

Law Enforcement in Indonesian Maritime Areas: Opportunities and Challenges

Irma Rachmawati Maruf

Universitas Pasundan, Bandung, Indonesia

Article Info	ABSTRACT
<p>Keywords: Law enforcement, Marine Areas, Maritime Law, Opportunities, Challenges</p>	<p>Law enforcement in Indonesian maritime areas is an important subject in the context of sustainability of marine resources and protection of the maritime environment. This research aims to explore the opportunities and challenges related to law enforcement in Indonesian maritime areas. The research method used is descriptive analysis by collecting data from various primary and secondary sources using a normative legal approach. The research results show that in law enforcement in Indonesian maritime areas, there are great opportunities that can be exploited, such as natural resource wealth, international cooperation, technology and innovation, as well as investment in the marine and fisheries sector. However, the research also identified several challenges, including budget, personnel, and technology limitations, the rapid pace of technological change, legal diversity, and competition with other countries. To overcome this challenge, a strong commitment from the government is needed to increase investment, training, cross-sectoral and cross-institutional coordination, as well as readiness to face the impacts of climate change and extreme weather. With a comprehensive approach, Indonesia can maximize its maritime potential while maintaining environmental sustainability and improving the welfare of coastal communities.</p>
<p>This is an open access article under the CC BY-NC license</p> 	<p>Corresponding Author: Irma Rachmawati Maruf Universitas Pasundan, Bandung, Indonesia Irma.rachmawati@unpas.ac.id</p>

INTRODUCTION

The Unitary State of the Republic of Indonesia (NKRI) is a maritime country formed from an archipelago that stretches approximately 5 thousand kilometers along the equator (Kurnia, 2010). Geostrategically, Indonesia is at the intersection of two continents and two oceans. Its location between the Asian Continent and the Australian Continent makes Indonesia a link between two different civilizations, namely western civilization (Australia) and eastern civilization (Asia) (Nursalim et al, 2023). Meanwhile, its position between two large oceans, namely the Pacific Ocean and the Indian Ocean, makes Indonesia located on a very busy international shipping route. Thus, Indonesia has a strategic role in relations between countries in the region and is an important center in regional geopolitical and economic dynamics (Monteiro, 2020).

As an archipelagic country, the sea has a very vital role for the Unitary State of the Republic of Indonesia (NKRI) (Vinata, 2010). The sea is not just a physical link between the islands in Indonesia, but also has functions that go beyond that. The sea is a medium that unites the nation, is the main route of transportation and communication, is a rich natural resource, and is the main key to national defense and security (Indriyani et al., 2022). Apart from that, the sea is also a forum for diplomacy and Indonesia's international relations with other countries. In the context of national and state life, the sea has a deep meaning as an inseparable part of state sovereignty, a space for developing maritime industry, a vital sea route of communication (SLOC), and as an ecosystem that needs to be preserved (Haryanto, 2016).

Based on the understanding of the important role of the sea as mentioned above, it becomes clear that within Indonesia's maritime territory there are various interests that can synergize or even conflict with each other. The presence of these various interests, both directly and indirectly, will have a significant impact on law enforcement and security efforts at sea (Kasworo, 2019). Therefore, there is a need for good coordination between various related parties, sustainable management of marine resources, as well as joint efforts to maintain security and stability in Indonesian waters so that national and international interests can be met in a balanced manner (Wulansari, 2014).

As a country with a vast maritime area, Indonesia faces a number of serious challenges related to maritime security (Gerugan, 2016). These challenges include illegal fishing practices which damage marine ecosystems and threaten the sustainability of fish resources, smuggling of prohibited goods such as weapons and drugs, as well as human trafficking activities and boat people seeking protection or a better life (Suryawati, 2016). The threat of terrorism is also an important focus, with the potential for acts of terror along Indonesia's coastlines and waters, while the existence of pirates remains a threat that needs to be addressed (Wiranto, 2020). Strong coordination and law enforcement efforts are needed to overcome these various transnational problems and safeguard sovereignty and security in Indonesia's maritime territory.

In efforts to enforce law and security at sea, Indonesia's national legal and regulatory framework has regulated 17 relevant laws. However, it should be noted that in the laws governing law enforcement at sea, often the subject of the perpetrator can involve more than one agency (Susetyorini, 2019). This condition can create complexity and potential conflicts of interest between various related institutions. Differences in perceptions regarding authority tend to emerge and can lead to institutional ego attitudes, where each institution tends to maintain its own authority. As a result, there may be miscoordination and inefficient handling of law enforcement and security issues at sea (Asror & Puspoayu, 2023).

With the birth of the Maritime Security Omnibus Law through Government Regulation (PP) Number 13 of 2022, Indonesia emphasizes its strong commitment to managing and maintaining security in its territorial waters (Notohamijoyo, 2023). This PP provides a clear and firm legal basis regarding the implementation of security, safety and law enforcement in Indonesian waters and Indonesian jurisdiction. One of the important

points acknowledged is strengthening the role of the Maritime Security Agency (Bakamla) as the main coordinator in maritime law enforcement efforts (Kadar, 2015). Thus, this regulation not only provides clarity regarding marine governance, but also overcomes the confusion that often occurred previously, which could lead to vacancies in patrols in some marine areas and backlogs in other areas (Saifulloh & Simabura, 2023).

