

## WATER AND AIR POLICE CORPS (POLAIRUD) AUTHORITY IN PREVENTING THEFT ON LEGO ANCHORS SHIPS IN THE TANJUNG PRIOK PORT AREA

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### *Abstract*

*The aim of the research is to analyze the authority of Water and Air Police Corps (Korpolairud) in preventing the crime of theft on ships with Lego anchors in the Tanjung Priok port area as well as analyzing the legal protection of ships anchored in the Tanjung Priok port area. The type of research used is normative juridical. The approaches used in legal research are the statute approach, the case approach and the comparative approach. The results of the analysis show that Polairud's Authority in preventing criminal acts of theft, Article 1 paragraph (1) of the 1945 Constitution of the Republic of Indonesia is a state based on law. The rule of law is a constitutional construction. As such, all actions of law enforcement officials including the police in carrying out investigations must be based on the law and obey the law. Legal protection for Lego Anchor Ships in the Tanjung Priok Port Area, it can be understood that police institutions, especially the Sub-Directorate of Gakkum Ditpolair Korpolairud Baharkam Polri as an organization carry out administrative and management functions in carrying out their functions or duties as investigators of criminal acts of theft onboard Lego Anchors in the Region Tanjung Priok Port which has been determined by laws and regulations.*

**Keywords:** Korpolairud Authority, Lego Anchor Ship, Theft Crime

### 1. INTRODUCTION

Indonesia is an archipelagic country and has a strategic geographical position which makes Indonesian seas pass by ships from various countries, both merchant ships and naval vessels from various countries in the world. According to the United Nations Conference on Trade and Development (UNCTAD), Indonesia is ranked 13th out of 30 in Cargo and ship handling performance for dry bulk carriers. Top 30 economies by ship arrivals, average value for 2018 to first half 2021. However, Indonesia's maritime territory also plays a role as a site for threats to maritime security, such as piracy and armed attacks on operating vessels. The results of data reports from the International Maritime Organization (IMO) state that two areas that are vulnerable to piracy are the territorial sea area and state ports.

The important function of the sea in societal life often creates various threats, including piracy, sea and armed robbery, weapons and ammunition smuggling, illegal fishing, pollution of the marine environment, disposal of hazardous and toxic wastes (B3), and so on (Susanto & Dicky, 2015). Besides that the enforcement for law violations at sea is very difficult because one has to understand territorial/territorial boundaries, in contrast to law enforcement on land which can actually be made and seen (Leden, 2005). This should be a problem because crimes that occur in the Indonesian maritime territory are not regulated in the Criminal Code (KUHP) so that a law enforcement agency is needed that specifically enforces the law in the Indonesian maritime territory.

Security is a matter of law enforcement, based on the Presidential Regulation of the Republic of Indonesia No. 5 of 2017 concerning Amendments to Presidential Regulation Number 52 of 2010 concerning the Organizational Structure and Work Procedures of the Indonesian National Police, the Water and Air Police Corps Security Maintenance Agency of the Republic of Indonesia Police (hereinafter referred to as *Korpolairud Baharkam Polri*) is the main implementing element under *Kabaharkam Polri* led by *Kakorpolairud* and responsible to *Kabaharkam Polri*, where *Korpolairud Baharkam Polri* in charge of the Directorate of Water Police and the Directorate of Air Police (Mukhsalmina et al., 2021).

The high incidence of theft on ships at port has made some Indonesian waters unsafe for shipping (Saraswati & Pinatih, 2020). This initiated the *Korpolairud Baharkam Polri* to innovate the Quick Response program to prevent theft on ships in the berthing area (Yoriadi, 2019). This is one of *Korpolairud Baharkam Polri*'s responses to security and safety issues in the berthing area for ships that are anchoring, because *Korpolairud Baharkam Polri* obtains data from the International Maritime Bureau (IMB), which has one of its functions to provide information to countries in world for incidents that disrupt security in the waters. If the security of Indonesian waters is deemed unsafe, it will have an impact on Indonesia's reputation, which can reduce investment and of course disrupt the economy, especially in competing with other countries. In its implementation, there are ten most vulnerable points (hotspots) in Indonesian waters, especially in the area where ships are anchored, which are the targets of the implementation of the *Korpolairud Baharkam Polri* services to be given fast assistance in securing and preventing theft on these ships. The hotspot areas are Belawan: 03:55.00N-098:45.30E, Dumai: 01:42.00N-101:28.00E, Nipah: 01:07.30N-103:37.00E, Tanjung Berakit/Bintan: 01:00AM 23.30N-104:42.30E, Tanjung Priok: 06:00.30S-106:54.00E, Gresik: 07:09.00S-112:40.00E, Taboneo: 03:41.30S-114:28.00E, Tanjung Butan: 01:00 11.30N-104:12.30E, Muara Berau: 00:17.00S-117:36.00E, Balikpapan: 01:22.00S-116:53.00E.

