

---

## Implementation of Mutual Legal Assistance in Law Enforcement of the Crime of Piracy by the Indonesian Navy (Study. MT. Orkim Harmony)

---

Handy Kurniawan<sup>1</sup>, Agung Pramono<sup>2</sup>, Mangisi Simanjuntak<sup>3</sup>  
<sup>1,2,3</sup>TNI Naval Command and Staff College  
E-mail: [Kurniawanhandy23@gmail.com](mailto:Kurniawanhandy23@gmail.com)<sup>1</sup>, [radmpram@gmail.com](mailto:radmpram@gmail.com)<sup>2</sup>,  
[simanjuntakmangisi1@gmail.com](mailto:simanjuntakmangisi1@gmail.com)<sup>3</sup>

### ABSTRACT

*The crime of piracy is transnational; handling it requires bilateral or multilateral cooperation; according to Article 9 (2) of the Republic of Indonesia Law, Number 1 of 2006, only the National Police Chief and the Attorney General can request Mutual Legal Assistance. Still, the Indonesian Navy has applied for Mutual Legal Assistance against the MT Orkim Harmony piracy case. With these facts, this paper tries to see how the efforts of the Central Authority (Polri and Prosecutors) in assisting law enforcement by the Navy and how the implementation of the Mutual Legal Assistance agreement. The research method uses normative law or library research with a statute approach and analyzes the data in this study using qualitative normative analysis. From the results of the study,*

*Keywords: Mutual Legal Assistance, Law Enforcement, Crime of Piracy.*

### INTRODUCTION

Transnational crime is an international crime that is currently a severe threat to global security; because this crime is transnational, cooperation between countries is needed to assist the law enforcement process against this crime. The existence of an agreement is necessary for governments to prosecute trans-national criminals who cross national borders. In 2010, the fifth UNTOC Conference of the Parties identified several New and Emerging Crimes, including cybercrime, identity-related crimes, illicit trade in cultural heritage objects, environmental crimes, piracy over the sea, and illegal trafficking of organs. The New Transnational Crime has

become a concern of the international community given the increasing number and increasingly diverse ways. The losses incurred from this type of crime are also huge.

Currently, there are several forms of international cooperation in eradicating criminal acts contained in various agreements, among others, the Information Exchange Agreement (Memorandum of Understanding on Exchange Information (MoU), Mutual Legal Assistance (MLA), Mutual Legal Assistance (MLA), Extradition, and the Transfer of Sentenced Person Agreement. Mutual Legal Assistance (MLA) or mutual assistance in criminal matters is a request for assistance concerning legal processes in the form of investigations,

prosecutions, and examinations in court by the provisions of state laws and regulations. MLA is a form of cooperation to fight crime, which is known from the mechanism that comes from the law that arises in the association of the international community.

MLA is a form of legal cooperation in enforcing criminal law, especially against crimes that have transnational or international elements. The urgency of this agreement, there is a solution to the problem of the jurisdiction in law enforcement. State jurisdiction in international law is essential in every country; in other words, every country has the authority to determine the provisions of its national law for any event, property, and action that occurs in its territory or territory; usually, a country is considered to have independence and sovereignty over its citizens. - its citizens and their affairs as well as within the boundaries of their territorial territory. Therefore, MLA can be used for the legal process of investigation and prosecution until the execution of decisions with permanent legal force.

The Indonesian government already has an umbrella act (umbrella act) with Law Number 1 of 2006 concerning mutual legal assistance in criminal matters has several mutual legal assistance agreements with Australia, China, and South Korea as well as the ratification of the latest deal, namely the Law of the Republic of Indonesia Number 15 of 2008 concerning Ratification of the Treaty On Mutual Legal Assistance in Criminal Matters (Agreement on Mutual Assistance in Criminal Matters) between the Government RI with the Governments of Brunei Darussalam, Cambodia, Laos, Malaysia, the Philippines, Singapore, and Vietnam in terms of increasing the effectiveness of law enforcement agencies from the parties in preventing, investigating, prosecuting, and relating to the handling of criminal cases through cooperation and mutual assistance in criminal matters.

It is not always easy to carry out mutual legal assistance if the cooperation is carried out on a case-by-case basis. In Article 9 Paragraph 2 of the Law of the Republic of Indonesia Number 1 of 2006 concerning Mutual Assistance in criminal matters, it is stated that mutual assistance in

criminal cases can only be requested by the Chief of Police or the Attorney General.

