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Illegal Fishing Investigations by the Water and Air Police: Authority and Procedures

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ABSTRACT

This study examines the legal authority and investigative procedures of the Water and Air Police in handling illegal fishing cases, with a focus on the North Sulawesi Regional Police. It employs a normative legal research method using statutory, conceptual, and analytical approaches. Legal materials include national legislation, international conventions, legal doctrines, and scholarly journals, which are analysed qualitatively through descriptive-analytical techniques. The findings show that the investigative authority of the Water and Air Police is legally grounded in Law Number 2 of 2002 concerning the Indonesian National Police, Law Number 31 of 2004 concerning Fisheries as amended by Law Number 45 of 2009, and the 1982 United Nations Convention on the Law of the Sea. The investigative process consists of maritime patrols, vessel boarding, inspection of documents and fishing gear, collection and preservation of evidence, examination of witnesses and suspects, seizure of vessels and catches, and submission of case files to the public prosecutor. However, enforcement faces obstacles related to maritime jurisdiction, limited patrol resources, evidentiary difficulties at sea, interagency coordination, and overlapping institutional authority. The study recommends strengthening interagency coordination, enhancing investigative capacity, harmonising procedures, and improving

the management of maritime and electronic evidence to ensure more effective and legally certain enforcement against illegal fishing in North Sulawesi.

Keywords: *Criminal Investigation, Fisheries Law Enforcement, Illegal Fishing, North Sulawesi, Water and Air Police*

INTRODUCTION

Illegal fishing remains a persistent threat to Indonesia's marine resources and maritime sovereignty. As the world's largest archipelagic state, Indonesia possesses extensive waters under national jurisdiction, including internal waters, archipelagic waters, the territorial sea, and the exclusive economic zone. This geographical reality creates both enormous fisheries potential and significant enforcement challenges. The Ministry of Marine Affairs and Fisheries has repeatedly reported substantial state losses from illegal fishing, with foreign and domestic vessels engaged in prohibited practices, including fishing without licences, the use of banned gear, and violations of vessel monitoring obligations.[1] In North Sulawesi, the problem is particularly acute because the province borders the Philippines and sits adjacent to international waters. Data from the Ministry indicate that North Sulawesi's coastal waters, especially around the Talaud Islands, are highly vulnerable to incursions by foreign fishing vessels. Studies on fishing violations in Fisheries Management Area 715 have identified North Sulawesi as a medium-priority surveillance zone, with violation events concentrated in Maluku, North Maluku, and North Sulawesi waters.[2] These geographical and statistical realities underscore the need for effective legal enforcement by the institutions responsible for maritime policing.

Within Indonesia's law enforcement architecture, the Directorate of Water and Air Police of the North Sulawesi Regional Police occupies a strategic position in preventing and investigating fisheries crimes. The Directorate's authority derives from Law Number 2 of 2002 concerning the Indonesian National Police and the Criminal Procedure Code, while the substantive elements of fisheries offences are governed primarily by Law Number 31 of 2004 concerning Fisheries as amended by Law Number 45 of 2009.[3] Enforcement at sea, however, cannot be separated from the international law of the sea, particularly the 1982 United Nations Convention on the Law of the Sea, which Indonesia ratified through Law Number 17 of 1985.[4] The Convention establishes distinct legal regimes for internal waters, archipelagic waters, the territorial sea, the contiguous zone, and the exclusive economic zone, each carrying different implications for coastal state jurisdiction

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[1] "SIARAN PERS KEMENTERIAN KELAUTAN DAN PERIKANAN," n.d., https://www.kkp.go.id/news/news-detail/kkp-dorong-optimalkan-pengelolaan-perikanan-di-laut-lepas-dan-zee65c1bd5cf241e.html.

[2] Teddy Feky Paulus et al., "Identification and Modeling of Illegal Fishing Violations in WPPNRI 715 Using Vessel Monitoring System Data," *Jurnal Ilmiah PLATAX* 14, no. 1 (May 16, 2026): 264–77, https://doi.org/10.35800/jip.v14i1.67681.

[3] "Undang-Undang (UU) Nomor 2 Tahun 2002 Tentang Kepolisian Negara Republik Indonesia" (2002), https://peraturan.bpk.go.id/Details/44418/uu-no-2-tahun-2002; "Undang-Undang (UU) Nomor 45 Tahun 2009 Tentang Perubahan Atas Undang-Undang Nomor 31 Tahun 2004 Tentang Perikanan" (2009), https://peraturan.bpk.go.id/Details/38790/uu-no-45-tahun-2009.

