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Coast Guard Plays a Role in Maritime Law Enforcement

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Abstract: Indonesia, as the world's largest archipelagic state, faces complex challenges in maritime law enforcement. The establishment of the Maritime Security Agency (BAKAMLA) as the embryo of the Indonesian Coast Guard aims to fulfill institutional needs to ensure security and safety within national waters. This study aims to analyze the essential role of BAKAMLA in maritime law enforcement and identify the regulatory challenges it faces. Using a normative juridical approach, this research examines various legal frameworks related to maritime institutions and authority. The findings reveal that overlapping regulations and authority among institutions such as the Indonesian Navy (TNI AL), the National Police (POLRI), the Ministry of Marine Affairs and Fisheries (KKP), and others significantly hinder BAKAMLA's effectiveness. Therefore, harmonization of maritime legal systems and regulations is urgently needed. It is recommended to enact a Coast Guard Law as a single regulation that designates BAKAMLA as the main coordinator of maritime law enforcement. This reform is expected to improve inter-agency coordination, integrate early detection systems, and strengthen Indonesia's maritime sovereignty and security.

Keywords: BAKAMLA, Coast Guard, maritime law enforcement, institutional framework, regulatory harmonization.

INTRODUCTION

"The Government of the Republic of Indonesia is obligated to protect all the Indonesian people and the entire Indonesian homeland." Such is the opening of the 1945 Constitution. This is the legal basis used to regulate maritime issues by the government of the Republic of Indonesia as a consequence of a country whose territory covers more than 1.9 million square miles and consists of 17,508 islands. Within it reside more than 770 ethnic groups with their own cultural characteristics, as well as 19 customary law regions and 726 languages. At the beginning of its independence, the territorial boundaries of the Republic of Indonesia were still based on the Territiarle Zee en Maritim Kringen-Ordonantie 1939 (TZMKO 1939), which in Article 1, paragraph 1, stipulated that the territorial sea boundaries were 3 miles from the coastline. Of course, this article is not suitable for an archipelagic country, because in an

archipelagic country, all the islands and the sea located between them must be considered as a single, unified entity.

In the maritime world, new policies are emerging that influence maritime dynamics. New policies regulating the maritime world, especially the sea, are applicable at both national and international levels. The government acknowledges that Indonesia needs policies regulating maritime territory, especially since Indonesia has not had a legal basis since the proclamation of independence in 1945. The Indonesian government's statement on the concept of Indonesia's maritime territory was articulated through the Djuanda Declaration on December 13, 1957, which was a unilateral declaration by Indonesia, later reinforced by Law No. 4/Prp.1960.

The development of understanding regarding the sea gave rise to the international convention The United Nations Convention on the Law of the Sea (UNCLOS). UNCLOS produces various agreements that are articulated in its articles. National and international maritime policies open a new chapter in global maritime activities. The new perspective on the sea, previously known as res communis, has shifted due to the emergence of maritime territorialization by countries with maritime territories. This also influences the nation's view on territorial sovereignty, which intersects with aspects of nationalism. Each nation-state defends its sovereign territory from the threats of other countries. The same goes for the economic management of marine resources. Maritime history in this context faces the challenge of serving as a medium that introduces and strengthens nationalism. Unlike political and military history, which presents heroic events, maritime history is closely related to waters that encompass a variety of events interacting with the sea. The emergence of the 2.0 nationalism concept makes the position of maritime history within the context of nationalism even more interesting to explore.

Indonesia has a sovereign territory of more than 7.7 million km², of which 2/3 of the entire territory is in the form of ocean covering an area of 5.8 million km². From a geographical standpoint, Indonesia's water potential is very strategic geopolitically. Indonesia is located at a crossroads flanked by two oceans, namely the Pacific Ocean to the north and east, and the Indian Ocean to the west and south of Indonesia. And located at the intersection of the Australian and Asian continents, Indonesia's waters have strategic advantages in international trade and shipping traffic, and this position makes Indonesia a significant consideration for many other countries. Indonesia plays an important role in the economic field, especially in global trade, because oceanographically, most of Southeast Asia's maritime areas fall under Indonesian jurisdiction. Indonesia is also supported by the presence of ALKI or the Indonesian Archipelagic Sea Lanes, which are the busiest international trade and shipping routes in the world and hold significant maritime potential.

