

The Usage Of Bakamla Force In Safeguarding The Seas Of Indonesian Jurisdiction

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Abstract

This abstract aims to highlight Indonesia's maritime security challenges, including threats, jurisdictional defense, and Bakamla's role. It also discusses limitations in maritime operational capabilities. This study employs a qualitative research method to describe, explore, and understand the meaning perceived by individuals or groups regarding current social or human phenomena. The research adopts a juridical-normative approach with a focus on the principles of the use of force by Bakamla RI. Data is collected through literature reviews and analyzed using qualitative data analysis techniques proposed by Miles, Huberman, and Saldana (2014) which involve data condensation, data display, and conclusion drawing and verification. The result is maritime security is an important aspect for a country. Maritime security refers to threats to the maritime. The Indonesian Sea, which has abundant natural resource potential and as an international trade route, is vulnerable to maritime threats. The Maritime Security Agency or Bakamla exists as an effort to maintain and defend the jurisdiction of Indonesian waters for the sake of national interests. In its role, often the threat is faced with a situation in which the use of force must be carried out. The use of force is a last resort to address existing threats based on the basic principles of the use of force and firearms (BPUFF), codes of law enforcement, human rights and applicable national and international law. The use of force must be carried out based on the scale and level of risk of the existing threat, not necessarily the use of force is allowed under the pretext of self-defense. The conclusion is Indonesia's maritime richness faces increasing threats, necessitating careful use of force by Bakamla, guided by legal and ethical considerations.

Keywords: *Maritime Security, Bakamla, Use of Force*

INTRODUCTION

A total of 75% of the world's population occupies coastal areas. Major cities in the world rely on trade centers and deployment of power in coastal areas by 80% (Till, 2009 in Dipua, LYP, 2020). The functions of the sea include a habitat for marine biota, a maritime transportation route, information exchange, and national fulfillment interests (Till in Kusuma, LYP, 2021). Indonesia has a vast Exclusive Economic Zone (EEZ) covering more than 2.55 million km², as well as a vast ocean territory measuring approximately 3.25 million km². With its extensive maritime territory and abundant marine resources, Indonesia occupies a strategic position between two major continents, Asia and Australia, as well as two major oceans, the Pacific and Indian Ocean. Furthermore, Indonesia serves as an important crossroads for international trade routes.

The Philosophy Foundation, Constitution (Basic Law) of the State, Unitary State Form, Archipelago Outlook Concept, and Local Culture accepted as National Culture (Arief, LYP, 2021). Article 25 of the Constitution of the Republic of Indonesia declares Indonesia as an archipelagic state. This declaration is further reinforced by Law No. 17 of 1985, which ratifies the United Nations Convention on the Law of the Sea (UNCLOS), thus internationally recognizing Indonesia's status as an archipelagic state. The sea lanes in Indonesian waters serve as global shipping routes, giving Indonesia jurisdiction over safety and security aspects in accordance with Indonesia's jurisdiction (Dipua, LYP, 2021). The Indonesian government has established defense policies in the maritime aspect through the concept of the Global Maritime Fulcrum (GMF) with main pillars of culture, economy, connectivity, diplomacy, and maritime security (Ali, LYP, 2021).

The recognition of Indonesia as an archipelagic state on the international stage signifies its commitment to fulfilling its global responsibilities. One such responsibility involves establishing and facilitating international routes through Indonesian waters to meet the maritime transit needs of other nations, while also granting innocent passage rights to foreign vessels. Additionally, Indonesia must be willing to designate the Indonesian Archipelagic Sea Lanes (ALKI) for the transportation of ships and aircraft. The proposal for ALKI was presented to the International Maritime Organization (IMO) in 1996, as outlined in Law No. 6 of 1996 regarding Indonesian Waters. This law aimed to ensure accessibility to international shipping routes within Indonesia's Exclusive Economic Zone (EEZ). By providing open passage through Indonesian waters, ALKI serves as a vital conduit for maritime travel (Prasetyo, LYP, 2019; Hermawan, LYP, 2020; Prakoso, LY, et al., 2020; Prakoso, LY, 2021).

In line with this, the establishment of the Indonesian Archipelagic Sea Lanes (ALKI) aims to facilitate the exercise of the innocent passage right as mandated by UNCLOS. In addition, Government Regulation number 37 of 2002 has further strengthened this framework by addressing the rights and obligations of foreign ships and aircrafts when implementing the right of innocent passage through Indonesian waters. Furthermore, Resolution MSC 72 (69) was approved by the International Maritime Organization's Maritime Safety Committee in 1998.

