions have been implemented to uncover these problems throughout the history by the government and related parties to regulate, control and manage the maritime industry in using the sea resources for the social benefits<sup>18</sup>

Considering the importance of enforcing maritime law related to illegal fishing and the flawed law enforcement implementation, it is necessary to evaluate the performance of law enforcers by employing two steps, including: (1) adequate number of supervisory personnel, and (ii) effective supervisory activities conducted by these personnel.<sup>19</sup>

Regarding the vital role of supervisory personnel in the sea in utilizing the fisheries resources, it is necessary to improve the quality of supervisory staff and identify the supervisory activities and duties. Therefore, it is essential to create a clear and directed working procedure to facilitate the supervisory personnel in performing their duties.

When violations are found in the supervision, and the laws are enforced, the law enforcement at the theoretical level does not only punish the people or the legal entity committing violations but also designing a concept of preventive law enforcement to prevent illegal fishing

The law enforcers face some obstacles in preventing illegal fishing. Consequently, coordination between the law enforcers is required in this framework, such as cooperation between the civil servant investigators, marine police investigators, and navy police investigators with the Panglima Laot.<sup>20</sup> . In other words, the partnership should be established between the civil servant investigators of the Ministry of Maritime Affairs and Fisheries, marine police investigators, and navy Investigators.

Coordination is needed in law enforcement for the orderly administration. The main factor supporting the coordination is the mutual need in law enforcement, including enforcing the law on the fishermen communities catching fish using prohibited equipment. Coordination is required, including working to-

<sup>16</sup> Jawahir Thontowi, International Law in Indonesia Dynamics and Implementation In Several Cases, Madyan Press, Yokyakarta, 2006, p. 186).

<sup>17</sup> Class Sander, Julian Lee, Valerie Thekey At All, Conceptualizing Maritime Envorimental and Natural Resources Law Enforcement- the Case of Illegal Fishing, Journal Environmental Development, 2014, p. 115

<sup>18</sup> Okan Durn, Irrationality in Politics and Governance of Maritime Affairs., International Journal of e-Navigation and Maritime Economy, 1, 2014, p. 53

<sup>19</sup> Edson Gandiwa, Iqnas, MA, Heitkaning, Anne M. Lakhorst, Dkk, Illegal Hunting and law Enforcement during a period of economic decline in Zimbabwe; a case study of Northern Gnarizhou National Park and Adjacent Areas, Journal for Natural Conservation, 21, 2013. p. 136

<sup>20</sup> Adwani, Muazzin, Enzus Tinianus, International Sea Law Teaching Book, FH Unsyiah Press, Darussalam Banda Aceh, 2017. P. 190

gether with the Panglima Laot, but sometimes limited personnel and transportation hinder the process.<sup>21</sup> Therefore, it requires effective performance of the staff to enhance the coordination in the law enforcement for fishing offenders. The offenders are reported to relevant parties for law enforcement per applicable regulations.

Concerning the observation issues related to the reporting of alleged fishing violations, it cannot be effectively conducted to examine the seriousness level in investigating the activities undertaken by the law enforcement agencies, and it demands the engagement in realizing the intention of reporting.<sup>22</sup>

In essence, discussing law enforcement is talking about the enforcement of abstract ideas and concepts (justice, certainty, and usefulness). Next is understanding that law enforcement is an attempt to refer to these ideas, which are the essence of law enforcement.<sup>23</sup>

Soerjono Soekanto,<sup>24</sup> argued that five factors are determining the effectiveness of the law, namely:

1. The legal factor (law).
2. The law enforcers (those who create and apply the law).
3. The facilities supporting law enforcement.
4. The community (the environment where the law applies).
5. The culture, as a result of work, creativity, and taste based on human intention in life.

There are three components of the law and system of law, including:

- a. The structure: the whole legal institution and their personnel, includes the national police and its police officers; the judicial office and its prosecutors; court and its judges, etc.
- b. The substance: the full rule of law, legal norms, and legal principles, both written and unwritten, including the court decision.
- c. Legal culture: the opinions, beliefs, habits, ways of thinking and ways of acting, both from the law enforcement and the citizens, concerning the law and various phenomena concerning the law.<sup>25</sup>

Hans Kelsen in his book entitled 'General Theory of Law and State' defined a legal effectiveness as "..... whether in reality, people act based on a method to avoid sanctions provided by legal norms or not, and whether the sanctions are precisely conducted if the conditions are satisfied".<sup>26</sup>