Territory is very important for the existence of a country. This is because territory is a prerequisite for the establishment of a state itself, as stated in Article 1 of the Montevideo Convention on the Rights and Duties of States of 1933, which declares that a state as a subject of international law must have a permanent population, a defined territory, a government, and the capacity to enter into relations with other states. To maintain the integrity of the territory, security measures are necessary. Maritime security is a matter of utmost importance for any country, especially for Indonesia, which is the largest archipelagic country in the world.

Indonesia has a very strategic geographical position in the context of maritime security, which can be utilized through the following ways:

1. Surveillance and Patrol: With its strategic geographical position, Indonesia can leverage this to enhance surveillance and patrol in Indonesian waters. This includes surveillance and patrols in the Strait of Malacca, which is one of the busiest maritime traffic routes in the world, and the Indonesian Archipelagic Sea Lanes (ALKI), which connect the Indian Ocean to the Pacific Ocean.
2. Enhancement of International Cooperation: Indonesia's strategic geographical position can also be utilized to enhance international cooperation in the context of maritime security.

This includes cooperation with countries that share direct borders with Indonesia, such as Australia, Timor Leste, the Philippines, Singapore, Malaysia, and Vietnam, as well as with other countries that have interests in Indonesian waters.

3. Utilization of Technology: With such a vast ocean area, Indonesia can utilize advanced technology to enhance the effectiveness and efficiency of surveillance and patrols in Indonesian waters. This includes the use of early detection technology, satellite surveillance technology, and other technologies that can assist in monitoring and patrolling Indonesian waters.
4. Capacity Development: Indonesia's strategic geographical position also requires significant capacity development in the context of maritime security. This includes the development of personnel capacity involved in surveillance and patrol in Indonesian waters, as well as the development of infrastructure and facilities necessary for surveillance and patrol in Indonesian waters.

From the data above, Indonesia's strategic geographical position can be utilized to enhance maritime security and protect national interests at sea. However, to optimally utilize this geographical position, strong commitment and efforts are required from the government and all parties involved in maritime security, including BAKAMLA, POLRI, TNI AL, and other institutions.

Common issues related to maritime security that must be addressed through effective ASEAN maritime security cooperation include piracy, maritime terrorism, environmental degradation, maritime kidnapping, illegal trafficking of weapons and humans, drug smuggling by sea (cargo/container ships), and others.

Reseacrh Question

In order to strengthen the law enforcement system within Indonesia's maritime territory, the establishment of an effective maritime security agency has become a strategic necessity. The Coast Guard, represented in Indonesia by the Maritime Security Agency (BAKAMLA), is expected to play a central role in maintaining maritime security, safety, and law enforcement in an integrated manner. However, the execution of BAKAMLA’s duties often encounters various challenges, particularly overlapping regulations and institutional authorities. Based on this background, the study formulates two key research questions: (1) What is the essential role of the Coast Guard in maritime law enforcement? and (2) What legal obstacles does the Coast Guard face in carrying out maritime law enforcement duties? These questions serve as the foundation for analyzing institutional effectiveness and the urgency of reforming Indonesia’s maritime legal framework.

METHOD

This study employs a normative juridical method, a legal research approach based on literature review to examine legal principles, norms, and relevant statutory regulations. This method is chosen to analyze the role and position of the Coast Guard in maritime law enforcement within the framework of Indonesia’s positive law. The research involves the examination of three types of legal materials: primary legal materials, which include laws and regulations in force; secondary legal materials, such as literature, scholarly journals, and expert legal opinions; and tertiary legal materials, including legal dictionaries and encyclopedias that support the understanding of legal terms and concepts. This approach aims to provide a comprehensive understanding of institutional and regulatory issues in the context of maritime law enforcement in Indonesia.

