

# Analysis Of The Role Of Civil Servant Investigators Of The Sea and Coast Guard Base In Law Enforcement Shipping Crime

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## Analysis Of The Role Of Civil Servant Investigators Of The Sea and Coast Guard Base In Law Enforcement Shipping Crime (Research Study At Class II Tanjung Uban PLP Base)

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**Abstract.** Law enforcement in the shipping sector is an important aspect in maintaining security and order in Indonesian waters. Civil Servant Investigator (PNS) at the Marine and Coast Guard Base (PLP) have a central role in cracking down on shipping crimes. This study aims to analyze the role of civil servant investigators at the Tanjung Uban Class II PLP Base in law enforcement of shipping crimes, identify the obstacles faced, and provide recommendations to increase the effectiveness of law enforcement. The research methods used are normative juridical and empirical sociology. Normative juridical research is carried out through the study of relevant documents and laws and regulations, such as Law Number 17 of 2008 concerning Shipping and its implementing regulations. Empirical sociological research was conducted through interviews with civil servant investigators, related parties, and analysis of concrete cases handled at the Tanjung Uban Class II PLP Base. The results of the study show that civil servant investigators at the Tanjung Uban Class II PLP Base have an important role in law enforcement of shipping crimes, but face various obstacles. Limited human resources and facilities, lack of coordination between agencies, and technical and legislative obstacles are some of the main obstacles. Case handling such as KM. Putra Harapan Baru and MT. Queen Majesty revealed that violations often occur due to non-compliance with shipping regulations, as well as a lack of legal awareness among shipping industry players. Based on the results of the research, it is recommended that the number and quality of investigators be increased through training and recruitment, investment in adequate facilities and equipment, and increased coordination between agencies. In addition, the adjustment of domestic regulations to international standards and legal awareness campaigns for the public and shipping industry players are also important to ensure compliance with the law. Strengthening legal protection for investigators from external intervention and strict enforcement of the code of ethics will help maintain integrity and professionalism in maritime law enforcement. With this effort, it is hoped that law enforcement of shipping crimes at the Tanjung Uban Class II PLP Base can run more effectively and efficiently.

**Keywords:** Civil Servant Investigators, Law Enforcement, Shipping Crimes

### 1. INTRODUCTION

Law enforcement against shipping crimes has a very important role in maintaining security and safety in the country's territorial waters. Shipping crimes such as smuggling, illegal fishing, ship robbery, and illegal fishing can threaten the stability and sovereignty of the state and disrupt trade and economic activities in the maritime region. The largest archipelago in the world is Indonesia. With 17,499 islands and 81,000 km of coastline, the sea makes up two-thirds of Indonesia's land area. Thanks to the 54,716 km coastline, Indonesia is now the second country with the longest coastline in the world.<sup>1</sup> Seeing this geographical situation, sea transportation has a very strategic and important role for Indonesia, not only in terms of economy, but also in terms of ideology, politics, social, and culture, as well as in terms of defense and security. Indonesia's waters must be safeguarded, maintained and protected as a

unified area with the land and air space above it in order to maintain the existence of the State of Indonesia as a complete and comprehensive archipelago. Law enforcement at sea and in Indonesian waters must be implemented to safeguard Indonesia's interests and maintain a safe environment there. <sup>1</sup> Article 1 paragraph (3) of the 1945 Constitution of the Republic of Indonesia states that the State of Indonesia is a state of law.

Sea transportation supported by the availability of sufficient and adequate sea transportation facilities has an important role, among others, to increase the smooth flow of goods and passengers between islands, increase the economic growth of a region and increase national unity and unity. To realize the role of sea transportation, it must be supported by sea transportation facilities in the form of ships that are in accordance with shipping safety standards.<sup>1</sup> The declining role of the national shipping fleet in cargo transportation, limited infrastructure and loading and unloading facilities that increase the burden on users of sea transportation services, the high cost of using sea transportation, and the level of adequacy of shipping safety facilities that do not meet the standards are some of the challenges faced by Indonesia in realizing the sea as the main mode of transportation.

