

***Reformulating the Authority Framework of Law Enforcement Agencies in Coastal and Marine Areas Based on Justice-Oriented Governance***

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**ABSTRACT**

This research aims to analyze the legal framework that regulates the authority of law enforcement agencies in coastal and marine areas and formulate an ideal model of authority oriented towards fair governance. The problems studied include: (1) how the structure of the legal framework that regulates the authority of law enforcement agencies in coastal and marine areas and its limitations in ensuring justice; and (2) how to reformulate the authority of these institutions in order to be able to realize justice-oriented law enforcement governance. This study uses a Sociological juridical method with an analytical descriptive approach. The theoretical approaches used include justice theory, legal system theory, and authority theory in state administrative law.

The results of the study show that: 1) The legal framework that currently regulates the authority of law enforcement agencies in coastal and marine areas is still sectoral, fragmented, and has not been systematically integrated. This condition is reflected in the overlap of authority between institutions, disharmonization of regulations, and weak coordination in the implementation of law enforcement. Normatively, regulations are available, but they have not been accompanied by an integrated institutional design and a legal culture that supports collaboration. As a result, law enforcement in coastal and marine areas has not been able to provide legal certainty and substantive justice, especially for coastal communities who are vulnerable to inequality of access and legal protection. 2) The reformulation of the authority of law enforcement agencies in coastal and marine areas must be carried out comprehensively with an integrative approach that combines justice theory, legal system theory, and authority theory in administrative law. In the perspective of John Rawls's theory of justice, such reformulation must ensure a fair and proportionate distribution of authority and provide protection for vulnerable groups. Meanwhile, from the perspective of the theory of administrative authority developed by Philipus M. Hadjon, the division of authority must be based on the principle of legality through clear mechanisms of attribution, delegation, and mandate. Thus, the reformulation of authority must include harmonizing regulations, strengthening institutional structures, and building a collaborative and accountable legal culture.

***Keywords: Reformulating, Authority, Framework, Law Enforcement Agencies, Coastal, Marine Areas Based, Justice-Oriented, Governance.***

## INTRODUCTION

### Background

Coastal and marine areas are strategic spaces that not only have high economic value, but also have very complex ecological, social, and geopolitical dimensions in the context of archipelagic countries such as Indonesia. As a country with more than 17,000 islands and a sea area much larger than the mainland, Indonesia faces a major challenge in effectively managing and supervising its coastal and marine areas. The abundant potential of marine resources, such as fisheries, energy, and marine tourism, makes this region a center of national economic activity. However, on the other hand, the complexity of this utilization also creates conflicts of interest that have the potential to trigger violations of the law. In such conditions, the role of law enforcement agencies becomes very crucial, but they are often faced with the problem of unintegrated authority. This fragmentation of authority creates inefficiencies and creates legal loopholes that can be exploited by offenders. Therefore, the reformulation of the authority framework is an urgent need to ensure the effectiveness of fair law enforcement in coastal and marine areas.<sup>1</sup>

In the practice of law enforcement in the sea area, there are various institutions that have intersecting authorities, such as the National Police of the Republic of Indonesia, the Indonesian National Army, the Navy, and various other civilian agencies. This condition creates the phenomenon of overlapping authority which often causes jurisdictional conflicts in the field. This inconsistency not only hinders the effectiveness of law enforcement, but also has the potential to cause legal uncertainty for the community and business actors. In addition, the lack of coordination between institutions often leads to duplication of tasks and waste of state resources. In this context, the reformulation of authority must be directed at the creation of a more integrated system based on strong coordination. It is important to ensure that each institution has a clear role and does not overlap with each other. Thus, the effectiveness of law enforcement can be significantly improved.<sup>2</sup>

The problem of overlapping authority also has a direct impact on the principle of legal certainty which is one of the main pillars in the modern legal system. When the authority is

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<sup>1</sup> Mochtar Kusumaatmadja, *Legal Concepts in Development* (Bandung: Alumni, 2006), p. 112.

<sup>2</sup> Hikmahanto Juwana, *International Law in Indonesian Perspective* (Jakarta: Rajawali Pers, 2017), p. 89.

unclear, the implementation of the law becomes inconsistent and has the potential to cause injustice. Coastal communities that depend on marine resources are often the most disadvantaged in these conditions. They face uncertainty in access to and utilization of resources, as well as a lack of legal protection. From a progressive legal perspective, law should be able to provide substantive justice, not just procedural formalities. Therefore, the reformulation of authority must be directed at the creation of a system that is able to provide fair legal protection for all parties, especially vulnerable groups in coastal areas.<sup>3</sup>

The dynamics of globalization also complicate the management of marine areas, especially with the increase in international trade activities and cross-border mobility. The sea area is the main route of global trade that is vulnerable to various forms of transnational crime such as smuggling, human trafficking, and illegal fishing. In these conditions, an adaptive and responsive law enforcement system is indispensable. The reformulation of authority must take into account global developments and applicable international standards. This is important so that Indonesia can play an active role in maintaining security and order in international maritime areas. Thus, the reformulation of authority is not only national, but also has a global dimension.<sup>4</sup>

The *governance* approach is a very relevant concept in the reformulation of the authority of law enforcement agencies in coastal and marine areas. Good governance emphasizes the principles of transparency, accountability, and community participation in the decision-making process. In this context, the reformulation of authority must be able to create a system that is not only effective, but also democratic and inclusive. The involvement of coastal communities in the decision-making process can increase policy legitimacy and strengthen implementation on the ground. Therefore, the governance approach is an important foundation in creating a fair law enforcement system.<sup>5</sup>

Indonesia as an archipelagic country faces very complex geographical challenges in managing its marine area. The vast sea area, which reaches two-thirds of the total national area, requires a strong and integrated surveillance system. However, limited resources and

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<sup>3</sup> Satjipto Rahardjo, *Progressive Law: A Law that Liberates* (Jakarta: Kompas, 2009), p. 56.