RESULT AND DISCUSSION

The Essential Role of the Coast Guard in Maritime Law Enforcement

In the context of law enforcement in Indonesian waters and Indonesian jurisdictional areas, particularly in carrying out security and safety patrols in Indonesian waters and jurisdictional areas, the Maritime Security Agency (BAKAMLA) was established as regulated in Article 59 paragraph (3) of the Maritime Law. BAKAMLA is a non-ministerial government agency that operates under and is directly responsible to the President through the coordination of the minister who oversees it. The Coast Guard is widely chosen by maritime and coastal countries around the world as the guardian of maritime security. In some countries, the Coast Guard is established directly under the name of the Coast Guard.

President Joko Widodo conveyed the idea of reforming the Indonesian Maritime Security Agency (BAKAMLA) into the sole government agency with authority in maritime security in Indonesia. In relation to this, the Indonesian Ocean Justice Initiative, as a non-governmental policy think tank, conveys the following points:

1. Maritime security is a complex system to ensure that economic activities taking place at sea run smoothly without disruption. As a system, maritime security requires the involvement of many parties with various functions that operate harmoniously with one another. Running without disruption means efforts to ensure the implementation of aspects of human safety, health, and security, as well as ocean health.
2. Maritime security is a very important aspect for a country, especially for an archipelagic country like Indonesia. This is due to: First, the sea is an area of sovereignty and sovereign rights that forms an integral part of the framework of the Unitary State of the Republic of Indonesia (NKRI); Second, the country's ability to maintain and uphold sovereignty and sovereign rights at sea will impact the optimization of the country's economic activities from the maritime sector, such as fisheries (including aquaculture), transportation of various commodities, inter-island transportation routes, tourism, renewable energy, mineral and hydrocarbon mining, deep-sea microbiology, carbon absorption, telecommunication routes (undersea cables), and others; and Third, a healthy sea will provide an ecosystem that supports and ensures the sustainability of maritime economic resources. In this context, the government and society are obligated to prevent various forms of pollution and destruction of the marine ecosystem.
3. With an ocean area of 6,400,000 km² and a coastline length of 108,000 km, Indonesia is the fifth-largest oceanic country in the world. In the waters of Indonesia, there is 1 (one) strait that is one of the busiest maritime traffic routes in the world, namely the Strait of Malacca, and 3 (three) Indonesian Archipelagic Sea Lanes (ALKI) that connect the Indian Ocean to the Pacific Ocean. Ensuring maritime security also means opening up opportunities for Indonesia to become part of the beneficiaries of global economic assets estimated to be at least 24 trillion USD.
4. In addition, the waters of Indonesia also share direct borders with several countries, including: Australia, East Timor, the Philippines, Singapore, Malaysia, Vietnam, and others. Furthermore, on the seabed of Indonesia, there is a series of active volcanoes that are part of the Pacific Ring of Fire (the western side of Sumatra, the southern side of Java and Bali, the eastern side of Sulawesi, and the waters of Maluku). This geostrategic condition presents a great opportunity for Indonesia's economic growth as well as various challenges, such as illegal fishing by Chinese, Vietnamese, and Malaysian ships that frequently occur in the North Natuna Sea and the Malacca Strait, rampant smuggling of goods and marine products at the borders (for example: Nunukan and Sebatik Islands at the Indonesia-Malaysia border), and piracy in
5. In order to maximize economic potential and protect marine ecosystems, various regulations govern aspects of maritime safety, health, and security. The government's authority, in the context of maritime security, is focused on the authority to regulate (as a regulator), oversee

compliance (through, among other things: licensing and patrol surveillance), and enforce the law.

At the inauguration of the Head of BAKAMLA RI (Indonesian Coast Guard/ICG) on February 12, 2020, President Joko Widodo stated that the ICG would become the sole institution authorized to maintain maritime security (SAMT) :

"Yes, we indeed hope that in the future BAKAMLA will become the embryo of Indonesia's coast guard, so that other agencies will return to their respective institutions and on the sea, the authority will only be given to BAKAMLA." "So BAKAMLA will be like the Indonesian Coast Guard," said President Joko Widodo.