The term "criminal justice system" has become a term indicating the working mechanism in crime prevention using a basic system approach.<sup>27</sup>

The four sub-systems of criminal justice, namely, the police, the judiciary, the court, and the community institutions as a sub-system of the decision implementation, are a unit known as the Integrated Criminal Justice System.<sup>28</sup>

Each component above have different roles, but it is an integral unit in the context of law enforcement. The criminal justice system outlined in the 'kitab undang-undang hokum acara pidana (KUHP)' or 'the Book of Criminal Law' is an integrated criminal justice system based on the principle of "functional differentiation" between the law enforcers according to "the stage of authority process" authorized by the law for each component.<sup>29</sup>

On the other hand, the concern and impracticality of several maritime policies in the law enforcement draw special attention and the knowledge in dealing with the law enforcement provide the handling experience.<sup>30</sup>

Based on the above description, the components involved in the criminal justice system are four agencies, although some experts also include legislators and advocates. The investigation task is the authority of the Police, but KUHP also authorizes it to civil servant investigators. The presence of civil servant investigators in the criminal justice system can be identified in the provision of Article 1 point 1 stating that the investigators are national police officers of the Republic of Indonesia or certain civil servants specifically authorized by law to investigate.

The article 1 number (??) of the Law Number 31, the Year of 2004, amended by Law number 45, the Year of 2009 concerning Fisheries, explained that fisheries involve all activities related to the management of the utilization of fisheries resources and their environment including the preproduction, the production, the processing, and marketing conducted in a fisheries business system.

### 3. Research Method.

The research object in this study was the potential fisheries resources in the territorial waters of the Aceh Province following the international and national marine law concerning regional policies to increase the income source of the people and regions. The marine resources have been used as a source of country income both at the central and regional levels. The policies include law enforcement, the coordination, the preservation of marine resources, and the supervision by related parties. This research was normative and empirical research, aiming to examine the law enforcement in the sea according to various policies established by the provincial and regency/city governments as a manifestation of the regional autonomy and author-

<sup>21</sup> Adwani, Muazzin,ENZUS Tinianus, Ibid, p.23.

<sup>22</sup> Read D. Parter, Op.Cit, P. 588

<sup>23</sup> Satjipto Raharjo, Law Enforcement, A Sociological Review, Genta Publishing, 2009, p. 12

<sup>24</sup> Soerjono Soekanto, Factors Affecting Law Enforcement, PT. Raja Grafindo Persada, Jakarta, 2008, p. 8

<sup>25</sup> Achmad Ali, Revealing Legal Theory and Judicial Theory, Vol.1, Kencana, 2010; p. 204.

<sup>26</sup> Salim HS, Erlies Septiana Nurbani, Application of Legal Theory to Thesis and Dissertation Research, Rajawali Press, Jakarta, 2014; p. 302

<sup>27</sup> Romli Atmasasmita, Contemporary Criminal Justice System, Jakarta: Kencana Prenada Media Group, 2010; p. 2.

<sup>28</sup> Barda Nawawi Arief, Op.Cit. p. 19.

<sup>29</sup> M. Yahya Harahap, Discussion, Issues and Implementation of KUHP (Investigation and Prosecution), Sinar Grafika, Jakarta 2006, p. 90

<sup>30</sup> Okan Daru, Op. Cit, p. 54

ity decentralization concerning the law enforcement related to fisheries resources in the territorial waters.

The study was conducted in Aceh Province including several cities and districts, namely: Aceh Jaya district, Banda Aceh, Sabang, North Aceh district, East Aceh district, and West Aceh district.

The data in this study were primary and secondary. Primary data was originated from various policies and regulations concerning the law enforcement established by the Provincial, the Regency/City, and the Central Government. Besides, a field study was undertaken for the parties related to the research objects to obtain further data on various policies, law enforcement, and protection.

The secondary data were based on the literature review of various theories, and research findings and other materials related to the research objects. Therefore, secondary data collection was conducted by library research involving the review of books, journals, papers, conventions, and legislation. The internet was also used to research materials related to the research problems.