Due to its vast size, abundance of natural resources, and its function as a major navigation route, the Indonesian Sea poses various risks both domestically and internationally, particularly in terms of Transnational Organized Crime (TNOc). TNOc includes various criminal activities such as money laundering, terrorism, art and culture theft, intellectual property theft, illegal arms trade, aircraft hijacking, sea piracy, insurance fraud, cybercrime, environmental crimes, human smuggling, trade in human body parts, drug trafficking, fake bankruptcy, infiltration into legal businesses, corruption, bribing public officials, and bribing party officials.

The long-term role of the government is crucial in addressing the diverse risks faced by Indonesia's vast and resource-rich maritime territories, serving as major navigational routes and attracting various domestic and international challenges, notably Transnational Organized Crime (TNOc). TNOc encompasses a range of criminal activities, from money laundering, terrorism, and art theft to intellectual property theft, illegal arms trading, aircraft and maritime piracy, insurance fraud, cybercrime, environmental crimes, human smuggling, human organ trafficking, drug trafficking, false bankruptcies, infiltration into legal businesses, corruption, public official bribery, and party official bribery. To mitigate these risks, the government's efforts include establishing the Indonesian Archipelagic Sea Lanes (ALKI) to facilitate the right of innocent passage as mandated by UNCLOS, reinforcing regulations through Government Regulation number 37 of 2002 governing foreign ships and aircraft's rights and obligations during innocent passage in Indonesian waters, and endorsing Resolution MSC 72 (69) by the International Maritime Organization's Maritime Safety Committee in 1998, demonstrating a commitment to maritime safety and compliance with international regulations for the long-term management of Indonesia's maritime resources.

To address these risks, maritime defense requires a synergistic approach between various elements of military and non-military defense. In Indonesia, maritime security is primarily entrusted to the Republic of Indonesia Maritime Security Agency (BAKAMLA RI). The establishment and functions of BAKAMLA RI are regulated by Law No. 32 of 2014 concerning Maritime Affairs and Presidential Regulation No. 178 of 2014 concerning BAKAMLA RI. The agency's mission is to conduct security and safety patrols in Indonesian territorial waters and areas under Indonesian jurisdiction.

However, based on Presidential Regulation No. 18 of 2020, BAKAMLA's capacity to enforce its jurisdiction is insufficiently supported by maritime operational facilities and

infrastructure. In 2020, there were limited weapons (only 332), a lack of patrol boats for maritime security, insufficient boat stoppers, and limited operational facilities and infrastructure.

This research is also supported by the study "The Role of Maritime Security Agency in Strengthening Indonesia's Maritime Sovereignty" conducted by Novizar Nazir (2020) from Universitas Padjajaran. The study examines the role of the Maritime Security Agency (Bakamla) in enhancing Indonesia's maritime sovereignty. The research findings conclude that Bakamla plays a crucial role in safeguarding Indonesia's maritime sovereignty. Utilizing its capabilities and resources, Bakamla is capable of protecting Indonesian waters from various threats, including illegal fishing, transnational crimes, and maritime law enforcement. The study also emphasizes the importance of cooperation between Bakamla and relevant stakeholders, including the Indonesian Navy (TNI AL) and the Ministry of Maritime Affairs and Fisheries (KKP), in maintaining security and order in Indonesian waters. Additionally, the research suggests the need for capacity building and improved facilities for Bakamla to enhance its operational effectiveness in safeguarding Indonesia's maritime sovereignty.

RESEARCH METHODS

This study utilizes a qualitative research method, which aims to describe, explore, and understand the meaning perceived by individuals or groups regarding current social or human phenomena. The research employs a juridical-normative approach, which involves examining literature or secondary data acquired by the researcher. The focus of the research is on the principles of the use of force by the Indonesian Coast Guard (Bakamla RI).

Data for the study is collected through literature reviews, including books, journals, and existing research. The research design does not involve statistical procedures, but rather aims to reveal phenomena in a holistic-contextual manner by collecting data from the natural setting and using the researcher as the key instrument. The qualitative research approach is used to gain a detailed understanding of the aspect of the use of force by Bakamla RI.

Qualitative research is descriptive in nature and uses an inductive approach to analysis, emphasizing the process and meaning based on the perspectives of the subjects. Data collected through observation and documentation techniques are analyzed using the data analysis techniques proposed by Miles, Huberman, and Saldana (2014), which involve data condensation, data display, and conclusion drawing and verification.

In the data condensation stage, the researcher identifies and collects data related to the use of force by Bakamla RI, which may include regulations, policy documents, and reports. The data is then presented systematically and in a structured manner, using tables, graphs, or matrices to visualize the use of force by Bakamla RI. The final stage of the analysis involves drawing conclusions or verifying the presented data, which is useful for evaluating policy success and answering research questions. This analysis method provides a deeper understanding of problem resolution regarding the use of force by Bakamla RI

RESULT AND DISCUSSION

National interest is the paramount element in a nation, as it encompasses the collective interests of the people. The Indonesian Defense White Paper, based on the 1945 Constitution of the Republic of Indonesia and Pancasila, emphasizes the importance of maintaining the Republic of Indonesia for the country's best interest. To achieve national interest, three main principles are considered: the system of life based on Pancasila and the constitution, sustainable national

development and resilience, and utilization of national resources comprehensively and integratedly. These factors determine the grand strategy or national security strategy of a country, particularly in the context of maritime security. Maritime security in Indonesia prioritizes national security, human security, and economic security.