During 2019, it turns out that overseas waters are rife with lanun (pirates). According to the records of the Regional Cooperation Agreement to Combat Piracy and Armed Robbery Against Ships in Asia (ReCAAP ISC), until last year there were 31 piracy against ships crossing the Singapore Strait. This figure is relatively high compared to 2018 records. The Singapore-based agency revealed that only seven incidents of lanun were recorded during 2018. So, in 2019 crime at sea experienced a significant increase, namely more than 400 percent. On 7 February 2020, an act of piracy hit a tug boat and barge with the Malaysian flag (Sung Fatt 27 and Sung Fatt 32 respectively) which were sailing in the waters of the Riau Archipelago, to be precise around Karimun Besar Island.

The Tanjung Priok Port Police arrested a gang of thieves specialists on foreign ships, the mode used by the perpetrators was by wearing vests and helmets that resembled the equipment used by port officers. This method is used so that the perpetrators freely enter the ship and commit theft on board.

Through the decisions in the Directory of Decisions of the Supreme Court of the Republic of Indonesia, the authors found about cases of the crime of theft on ships, which included:

- 1) Decision of the Central Jakarta court which has permanent legal force Number: 1079/Pid.B/2017/PN.JKT.PST dated November 15 2016 in the case of an Awaludin alias Syahwal using the MT. Matahari ship owned by Bank Jabar which was rented and used to commit the crime of sea piracy, the court through its verdict sentenced the defendant to imprisonment for 7 (seven) years and 6 (six) months.

- 2) The decision of the Pangkal Pinang District Court Number: 267/Pid.B/2018/PN.Pgp dated October 1 2018 stated that Tion bin Kodin was legally and convincingly proven to have committed the crime of piracy in the territorial sea in the waters of Mespari Island, Bangka Belitung Regency, together and imprisonment for 1 (one) year.
- 3) The number of disclosures of criminal acts during 2021 was quite a lot, *Korpolairud Baharkam Polri* handled 655 criminal cases, 655 of which were divided into 519 disclosures by Ditpolair *Korpolairud Baharkam Polri* and 136 disclosures by Ditpolair Polda ranks throughout Indonesia. From disclosing this case, the ranks of the *Korpolairud Baharkam Polri* were able to save state assets of up to Rp. 1 trillion. There are 4 (four) cases that stand out the most throughout 2021. The first is the arrest of fishing boats with foreign flags, then the disclosure of smuggling of explosives in East Java. There were 9 foreign fishing boats with Vietnamese and Malaysian flags that were caught, which is a prominent case because it occurred in the North Natuna Sea region. The next prominent case is the disclosure of large quantities of drugs and the smuggling of lobster seeds. The smuggling of lobster seeds or baby lobsters is a crime which is an enemy of the state. The *Korpolairud Baharkam Polri* succeeded in thwarting the smuggling of 122.100 lobster seeds or fry worth around Rp33,6 billion.

Based on the facts and problems, the aim of current research is to analyze the authority of Korpolairud in preventing the crime of theft on ships with Lego anchors in the Tanjung Priok port area. Besides, current research also analyzing the legal protection of ships anchored in the Tanjung Priok port area.

## **2. LITERATURE REVIEW**

### **2.1. Maritime Security Theory**

Feldt, Roell, & Thiele (2013) argues that “Maritime Security is the combination of preventive and responsive measures to protect the maritime domain against threats and intentional unlawful acts (a combination of preventive and responsive measures to protect the maritime from threats and illegal acts)”. The key words of understanding are preventive, responsive steps, directed at both civil and military law enforcement as well as security operations such as those carried out by law enforcement at sea. Maritime security is primarily concerned with navigational safety issues, eradicating transnational crimes including maritime piracy and maritime terrorism as well as conflict prevention and resolution. In that context, non-traditional issues, such as environmental security and search and rescue operations are included.

### **2.2. Crime Prevention Theory**

Referring to opinion Bergs (1988) that crime prevention as an effort to require actions designed to reduce the actual level of crime and/or things that can be considered as crimes according to their development. Prevention of crime is the implementation of police functions at the pre-emptive and preventive stages, with the presence of uniformed police both individually and as a unit as a form of protection, and provides protection and services to the community. Crime prevention is an action to eliminate crime before it occurs and before the crime develops further.

### **2.3. Authority Theory**

Power is often equated with authority, and power is often interchanged with the term authority, and vice versa. In fact, authority is often equated with authority. Power usually takes the form of a relationship in the sense that "there is one party who rules and another party is governed" (the rule and the ruled).

Authority is often equated with the term authority. The term authority is used in the noun form and is often equated with the term "*bevoegheid*" in Dutch legal terms. According to Hadjon (1997), "if one looks closely there is a slight difference between the term authority and the term *bevoegheid*. The difference lies in the legal character. The term *bevoegheid* is used in the concept of public law as well as in private law". In our legal concept the term authority or authority should be used in the concept of public law.

### **2.4. Theft Crime**

Theft in its main form is regulated in Article 362 of the Criminal Code (KUHP), which reads: "Anyone who takes something that wholly or partly belongs to another person, with the intention of taking possession of said object against his rights, then he is convicted of committing theft with a maximum imprisonment of five years or a maximum fine of sixty rupiahs".

