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Defense and sea security based on law No. 32 of 2014 concerning marine

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Abstract: What is the core of this research is about Defense and Marine Security based on Law No. 32 Year 2014 About Marine. Explanation of maritime law has been regulated by the defense and security at sea as contained in CHAPTER IX concerning Defense, Security, Law Enforcement and Safety at Sea as stated in articles 58, 59, 60, 61, 62,63,64,65, 66,67 and 68. Even though it is clear in Law No. 32 Year 2014 concerning the Sea is mentioned clearly about the importance of defense and security for the prosperity or unity of the Republic Indonesia and the concept of state security is the obligation of all citizens, as stated in the 1945 Constitution, Article 27 paragraph 3, which states that "every citizen the state is entitled and obliged to participate in the defense of the state". Article 30 paragraph 1, reads "every citizen shall have the right and obligation to participate in the defense and security of the state". Article 30 paragraph 1, reads "every citizen shall have the right and obligation to participate in the defense and security of the state". Article 30 paragraph 2, reads "The business of national defense and security is carried out through the system of defense and security of the universal people by the Indonesian National Army and the National Police of the Republic of Indonesia, as the main force, and the people, as a supporting force". and Article 30 paragraph 3, reads "The Indonesian National Army consists of the Army, Navy and Air Force, as the state's instrument in charge of maintaining, protecting and maintaining the integrity and sovereignty of the state".

1. Introduction

Indonesia is a country that is very rich in natural potential that has been thousands of years ago; this land has become the destination of migration from many nations seeking prosperity [1]. They built boats to get to the land of their dreams, the homeland of Indonesia. The sea is something unique, something that is interconnected without a barrier. Indonesia is blessed with priceless natural wealth. In the waters of the Republic of Indonesia, there are (nine) fisheries management areas or those who are in short WPP. Among them are Malacca Strait, the South China Sea and Natuna Sea, the Java Sea



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and Sunda Strait, Makassar Strait and the Flores Sea, Banda Sea, Tomini Bay and Maluku Sea, Sulawesi Sea and the Pacific Ocean, Arafura Sea, Indian Ocean [2].

Indonesia is the largest archipelagic country in the world which consists of 17,508 islands, with a coastline of 81,000 km and an area of about 3.1 million km² (0.3 million km² of territorial waters, 8 million km² of archipelago waters) or 62% of its territorial area [3]. The waters that are in the sovereignty and jurisdiction of the Unitary Republic of Indonesia and the Indonesian Exclusive Economic Zone and the high seas are based on international provisions, containing fish resources and very potential fish farming land. As a maritime country, Indonesia holds 12 potential marine resources that have not been explored and exploited optimally, even some of the potential that is not yet known for that needs complete, accurate data so that the sea as an alternative resource that can be calculated in the future will develop. Some of these potentials are highly potential resources, for the welfare of the people. In the era of the economic crisis that still cannot be completely overcome until now, the great sea potential should be a solution [4].

There are many ways commonly used by fishermen who catch fish in Indonesian waters. The number of species of fish with all their characteristics that live in waters with different environments causes fishing methods including the use of different fishing gear.

From the explanation of the background above, the problem examined in this study is about how the defense and security of the sea are based on Law No. 32 of 2014 concerning Marine Affairs?

2. Methods

The research method used in this study is normative legal research that is qualitative in that it is more concerned with understanding existing legal material than the quantity or amount of data [12]. In normative legal research, researchers simply collect secondary legal materials and construct in a series of research results [5]. The nature of the research that will be carried out is analytical descriptive, called descriptive because from this research it is expected to obtain a comprehensive and systematic description of the problem under study, namely regarding the Defense and the Equity of the Sea-Based on Maritime Law.

3. Research result

Each country has a geographical area and conditions that are important factors in determining defense and security strategies. In some countries some areas have no sea, there are also countries that are surrounded by the sea or which border the sea. Conditions like this greatly affect the progress and prosperity of the people because if a country has natural resources (SDA) and good human resources (HR) will bring the country to prosperity [7].

Countries that are surrounded by sea or part of the sea are maritime countries. A maritime country can be understood as a country that is considered caring and capable of managing natural resources from the bottom to the surface of the sea and even to the oceans. Indonesia is a maritime country that can be said to be very large because 80% of the territory in Indonesia is an ocean and 20% island. This also cannot be used as a strong excuse that Indonesia is a strong maritime country by maritime affairs [9].

The position of geography as a maritime country has made Indonesia a pluralistic country. This pluralism makes Indonesia have abundant natural wealth and amazing cultural wealth. It is now known that there are many disturbances from other countries such as fishing in Indonesian territory by foreign ships, regional boundaries with other countries (Ambalat, Natuna) destruction of coral growth by foreign ships (Raja Ampat) piracy, drug smuggling [10]. This problem is often faced by this nation to realize national defense and security because our defense and security are still weak, especially in the marine defense sector. So that defense development is still needed, especially in the marine sector. Therefore, it is necessary to build a strong and strong maritime defense and security for waters in Indonesia [6].