As required in Law No. 17/2008 on Shipping, shipping is one of the components of sea transportation infrastructure and is a very important way to advance the goals of national unity and integrity. Shipping has considerable potential to develop and play a role both domestically and internationally because it can connect and reach one location to another through the ocean. <sup>16</sup> in order to assist and encourage national growth in order to improve the welfare of the people in accordance with the mandate of Pancasila and the 1945 Constitution. Law enforcement is needed to realize Indonesia as a state of law. In order to encourage the success of shipping in a controlled manner and in line with the principles of shipping management so that shipping can run more efficiently and sustainably, the application of law enforcement in the shipping sector becomes very important and strategic. To control the position and authority of investigators, prosecutors, and judges in every examination that leads to the settlement of shipping crimes, effective material law and formal law enforcement are needed.

The act of investigation is the first step in the criminal justice process because this is where evidence will be collected about the occurrence of a criminal event. This evidence is very important for the prosecution to achieve the appropriate level of legal certainty. Moreover, it is regulated in <sup>15</sup> Law Number 8 Year 1981 of the Criminal Procedure Code (hereinafter abbreviated as KUHAP). Investigation is explained in Article 1 Point 2 of KUHAP which reads

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<sup>1</sup> Hamzah A, Laut Teritorial dan Perairan Indonesia (Himpunan Peraturan), Akademika Pressindo, Jakarta, 2014, hal. 20.

as follows: "Investigation is a series of investigator actions in the case and according to the method regulated in this law to seek and collect evidence with which the evidence makes light of the criminal offense that occurred and in order to find the suspect". Civil servant investigators (PNS) assigned to the Sea and Coast Guard Base (PLP) have a key role in law enforcement of shipping crimes. They are responsible for conducting investigations, collecting evidence, and investigating cases of shipping crimes that occur in the PLP working area.<sup>2</sup>

It is important to evaluate the role of civil servant investigators at the Tanjung Uban Class II PLP Base to understand the effectiveness of shipping crime law enforcement. This evaluation includes an analysis of the performance of investigators, the availability of resources and facilities, the obstacles faced, and efforts to increase capabilities in maritime law enforcement. in law enforcement of shipping crimes. The results of this research will provide important information for the authorities in formulating policies and programs to improve the capabilities of civil servant investigators in facing the challenges of maritime law enforcement and improving security and safety in state waters. In addition, this research can also be a scientific contribution to the field of maritime law enforcement and maritime security studies in Indonesia. Based on the above problems, the author is interested in making it a scientific work in the form of a thesis with the title "Analysis of the Role of Civil Servant Investigators of the Sea and Coast Guard Base in Law Enforcement of Shipping Crimes (Research Study at the PLP Class II Tanjung Uban Base)".

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

1. How is the legal regulation of the role of civil servant investigators of the Sea and Coast Guard Base (PLP) in law enforcement of shipping crimes?
2. How is the implementation of the role of civil servant investigators of the Sea and Coast Guard Base (PLP) in law enforcement of shipping crimes?
3. What are the obstacles and efforts to implement the role of civil servant investigators of the Sea and Coast Guard Base (PLP) in law enforcement of shipping crimes?

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

1. To determine and analyze the legal arrangements for the role of civil servant investigators of the Sea and Coast Guard Base (PLP) in law enforcement of shipping crimes.

2. To know and analyze the implementation of the role of civil servant investigators of the Sea and Coast Guard Base (PLP) in law enforcement of shipping crimes.
3. To determine and analyze the obstacles and efforts to implement the role of civil servant investigators of the Sea and Coast Guard Base (PLP) in law enforcement of shipping crimes.