The field study was conducted for primary data collection by interviewing respondents and informants related to the research objects. They were as follows:

#### 1. Respondents

- a. The head of Aceh Province Department of Maritime Affairs and Fisheries.
- b. The head of regencies or cities Department of Maritime Affairs and Fisheries.
- c. The civil servant investigator of Provincial Department of Maritime Affairs and Fisheries (2 people).
- d. The civil servant investigator of regencies or cities Department of Maritime Affairs and Fisheries (2 people).
- e. Two PSDKP investigators
- f. Marine police investigator (2 people)
- g. Fisheries Attorney (1 person)

#### 2. Informants :

- a. The head of supervision of the Aceh Province Department of Maritime Affairs and Fisheries.
- b. The head of civil servant investigators of Aceh regional police.
- c. The head of sub-directorate of law enforcement, directorate of Aceh regional police.
- d. Panglima Laot (2 people from each region)
- e. The fishermen (3 people from each region)

The primary data of field research and secondary data of the library research were analyzed qualitatively.

## 4. Discussion Concerning The Coordination Between The Investigators And Panglima Laot.

### 4.1. The Coordination between the Investigators and Panglima Laot in the Law Enforcement on Fisheries Offenders in the Aceh Province Territorial Waters.

An investigation of an illegal act is necessary for law enforcement. The investigation aims to provide an overview to

uncover the truth and mistakes of the actions conducted. The investigations must be performed by the authorized investigators, including establishing the coordination between the investigators.

The investigation of criminal acts related to fisheries in the fisheries management of the Republic of Indonesia is conducted by Fisheries civil servant investigators, Indonesian navy officers and Indonesian national police officers, as is regulated in the Article 73 section (1) of the law number 45, the Year of 2009 concerning Fisheries. The three investigation agencies must cooperate to enforcing the law for illegal fishing or any suspected criminal acts in the Indonesian territorial waters.

The law enforcement of the marine violations should be done by coordination between the investigators. If the Department of Marine Affairs and Fisheries arrests the vessel violating the law, and if it is conducted by the Indonesian navy officers, the investigation for the law enforcement should be done by the Indonesian navy investigators. On the other hand, if Panglima Laot or fishermen arrest the offenders, they need to report the vessels to the authorized investigator, such as the civil servant investigator.<sup>31</sup>

The fishermen, Panglima Laot and the West Aceh Regional Government, have established to ban the use of mini trawlers for fishing, as stated in the agreement, such as Meulaboh agreement. A strict law will be enforced on the violating vessels, by burning. However, when the marine police capture the violating vessel, the police investigator will investigate without cooperating with the Panglima Laot because police investigator has the authority to process the law enforcement.<sup>32</sup>

Thus, the navy investigators are legally authorized to conduct the arrest and investigation of sailing and fisheries criminal acts in the Indonesian territorial waters. In the case of these two offenders, the navy officers will not delegate this problem to a civil servant or police investigator. However, if the navy officers arrest the offenders related to illegal logging, narcotics, and customs, they will delegate it to civil servant investigators.

On the other hand, if a dispute occurs between fishermen related to fishing or the rules of fishing violation (such as the prohibition of fishing on Friday), the Panglima Laot will deal with the issue and the customary marine sanction is applied.<sup>33</sup> Customary settlement is handled by enforcing customary sanctions, such as being charged for kenduri laot (sea party) or five million fine (in IDR).

The marine violations handled by Panglima Laot may be in the form of the use of prohibited fishing gears, the disputes between fishermen, the installation of the Fish Aggregating Device (FAD) in forbidden places due to the FADs installation limits.

Concerning the violation which the offender is given customary sanctions such as prohibited to go to the sea for one week, Panglima Laot resolved such violation, but other investigators also attend the settlement and certainly respect the de-

<sup>31</sup> Irfan, Head of Capture Fisheries in West Aceh Regency, Interview, 4 July 2018.

<sup>32</sup> Elfiani, Secretary of DKP West Aceh, Interview, 5th July 2018.

<sup>33</sup> Amiruddin, Panglima Laot, West Aceh, Interview, July 4, 2018

cision. On the other hand, there is disagreement between the fishermen in West Aceh concerning fishing using trawl. Some of the fishermen agreed with the rules prohibiting the trawl, but others opposed the trawling ban.<sup>34</sup>

Concerning the above circumstances, the coordination between investigators is critical as the investigators have agreed to coordinate in enforcing the law on marine violations preceded by the arrest of offenders. However, the coordination has not been effective due to the unavailability of civil servant investigators in Aceh Jaya; instead, the coordination involves the national police investigator. Besides, the coordination with Panglima Laot occurs when the fishermen send the information of the illegal fishing to Panglima Laot, and then Panglima Laot convey the information to the marine police or the navy.<sup>35</sup> (Ali Harmen, Head of DKP Empowerment Division, July 13, 2018).