<sup>4</sup> Malcolm N. Shaw, *International Law* (Cambridge: Cambridge University Press, 2014), p. 623.

<sup>5</sup> UNDP, *Governance for Sustainable Development* (New York: United Nations Development Programme, 2015), p. 34.

institutional capacity are often obstacles in the implementation of law enforcement. This condition shows that the reformulation of authority must be accompanied by strengthening institutional capacity. Without adequate institutional support, the reformulation of authority will not yield optimal results. Therefore, the institutional aspect is an important part of the reformulation.<sup>6</sup>

Indonesia's geographical condition of thousands of islands also creates vulnerability to various forms of cross-border crime. Vast and hard-to-reach waters are often the place where illegal activities occur. In this condition, coordination between institutions is very important to ensure the effectiveness of law enforcement. The reformulation of authority must be able to create an effective and efficient coordination system. This is important to ensure that any violations of the law can be dealt with quickly and appropriately. Thus, the reformulation of authority can increase security and order in the marine area.<sup>7</sup>

The aspect of social justice is also an important issue in the management of coastal and marine areas. Coastal communities are often the most vulnerable group to inequities in the distribution of resources. They face various limitations in access to resources and legal protection. In the perspective of distributive justice, the state has an obligation to ensure that resources are distributed equitably. Therefore, the reformulation of authority must pay attention to the aspect of social justice. This is important to create a balance between economic interests and people's welfare.<sup>8</sup>

Regulatory disharmony is also one of the factors that hinder the effectiveness of law enforcement in coastal and marine areas. Various existing laws and regulations are often out of sync and cause conflicts of authority between institutions. This condition shows the need for regulatory harmonization as part of the reformulation of authority. This harmonization is important to create a legal system that is consistent and can be implemented effectively. Thus, the reformulation of authority must be carried out comprehensively by involving various aspects of regulation.<sup>9</sup>

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<sup>6</sup> Hasjim Djalal, *Indonesia and the Law of the Sea* (Jakarta: CSIS, 1995), p. 78.

<sup>7</sup> I Wayan Parthiana, *International Law of the Sea and Indonesian Law of the Sea* (Bandung: Yrama Widya, 2014), p. 145.

<sup>8</sup> John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1999), p. 72.

<sup>9</sup> Bagir Manan, *Indonesian Positive Law* (Yogyakarta: FH UII Press, 2004), p. 133.

Sectoral approaches to marine area management often ignore integrative approaches based on ecosystems. This causes the resulting policies to be unable to answer the complexity of existing problems. The reformulation of authority must prioritize an integrative approach that involves various sectors synergistically. Thus, the resulting policies can be more effective and sustainable.<sup>10</sup>

The use of technology in law enforcement in the marine area is still not optimal. In fact, technologies such as satellites and digital monitoring systems can increase the effectiveness of surveillance. The reformulation of authority must be able to accommodate the maximum use of technology.<sup>11</sup>

From the perspective of international law, Indonesia has an obligation to maintain security and order in its maritime areas. The reformulation of authority must take into account these international obligations.<sup>12</sup>

The problem of coordination between institutions is the main challenge in law enforcement in the sea area. The reformulation of authority must be able to create an effective coordination system.<sup>13</sup>

The institutional aspect is the main foundation in determining the effectiveness of law enforcement in coastal and marine areas, because without a strong institutional structure, even an ideal division of authority will not run optimally in practice. The institution in question is not only related to the formal existence of the institution, but also includes the capacity of human resources, internal coordination systems, and transparent accountability mechanisms. In this context, the reformulation of authority must be directed at strengthening institutions in order to be able to carry out law enforcement functions professionally and independently. Additionally, it is important to ensure that each institution has clear and measurable operational standards in exercising its authority. Without institutional strengthening, potential conflicts of authority will continue to occur and hinder the effectiveness of law enforcement. Therefore, the reformulation of authority must be accompanied by a comprehensive

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<sup>10</sup> Elinor Ostrom, *Governing the Commons* (Cambridge: Cambridge University Press, 1990), p. 90.

<sup>11</sup> David Held, *Global Transformations* (Stanford: Stanford University Press, 1999), p. 211.

<sup>12</sup> R.R. Churchill and A.V. Lowe, *The Law of the Sea* (Manchester: Manchester University Press, 1999), p. 312.

<sup>13</sup> Peter Cane, *Administrative Law* (Oxford: Oxford University Press, 2011), p. 154.

institutional reform in order to be able to create a credible and integrity law enforcement system in coastal and marine areas.<sup>14</sup>

From the perspective of sustainable development, the management of coastal and marine areas cannot be separated from efforts to maintain a balance between economic, social, and environmental interests. These three aspects must be considered simultaneously in every policy taken, including in the reformulation of the authority of law enforcement agencies. An approach that is too oriented to economic exploitation without paying attention to environmental aspects will have the potential to damage marine ecosystems and threaten the sustainability of resources. Conversely, an overly conservative approach can also hinder the economic growth of coastal communities. Therefore, the reformulation of authority must be able to create a fair balance between these three aspects. This is important to ensure that the management of coastal and marine areas can provide long-term benefits for present and future generations.<sup>15</sup>

Ecological justice is becoming an increasingly important issue in the management of coastal and marine areas, especially in the face of increasing pressure on resource exploitation. The concept of ecological justice emphasizes that the environment should be seen as an entity that has intrinsic value, not just an object of economic exploitation. In this context, the reformulation of the authority of law enforcement agencies must be able to ensure the protection of marine ecosystems from various forms of damage. This includes supervision of activities that have the potential to damage the environment, as well as law enforcement against violations that occur. In addition, it is also important to ensure that the policies taken are not only oriented towards short-term interests, but also consider their impact on future generations. Thus, the reformulation of authority must integrate the principles of ecological justice as part of justice-oriented governance.<sup>16</sup>

A community-based approach is one of the important strategies in improving the effectiveness of coastal and marine governance. Coastal communities have invaluable local knowledge in the management of marine resources, so their involvement in the decision-making process is critical. The reformulation of authority must be able to accommodate

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<sup>14</sup> Mark Bovens, *The Oxford Handbook of Public Accountability* (Oxford: Oxford University Press, 2014), p. 98.