[4] "Undang-Undang (UU) Nomor 17 Tahun 1985 Tentang Pengesahan United Nations Convention on The Law of The Sea (Konvensi Perserikatan Bangsa-Bangsa Tentang Hukum Laut)" (1985), https://peraturan.bpk.go.id/Details/46968/uu-no-17-tahun-1985.

and enforcement measures.[5] The investigation of illegal fishing therefore operates at the intersection of national criminal procedure, fisheries legislation, and international maritime law. This layered legal framework creates both authority and constraint for the Water and Air Police, namely the power to act within jurisdictional boundaries that are not always easy to determine in practice.

Recent legal scholarship has examined how investigators handle analogous regulatory offences in Indonesia. Khaq and Hidayat, for instance, analyse law enforcement against illegal online loan platforms and fuel oil counterfeiting.[6] Their studies show that police investigators must ground coercive measures in statutory authority and procedural rules. Such findings are relevant to fisheries enforcement because illegal fishing also involves licensing, documentation, and regulatory compliance.[7] The comparison is not perfect, yet it helps clarify how general criminal procedure operates alongside specialised administrative regulations. This body of work provides a useful foundation for understanding the legal discipline required in fisheries investigations.

The existing literature on illegal fishing in Indonesia has largely focused on substantive fisheries crimes, the role of the fisheries court, the policy of vessel sinking, and the accountability of corporations. Scholars have examined enforcement in the exclusive economic zone, the application of UNCLOS provisions on sovereign rights over natural resources, and the difficulties caused by regulatory disharmony among institutions. Massie and colleagues studied law enforcement against illegal fishing in North Sulawesi waters and identified the North Sulawesi Police Water Police Directorate as the primary authority responsible for handling violations in the region.[8] Their study, however, focused on general authority and constraints without a detailed examination of investigative procedures as a distinct legal process. Paulus and colleagues analysed illegal fishing violations in WPPNRI 715 using Vessel Monitoring System data and confirmed that North Sulawesi waters remain a zone of significant violation activity.[9] Relatively little attention has been given to the investigative procedures of the Water and Air Police as a distinct law enforcement body operating within Indonesia's maritime domain. The procedural aspects of maritime criminal

[5] Gerard J. Mangone, "United Nations: Negotiations on the 1982 Law of the Sea Convention," *International Journal of Marine and Coastal Law* 8, no. 4 (1993): 530–41, https://doi.org/10.1163/157180893X00396.

[6] Ifan Eldin Khaq and Ahmad Hidayat, "THE LAW ENFORCEMENT AGAINST AN ILLEGAL ONLINE LOANS PLATFORM," *Journal of Law Theory and Law Enforcement* 1, no. 3 (August 12, 2022): 65–76, https://doi.org/10.56943/jlte.v1i3.114.

[7] Slamet, Subekti, and Noenik Soekorini, "LAW ENFORCEMENT ON PERPETRATORS OF FUEL OIL AND GAS COUNTERFEITING IN BANGILAN, TUBAN," *Journal of Law Theory and Law Enforcement* 2, no. 1 (March 8, 2023): 96–104, https://doi.org/10.56943/jlte.v2i1.272.

[8] M. Said Karim Basri, M. Djafar Saidi, and Muchtar Syamsuddin, "Strategy of Law Enforcement Against Fisheries Crime in Indonesia," *International Affairs and Global Strategy* 77 (November 2019): 22–30, https://doi.org/10.7176/IAGS/77-05.

[9] Paulus et al., "Identification and Modeling of Illegal Fishing Violations in WPPNRI 715 Using Vessel Monitoring System Data."

investigation, including vessel boarding, evidence collection at sea, determination of locus delicti, and coordination with other maritime agencies, remain underexplored in the Indonesian legal literature.

This study offers a novel contribution by focusing specifically on the legal authority and investigative procedures of the Water and Air Police in handling illegal fishing cases, with the North Sulawesi Regional Police as the institutional context. Unlike studies that examine fisheries enforcement from the perspective of the Ministry of Marine Affairs and Fisheries or the Indonesian Navy, this research places the Water and Air Police at the centre of analysis. It examines how the Directorate exercises its investigative authority within the layered legal framework of national criminal procedure, fisheries legislation, and international maritime law. It also identifies the juridical and operational obstacles that affect the effectiveness of investigations, including jurisdictional uncertainty, evidentiary difficulties at sea, resource limitations, and overlapping institutional authority. By integrating statutory analysis with an examination of investigative practice, the study seeks to provide a comprehensive account of how legal authority translates into enforcement action in the specific context of North Sulawesi's maritime environment.