This idea is certainly relevant to address two main issues occurring in Indonesia, namely the lack of synergy in maritime patrol operations and the scattered early detection systems across various institutions. As a country with vast oceans, a unified command system to ensure safety and security at sea becomes important.

BAKAMLA, or the embryo of the Coast Guard in Indonesia, faces several major issues in maritime law enforcement :

1. The lack of synergy in maritime patrol operations. This means that various agencies involved in maritime patrol operations, such as BAKAMLA, POLRI, and the Navy, often work separately and without coordination. As a result, sea patrol operations become less effective and efficient, and the opportunities to prevent and address maritime law violations diminish.
2. The deployment of early detection systems in various institutions. This means that various institutions involved in maritime law enforcement have their own early detection systems, and there is no integrated and coordinated early detection system. As a result, information about potential maritime law violations often does not reach the appropriate agencies at the right time, thereby reducing the opportunities to prevent and address maritime law violations.
3. Constraints in terms of institutional authority. Existing regulations grant law enforcement authority at sea to several agencies according to the content regulated in the law. As a result, conflicts of authority and overlapping duties often occur between various agencies involved in maritime law enforcement.
4. To address these issues, reforms are needed in the maritime law enforcement system in Indonesia, including improving coordination and synergy between agencies, integrating early detection systems, and clarifying institutional authorities.
5. Improving coordination and synergy between agencies can be achieved through the establishment of clear and effective coordination mechanisms, as well as enhancing communication and cooperation among agencies. This can include the formation of inter-agency coordination teams, the organization of regular inter-agency meetings and discussions, as well as the development of integrated information and communication systems.

The integration of early detection systems can be achieved through the development and implementation of integrated and coordinated early detection systems. This can include the development and implementation of advanced early detection technologies, as well as training and education for personnel involved in early detection operations.

Clarification of institutional authority can be achieved through the revision and harmonization of regulations and laws related to maritime law enforcement. This may include the revision and harmonization of laws and regulations that grant maritime law enforcement authority to various agencies, as well as the affirmation and clarification of the authority and duties of each agency in maritime law enforcement.

Through this reform of the maritime law enforcement system, it is expected to enhance the effectiveness and efficiency of maritime law enforcement in Indonesia, as well as to better prevent and address maritime law violations. This reform is also expected to strengthen the role

and function of BAKAMLA as the embryo of Indonesia's coast guard, and ensure that BAKAMLA can perform this role and function effectively. In addition, this reform is also expected to improve coordination and cooperation among the agencies involved in maritime law enforcement, and ensure that all these agencies can work together effectively in preventing and addressing maritime law violations.

Finally, this reform is also expected to improve the early detection system and ensure that this system can work effectively in detecting and preventing potential maritime law violations.

BAKAMLA, as the embryo of Indonesia's coast guard, has several important roles and functions in maintaining security and safety in Indonesian waters:

1. BAKAMLA has the primary responsibility of overseeing and securing Indonesian waters. They conduct routine patrol and surveillance operations to prevent maritime border violations, such as the entry of illegal foreign vessels into Indonesian waters.
2. BAKAMLA also plays a role in maritime law enforcement. They have the authority to carry out arrests, detentions, and surveillance on vessels involved in legal violations, such as illegal fishing, smuggling, and marine pollution. In carrying out this function, BAKAMLA collaborates with the Indonesian National Police (POLRI) and the Indonesian Navy (TNI AL).
3. BAKAMLA also controls maritime traffic in Indonesian waters, ensuring that ships operate safely and in accordance with maritime regulations. This includes monitoring commercial ships, fishermen, and other vessels sailing in Indonesian waters.
4. BAKAMLA is involved in handling maritime crises, including rescue operations for ships and crew members involved in accidents or emergencies in Indonesian waters.