<sup>15</sup> Jeffrey Sachs, *The Age of Sustainable Development* (New York: Columbia University Press, 2015), p. 267.

<sup>16</sup> Klaus Bosselmann, *The Principle of Sustainability* (London: Routledge, 2017), p. 143.

community participation as part of an inclusive law enforcement system. This will not only increase the legitimacy of the policy, but also strengthen implementation on the ground. In addition, community participation can also function as a social control mechanism for policy implementation. Therefore, the reformulation of authority must open up a wide space for coastal communities to participate in the governance of marine areas.<sup>17</sup>

International experience shows that an integrated marine governance model is able to significantly improve the effectiveness of coastal and marine management. Developed countries have developed *marine spatial planning* systems that allow for coordinated and data-driven management of marine space. This model can be a reference for Indonesia in reformulating the authority of law enforcement agencies. By adopting an integrated approach, Indonesia can reduce conflicts of authority and increase efficiency in marine resource management. In addition, this approach also allows for more rational and evidence-based decision-making. Therefore, the reformulation of authority must take into account best practices that have been implemented at the international level.<sup>18</sup>

The aspect of national security is also a dimension that cannot be ignored in the reformulation of the authority of law enforcement agencies in coastal and marine areas. The sea area has a strategic role in maintaining the country's sovereignty and protecting national interests from external threats. In this context, the reformulation of authority must be able to strengthen the synergy between law enforcement agencies and state defense institutions. It is important to ensure that any threat to national security can be anticipated and dealt with effectively. In addition, good coordination between civilian and military institutions can also improve efficiency in the use of resources. Therefore, the reformulation of authority must consider the security aspect as an integral part of marine area governance.<sup>19</sup>

The concept of the *blue economy* offers great opportunities for Indonesia to utilize marine resources in a sustainable manner. This approach emphasizes the use of marine resources that are not only economically beneficial, but also maintain environmental sustainability. The reformulation of the authority of law enforcement agencies must be able to support the development of the blue economy through effective supervision and law

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<sup>17</sup> Robert Chambers, *Rural Development: Putting the Last First* (London: Longman, 1983), p. 102.

<sup>18</sup> OECD, *Marine Spatial Planning* (Paris: OECD Publishing, 2017), p. 55.

<sup>19</sup> Geoffrey Till, *Seapower: A Guide for the Twenty-First Century* (London: Routledge, 2018), p. 201.

enforcement. This is important to ensure that the economic activities carried out do not damage the marine ecosystem. In addition, the development of the blue economy can also improve the welfare of coastal communities. Therefore, the reformulation of authority must be in line with the principles of the blue economy.<sup>20</sup>

However, this great economic potential cannot be optimally utilized without an effective and credible law enforcement system. Weaknesses in law enforcement can create a climate of uncertainty that hinders investment and economic growth. From an institutional perspective, the existence of good rules must be supported by institutions that are able to enforce them consistently. The reformulation of authority must be able to create a system that supports the effectiveness of law enforcement and provides certainty for business actors. Thus, the reformulation of authority not only has an impact on the legal aspect, but also on the economic aspect.<sup>21</sup>

The legal system approach shows that the effectiveness of the law is not only determined by the substance of the rules, but also by the institutional structure and legal culture of the society. These three elements must run harmoniously so that the legal system can function optimally. The reformulation of the authority of law enforcement agencies must consider these three aspects simultaneously. This is important to ensure that the changes made are not only formal, but also have an impact on practice on the ground. Thus, the reformulation of authority must be carried out comprehensively and continuously.<sup>22</sup>

The concept of substantive justice emphasizes that the law must be able to provide real benefits to society, not just fulfill the formality aspect. In this context, the reformulation of the authority of law enforcement agencies must be oriented towards achieving justice felt by coastal communities. This includes the protection of people's rights as well as the equitable distribution of resource benefits. Thus, the reformulation of authority must be able to answer the needs of the community concretely.<sup>23</sup>

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<sup>20</sup> Gunter Pauli, *The Blue Economy* (New Mexico: Paradigm Publications, 2010), p. 67.

<sup>21</sup> Douglass North, *Institutions, Institutional Change and Economic Performance* (Cambridge: Cambridge University Press, 1990), p. 83.

<sup>22</sup> Lawrence M. Friedman, *The Legal System* (New York: Russell Sage Foundation, 1975), p. 16.

<sup>23</sup> Amartya Sen, *The Idea of Justice* (Cambridge: Harvard University Press, 2009), p. 45.

In the overall context, the reformulation of the framework of authority of law enforcement agencies in coastal and marine areas is an urgent need that cannot be postponed. The complexity of existing problems requires a comprehensive and integrated approach in formulating effective and equitable policies. This reformulation must include aspects of regulation, institutional, coordination, and overall community participation in order to be able to create a strong and sustainable governance system. In addition, the reformulation of authority must also be able to answer global challenges and accommodate increasingly rapid technological developments in supporting law enforcement. Thus, it is hoped that the resulting system will not only be effective in the short term, but also be able to make a significant contribution to realizing justice and sustainability in the management of Indonesia's coastal and marine areas in the future.

## Research Question

1. How is the current legal framework governing the authority of law enforcement agencies in coastal and marine areas structured, and what are its limitations in ensuring justice?
2. How can the authority of these agencies be reformulated to achieve justice-oriented governance in coastal and marine law enforcement?