## **3. RESEARCH METHODS**

The type of research used was normative juridical. The approaches used in legal research were statutory approaches. The statutory approach carried out by examining all laws and regulations that related to the legal issues being handled. While the case approach is carried out by examining cases related to the issue at hand, and had become a decision that had permanent legal force (Marzuki, 2017). The case approach also studied the application of legal norms or rules in legal practice, taking into account their normative nature (Taufani, 2018). A comparative approach was a type of approach that compared an event that occurred in a country (Marzuki, 2017).

- a. Primary Legal Materials, namely binding legal materials consisting of:
  - 1) The 1945 Constitution of the Unitary State of the Republic of Indonesia, Article 30 Paragraph (2) regarding state defense and security is carried out through the defense and security system of the entire people by the Indonesian National Armed Forces and the Indonesian National Police as the main force.
  - 2) Law Number 1 of 1946 concerning Criminal Law Regulations, the Criminal Code (KUHP).
  - 3) Law Number 8 of 1981 concerning Criminal Procedure Code, the Criminal Procedure Code (KUHAP).
  - 4) The United Nations Convention on the United Nations Convention on The law of the sea (UNCLOS 1982) which ratifies the Law of the Sea.
  - 5) Law No. 17 of 1985 concerning ratification of the ratification of UNCLOS, the United Nations convention on the Law of the Sea.
  - 6) Law Number 2 of 2002 concerning the Indonesian National Police.
  - 7) Law Number 17 of 2008 concerning Shipping
  - 8) Law Number 43 of 2008 concerning State Territory.
  - 9) Law Number 45 of 2009 concerning Amendments to Law Number 31 of 2004 concerning Fisheries.
  - 10) Law Number 32 of 2014 concerning Maritime Affairs.

- 11) RI Presidential Regulation Number 5 of 2017 concerning amendments to Presidential Regulation Number 52 of 2010 concerning the Organizational Structure and Work Procedure of the Indonesian National Police.
  - 12) Republic of Indonesia Presidential Regulation Number 16 of 2017 concerning Indonesian Maritime Policy 2016-2019
  - 13) Republic of Indonesia Presidential Regulation Number 34 of 2022 concerning the 2021-2025 Indonesian Maritime Policy Action Plan.
  - 14) Regulation of the Head of the National Police of the Republic of Indonesia Number 6 of 2017 concerning the Organizational Structure and Work Procedures of the Indonesian National Police at the Headquarters level.
  - 15) Other laws and regulations related to this research.
- b. Secondary Legal Materials, namely legal materials that provide explanations and instructions for primary legal materials, which consist of:
- 1) Various literature/books related to research material.
  - 2) Various results of seminars, workshops, symposiums, and research scientific papers and other articles related to research material.
- c. Tertiary Legal Materials, namely legal materials that provide instructions and explanations of primary legal materials and secondary legal materials, consisting of: Legal Dictionary, English-Indonesian Dictionary, Indonesian General Dictionary, and Encyclopedia.

Legal materials obtained from research activities were analyzed appropriately to solve a legal problem that had been studied. The analysis of legal material used in this study was an analysis of teleological interpretation and systematic interpretation. Through teleological interpretation, the author sought to analyze the existence of laws and regulations related to this matter by analyzing legal material that had been collected through a legal inventory process, analyzed in depth by exploring the basic principles, values and norms contained in there. Furthermore, cross-checking carried out with other laws and regulations.

## 4. RESULTS AND DISCUSSION

### 4.1. Analysis of Polairud Authority in Theft Preventing Crime

The high incidence of theft on ships at port has made some Indonesian waters unsafe for shipping. This initiated the Indonesian National Police's Air and Water Police Corps (hereinafter referred to as *Korpolairud*) Security Maintenance Agency (hereinafter referred to as *Baharkam*) to innovate the "Quick Response" or Theft Prevention program on board ships in the berthing area.

Polairud's authority in preventing criminal acts of theft through the investigation stage is an important part in a series of stages that must be passed by a case to reveal whether or not a crime has been alleged to have occurred. Therefore, the existence of the investigation stage cannot be separated from the existence of statutory provisions governing criminal acts.

The crime of theft regulated in Article 362 of the Criminal Code. Therefore, the state feels the need to protect the rights of its citizens in relation to property. Protection of property rights in the form of property is emphasized in the 1945 Constitution of the Republic of Indonesia, Article 28H paragraph (4) which reads "Every person has the right

to have private property rights and these property rights may not be taken over arbitrarily by anybody". The crime of theft is one of the most common crimes in society.

Through the framework of the criminal justice system, the role of law enforcement officials, especially investigators is very strategic. Investigators are the main gate for starting the task of finding material truth, because it is through the investigative process that law enforcement efforts begin to be carried out (Arif & Priono, 2019). The Law Enforcement (Gakkum) Sub-Directorate is an element of the Police task force in charge of carrying out investigations and prosecutions in the framework of law enforcement in water areas and safeguarding detainees and evidence as well as administrative supervision, investigation materials and criminal investigations carried out by investigators.

