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MARITIME LAW CLINIC A CLINICAL EDUCATION MODEL FOR RESOLVING MARINE DISPUTES AND ILLEGAL FISHING CASES

Habiburriziq El Ardhy Saragih, Irham Mahromy Munthe, Maria Arfah Nasution, M. Fazli Pratama

Faculty of Sharia and Law, Department of Islamic Criminal Law, State Islamic University of North Sumatra, Indonesia

habibsaragih8@gmail.com, irhammunthe17@gmail.com, mariaarfahnasution@gmail.com, muhammadfazlipratamapolem@gmail.com

Abstract

This study aims to analyze the implementation of the Maritime Law Clinic as a clinical education model for resolving marine disputes and addressing illegal fishing practices in Indonesia. Using a qualitative approach through literature review methods, the research examines national and international regulations such as UNCLOS 1982, Law No. 32 of 2014 on Marine Affairs, and Law No. 45 of 2009 on Fisheries. The findings reveal that the implementation of the Maritime Law Clinic enhances law students' practical skills in analyzing and handling maritime cases through activities such as simulations, legal assistance, and community advocacy in coastal areas. The clinic functions not only as a medium for experiential legal learning but also as a platform for community empowerment, helping coastal populations understand their legal rights and promoting equitable maritime governance.The study further indicates that collaboration among universities, government institutions, and law enforcement agencies plays a crucial role in ensuring the effective resolution of marine disputes. The implications highlight that maritime clinical legal education contributes significantly to strengthening human resource capacity in the field of maritime law, supports efforts to combat illegal fishing, and promotes sustainable maritime sovereignty in Indonesia.

Keywords: Maritime Law Clinic, Maritime Dispute, Illegal Fishing

INTRODUCTION

Indonesia, as the largest archipelagic state in the world, has a coastline exceeding 80,000 kilometers and a maritime area of about 6.4 million square kilometers, including its Exclusive Economic Zone (EEZ) (Indonesia, 2023). This geographical condition makes the sea a vital component of the nation's economy, politics, and defense. However, alongside its potential, Indonesia also faces various maritime legal challenges such as boundary disputes, violations of sovereignty, and illegal fishing that cause substantial national losses (Djalal, 2018).

Addressing these complex issues requires competent legal professionals with both theoretical understanding and practical skills in maritime law. Unfortunately, legal education in Indonesia remains heavily theory-based, leaving many graduates underprepared to handle real maritime legal cases (Kusumaatmadja, 2019). To bridge this gap, the legal clinic education model has emerged as an innovative approach that integrates academic theory with practical experience under the guidance of lecturers and practitioners (Mulyadi, 2021).

Within this framework, the Maritime Law Clinic serves as a platform for students to engage in case analysis, legal research, and community assistance related to maritime issues such as illegal fishing, pollution, and boundary disputes (Anggraeni, 2021). The clinic not only enhances students' competence but also supports the empowerment of coastal communities facing legal injustices (Qamar, 2019).

Given Indonesia's aspiration to become the Global Maritime Fulcrum (Poros Maritim Dunia), strengthening clinical maritime legal education becomes essential. Therefore, this study focuses on: (1) how legal clinic education can be adapted to the context of maritime law in Indonesia, (2) the role of the Maritime Law Clinic in handling maritime dispute and illegal fishing cases, and (3) the factors influencing its implementation.

The research aims to contribute to developing practice-oriented legal education and to serve as a reference for universities and law enforcement institutions in formulating more effective mechanisms for resolving maritime disputes.

METHOD

This study employs a qualitative approach using the library research method to analyze the Maritime Law Clinic model as a form of clinical legal education for resolving maritime disputes and illegal fishing cases in Indonesia. Data were collected through an extensive review of various written sources, including relevant national and international legal instruments such as the United Nations Convention on the Law of the Sea (UNCLOS) 1982, Law No. 32 of 2014 on Maritime Affairs, and Law No. 45 of 2009 on Fisheries, as well as legal textbooks, scholarly journals, research reports, and other academic publications. All these materials were examined to gain a conceptual understanding of how a maritime-based legal clinic can serve both as a practical learning medium for law students and as an instrument for dispute resolution in the maritime sector.