## THEORETICAL FRAMEWORK

### 1. Theory of Justice (John Rawls)

The theory of justice proposed by John Rawls is one of the most influential philosophical foundations in the study of modern law and governance, especially in analyzing the equitable distribution of authority and resources in a legal system. Rawls put forward the concept of *justice as fairness* which emphasizes that justice must be a basic principle in the formation of social and institutional structures, including in the context of law enforcement authority. In this perspective, the distribution of authority between law enforcement agencies should not be based solely on the interests of power or administrative efficiency, but must consider the aspect of justice for all affected parties. This is relevant in the context of coastal and marine areas that have high complexity and involve various intersecting interests. Therefore, Rawls's theory provides a strong analytical framework for assessing whether the division of law enforcement authority has reflected true principles of justice or has created structural inequality.<sup>24</sup>

One of the key concepts in Rawls' theory is *original position* and *veil of ignorance*, which describes hypothetical conditions in which individuals design the principle of justice without knowing the social, economic, or power positions they will have. In the context of law enforcement authority, this concept can be used to assess whether the division of authority between institutions has been designed in a neutral manner and does not unfairly benefit certain parties. If authority is disproportionately given to a particular institution without considering its impact on society, then it is

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<sup>24</sup> John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1999), pp. 3–5.

contrary to the Rawlsian principle of justice. Using this approach, the reformulation of authority must be carried out objectively taking into account the interests of all parties, including coastal communities who are often in a disadvantaged position. This approach also requires transparency and rationality in the formulation of authority policies.<sup>25</sup>

Furthermore, Rawls divides the principle of justice into two main principles, namely the *equal liberty principle* and the *difference principle*. The principle of difference asserts that inequality in the distribution of authority or resources can only be justified if it provides the greatest benefit to the most disadvantaged groups. In the context of law enforcement in coastal and marine areas, this principle requires the state to ensure that the distribution of authority not only benefits state institutions, but also provides maximum protection for vulnerable coastal communities. Thus, the reformulation of authority must consider its impact on marginalized groups and ensure that there is a fair protection mechanism. This principle is also the basis for assessing whether existing policies have created distributive justice or actually strengthened existing inequality.<sup>26</sup>

In addition to distributive justice, Rawls' theory also pays attention to the aspect of *procedural justice*, namely justice in the decision-making process and policy implementation. In the context of law enforcement authority, procedural justice requires a transparent, accountable, and participatory process in determining and exercising that authority. This includes clarity of procedures, consistency in the application of the law, and the existence of effective oversight mechanisms. Without procedural justice, a formally fair distribution of authority can become meaningless in practice. Therefore, the reformulation of authority must ensure that not only the outcome is fair, but also the process. Thus, Rawls' theory provides a comprehensive framework for analyzing justice both in terms of distribution and procedure.<sup>27</sup>

Thus, the application of the Theory of Justice in the analysis of law enforcement authority in coastal and marine areas provides an in-depth perspective on the

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<sup>25</sup> Norman Daniels, *Justice and Justification* (Cambridge: Cambridge University Press, 1996), pp. 23–25.

<sup>26</sup> Samuel Freeman, *Rawls* (London: Routledge, 2007), pp. 101–104.

<sup>27</sup> Brian Barry, *Theories of Justice* (Berkeley: University of California Press, 1989), pp. 214–217.

importance of balancing distributive justice and procedural justice. The reformulation of authority must not only ensure a proportionate and equitable distribution of authority to vulnerable groups, but must also ensure a transparent, participatory, and accountable process in its implementation. This approach allows for the creation of a law enforcement system that is not only structurally effective, but also substantively fair. Therefore, Rawls' theory is a relevant and strategic foundation in formulating justice-oriented authority policies in coastal and marine areas.

## 2. Legal System Theory (Lawrence M. Friedman)

The *Legal System Theory* proposed by Lawrence M. Friedman provides a comprehensive analytical framework in understanding how the law works in a society, including in the context of law enforcement in coastal and marine areas. Friedman divides the legal system into three main components, namely *legal structure*, *legal substance*, and legal culture. These three components are interrelated and form a complete system in determining the effectiveness of the law. In the context of marine and coastal law enforcement, this theory is very relevant to identify various weaknesses that occur, both in terms of institutions, regulations, and the behavior of the community and law enforcement officials. Using this approach, the analysis focuses not only on legal norms alone, but also on how those laws are implemented in practice. Therefore, this theory is an important foundation in formulating a more effective and just reformulation of the authority of law enforcement agencies in coastal and marine areas.<sup>28</sup>

The first component, namely the *legal structure*, refers to institutions and apparatus that carry out law enforcement functions, such as the police, the Navy, and other government agencies that have authority in coastal and marine areas. In practice, the legal structure in Indonesia shows that there is fragmentation and overlapping authority that has an impact on non-optimal law enforcement. This insynchronization between institutions often leads to jurisdictional conflicts and weak

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<sup>28</sup> Lawrence M. Friedman, *The Legal System: A Social Science Perspective* (New York: Russell Sage Foundation, 1975), pp. 15–17.

coordination in handling violations of the law at sea. Therefore, through the perspective of legal structure, the reformulation of authority must be directed at simplification and institutional integration in order to create a more efficient and effective system. In addition, it is also important to strengthen the capacity of law enforcement institutions to be able to carry out their duties professionally. Thus, improving the legal structure is a crucial first step in increasing the effectiveness of law enforcement in coastal and marine areas.<sup>29</sup>

The second component, namely legal *substance*, includes norms, rules, and policies that govern law enforcement in coastal and marine areas. In the Indonesian context, the existing legal substance still shows a disharmonization between the laws and regulations that regulate the marine and coastal sectors. This inconsistency causes ambiguity in the division of authority and creates legal uncertainty for the parties involved. In addition, many regulations have not fully accommodated the principle of justice, both in terms of distributive and procedural aspects. Therefore, the reformulation of the substance of the law must be carried out with a comprehensive and integrative approach, so as to be able to create a consistent and justice-oriented legal system. Thus, a good legal substance will be a strong foundation for the implementation of effective law enforcement.<sup>30</sup>

The third component, namely legal *culture*, refers to the attitudes, values, and perceptions of the community and law enforcement officials towards the law itself. In the context of law enforcement in coastal and marine areas, legal culture plays a very important role in determining the success of law implementation. The low legal awareness of coastal communities, as well as the existence of deviant practices among law enforcement officials, are factors that hinder the effectiveness of law enforcement. Therefore, the reformulation of authority must not only focus on structural and normative aspects, but also on efforts to build a positive legal culture. This can be done through legal education, improving the integrity of the apparatus, and empowering

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<sup>29</sup> Lawrence M. Friedman, *American Law: An Introduction* (New York: W.W. Norton & Company, 1984), pp. 6–8.