The coordination has been a major concern of the related parties, especially between the navy, marine police, civil servant investigators, and Panglima Laot. In addition, there is also a coordination system between Panglima Laot and the Aceh Customary Assembly as the Assembly in charge of the other customs of Aceh, including Panglima Laot.

In relation to the importance of coordination, it is necessary to promote coordination between the relevant parties, including the Aceh Customary Assembly. The Aceh Customary Assembly play a role in conducting the customary marine law. However, the coordination is slightly flawed as some instances do not involve the Marine Customary Assembly.<sup>36</sup>

However, the coordination between the investigators occurs. In the event of foreign fishing vessels conduct illegally fishing, the fishermen who observe them report the case to the relevant authorities, such as the navy officers if it occurs in the Exclusive Economic Zone (EEZ). If it occurs in the territorial waters of the state, it will be reported to the marine police or the Department of Marine Affairs and Fisheries.<sup>37</sup>

The position of the Panglima Laot is under the Department of Marine Affairs and Fisheries, directly under the capture section; it is also associated with the Regional Customary Agency, the Aceh Customary Assembly. However, in the case of illegal fishing, the coordination with relevant investigators is conducted.<sup>38</sup>

Enforcement has been currently conducted through cooperation or coordination between related agencies. In the case of illegal fishing, such as using trawler, legal measures are performed. The fishermen used the trawler under 10 GT, and twelve vessels using mini trawler fishing gear were arrested. Besides the law enforcement for the offenders, coaching was also provided for them. Next, they signed a statement of no more use the mini trawler.<sup>39</sup>

The government, related parties and fishermen communities (pioneered by the Panglima Laot), have attempted to prevent the illegal fishing by various means, such as establishing an agreement not to use trawler fishing gear to catch fish. However, it has not been effectively implemented as evidenced by the occurrence of illegal fishing today (despite the reduced number).

In other territorial waters, such as in the East Aceh Regency, illegal fishing also happens such as Belawan fishing vessels using the trawler. The Panglima Laot arrested them and burned the ship after the investigation, and they were found guilty.<sup>40</sup> This was a sanction for the violation of using the prohibited fishing gear.

Replacing the fishing gear is one of the ways to overcome the illegal fishing, and this requires a budget plan. Thus, it is necessary to record the ships used adhered with the agreed capacity, such as 10 GT. However, this did not work well due to the expensive cost of vessel replacement compensation.

In relation to this case, to discover a way to prevent illegal fishing, if there are criminal issues, such as the ship burning by fellow fishermen, the marine police and Panglima Laot will first attempt to resolve the issue peacefully. Likewise, the mistakes of the FADs installation are also peacefully resolved by Panglima Laot and marine police to keep it secured.<sup>41</sup>

Regarding the issue of missing people in the sea, usually, the Panglima Laot requires help from the marine police or the navy officers, specifically for a fleet to conduct its activities. However, Panglima Laot has some short comings, such as limited operational funds and sending assistance through the structural agency. This can happen through government planning.<sup>42</sup>

The short coming is understandable as Panglima Laot is not government organization. It is a community organization that cares about the marine resources and the sea preservation, assists the government in conveying information concerning marine violations, and protect the marine environment and fisheries resources in the sea. Thus, the roles of marine law enforcers have been conducted by the Department of Marine Affairs and Fisheries, Indonesian navy offices, and marine police. However, cooperation or coordination between them has not been effective as indicated by unsystematically or unscheduled duties or responsibilities that often conducted as needed.

Various problems arise related to fishing in the sea, so it is necessary to the solution, such as identifying the problems (the types and the behavior of parties related to marine and fisheries issues). By investigating the matters concerning the prevention and law the enforcement, sufficient budget, adequate number of qualified personnel, and correct and decisive actions are required.

#### 4.2. The coordination implementation between the investigators and the Panglima Laot in law enforcement of fisheries.

The law enforcement for marine violations is conducted by the authorized parties, including the civil servant investigators,

<sup>34</sup> Amiruddin, Ibid.

<sup>35</sup> Ali Harmen, Head of DKP Empowerment Division, Interview, July 13, 2018.

<sup>36</sup> Ibrahim Maneh, Head of the Customary of West Aceh District, Interview, 13 July 2018.

<sup>37</sup> Usman, Panglima Laot, Aceh Jaya, Interview, July 13, 2018).