The objective of this study is threefold. First, it aims to analyse the legal basis of the investigative authority of the Water and Air Police in illegal fishing cases, drawing on national legislation and international maritime law. Second, it examines the procedures employed in maritime criminal investigations, from initial patrol and vessel interception through evidence collection and case file preparation. Third, it identifies and evaluates the juridical and operational obstacles that affect the effectiveness of these investigations and considers the implications for legal certainty and due process. By addressing these objectives, the study contributes to a more nuanced understanding of how maritime law enforcement operates in practice and offers recommendations for strengthening coordination, investigative capacity, and procedural consistency in the enforcement of fisheries law in North Sulawesi.

LITERATURE REVIEW

Several studies have examined how Indonesian police investigators exercise their authority under the Criminal Procedure Code. Khaq and Hidayat, for example, analyse law enforcement against illegal online loan platforms and fuel oil counterfeiting.[10] Their works show that coercive measures must be based on statutory provisions and documented according to procedural rules. These findings are relevant to fisheries enforcement because illegal fishing also involves licensing, documentation, and regulatory compliance. However, such studies remain focused

[10] Khaq and Hidayat, "THE LAW ENFORCEMENT AGAINST AN ILLEGAL ONLINE LOANS PLATFORM."

on land-based crimes. They do not address the jurisdictional and evidentiary challenges that arise in maritime investigations.

Within fisheries law, researchers have concentrated on substantive offences, the role of the fisheries court, and the policy of sinking foreign vessels. Ernawati and colleagues examined the enforcement of IUU fishing in Indonesian sovereignty and jurisdiction and highlighted the interaction between national law and the international law of the sea.[11] In North Sulawesi, Massie and colleagues studied illegal fishing practices and identified the North Sulawesi Police Water Police Directorate as the primary enforcement authority.[12] Their work, however, did not examine investigative procedures as a distinct legal process. Paulus and colleagues used Vessel Monitoring System data to analyse violations in WPPNRI 715 and confirmed that North Sulawesi waters remain a significant violation zone.[13] These studies establish the importance of the region but leave the procedural dimensions of investigation underexplored.

A gap therefore exists in the literature concerning the investigative procedures of the Water and Air Police in illegal fishing cases. Questions about locus delicti determination, evidence collection at sea, vessel boarding, and interagency coordination have received limited attention. This study addresses that gap by examining the legal authority and investigative procedures of the Directorate of Water and Air Police of the North Sulawesi Regional Police. It analyses the legal basis of investigative authority, the steps involved in maritime criminal investigation, and the juridical and operational obstacles that affect enforcement effectiveness. By doing so, the study contributes to a more complete understanding of how fisheries law is enforced in practice.

RESEARCH METHODOLOGY

This study employs a normative legal research method. It examines law as a system of legal norms by analysing statutory provisions, legal principles, concepts, and doctrines relevant to the investigation of illegal fishing offences.[14] The research focuses on the legal authority and investigative procedures of the Directorate of Water and Air Police of the North Sulawesi Regional Police. It does not rely on empirical data from fieldwork. Instead, it explores how legal norms are constructed

[11] Ninin Ernawati et al., "Legal Enforcement for IUU Fishing in Indonesian Sovereignty And Jurisdiction: A Case Analysis of The Capture of Foreign Vessels by The Indonesian Government," *Jurnal IUS Kajian Hukum Dan Keadilan* 10, no. 3 (December 14, 2022): 448–61, https://doi.org/10.29303/ius.v10i3.1078.

[12] Basri, M. Djafar Saidi, and Syamsuddin, "Strategy of Law Enforcement Against Fisheries Crime in Indonesia."

[13] Paulus et al., "Identification and Modeling of Illegal Fishing Violations in WPPNRI 715 Using Vessel Monitoring System Data."