## **2. LITERATURE REVIEW**

Civil Servant Investigator (PPNS) as a criminal law enforcer is the first apparatus in the law enforcement process, he occupies a position as a guard, namely through existing powers (police direction) he is the beginning of the criminal process. Because of their expertise, the police then increase the emphasis on policies that pay less attention to formal legal threats. The investigating institution is one of the subsystems of the criminal justice system. Other subsystems include the Prosecution Service, the Courts, and the Correctional Institution.<sup>3</sup> In the rules of the Regulation of the Chief of the Republic of Indonesia National Police concerning Investigation Management by Civil Servant Investigators No. 06/2010 CHAPTER I General Provisions states that Civil Servant Investigators, hereinafter abbreviated as PPNS, are certain Civil Servant Officials who are given special authority by law to investigate criminal acts in accordance with the laws that are the basis of their respective laws and in carrying out their duties are under the coordination and supervision of Police Investigators.

Investigation Management by PPNS is the management of criminal investigations by PPNS in a planned, organized, controlled, and carried out effectively and efficiently. PPNS superiors are PPNS appointed by their institutions and/or structurally supervise PPNS assigned to handle certain criminal cases under their authority. Shipping crimes in Indonesia refer to violations of the law that occur in the context of maritime and shipping activities. Based on Law No. 17/2008 on Shipping and other related regulations, various shipping criminal offenses have been established to ensure the safety, security, and sustainability of the maritime environment. Law enforcement against shipping crimes in Indonesia is carried out by various agencies, including the Police, Civil Servant Investigators (PPNS) from the Ministry of Transportation, and the Navy. Strict regulations and procedures, as well as international cooperation, are an important part of Indonesia's strategy to prevent and address shipping crimes. Strict supervision, application of the law, and awareness of the importance of

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<sup>3</sup> Siti Maimana, "Peranan Penyidik Pegawai Negeri Sipil (PPNS) Perpajakan dan Penyidik POLRI dalam Penanganan Tindak Pidana Perpajakan", *USU Law Journal*, Vol 1 No. 2, November 2013, hal. 58, <http://repositori.usu.ac.id/handle/123456789/36589>

complying with maritime regulations are key to reducing shipping crime in Indonesia. This is not only important to protect national interests but also to ensure the security and sustainability of the global maritime environment.

### 3. RESEARCH METHOD

Research is an investigation or investigation that is managed, systematic based on data, critical, objective, and scientific towards a specific problem aimed at finding alternative solutions to related problems. Method is the process, principles and procedures for solving a problem.<sup>4</sup> The method is used in a research which is basically a stage to find back a truth. So that it will answer questions that arise about an object of research.<sup>5</sup> The specifications of this research only analyze only to the level of detesis, which is to analyze and present facts systematically so that they can be more easily understood and concluded.<sup>6</sup> The specification and/or type of research of this thesis is normative legal research as well as combining with sociological (empirical) legal research using secondary data obtained directly from as 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 method of approach in this research is a combination of the normative approach method “legal research” with the empirical approach method “Juridical Sociologies”. The research mechanism with this combined approach method is carried out by describing the research explanation in an inductive way leading to a deductive way and vice versa. This is done by the author to help explain the relationship between research variables and the object of research so that it can produce an understanding that is very helpful to readers, especially researchers and academics. The location of this research was carried out in the Riau Islands Province, precisely at the Tanjung Uban Class II PLP Base. This location is determined based on the data that is the object of this thesis research. The sample used by the author is purposive sampling technique in determining respondents and informants who will be interviewed to fulfill the primary data needed in completing the research.

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<sup>4</sup> Bambang Sugono, *Metoda Penelitian Hukum*, Jakarta: Raja Grafindo Persada, 2001, hal. 29.

<sup>5</sup> Irawan Suhartono, *Metode Penelitian Sosial Suatu Teknik Penelitian Bidang Kesejahteraan Sosial lainnya*, Bandung: Remaja Rosda Karya, 2009, hal. 63.