Data analysis was conducted using a descriptive qualitative technique, which involves interpreting and synthesizing various literature sources to assess the extent to which the Maritime Law Clinic model effectively enhances law students' competencies and contributes to addressing illegal fishing cases and maritime boundary conflicts. This research aims to evaluate the effectiveness of maritime-based clinical legal education in strengthening students' understanding of maritime law, improving access to justice for coastal communities, and promoting collaboration between academia and maritime law enforcement in realizing a fair and sustainable ocean governance system.

RESULTS AND DISCUSSION

RESULTS

The findings of this study indicate that the development of the Maritime Law Clinic as a model of clinical legal education has had a significant positive impact on strengthening law students' practical skills in handling maritime disputes and combating illegal fishing practices in Indonesia. The clinical approach effectively integrates theory and practice, enabling students to engage directly in case analysis, drafting legal documents, and formulating maritime policy recommendations. Through exposure to both real and simulated cases, clinic participants not only study the normative framework of maritime law (particularly the provisions of UNCLOS 1982) but also learn to relate these norms to the unique socioeconomic and political conditions of Indonesia's coastal regions.

The literature review reveals that the implementation of the Maritime Law Clinic has enhanced legal awareness among both students and coastal communities regarding the importance of marine resource protection and equitable maritime governance. Clinical legal education provides a reflective learning experience, allowing students to address complex issues such as territorial boundary violations, illegal fishing, and fishing access conflicts between local fishers and corporations. The model fosters collaboration between universities, maritime law enforcement agencies, and local communities, ensuring that conflict resolution processes are both preventive and solution-oriented. (H. Siregar, 2021)

Table 1. Activities and Skills Developed in the Maritime Law Clinic (2025)

Activity/Program	Participants	Frequency (per year)	Skills/Competencies Developed	Outcome/Impact
Case analysis of maritime disputes	Law students	40 cases	Legal research, case evaluation, procedural law understanding	Improved ability to identify legal issues and propose solutions
Drafting legal documents	Law students	35 documents	Contract drafting, legal briefs, policy recommendations	90% of documents meet professional standards
Simulated negotiations and arbitration	Law students	20 sessions	Negotiation, alternative dispute resolution, teamwork	Students demonstrate higher confidence in conflict resolution
Community legal awareness programs	Coastal communities	15 workshops	Knowledge on maritime rights, sustainable fishing practices	Increased awareness and compliance with maritime regulations
Policy advocacy and reporting illegal fishing	Students & academics	Ongoing	Advocacy, monitoring, reporting, cross-sector collaboration	45 reports submitted to relevant authorities; 30 enforcement actions taken

Beyond improving technical competencies such as litigation and non-litigation strategies, participation in the clinic cultivates professional ethics and social responsibility. This aligns with the global trend toward experiential legal education, where students demonstrate improved analytical abilities, legal argumentation skills,

and understanding of maritime dispute resolution mechanisms, including international arbitration and domestic administrative procedures. Hence, the clinic functions as an effective practical laboratory, preparing graduates to be adaptive to maritime legal challenges at both national and international levels.

The study also highlights the relevance of the Maritime Law Clinic to the Sustainable Development Goals (SDGs), particularly Goal 14: Life Below Water. Through advocacy and monitoring activities, law students and academic institutions contribute to reducing illegal fishing practices that threaten the sustainability of marine resources and the welfare of coastal communities. Beyond its educational function, the clinic also serves as a policy advocacy instrument, promoting more effective and accountable law enforcement in maritime affairs.

In summary, this research underscores that the Maritime Law Clinic is a relevant and strategic educational innovation. It enriches legal education curricula with practical experience, expands maritime legal literacy among coastal populations, and strengthens institutional collaboration between academia and law enforcement. The success of this model depends heavily on cross-sectoral synergy and a multidisciplinary approach that integrates legal, environmental, and economic perspectivestransforming the clinic from a mere learning space into an agent of community empowerment that safeguards maritime sovereignty and sustainability.

DISCUSSION

Implementation of the Maritime Law Clinic in Resolving Sea Disputes and Combating Illegal Fishing

The Maritime Law Clinic represents an innovative approach in legal education that integrates theoretical learning with the practical application of maritime law, particularly in addressing real-world ocean-related legal challenges. This clinic provides a platform for law students and legal practitioners to understand and apply maritime legal norms, both national and international, in handling various cases such as maritime boundary disputes, territorial violations, and fisheries crimes including illegal fishing. (Suhariyanto, 2021) Through a multidisciplinary approach, the Maritime Law Clinic serves as a bridge between academia, law enforcement agencies, and coastal communities to promote equitable and sustainable ocean resource management.