Defense operations play a crucial role in safeguarding the national interest of Indonesia. Defense is defined as the act of preserving and protecting the original condition, ensuring safety against any threats to national sovereignty, territorial integrity, and overall security. Defense science involves managing and utilizing national resources and power in times of peace, war, and post-war to address military and non-military threats to the nation. Maritime defense specifically refers to the measures taken to safeguard and secure the maritime area, aiming to protect the national interest of the country or organization.

1. Threats to Indonesia's Maritime Jurisdiction

a. Indonesia's Maritime Threats

The growth and dynamics of international relations have the potential to strengthen national security by presenting both external and internal challenges to countries. In recent years, the intensity of cross-border threats has been significant, prompting the need for serious attention. Indonesia, given its strategic location and abundant maritime resources as an archipelagic country, possesses certain advantages. However, it also faces various potential threats, both domestic and foreign, of both traditional and non-traditional nature.

Globalization has contributed to the erosion of national identity and the risk of national disintegration (Madhorim, LYP, 2021). The development of strategic environments has further expanded the range of threats to Indonesia's maritime security, sea lane security, and humanitarian security in territorial waters (Suhirwan, LYP, 2021).

From a maritime perspective, the openness and vastness of Indonesia's seas make it vulnerable to a range of potential threats. These threats can be categorized into three main groups:

- 1) Traditional threats include border disputes, overlapping claims, disputed areas, and grey areas.
- 2) Non-traditional threats encompass piracy, armed sea robbery, terrorism, hostage-taking, illegal fishing, drug trafficking, arms smuggling, human smuggling/trading, and environmental damage (e.g., fish bombing, fish poisoning).
- 3) Hybrid/mixed threats involve overlapping claims in fishing areas, hostage releases, and cyber threats.

Meanwhile, the book "Indonesia's Maritime Defense Strategy" provides explanations about the nature and mitigation of threats to the Unitary State of the Republic of Indonesia, including:

1. Military Threats

Armed and coordinated forces are used by military threats to endanger national security, state sovereignty, and territorial integrity. Threats to maritime and aviation security, armed terrorist actions, armed rebellions, sabotage, espionage, and communal conflicts are examples of military threats.

2. Non-military Threats

Essentially, non-military threats are threats that use non-military elements that are considered capable of endangering national sovereignty, territorial integrity, and international peace and security. Besides public safety, non-military dangers may have ideological, political, economic, socio-cultural, technological, and information components.

3. Ideological Dimension Threats

Ideological threats refer to threats that arise from certain beliefs, values, or ideologies that can endanger the security and stability of a country or community. These threats can come

from extremist groups, terrorist organizations, or radicals who want to change or overthrow legitimate governments.

4. Political Dimension Threats

Political threats may come from foreign or domestic sources. Politically-charged threats come from abroad and are executed by countries that exert political pressure on Indonesia. Other parties often use non-military threats with political components, such as political blockades, provocations, or intimidation, to exert pressure on other countries.

5. Economic Dimension Threats

Economic risks can be broadly classified into two categories: internal and external. High inflation and unemployment rates, poor infrastructure, ambiguous economic system determination, uneven income distribution, and high-cost economy are examples of internal threats faced by Indonesia. External threats include substandard economic performance indicators, low competitiveness, unpreparedness for the era of globalization, and excessive dependence on foreigners.

6. Socio-Cultural Dimension Threats

It is possible to identify risks that have socio-cultural components regardless of whether the threats are external or internal. Problems such as injustice, poverty, ignorance, and backwardness are the main causes of challenges from within. Issues such as separatism, terrorism, chronic violence, and natural disasters caused by human activities all arise from these problems. Over time, these problems can turn into diseases that threaten national unity, nationalism, and patriotism.

7. Technology and Information Dimension Threats

In general, science and technology growth (IPTEK) are beneficial to humankind. Along with advances in science and technology, there are also crimes that take advantage of these developments, such as cybercrimes and banking crimes.

8. General Security Dimension Threats

Geographically, the Republic of Indonesia is located in an area vulnerable to hunger, natural disasters, and unsafe transportation. Disasters that are purely natural, such as earthquakes, volcanic eruptions, and tsunamis, may occur in Indonesia and pose a threat to public safety. Disasters caused by human activities, such as indiscriminate drug and substance use that can directly and repeatedly (chronically) pollute society, as well as industrial waste disposal or other mining activities. On the other hand, natural disasters caused by human activities are caused by natural elements, such as landslides, floods, droughts, forest fires, and other disasters.