However, based on the authority possessed by the Navy as an investigator in criminal acts of piracy, especially in handling the MT Piracy case. Orkim harmony, for the first time, Indonesian Navy investigators in the context of the investigation process went to Vietnam to carry out the process of examining the suspects of 8 Indonesian citizens who were the foremost perpetrators of the MT piracy. Orkim Harmony to complete the case file against the perpetrator's brain and help assist the MT piracy. Orkim Harmony, which at that time was in the process of being investigated in Batam.

## METHOD

This study uses normative legal research methods or library research with a statute approach and analyzes the data using qualitative normative analysis. The research subjects are the Indonesian Ministry of Foreign Affairs, the International Relations Division of the National Police Headquarters, the Legal and Foreign Relations Bureau of the Indonesian Attorney General's Office, the Operations Staff of the Fleet Command I, and the Diskum Koarmada I.

## RESULT and DISCUSSION

### Principle of Mutual Legal Assistance

The state's right to refuse the MLA request is based on the general principles of international law, which is an agreement relates to the prosecution or punishment of criminal acts with a political background, military crimes, ethnicity, race, religion, and nebis in idem, as well as those related to sovereignty. In the Republic of Indonesia Law Number 1 of 2006, it adheres to several principles, including:

- a. The principle of specificity, meaning that what is given in the form of assistance is according to the person whose contribution has been requested and in addition to service for the submission of a criminal act, Articles 3 and 4.

- b. The principle of reciprocity or based on good relations between the two countries Article 5 paragraph (2).
- c. The principle of ne bis in idem Article 6 letter b is pervasive in criminal law where the perpetrator cannot be prosecuted/punished a second time for the same crime.
- d. The principle of double criminality or double crime Article 6 letter c, meaning that the act committed by the perpetrator must be a crime for both countries.
- e. The principle of non-racism in Article 6, letter c states that the state is asked to refuse assistance when it involves a crime based on race, ethnicity, gender, religion, nationality, or political views.
- f. The principle of sovereignty, Article 6 letter e, states that the state is asked to refuse if the approval of granting assistance on the request for aid will harm national sovereignty, security, interests, and law.
- g. The principle of not applying the death penalty is that the state is asked to refuse assistance if the threat to the crime committed is the death penalty.
- h. The diplomatic principle includes limited legal immunity in Article 17, meaning that this agreement is not only based on the principle of reciprocity but is implemented through diplomatic relations where diplomatic rights are also attached. Includes notification of refusal to assist.
- i. As well as several reasons for refusal to assist due to criminal acts committed based on: political crimes, except murder or attempted murder of heads of state/heads of government, terrorism or illegal acts based on military law.

### **The crime of piracy at sea**

One of the maritime or maritime security issues that are of great concern to various countries is illegal activities at sea, one of which is piracy at sea; this activity has increased in scope, intensity and complexity so that it

threatens the social, economic, and political conditions of a country and region environment, including the threat of the use of armed force, which is considered to have the ability to interfere and endanger the sovereignty of the state. Regarding piracy, international law considers it a crime against humanity and a transnational crime so that these crimes fall under the jurisdiction of the International Criminal Court, such as genocide, crimes against humanity, war crimes, and aggression (article 5 of the ICC Statute), and several other crimes such as piracy,

Theoretically, there are differences of opinion about the definition of piracy or piracy that has been put forward by scholars quoted by Tri Setyawanta, according to Briery giving the following description:

*“There is no authoritative definition of international piracy, but it is of the essence of a lawless act to be act violence, committed at sea or any rate closely connected with the sea, by a person not acting under proper authority. Thus an act cannot be lawless if it is done the authority of a state, or even of an insurgent community whose belligerency has been recognized.”*

Similarly, SV Molodtsov has given a formulation regarding the definition of piracy at sea as follows:

*“Both acts of violence by vessels and their crews at sea also attack from the sea on coastal points carried out to secure plunder, the seizure and sinking of vessels and persons or other criminal purposes are considered as piracy (sea banditry). In the epoch of imperialism, piracy has acquired special characteristics. It is one of the provocative methods to which imperialist States resort for aggressive purposes”.*

Based on international law, the term piracy is distinguished from an armed robbery (sea robbery). UNCLOS 1982 article 101 states:

Piracy at sea consists of one of the following acts:

- a. Any unlawful act of violence or detention, or any act of destruction, carried out for personal purposes by the crew or passengers of a private ship or aircraft and is aimed at:

- 1) on the high seas, against other ships or aircraft or persons or property on board such ships or aircraft.
- 2) Against a ship, aircraft, person, or property in a place outside the jurisdiction of any State.
- b. Any act of participating voluntarily in the operation of a ship or aircraft by knowing the facts which make it a pirate ship or aircraft.
- c. Every act of inviting or intentionally assisting the actions mentioned in sub-paragraphs (1) and (2).
- b. Active Nationality Principle (Personal Principle). Criminal law applies to every Indonesian citizen who commits a crime outside Indonesia.
- c. Passive Nationality Principle (Protection Principle). Indonesian criminal law applies to criminal acts that attack the legal interests of the Indonesian state, whether committed by Indonesian citizens or not committed outside Indonesia, Article 4 of the Criminal Code.
- d. Universal Principle. Every country is obliged to apply criminal law, regardless of who did it, where, and against the perpetrator's interests.

That piracy, according to the International Maritime Organization (IMO), is:

“Armed robbery against ship means any unlawful act of violence or detention or any of depredation, or threat thereof, other than an act of piracy, directed against a ship or persons or property on board such a ship, within a state's jurisdiction over such offenses.”

Whereas the two definitions described by Unclos 1982 and the International Maritime Organization (IMO) further emphasize the difference between piracy and sea robbery where crimes at sea can be said to be sea robbery if they are carried out in the jurisdiction of a country, while piracy acts are carried out outside the jurisdiction of a nation.

### **Jurisdiction in handling piracy at sea**

Against the perpetrators of piracy who commit acts of piracy in the high seas or outside the jurisdiction of the perpetrator State, as implicitly regulated in Article 105 of UNCLOS. Therefore, piracy on the high seas is an international crime and is considered an enemy of every country, can be tried wherever the pirate is caught regardless of his nationality and has the right to enforce jurisdiction and legal provisions (universal jurisdiction). In criminal law, there is a place where it applies in criminal law, which can be seen from:

- a. Territorial Principle. The application of criminal law is limited by place to avoid conflicts of jurisdiction with other countries and avoid the release of a criminal act from lawsuits.

In current international practice, jurisdiction over individuals is exercised based on the following principles: the principle of active nationality. The state can exercise jurisdiction over its citizens. The state is not obliged to hand over its citizens who have committed a crime abroad to the state where the crime was committed, both Passive national principles. The state has the right to protect its citizens abroad; related to the territorial state where the crime occurred does not provide punishment to the perpetrator; the perpetrator state will punish the perpetrator who committed the crime abroad.

### **The Role and Authority of the Indonesian Navy**

The Indonesian Navy has a legal basis that gives authority to carry out law enforcement at sea, especially against the crime of piracy, namely:

- a. TZMKO. Territoriale Zee en Maritime Kringen Ordonantie 1939 Stbl. 1939 Number 442, states: “To maintain and supervise the observance of the provisions in this ordinance assigned to the Surabaya Navy Commander, Commanders of State Warships and Aviation Camps of the Navy,” is given the obligation to investigate acts that may sentence, which are listed in Articles 167 and 168, 196-199, 324-326, 438-443, 447-451, 473, 474 and 564-566 of the Criminal Code.

- b. Law of the Republic of Indonesia Number 8 of 1981 concerning the Criminal Procedure Code in conjunction with Government Regulation Number 27 of 1983 concerning the Implementation of the Criminal Procedure Code, states: "For investigators in Indonesian waters, additional zones, continental shelves, and ZEEI, investigations are carried out by Indonesian Navy officers and other investigators determined by the Indonesian Navy. the law that governs it."
- c. Law of the Republic of Indonesia Number 17 of 1985 concerning the Ratification of 1982 UNCLOS. Gives authority to officials, warships, and government ships to enforce the law at sea. It can be seen in several articles, including Articles 107, 110, 111, and 224 of UNCLOS 1982.
- d. The Law of the Republic of Indonesia Number 6 of 1996 concerning Indonesian Waters states that law enforcement is carried out by relevant agencies including the Navy, Police, Ministry of Transportation, Ministry of Agriculture, Ministry of Finance, and Ministry of Justice by the authority of each of these agencies and based on the provisions of laws and regulations. -national legislation and international law
- e. Law of the Republic of Indonesia Number 34 of 2004 concerning the Indonesian National Armed Forces states that the Indonesian Navy is tasked with enforcing the law and maintaining security in the marine area of national jurisdiction by the provisions of national law and ratified international law.