[14] Johnny Ibrahim, *Teori & Metodologi Penelitian Hukum Normatif* (Bayu Media, 2013), https://bintangpusnas.perpusnas.go.id/konten/BK26135/teori-and-metodologi-penelitian-hukum-normatif; Soerjono Soekanto and Sri Mamudji, *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*, 21st ed. (CV. Rajawali, 2022), https://jdih.dprd.sukoharjokab.go.id/koleksi-buku/791.

and how they should be applied in maritime criminal investigations. The normative approach is appropriate because the main issue concerns the conformity between statutory authority and procedural requirements in fisheries law enforcement.[15]

The approaches used in this study consist of the statutory approach, the conceptual approach, and the analytical approach. The statutory approach examines legislation and regulations governing police authority, criminal procedure, fisheries, and the law of the sea.[16] The conceptual approach clarifies key legal concepts, including jurisdiction, locus delicti, evidence, and due process.[17]The analytical approach evaluates the relationship between legal norms and the practical challenges of maritime investigation. These three approaches are used together to assess how investigative authority is exercised within the layered legal framework of national and international law.

The legal materials used in this study are divided into primary, secondary, and tertiary materials. Primary legal materials include Law Number 2 of 2002 concerning the Indonesian National Police, Law Number 31 of 2004 concerning Fisheries as amended by Law Number 45 of 2009, the Criminal Procedure Code, Law Number 17 of 1985 concerning the ratification of UNCLOS, and the 1982 United Nations Convention on the Law of the Sea.[18] Secondary legal materials consist of books, journal articles, and legal doctrines relating to maritime law, criminal law, and criminal procedure. Tertiary legal materials include legal dictionaries and encyclopaedias that support the interpretation of legal terms. All materials were collected through library research.

The collected legal materials were analysed qualitatively using a descriptive-analytical method. This method describes the applicable legal norms and then analyses their coherence and application in the context of illegal fishing investigations.[19] The analysis examines the conformity between statutory provisions and the legal framework governing the Directorate of Water and Air Police of the North Sulawesi Regional Police. It also identifies gaps, overlaps, and

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[15] Depri Liber Sonata, "METODE PENELITIAN HUKUM NORMATIF DAN EMPIRIS: KARAKTERISTIK KHAS DARI METODE MENELITI HUKUM," *FIAT JUSTISIA:Jurnal Ilmu Hukum* 8, no. 1 (November 5, 2015), https://doi.org/10.25041/fiatjustisia.v8no1.283.

[16] Marzuki Peter Mahmud, *Penelitian Hukum*, 19th ed. (Jakarta: Kencana, 2019), https://opac.perpusnas.go.id/DetailOpac.aspx?id=1409842; Kristianto Wiliam and Chariansyah Hery, "PENDEKATAN PERUNDANG-UNDANGAN, KONSEPTUAL, DAN KASUS DALAM PENELITIAN HUKUM NORMATIF," *Pendas: Journal Imiah Pendidikan Dasar* 3, no. September (2026): 1–14, https://doi.org/https://doi.org/10.23969/jp.v11i03.63626.

[17] Ibrahim, *Teori & Metodologi Penelitian Hukum Normatif*; Nurul Adliyah et al., "Elite Capture in Agrarian Reform: An Analysis of Normative Vulnerability in Indonesia," *Datuk Sulaiman Law Review (DaLRev)* 6, no. 2 (2025): 1–12, https://doi.org/https://doi.org/10.24256/dalrev.v6i2.9736.

[18] Undang-undang (UU) Nomor 2 Tahun 2002 tentang Kepolisian Negara Republik Indonesia; Undang-undang (UU) Nomor 17 Tahun 1985 tentang Pengesahan United Nations Convention on The Law of The Sea (Konvensi Perserikatan Bangsa-Bangsa tentang Hukum Laut); Undang-undang (UU) Nomor 45 Tahun 2009 tentang Perubahan Atas Undang-Undang Nomor 31 Tahun 2004 Tentang Perikanan.

[19] Sonata, "METODE PENELITIAN HUKUM NORMATIF DAN EMPIRIS: KARAKTERISTIK KHAS DARI METODE MENELITI HUKUM."

uncertainties in the legal framework. The results are presented in a narrative form that explains the legal basis of investigative authority, the procedures involved, and the juridical and operational obstacles encountered in practice.

RESULT AND DISCUSSION

Legal Authority of the Water and Air Police in Illegal Fishing Investigations

The investigative authority of the Directorate of Water and Air Police of the North Sulawesi Regional Police rests on a layered legal framework. The primary basis is Law Number 2 of 2002 concerning the Indonesian National Police, which grants the police general authority to investigate criminal offences.[20] This authority is procedurally governed by the Criminal Procedure Code, which sets out the steps for investigation, arrest, seizure, and examination.[21] For fisheries offences, the substantive provisions are found in Law Number 31 of 2004 concerning Fisheries as amended by Law Number 45 of 2009.[22] This law defines illegal fishing as including fishing without a licence, the use of prohibited gear, fishing in prohibited areas, and violations of vessel monitoring requirements. The Water and Air Police therefore exercise general criminal investigative powers within a specialised regulatory domain.