<sup>30</sup> Brian Z. Tamanaha, *A General Jurisprudence of Law and Society* (Oxford: Oxford University Press, 2001), pp. 92–95.

the community in supervision. Thus, changing the legal culture is an important part of creating a fair law enforcement system.<sup>31</sup>

Thus, the application of Lawrence M. Friedman's legal system theory in the analysis of law enforcement in coastal and marine areas provides a comprehensive perspective in understanding various existing problems. The three main components, namely the structure, substance, and legal culture, must be improved simultaneously in order to create an effective and fair law enforcement system. The reformulation of the authority of law enforcement agencies must be carried out by considering these three aspects in an integrated manner, so as to produce not only normative changes, but also real changes in practice. This approach allows for the creation of a legal system that is not only formal, but also responsive to the needs of the community and able to respond to the challenges that exist in coastal and marine areas in a sustainable manner.

### 3. Authority Theory in Administrative Law

The theory of authority in state administrative law (*authority theory* or *bestuursbevoegdheid*) is a fundamental concept that explains the basis for the legitimacy of the actions of the government and state institutions in carrying out their public functions. In this perspective, authority is not understood as absolute power, but rather as a legal attribution given by laws and regulations to state organs to act within certain limits. This authority must be sourced from legitimate legal norms, either through attribution, delegation, or mandate, so that every government action has juridical legitimacy that can be accounted for. In the context of law enforcement in coastal and marine areas, this theory is important to examine whether the actions of law enforcement agencies are in accordance with the basis of authority granted by positive law. Thus, the theory of authority functions as an analytical tool to assess the validity of administrative actions and prevent abuse *of power* by law enforcement officials.<sup>32</sup>

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<sup>31</sup> Roger Cotterrell, *The Sociology of Law: An Introduction* (London: Butterworths, 1992), pp. 54–57.

<sup>32</sup> Philipus M. Hadjon, *Introduction to Indonesian Administrative Law* (Yogyakarta: Gadjah Mada University Press, 2011), p. 45.

Furthermore, in the doctrine of administrative law the principle is known that every authority must have a clear legal basis (*wetmatigheid van bestuur*), which means that all governmental actions must be subject to the law. This principle affirms that no legitimate government action is in the absence of underlying normative legitimacy. In relation to law enforcement agencies in coastal and marine areas, this principle becomes very relevant to assess whether each institution has carried out its duties in accordance with the limits of authority determined by law, such as Law Number 32 of 2014 concerning Maritime Affairs or Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia. Unclear the basis of authority can cause conflicts between institutions and have the potential to violate the principle of legal certainty. Therefore, the theory of authority provides an important normative framework in ensuring that any law enforcement action has a valid legal basis and does not exceed the specified limits.<sup>33</sup>

In addition to the legitimacy aspect, the theory of authority also emphasizes the importance of limiting power through the principle of legality and the general principles of good governance (*algemene beginselen van behoorlijk bestuur*). This restriction aims to prevent abuse of authority by state officials or institutions. In the practice of law enforcement in coastal and marine areas, the restriction of authority is crucial considering the many institutions that have similar functions, such as the police, the Navy, and other agencies. Without clear boundaries, the potential for conflicts of authority and arbitrary actions will be even greater. Therefore, the theory of authority not only serves as the basis for legitimacy, but also as a control mechanism for the use of state power. Thus, the application of this theory can ensure that law enforcement is carried out proportionately, accountably, and in accordance with the principles of justice.<sup>34</sup>

In the modern context, the theory of authority is also closely related to the concept of *good governance*, which demands transparency, accountability, and participation in the exercise of public authority. The reformulation of the authority of law enforcement agencies in coastal and marine areas must take these principles into

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<sup>33</sup> Ridwan HR, *State Administrative Law* (Jakarta: Rajawali Pers, 2016), p. 102.

<sup>34</sup> Utrecht, *Introduction to Indonesian State Administrative Law* (Jakarta: Ichtar Baru, 1985), p. 67.

account in order to create a system that is not only legally valid, but also socially acceptable. This is important to increase public trust in law enforcement institutions. In addition, the application of authority theory based on the principle of *good governance* can also encourage the creation of better coordination between institutions. Thus, the theory of authority is not only normative, but also has a practical dimension in improving the quality of governance.<sup>35</sup>

Thus, the theory of authority in state administrative law (*bestuursbevoegdheid*) provides a comprehensive conceptual framework for examining the legitimacy and limits of the authority of law enforcement agencies, especially in coastal and marine areas that have high complexity. Through this approach, it can be analyzed whether the authority possessed by each institution is in accordance with the applicable legal basis, as well as whether its implementation has met the principles of legality, proportionality, and accountability. In addition, this theory also allows the identification of potential overlapping authorities and weaknesses in the existing law enforcement system. Therefore, the application of authority theory is very important in formulating a more ideal, integrated, and justice-oriented authority model in the management of Indonesia's coastal and marine areas.

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<sup>35</sup> H.D. van Wijk than Willem Konijnenbelt, *Chapterstukken van Administratief Recht* (The Hague: Boom Juridische Uitgevers, 2013), p. 89.