The threat requires cooperation with various parties (Suhirwan, LYP, 2018). In terms of maritime threats, the Maritime Security Agency further states in its Strategic Plan (2020-2024) that there are various threats to Indonesia's maritime defense and security, both internally and externally, including traditional threats such as border disputes and the North Natuna Sea dispute, as well as non-traditional threats in Indonesian maritime security such as piracy, ship hijackings, Transnational Criminal Organizations engaging in illegal entry, drug smuggling, terrorism, and fuel smuggling. Maritime strategies are necessary in addressing these criminal activities through institutionalization (Prakoso, LY, 2018).

However, threats to a country's security are not limited to traditional ones such as foreign military invasions, but also non-traditional threats such as the control of Indonesia's maritime resources, which are another form of state or other power's hegemony and dominance that undermine national sovereignty.

b. The Importance of Maritime Security and Safeguarding Indonesian Waters

Indonesia is located within a territorial area that serves as one of the busiest sea lanes in the world, prioritizing connectivity through its Exclusive Economic Zone (EEZ) divided into three classifications: EEZ I, EEZ II, and EEZ III (Harris, LYP, 2019). The international trade

routes traversed by foreign vessels have the potential to threaten the security of Indonesian waters. Being internationally recognized as an archipelagic state, Indonesia is entitled to peaceful passage for foreign ships and has the responsibility to secure its waters from various threats. Therefore, maritime security is a crucial aspect for Indonesia.

The complexity of maritime threats faced by Indonesia can disrupt the stability and defense of the country, hindering the achievement of national objectives. Maritime security in Indonesia is closely intertwined with national interests, which aim to uphold the Unitary State of the Republic of Indonesia (NKRI) by ensuring the continuity of national development towards creating a diverse, prosperous, just, and democratic Indonesian society, as well as contributing to achieving world peace and regional stability.

Maritime security refers to the absence of maritime threats, which can include terrorism, smuggling, illegal fishing, ship hijacking, piracy, and other illegal activities conducted in a country's waters. Maritime threats are intentional actions aimed at instilling fear and anxiety in targets, ultimately weakening their resistance to change or desire to suppress resistance in order to maintain the status quo. On the other hand, maritime security is defined by the International Maritime Organization (IMO) as the defense against intentional and illegal actions. Protecting land and maritime territories, infrastructure, economy, environment, and communities from harmful activities that occur at sea is known as maritime security. Therefore, a country must have maritime security to protect its interests, maintain control over all operations within its territorial waters, and utilize its waterways for national purposes in a safe and unimpeded manner.

Although the term "maritime security" is not used in a positive sense, it provides an indication of what security might foster. From this perspective, maritime security not only encompasses various military operations that can threaten the security of coastal states (such as weapons exercises, threats or use of force, or launching, landing, or taking military aircraft in any form), but also encompasses pollution operations, fishing activities, and deliberate and serious research or surveys.

2. The Role of Bakamla in Maintaining Indonesia's Jurisdictional Waters

The Coordinating Minister for Political, Legal, and Security Affairs acts as an intermediary between the President and the Indonesian Maritime Security Agency, or Bakamla. Bakamla was established in compliance with Law Number 32 of 2014 on Maritime Affairs, specifically Article 59 Paragraph 3, with the aim of maintaining security, safety, defense, and law enforcement in maritime areas. According to Presidential Decree Number 178 of 2014, Bakamla is responsible for conducting security and safety patrols in Indonesian waters under its jurisdiction. The agency's duties also include formulating national policies, establishing early warning systems, monitoring and preventing law violations, coordinating water patrols with relevant stakeholders, and providing technical and operational support.

Bakamla is authorized to carry out security, safety, and law enforcement patrols in Indonesia's territorial waters and jurisdiction, in accordance with Government Regulation Number 13 of 2022 on the Implementation of Security, Safety, and Law Enforcement in Indonesia's Territorial Waters and Jurisdiction. The objective of this program is to ensure the effectiveness, efficiency, and legal certainty of patrol operations, as well as to provide security and safety at sea. Bakamla has the power to establish national regulations regarding security and safety in Indonesian regions, waterways, and jurisdictions.

The presence of Bakamla is essential to safeguard Indonesia's waters. It plays a crucial role in protecting maritime borders, preventing illegal activities like drug smuggling and human trafficking, and addressing other security risks within Indonesia's jurisdictional waters.

