

Juridical Analysis of The Role of The Sea and Coast Guard in Improving Maritime Security and The Environment (Research Study at The Tanjung Uban Class II Marine and Coast Guard Base Office)

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Juridical Analysis of The Role of The Sea and Coast Guard in Improving Maritime Security and The Environment (Research Study at The Tanjung Uban Class II Marine and Coast Guard Base Office)

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ABSTRACT. Maritime security and environmental protection in Indonesian waters, especially in Tanjung Uban, are strategic issues considering the high level of shipping activities and potential threats to marine ecosystems. This study focuses on the juridical analysis of the role of the Marine and Coast Guard Unit (KPLP) in improving maritime security and environmental protection, with a case study at the Tanjung Uban Class II Marine and Coast Guard Base. The purpose of this study is to evaluate the effectiveness of the implementation of the duties and functions of the KPLP based on the existing legal framework, identify the obstacles faced, and provide recommendations to improve the performance of the KPLP. The research method used is a qualitative approach with descriptive analysis, including document studies, field observations, and interviews with related parties. The results of the study show that although KPLP Tanjung Uban has a strong legal foundation, the implementation of their duties and functions is still not optimal. The main obstacles include limited resources such as adequate personnel and equipment, lack of continuous training which results in low personnel competence, and ineffective coordination with related agencies such as the Indonesian Navy and Bakamla. The low awareness and compliance with safety and environmental regulations among maritime industry players also exacerbates the situation. Based on these findings, this study provides several suggestions. For KPLP, an increase in the budget is needed for the procurement of resources and equipment, as well as continuous training for personnel. For the public, especially ship owners and other users of waters, it is important to increase awareness and compliance with maritime and environmental regulations through active participation in education and socialization programs. Meanwhile, the government must strengthen coordination between relevant agencies through the establishment of regular coordination forums and integrated information systems, to ensure better synergy in surveillance, law enforcement, and emergency response in the waters of Tanjung Uban. This research is expected to make a significant contribution to improving maritime security and environmental protection in Indonesia, as well as becoming a reference for the development of more effective policies and strategies in the management of water areas.

Keywords: The Role of Marine and Coastal Protection, Maritime Security, Environment

1. INTRODUCTION

Maritime and environmental security are two crucial issues in the context of sustainability and protection of natural resources for countries with extensive coastal and ocean areas. In order to maintain and improve security and protect the marine environment, the role of sea and coast guards (Sea and Coast Guard) is very important. Sea and coast guards are tasked with carrying out patrols, surveillance, and law enforcement actions in waters and coastal areas. Therefore, a legal analysis of the role of the Sea and Coast Guard in improving maritime and environmental security is a relevant and important research subject to be explored further. The territory of a country, besides the air and land, also includes the sea. However, not every country has maritime or sea territory, only certain countries have sea territory, namely countries where the land area borders the sea (P. Joko Subagyo, 2012). Indonesia is the largest maritime country in the world located in a very strategic cross position between the Asian

Continent and the Australian Continent, which has 17,504 islands stretching from Sabang to Merauke with a coastline of approximately 81,000 km and a sea area of approximately 5.9 million km. Our country is also called an archipelagic country. ⁸ The geographical condition of Indonesia as an archipelagic country with two-thirds of its territory is sea waters consisting of coastal seas, open seas, bays and straits, has a coastline of 95,181 km, with a water area of 5.8 million km, the water area of 5.8 million km consists of territorial sea waters of 0.3 km, archipelago waters of 2.8 million km, Indonesian Exclusive Zone (EEZ) waters of 2.7 million km.

Based on Law Number 17 of 2007 concerning the 2005-2025 Long-Term National Development Plan (RPJPN Law), marine resources have not been optimally utilized due to several factors, including: (1) the absence of maritime boundary arrangements; (2) conflicts in the use of space at sea; (3) the absence of security and safety guarantees at sea; (4) regional autonomy has resulted in a lack of shared understanding of marine resource management; (5) limited human resource capabilities in managing marine resources; and (6) the absence of support for marine research, science and technology. ⁶ This potential can be a strength as well as a challenge with a high level of vulnerability and can disrupt security stability that can threaten the integrity of the Unitary State of the Republic of Indonesia (NKRI). This is because Indonesia's position is very open for other countries to enter Indonesian territory by sea and carry out activities in Indonesian territory with various impacts that arise, so the country needs to pay attention to its maritime security conditions. The maritime security of this country is also influenced by Indonesian geopolitics. Indonesia's position is not free from the influence of interaction and interrelation with the external environment, both the national environment, regional environment, and global environment with all forms of challenges in it.