The international dimension of this authority cannot be ignored. Indonesia ratified the 1982 United Nations Convention on the Law of the Sea through Law Number 17 of 1985.[23] The Convention divides marine areas into internal waters, archipelagic waters, the territorial sea, the contiguous zone, and the exclusive economic zone. Each zone carries different rights and obligations for the coastal state. In the exclusive economic zone, Indonesia possesses sovereign rights over the exploration and exploitation of natural resources. However, enforcement measures against foreign vessels must respect the procedural safeguards set out in the Convention.[24] The Water and Air Police must therefore determine the precise location of an alleged offence before exercising coercive authority. This step is not merely administrative. It determines which legal regime applies and whether Indonesian investigators have jurisdiction.

Previous studies support the importance of this jurisdictional determination. Ernawati and colleagues examined the enforcement of IUU fishing in Indonesian

[20] Undang-undang (UU) Nomor 2 Tahun 2002 tentang Kepolisian Negara Republik Indonesia; "SIARAN PERS KEMENTERIAN KELAUTAN DAN PERIKANAN."
[21] "Undang-Undang (UU) Nomor 8 Tahun 1981 Tentang Hukum Acara Pidana" (1981), https://peraturan.bpk.go.id/Details/47041/uu-no-8-tahun-1981.
[22] Undang-undang (UU) Nomor 45 Tahun 2009 tentang Perubahan Atas Undang-Undang Nomor 31 Tahun 2004 Tentang Perikanan.
[23] Undang-undang (UU) Nomor 17 Tahun 1985 tentang Pengesahan United Nations Convention on The Law of The Sea (Konvensi Perserikatan Bangsa-Bangsa tentang Hukum Laut); "SIARAN PERS KEMENTERIAN KELAUTAN DAN PERIKANAN."
[24] Mangone, "United Nations: Negotiations on the 1982 Law of the Sea Convention."

sovereignty and jurisdiction.[25] They found that the legal status of the waters where the offence occurs shapes the scope of enforcement measures, particularly when foreign-flagged vessels are involved. Their findings confirm that the Water and Air Police cannot treat all maritime zones as legally identical. The present study extends this insight by focusing on how the North Sulawesi Regional Police apply these jurisdictional rules in practice. The geographical position of North Sulawesi, which borders the Philippines and international waters, makes this determination especially critical. A mistake in establishing locus delicti may weaken the legal basis of an investigation and lead to challenges in court.

From a procedural perspective, an investigation generally begins with the discovery of an alleged fisheries offense through maritime patrols, surveillance activities, public information, or other intelligence obtained by law-enforcement authorities. At this stage, Marine Police officers are required to establish reasonable grounds for suspecting that a violation has occurred. The initial examination may involve identifying the vessel, determining its position, inspecting its registration and licensing documents, examining the fishing gear, and checking the quantity and type of fish caught. These activities are not merely administrative inspections; they constitute an important evidentiary stage because the findings obtained during the initial examination may subsequently determine whether a criminal investigation can properly be initiated.

Procedures for Investigating Illegal Fishing at Sea

The investigative process begins with maritime patrols and surveillance. Officers from the Water and Air Police conduct regular patrols in areas identified as vulnerable to illegal fishing, including the waters around the Talaud Islands and the Sangihe archipelago.[26] When a vessel is suspected of violating fisheries laws, officers may stop and board it. During boarding, they inspect registration documents, fishing licences, logbooks, and vessel monitoring system data. They also examine the fishing gear and the catch on board. These initial steps serve an evidentiary function. They establish whether there are reasonable grounds to proceed with a criminal investigation.[27]

If sufficient evidence exists, the investigation moves to the collection and preservation of evidence. Evidence in illegal fishing cases may include the vessel itself, fishing gear, fish catches, navigation records, permits, photographs, video recordings, and electronic positioning data. The seizure of these items must follow the procedural requirements of the Criminal Procedure Code. Particular attention is needed for perishable evidence such as fish catches. Investigators must document the condition, quantity, and handling of seized objects to maintain

[25] Ernawati et al., "Legal Enforcement for IUU Fishing in Indonesian Sovereignty And Jurisdiction: A Case Analysis of The Capture of Foreign Vessels by The Indonesian Government."
[26] "SIARAN PERS KEMENTERIAN KELAUTAN DAN PERIKANAN."
[27] Undang-undang (UU) Nomor 8 Tahun 1981 tentang Hukum Acara Pidana.

their evidentiary value. Failure to do so may create difficulties at the prosecution stage. The Water and Air Police must also examine witnesses and suspects, including crew members who may be foreign nationals. This step requires coordination with immigration authorities and, in some cases, consular officials.