3. The Use of Force in Maintaining Waters

The increasing complexity of maritime threats can escalate to a point where a country deems it necessary to use force, especially when seeking to protect access to and the use of

natural resources, address concerns about weapons of mass destruction, and more generally, to support national interests and potential conflicts in territorial waters. Security, or the use of force during peace or conflict, is necessary to protect a country's seas. Maritime forces should be used in accordance with current laws and with reference to relevant international laws.

In 2020, the Ministry of Defense issued Regulation number 12 as an amendment to the Defense Minister Regulation number 7 in 2010 regarding the guidelines for licensing, supervision, and control of military-standard firearms, which serves as the basis for the authorization authority of the Maritime Security Agency (Bakamla) in using firearms. At the central level, the Ministry of Defense has the authority for defense interests based on policies and data provided (Prakoso LY, Suhirwan, 2021). Through these regulations, Bakamla obtains additional facilities and infrastructure, providing Bakamla with more power to carry out its duties and functions in safeguarding defense and security in the waters within Indonesia's jurisdiction.

According to Bakamla Regulation number 1 in 2019, the use of force must be determined by a risk assessment scale that takes into account the level of risk. Any use of force in certain situations needs to be careful, well-considered, and appropriate. In addition, the limited use of force is allowed to secure vital national projects, with a maximum of 15 gunshots. This is stated in the Regulation of the Republic of Indonesia's Defense Minister number 7 in 2010, as amended by the Regulation of the Republic of Indonesia's Defense Minister number 12 in 2020 regarding the guidelines for licensing, supervision, and control of military-standard weapons outside of the Ministry of Defense and the Indonesian National Army.

The use of firearms by Bakamla in law enforcement must be done with full consideration and compliance with applicable laws while upholding human rights. Firearms may only be used in situations that require physical force, such as protecting lives or preventing serious criminal acts. The use of force must be proportional to the threat faced, and efforts must be made to apprehend the perpetrators without resorting to violence. In the use of force, it is important to minimize unnecessary risks and dangers to the lives and safety of those not involved in the conflict. Bakamla must train its members well to ensure that the use of force is carried out correctly and effectively, thus minimizing unnecessary losses. The use of firearms by Coast Guard forces should be focused on addressing vital threats and maintaining maritime security, not posing a danger to those not involved in the conflict. Bakamla must take necessary preventive measures to ensure that firearms are only used against parties that genuinely pose a security threat to the waters.

4. Regulations and Code of Ethics for the Use of International Power

a. International Rules Regarding the Use of Weapons

In essence, UNCLOS prohibits the use of force, as stated in article 301. However, in this case, the use of force is defined as an attack on the navy or naval fleet of another state, or as the use of force intended to damage the sovereignty, territorial integrity, or political independence of another state, and not as a means to enforce the law. This is in line with the provision of Article 2(4) of the UN Charter, which states that the use of force should be avoided as much as possible. Furthermore, according to Article 302 of UNCLOS, the provisions of the convention do not require a State to fulfill its obligations to use its rights for the most important interests of its security. The limitations imposed by UNCLOS on the use of force do not automatically eliminate a State's ability to explore other dispute settlement processes.

The right inherent in "inherent rights" to self-defense is guaranteed by Article 51 of the UN Charter and is not inherently eliminated or diminished by the prohibition of the Convention on the use of force. The main issue with self-defense, however, is that it needs to be permitted in case of danger or attack. As a preventive strategy, a state may instead consider using force to assess threats and apply proportional legal responses. In this situation, the use of force must be proportional, not just for the purpose of self-defense. Article 41 of the UN Charter states that any

action taken by a State must involve the Security Council. This is an effort to ensure that actions are not taken arbitrarily.

A fundamental rule is that law enforcement officers should, if possible, use non-violent measures in carrying out their duties instead of using force or weapons, as reflected in the Basic Principles on the Use of Force and Firearms (BPUFF). These regulations establish the conditions under which law enforcement officers may use force and firearms in carrying out their duties. They also prohibit the use of force that deviates from these conditions and is therefore illegal, arbitrary, or disproportionate.

Article 3 of the UN Code of Conduct, adopted by the General Assembly in 1979, stipulates that law enforcement officers may only use force when absolutely necessary and to the extent required to perform their duties. The UN General Assembly welcomed the Basic Principles and invited States to respect and consider them within the parameters of their national legal and practical frameworks with resolution 45/166, adopted on December 18, 1990, following the adoption of these principles at the Eighth UN Congress on the Prevention of Crime and Treatment of Offenders in 1990. These Basic Principles establish fundamental guidelines for assessing whether the use of force by law enforcement officers is permissible, as well as expectations for review and accountability. Regional and international states consider this agreement valid, especially their rules regarding the use of force in relation to the right to life and physical integrity, specifically included in Article 3 of the Code of Conduct and Principle 9 of the Basic Principles.