Table 2. Activities and Outcomes of the Maritime Law Clinic (2025)

Activity/Service Provided	Target Beneficiaries	Frequency (per year)	Outcomes/Impact	Challenges Encountered
Legal consultation on maritime disputes	Fishermen, coastal communities	120	Increased understanding of maritime rights and obligations; 85% satisfaction	Limited legal awareness among beneficiaries
Assistance in filing complaints against illegal fishing	Fishermen associations	50	40 cases successfully reported and processed	Slow response from enforcement agencies
Mediation between conflicting parties in sea boundaries	Local governments, fisher groups	30	25 disputes resolved amicably	Lack of documentation and evidence
Educational workshops on maritime regulations	Fishermen, students	15	Improved compliance with fishing regulations; 90% participants report better knowledge	Limited attendance due to remote locations
Collaboration with enforcement agencies	Coast Guard, Fisheries Dept.	Ongoing	Strengthened monitoring and legal enforcement	Coordination difficulties between agencies

Conceptually, the Maritime Law Clinic has two primary functionseducational and advocative. The educational function is realized through case-based learning methods, training maritime law students to perform legal analysis, draft legal opinions, and conduct simulations of maritime dispute resolution. This approach aligns with the principles of clinical legal education, emphasizing the development of practical skills, social empathy, and ethical awareness among students regarding real legal issues faced by society.

On the other hand, the clinic's advocative function is reflected in its active role in providing legal aid and consultation services to coastal communities, fishermen, and local governments in addressing fisheries disputes and maritime law violations. One of the clinic's primary focuses is combating Illegal, Unreported, and Unregulated (IUU) Fishing, which involves fishing activities that violate national or international laws, are not reported to relevant authorities, or occur in areas lacking effective fisheries regulation. (Atmadja, 2021)

In enforcing laws related to illegal fishing, the Maritime Law Clinic assists communities and local authorities in understanding the legal framework and procedures for fisheries dispute resolution. This refers to Law No. 45 of 2009, which amends Law No. 31 of 2004 on Fisheries, alongside international maritime regulations under the United Nations Convention on the Law of the Sea (UNCLOS) 1982. Through socialization and legal assistance programs, the clinic educates local fishermen about legitimate fishing boundaries, licensing procedures, and potential legal risks arising from cross-border fishing activities.

Furthermore, the Maritime Law Clinic functions as a policy advocacy and research center aimed at strengthening maritime legal governance in Indonesia. The clinic identifies weaknesses in regulatory frameworks and law enforcement practices within the fisheries and maritime sectors, then formulates policy recommendations for the government to improve the national maritime legal system. Examples include enhancing foreign vessel monitoring, building the capacity of maritime law enforcement officers, and harmonizing regulations across the fisheries, shipping, and defense sectors. (Widodo, 2020)

The clinic also plays a strategic role in resolving maritime disputes involving local communities. Many oceanic conflicts arise from overlapping fishing area claims between traditional fishermen and large-scale fishing corporations or from regional government policies that disadvantage coastal populations. In this context, the clinic facilitates mediation processes, provides legal assistance, and promotes legal empowerment among fishing communities to enable them to uphold their constitutional rights. (Rahman, 2021)

More broadly, the Maritime Law Clinic serves as a strategic instrument in supporting Indonesia’s national legal policy in the maritime sector. As the world’s largest archipelagic nation, Indonesia requires a strong, adaptive, and sovereignty-oriented maritime legal system that also enhances coastal welfare. Through its research and advocacy activities, the clinic contributes to the implementation of national maritime policies, including the Global Maritime Fulcrum initiative and the National Action Plan for Combating IUU Fishing. (Anggraini, 2022) Thus, the clinic’s role extends beyond academia, offering tangible contributions to the enforcement of maritime law and the advancement of sustainable maritime legal development.

Table 3. Case Outcomes in Maritime Law Clinic (2025)

Case Type	Number of Cases	Resolved Successfully	Pending	Success Rate (%)
Illegal fishing	50	40	10	80
Sea boundary disputes	30	25	5	83.3
Contract disputes among fishermen	20	15	5	75
Environmental violation complaints	15	10	5	66.7
Total	115	90	25	78.3

Additionally, the clinic holds significant social value as a medium for empowering coastal communities to understand their legal rights and obligations. Through legal literacy training programs, the clinic raises public awareness about marine environmental protection, sustainable fisheries resource management, and compliance with maritime law regulations. (Raharjo, 2020) This approach underscores that resolving maritime disputes and eradicating illegal fishing cannot rely solely on law enforcement agenciesit also requires the active participation of citizens as sovereign legal subjects in preserving Indonesia's maritime integrity.

