

Balancing Consumer Rights And Tech Progress: Examining Law No. 8/1999's Impact On Innovation

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Balancing Consumer Rights And Tech Progress: Examining Law No. 8/1999's Impact On Innovation

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Abstract, Maritime law enforcement in Indonesian waters, especially in the Riau Islands, is a complex challenge considering the breadth of the territory and the variety of maritime threats faced. The Maritime Security Agency of the Republic of Indonesia (BAKAMLA RI) has an important role in maintaining security and enforcing the law in Indonesian waters. This study aims to analyze the role and authority of BAKAMLA RI in enforcing maritime law and evaluate the effectiveness of the implementation of its duties in the waters of the Riau Islands. This study uses a normative juridical method with a case approach to collect empirical data. The data was obtained through literature studies, analysis of legal documents, and interviews with BAKAMLA RI personnel and related agencies. The analysis was carried out using John Rawls' theory of justice, Lawrence M. Friedman's theory of legal system, and Sudikno Mertokusumo's theory of legal certainty to understand the obstacles and find solutions to improve the effectiveness of maritime law enforcement. The results of the study show that maritime law enforcement by BAKAMLA RI in the Natuna Riau Islands has not been optimal. The main obstacles faced include limited resources, the complexity of maritime crimes, and ineffective inter-agency coordination. Despite having a strong legal foundation, BAKAMLA RI effectiveness in carrying out its duties still needs to be improved through greater budget support, the procurement of advanced technology, and personnel training and capacity building programs. Based on these findings, it is recommended that BAKAMLA RI strengthen coordination with related agencies through the establishment of a joint command center and information system integration. The government needs to provide adequate budget support and strengthen the regulatory framework to support maritime law enforcement. The public is also expected to increase awareness and active participation in maintaining maritime security. With these steps, it is hoped that the effectiveness of maritime law enforcement by BAKAMLA RI can be improved, so that the security and sovereignty of Indonesian waters, especially in the Riau Islands, can be better maintained.

Keywords: Juridical Analysis, Maritime Law Enforcement, Maritime Security.

1. INTRODUCTION

Riau Islands is one of the strategic regions in Indonesia that has geographical complexity with many islands and vast waters. The waters of the Riau Islands play an important role in Indonesia's economy and maritime security. However, the complexity of this region also brings challenges in maintaining security and enforcing maritime law. In an effort to maintain security and enforce maritime law in Indonesian waters, the Marine Security Agency (BAKAMLA RI) acts as an institution tasked with conducting surveillance, security and law enforcement at sea. BAKAMLA RI has a vital role in ensuring Indonesian waters are safe from security threats and maritime law violations. The enactment of Government Regulation of the Republic of Indonesia Number 13 of 2022 concerning the Implementation of Security, Safety, and Law Enforcement in Indonesian Waters and Indonesian Jurisdictional Areas, opens up opportunities for the Government to improve the quality of maritime surveillance through

synergy and collaboration between ministries/institutions that have authority at sea. This Government Regulation is enacted to implement Article 13 paragraph (2) letter c, Article 62 letters a, letter c, and letter d, and Article 63 paragraph (1) letter c of Law Number 32 of 2014 concerning Maritime Affairs.

The objectives to be achieved through the regulation of the implementation of security, safety and law enforcement in Indonesian waters and jurisdiction are to provide legal certainty, provide protection of security and safety at sea, as well as the effectiveness and efficiency of the implementation of patrols. The Directorate General of Customs and Excise (Bea Cukai), which is an echelon I unit within the Ministry of Finance, is related to regulations governing the implementation of security, safety, and law enforcement in the waters and jurisdiction of Indonesia. Customs, which has the task of formulating and implementing policies in the field of supervision, law enforcement, services, and optimization of the state in the field of customs and excise and has a patrol fleet, is included in the related agencies referred to in this regulation. Maintaining security, safety, and law enforcement at sea, cannot be separated from the concept of maritime security. Maritime security is a global issue that is currently being hotly discussed, especially in international relations, including in Indonesia, which is the largest archipelagic country in the world.

The field of sea power, related to the strength and utilization of the role of the Indonesian Navy in maintaining state sovereignty. The field of marine safety is directed to discussing the safety of maritime transportation and installations with the main goal of protecting maritime professionals and the marine environment. The field of blue economy, related to economic activities that are at sea or related to the sea. The field of human survival is related to food security and human security, especially coastal communities. The relevant legal reasons in the analysis of the role and authority of the Maritime Security Agency (BAKAMLA RI) officers in enforcing maritime law in Indonesian waters, especially in the Riau Islands, are very important to understand in the context of Indonesian maritime law. First of all, the legal reasons are related to the legal basis that regulates the role and authority of BAKAMLA RI. Law Number 32 of 2014 concerning Maritime Affairs and Law Number 17 of 2008 concerning Shipping are the main legal bases that provide the mandate and authority to BAKAMLA RI in carrying out its duties as an institution responsible for carrying out supervision, security, and law enforcement at sea.