The procedures described above align with findings from other studies on law enforcement in Indonesia. Khaq and Hidayat analysed law enforcement against illegal online loan platforms and fuel oil counterfeiting.[28] Their studies showed that investigators must connect prohibited conduct with specific licensing and regulatory requirements. This principle applies equally to illegal fishing. An investigation cannot succeed by merely proving that a vessel was fishing. It must demonstrate that the activity violated a specific legal obligation, such as fishing without a valid licence or using prohibited gear. The present study confirms that this requirement is particularly demanding in maritime investigations because fisheries regulations are technical and subject to frequent changes.

Obstacles and Juridical Implications

The Water and Air Police face several operational and juridical obstacles in investigating illegal fishing. The first obstacle is geographical. North Sulawesi's maritime territory is vast and includes remote islands and international borders. Patrol vessels must travel long distances from base ports, often in adverse weather conditions.[29] This limits the number of patrols and delays response times. The second obstacle concerns evidence preservation. Fish catches deteriorate quickly, vessels may move from their original position, and electronic records may be altered. Investigators must act rapidly while maintaining procedural accuracy.The third obstacle is institutional coordination. Several agencies share responsibility for maritime law enforcement, including the Indonesian Navy, the Ministry of Marine Affairs and Fisheries, and the Customs and Excise office. Overlapping authority can create delays in case transfer and evidence sharing.[30]

These obstacles have juridical consequences. An investigation conducted without sufficient legal authority may be challenged as unlawful. Procedural deficiencies in evidence collection may reduce its admissibility in court. Uncertainty about jurisdiction may undermine the legal basis for prosecution. Inadequate documentation may prevent prosecutors from establishing a continuous evidentiary chain.[31]Previous studies have identified similar problems. Massie and

[28] Khaq and Hidayat, "THE LAW ENFORCEMENT AGAINST AN ILLEGAL ONLINE LOANS PLATFORM"; Slamet, Subekti, and Soekorini, "LAW ENFORCEMENT ON PERPETRATORS OF FUEL OIL AND GAS COUNTERFEITING IN BANGILAN, TUBAN."

[29] Paulus et al., "Identification and Modeling of Illegal Fishing Violations in WPPNRI 715 Using Vessel Monitoring System Data."

[30] Untung Harjanto and Diastama Ramadhan, "Integrated Law Enforcement toward Illegal Fishing in Indonesian Water Areas," in *Proceedings of the 2nd International Conference on Law, Economic, Governance, ICOLEG 2021, 29-30 June 2021, Semarang, Indonesia* (EAI, 2021), https://doi.org/10.4108/eai.29-6-2021.2312662.

[31] Muhammad Fauzi Ramadhan, Airlangga Putera, and Miftahul Jannah, "The Absurdity of The Law In The Enforcement of Criminal Acts Fisheries (Illegal Fishing) in Indonesia," *Jurisprudentie :*

colleagues studied illegal fishing in North Sulawesi and noted that the Water Police Directorate faced constraints in resources and coordination.[32] Their findings are consistent with the present study. Paulus and colleagues used Vessel Monitoring System data to analyse violations in WPPNRI 715 and confirmed that North Sulawesi waters remain a zone of significant violation activity.[33] Their data support the argument that enforcement challenges are not merely theoretical but are grounded in measurable patterns of non-compliance.

The present study contributes to this body of work by examining the procedural dimensions of investigation in greater detail. It shows that the effectiveness of the Water and Air Police depends on three interconnected factors. These are the legality of investigative authority, the adequacy of evidentiary procedures, and the effectiveness of interagency coordination. Strengthening these factors requires specialised training, clearer operational guidelines, improved infrastructure, and better management of maritime and electronic evidence. Without these reforms, the enforcement of fisheries law in North Sulawesi will remain constrained, and illegal fishing will continue to threaten Indonesia's marine resources and maritime sovereignty.