UNCLOS is an international treaty that regulates various aspects of maritime law, including the rights and obligations of states on the high seas, territorial waters, exclusive economic zones, and continental shelves. UNCLOS is the main basis for states in determining territorial water boundaries and maintaining maritime security. ¹¹ The analysis will involve a review of the implementation and role of the Sea and Coast Guard in monitoring and enforcing the law based on the provisions of UNCLOS. States have regulations and laws that regulate the formation and duties of sea and coast guards. The study will analyze the legal framework that ¹ regulates the role and authority of the Sea and Coast Guard in carrying out maritime security operations and environmental protection (Tri Sulistyningtyas dkk,2016). Several international agreements focusing on marine environmental protection have been ratified by member states. The analysis will involve a review of the implementation and role ¹ of the Sea

and Coast Guard in maintaining and protecting the marine environment based on the adopted environmental conventions.

In the provisions of Article 276 paragraph (1) it is stated that "to guarantee the implementation of safety and security at sea, the function of guarding and enforcing laws and regulations at sea and on the coast is carried out". Furthermore, to carry out its functions as referred to in the Article above, the duties of sea and coast guards are also regulated in Article 277 paragraph (1) of Law Number 17 of 2008 concerning Shipping. The research will analyze government policies relevant to maritime security and environmental protection. This includes budgets, organizational structures, and strategic plans for sea and coast guarding to achieve security and environmental goals set by the government.

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

1. How is the legal regulation of the role of sea and coast guard in improving maritime and environmental security?
2. How is the implementation of the role of sea and coast guard in improving maritime and environmental security in the waters of Tanjung Uban?
3. What are the obstacles and solutions to the role of sea and coast guard in improving maritime and environmental security in the waters of Tanjung Uban?

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 of sea and coast guard in improving maritime and environmental security.
2. To find out and analyze the implementation of the role of sea and coast guard in improving maritime and environmental security in the waters of Tanjung Uban.
3. To find out and analyze the obstacles and solutions to the role of sea and coast guard in improving maritime and environmental security in the waters of Tanjung Uban.

2. LITERATURE REVIEW

Roles can be thought of as part of a broader social identity, where individuals may have different roles depending on the social context, such as roles within the family, workplace, or social group. Roles are often associated with expectations or a set of obligations that must be met. For example, in the context of the family, a person may have the role of parent, child, or sibling, with each role carrying certain behavioral expectations (Soerjono Soekanto, 2019). Sea and Coast Guard, often associated with the Sea and Coast Guard, plays an important role in

maintaining the sovereignty and security of Indonesia's territorial waters. Given that Indonesia is the largest archipelagic country in the world with more than 17,000 islands and a coastline of more than 95,000 kilometers, the existence of the Sea and Coast Guard is very strategic. This institution has broad duties and authorities, ranging from law enforcement at sea, search and rescue, to protection of the maritime environment (Budyanto dkk, 2017).

In the context of its duties, the Indonesian Sea and Coast Guard is responsible for supervising and enforcing the law in Indonesian waters, including preventing and taking action against various forms of violations such as smuggling, illegal fishing, and other illegal activities that can harm Indonesia's sovereignty and natural resources. In addition, they also play a role in search and rescue operations (Search and Rescue/SAR) to provide assistance to ships or individuals who experience accidents or disasters at sea. This task is very crucial considering the high frequency of shipping activities and the potential for natural disasters that can occur in Indonesian waters. In terms of authority, the Sea and Coast Guard has the authority to inspect and arrest vessels suspected of violating the law in Indonesian waters. They are given the authority to conduct inspections, both on domestic and foreign vessels, that cross or operate in Indonesian jurisdiction, to ensure compliance with international and national regulations. In addition, in efforts to protect the maritime environment, the Sea and Coast Guard is tasked with preventing and responding to marine pollution, including oil spills and marine debris, which require cross-sectoral and international coordination (Budyanto dkk, 2017).