Based on this authority, the TNI has the task of enforcing the law at sea, upholding sovereignty at sea, and enforcing security at sea, carried out by elements of the Indonesian Navy in the form of warships (KRI), Navy ships (KAL), maritime reconnaissance aircraft and the Indonesian Navy Base (Lantamal 1 to 14, Sabang-Merauke) by conducting sea operations in strategic areas and daily sea operations. Security enforcement at sea is carried out to protect the illegal use of marine resources, prevent smuggling and illegal immigrants and prevent other violations of law at sea.

### **Application of Mutual Legal Assistance (MLA) Agreements in Law Enforcement Against the Crime of Piracy by the Navy, especially in the MT case. Orkim Harmony**

#### **MT case position. Orkim Harmony**

On June 11, 2015, at 20:54, LT MT Orkim Harmony with a Malaysian flag with ULG 95 (gasoline) cargo (sailing from Malacca-Kuantan, lost contact at a position 23.5 NM Northeast of Tanjung Sedili Malaysia, ambushed by an unknown group of people. On June 12, 2015, at around 11.18 WIB, Koarmada, I deployed several elements of the KRI and Pesud to carry out searches and sweeps along the waters of the Malacca Strait. As long as the perpetrators of piracy controlled MT Orkim Harmony, ships and cargo sailed to the waters of Viet Nam, Cambodia, and Thailand to find buyers to sell the proceeds of their crimes. The perpetrators of the piracy, eight people, fled by using the rescue boat MT Orkim Harmony. On June 19, 2015, at around 11:51 a.m. LT,

The results of the study found that in piracy MT. Orkim Harmony can be divided based on the duties and roles of each actor, namely:

The roles of each of the eight main actors of the MT Orkim Harmony piracy, among others:

1. Ruslan, alias Waklan as the head of the pirates, the captain of the speed boat, was armed with a gun, planned, ordered to commit, and participated in piracy against MT Orkim Harmony and his crew.
2. John Danyel Despol alias Jhon Denyel Despol, deputy chief of the pirates, was armed with a pistol and arrested and secured the crew of the MT Orkim Harmony, as well as shooting the chef/crew of MT Orkim Harmony and committing and participating in the crime of piracy of MT Orkim Harmony and his crew.
3. Abner Loit, in charge of keeping the engine in the engine room of MT Orkim Harmony running and supervising the engine crew of MT Orkim Harmony Harmony and committing

- and participating in the crime of piracy against MT Orkim Harmony and his crew.
4. Kurniawan, in charge of keeping the engine in the engine room of MT Orkim Harmony running and supervising the engine crew of MT Orkim Harmony Harmony and committing and participating in the crime of piracy against MT Orkim Harmony and his crew.
  5. Fauzi Ade HA was in charge of guarding and supervising the crew of MT Orkim Harmony. He was held captive in the Harmony mess room and committed and participated in piracy against MT Orkim Harmony and his crew.
  6. Randi Adetya, in charge of binding and guarding the crew of MT Orkim Harmony in the Mess Room armed with a Harmony machete and committing and participating in the crime of piracy against MT Orkim Harmony and his crew.
  7. Hendry alias Captain Adi served as the captain of TB Malabo/AA Sembilan, controlled MT Orkim Harmony, and committed and participated in the crime of piracy against MT Orkim Harmony and his crew.
  8. Jasni alias Mustapa alias Jas was in charge of driving the speed boat while pursuing MT Orkim Harmony, guarding the crew of MT Orkim Harmony in the mess room, and committing and participating in the crime of piracy against MT Orkim Harmony and his crew.

**The role of the Navy as an Investigator in the Mutual Legal Assistance Process for the MT Piracy Crime. Orkim Harmony.**

According to Ken Booth, navies around the world have a universally applicable role as better known as the "Trinity of Naval Roles," as a unity of three roles, namely the military role, the police role (constabulary role), and the diplomatic role (diplomacy role). ). The role of the police by the Indonesian Navy is carried out in all waters of Indonesia's national jurisdiction to realize security at sea. The role is for law enforcement at sea, carried out independently or in combination with

other marine power components. The mechanism carried out in law enforcement for certain crimes at sea, carried out by the Navy, is divided into two interrelated and related stages: Law enforcement by KRI/KAL and conducting investigations by the Navy Base (Lantamal/Lanal). From the description above, the crime of piracy MT. Orkim Harmony, TNI AL Koarmada I took the following actions:

- a. On June 11, 2015, at around 20:54 LT, MT. Orkim Harmony, Malaysian flag lost contact 23.5 NM Northeast of Tanjung Sedili Malaysia.
- b. Furthermore, on orders from the Commander of the Fleet Command I, on June 12, 2015, at around 11.18 WIB, deployed 5 KRIs (KRI Alamang, KRI Teuku Umar, KRI Parang, KRI Imam Bonjol, KRI Surik, and 1 Aircraft U-618 to search.
- c. After searching, on June 20, 2015, at around 10.40 WIB, the WFQR Team (Koarmada I) detected the presence of TB. Meulaboh/TB. AA Sembilan and was found without crew in the waters of Tanjung Riau-Batam at position 01 06 14 U-103 55 15 T, and searched for the crew.
- d. Then the Commander of the Koarmada I issued a sprindik related to the investigation of the perpetrators of TP. Hijacking MT Orkim Harmony. Investigators arrested, searched, confiscated, and detained the suspects based on the investigation warrant, namely: Albert Johannes, Kasman Kesi alias Yopi, Herry Lahia alias Opo, Immanuel Lassa alias Melky, Hermius Geze, Hamidon Bin Mat Noh, and Hentje Aries Langoy, aka Yance.
- e. P-19 Batam State Service, Letter Number B-267/N.10.11/Ep.1/08/2015 dated August 25, 2015, to complete the case file of Kasman Kesi and four people by requesting information from 8 (eight) main perpetrators of the MT piracy. Orkim Harmony was detained at Detention camp T-16 Hanoi Viet Nam.
- f. The Coarmada I investigators coordinated and sent a letter regarding the Indonesian Ministry of Foreign Affairs application on the

part of the Director of Protection for Indonesian Citizens and BHI to be facilitated by Navy Investigators through the MLA facility.

- g. Based on the Letter of the Director-General of Protocol and Consular Affairs Number 02404/WN/07/2015/65/09 dated July 24, 2015, regarding the request for the assignment of personnel in handling the case of 8 (eight) Indonesian citizens who hijacked MT Orkim Harmony.
- h. On this basis, the Navy Chief of Staff Order Number Sprin/1421/IX/2015 dated September 18, 2015, was issued regarding the list of names of the Indonesian Navy Investigator team dhi Koarmada I to go to Viet Nam to take information or testimonies from 8 (eight) Indonesian citizens who detained at Detention camp T-16 Hanoi Viet Nam.
- i. On October 30, 2015, Lanal Batam has received a P-21 from the Batam District Attorney against four perpetrators of MT crimes. Orkim Harmony, the suspect, and Barbuk, was handed over to the Batam District Attorney for further legal proceedings.

### **Form of Assistance and Support of the Police and Prosecutors (central authority) in Assisting Law Enforcement by the Navy Against the Crime of Piracy MT. Orkim Harmony.**

#### **Indonesian National Police (POLRI)**

MLA implementation is carried out through diplomatic channels, between the Central Authority (Central of Authority), Interpol, and law enforcement agencies (Law Enforcement Agency). The basis for implementing other cooperation is through a Memorandum of Understanding (MoU) between the police and the government of other countries such as in the Asian region (South Korean Police, Vietnam Police, Philippine Police, PRC Police), Australia-Pacific (Australian Police and New Zealand Police), America (Police). The United States), and Europe (UK Police, Northern Ireland Police,

Romanian Police, Polish Police, and Dutch Police).

The International Relations Division (Divhubinter) of the National Police is an element of supervisor and assistant leadership in international relations under the National Police Chief. Divhubinter Polri is tasked with organizing National Central Bureau (NCB) - INTERPOL activities to combat international/transnational crimes, carrying out international missions in peace and humanitarian missions, developing human resource capabilities (capacity building), and assisting in the implementation of legal protection for Indonesian citizens. (WNI) abroad.