The right to life is sometimes referred to as the right without which all other rights have no meaning, and it is possible for the use of force and armaments to violate this right. Article 3 of the Universal Declaration of Human Rights and Article 6(1) of the International Covenant on Civil and Political Rights both guarantee the right to life, stating that every human being has an inherent right to life. Laws must be enacted to protect this fundamental right. No

b. Terms and ethics of use of force

When using force, law enforcement must comply with international law, relevant regulations, law enforcement codes of conduct, and basic principles regarding the use of force in the performance of their duties. Every law enforcement officer must consider human rights in carrying out their duties, as stated in article 2 of the Code of Ethics.

Law enforcement officials must comply with guidelines established by international human rights law when using force. The use of force can be illegal, arbitrary, or disproportionate, and it will violate people's rights if these requirements are not met. A number of regional and international human rights instruments have clauses relating to the use of force by law enforcement. Law enforcement officials need to be aware of the nature and extent of these rights.

In addition, the use of force is permissible to the extent absolutely necessary by putting forward other procedures to resolve conflicts or prevent threats or crimes as mentioned in article 3 of the code. The use of force in this case is a last resort after other efforts must be made proportionately. Under the Basic Principles of Use of Force (BPUFF), law enforcement prohibits the use of force unless it is done in defense of self or others against a serious threat.

In accordance with the official commentary on article 3 of the UN Code, "firearms shall not be used except when the alleged perpetrator engages in armed resistance or endangers the lives of others and less extreme measures are not sufficient to detain or apprehend the offender or perpetrator." Therefore, unless the person being subjected to such use of force constitutes an immediate or sustained threat of death or serious injury, weapons may not be used to make arrests, prevent escape, disperse, or control crowds.

The use of force is allowed provided that the use of force is a last resort with priority to human rights and proportional use. Meanwhile, in case 9 BPUFF states that law enforcement officials may not use firearms against persons unless:

- 1) To defend oneself or defend others from death threats or serious threats.
- 2) To prevent the occurrence of very serious crimes involving serious threats to life.
- 3) To arrest a person who poses danger and defies his authority, or to prevent his escape, and
- 4) Only when less extreme means are not enough to achieve this goal.

The use of weapons is limited to circumstances where there is a risk to life or serious injury, according to BPUFF Principle 9. The use of force should be directed at neutralizing the threat. However, there are situations where killing the threat is the only option to achieve this goal. BPUFF said that there may have been "lethal and deliberate use of firearms" by law enforcement personnel in this particular instance. Under BPUFF Principle 9, "lethal and deliberate use of a firearm can only be carried out if it is absolutely unavoidable to protect life," hence that is the rule that applies in this case. This threshold is greater than that which allows the use of potentially fatal force to prevent significant harm. BPUFF's values are violated by any law or regulation that allows the use of lethal weapons for any reason other than defending human life.

The fundamental rule that law enforcement officials, whenever possible, use nonviolent means before resorting to violence and firearms in the performance of their duties is reflected in the Basic Principles of the Use of Violence and Firearms (BPUFF). This regulation establishes the conditions under which law enforcement officials can use force and weapons in the performance of their duties. They also prohibit the use of force in any way that deviates from these conditions or would be considered unlawful, arbitrary, or disproportionate.

When a certain force or type and level of violence is used arbitrarily, it is unlawful in some situations, and it contributes to injustice, discrimination, irrational behavior, abuse of power, and the commission of violent crimes. unjustified wisdom. The arbitrary use of force may be disproportionate or illegal.

The criteria of legality, necessity, proportionality, prudence, nondiscrimination, and accountability apply, just as they do for any other use of force. If a firearm is used in an incident that results in death or serious injury. When using weapons, law enforcement officials must conduct efficient, timely, unbiased, and independent investigations. In addition to determining who is responsible for illegal activities, these investigations should look for trends, determine their causes, and take appropriate steps to end them. Governments must ensure arbitrary or unreasonable use of force and weapons by law enforcement officials, in accordance with the BPUFF 7 principle punishable under their statute as a criminal offence.

Law enforcement officials should always exercise caution when handling firearms because they are potentially deadly. The use of firearms should be avoided at all costs. Only in cases where deliberate and fatal use of firearms is absolutely necessary to protect life can it be done. When deciding whether to arm and use force, law enforcement officers must consider institutional deficiencies and follow appropriate and responsible management policies and procedures.

CONCLUSION

Indonesia, which is a country rich in marine resources as an archipelagic country, also has a vast sea area that not only provides benefits for the country, but the increasing complexity of threats becomes vulnerable to maritime threats. Therefore, maritime security is an important aspect for Indonesia in realizing its national interests.