¹ In Law Number 17 of 2008 concerning Shipping, there are several articles that regulate the duties and authorities of the Sea and Coast Guard in maintaining maritime security and the environment. Article 279 states that in carrying out its duties, the Sea and Coast Guard is supported by infrastructure in the form of sea and coast guard fleet bases located throughout Indonesia and can use ships and aircraft that have the status of state ships or state aircraft. Sea and coast guards are also required to have qualifications and competencies in accordance with the provisions of laws and regulations. Law Number 17 of 2008 concerning Shipping provides a comprehensive legal framework for maintaining maritime and environmental security in Indonesian waters, emphasizes the importance of the Sea and Coast Guard's function in enforcing law at sea, and supports their duties with adequate infrastructure and competencies that meet standards.

Maritime security and the environment are two closely interrelated aspects in the management and protection of a country's territorial waters. Maritime security involves various activities to ensure that the oceans and coastal areas are safe from threats and illegal activities, such as piracy, smuggling, maritime terrorism, and illegal exploitation of natural resources. It

also includes the security of navigation and safe passage for ships passing through these territorial waters. Maritime security is also closely related to economic development, as the sea and coastal areas are often important economic resources for fisheries, tourism, and trade. In the context of environmental security, countries in the world, including Indonesia, face the challenge of balancing economic development with environmental protection. This includes implementing effective laws and regulations to prevent marine pollution, manage plastic waste, protect marine protected areas, and address the adverse impacts of climate change. Coastal countries often work together through international and regional agreements to address these challenges together, given that the ocean is a connected system that knows no borders (Handoyo dkk, 2018).

Legal protection of maritime and environmental issues is an important aspect of government policy in an effort to maintain and preserve the sustainability of natural resources and security in a country's waters. In the context of Indonesia, this protection is regulated in various regulations and laws that cover various aspects, from preventing and handling marine pollution, managing natural resources, to law enforcement and maritime security. Law Number 17 of 2008 concerning Shipping is one of the main legal documents governing maritime and environmental matters in Indonesia. Chapter XII of this law specifically regulates Maritime Environmental Protection. Article 226 emphasizes that the implementation of maritime environmental protection is carried out by the Government through prevention and control of pollution originating from ships and port activities. This includes the disposal of waste in the waters and the closure of ships which must be carried out in accordance with standards set by the government.

Articles 227 to 242 of Law Number 17 of 2008 concerning Shipping provide special rules related to the responsibilities of ship crews in preventing pollution, equipment requirements and procedures in waste management and waste disposal, as well as administrative sanctions for those who violate these provisions. Law Number 32 of 2009 consists of 17 chapters and 127 articles that regulate more comprehensively the protection and management of the environment (hereinafter abbreviated as UUPPLH). The fundamental difference between Law Number 23 of 1997 concerning Environmental Management (hereinafter abbreviated as UUPLH) and this Law is the strengthening contained in this Law regarding the principles of environmental protection and management based on good governance because in every process of formulating and implementing instruments for preventing environmental pollution and/or damage as well as mitigation and law enforcement requires the integration of aspects of transparency, participation, accountability, and justice.

3. RESEARCH METHOD

The specification of this research only conducts analysis up to the level of synthesis, namely analyzing and presenting facts systematically so that they can be more easily understood and concluded (Irawan Suhartono, 2009). Research Specification or it can be said that the Type of Research is a choice of type of research format in researching research objects in the field of legal science studied by researchers. The specification and/or type of research for this thesis 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 location of this research was carried out in the Riau Islands Province, precisely at the Class II Tanjung Uban Sea and Coast Guard Base Office located at Jalan Hangtuh No.56, Tanjung Uban, Tj. Uban City, North Bintan District, Bintan Regency, Riau Islands 29152. The population is all active officers at the Class II Tanjung Uban Sea and Coast Guard Base Office. 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 to be interviewed to meet the primary data needed to complete the research.

