

ABSTRACT

Ali Ridlo: Law Enforcement Toward Indonesian Ship Hijacking Outside Indonesian Jurisdiction Territory, supervised by Prof. Dr. Kuntoro, S.H., M.H. as Promoter and Dr. Petrus Irwan Panjaitan, S.H., M.H. as Co-Promoter

Dissertation research result showed that national law and international law enforceability and foreign citizen position that conduct Indonesian ship hijacking crime on high seas. Law enforcement toward Indonesian-flagged ship hijacking outside Indonesian Jurisdiction conducted by Foreign Citizen and Locus Delictieon high seas must use warship as it has immunity on high seas according to International law (Article 95 of UNCLOS). United Nations Convention Year 1982 concerning International sea law (UNCLOS 1982) that ratified by Indonesian government with Act Number 17 Year 1985 by formal jurisdiction provide law enforcement authority for warship against high seas hijacking criminal conduct. Indonesian Navy is the main component and serves as one of Indonesian national power instrument that could not be separated from strategic environmental development globally. Navy existence of certain country indeed intended to secure such country's national interest according to International law as well as National law. Based on Navy characteristic, Integrated Fleet Weapon System in this matter warship could be disseminated to any sea territory within long period of time to secure national interest. Today's strategic environmental development especially on sea, shows that challenge against law enforcement are increasing and dynamic as well. Hijacking occur on high seas, with Indonesian-flagged ship as its victim and the executor utilizes ship infrastructure from other country (Foreign Citizen) and shift into its country's (foreign) ship upon hijacking, need to be resolved legally within Indonesian law enforcement system started from arresting, investigation through court process. Based on Universal principle that each country has jurisdiction to judge international crime executor conducted anywhere regardless executor and victim nationality. International Law of UNCLOS 1982 only regulate partnership in hijacking handling on high seas and confiscation, but yet supported by national law such as Defense Law, Indonesian National Army Law, Criminal Code and Civil Code. Given this condition, it is quite necessary to revise our national legislation and extend international jurisdiction as well as creating international agreement concerning law enforcement against high seas hijacking in order to protect national interest.

KEYWORDS: Law Enforcement, High Seas Hijacking Against Indonesian-Flagged Ship, According to International Law and National Law.