

ABSTRACT

Investigative power of Indonesian Navy on criminal acts taking place in the national territorial sea is an exercise of government's function in law enforcement. The problems arising out of the power would be what legal basis of the power is and what the solution will be in case of abuse of power and misuse of the power.

In general, this thesis is to analyze legal basis of the exercise of government's investigative power vested in the Indonesian Navy personnel, which is an implementation of law enforcing function in the sea. The result of the analysis will be a reference for the Indonesian Navy to carry out their duty as investigators in the sea and at the same time it will be a yardstick for the exertion of the power.

The type of this research is a normative research with dogmatic approach, in which positive law is analyzed by using card system and from this kind of procedure, the problems are analyzed and described.

From this research, it is found that investigative power by the Indonesian Navy is an exercise of government's function in law enforcement that should be based on both written and unwritten administrative law and the exercise of the government investigative power should be examinable by three types of courts, i.e. Administrative Court, Ordinary Court, and Military Tribunal.

The exercise of government investigative power should be controllable by Ombudsman institution as a supervisory agency in charge with supervising officials' behavior. Likewise, the internal supervisory institution over Navy investigators is the most effective supervisory institution because it serves to be the last resort for the follow-up control of any type of supervisory institutions.

Key words:

- The exercise of government's investigative power
- Government's function in law enforcement
- Administrative Law