In carrying out its duties, the Sub-Directorate of *Gakkum Ditpolair Korpolaairud Baharkam Polri* carries out an investigative function in Indonesian territorial waters in order to seek and obtain information or data related to violations of the law on maritime crimes (Fadli et al., 2019), conducting investigations into criminal acts or violations of law in Indonesian territorial waters, treating and maintaining detainees and evidence (Matompo, 2018), administrative supervision and criminal investigation materials carried out by investigators according to steps to improve public services in law enforcement that are just in accordance with the program of the Head of the Indonesian National Police (Kapolri) Listyo Sigit Prabowo, namely towards PRESISI POLRI (Predictive, Responsive and Fair Transparency).

The crime of theft that occurred in Indonesian waters, especially on the Lego Anchor Ship in the Tanjung Priok Port Area, must be handled seriously by law enforcement officials, especially the Sub-Directorate of *Gakkum Ditpolair Korpolaairud Baharkam Polri* by taking repressive measures to prevent and deal with the crime that occurred. This is because Indonesia's interests need to be protected and secured from possible exploitation that is detrimental to the nation and state of Indonesia. Likewise, threats and disturbances that may arise need to be anticipated so that efforts to make the most of the sea for the sake of security at sea and prosperity for the Indonesian people can be maintained and guaranteed (Setiawan, 2016).

In carrying out its functions, investigators from the Sub Directorate of *Gakkum Ditpolair Korpolaairud Baharkam Polri* must really understand their duties and responsibilities, that: investigators generally have the authority, namely:

- 1) Receive a report or complaint from someone about a crime.
- 2) Summon and examine suspects and/or witnesses to hear their statements.
- 3) Bring and appear before someone as a suspect and/or witness to hear their statement.
- 4) Searching facilities and infrastructure that are suspected of being used in or being a place of committing a crime.
- 5) Stopping, examining, arresting, bringing and/or detaining ships and/or people suspected of committing criminal acts.
- 6) Check the completeness and validity of documents.
- 7) Taking pictures of suspects and/or evidence.
- 8) Bring in the necessary experts in relation to criminal acts.
- 9) Make and sign inspection minutes.
- 10) Confiscate the evidence used and/or proceeds of crime.
- 11) Carrying out an investigation termination, and
- 12) Take other actions according to law that can be accounted for.

Based on the results of the research that the author did, it was explained that the application of the principle of locus delicti in the investigation of criminal acts by the Sub-Directorate of *Gakkum Ditpolair Korpolaairud Baharkam Polri* was carried out with the mechanism for handling water crimes as follows:

1. Ship Detection, carried out by:
  - a. Carry out surveillance activities in water areas prone to criminal acts based on the information obtained.
  - b. Target recognition using available means (Radar, sonar, binoculars, radio communication, or signals).
  - c. Target assessment is intended to assess and determine the target of the suspected object.
2. Ship Investigation
  - a. Ship Termination  
If the ship is suspected of having committed an offense/crime based on sufficient initial evidence, a termination will be made on the grounds that the ship has committed an offense/crime as regulated by law.
  - b. Ship Inspection  
After the ship is stopped, the next action is carried out: inspection on the Commander's order, the ship docks to the patrol boat or vice versa. The things that need to be considered in the inspection process at sea:
    - 1) Inspection at sea using legal/official means with clear and identifiable identities/characteristics as patrol/government ships authorized to carry out such actions.
    - 2) The team of examiners wore full uniforms and were equipped with warrants.
    - 3) The inspection is witnessed by the Master or Crew of the Ship (ABK) being examined.
    - 4) The inspection is carried out in an orderly, firm, thorough, fast manner, without loss, damage and does not violate inspection procedures.

According to Law Number 2 of 2002, the National Police is given a mandate to carry out their duties properly so that elements of society can really feel them, so that the National Police are required to always improve their capabilities in the field of police science. That science consists of natural sciences, the science of studying culture (humanities) and social sciences. The social sciences are the sciences that examine human behavior which has beliefs, ideology, knowledge, values, rules, motivations and much more that make it a cultured being and has the ability to make decisions about what actions should be taken.

One of the main focuses of the Indonesian National Police Regulation Number 14 of 2012 concerning the Management of Criminal Investigation is regarding effective and efficient supervision and control of the criminal investigation process. Investigative supervision internally within the Police, must proceed in accordance with the applicable provisions, the implementation of which begins when there is a public report regarding an alleged crime, then the next monitoring process is carried out by ensuring that each stage of the investigation goes according to the provisions.

According to the author, Polairud's authority in preventing criminal acts of theft through the effectiveness of investigations into criminal acts of theft/fishery crimes carried out by the Sub-Directorate of *Gakkum Ditpolair Korpolaairud Baharkam Polri* cannot be separated from the management of criminal investigations. Investigation management is the management of criminal investigations in a planned, organized and controlled manner in accordance with management functions so that the investigation process is carried out in accordance with laws and regulations, effectively and efficiently. This includes the application of predictive concepts, responsibility, transparency, fairness (precision). This concept is very appropriate in improving the performance of the Police as a servant, protector and protector of the community. If the concept of Precision can be explored optimally in the ranks of the National Police down to the Sector Police (hereinafter referred to as Polsek) level, of course it will bring about major changes in the system of order for the life of the nation and state for the better.