National Security (KAMNAS) can be interpreted both as a condition and as a function [8]. As a function, National Security will produce and create a sense of security in a broad sense, which

includes a sense of comfort, peace, tranquility and orderliness. Defense and security in the sea of the Republic of Indonesia can still be categorized as lacking, and there is a legal vacuum [7]. Why did I say that? Because this can be proven by the rampant incidents or issues of violations committed by foreign countries that exist at sea. Of course, the violations committed by this foreign country are only violations of applicable laws or regulations in our country. Explanation of maritime law has been regulated by defense and security in the sea as contained in CHAPTER IX concerning Defense, Defense, Security, Law Enforcement and Safety at Sea as stated in articles 58, 59, 60, 61, 62,63,64, 65,66,67 and 68 [13].

Even though it is clear in Law No. 32 of 2014 concerning marine affairs is stated clearly regarding the importance of defense and security for the prosperity or unity of the Republic of Indonesia [11]. Factors of lack of knowledge and understanding of the Archipelago's Insights also caused the government in the past to be less oriented towards the sea, so that many phenomena of sea piracy have occurred lately. In this case, the community needs to be made aware of the importance of basic knowledge regarding the formal foundation in the field of national defense. This is a compulsory grip and is the daily breath of the community in the daily life of every Indonesian citizen [12].

State defense is the duty of all citizens, as written in the 1945 Constitution, Article 27 paragraph 3, which states that "every citizen has the right and obligation to participate in defense of the state". Article 30 paragraph 1 reads "every citizen has the right and obligation to participate in the defense and security efforts of the state". Article 30 paragraph 2, reads "The efforts of state defense and security are carried out through the universal people's defense and security system by the Indonesian National Army and the Indonesian National Police, as the main force, and the people, as a supporting force", and Article 30 paragraph 3 reads " The Indonesian National Army consists of the Army, Navy and Air Force, as the state's instrument in charge of maintaining, protecting and maintaining the integrity and sovereignty of the state ".

Every country wants always to be able to improve the defense and security capabilities of its country. One of them is by increasing its military capabilities [14]. Military capabilities are increasingly sophisticated so that the country can be relied on to face various threats, both from within and from abroad. Security issues in the past decade are increasingly complex with increasing terrorism, robbery and piracy, smuggling, illegal immigrants, illegal fishing and other transnational crimes. These forms of threats are increasingly complex because they are controlled by actors with a very neat cross-country network, and have good technology and financial support. The problem of national defense is a very fundamental factor in ensuring the survival of the nation and state. Without being able to defend themselves from threats both from abroad and from within the country, a country will not be able to maintain its existence. Also, the national defense is related to the pride of the nation and the state, because with the existence of adequate national defense forces will make other countries not look down on Indonesia, in other words, the Indonesian nation will be respected by other countries [15].

Defense and security are one of the basic capital in national development. Defense and security are part of Indonesia's integrated and sustainable maritime regulation to develop people's prosperity. To maintain the territorial integrity of the Unitary State of the Republic of Indonesia, and protect all nations and all of Indonesia from the threat and disruption of the integrity of the nation and state in the Sea region, a marine defense system was formed. One of them is Law No. 32 of 2014 concerning Marine Affairs (the ministry which organizes government affairs in the field of defense and the Indonesian National Army).

There are laws or ministerial regulations that have regulated maritime affairs for the national unity or development of the Republic of Indonesia, but the lack of understanding of the public and the government's concern for defense and security at sea raises problems that threaten the Indonesian sea and prosperity.

4. Conclusion

Maritime defense and security based on maritime law Explanation of maritime law have been regulated by defense and security at sea as contained in CHAPTER IX concerning Defense, Security, Law Enforcement and Safety at Sea as stipulated in articles 58, 59, 60, 61, 62,63,64,65,66,67 and 68. Even though it is clear in Law No. 32 of 2014 concerning marine affairs clearly states the importance of defense and security for the prosperity or **unity of the Republic of Indonesia** and the concept of state security is the duty of all citizens, as written in **the 1945 Constitution, Article 27** paragraph 3, which states that "every citizen the state has the right and obligation to participate in state defense efforts ". **Article 30** paragraph 1, reads "every citizen shall have the right and obligation to participate in the defense and security of the state". Article 30, paragraph 2, reads "State defense and security efforts carried out through the defense and security system of the people of the universe by the Indonesian National Army and the Indonesian National Police, as the main force, and the people, as supporting forces", and **Article 30 paragraph 3**, reads " The Indonesian National Army consists of the Army, the Navy and the Air Force, as a state instrument in charge of defending, protecting and maintaining the integrity and sovereignty of the state ".

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