Regarding the MT Orkim Harmony piracy carried out by Indonesian citizens, the legal process and the legal process must be complete with revealing and eradicating piracy networks operating in the Malacca Straits and the waters of the Malaysian Aur Island. An application was made by the Navy Investigators related to the MLA against 8 (eight) people suspected of being the main perpetrators of MT piracy. Orkim Harmony, who was detained by the Ministry of Public Security / MPS or the Ministry of Public Security of Viet Nam, Divhubinter Polri, tried to help by coordinating with related institutions; during the process, the police had sent personnel to carry out meetings both with related agencies (TNI AL, Polri, Ministry of Foreign Affairs, Ministry of Law and Human Rights, Attorney General's Office) to support the preparation and smooth running of the MLA process. Indonesian Navy investigators left for Viet Nam. However, in this activity, the National Police did not participate together with the Navy Investigators who were accompanied by staff from the Ministry of Foreign Affairs and the Ministry of Law and Human Rights, indeed by the provisions of the law, the Chief of Police and the Attorney General could apply for MLA.

#### **Attorney General of the Republic of Indonesia**

The implementation of international cooperation and MLA within the Indonesian Attorney General's Office is carried out by the Bureau of Law and Foreign Relations, under the authority of the Attorney General for Guidance

(Jambin), based on Presidential Regulation Number 38 of 2010 concerning Organization and Work Procedures of the Indonesian Attorney General and the Indonesian Attorney General's Regulation Number PER- 009/A/JA/01/2001 concerning the Organization and Work Procedure of the Indonesian Attorney General's Office. Technically, the implementation of the Indonesian Attorney General's Office Technically, the implementation of cooperation is carried out by the Foreign Cooperation Section. In general, there are 3 (three) forms of international cooperation in criminal law, namely: Extradition, Transfer of Sentenced Persons, and Mutual Legal Assistance in Criminal Matters.

The basis for international cooperation, the prosecutor's office has established inter-institutional relationships, including: Agreement between the Attorney General's Office of the Republic of Indonesia and the Attorney General's Chamber of Malaysia on legal Cooperation Activities 2012 , Memorandum of Understanding in the field of cooperation between the Indonesian Attorney General's Office and the Attorney General's Office of the Republic of Korea (MoU between the Attorney General's Office of the Republic of Indonesia and the Attorney General's Office of the Republic of Korea on Cooperation Activities) 2011, Memorandum of understanding in the field of cooperation between the Indonesian Attorney General's Office and the Attorney General's Office of the Russian Federation (MoU between the Attorney general's Office of the Republic of Indonesia and the Office the Prisecurator of the Russian Federation on Cooperation Activities) in Moscow 2006, Joint Communique between the Government RI with United Nations Transnational Administration in East Timor (UNTAET) 2000, Joint Communique for Cooperation in Legal Field between Attorney General of Indonesia and Head of Supreme Precuratorate of the Socialist Republic of Vietnam 1996, The letter of agreement for the implementation of the Regional Program in Criminal Justice with UNODC (Letter of Agreement between the Relevant authority of the Republic of Indonesia and the UNODC on the Implementation of the Regional Program on Criminal Justice "towards Asian Just" was signed

by the Head of the Legal Bureau of the Attorney General's Office with representatives Regional Center for East Asia and Pacific 2010.

The efforts made by the Attorney General's Office of the Republic of Indonesia in law enforcement by the Navy against the crime of piracy of MT. Orkim Harmony accepts the application received from the Navy Investigator and forwards the application to the Indonesian Ministry of Law and Human Rights. The Navy Investigator's request for MLA is forwarded and approved by the Government of Vietnam.

### CONCLUSION

1. The efforts of the Central Authority (Polri and Prosecutors) in assisting the law enforcement by the Indonesian Navy against the MT Piracy crime. Orkim Harmony is assisting by coordinating with related institutions; during the MLA process, the National Police and the Indonesian Attorney General's Office have sent personnel to carry out good meetings with related agencies (TNI AL, Polri, Ministry of Foreign Affairs, Ministry of Law and Human Rights, Attorney General's Office) To support the preparation and smooth running of the MLA process, TNI AL investigators left for Viet Nam to collect evidence and information from 8 (eight) main perpetrators of the MT piracy. Orkim Harmony.
2. The application of the MLA agreement of the Republic of Indonesia-Socialist Republic of Viet Nam in law enforcement against the crime of piracy committed by the Navy, especially in the MT case. Orkim Harmony has been running effectively.