The growing complexity of maritime threats can escalate to the point where a state deems it necessary to use force, especially when seeking to protect access and use of natural resources, address concerns related to weapons of mass destruction, and more generally to support national interests and potential conflicts in territorial waters. Security, or the use of force during times of

peace or conflict, is necessary to protect a country's seas. Maritime power shall be used in accordance with current legislation and in accordance with relevant international law.

The responsibility of security and safety patrols in Indonesian territorial waters and under Indonesian jurisdiction rests with the Maritime Security Agency (BAKAMLA), which also has the authority to make national policies, set up early warning systems, guard, supervise, prevent, and enforce laws in these areas, coordinate and monitor water patrols by relevant parties, offer technical and operational support, and carry out other tasks in the defense system national.

In 2020, the Ministry of Defense issued regulation number 12 as an amendment to Minister of Defense Regulation number 7 of 2010 concerning Guidelines for licensing, supervision and supervision of military-standard firearms which is the basis for the licensing authority of the Maritime Security Agency in using firearms.

Laws should be created to provide general guidelines for the use of force, restrictions on the use of lethal force, rules on accountability, and guidelines for control and supervision procedures. Law enforcement officials should always exercise caution when handling firearms because they are potentially deadly. It is necessary to make every effort to refrain from using weapons. Only in cases where deliberate and fatal use of firearms is absolutely necessary to protect life can it be done. When deciding whether to arm and use force, law enforcement officials must consider institutional weaknesses and follow appropriate and responsible management policies and procedures.

When Bakamla uses force to protect Indonesia's territorial seas, it must do so with careful thought, adherence to relevant legal guidelines, and respect for human rights. Human rights must always come first, and force should only be used as a last resort after all other measures have been exhausted in a manner proportionate to the threat. The basic principles of use of force and firearms (BPUFF) and the law enforcement code of conduct should serve as the basis for any use of force.

The only circumstances in which the use of force is permitted are those in which oneself or others are threatened or threatened; Any other interpretation of the threat should be based on situational assessments. Based on this, the use of force must logically indicate why it is justified, not just provide protection for using force in self-defense. As a result, it is critical to establish limits and guidelines for the use of force that take situational threats into account and consider potential hazards before using force.

REFERENCES

- Ali, I. M., L. Yudho, D. Sianturi. (2021). Sea Defense Strategy in Facing Maritime Threats in Indonesia's Sea Area. *Journal of Sea Defense Strategy Study Program*, 6(2), 169-188
- Arief, Ruslan, Lukman Yudho Prakoso, Helda Risman. (2021). Understanding National Identity To Create Love And Proud Of Being A Part Of The Indonesian Nation *Journal Inovation Penelitian* Volume 1 No. 11
- Bakrie, Conni Rahakundini. (2007). National Defense and Posture of the Indonesian Armed Forces, Idea Ed. 1. Yayasan Pustaka Obor Indonesia.
- Dipua, Angkasa, Rommy Hermawan, Dhiana Puspitawati, Nuddin Harahap, Dickry Rizanny Nurdiansyah, Lukman Yudho Prakoso. An Analysis Of The South China Sea Conflict: Indonesia's Perspectives, Contexts And Recommendations. *Palarch's Journal Of Archeology Of Egypt/Egyptology*
- Dipua, Angkasa, Lukman Yudho Prakoso, Dickry Rizanny Nurdiansyah. (2021). Analysis Of Defense Strategy Policies In Dealing With The Potential Negative Impacts Of The South China Sea Conflict. *Jurnal Pertahanan* Vol. 7 No. 1 Pp. 89-99