4. RESULTS AND DISCUSSION

Legal Regulation of the Role of the Sea and Coast Guard in Improving Maritime and Environmental Security

Maritime security and environmental protection are two important aspects in the management of a country's sea territory. In Indonesia, the role of the Sea and Coast Guard or known as the Sea and Coast Guard Unit (KPLP) is a vital entity that carries out these tasks. KPLP is tasked with maintaining maritime security and protecting the environment from various threats both from illegal activities and damage to marine ecosystems. The legal basis for the role of sea and coast guard in improving maritime and environmental security is:

a. Law Number 17 of 2008 concerning Shipping

In this law, several articles specifically regulate the role and duties of the KPLP, namely Article 276 of Law Number 17 of 2008 concerning Shipping is an important legal basis that establishes the duties and responsibilities of the Sea and Coast Guard Unit (KPLP) in maintaining safety and security at sea and on the coast. Analysis of this article shows several important aspects that are relevant to the context of the regulation.

b. Law Number 32 of 2009 concerning Environmental Protection and Management

This law emphasizes the importance of environmental protection, including in maritime areas. Some important points of this law are: Article 226: Affirms the implementation of maritime environmental protection by the Government through prevention and control of pollution originating from ships and port activities. Articles 227 to 242: Regulate the responsibilities of ship crews in preventing pollution, requirements for waste management equipment, and administrative sanctions for violations.

Implementation of the Role of Sea and Coast Guard in Improving Maritime and Environmental Security in Tanjung Uban Waters

Tanjung Uban waters are one of the strategic areas in Indonesia that have great maritime potential. Maritime security and environmental protection in this area are top priorities, considering the high shipping activity and potential threats to the marine ecosystem. The Sea and Coast Guard Unit (KPLP) plays an important role in guarding and supervising these waters. However, the implementation of the KPLP's role in improving maritime and environmental security in Tanjung Uban still faces various obstacles and is not yet optimal. Several cases of pollution and accidents handled by the Tanjung Uban KPLP show that there are efforts to enforce the law and supervision. Cases such as oil pollution on the coast of Nongsa, Batam, and handling of ships that experience engine failure or collisions show the active role of KPLP in responding to maritime incidents.

KPLP Tanjung Uban also handles various other incidents such as shipwrecks, ship collisions, and evacuation of people who fell into the sea. For example, the collision incident between the MV Kota Bahagia and a boat in January 2023 which resulted in fatalities. KPLP together with related agencies conducted a search and rescue of victims, showing good coordination although it still needs to be improved (Sugeng Riyono, 2024). The handling of pollution and accident cases by KPLP Tanjung Uban shows dedication and capability in maintaining maritime security and protecting the environment. However, to improve effectiveness, there needs to be increased resources, continuous training, and better coordination with related agencies. Thus, KPLP can be more responsive and efficient in handling various incidents in Tanjung Uban waters, ensuring better security and sustainability of the maritime environment. Law Number 17 of 2008 concerning Shipping and Law Number 32 of 2009 concerning Environmental Protection and Management stipulates the duties and authorities of KPLP.

Obstacles and Solutions to the Role of Sea and Coast Guard in Improving Maritime and Environmental Security in Tanjung Uban Waters

The implementation of the role of KPLP in Tanjung Uban in improving maritime security and environmental protection still faces various obstacles, including limited resources, lack of training, and ineffective coordination. However, with increased budget, continuous training, and better coordination, KPLP can be more effective in carrying out its duties. Education and socialization are also important to increase awareness and compliance among maritime industry players, so that security and environmental sustainability in the waters of Tanjung Uban can be realized. Obstacles to the role of sea and coast guard in improving maritime and environmental security in the waters of Tanjung Uban, as well as solutions to improve the implementation of the role of KPLP in Tanjung Uban:

- a. Limited Resources
- b. Lack of Training and Competence
- c. Ineffective Coordination
- d. Low Awareness and Compliance

To improve the implementation of the role of KPLP in Tanjung Uban, several steps that can be taken include:

The government needs to increase the budget allocation for the KPLP, so that they can acquire adequate equipment and increase the number of trained personnel. Increasing resources is an important solution to overcome obstacles and improve the implementation of the role of the Sea and Coast Guard Unit (KPLP) in Tanjung Uban. This effort involves increasing the budget to strengthen the operational capacity of the KPLP, including the procurement of a larger and more modern fleet of patrol boats, as well as sophisticated technical equipment for maritime monitoring and law enforcement.

Conducting continuous training programs to improve the competency of KPLP personnel in various aspects of their duties, including safety supervision, waste management, and pollution control. Continuous training is a key solution to overcome obstacles and improve the implementation of the role of the Sea and Coast Guard Unit (KPLP) in Tanjung Uban. This training program should be designed to continuously update and improve the skills and knowledge of KPLP personnel in various aspects of their duties. This includes technical training on the use of advanced monitoring equipment, ship inspection techniques that meet international standards, waste management procedures, and handling of hazardous materials.

