

**ABSTRAK**  
**PENEGAKAN HUKUM TERHADAP KAPAL TANKER**  
**MT FREYA DAN MT HORSE TERKAIT PELANGGARAN**  
**HAK LINTAS DAMAI DI INDONESIA**

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Kasus kapal tanker MT Freya dan MT Horse merupakan kasus pelanggaran terhadap hak lintas damai di perairan Indonesia. Pada tanggal 24 Januari 2021, Badan Keamanan Laut (Bakamla) saat melakukan patroli di sekitar Pulau Pejantan mendapati kedua kapal sedang melakukan kegiatan transfer muatan minyak mentah dari kapal ke kapal (*ship to ship*) dalam keadaan berhenti di tengah laut tepatnya di sekitar Pulau Pejantan Provinsi Kepulauan Riau. Bakamla melakukan pemeriksaan dan ditemukan pelanggaran yang dilakukan oleh kedua kapal yaitu berhenti dan buang jangkar, melakukan kegiatan bongkar muat tanpa izin, mematikan *Automatic Identification System* (AIS), serta melakukan pencemaran lingkungan laut. Kemudian, kedua kapal digiring dan diamankan di Perairan Batu Ampar, Kepulauan Batam, Provinsi Kepulauan Riau. Berdasarkan uraian tersebut, permasalahan yang dirumuskan yaitu bagaimanakah pengaturan hak lintas damai dalam UNCLOS 1982 dan bagaimanakah penegakan hukum hak lintas damai dalam kasus kapal tanker MT Freya dan MT Horse menurut peraturan perundang-undangan Indonesia.

Metode penelitian yang digunakan adalah metode penelitian hukum normatif yuridis dengan menggunakan pendekatan perundang-undangan dan studi kasus. Sumber yang digunakan dalam penelitian ini adalah data sekunder, baik yang terdiri atas bahan hukum primer yaitu konvensi dan peraturan perundang-undangan, bahan hukum sekunder yaitu jurnal dan buku, serta bahan hukum tersier seperti ensiklopedi, yang diolah dan dianalisis secara kualitatif.

Hasil penelitian menunjukkan bahwa *pertama*, pengaturan hak lintas damai dalam UNCLOS 1982 diatur dalam Bab II (Laut Teritorial dan Zona Tambahan), Bagian 3 terdiri dari Pasal 17 – Pasal 32. *Kedua*, Majelis Hakim menjatuhkan terhadap kapal MT Freya dan MT Horse pidana penjara selama 1 (satu) namun pidana tersebut tidak perlu dijalani dengan dikenakan pidana masa percobaan selama 2 tahun. Khusus kapal MT Freya dijatuhkan pidana denda sebesar 2 milyar rupiah.

**Kata Kunci : Penegakan Hukum, Hak Lintas Damai, Kasus Kapal Tanker MT Horse dan MT Freya.**

**ABSTRACT**  
**LAW ENFORCEMENT ON TANKER SHIP**  
**MT FREYA AND MT HORSE RELATED TO OFFENSE**  
**RIGHTS OF PEACEFUL CROSSING IN INDONESIA**

**By**

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The cases of the MT Freya and MT Horse tankers are cases of violation of the right of innocent passage in Indonesian waters. On 24 January 2021, the Maritime Security Agency (Bakamla) while conducting patrols around Pejantan Island found the two ships carrying out transfers of crude oil cargo from ship to ship (ship to ship) in a state of stop in the middle of the sea to be precise around Pejantan Island, Riau Archipelago Province. Bakamla conducted an inspection and found violations committed by both ships, namely stopping and dropping anchors, carrying out loading and unloading activities without a permit, turning off the Automatic Identification System (AIS), and polluting the marine environment. Then, the two ships were escorted and secured in Batu Ampar Waters, Batam Islands, Riau Islands Province. Based on this description, the problems formulated are how to regulate the rights of innocent passage in UNCLOS 1982 and how to enforce the law of innocent passage in the MT Freya and MT Horse tanker cases according to Indonesian laws and regulations.

The research method used is the juridical normative legal research method using statutory and case study approaches. The sources used in this study were secondary data, both consisting of primary legal materials, namely conventions and laws and regulations, secondary legal materials, namely journals and books, as well as tertiary legal materials such as encyclopedias, which were processed and analyzed qualitatively.

The results showed that first, the arrangement of innocent passage rights in UNCLOS 1982 is regulated in Chapter II (Territorial Sea and Additional Zone), Part 3 consists of Articles 17 – Article 32. Second, the Panel of Judges sentenced the ships MT Freya and MT Horse to imprisonment for 1 (one) but the sentence does not need to be served by being subject to probation for 2 years. Specifically for the ship MT Freya, a fine of 2 billion rupiahs was imposed.

**Keywords: Law Enforcement, The Right of Innocent Passage, MT Horse and MT Freya Tanker Cases.**