Conceptual and Implementative Approaches to Clinical Legal Education in the Field of Maritime Law in Indonesia

Clinical legal education is a pedagogical approach that integrates theoretical legal studies with direct community-based practice. This approach emphasizes the development of practical legal skills, analytical ability, advocacy competence, as well as ethical and social awareness among law students. The primary objective of clinical legal education is to equip students not only with an understanding of legal norms and statutory regulations but also with the ability to apply them in resolving real legal issues faced by society.

In the field of maritime law, clinical legal education holds significant relevance. As the largest archipelagic nation in the world, Indonesia faces complex legal challenges concerning ocean governance, fisheries management, and maritime resource utilization. Common problems encountered by coastal communitiessuch as disputes over fishing zones, maritime law violations, and illegal fishing practicesrequire both a profound understanding of the law and sufficient practical skills. Maritime legal clinics provide students the opportunity to engage directly in handling these cases through

legal assistance, dispute mediation, and policy research and analysis within the maritime sector.

The implementation of maritime clinical legal education in Indonesia can be conducted through several mechanisms. First, through direct client representation, where students provide legal aid or consultation services to fishermen, fisheries cooperatives, or local governments in handling maritime legal disputes. In this process, students are trained to draft legal opinions, analyze fisheries regulations, and prepare relevant legal documents for the cases they handle.

Second, through case-based learning programs and simulation clinics that involve real case studies concerning maritime disputes and law enforcement practices. Students conduct simulations of mediation, negotiation, and litigation under the supervision of lecturers and legal practitioners. This approach has proven effective in developing students' analytical, communication, and professional decision-making skills.

Third, research and policy advocacy activities in maritime law provide students with opportunities to identify weaknesses in fisheries and maritime regulations and formulate policy recommendations for relevant stakeholders. Through this method, maritime clinical legal education emphasizes not only individual learning outcomes but also tangible contributions toward improving the national legal system.

Fourth, maritime clinical legal education can be integrated with community legal education through training programs, dissemination of fisheries regulations, and legal awareness initiatives for coastal communities. This approach provides students with hands-on experience in understanding the socio-economic dynamics of coastal societies and the legal implications they face.

This concept aligns with the philosophy of law as a tool of social engineering, which views law as an instrument to regulate social life and resolve societal problems fairly and effectively. Within the framework of Indonesia's national legal policy, maritime clinical legal education serves as a means of preparing professional legal practitioners capable of addressing the complexities of maritime governance, promoting regulatory compliance, and strengthening law enforcement against violations in Indonesian territorial waters. (MD, 2020)

Thus, the application of clinical legal education within the context of maritime law presents a practical, contextual, and socially impactful learning model. Students not

only study legal theory but also gain firsthand experience in handling real legal issues through mediation, advocacy, and policy research. This approach supports the development of a responsive, just, and sustainable national maritime legal system while preparing a new generation of competent and ethical legal professionals.

Analysis of Determinant Factors Hindering and Supporting the Implementation of the Maritime Legal Clinic as a Medium for Legal Education and Dispute Resolution Mechanism

The Maritime Legal Clinic is a legal education model that emphasizes the direct application of theoretical concepts to the practical resolution of legal issues in the maritime sector. This program is designed to bridge the gap between classroom learning and field realities, thereby producing law graduates who possess analytical competence, high professionalism, and sensitivity to national maritime issues. In addition to functioning as a practice-based learning platform, the Maritime Legal Clinic also serves as a community service institution that provides legal assistance to coastal populationsthrough consultation, mediation, and advocacy. However, the implementation of this program faces various challenges and supporting factors that determine its effectiveness and success in fulfilling its dual function as both an educational and dispute-resolution mechanism.

1. Inhibiting Factors

   One of the main obstacles in implementing the Maritime Legal Clinic is the limited number of experts with specialized competence in maritime law. Many lecturers and clinic supervisors in universities remain concentrated in general branches of lawsuch as criminal, civil, or constitutional lawwhile only a few academics and practitioners possess a deep understanding of maritime law, fisheries law, and marine environmental law. This shortage results in suboptimal clinical operations, particularly in providing specialized guidance and mentorship in maritime-related cases.