Improve coordination between KPLP and related agencies through the formation of joint working teams, information exchange, and alignment of policies and operational

procedures. Strengthening coordination is a vital solution to overcome obstacles and improve the implementation of the role of the Sea and Coast Guard Unit (KPLP) in Tanjung Uban. This step involves the establishment of a more structured and efficient cooperation mechanism between KPLP and various related agencies, such as the Indonesian Navy, the Maritime Security Agency (Bakamla), the Ministry of Environment, and the port authority. Effective coordination can be achieved through regular coordination forums that discuss maritime and environmental security issues, as well as the preparation of joint standard operating protocols that ensure all agencies work with synergy and the same goals.

Conducting educational and socialization campaigns to maritime industry players regarding the importance of complying with safety and environmental standards, as well as increasing public awareness of the role of KPLP in maintaining maritime security. Education and socialization are strategic solutions to overcome obstacles and improve the implementation of the role of the Sea and Coast Guard Unit (KPLP) in Tanjung Uban (Al Faizul, 2024). Legal substance includes applicable regulations and policies. Law Number 17 of 2008 concerning Shipping and Law Number 32 of 2009 concerning Environmental Protection and Management are the legal basis for KPLP to carry out its duties. This legal substance gives KPLP the authority to conduct patrols, inspections, and law enforcement against violations of marine safety and pollution. Although these regulations already exist, implementation in the field still faces challenges due to limited resources and ineffective coordination with other agencies.

Analysis of the role of KPLP in Tanjung Uban using legal system theory and implementation theory shows that despite a clear legal framework and commitment from law enforcers, there are still many challenges to overcome. Increasing resources, continuous training, better communication and coordination, and improving bureaucratic structures are essential to increase the effectiveness of maritime safety supervision and environmental protection. By overcoming these obstacles, KPLP can be more optimal in carrying out its role and ensuring the safety and sustainability of the environment in the waters of Tanjung Uban.

5. CONCLUSION AND SUGGESTION

Conclusion

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

- a. The legal regulation of the role of the Sea and Coast Guard Unit (KPLP) in improving maritime and environmental security in Tanjung Uban Waters is based on a clear and comprehensive legal framework as stated in Law Number 17 of 2008 concerning Shipping and Law Number 32 of 2009 concerning Environmental Protection and Management. Articles 276-278 of the Shipping Law stipulate the duties of the KPLP in supervising shipping safety, preventing and overcoming marine pollution, and securing navigation aids. Meanwhile, Articles 226-242 of the Environmental Protection and Management Law emphasize the responsibility of ship crews in preventing pollution, waste management equipment requirements, and administrative sanctions for violations.
- b. The implementation of the role of the Sea and Coast Guard Unit (KPLP) in improving maritime and environmental security in the waters of Tanjung Uban is still less than optimal, because it still has limited resources such as adequate personnel and equipment, lack of ongoing training resulting in low personnel competency, and ineffective coordination with related agencies such as the Indonesian Navy and Bakamla, as well as low awareness and compliance from maritime industry players towards safety and environmental regulations also hampers the effectiveness of supervision and law enforcement.
- c. Obstacles to the role of the Sea and Coast Guard Unit (KPLP) in improving maritime and environmental security in the waters of Tanjung Uban are limited resources, lack of ongoing training, ineffective coordination, and low awareness and compliance among maritime industry players. To overcome these obstacles, the proposed solutions include increasing the budget for procurement of resources and equipment, ongoing training for KPLP personnel, strengthening coordination through routine forums and integrated information systems, and intensive education and socialization programs to increase awareness and compliance of maritime industry players towards existing regulations.

Suggestion

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

- a. It is recommended that KPLP allocate adequate budget to strengthen operational capacity, including procurement of modern equipment and continuous training for personnel to improve competence in maritime surveillance and law enforcement.
- b. It is recommended that the community, especially ship owners and other water users, need to increase awareness and compliance with shipping safety regulations and environmental protection. Active participation in education and socialization programs organized by KPLP and related agencies is very important to create a safe and environmentally friendly maritime culture.
- c. It is recommended that the Government strengthen coordination between related institutions, such as the Indonesian Navy, Bakamla, and the Ministry of Environment, through the establishment of regular coordination forums and integrated information systems. This will ensure better synergy in surveillance, law enforcement, and emergency response in the waters of Tanjung Uban

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