- Fatimah, Amelia, Lukman Y. Prakoso, Aries Sudiarso. (2021). Indonesian Marine Defense Strategy Through Empowerment Of Marine Defense Area Journal Of Marine Defense | Volume 7 Number 3 of 2021
- Harris, Amora, Lukman Yudho Prakoso, Dohar Sianturi. (2019). Sea Defense Strategy in the Framework of Security Threat in Indonesian Archipelagic Sea Lanes II Journal of Sea Defense Strategy Volume 5 Number 1 of 2019
- Hermawan, T., R. Sutanto. (2022). Indonesia's Maritime Defense Strategy in Threat and Sea Power Analysis. Journal of Education And Development, 10(2), 363-371
- Hermawan, T., Prakoso, L. Y., & Sianturi, D. (2020). Sea Defense Strategy in Impact Analysis and Government Efforts to Secure the Sea Lanes of the Indonesian Archipelago. Sea Defense Strategy, 6(3), 273-296.
- Klein, Natalie. (2011). Maritime Security and the Law of the Sea. Oxford University Press.
- Kusuma, Anhdika Wira, Lukman Y. Prakoso And Dohar Sianturi. (2021). The Cooperation Between Fleet I Command And Indonesian Maritime Security Agency In Eliminating Transnational Crime In The Malacca Strait International Journal Of Education And Social Science Research. Vol. 4, No. 03; May-June 2021
- Legionosuko, S. H. Sumantri, & Purwanto. (2019). Sea Defense Strategy. Defense University.
- Madrohim, Prakoso, Lukman Yudho, And Risman, Helda. (2021), Pancasila Revitalization Strategy In The Era Of Globalization To Face The Threat Of National Disintegration. In: Journal Of Social And Political Sciences, Vol.4, No.2, 155-164.
- Government Regulation (PP) Number 13 of 2022 concerning the Implementation of Security, Safety and Law Enforcement in Indonesian Territorial Waters and Indonesian Jurisdiction
- Regulation of the Minister of Defense Number 7 of 2010 concerning Guidelines for Licensing, Supervision and Control of Military Standard Firearms Outside the Environment of the Ministry of Defense and the Indonesian National Army
- Presidential Regulation (Perpres) Number 178 of 2014 concerning the Maritime Security Agency.
- Head of Bakamla Regulation Number 1 of 2019 concerning Guidelines for the Implementation of Boarding Party
- Regulation of the Minister of Defense Number 12 of 2020 concerning Amendments to Regulation of the Minister of Defense Number 7 of 2010 concerning Guidelines for Licensing, Supervision and Control of Military Standard Firearms Outside the Environment of the Ministry of Defense and the Indonesian National Army
- Prasetyo, K. A., L. Y. Prakoso. D. Sianturi. (2020). The Indonesian Government's Sea Defense Strategy in order to Enforce the Law on the Sea Lanes of the Indonesian Archipelago. Journal of Sea Defense Strategy Study Program, 6(3), 189-208
- Prakoso, L. Y. (2018). Maritime Strategy for Handling Transnational Crime at Indonesia's Sea Border in Nunukan District, North Kalimantan Province. Maritime Journal.
- Prakoso, Lukman Yudho, Suhirwan. (2021) Defense Strategy Policy Through Revitalization Of East Surabaya Shipping Lanes Italienisch Issn: 0171-4996, Vol. 11, No. 2, 2021, Pp 249-263
- Prakoso, Lukman Yudho. (2021), Implementation Of Defense Policy Against Threats For Securing International Shipping Lanes In The Sunda Strait. In: Journal Of Social And Political Sciences, Vol.4, No.1, 176-185. Issn 2615-3718 Doi: 10.31014/Aior.1991.04.01.263
- Prakoso, Lukman Yudho, Suhirwan. (2020). Sea Defense Strategy And Urgency Of Forming Maritime Command Center urnal Pertahanan Vol. 6 No. 2.
- Strategic Plan of the Indonesian Maritime Security Agency for 2020-2024.

- Suhirwan, S., & Prakoso, L. Y. (2019, June). Maritime Forum Key to Successful Countermeasures of Asymmetric Threats in the Sunda Strait. In Indonesia Qualitative Seminar and Workshop 2019, 13-20.
- Suhirwan, L Y Prakoso. (2020). Defense Strategy At Sea Handling Of Transnational Organized Crime (Tnoc) In Nunukan Indonesia's National Sea Border The First Maluku International Conference On Marine Science And Technology Iop Conf. Series: Earth And Environmental Science 339 (2019) 012043 Doi:10.1088/1755-1315/339/1/012043
- Suhirwan, Lukman Yudho Prakoso, Ahmad G. Dohamid. (2021). National Defense Policy By Strengthening Defense Strategy: Study Of The Development Of A Naval Air Base In Bengkulu Italienisch Issn: 0171-4996, Vol. 11, No. 2, 2021, Pp 335-347
- Suhirwan, L. Y. (2018). Defense Strategy in Handling Transnational Crime on the Manado Sea Border, North Sulawesi in 2017. Building Indonesia: Cross-Perspective Social Conflict Resolution. Indonesia Qualitative Reseacher Association (Iqra).
- Supriyatno, Prosperous. (2014). On Defense Science. Yayasan Pustaka Obor Indonesia
- Tippe, Syarifudin. (2016). Defense Science: History-Concepts-Theories and Implementation. Salemba Humanika
- United Nations. (2017). Resource book Use of Force and Firearms in Law Enforcement.
- United Nations. 1945. Charter of the United Nations
- United Nations. Basic prinsples using fore and firearms.
- United Nations. Code of Conduct for Law Enforcement Officials
- United Nations. International Covenant on Civil and Political Rights
- United Nations. United Nations Convention on the Law of the Sea
- Law Number 17 of 1985 concerning the Ratification of the United Nations Convention On The Law Of The Sea (United Nations Convention On The Law Of The Sea).
- Law number 32 of 2014 on the Ocean.
- Defense White Paper. Ministry of Defense of the Republic of Indonesia.
- Constitution of the Republic of Indonesia 1945