<sup>38</sup> Syawaluddin, Head of DKP East Aceh, Interview, July 16, 2018.

<sup>39</sup> Zainabon, Head of Capture section of Department of Marine Affairs and Fisheries, in East Aceh, 16 July 2018.

<sup>40</sup> Thalib Badai, Panglima Laot of Lhok, Interview, East Aceh, July 16, 2018

<sup>41</sup> Muklis, East Marine Police, Interview, July 16, 2018

<sup>42</sup> Shahrlul, Assistant of Panglima Laot, Sabang, Interview, 4 October 2018

Indonesian navy investigators, and marine police Investigators. Each of them has authority according to its legal jurisdiction. The Indonesian navy is in the Exclusive Economic Zone while the civil servant and marine police investigators are in the regional territorial waters. Therefore, the coordination of law enforcement is performed by the investigators based on their authority. On the other hand, the presence of Panglima Laot and the fishermen also play an important role in law enforcement coordination. The investigation is sometimes preceded by information from Panglima Laot.

Generally, the investigators, civil servant, and marine police investigators cooperate in uncovering the cases of illegal fishing. The coordination with Panglima Laot is in the form of communication to provide information about illegal fishing to relevant parties, such as the marine police. This report is mainly initiated by the fishermen supporting law enforcement of the use of trawler fishing gear, indicating that some others do not support the marine law enforcement.<sup>43</sup>

Various types of vessels are used for fishing, small fishermen use small capacity ships, but the problem remains between the fishermen. When small fishermen or small vessel commits a violation, then the law enforcement is handled by the Panglima Laot and settled based on the customary marine law. However, if the Panglima Laot cannot solve it due to its relation to other criminal acts, it will then be resolved by marine police investigators.<sup>44</sup>

The coordination between the investigators and the Panglima Laot has run well based on their respective functions. Generally, the Panglima Laot informs the related authorities such as the Indonesian navy officers or civil servant investigators about the illegal fishing. In the case of violations committed by large or foreign vessels, the fishermen in the sea send the initial information to the Panglima Laot. Next, the information was followed up by the related investigators to conduct the arrest measures and continue the investigation.

The coordination between the Panglima Laot and the related investigators has generally run well. However, problems arise as some fishermen refuse to be arrested by the investigators. They argue that fishing in the sea should not be prohibited as they seek for their sustenance in the sea and decline law enforcement. Thus, it is essential to develop their prior understanding, including the issues regulated by the customs of the sea.<sup>45</sup>

The communication needs between the investigators and between the investigators and the Panglima Laot determine the success of the cooperation in law enforcement in the sea. Therefore, the coordination issue has been the major attention of investigation agencies to strengthen law enforcement. However, the coordination system still requires some consistencies in its implementation.

Following up on the coordination conducted, the relevant parties or the Department Of Marine Affairs And Fisheries provides communication equipment for the Panglima Laot or fish-

ermen to convey information concerning violations in the sea to the Indonesian navy, Department Of Marine Affairs And Fisheries, or marine police.<sup>46</sup>

Nowadays, Panglima Laot or reports to the authorities or investigators about the criminal violation in the sea, both conducted by foreign and fishing vessels which generally use the prohibited devices.<sup>47</sup>

The implementation of the law enforcement coordination is based on information conveyed by the fishermen to Panglima Laot which is then transferred to the Indonesian navy, Department Of Marine Affairs And Fisheries, or marine police using their communication tools. However, sometimes the communication devices are not available, and thus, it hinders the information delivery. This issue weakens the law enforcement process. Without routine supervision by related parties, marine violations cannot be appropriately prevented.

Also, to strengthen the coordination, coaching is provided for the fishermen or Panglima Laot. Meetings and socialization are also organized related to the fishing vessels that use trawler fishing gear. The use of trawlers has been agreed to be reduced or eliminated, but some of the Panglima Laot disagree.<sup>48</sup>

Concerning the prohibited fishing gear but violated by the fishermen, efforts should be made to minimize or eliminate the use of the devices. Therefore, it is necessary to increase the budget for purchasing the replacement equipment, the environmentally friendly one. However, the replacement cannot occur entirely; instead gradually, thus there placement is ineffective. Therefore, the supervision is increased coordinating the related parties.<sup>49</sup>

The Department of Marine Affairs and Fisheries and the Indonesian navy officers conduct the supervision in stages, while the Panglima Laot is merely a supervisory partner who delivers information regarding the fishing vessels violation. There are now 960 vessels in the North Aceh, previously around 600, and the available environmentally friendly fishing gear is around 150; this causes a problem related to the fishing gear replacement.<sup>50</sup>

The coordination in replacing fishing gear has been conducted, mainly addressed by the Department of Maritime Affairs and Fisheries. However, insufficient fund hinders the replacement process; it cannot be done simultaneously but gradually. This issue causes dispute among the fishermen who have received the replacement gear, and those have not.