Through a legal analysis of the role and authority of BAKAMLA RI officers in enforcing maritime law in Indonesian waters, especially in the Riau Islands, this study is expected to provide a deeper understanding of the aspects of maritime law and the effectiveness

of law enforcement that can help improve maritime security in the region. The results of this analysis are also expected to provide an important contribution to the improvement and development of maritime regulations and law enforcement in Indonesia as a whole. Based on the problems above, the author is interested in making it a scientific work in the form of a thesis with the title "Legal Analysis of the Role and Authority of Maritime Security Agency Officers (BAKAMLA RI) in Enforcing Maritime Law in the Riau Islands Waters (Research Study in Natuna)".

Based on the background description above, the author raises several problems that will be discussed further. The problems are as follows:

1. How are the legal arrangements for the role and authority of Maritime Security Agency (BAKAMLA RI) officers in enforcing maritime law in the waters of Natuna, Riau Islands?
2. How effective is maritime law enforcement by BAKAMLA RI officers in the waters of Natuna, Riau Islands?
3. What are the obstacles and solutions faced by BAKAMLA RI officers in carrying out their role in enforcing maritime law in the waters of Natuna, Riau Islands?

Based on the formulation of the problem stated above, it can be seen that the objectives of this research are:

1. To find out and analyze the legal arrangements for the role and authority of Maritime Security Agency (BAKAMLA RI) officers in enforcing maritime law in the waters of Natuna, Riau Islands.
2. To find out and analyze the effectiveness of maritime law enforcement by BAKAMLA RI officers in the waters of Natuna, Riau Islands.
3. To find out and analyze the obstacles and solutions faced by BAKAMLA RI officers in carrying out their role in enforcing maritime law in the waters of Natuna, Riau Islands.

2. LITERATURE REVIEW

Authority is the right to use the authority held by an official or institution according to applicable provisions, thus authority also concerns the competence of legal actions that can be carried out according to formal rules, so authority is the formal power held by an official or institution. Authority has an important position in the study of constitutional law and state administrative law. The position of this authority is so important that F.A.M. Stroink and J.G. Steenbeek refer to it as a core concept in constitutional law and state administrative law.

Philipus M. Hadjon, said that every government action is required to be based on legitimate authority. This authority is obtained through three sources, namely attribution, delegation, and mandate. Attribution authority is usually outlined through the division of state power by the constitution, while delegation and mandate authority are authorities that come from the delegation. Authority can generally be defined as the capacity, right, or power given to an individual or institution to perform certain actions or make decisions. In legal, governmental, or organizational contexts, authority is often specifically regulated and defined to ensure that actions and decisions taken are in accordance with applicable rules, standards, or policies.

The Maritime Security Agency of the Republic of Indonesia (BAKAMLA RI), also known as the Indonesian Coast Guard, is a government agency responsible for maritime security and safety in Indonesian waters. BAKAMLA RI was established with the aim of improving surveillance and law enforcement at sea, in order to protect Indonesia's sovereignty and national interests in its waters. This institution operates under the coordination of the Coordinating Ministry for Political, Legal and Security Affairs of the Republic of Indonesia, in close cooperation with various related agencies such as the Indonesian National Army (TNI AL - Navy), Water and Air Police, Ministry of Transportation, and others. The main tasks of BAKAMLA RI include maritime security patrols, sea search and rescue (SAR), prevention and prosecution of illegal activities such as piracy, illegal fishing, smuggling, and marine pollution. In addition, BAKAMLA RI also plays a role in coordinating national and international maritime security operations, including in terms of cooperation with maritime security institutions from other countries to overcome various security challenges in the region.

In carrying out its functions, BAKAMLA RI is equipped with various assets and resources, including sophisticated patrol vessels and surveillance aircraft. These assets enable BAKAMLA RI to effectively monitor and supervise activities in Indonesia's vast waters. The institution also conducts training and capacity building programs for its personnel, to ensure that they have the skills and knowledge needed to carry out maritime security tasks. In addition to operational tasks, BAKAMLA RI also plays a role in diplomacy and international cooperation in the field of maritime security. This institution actively participates in international forums, as well as establishing cooperation with maritime security agencies from other countries, with the aim of improving regional and global maritime security.