<sup>6</sup> Irawan Suhartono, *Metode Penelitian Sosial Suatu Teknik Penelitian Bidang Kesejahteraan Sosial lainnya*, Bandung: Remaja Rosda Karya, 2009, hal. 63

#### **4. RESULTS AND DISCUSSION**

##### **Legal Regulation of the Role of Civil Servant Investigators of the Sea and Coast Guard Base (PLP) in Law Enforcement of Shipping Crimes**

Legal arrangements for the role of Civil Servant Investigators (PPNS) at the Sea and Coast Guard Base (PLP) in law enforcement of shipping crimes are regulated in various laws and regulations. The following is a complete description of the provisions referred to in these regulations:

##### **a. Law Number 17 Year 2008 on Shipping**

Article 282 of Law No. 17/2008 on Shipping provides a legal basis for certain civil servant (PNS) officials within agencies in charge and responsible for shipping to be given special authority as investigators. This provision recognizes that in addition to investigators from the police (POLRI), civil servant officials in shipping-related agencies, such as the Ministry of Transportation or other maritime institutions, have special expertise and responsibilities in monitoring and enforcing laws in the shipping sector.

##### **b. <sup>10</sup> Government Regulation No. 43 of 2012 concerning Procedures for Coordinating Supervision and Technical Guidance of the Special Police of Civil Servant Investigators and Forms of Self-Initiated Security**

According to this regulation, PPNS are certain civil servant officials appointed as investigators based on laws and regulations. They are authorized to investigate criminal offenses that fall within the scope of the law on which they are based. This means that PPNS have specific authority granted by certain laws in accordance with their areas of duties and responsibilities. PPNS have authority that includes various investigative actions as regulated in criminal procedural law, such as making arrests, detention, searches, and seizures. They are also authorized to request information and evidence, summon and examine witnesses and suspects, and take other actions necessary to reveal and prove criminal acts.<sup>7</sup>

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<sup>7</sup> Parameswara, Implikasi Hukum Penempatan TKI Ilegal, Jurnal Studi Akademik dan Praktik Multidisiplin, Vol. 1, No.3, Tahun 2023.

**c. <sup>5</sup> Regulation of the Chief of the National Police of the Republic of Indonesia No. <sup>6</sup> 6 of 2010 on Investigation Management by Civil Servant Investigators**

<sup>6</sup> Regulation of the Chief of the Indonesian National Police No. 6/2010 on Investigation Management by Civil Servant Investigators (PPNS) regulates in detail the procedures and management of investigations conducted by PPNS. This regulation aims to ensure that investigations conducted by PPNS take place effectively, efficiently, and in accordance with applicable legal standards.

**Implementation of the Role of Civil Servant Investigators of the Sea and Coast Guard Base (PLP) in Law Enforcement of Shipping Crimes**

Civil Servant Investigators (PNS) at the Sea and Coast Guard Base (PLP) have an important role in law enforcement of shipping crimes. Based on Law No. 17/2008 on Shipping, PPNS at PLP are authorized to investigate criminal acts in the field of shipping, which includes arrest, detention, search and seizure. They are responsible for researching, searching, and collecting information related to shipping criminal offenses, as well as summoning, examining, and arresting suspects. In carrying out its duties, PPNS PLP works closely with Police investigators and related agencies to ensure effective and efficient law enforcement in the shipping sector. The Tanjung Uban Class II Sea and Coast Guard Base (PLP) handles various cases of shipping crimes which include various violations of maritime law. Some cases that are relevant and have been handled by PLP civil servant investigators include the KM case. Putra Harapan Baru and MT. Queen Majesty. The case of KM. Putra Harapan Baru involved a sailing violation without a Ship Movement Approval Letter (SPOGK), while the MT. Queen Majesty was related to unauthorized anchoring in the Tanjung Berakit water area. Both cases indicate a violation of the applicable shipping regulations in Indonesia, namely Law Number 17 of 2008 concerning Shipping which has been <sup>12</sup> amended by Law Number 11 of 2020 concerning Job Creation.