Given the strategic nature of the investigation stage in the criminal justice process, the National Police issued the Chief of Police Regulation Number 14 of 2012 concerning Management of Investigations of Criminal Acts, while the main objective and rules are that this regulation provides an overview of the process of case handling, case handling management, the role of superior investigators as well as case control mechanisms.

In general, the world of management uses the POAC principle (Planning, Organizing, Actuating, and Controlling). This management principle is widely used by organizations today to promote and manage organizations. Besides that, investigators are also required not to violate human rights in carrying out investigations against someone who is suspected of committing a crime. Another challenge faced by Polri investigators is not only the success of forwarding a case to court through the prosecutor's office, but also the possibility of being prosecuted by the suspect and his family through a pre-trial lawsuit due to an investigation error. Criminal investigation management with POAC principles, namely:

1. Planning

Planning includes setting goals and figuring out how to achieve those goals. There are several uses of making an investigation plan, namely:

- a. Provide an overview of the investigation to be carried out so that corrections can be made if the actions to be carried out by the investigator are not in accordance with the tactics and techniques in the investigation.
- b. Is a process of control by superior investigators on the investigation to be carried out by investigators.
- c. Prevent bias and abuse of authority by investigators during investigations.

In planning, there are several factors to consider. Namely SMART with the following meanings:

- a. Specific means planning must have a clear purpose and scope. Not too broad and too idealistic.
- b. Measurable means that the work program or plan must be measurable.
- c. Achievable means it can be achieved. So it's not wishful thinking.
- d. Realistic means in accordance with existing capabilities and resources. Not too easy and not too difficult. But there are still challenges.
- e. Time means there is a clear time limit. Weekly, monthly, quarterly, semi-annually or annually. So it is easy to assess and evaluate.

### 2. Organizing

Organizing is the process of ensuring the human and physical needs of every resource available to carry out plans and achieve goals related to the organization. Investigation organization consists of:

- a. Establish Investigation Team and Investigation Team (with a warrant).
- b. Determine the division of labor / tasks.
- c. Goals/targets to be achieved.
- d. Determine the time allocation for task accomplishment.
- e. Budget support.
- f. Equipment support.
- g. Technical Assistance and Experts.

### 3. Actuating

Good planning and organization is meaningless if it is not followed by work execution. The principles and principles in the management of criminal acts are as follows:

- a. Accountable, that is, each activity of the Investigative Supervisor can be accounted for for its actions juridically, administratively and technically;
- b. Professional, that is, every activity of the Investigative Supervisor carried out in accordance with the duties, functions and authority of the Investigative Supervisor based on the competence they have;
- c. Transparent, that is, every activity of the Investigative Supervisor is carried out in an open manner in which the progress of its handling can be seen by the people who are in litigation or filing a complaint;
- d. Effective, that is, every activity of the Investigative Supervisor is carried out quickly, on time and on target;
- e. Efficient, that is, every activity of the Investigative Supervisor is carried out at a low cost.

The implementation of the investigation is the realization of the investigation plan, namely the embodiment in the form of real investigative actions in the field from what has been prepared/planned beforehand. The stages of conducting an investigation are:

- a. Investigation.
- b. Send Notice of Commencement of Investigation (SPDP).
- c. Forced Attempt.
- d. Inspection.
- e. Case Degree.
- f. File completion.
- g. Submission of case files to the Public Prosecutor.
- h. Submission of suspects and evidence.
- i. Termination of investigation.

### 4. Controlling

The Investigative Supervisor or the Investigative Supervisor's superior officer against an investigator or assistant investigator who is suspected of having committed irregularities or abuse of authority in the investigation and/or investigation process to determine whether or not there was a violation of discipline,

or the Police professional code of ethics and/or a criminal act. The discretionary authority possessed by members of the police, makes police individuals have a very important and central role in law enforcement. The police are one of the pillars in realizing the rule of law. However, if the Police do not have high and strong moral integrity, then this functional discretionary power actually gives them the opportunity to use that power for their own personal interests and not for upholding the law.

Supervision is required by a superior to a subordinate in the form of *waskat* (inherent supervision) categorized as supervision through an internal mechanism. It can also be through an external oversight mechanism, carried out by organs with a supervisory function whose position is independent of the members or organization being supervised. Such as public complaints submitted to National Police Commission (hereinafter referred to as Kompolnas), The National Human Rights Commission of the Republic of Indonesia (hereinafter referred to as Komnas HAM), Ombudsman Commission, NGOs (non-governmental organizations) and the Indonesian Child Protection Commission (KPAI).

#### **4.2. Analysis of Legal Protection for Lego Anchor Ships in the Tanjung Priok Port Area**

Based on the Regulation of the Head of the Criminal Investigation Agency of the Republic of Indonesia Police Number 4 of 2014 concerning Standard Operational Procedures for Oversight of Criminal Investigation that the duties and powers of investigators of the Indonesian National Police in the process of investigation and investigation of criminal acts must be carried out in a professional, proportional, procedural, transparent manner and uphold human rights in order to realize legal certainty.