## RESEARCH METHODOLOGY

This research uses the sociological juridical method, which is an approach that examines law not only as a written norm (*law in books*), but also as real behavior in society (*law in action*). This approach was chosen because the problem of the authority of law enforcement agencies in coastal and marine areas is not only related to normative aspects, but also closely related to implementation practices in the field. Thus, this study seeks to integrate the analysis of laws and regulations with the empirical conditions that occur in law enforcement in coastal and marine areas. This approach allows researchers to understand the extent to which applicable legal norms have been implemented effectively as well as identify the factors that influence their success or failure. Therefore, sociological juridical methods are considered the most relevant to answer the formulation of problems related to effectiveness and justice in the maritime and coastal law enforcement system.<sup>36</sup>

The specification of this research is descriptive and analytical, which describes systematically and factually the conditions of law enforcement in coastal and marine areas, then analyzed to find the right problems and solutions. This study not only describes the legal phenomena that occur, but also conducts an in-depth analysis of the factors that affect the effectiveness of law enforcement, including institutional, regulatory, and behavioral aspects of law enforcement officials. With this approach, it is hoped that the research will be able to provide a comprehensive picture of the actual conditions of law enforcement in coastal and marine areas. In addition, the analysis carried out also aims to formulate an ideal model for the reformulation of the authority of law enforcement agencies that are oriented towards justice. Thus, this research is not only descriptive, but also has a prescriptive value in providing policy recommendations.<sup>37</sup>

The types and sources of data in this study consist of primary data and secondary data. Primary data was obtained through field research by conducting interviews with law enforcement officials, officials of related agencies, and coastal communities who are directly related to the problems being studied. Meanwhile, secondary data was obtained through literature studies which included primary legal materials such as laws and regulations related to marine and coastal, secondary legal materials in the form of books, journals, and previous

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<sup>36</sup> Soerjono Soekanto, *Introduction to Legal Research* (Jakarta: UI Press, 2007), pp. 51–52.

<sup>37</sup> Bambang Sunggono, *Legal Research Methodology* (Jakarta: RajaGrafindo Persada, 2013), pp. 36–38.

research results, and tertiary legal materials that support research analysis. The use of these two types of data aims to obtain a complete and comprehensive picture of the problem being studied. Thus, the analysis carried out is not only theory-based, but also supported by relevant empirical facts.<sup>38</sup>

The data collection technique in this study was carried out through several methods, namely literature studies, interviews, and observations. Literature studies are conducted to obtain secondary data related to relevant laws and regulations and legal theories. The interview was conducted *in-depth with* resource persons who have competence and experience in the field of law enforcement in coastal and marine areas. Observations were carried out to see firsthand the conditions of law enforcement in the field, including the interaction between law enforcement officials and the community. These techniques are used combinatively to ensure the validity and reliability of the data obtained. Thus, the data produced can provide an accurate picture of the real conditions of law enforcement in coastal and marine areas.<sup>39</sup>

Data analysis in this study was carried out qualitatively using an analytical descriptive approach, namely by processing and interpreting data obtained from field and literature studies to find patterns, relationships, and meanings of the phenomena being studied. The data that has been collected is then systematically compiled and analyzed based on the theoretical framework used, especially legal system theory and justice-oriented governance concepts. This analysis process is carried out continuously from the data collection stage to the drawing of conclusions. Thus, the results of the research are expected to be able to provide a comprehensive picture of the existing problems and offer relevant and applicable solutions in the reformulation of the authority of law enforcement agencies in coastal and marine areas.

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<sup>38</sup> Peter Mahmud Marzuki, *Legal Research* (Jakarta: Kencana, 2016), pp. 181–183.

<sup>39</sup> Lexy J. Moleong, *Qualitative Research Methodology* (Bandung: Remaja Rosdakarya, 2018), pp. 186–190.

## RESEARCH RESULTS

### **The current legal framework governing the authority of law enforcement agencies in coastal and marine areas is structured, and what are its limitations in ensuring justice**

The legal framework that regulates the authority of law enforcement agencies in Indonesia's coastal and maritime areas is basically formed through various sectoral regulations that provide attribution and delegation of authority to a number of institutions, such as the police, the Navy, and other administrative institutions. In the perspective of the theory of authority in administrative law, the authority comes from the attribution of laws that give legitimacy to state organs to act within a certain scope. However, in practice, this distribution of authority is not always systematically structured, thus giving rise to potential conflicts of authority between institutions. This irregularity shows that the construction of authority has not been fully based on the principle *of clear authority delineation* which is the main requirement in modern state administration. As a result, law enforcement in coastal and marine areas often does not run optimally and has the potential to cause injustice to the community.<sup>40</sup>

In the perspective of legal system theory developed by Lawrence M. Friedman, this condition reflects the imbalance between the legal structure, legal substance, and legal culture in law enforcement systems in coastal and marine areas. The legal structure consisting of various law enforcement agencies has not been effectively integrated, while the legal substance scattered in various regulations has not shown adequate harmonization. In addition, the legal culture of the apparatus which is still sectoral and less collaborative further aggravates this condition. The synergy between these three elements causes the legal system to be unable to function optimally in realizing justice. Thus, the analysis of the current legal framework must be carried out holistically by considering the three elements of the legal system.<sup>41</sup>

From the point of view of justice theory, especially the concept of distributive justice put forward by John Rawls, the current legal framework is not fully able to guarantee the equitable distribution of legal authority and benefits. Inequality in the exercise of authority

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<sup>40</sup> Philipus M. Hadjon, *Introduction to Indonesian Administrative Law* (Yogyakarta: Gadjah Mada University Press, 2011), pp. 131–133.