In addition, regulations and policies need to be established to support the operations and tasks of BAKAMLA. This includes regulations on coordination and cooperation between BAKAMLA and other agencies involved in maritime law enforcement, such as the National Police (POLRI) and the Navy (TNI AL). These regulations must include procedures and mechanisms for conflict resolution and problem-solving that may arise in the execution of BAKAMLA's duties and functions. In addition, there needs to be clear regulations regarding the use of force and weapons by BAKAMLA personnel in carrying out their duties.

To ensure that BAKAMLA can effectively carry out these roles and functions, there needs to be an increase in capacity and enhancement of human resources. This includes training and education for BAKAMLA personnel, as well as the provision of equipment and technology necessary for patrol and surveillance operations at sea.

In addition, there needs to be a clear oversight and evaluation mechanism to ensure that BAKAMLA performs this role and function well. This mechanism must include performance assessments, audits, and regular reviews of BAKAMLA's operations and tasks.

Therefore, BAKAMLA can become the embryo of an effective and efficient Indonesian coast guard, capable of maintaining security and safety in Indonesian waters.

Challenges Faced by the Coast Guard In Maritime Law Enforcement

The regulation grants institutional authority to enforce maritime law to several agencies in accordance with the content regulated in the law. The regulation of these authorities includes the following:

1. The legal basis for the establishment of BAKAMLA is Law Number 32 of 2014 concerning Maritime Affairs and Presidential Regulation Number 178 of 2014 concerning BAKAMLA.
2. Law Number 6 of 1996 concerning Indonesian Waters
3. Law Number 5 of 1983 on the Exclusive Economic Zone of Indonesia
4. Law Number 17 of 1985 on the Ratification of the United Nations Convention on the Law of the Sea 1982.
5. Law Number 3 of 2002 on National Defense. Determines that national defense is structured by considering Indonesia's geographical condition as an archipelagic country, so the

Indonesian defense system must be directed and take into account the configuration of Indonesia's territory as an archipelagic country. In addition, this law also stipulates that the TNI and POLRI play a role as the main defense system of the state, with one of their primary duties being to uphold the sovereignty of the state, the integrity of the NKRI territory, and to protect the entire nation and the homeland of Indonesia from threats and disturbances to the nation and state.

6. Law Number 34 of 2004 concerning the Indonesian National Armed Forces
7. Law Number 6 of 2011 concerning
8. Law Number 17 of 2008 concerning Shipping
9. Law Number 10 of 1995 concerning Customs as amended by Law Number 17 of 2006 concerning Amendments to Law Number 10 of 1995 concerning Customs and Law Number 11 of 1995 concerning Excise as amended by Law Number 39 of 2007 concerning Amendments to Law Number 11 of 1995 concerning Excise.
10. The laws applicable at sea have provided regulations and legal authority for each agency, but they have not been well-coordinated, resulting in overlapping regulations, overlapping stakeholder authority, and overlapping institutional aspects, as there are more than 14 ministries/agencies and local governments with authority in this area. An example of this overlap occurs in the exclusive economic zone. Based on national law regulated in Article 14 paragraph (1) of the EEZ Law, the EEZ area is the responsibility of the Indonesian National Armed Forces Navy (TNI-AL). In addition, Article 224 of UNCLOS 1982 indirectly determines that the most authoritative agency at sea is the armed forces of a country. Based on that, the Indonesian Navy (TNI AL) is responsible for all criminal acts and legal violations in the waters of Indonesia. However, at the implementation level, there is a conflict of authority in the EEZ area between the Indonesian Navy (TNI-AL) and the Directorate General of Customs and Excise when exercising the authority to conduct legal proceedings against ships suspected of smuggling.

Conflicts also occur between the Indonesian Navy (TNI-AL) and the Ministry of Maritime Affairs and Fisheries, which conducts patrols at sea for inspections and investigations in Indonesia's EEZ when handling legal processes against fishing vessels that violate maritime laws. Conflict arises due to the unclear delineation of duties between the Directorate General of Customs and Excise and the Ministry of Maritime Affairs and Fisheries, leading to frequent clashes between the Navy and other agencies in handling violations in Indonesian waters, particularly in the EEZ. That example is one of the regulatory obstacles to the development of maritime security, because the existing regulations grant various powers to stakeholders who are authorized and responsible in maritime areas.

