

ABSTRACT

GOVERNMENT AUTHORITY UPON THE RIGHT OF INNOCENT PASSAGE FOR FOREIGN SHIP IN THE INDONESIA WATERS

MOCHAMAD MAHIN

Government authority in the right of innocent passage for foreign ships in Indonesia Waters contains important limitation, that is as long as in its implementation shall be directed to protect to the peace, good order or security of the coastal State. Therefore the problem raised here is to find out the limitation of government authority including enforcement of jurisdiction of its own authority.

In general, this thesis is to analyze the legal basis of implementation of government authority both based on international law and national law, more specifically, this thesis deals with the position and duty of Indonesian Navy and government agency or department in charge of law enforcement and security at sea

The type of this research type is a normative research with dogmatic approach. Using this approach, the existing laws are analyzed and relied upon to address the issue.

Based on the research, it is found that government authority upon the right of innocent passage for foreign ships in connected with the right of protection of the coastal state with legally substances two, which are, jurisdiction of legislation and jurisdiction to enforce the law.

In this matter the position and duty of Indonesian Navy, first, according to owned authority attribution and based Act Number 3 of 2002 is as a main component as an integral part of Indonesian Armed Forces with its main duties to protect the interest and national sovereignty, also to support national policy in defense in order to implementation the government's function. Second, as the law enforcement and security apparatus at sea, with given special authority, that is authority as investigator of certain criminal action at sea on the national jurisdiction in Indonesian Waters according to applicable law and regulations.

Special authorization given to Indonesian Navy and government agency (other that Indonesian Police) is not a result of law interpretation yet it was a implementation of law provision or regulation.

Key Words :

- The right of innocent passage
- Law enforcement and security at sea
- The right of protection of coastal State
- Jurisdiction of legislation and jurisdiction to enforce the law