The structure of the legal system consists of the following elements, the number and size of courts, their jurisdiction (including the types of cases examined), and procedures for appeals from one court to another. Structure also means how the legislature is organized, what can and cannot be done, what procedures are followed by the police and so on. So the structure (legal structure) consists of existing legal institutions intended to carry out existing legal instruments. Structure is a pattern that shows how the law is implemented according to its formal provisions. This structure shows how the courts, legislators and legal bodies and processes work and are carried out. In Indonesia, for example, if we talk about the structure of the Indonesian legal system, this includes the structure of law enforcement institutions such as the police, prosecutors and courts.

As with the latest regulations relating to the Investigation of Criminal Acts within the scope of the National Police, these regulations are contained in the Regulation of the Chief of Police Number 6 of 2019 Concerning the Investigation of Criminal Acts which was issued on October 4 2019, this regulation serves as a reference for implementation regarding criminal investigations so that Police Investigators can carry out duties, functions and authorities in a professional, transparent and accountable manner. This Police Chief Regulation (Perkap) is a refinement and adjustment to legal developments, replacing Perkap 14 of 2012 concerning Management of Criminal Investigation, which has been revoked by Police Regulation (perpol) Number 06 of 2019 concerning Revocation of Kapolri Regulation Number 14 of 2012 Concerning Criminal Investigation Management.

Supervision of investigations into criminal acts of theft in the Tanjung Priok waters area, North Jakarta, at the Sub-Directorate of *Gakkum Ditpolair Korpolairud Baharkam Polri* can be said to be effective when it comes to handling investigations, following procedures including:

1. In accordance with Article 9 of Case 6 of 2019 concerning Investigation of Criminal Acts, it is obligatory that the investigation results that have been reported by the team of investigators carry out a case title to determine whether the event is suspected of being a crime or not. The results of the case that decided:
  - a. constitutes a criminal act, proceed to the investigation stage;
  - b. is not a criminal act, the investigation is terminated; and
  - c. criminal cases are not under the authority of the Police Investigator, reports are delegated to the competent authority.
2. In accordance with Article 12 of Perkap 6 of 2019 that in the investigation process restorative justice can be carried out, if material and formal conditions are met. Restorative Justice is the settlement of criminal acts involving perpetrators, victims, perpetrators' families, victims' families, community leaders, religious leaders, traditional leaders, or stakeholders to jointly seek a fair solution through peace by emphasizing re-election to its original state.
3. Notification of the Commencement of Investigation (SPDP) is made, which is a notification to the Head of the Prosecutor's Office regarding the start of an investigation, made after the issuance of an Investigation Order sent to the public prosecutor, reporter/victim, and the reported party no later than 7 (seven) days after the issuance of the Investigation Order.

The functioning of the criminal justice process is highly dependent on decisions to determine choices of action taken by law enforcers such as the police, which sometimes decisions are not made objectively. The existence of personal motives, certain considerations and uncertain situations often influence decision making, so that it can change the direction of investigation and further away from the material truth of the case. The investigation process must be in accordance with the expectations of the wider community which must be able to guarantee certainty, order, enforcement and protection of the law as well as to strengthen the implementation of fostering public security and public tranquility in the system of public security and order.

Various aspects that influence the success of the National Police in disclosing criminal acts scientifically (scientific crime investigation) are of course very interesting to study and research. One of the interesting aspects is the use of science and technology, namely in the form of equipment support, both equipment for inquiries and investigations.

Knowledge about the effectiveness of investigative supervision carried out by investigator supervisors on the investigation of criminal acts of theft at the Sub-Directorate of *Gakkum Ditpolair Korpolairud Baharkam Polri*. From a technological point of view, it is necessary to add support for IT equipment facilities and infrastructure in the framework of disclosing and settling cases handled by the Sub-Directorate of Legal Affairs Ditpolair *Korpolairud Baharkam Polri*.

One effort that is usually done so that people comply with the rule of law is to include the sanctions. The imposition of criminal sanctions for Police Investigators who unlawfully do not carry out their duties and obligations, shows that law enforcement is applied not only to perpetrators of fisheries crimes, but also to law enforcers who neglect their responsibilities and abuse the authority regulated in the law. These sanctions can be

in the form of negative sanctions or positive sanctions, the purpose of which is to create stimulation so that humans do not take disgraceful actions or take commendable actions.

According to Marwan Efendi to realize the principles of a rule of law, both legal norms and laws and regulations are needed, as well as professional, integrity and disciplined law enforcement and carrying apparatus which are supported by legal facilities and infrastructure as well as the legal behavior of society. Therefore, ideally every rule of law state, including the State of Indonesia, must have law enforcement agencies/institutions/apparatuses with such qualifications.

The oversight function in the management of criminal investigations is to carry out inherent oversight of the supervised unit and to carry out other activities such as assisting, supervising and preliminary examination before other agencies/units carry out inspections.

Assistance, supervision and preliminary examination according to the Regulation of the Head of the Criminal Investigation Agency of the Indonesian National Police Number 4 of 2014 concerning Standard Operational Procedures for Oversight of Criminal Investigations, namely the activities of superior investigators and Investigative Supervisors which include guidance, consultation, instructions or directions to investigators in order to prevent and overcoming obstacles in the criminal investigation process (Twyman-Ghoshal & Pierce, 2014).