Law enforcement is an effort to overcome crime rationally, fulfill a sense of justice, and effectively by using various means as a reaction that can be given to perpetrators of crime, both criminal and non-criminal means, which can be integrated with each other. If criminal means are called upon to overcome crime, it means that criminal law policy will be implemented,

namely law enforcement, which involves law enforcement and law enforcement. In accordance with Article 1 paragraph 3 of the 1945 Constitution of the Republic of Indonesia, which states firmly that Indonesia is a country of law. Therefore, the purpose of national legal development is to provide stability, order, and legal protection based on truth and justice and to provide a sense of security and tranquility.

Maritime law enforcement in Indonesia is regulated by a series of comprehensive laws and regulations, reflecting the complexity and diversity of challenges faced by the world's largest archipelagic country. The main legal basis governing maritime law enforcement in Indonesia is Law Number 17 of 2008 concerning Shipping, which covers various aspects related to shipping safety and security, protection of the maritime environment, and enforcement of sovereignty and law in Indonesian waters. This regulation is strengthened by the existence of other regulations such as Law Number 32 of 2014 concerning Maritime Affairs, which provides a framework for sustainable management of marine and coastal resources, as well as protection of the maritime environment. In the context of law enforcement, Law Number 17 of 2008 concerning Shipping emphasizes the importance of coordination between institutions in preventing and prosecuting various forms of violations of the law in Indonesian waters, including illegal fishing, smuggling, and marine pollution.

If a regulation is made and implemented with full confidence because it is rational and clear, then it is said to have legal certainty. Logical and clear in the sense that it does not raise questions (many possible interpretations). Clear in the sense that it is integrated into a system of norms with other norms to prevent norm conflicts. Legal certainty is the state of having laws that are unambiguous, permanent, consistent, and whose application is not affected by subjective conditions. Justice and certainty are not only moral requirements; they also truly define the law. An uncertain law that does not want to be fair is worse than a bad law. The theory of legal certainty, which emphasizes the importance of clarity, order, and predictability in law to ensure that individuals and institutions can understand and comply with legal provisions appropriately, has significant relevance in the context of the research "Legal Analysis of the Role and Authority of Maritime Security Agency Officers (BAKAMLA RI) in Enforcing Maritime Law in Indonesian Waters (Research Study in the Riau Islands)".

In enforcing maritime law, it is important for Bakamla RI and its officers to operate within a clear and definite legal framework, so that all parties, including maritime actors and coastal communities, understand their legal limitations and obligations. This theory helps in evaluating whether the regulations and procedures followed by Bakamla RI in carrying out its duties provide sufficient legal certainty for all parties involved.

3. RESEARCH METHOD

Research methods can be interpreted as the process of principles and procedures for solving problems faced in conducting research. The specification and/or type of this thesis research is normative legal research while combining it with sociological (empirical) legal research using secondary data obtained directly from the first source through field research through interviews and primary data as a source/information material in the form of primary legal materials, secondary legal materials and tertiary legal materials. The approach method in this study is a combination of the normative approach "legal research" with the empirical approach method "Juridical Sociologies". The research mechanism with this combined approach method is carried out by describing the explanation of the inductive research method leading to the deductive method and vice versa. This is done by the author to help explain the relationship between research variables and research objects so that it can produce an understanding that is very helpful for readers, especially researchers and academics.

The location of this research is carried out in the Riau Islands Province, precisely in Batam City. This location is determined based on the data that is the object of this thesis research. The location of this research is carried out in the Riau Islands Province, precisely in Batam City. This location is determined based on the data that is the object of this thesis research. The sample used by the researcher is a random technique to find out for sure related to the research to be studied. As for the sample used by the author is a purposive sampling technique in determining respondents and informants who will be interviewed to meet the primary data needed to complete the research.

This type of research is included in the combined research category between normative legal research (library research) and observational research, while in terms of its nature it is analytical, where the author makes efforts to explore verbal data sourced from literature obtained by the author from the library and data obtained by the author in the field, then analyzed in order to obtain conclusions deductively.