In handling <sup>23</sup> the KM case. Putra Harapan Baru, PNS PLP investigators carried out various investigative actions which included requests for information from witnesses, examination of the scene of the crime, and analysis of ship documents. The investigation found that the ship sailed without SPOGK from Nongsa to Telaga Punggur. This action violates <sup>23</sup> Article 216 paragraph (1) and Article 322 of the Shipping Law, which regulates <sup>23</sup> the obligation to have a license to carry out shipping activities. PNS PLP investigators secured the vessel and followed up on these findings by suggesting administrative sanctions for the skipper of the

vessel.<sup>8</sup> In addition, PNS PLP investigators also handle marine pollution cases. For example, there was an incident of an oil spill from a tanker that resulted in the pollution of waters around the Tanjung Uban PLP Base. PNS PLP investigators immediately conducted an investigation by collecting evidence in the form of water and oil samples, as well as examining ship records and interviewing crew members. The handling of this case involved coordination with environmental agencies and other relevant institutions to address the impact of the pollution and enforce the law against the perpetrators.

From the perspective of justice theory, some of the challenges faced by PLP civil servant investigators in Tanjung Uban reflect injustice in the law enforcement system. Limited human resources and inadequate facilities make civil servant investigators unable to perform their duties optimally, so law enforcement is not always consistent and can be discriminatory towards certain cases. For example, illegal fishing cases involving large vessels with strong financial and political backing may be more difficult to handle compared to minor offenses committed by local fishermen. This creates injustice as not all lawbreakers are treated equally. The legal system theory proposed by Lawrence M. Friedman outlines that the legal system consists of three main components: legal structure, legal substance, and legal culture. The implementation of the role of civil servant investigators at the Tanjung Uban Class II PLP Base can be analyzed using these three components to understand how the legal system functions in the context of shipping crime law enforcement.

### **Obstacles and efforts to implement the role of civil servant investigators of the Sea and Coast Guard Base (PLP) in Law Enforcement of Shipping Crimes**

Obstacles to the implementation of the role of civil servant investigators of the Sea and Coast Guard Base (PLP) in law enforcement of shipping crimes at the Class II Tanjung Uban PLP Base, namely:

- a. Limited Human Resources and Facilities
- b. Lack of Inter-Agency Coordination and Cooperation
- c. Technical and Legislative Constraints
- d. Lack of Awareness and Compliance with Regulations 4.
- e. External Pressure and Intervention

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<sup>8</sup> Rizki Ali Syafa'at, Markonis Kapal Kelas II Pangkalan PLP di Tanjung Uban, Wawancara pada tanggal 4 Juni 2024.

Efforts to overcome obstacles to the implementation of the role of Civil Servant Investigators of the Sea and Coast Guard Base (PLP) in law enforcement of shipping crimes at the Class II Tanjung Uban PLP Base, namely:

To overcome the limited human resources and facilities, the first step is to increase the number of civil servant investigators assigned to the Class II Tanjung Uban PLP Base. New recruits and ongoing training for existing investigators will increase their capacity and professionalism in carrying out their duties. In addition, there needs to be investment in improved investigation facilities and equipment, such as patrol vessels equipped with modern surveillance technology, advanced communication devices, and maritime forensic tools. Thus, civil servant investigators will have adequate means to conduct investigations effectively and efficiently.

To improve coordination and cooperation between agencies, it is necessary to establish a more effective and structured communication mechanism. One way is to establish a cross-agency task force involving civil servant investigators from the PLP, the National Police, Bakamla, and other maritime agencies. This task force will be tasked with handling shipping crime cases in an integrated manner, ensuring good coordination and quick response to violations. In addition, regular meetings and joint training between agencies will strengthen cooperation and improve mutual understanding of procedures and respective responsibilities.<sup>9</sup>

Overcoming technical and legislative obstacles can be done by adjusting and improving existing regulations. Domestic regulations should be harmonized with international standards to ensure that the investigation and enforcement process can run smoothly, especially in cases involving foreign vessels. In addition, complicated and bureaucratic administrative procedures need to be simplified to speed up the investigation and prosecution process. The government should also strengthen international cooperation in the field of maritime law to ensure that cross-border cases can be handled effectively.