<sup>41</sup> Lawrence M. Friedman, *The Legal System: A Social Science Perspective* (New York: Russell Sage Foundation, 1975), pp. 16–18.

between institutions often leads to unequal legal protection for coastal communities. Certain groups of people may receive better protection than others, depending on which institution has dominant authority in the region. This condition is contrary to the principle of justice which demands equal and fair treatment for all parties. Therefore, the existing legal framework needs to be reviewed in order to reflect the principles of distributive justice more realistically.<sup>42</sup>

Furthermore, in the context of the theory of administrative authority, an unclear division of authority also has the potential to cause abuse *of power*. When the limit of authority is not strictly defined, law enforcement officials have more room to act beyond the limits they should. This not only harms society, but also damages the integrity of the legal system itself. Within the framework of the rule of law, every act of government must be based on legitimate and clear authority. Therefore, the lack of clarity in the division of authority is a serious problem that must be immediately overcome through a more systematic and structured reformulation of the legal framework.<sup>43</sup>

The limitations of the current legal framework can also be seen from the lack of optimal coordination between law enforcement agencies. From the perspective of legal system theory, weak coordination shows that the legal structure has not been able to build effective working relationships between institutions. This leads to duplication of tasks and waste of state resources. In addition, the lack of coordination also has an impact on the slow handling of cases and the low effectiveness of law enforcement. In this context, the legal system not only fails in carrying out its repressive function, but also in its preventive function. Therefore, it is necessary to improve the legal structure that is able to improve coordination between institutions.<sup>44</sup>

From the perspective of corrective justice theory, the inability of the legal system to deal effectively with violations also indicates a failure to restore violated rights. Corrective justice demands a mechanism that is able to restore the situation to its original condition before the violation occurred. However, in law enforcement practice in coastal and marine areas, such mechanisms often do not work well. Many cases of violations are not followed up

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<sup>42</sup> John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1999), pp. 72–75.

<sup>43</sup> Ridwan HR, *State Administrative Law* (Jakarta: Rajawali Pers, 2016), pp. 312–314.

<sup>44</sup> Lawrence M. Friedman, *American Law: An Introduction* (New York: W.W. Norton, 2005), pp. 5–7.

completely, so that victims do not get the justice they deserve. This condition shows that the existing legal framework has not been able to guarantee substantive justice.<sup>45</sup>

In addition, from the perspective of authority theory, there are problems in the mechanism of delegation and the mandate of authority between institutions. In some cases, the authority that should be exercised by one institution is instead delegated to another institution without a clear legal basis. This causes confusion in the execution of tasks and reduces accountability. In a good state administrative system, every authority must have a clear legal basis and a strict accountability mechanism. Therefore, this problem shows that the existing legal framework still has weaknesses in the aspect of regulating authority.<sup>46</sup>

Another limitation lies in the legal culture of law enforcement officials which still tends to be sectoral and less justice-oriented. In legal system theory, legal culture is an important element that determines how law is implemented in practice. A legal culture that does not support collaboration between institutions will hinder the effectiveness of law enforcement. In addition, a legal culture that is insensitive to the value of justice can also cause the decisions taken not to reflect the interests of the community. Therefore, improving the legal culture is an important part of the reformulation of the legal framework.<sup>47</sup>

From the perspective of social justice theory, injustice in law enforcement in coastal and marine areas is also related to inequality of access to resources and legal protection. Coastal communities are often in a weak position and do not have adequate access to the legal system. This condition shows that the existing legal framework is not able to guarantee comprehensive social justice. Therefore, a more inclusive approach is needed in formulating law enforcement policies.<sup>48</sup>

Thus, it can be concluded that the current legal framework that regulates the authority of law enforcement agencies in coastal and marine areas still has various limitations in ensuring justice, both in terms of structure, substance, and legal culture. Irregularities in the division of authority, weak coordination, and a legal culture that does not support justice are the main factors that hinder the effectiveness of law enforcement. Therefore, it is necessary to reformulate a more integrated and justice-oriented legal framework so that the law

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<sup>45</sup> Ernest J. Weinrib, *The Idea of Private Law* (Cambridge: Harvard University Press, 1995), pp. 56–58.

<sup>46</sup> H.D. van Wijk than Willem Konijnenbelt, *Chapters of Administrative Law* (The Hague: Boom Juridisch, 2014), pp. 87–90.

<sup>47</sup> Roger Cotterrell, *The Sociology of Law* (London: Butterworths, 1992), pp. 45–47.

<sup>48</sup> Amartya Sen, *Development as Freedom* (New York: Alfred A. Knopf, 1999), pp. 87–89.

enforcement system in coastal and marine areas can run optimally and provide fair protection for all communities.

### **Reformulate the authority of existing institutions to achieve justice-oriented governance in coastal and maritime law enforcement**

The reformulation of the authority of law enforcement agencies in coastal and marine areas is a strategic step in creating justice-oriented governance, especially in the context of an archipelagic country like Indonesia that has a complexity of cross-sectoral authority. In the perspective of the theory of justice put forward by John Rawls, justice must be understood as fairness that demands a proportionate distribution of authority and benefits among the parties. In this context, the reformulation of authority must ensure that no institution dominates or otherwise experiences marginalization in carrying out law enforcement functions. Justice in governance also demands protection for vulnerable groups, especially coastal communities who have often been marginalized in marine resource management policies. Therefore, the reformulation of authority must be oriented towards a fair, transparent, and accountable distribution of power, so as to be able to create a law enforcement system that is not only effective, but also substantive justice.<sup>49</sup>

From the perspective of legal system theory developed by Lawrence M. Friedman, the reformulation of authority must be carried out by paying attention to three main elements, namely the legal structure, the substance of the law, and the legal culture. The legal structure is related to law enforcement institutions that must be designed integratively and not overlap. The substance of the law is related to regulations that must be harmonious and provide legal certainty related to the authority of each institution. Meanwhile, the legal culture reflects the attitude and behavior of law enforcement officials in exercising their authority. The imbalance between the three elements will cause the legal system to not run optimally. Therefore, the reformulation of authority must be carried out simultaneously on these three aspects in order to be able to create an effective and fair law enforcement system in coastal and marine areas.<sup>50</sup>

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<sup>49</sup> John Rawls, *A Theory of Justice* (Cambridge: Harvard University Press, 1999), pp. 266–270.

<sup>50</sup> Lawrence M. Friedman, *The Legal System: A Social Science Perspective* (New York: Russell Sage Foundation, 1975), pp. 20–25.