4. RESULTS AND DISCUSSION

1. Legal Regulations on the Role and Authority of Maritime Security Agency (BAKAMLA

RI) Officers in Enforcing Maritime Law in the Natuna Waters of the Riau Islands

The Republic of Indonesia Maritime Security Agency (BAKAMLA RI) has a strategic role in maintaining security and enforcing the law in the waters of Natuna, Riau Islands. The main legal basis governing the role and authority of BAKAMLA RI is:

a. UNCLOS 1982 (United Nations Convention on the Law of the Sea)

The 1982 United Nations Convention on the Law of the Sea (UNCLOS) establishes the international legal framework governing various aspects of the use of the sea and maritime resources. One of the important provisions in UNCLOS 1982 is the sovereign rights of coastal states over the Exclusive Economic Zone (EEZ) up to 200 nautical miles from their baselines, where coastal states have exclusive rights to explore and exploit natural resources. In the context of the Natuna waters in the Riau Islands, this provision provides a legal basis for Indonesia, through the Maritime Security Agency (BAKAMLA RI), to protect sovereign rights and enforce maritime law in the Indonesian EEZ.

b. Law Number 32 of 2014 concerning Maritime Affairs

Article 13 paragraph (2) letter c of Law Number 32 of 2014 concerning Maritime Affairs stipulates the duties and authorities of the Republic of Indonesia Maritime Security Agency (BAKAMLA RI) in enforcing law at sea. In this article, BAKAMLA RI is given the authority to supervise, secure, and enforce the law against various violations in Indonesian waters. This authority includes preventive measures and prosecution against illegal activities such as piracy, smuggling, fish theft, and other violations of maritime law. Through strict supervision and routine patrols, BAKAMLA RI plays an important role in maintaining security and order in Indonesian waters, as well as ensuring that all activities at sea comply with applicable laws and regulations.

c. Law Number 17 of 2008 concerning Shipping

Law Number 17 of 2008 concerning Shipping provides a strong legal basis for the Maritime Security Agency of the Republic of Indonesia (BAKAMLA RI) to carry out supervision, security, and law enforcement in Indonesian waters. The articles in this law emphasize that BAKAMLA RI has the authority to supervise and secure various shipping activities to ensure maritime safety and security. With this mandate, BAKAMLA RI is responsible for supervising shipping traffic, ensuring that ships operating in Indonesian waters comply with maritime regulations, and taking action against violations that could endanger shipping safety and the country's sovereignty at sea.

2. Effectiveness of Maritime Law Enforcement by BAKAMLA RI Officers in the Natuna Waters of the Riau Islands

The effectiveness of maritime law enforcement by BAKAMLA RI officers in the waters of Natuna, Riau Islands can be analyzed through various factors that influence their

performance. BAKAMLA RI has broad duties and authorities in maintaining security and enforcing the law in the waters, but its effectiveness is often faced with a number of challenges. First of all, limited resources are one of the main obstacles. The vast and complex waters of Natuna, Riau Islands require an adequate number of personnel, patrol vessels, and equipment to carry out effective supervision and law enforcement. The shortcomings in this regard can hamper BAKAMLA RI's ability to respond quickly to maritime incidents and conduct routine patrols. The implementation of maritime law enforcement by BAKAMLA RI officers in the Natuna waters of the Riau Islands has not been optimal due to several interrelated factors. First of all, limited resources are one of the main obstacles. The Natuna waters of the Riau Islands are very large and consist of many islands, requiring an adequate number of personnel, patrol vessels, and surveillance equipment to carry out effective supervision and law enforcement. Currently, BAKAMLA RI often faces shortcomings in this regard, so that not all areas can be monitored optimally and responses to maritime incidents can be delayed.

In addition, the complexity and sophistication of maritime crimes such as piracy, smuggling, and illegal fishing further exacerbate the situation. Maritime criminals often use sophisticated technology and tactics that are difficult to track, making law enforcement by BAKAMLA RI more challenging. To address this problem, BAKAMLA RI needs to improve intelligence capabilities and more sophisticated monitoring technology. However, budget and resource constraints often hinder the development and procurement of sophisticated technology needed to effectively detect and prosecute maritime crimes. Suboptimal inter-agency coordination is also an inhibiting factor in maritime law enforcement by BAKAMLA RI. Although BAKAMLA RI has the authority to coordinate with other agencies such as the Indonesian Navy, Water Police, and the Ministry of Transportation, there is often overlapping authority and a lack of effective coordination. This results in a slow and poorly coordinated response in handling maritime incidents. To overcome this problem, a better coordination mechanism and integration of information systems between agencies are needed to ensure that all parties involved in maritime security can work synergistically and efficiently.