### REFERENCES

- Ali, Mahrus, Fundamentals of Criminal Law, Jakarta: Sinar Graphic, 2015.
- Atmasasmita, Romli, Introduction to International Criminal Law II, Jakarta: Hecca Mitra Utama, 2004.
- , Introduction to International Criminal Law, Bandung: PT Refika Aditama, 2003.
- National Legal Development Agency, Research Report on Comparison of State Rights and



- Obligations in Providing Mutual Assistance, Jakarta: Center for Research and Development of the National Legal System, 2012.
- Buntoro, Kresno, Juridical Studies on Piracy, Jakarta: Diskum Koarmada I, 2013.
- Cyrer, Robert, Hakan Friman, et al, An Introduction to International Criminal Law and Procedure, Cambridge University Press.
- Indonesian Navy Legal Development Service, "Law Enforcement at Sea and National Defense", Law Forum Magazine Volume 4 No. 4, Jakarta: Indonesian Navy Legal Development Service, 2007.
- , 2010 Work Program and Budget Implementation Report for the Law of the Sea and Humanitarian Law, Jakarta: Indonesian Navy Legal Development Service, 2010.
- Effendi, Tolib, International Criminal Law, Yogyakarta: Yustisia Library, 2015.
- Louis, Henkin, International Law, Cases and Materials, American Casebook Series, ST, Paul Minn, West Publishing Co., USA, 1980.
- Booth Kent, Navies and Foreign Policy, Croom Helm London, 1977.
- Naval Headquarters, Naval Thoughts on Security at Sea (Kamla), Jakarta: Naval Headquarters, 2010.
- Marzuki, Peter Mahmud, Legal Research Revised Edition, Jakarta: Prenadamedia group, 2005.
- Setyawanta R, Tri, Legal Regulations for Combating Piracy and Maritime Piracy in Indonesian Waters, Media Hukum/Vol.V/No1/January - March/2005 No ISSN 1411-3759.
- United Nations Convention on the Law of the Sea, 1982
- United Nations Convention against Transnational Organized Crime, 2000.
- International Maritime Organization, MSC Circular No. 984
- TZMKO 1939 Stbl. 1939 Number 442
- Indonesia, Government Regulation on the Implementation of the Criminal Procedure Code, PP No. 27 of 1983.
- Indonesia, Indonesian Water Law, Law no. 6 of 1996.
- Indonesia, the law on the Indonesian National Armed Forces, Law no. 34 of 2004.
- Indonesia, Law on Mutual Assistance to Criminal Matters, Law no. 1 of 2006.
- Indonesia, Law on the Ratification of the Treaty on the Mutual Legal Assistance in criminal matters, Law no. 15 of 2008.
- Indonesia, Law on Ratification of Mutual Assistance Agreements in Criminal Matters between the Republic of Indonesia and Viet Nam, Law no. 13 of 2015.
- Annual Report For 1999 And Resource Material Series No. 57, UNAFEI Fuchu, Tokyo, Japan September 2001, p.139, <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.112.5448&rep=rep1&type=pdf#page=140>.
- Chapter VII International legal Cooperation, [www.UNODC.org](http://www.UNODC.org).
- Directorate of Law and Human Rights, [www.bphn.go.id/data/documents/lit](http://www.bphn.go.id/data/documents/lit).
- Ministry of Foreign Affairs of the Republic of Indonesia, Combating Organized Transnational Crimes, <https://www.kemlu.go.id/id/policy/isu-husus/Pages/Penanggulan-Kejahatan-Lintas-Negara-Teroganisir.aspx>.
- International Assistance, access <http://www.ppsc-sppc.gc.ca/eng/fps-sfp/fpd/ch43.html>.
- Journal of Jakarta.com, WFQR and Armabar Arrest Perpetrators of Robbery of MT Orkim Harmony Ship, <http://jurnaljakarta.com/berita-5289-wfqr-dan-armabar--tangkap-pelaku-peroban-kapal-mt-orkim-harmony>.
- NYUJ Int'l L. & Pol. 649, 2017 New York University Journal of International Law and Politics, accessed <http://remote-lib.ui.ac.id:2060/hottopics/Inacademic/>
- Svetlana Anggita Prasasthi, Efforts of the Government of the Republic of Indonesia in Mutual Legal Assistance for Criminal Problems (Mutual Legal Assistance – Mla) Against the Return of Assets Abroad from Corruption Crimes (Stolen Asset Recovery), Published in the Journal of Law Volume May 2 2011.
- Waseem Ahmad Qureshi, "The Prosecution of Pirates and the Enforcement of Counter-Piracy Laws Are Virtually Incapacitated by Law Itself", San Diego International Law Journal 19 San Diego Int'l LJ 95.