The regulations in the maritime sector have not been implemented effectively and efficiently, and there is no integration among the sectoral laws in the maritime field, leading to occasional conflicts in legal regulations and institutional authorities responsible for the sea. Therefore, it is necessary to harmonize the legal system and regulations to create maritime security in the Indonesian maritime jurisdiction, compile and consolidate existing regulations to facilitate references in law enforcement at sea, and create a database of regulations. Additionally, a comprehensive maritime policy and regulations for Indonesia that govern maritime authority are also urgently needed as a manifestation of good and clean governance.

Harmonization of the legal system and regulations in the context of maritime law enforcement in Indonesia can be achieved through the following steps:

1. Merging Overlapping Regulations into a Single Main Regulation.
2. Clarification of Authority:
3. Inter-Institutional Coordination:

Through this harmonization process, it is expected that a more integrated and consistent legal system and regulations can be created, which can support more effective and efficient maritime law enforcement.

This harmonization is also expected to strengthen the role and function of BAKAMLA as the embryo of Indonesia's coast guard, and ensure that BAKAMLA can perform these roles and functions well. Finally, this harmonization is also expected to improve the early detection system and ensure that this system can work effectively in detecting and preventing potential maritime law violations.

The enforcement of sovereignty and law in Indonesian waters and its jurisdiction is carried out in accordance with international law conventions and regulations. In the context of law enforcement in Indonesian waters and Indonesian jurisdiction, particularly in carrying out security and safety patrols in Indonesian waters and jurisdiction, BAKAMLA was established as regulated in Article 59 paragraph (3) of the Maritime Law. BAKAMLA is a non-ministerial government agency that is positioned under and directly responsible to the President through the coordination of the minister who oversees it.

However, a more in-depth study of the BAKAMLA institution is necessary, even though Indonesia requires an agency designated as the leading sector and responsible for maritime security in Indonesian waters and national jurisdiction areas. The existence of BAKAMLA is feared to cause institutional and authority overlaps with the Indonesian Navy (TNI AL) because some of BAKAMLA's functions fall within the scope of TNI AL's duties. The Indonesian Navy (TNI AL), as part of the main components of national defense, is responsible for the waters of Indonesia and the jurisdictional waters of Indonesia with primary duties, namely national sovereignty, maintaining the integrity of the Unitary State of the Republic of Indonesia (NKRI), and protecting the entire nation and all Indonesian territory from threats and disturbances to the integrity of the nation and state in maritime areas. Specifically, it is tasked with carrying out the duties of the TNI naval branch in defense, upholding the law, and maintaining security in the national jurisdictional waters in accordance with national and internationally ratified laws, conducting naval diplomacy tasks to support the foreign policy set by the government, carrying out TNI tasks in the development and enhancement of naval strength, and empowering maritime defense areas. Therefore, based on international maritime law conventions in UNCLOS and national law, it would be better not to establish that institution and to assign the responsibility for security and safety patrols in Indonesian waters and Indonesian jurisdictional areas to the Indonesian Navy (TNI-AL). Besides concerns about potential overlaps in institutional roles and authority with the Indonesian Navy (TNI AL), BAKAMLA needs to be re-evaluated before it is finally established. This is considering that BAKORKAMLA, as the precursor to BAKAMLA, only had local authority and in carrying out its duties and functions related to law enforcement and maritime security, it was not yet effective and could not show optimal results.