CONCLUSION

This study has examined the legal authority and investigative procedures of the Directorate of Water and Air Police of the North Sulawesi Regional Police in handling illegal fishing cases. The investigative authority of the Water and Air Police is grounded in Law Number 2 of 2002 concerning the Indonesian National Police, Law Number 31 of 2004 concerning Fisheries as amended by Law Number 45 of 2009, and the 1982 United Nations Convention on the Law of the Sea. The investigative process consists of maritime patrols, vessel boarding, inspection of documents and fishing gear, collection and preservation of evidence, examination of witnesses and suspects, seizure of vessels and catches, and submission of case files to the public prosecutor. Each stage must comply with the Criminal Procedure Code and the jurisdictional rules established by the law of the sea. The effectiveness of enforcement therefore depends on the legality of investigative authority, the adequacy of evidentiary procedures, and the coordination among maritime law enforcement institutions.

The implementation of these investigations continues to face operational and juridical obstacles. Geographical conditions in North Sulawesi, including vast maritime areas and remote island clusters, limit the reach and frequency of patrols. Evidentiary challenges arise from the perishable nature of fish catches, the mobility

Jurusan Ilmu Hukum Fakultas Syariah Dan Hukum 11, no. 2 (December 19, 2024): 169–80, https://doi.org/10.24252/jurisprudentie.v11i2.52477.

[32] Basri, M. Djafar Saidi, and Syamsuddin, "Strategy of Law Enforcement Against Fisheries Crime in Indonesia."

[33] Paulus et al., "Identification and Modeling of Illegal Fishing Violations in WPPNRI 715 Using Vessel Monitoring System Data."

of vessels, and the vulnerability of electronic records. Institutional overlaps among the Water and Air Police, the Indonesian Navy, fisheries investigators, and other agencies create delays in case transfer and evidence sharing. These obstacles have juridical consequences, including weakened evidentiary foundations, uncertainty over jurisdiction, and potential challenges to the legality of investigative measures. Previous studies by Ernawati and colleagues, Massie and colleagues, and Paulus and colleagues confirm that these problems are not isolated but reflect broader patterns in Indonesian fisheries enforcement. Strengthening interagency coordination, harmonising investigative procedures, improving infrastructure, and enhancing human resource capacity are essential steps to address these challenges.

A number of limitations should be acknowledged. This study relies on normative legal analysis and does not include empirical data from fieldwork, interviews with investigators, or case file reviews. As a result, it cannot capture the full range of practical difficulties encountered by the Water and Air Police in North Sulawesi. Future research could address this gap by conducting field studies that examine actual case handling, document investigative practices, and evaluate the effectiveness of coordination mechanisms among maritime enforcement agencies. Comparative studies with other regions in Indonesia would also help identify whether the obstacles identified here are specific to North Sulawesi or reflect broader national patterns. Such research would contribute to a more complete understanding of how fisheries law is enforced at sea and how legal norms translate into effective action. Ultimately, the challenge for Indonesia is not simply to expand patrol capacity but to build a legal and institutional framework that ensures every investigative measure is lawful, documented, and capable of sustaining prosecution before the court.

REFERENCES

Adliyah, Nurul, Rizka Amelia Armin, Mustaming Mustaming, and Hamsah Hasan. "Elite Capture in Agrarian Reform: An Analysis of Normative Vulnerability in Indonesia." *Datuk Sulaiman Law Review (DaLRev)* 6, no. 2 (2025): 1–12. https://doi.org/https://doi.org/10.24256/dalrev.v6i2.9736.

Basri, M. Said Karim, M. Djafar Saidi, and Muchtar Syamsuddin. "Strategy of Law Enforcement Against Fisheries Crime in Indonesia." *International Affairs and Global Strategy* 77 (November 2019): 22–30. https://doi.org/10.7176/IAGS/77-05.

Ernawati, Ninin, Maya Shafira, Deni Achmad, Rehulina Tarigan, and Ninne Zahara Silviani. "Legal Enforcement for IUU Fishing in Indonesian Sovereignty And Jurisdiction: A Case Analysis of The Capture of Foreign Vessels by The Indonesian Government." *Jurnal IUS Kajian Hukum Dan Keadilan* 10, no. 3 (December 14, 2022): 448–61. https://doi.org/10.29303/ius.v10i3.1078.

Harjanto, Untung, and Diastama Ramadhan. "Integrated Law Enforcement toward Illegal Fishing in Indonesian Water Areas." In *Proceedings of the 2nd International Conference on Law, Economic, Governance, ICOLEG 2021, 29-30 June 2021, Semarang, Indonesia*. EAI, 2021.

https://doi.org/10.4108/eai.29-6-2021.2312662.