The fishermen in Sabang have long agreed to no longer use trawlers. This is in contrast with regions, such as West Aceh and East Aceh.<sup>51</sup> Capturing fish using trawlers has been banned years ago, but the fishermen's responses differ. Some still con-

<sup>46</sup> Ali Harun, Head of Fishing Equipment Section, Aceh Jaya, Interview, July 5, 2018).

<sup>47</sup> Usman, Panglima Laot, Aceh Jaya, Interview, July 12, 2018

<sup>48</sup> Zainabon, Head of Capture section of the Department of Marine Affairs And Fisheries, East Aceh, July 16, 2018

<sup>49</sup> Jafar Ibrahim, the Head of Department of Marine Affairs and Fisheries, North Aceh, July 17, 2018.

<sup>50</sup> Ramli Usman, Kapala DKP Infrastructure Section of North Aceh, Interview, July 17, 2018

<sup>51</sup> Irwansyah, Head of Supervision, Sabang, Interview, October 4, 2018.

<sup>43</sup> Irfan, Head of Capture Fisheries Section, West Aceh, 4 July 2018

<sup>44</sup> Slamet, Head of Marine Police of West Aceh, Interview, July 4, 2018.

<sup>45</sup> Amiruddin, Panglima Laot of West Aceh, Interview, July 5, 2018

sider trawlers is necessary to increase catch; while some others believe the ban is vital to maintain the sustainability of the fisheries resources for future life and not to destruct the marine environment or coral reefs, the growing place for various types of fish needed by the community.

Establishing coordination between the investigators is a necessity, both for law enforcement and for monitoring various possibilities for marine resources violations. In this framework, it is essential to conduct effective coordination. However, the new regional government law has led to the difference coordination between the authority of the district and city level. The regional government law stipulates that the provincial government has full supervisory authority. So, the provincial government coordinates the supervision in the Regency or City area.

Therefore, the coordination of law enforcement and supervision has changed. Nowadays, the provincial Department of Marine Affairs and Fisheries plays the role. Generally, the provincial government requests the required data to the Department of Marine Affairs and Fisheries to conduct the supervision and coordination related to law enforcement. This change has eliminated the function of the Department of Marine Affairs and Fisheries in the district or city even though they are the spearhead who understand about the existence or actions of the fishermen. The fishermen usually coordinate with related parties in the regency or city should they observe violations occurs in the sea.

The findings show that some fishermen understand and inform the violation while some others have a lack of knowledge regarding the protection of the marine natural resources, especially the fisheries resources needed for the community life. Law enforcement is carried out to prevent violations and protect the interest of the community and the state.

## 5. Conclusion and Suggestion.

Based on the results, the conclusions and suggestion of this study are:

### 5.1. Conclusion.

The coordination between the investigators and Panglima Laot is crucial to obtain information concerning law violations in the sea by illegal fishing vessels. Therefore, coordination is established between the investigating teams such as civil servant investigators, Indonesian navy investigators, marine police investigators, and Panglima Laot to obtain information about the law violations by fishing vessels and for the law enforcement. However, coordination has not run correctly. It is organized routinely, and thus the law enforcement is not optimal.

The coordination between the investigators and the Panglima Laot is conducted by the fishermen reporting to the Panglima Laot and Panglima Laot in forming the investigators. However, the investigators do the law enforcement based on their authority area, while the enforcement outside their territory has not run well. It can be concluded that coordination implementation and law enforcement has not run properly.

### 5.2. Suggestion.

The coordination between the investigators (civil servant, navy and marine police investigators) and Panglima Laot in conducted the law enforcement on the offenders of fisheries crimes in the Aceh province territorial waters is expected to run more effective by establishing a proper coordination system and empower Panglima Laot, including providing the communication devices to Panglima Laot.

It is hoped that the implementation coordination between the investigators will be conducted continuously, including cooperating with Panglima Laot who are outside the territory to facilitate and promote the success of law enforcement in the sea. Empowerment of Panglima Laot should be improved by providing communication devices.

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