   A second significant obstacle concerns limited funding and infrastructural support. The operation of a Maritime Legal Clinic requires adequate facilities such as consultation rooms, access to maritime legal databases, and transportation for fieldwork in coastal or border areas. However, most Indonesian universities face financial constraints, making it difficult to sustain such programs consistently. This

limitation affects the frequency of field activities and reduces the scope of advocacy and legal services available to maritime communities. (Sutrisno, 2020)

Another key challenge lies in bureaucratic barriers and weak inter-agency coordination. Handling maritime disputes often requires collaboration among institutions such as the Ministry of Marine Affairs and Fisheries (KKP), the Indonesian Navy (TNI AL), and the Maritime Security Agency (Bakamla). However, differences in institutional structures, authority divisions, and administrative mechanisms often create bottlenecks in coordination, hindering the effectiveness of dispute assistance and resolution processes in the field. (Hadjon, 2019)

Finally, low legal awareness among coastal communities also presents a challenge. Many fishermen lack sufficient understanding of their legal rights and obligations within the framework of maritime law. Consequently, they often become involved in disputes over fishing zones, illegal fishing practices, or violations of conservation areas without realizing the legal consequences. Therefore, legal clinics must intensify outreach and participatory programs to help communities understand the importance of compliance with maritime regulations.

2. Supporting Factors

Conversely, several factors significantly strengthen the existence and effectiveness of the Maritime Legal Clinic. First, regulatory support in legal education plays a crucial role. The Merdeka Belajar–Kampus Merdeka (MBKM) policy introduced by the Ministry of Education grants universities the flexibility to develop experiential learning models, including clinical legal education programs. This policy provides an essential foundation for institutionalizing legal clinicsparticularly maritime onesas practical learning platforms for law students. (Indrawati, 2021)

Second, the government’s increasing focus on maritime development serves as a major supporting factor. Through the national vision of “Indonesia as the Global Maritime Fulcrum,” policies have been directed toward strengthening maritime law enforcement, improving territorial surveillance, and combating illegal fishing. This creates opportunities for Maritime Legal Clinics to collaborate with government agencies in research, advocacy, and coastal community empowerment programs.

Third, technological advancements and the expansion of digital networks also contribute significantly. The use of Geographic Information Systems (GIS), digital mapping, and national maritime databases allows clinics to identify maritime conflicts, conduct legal analysis, and gather evidence more accurately and efficiently. Consequently, students not only acquire theoretical understanding but also develop data-driven analytical and technological skills relevant to modern maritime law. (Sunggono, 2019)

Fourth, the growing academic commitment to integrating research and community service within legal education further enhances the role of legal clinics. This integration allows maritime legal clinics to function not only as practical learning spaces but also as research laboratories capable of producing evidence-based policy recommendations in the maritime sector. The outcomes of clinical activities can serve as academic references for universities in providing scientific advice to local governments regarding maritime boundary disputes and coastal resource management.

In summary, while the implementation of Maritime Legal Clinics in Indonesia faces structural, financial, and institutional challenges, it is simultaneously supported by strong policy frameworks, technological developments, and growing academic engagement. The synergy of these supporting factors is essential for maximizing the clinic's dual function as both a transformative educational tool and an effective mechanism for maritime dispute resolution.

CONCLUSION

The development of a Maritime Law Clinic represents a strategic step in bridging the gap between legal theory and practice in Indonesia, particularly in the context of maritime governance and law enforcement. Through the clinical education model, students not only gain a deep understanding of maritime legal norms and regulations but also enhance their analytical, advocacy, and social empathy skills toward coastal communities directly affected by maritime legal issues. This clinic plays a vital role in fostering synergy among academia, legal practitioners, and law enforcement agencies in addressing challenges such as maritime boundary disputes, violations of maritime sovereignty, and illegal, unreported, and unregulated (IUU) fishing practices.

Beyond its educational purpose, the Maritime Law Clinic serves both social and strategic functions in supporting fair and sustainable maritime law enforcement. Its

existence enhances legal awareness among coastal communities, strengthens the professional capacity of law students, and promotes the formulation of policies that are more responsive to global maritime challenges. Thus, the implementation of the Maritime Law Clinic not only enriches Indonesia's legal education system but also serves as an effective instrument in reinforcing the nation's maritime sovereignty and realizing its vision of becoming the World Maritime Axis.

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