In the perspective of authority theory in state administrative law, as explained by Philipus M. Hadjon, authority is a formal power granted by laws and regulations to government organs to act in the realm of public law. Therefore, the reformulation of authority must be based on the principle of legality which demands that every government action must have a clear legal basis. In addition, the principles of attribution, delegation, and mandate must be applied appropriately in the division of authority between institutions. Without clarity on the legal basis and the mechanism for the division of authority, there will be chaos in the implementation of law enforcement duties. Thus, the reformulation of authority must ensure that each institution has strong legal legitimacy in carrying out its functions.<sup>51</sup>

Furthermore, the distributive justice theory approach emphasizes that authority must be distributed proportionally according to the capacity and function of each institution. In this context, the reformulation of authority aims not only to avoid overlap, but also to ensure that each institution can contribute optimally to law enforcement. A disproportionate distribution of authority will cause inequality in the implementation of duties and reduce the effectiveness of law enforcement. Therefore, the reformulation of authority must consider the principle of proportionality so that each institution has a role that is in accordance with its capacity.<sup>52</sup>

Within the framework of legal system theory, it is important to ensure that the institutional structure built is able to create effective coordination between institutions. This coordination is not only administrative, but also operational in the implementation of law enforcement in the field. Without good coordination, potential conflicts of authority will continue to occur and hinder the effectiveness of law enforcement. Therefore, the reformulation of authority must include a clear and structured coordination mechanism. This can be done through the establishment of coordination institutions or strengthening cooperation mechanisms between institutions. Thus, the legal system can run synergistically and be able to produce the expected justice.<sup>53</sup>

From the perspective of administrative law, the reformulation of authority must also pay attention to the principles of accountability and transparency in the exercise of authority.

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<sup>51</sup> Philipus M. Hadjon, *Introduction to Indonesian Administrative Law* (Yogyakarta: Gadjah Mada University Press, 2005), pp. 130–134.

<sup>52</sup> Robert Nozick, *Anarchy, State, and Utopia* (New York: Basic Books, 1974), pp. 149–153.

<sup>53</sup> Niklas Luhmann, *A Sociological Theory of Law* (London: Routledge, 1985), pp. 284–288.

Each institution must be able to account for actions taken in the context of law enforcement. This is important to prevent abuse of authority and increase public trust in legal institutions. In addition, transparency in the implementation of authority can also increase public participation in supervision. Therefore, the reformulation of authority must create a system that allows effective supervision of the exercise of authority.<sup>54</sup>

In the context of ecological justice, the reformulation of authority must ensure that law enforcement is not only oriented to human interests, but also to the protection of the marine environment. This is important considering that the damage to the marine environment can have a wide impact on the lives of coastal communities. Therefore, the reformulation of authority must provide space for institutions that have competence in environmental protection to play an optimal role in law enforcement. Thus, the resulting governance is not only socially just, but also ecologically just.<sup>55</sup>

In addition, the reformulation of authority must also pay attention to global dynamics that affect the management of marine areas. In the era of globalization, crime at sea is increasingly complex and involves cross-border networks. Therefore, the authority of law enforcement agencies must be designed to be able to adapt to these developments. This includes increasing international cooperation and harmonizing regulations with global standards. Thus, the reformulation of authority is not only national, but also has an international dimension.<sup>56</sup>

Furthermore, legal culture must also be a concern in the reformulation of authority. A legal culture that supports collaboration and integrity will greatly determine the success of policy implementation. Without a change in the legal culture, the reformulation of authority will only be formal and will not have a significant impact on the field. Therefore, the reformulation of authority must be accompanied by efforts to build a legal culture that is oriented towards justice and professionalism.<sup>57</sup>

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<sup>54</sup> Ridwan HR, *State Administrative Law* (Jakarta: Rajawali Pers, 2016), pp. 312–316.

<sup>55</sup> Edith Brown Weiss, *In Fairness to Future Generations* (Tokyo: United Nations University Press, 1989), pp. 38–42.

<sup>56</sup> Anne Peters, *Beyond Human Rights* (Cambridge: Cambridge University Press, 2016), pp. 97–101.

<sup>57</sup> Roger Cotterrell, *The Sociology of Law* (London: Butterworths, 1992), pp. 75–79.

Thus, the reformulation of the authority of law enforcement agencies in coastal and marine areas must be carried out comprehensively by integrating the approach of justice theory, legal system theory, and administrative authority theory. This approach demands a balance between a fair distribution of authority, an effective institutional structure, and strong legal legitimacy in every action taken. The reformulation must also be able to respond to local and global challenges and accommodate the interests of the community and the environment in a balanced manner. Through this integrated approach, it is hoped that law enforcement governance in coastal and marine areas can become more effective, transparent, and oriented towards substantive justice.

## CONCLUSION

The results of the study show that:

1. The legal framework that currently regulates the authority of law enforcement agencies in coastal and marine areas is still sectoral, fragmented, and has not been systematically integrated. This condition is reflected in the overlap of authority between institutions, disharmonization of regulations, and weak coordination in the implementation of law enforcement. In the perspective of Lawrence M. Friedman's legal system theory, the imbalance between the legal structure, the substance of the law, and the culture of the law causes the system to not run effectively in realizing justice. Normatively, regulations are available, but they have not been accompanied by an integrated institutional design and a legal culture that supports collaboration. As a result, law enforcement in coastal and marine areas has not been able to provide legal certainty and substantive justice, especially for coastal communities who are vulnerable to inequality of access and legal protection.
2. The reformulation of the authority of law enforcement agencies in coastal and marine areas must be carried out comprehensively with an integrative approach that combines justice theory, legal system theory, and authority theory in administrative law. In the perspective of John Rawls's theory of justice, such reformulation must ensure a fair and proportionate distribution of authority and provide protection for vulnerable groups. Meanwhile, from the perspective of the theory of administrative authority developed by Philipus M. Hadjon, the division of authority must be based on the principle of legality through clear mechanisms of attribution, delegation, and mandate. Thus, the reformulation of authority must include harmonizing regulations, strengthening institutional structures, and building a collaborative and accountable legal culture. This approach is expected to be able to create more effective, coordinated, and substantive justice-oriented law enforcement governance in coastal and marine areas.

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