

Hubungan antara penegakan hukum di perairan Indonesia dan ketahanan nasional: sebuah tinjauan tentang peran TNI AL dalam penanganan illegal fishing di kawasan Lantamal III

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Abstrak

Negara Kesatuan Republik Indonesia sebagai negara kepulauan terbesar di dunia yang memiliki ribuan pulau dan perairan yang luas, terletak pada posisi silang dunia diantara dua benua dan dua samudra selts didukung dengan potensi sumber daya kelautan yang melirnpah. Kondisi ini dapat dimanfaatkan untuk menjamin kepentingan nasional Indonesia dalam mewujudkan . tujuan nasional. Namun, seiring dengan perkembangan lingkungan strategis yang senantiasa berubah secara dinamis, kondisi geografi Indonesia tersebut dapat memberiian peluang terjadinya berbagai bentuk dan jenis aneaman, diantaranya isu keamanan taut khususnya illegal fishing, sehingga diperlukan upaya pertabanan regatta. Sesuai amanat Undang-Undang Nomor 3 Tabun 2002 tentang Pertahanan Negara bahwa TNI AL berperan sebagai alat pertahanan negara di laut. Oleh karena itu, TNI AL dituntut untuk mampu melaksanakan pecan dan tugasnya dalam rangka menegakan kedaulatan dan hukum di taut.

Tujuan penelitian ini untuk memberkan gambaran otentik peran TNI AL dalam melaksanakan penegakan hukum terhadap illegal fishing di wilayah perairan Indonesia saat ini serta kontribusinya terhadap Ketahanan Nasional.

Metode penelitian ini menggunakan pendekatan kualitatif dengan metode deskriptit data diperoleh melalui kajian kepustakaan dan wavvancara dari beberapa pakar di Mabes TNI AL, Koa.rmabar dan Lantarnal III untuk memperoleh gambaran tentang peran TNI AL dalam melaksanakan penegalcan hukum di laut.

Teknik analisis data yang digunakan dalam penelitian ini adalah teknik analisis kualitatif yakni metalcukan analisis yang bersifat deskriptif yang dilandasi oleh teoriteori yang relevan, selanjutnya seluruh infonnasi yang diperoleh dilapangan ditakulcan reduksi data, display data serta pengambilan kesimpulan

Dari basil penelitian dapat diperoleh masnilaan bahwa seam universal Angkatan Laut memiliki tiga peran yaitu peran militer, peran diplomasi dan peran polisionil. Bagi TNI AL, peran ini telah diimplementnisaan dalam berbagai peraturan perundangundangan yang mengatur tentang tugas TNI AL dalam melaksanakan penegakan kedaulatan dan penegakkan hukum di laut. Sesuai Undang-undang Nomor 34 Tabun 2004 tentang TNI menyatakan bahwa TNI AL bertugas melaksanakan tugas di bidang pertahanan dan menegakan hUkum menjaga keamanan di wilayah yurisdiksi nasional. Tugas ini, pelaksanaannya diimplementasikan dalam tugas penegakan kedaulatan dan penegakan hokum di perairan Indonesia, Dalam praktek pelalcsanaan penegakan kedaulatan dan penegakan hokum di taut di lakukan secara serentak, karena walaupun keduanya dapat dibedakan nmun tidak dapat dipisahkan. Keduanya merupakan satu kesatuan, disisi lain merupakan penegakan kedaulatan sedangkan disisi sebaliknya merupakan penegakan bukum. Adanya perbedaan tergantung pads intensitas ancaman yang dihadapi. Sehingga bubungan aotana

penegakan kedaulatan dan penegakan hukum adalah merupakan satu kesatuan tindakan yang tidak dapat dipisahkan. Pecan TNI AL sebagai penegak hukum di taut khususnya dalam penanganan illegal fishing sampai saat ini masih relevan dan diperlukan, karena kevvenganan Perwira TNI AL sebagai penyidik terhadap tindak pidana di bidang perikanan mempunyai landasan hukum yang kuat dan dicantumkan secara jelas dalam peratwan perundang-undangan baik hukum nasional maupun hukum internasional. Dan telah memberikan kontribusi terhadap katahanan nasional baik di bidang ekonomi maupun pertahanan keamanan.

The unitary state of Republic Indonesia as the biggest archipelagic state and has thousands of islands and also wide territorial waters, is located on crosswise position of the earth, between two continents and two oceans and also supported by the abundance of sea resource. This condition can be exploited to guarantee in the interest of the state to bring into reality its national goals. However, along with the development of the strategic area which dynamically change, this geography condition of Indonesian can give a chance to appear various kind of threat, one of which is the issue of sea safety especially about the illegal fishing, therefore the state defense is needed. According to the commission of law No. 3, 2002 about the state defense, this is said that the Indonesia Navy has a role as a device of the state defense in the sea. Therefore, the Indonesian Navy is demanded to be able to do its role and duties in order to uphold the sovereignty and law in the sea.

The aim of this research is to give an authentic view of the Navy role in taking over the enforcement of law against the illegal fishing in the Indonesian territorial waters and also giving its contribution towards the National defense.

This kind of research method uses the qualitative approach with the descriptive method. The data is obtained through literature studies and interviewing to some experts at the Indonesian Navy Headquarters, Koarmabar and Lantamal HI in order to get a view about its role in taking over the enforcement of law in the sea.

The analysis technique which is used in this research is known as the qualitative analysis technique that is taking over the descriptive analysis which is based on relevant theories and furthermore taking over the data reduction of all field information and giving the data display and making conclusion

Based on the result of its research can be obtained an input that is universally the Navy has three roles, those are military role, diplomacy and police action. For the Navy itself, those roles have been implemented in various regulations of legislation that organize the duties of the Navy in taking over the enforcement of sovereignty and law in the sea. According to Law No. 34, 2004 about the Indonesian Army, declares that the Indonesian Navy has the duty to take over the defense duty and to uphold the law/keep the safety of the National Jurisdiction territory. And the realization of this duty is implemented in the duty of upholding the sovereignty and law towards the Indonesian territorial waters. Practically, the realization is done all at once, because both of them cannot be separated even though they are differentiable. Both of them are united, they can be as the sovereignty enforcement or law. The distinction appeared depends on the intensity of the threat. Therefore, the relationships between them are united and undetectable in action. The Navy role as the upholder of law in the sea especially in handling the illegal fishing case, up to now is still relevant and

needed, because the authority of the Navy officers as the investigators towards criminal act in fishery affairs has a strong law base and is attached clearly in the regulation of legislation, either in the national law or international law. And it has given its contribution towards the national defense either in economy sector or safety defense.