Supervision is the activities of the Investigative Supervisor which includes examining and researching the investigative administration, providing corrections and technical guidance, and Preliminary Examination is an examination carried out by superior investigators, Investigative Supervisors or superior officials of Investigative Supervisors against investigators or supporting investigators who are suspected of having committed irregularities or abuse of authority in the process of investigation and/or investigation to determine whether or not there was a violation of discipline, or the police professional code of ethics and/or a criminal act (Ubwarin, 2018).

The very difficult criterion in the Chief of Police Regulation Number 12 of 2009 concerning Supervision and Control of the Handling of Criminal Cases within the National Police determines the maximum time limit for completing the handling of cases, namely 120 work while the criteria for difficult the maximum time limit for completing the handling of cases is 90 working days, for moderate cases the maximum limit The time for completion of case handling is 60 working days and for easy cases the maximum time for completing handling of cases is 30 working days.

If there are obstacles in handling cases so that the time criteria given is not sufficient, investigators can apply for an extension of the investigation time to the official who gives orders through the Investigative Supervisor in accordance with Article 32 of the Chief of Police Regulation Number 12 of 2009 concerning Supervision and Control of Handling of Criminal Cases within the National Police.

The results of the analysis show that there are several factors that cause weak oversight in the investigation process at the Sub-Directorate of *Gakkum Ditpolair Korpolairud Baharkam Polri*, namely the integrity of the investigators/assisting investigators and officials carrying out the oversight function in the investigative process, legal factors set forth in written regulations which form the legal basis for officials carrying the supervisory function in the investigative process, the factor is the lack of officials carrying the supervisory function in the investigation process and the factor of applying sanctions that have not been able to provide a deterrent effect and deterrence against irregularities in the investigation process.

An analysis of the legal protection of the Lego Anchor Ship in the Tanjung Priok Port Area at the Gakkum Sub-Directorate of the Ditpolair *Korpolairud* Baharkam Polri for the management of investigations and investigations into criminal acts of theft, namely:

### 1. Internal Factors

#### a. Strength

In terms of organization, namely:

- 1) Sufficient investigation budget support.
  - a) The number of cases handled by the Gakkum Sub-Directorate for the TW I FY 2021 period is 17 LP and 6 Community complaints (Dumas). this figure has increased by 13% compared to the handling of LP for the TW I FY 2020 period; so that for the absorption of the TW I FY 2021 budget of Rp403.695.448 (4 prisons and 2 prisoners);
  - b) For the absorption of the budget for Activity 8 of the Polri Priority Program, the handling of Ditpolairud is still in the synchronization process and will soon be realized.
- 2) Facilities and infrastructure that support personnel in carrying out investigations such as laptops, printers, internet networks, operational cars, ships/patrol boats, radar, sonar, binoculars, radio communications, or signals.

#### b. Weaknesses

In terms of planning

- 1) Planning for investigation and investigation of criminal acts has not been well designed so that it affects steps or ways of acting that are not yet appropriate, it is necessary to add personnel both in quality and quantity so that it is more optimal in carrying out tasks;
- 2) Lack of understanding of personnel in terms of budget planning for criminal investigations so that the investigation budget cannot be optimally absorbed, it is necessary to change the mechanism for using the criminal investigation/investigation budget so that the case handling process, especially in investigative activities can run effectively and optimally;

In terms of Organizing

- 1) The position of Kanit which should be held by an officer is held by a non-commissioned officer due to the low number of officers. The need for additional personnel both in quality and quantity so that it is more optimal in carrying out tasks.
- 2) There are still only a small number of personnel with law degree qualifications in the criminal justice unit. Propose additional personnel for the Gakkum Sub-Directorate to complement and fill the vacant positions, so as to increase the effectiveness and performance of the Gakkum Sub-Directorate.

In terms of Implementation

- 1) Investigators and assistant investigators have never attended training or vocational education (hereinafter referred to as dikjur) for corruption crimes so that investigations are hampered. It is hoped that there will be additional personnel at the Gakkum Sub-Directorate to fill vacant positions or positions as previously stated.

- 2) There is no relationship between facilities and infrastructure. There is a need for additional support for IT equipment facilities and infrastructure in the context of disclosing and settling cases handled by the Sub-Directorate of Legal Affairs Ditpolair *Korpolairud Baharkam Polri*.

In terms of Supervision and Control

- 1) There is no special team that is experienced in handling cases in the context of supervising investigations at the Sub-Directorate of *Gakkum Ditpolair Korpolairud Baharkam Polri*.

## 2) External Factors

### a. Opportunities

In terms of implementation

- 1) There is an Electronic Procurement Service (LPSE) portal that assists investigators in gathering supporting evidence for the Sub-directorate of *Gakkum Ditpolair Korpolairud Baharkam Polri*.
- 2) There is an official website that displays budget transparency in the form of a report on budget realization, making it easier for investigators to monitor the distribution and use of the budget for the Sub-Directorate of *Gakkum Ditpolair Korpolairud Baharkam Polri*.