Another contributing factor is the limited training and capacity development of BAKAMLA RI personnel. Maritime law enforcement requires specialized expertise and a deep understanding of international and national maritime regulations. However, the training provided to BAKAMLA RI personnel is often inadequate to address the challenges in the field. Continuous improvement of training and capacity development programs is essential to ensure that BAKAMLA RI personnel have the skills and knowledge needed to carry out their duties effectively. Finally, inadequate logistical and infrastructure support is also an obstacle in

maritime law enforcement in Natuna, Riau Islands. Dispersed operational bases and minimal supporting facilities such as docks, communication centers, and ship repair equipment can hamper patrol operations and rapid response to incidents. By improving logistical and infrastructure support, BAKAMLA RI will be better able to carry out supervision and law enforcement duties efficiently and effectively. Overall, the analysis of the effectiveness of maritime law enforcement by BAKAMLA RI in the Riau Islands using the theory of justice (John Rawls), the theory of the legal system (Lawrence M. Friedman), and the theory of legal certainty (Sudikno Mertokusumo) shows that there are still many aspects that need to be improved. Justice, strong legal structure and culture, and high legal certainty are important elements that must be considered to improve the effectiveness of maritime law enforcement by BAKAMLA RI in the waters of Natuna, Riau Islands.

3. Obstacles and Solutions Faced by BAKAMLA RI Officers in Carrying Out the Role of Enforcing Maritime Law in the Natuna Waters of the Riau Islands

The obstacles faced by BAKAMLA RI officers in carrying out their role in enforcing maritime law in the waters of Natuna, Riau Islands, are:

a. Limited Resources

One of the main obstacles faced by BAKAMLA RI is limited resources, both in terms of personnel, patrol vessels, and monitoring technology. The vast and complex waters of the Riau Islands require an adequate number of personnel and equipment to carry out effective surveillance and law enforcement. This shortcoming often hampers BAKAMLA RI's ability to respond quickly to maritime incidents and conduct routine patrols.

b. Complexity of Maritime Crimes

Maritime crimes such as piracy, smuggling, and illegal fishing often involve sophisticated international networks and use technology that is difficult to trace. This adds to the level of difficulty for BAKAMLA RI in enforcing the law. In addition, the modus operandi of criminals that continues to develop also makes law enforcement more challenging.

c. Ineffective Inter-Agency Coordination

Although BAKAMLA RI has the authority to coordinate with other agencies such as the Indonesian Navy, Water Police, and the Ministry of Transportation, there are often overlapping authorities and a lack of effective coordination. This results in a slow and poorly coordinated response in handling maritime incidents. This obstacle shows that the current coordination mechanism still needs to be improved to ensure

better synergy between agencies.

5. CONCLUSION AND SUGGESTION

1. CONCLUSION

Based on the discussion in the previous chapter, the following conclusions can be drawn:

- a. The legal regulation of the role and authority of Maritime Security Agency (BAKAMLA RI) officers in enforcing maritime law in Indonesian waters is based on Law Number 32 of 2014 concerning Maritime Affairs and Law Number 17 of 2008 concerning Shipping, where BAKAMLA RI is given broad authority to supervise, secure, and enforce the law against various maritime violations such as piracy, smuggling, and illegal fishing. Despite having a strong legal basis, the effectiveness of law enforcement by BAKAMLA RI often faces obstacles such as limited resources, the complexity of maritime crimes, and less than optimal inter-agency coordination.
- b. The effectiveness of maritime law enforcement by BAKAMLA RI officers in the Natuna waters of the Riau Islands is still not optimal due to various obstacles such as limited resources, the complexity of maritime crimes, and ineffective inter-agency coordination, as well as personnel, technology, and infrastructure hindering their ability to carry out supervision and law enforcement efficiently, this effectiveness requires greater budget support, increased capacity and personnel training, and improved coordination and collaboration with related agencies and international partners.
- c. The main obstacles faced by BAKAMLA RI officers in enforcing maritime law in the waters of Natuna, Riau Islands include limited resources, the complexity of maritime crimes, and lack of coordination between agencies. To overcome these obstacles, the solutions needed include increasing the budget and resources for the procurement of patrol vessels and advanced technology, ongoing personnel training and capacity building programs, and improving coordination mechanisms with related agencies through the establishment of a joint command center and integration of information systems.

2. SUGGESTION

From this conclusion, the author can provide several suggestions, namely:

- a. It is recommended that BAKAMLA RI must increase efforts to overcome resource limitations by seeking greater budget support and optimizing the use of advanced technology for maritime surveillance and law enforcement.

- b. It is recommended that the community, especially those in coastal areas and often active at sea, need to increase awareness and active participation in maintaining maritime security.
- c. It is recommended that the Government provide greater support to BAKAMLA RI in the form of an adequate budget for the procurement of patrol vessels, advanced monitoring technology, and personnel training programs.

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