BAKAMLA is also expected to become a maritime security institution with coast guard performance. If BAKAMLA is established, it is necessary to clarify and specify its position and authority, whether this body is also intended to serve as a sea and coast guard as mandated in the Shipping Law, and whether the scope and working area of BAKAMLA are similar to those of the Indonesian Navy in terms of scope and working area. Both of these agencies have a scope of duties in upholding sovereignty and law enforcement, with operational areas in Indonesian waters and Indonesian jurisdiction. In addition, the position of BAKAMLA must also be reviewed considering that international legal demands only recognize the existence of coast guard or sea and coast guard with local, national, and international authority. Based on the Maritime Law, the position of BAKAMLA is under and responsible to the president. However, Indonesia is internationally required to guarantee the safety and security of foreign-flagged vessels passing peacefully through Indonesian waters, and if this guarantee is not provided, it could threaten the country's sovereignty because the foreign-flagged vessels will be escorted by their naval ships, and Indonesia will no longer be recognized as an international peace passage route, thus de facto making those waters no longer Indonesian sovereign territory. To meet these international demands, BAKAMLA should be positioned under the

Indonesian Navy (TNI AL). Therefore, the establishment of BAKAMLA needs to be studied and planned clearly so that it can truly meet these international demands and address the overlapping institutional roles and authorities of stakeholders responsible in Indonesia's maritime areas, thereby maintaining the sovereignty and territorial integrity of the country. Based on that, Indonesia currently needs a leading sector as the main responsible party for the ministries/agencies that are accountable in the maritime domain. but the establishment of BAKAMLA is not yet significantly needed as long as the existing laws at sea still grant authority to ministries/agencies, because these laws hinder the development of maritime security due to the overlapping powers of stakeholders who are authorized and responsible in Indonesian waters, resulting in overlapping regulations, institutions, and authorities at sea. Therefore, these regulatory constraints must be addressed immediately, and a grand maritime design for Indonesia should be created for the enforcement of sovereignty, law enforcement, security, and safety in Indonesian waters and jurisdictional areas, as well as conducting studies and planning before establishing BAKAMLA.

CONCLUSION

1. In the context of Maritime Law Enforcement in Indonesian Waters, the role of the Coast Guard is very essential, especially in carrying out security and safety patrols in the waters and jurisdictional areas of Indonesia. Therefore, an institution was established that is expected to carry out that function as best as possible. In this case, BAKAMLA was established as regulated in Article 59 paragraph (3) of the Maritime Law. BAKAMLA is a non-ministerial government agency that is positioned under and directly responsible to the President through the coordination of the minister who oversees it.

The Coast Guard is widely chosen by maritime and coastal countries around the world as the guardian of maritime security. In some countries, the Coast Guard is established directly under the name of the Coast Guard. BAKAMLA is a government agency tasked with maintaining security and safety in Indonesian waters. They have the authority to conduct patrols, surveillance, and law enforcement in Indonesian waters. BAKAMLA is an Indonesian government agency that plays an important role in law enforcement in Indonesian waters. Here are some of BAKAMLA's main roles in the context of law enforcement in Indonesian waters: 1) Surveillance and Security of Waters, 2) Maritime Law Enforcement, 3) Sea Traffic Control, 4) Maritime Crisis Management, 5) Maritime Environmental Protection, 6) Maritime Capacity Development.

2. Legal constraints faced by the Coast Guard In Maritime Law Enforcement, there are many regulations that have been established and are applicable at sea. However, until now, these regulations are still sectoral in nature, leading to disharmony and overlapping regulations and authorities in maritime security with other agencies such as the National Police (POLRI), the Indonesian Navy (TNI AL), the Ministry of Maritime Affairs and Fisheries (KKP), the Ministry of Law and Human Rights (Kemenkumham), Customs, the Coast Guard (KPLP), and other institutions, along with Law Number 32 of 2014 on Maritime Affairs and Presidential Regulation Number 178 of 2014 on BAKAMLA. Suggestion

Based on that conclusion, maritime security from the regulatory and law enforcement aspects needs to harmonize the current legal system and regulations by merging them with laws or regulations from other agencies into a single regulation, namely through the Coast Guard Law, so that the currently overlapping regulations can be consolidated into one regulation governing maritime and ocean affairs, where BAKAMLA is placed as the Coordinator of all law enforcement in Indonesian waters.

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