To increase awareness and compliance with regulations, more intensive education and socialization efforts are needed for shipping industry players. Training programs, seminars and workshops on safety regulations and maritime law should be held regularly. Legal awareness campaigns that emphasize the importance of complying with safety and environmental regulations will help create a law-abiding culture among industry players. In addition, strict and consistent law enforcement with clear sanctions will provide a deterrent effect for violators and encourage compliance with the law.

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<sup>9</sup> Edil Fitri, Masinis III Kapal Kelas I Pangkalan PLP di Tanjung Uban, Wawancara pada tanggal 4 Juni 2024.

To overcome external pressures and interventions, it is important to strengthen the independence of civil servant investigators in carrying out their duties. Legal protection mechanisms for investigators should be strengthened to ensure that they can work without fear of pressure or intervention from interested parties. The government must ensure that investigators have the freedom to carry out investigations objectively and professionally. In addition, strict enforcement of the code of ethics and internal supervision will help prevent abuse of authority and maintain the integrity of the investigation process.<sup>10</sup> By implementing these efforts, it is hoped that the implementation of the role of civil servant investigators at the Tanjung Uban Class II PLP Base in law enforcement of shipping crimes can run more optimally and effectively, so that security and compliance with the law in Indonesian waters can be maintained properly.

## **5. CONCLUSION AND SUGGESTION**

### **9 conclusion**

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

- a. Legal arrangements for the role of Civil Servant Investigators (PNS) at the Sea and Coast Guard Base (PLP) in law enforcement of shipping crimes are comprehensively regulated through Law No. 17/2008 on Shipping, Government Regulation No. 43/2012, and Regulation of the Chief of the Indonesian National Police No. 6/2010 which gives special authority to civil servant investigators to carry out various investigative actions, such as arrest, detention, search and seizure, within the scope of their duties and responsibilities in the field of shipping.
- b. The implementation of the role of Civil Servant Investigators (PNS) at the Sea and Coast Guard Base (PLP) in law enforcement of shipping crimes at the Tanjung Uban Class II PLP Base has not run optimally, as evidenced by the various obstacles faced, such as limited human resources and inadequate facilities, lack of coordination between agencies, and technical and legislative obstacles. Although civil servant investigators have clear authority although civil servant investigators have clear authority based on the law, their implementation is often disrupted by these factors, which results in the handling of shipping crime cases that cannot be carried out consistently and effectively.
- c. The obstacles to the implementation of the role of civil servant investigators at the Sea

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<sup>10</sup> Rizki Ali Syafa'at, Markonis Kapal Kelas II Pangkalan PLP di Tanjung Uban, Wawancara pada tanggal 4 Juni 2024.

and Coast Guard Base (PLP) in law enforcement of shipping crimes at the Class II Tanjung Uban PLP Base are limited human resources and facilities, lack of coordination between agencies, technical and legislative constraints, and low awareness and compliance with regulations. To overcome these obstacles, measures are needed such as increasing the number and quality of investigators through recruitment and training, investing in adequate facilities and equipment, establishing inter-agency task forces to improve coordination, adjusting domestic regulations to international standards, and educational campaigns and socialization of regulations to shipping industry players.

### **Suggestion**

From these conclusions, the author can provide several suggestions, namely:

- a. It is recommended that civil servant investigators should regularly attend training and workshops that focus on maritime investigation techniques, understanding international regulations, and the use of the latest technology in maritime law enforcement.
- b. It is suggested that the Government needs to ensure an adequate budget allocation to increase the number of civil servant investigators and update the investigation facilities and equipment at the Tanjung Uban Class II PLP Base.
- c. It is suggested that the community, especially shipping industry players, need to be continuously educated about the importance of compliance with safety regulations and maritime law. Socialization programs and legal awareness campaigns can be carried out through seminars, workshops, and mass media.

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