Ibrahim, Johnny. *Teori & Metodologi Penelitian Hukum Normatif*. Bayu Media, 2013. https://bintangpusnas.perpusnas.go.id/konten/BK26135/teori-and-metodologi-penelitian-hukum-normatif.

Khaq, Ifan Eldin, and Ahmad Hidayat. "THE LAW ENFORCEMENT AGAINST AN ILLEGAL ONLINE LOANS PLATFORM." *Journal of Law Theory and Law Enforcement* 1, no. 3 (August 12, 2022): 65–76. https://doi.org/10.56943/jlte.v1i3.114.

Mangone, Gerard J. "United Nations: Negotiations on the 1982 Law of the Sea Convention." *International Journal of Marine and Coastal Law* 8, no. 4 (1993): 530–41. https://doi.org/10.1163/157180893X00396.

Muhammad Fauzi Ramadhan, Airlangga Putera, and Miftahul Jannah. "The Absurdity of The Law In The Enforcement of Criminal Acts Fisheries (Illegal Fishing) in Indonesia." *Jurisprudentie : Jurusan Ilmu Hukum Fakultas Syariah Dan Hukum* 11, no. 2 (December 19, 2024): 169–80. https://doi.org/10.24252/jurisprudentie.v11i2.52477.

Paulus, Teddy Feky, Lefrand Manoppo, Patrice Nelson I Kalangi, Deiske A. Sumilat, Joshian Nicolas William Schaduw, Johnny Budiman, and Juliet Merry Eva Mamahit. "Identification and Modeling of Illegal Fishing Violations in WPPNRI 715 Using Vessel Monitoring System Data." *Jurnal Ilmiah PLATAX* 14, no. 1 (May 16, 2026): 264–77. https://doi.org/10.35800/jip.v14i1.67681.

Peter Mahmud, Marzuki. *Penelitian Hukum*. 19th ed. Jakarta: Kencana, 2019. https://opac.perpusnas.go.id/DetailOpac.aspx?id=1409842.

"SIARAN PERS KEMENTERIAN KELAUTAN DAN PERIKANAN," n.d. https://www.kkp.go.id/news/news-detail/kkp-dorong-optimalkan-pengelolaan-perikanan-di-laut-lepas-dan-zee65c1bd5cf241e.html.

Slamet, Subekti, and Noenik Soekorini. "LAW ENFORCEMENT ON PERPETRATORS OF FUEL OIL AND GAS COUNTERFEITING IN BANGILAN, TUBAN." *Journal of Law Theory and Law Enforcement* 2, no. 1 (March 8, 2023): 96–104. https://doi.org/10.56943/jlte.v2i1.272.

Soekanto, Soerjono, and Sri Mamudji. *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*. 21st ed. CV. Rajawali, 2022. https://jdih.dprd.sukoharjokab.go.id/koleksi-buku/791.

Sonata, Depri Liber. "METODE PENELITIAN HUKUM NORMATIF DAN EMPIRIS: KARAKTERISTIK KHAS DARI METODE MENELITI HUKUM." *FIAT JUSTISIA:Jurnal Ilmu Hukum* 8, no. 1 (November 5, 2015). https://doi.org/10.25041/fiatjustisia.v8no1.283.

Undang-undang (UU) Nomor 17 Tahun 1985 tentang Pengesahan United Nations Convention on The Law of The Sea (Konvensi Perserikatan Bangsa-Bangsa tentang Hukum Laut) (1985). https://peraturan.bpk.go.id/Details/46968/uu-no-17-tahun-1985.

Undang-undang (UU) Nomor 2 Tahun 2002 tentang Kepolisian Negara Republik Indonesia (2002). https://peraturan.bpk.go.id/Details/44418/uu-no-2-tahun-2002.

Undang-undang (UU) Nomor 45 Tahun 2009 tentang Perubahan Atas Undang-Undang Nomor 31 Tahun 2004 Tentang Perikanan (2009). https://peraturan.bpk.go.id/Details/38790/uu-no-45-tahun-2009.

Undang-undang (UU) Nomor 8 Tahun 1981 tentang Hukum Acara Pidana (1981). https://peraturan.bpk.go.id/Details/47041/uu-no-8-tahun-1981.

Wiliam, Kristianto, and Chariansyah Hery. "PENDEKATAN PERUNDANG-UNDANGAN, KONSEPTUAL, DAN KASUS DALAM PENELITIAN HUKUM NORMATIF." *Pendas: Journal Imiah Pendidikan Dasar* 3, no. September (2026): 1–14. https://doi.org/https://doi.org/10.23969/jp.v11i03.63626.