### b. Threats

In terms of implementation

- 1) The bureaucracy of the relevant agencies is so complicated that it hinders the implementation of investigations.
- 2) There is a possibility that there is no synergy in the commitment to eradicating corruption between the components of the Criminal Justice System resulting in delays in resolving cases.
- 3) Intervention from outside parties who have interests and have power that goes beyond the investigator or over the investigator.

Based on the description above, it can be understood that the police institution, especially the Sub-Directorate of *Gakkum Ditpolair Korpolairud Baharkam Polri* as an organization carries out administrative and management functions in carrying out its functions or duties as an investigator of criminal acts of theft aboard the Lego Anchor Ship in the Tanjung Priok Port Area which has been determined by regulations legislation.

One of the main management functions carried out within the police organization is planning, the implementation of which is regulated according to statutory provisions, one of which is as referred to in the Regulation of the Head of the National Police of the Republic of Indonesia Number 6 of 2019 concerning Investigations of Criminal Acts, so that through this series the aim of the effectiveness of the supervision of investigations of fisheries crimes with precision at the Sub-Directorate of *Gakkum Ditpolair Korpolairud Baharkam Polri* can be realized. Effectiveness is generally related to the success of achieving goals and objectives in accordance with the National Police Chief Listyo Sigit Prabowo's program, namely towards PRESISI POLRI (Predictive, Responsible and Fair Transparency).

## 5. CONCLUSION

### 5.1. Conclusion

Based on the results research and discussion on previous chapters, then the authors draw conclusions as following:

- 1) *Polairud's* authority in preventing criminal acts of theft, Article 1 paragraph (1) of the 1945 Constitution of the Republic of Indonesia is a state based on law. The rule of law is a constitutional construction. Based on this, all actions of law enforcement officials, including the police, in carrying out investigations must be based on the law and obey the law. Article 2 of Law Number 2 of 2002 concerning the Police of the Republic of Indonesia, states "The function of the Police is one of the functions of the State Government in the field of maintaining public security and order, law enforcement, protection, protection and service to the community". The implementation of Article 1 of the 1945 Constitution must be realized in law enforcement by *Polairud*. The importance of monitoring the investigation carried out by *Polairud* as an effort to protect suspects, evidence that is currently undergoing a legal process. One of the institutions to carry out law enforcement is the Sub-Directorate of *Gakkum Ditpolair Korpolairud Baharkam Polri*. The crime of theft regulated in Article 362 of the Criminal Code. Therefore, the state feels the need to protect the rights of its citizens in relation to property. Protection of property rights in the form of property is emphasized in the 1945 Constitution of the Republic of Indonesia, Article 28H paragraph (4) which reads "Every person has the right to have private property rights and these property rights may not be taken over arbitrarily by anybody". The crime of theft is one of the most common crimes in society.
- 2) Legal protection for the Lego Anchor Ship in the Tanjung Priok Port Area, it can be understood that the police institution, especially the Sub Directorate of *Gakkum Ditpolair Korpolairud Baharkam Polri* as an organization carries out administrative and management functions in carrying out their functions or duties as investigators of criminal acts of theft aboard the Lego Anchor Ship in the Tanjung Priok Port Area as determined by laws and regulations. The investigation into the crime of theft by the Sub-Directorate of *Gakkum Ditpolair Korpolairud Baharkam Polri* is guided by the Regulation of the Head of the National Police of the Republic of Indonesia Number 6 of 2019 concerning Investigation of Criminal Acts. Referring to the importance of maritime security aspects in the context of realizing Indonesia as a world maritime axis, the Sub-Directorate of *Gakkum Ditpolair Korpolairud Baharkam Polri* as the executor of duties as a whole in Indonesian waters, is required to be able to take strategic steps to ensure security in Indonesian waters. The *Gakkum* Sub-Directorate is tasked with carrying out investigations and investigations into criminal acts and/or violations that occur in Indonesian territorial waters. In carrying out its duties, the *Gakkum* Sub-Directorate carries out the functions of: Early detection and investigation of criminal acts and/or violations of the law; Investigation of criminal acts and/or law violations; Coordinating and supervising the criminal investigation process within the *Ditpolairud*, as well as following up on public complaints related to the investigation process in the territorial waters; and Security, escorting, guarding, treating detainees, evidence, which includes detainee health services, detainee development, securing, storing evidence and its administration.

## 5.2. Suggestion

As for suggestions that can be the author convey is as following :

- 1) The need for cooperation between the Buak Kapal Boy, the community and security forces (both the Port Guard, TNI and Polri) to participate in securing and safeguarding so that the crime of theft aboard the Lego Anchor Ship in the Tanjung Priok Port Area does not happen again. Besides that, it is necessary to carry out continuous outreach and counseling regarding security and order related to theft on the Lego Anchor ship in the Tanjung Priok Port Area.
- 2) The need for clear regulations governing the accountability of who is responsible for the occurrence of the crime of theft on the Lego Anchor ship in the Tanjung Priok Port Area, whether carried out individually or in groups and settlement of criminal cases of theft on ships must be carried out strictly so as to provide a deterrent effect for perpetrators.

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