This step is important in optimizing supervision and law enforcement in Indonesian seas, as well as overcoming challenges such as illegal fishing, smuggling of prohibited goods, and the threat of terrorism in territorial waters (Darajati & Syafei, 2023). With Bakamla as the main coordinator, it is hoped that there will be increased coordination between various related institutions, which will ultimately ensure more efficient and effective law enforcement throughout Indonesia's maritime areas. Through these steps, Indonesia asserts its maritime sovereignty and security, and faces complex dynamics in the maritime sphere more prepared and organized (Turi et al, 2023).

The aim of the research is to investigate in depth the opportunities and challenges related to law enforcement efforts in Indonesian maritime areas. This research aims to better understand the dynamics of law enforcement in Indonesian seas, identify factors that influence the effectiveness of law enforcement in Indonesian waters, and formulate recommendations and strategies to increase the efficiency and effectiveness of maritime law enforcement. The benefits of this research include a deeper understanding of the challenges faced in law enforcement in Indonesian seas, the development of more appropriate and effective policies in maintaining security and sovereignty in Indonesian waters, as well as contributions to efforts to preserve marine resources and the maritime environment as a whole.

METHOD

To answer the problems above, normative juridical research methods are used. This research was carried out through literature analysis in order to obtain legal material to be analyzed. Normative juridical research is a type of research commonly used in the legal field, which is different from empirical research or research in other fields of science (Soekanto, 2007). The approach used in this research includes a statutory approach and a conceptual approach. The statutory approach is used to analyze various laws and regulations related to law enforcement in Indonesian maritime areas, while the conceptual approach is used based on existing concepts, doctrines and practices in law enforcement in Indonesian maritime areas. By using these two approaches, it is hoped that this research can provide a comprehensive understanding of the issue of law enforcement in Indonesian seas.

RESULTS AND DISCUSSION

In law enforcement in Indonesian maritime areas, there are several opportunities and challenges that need to be considered:

Opportunity

1. Resource Wealth

Indonesia's marine areas play an important role in providing abundant natural resources, such as fish, oil and gas, and minerals. The wealth of natural resources in Indonesian waters not only provides economic opportunities, but is also the main foundation for sustainable maritime economic development. The fisheries sector, as one of the main resources in Indonesia's seas, has great potential to improve the welfare of coastal and rural communities and is the backbone of the national economy. In addition, the potential of marine energy resources, such as oil and natural gas, provides opportunities for energy diversification and supports sustainable economic growth.

However, while recognizing the opportunities associated with the rich natural resources in Indonesia's seas, it is important to consider the environmental and social impacts of over-exploitation. Overfishing and unsustainable exploitation of marine resources can threaten the sustainability of marine ecosystems and reduce the long-term potential for sustainable maritime economic development. Therefore, wise and sustainable management is needed to ensure that the use of natural resources in Indonesian seas can provide long-term benefits for society and maintain the sustainability of the marine environment.

Apart from that, maritime economic development also requires adequate infrastructure and investment in fields such as maritime transportation, ports, shipbuilding industry, marine tourism and marine technology. By paying attention to the potential of the maritime economy as a whole and implementing a sustainable approach, Indonesia can maximize the benefits of the wealth of natural resources in its maritime areas while maintaining environmental sustainability and community welfare.

2. International Cooperation

Regional and international cooperation in the context of maritime law enforcement plays an important role in strengthening the capacity of countries to maintain security and order in maritime areas. Through this collaboration, neighboring countries and international institutions can support each other in exchanging information, capacity development, and operational coordination to overcome various maritime challenges. For example, bilateral cooperation between Indonesia and neighboring countries such as Malaysia and Singapore has helped increase cross-border surveillance and patrols to combat illegal activities in the waters they share. In addition, multilateral cooperation through institutions such as ASEAN and the UN can provide a broader platform for sharing experiences, best practices and resources in an effort to collectively improve maritime law enforcement.

One of the main benefits of regional and international cooperation is improving the exchange of information needed to detect and respond to illegal activities at sea. By sharing data and intelligence through existing cooperation mechanisms, countries can effectively monitor illegal activities such as illegal fishing, drug smuggling and human trafficking in their maritime areas. Apart from that, this collaboration also makes it possible to strengthen capacity through joint training, exchange of experts, and development of relevant technology to support maritime law enforcement.

3. Technology and Innovation

Advances in information and communication technology (ICT) have opened up new opportunities to improve law enforcement at sea in a more efficient and effective way. The use of geographic information systems (GIS), satellite sensors, and air monitoring technology has made it possible to monitor marine activity in real-time remotely. In this way, law enforcement agencies can monitor vessel movements, identify illegal activities such as illegal fishing or smuggling, and respond quickly and appropriately. In addition, the use of modern communications technology, such as radio and satellite networks, allows better coordination between various agencies and agencies involved in law enforcement operations at sea.

Innovation in the field of maritime surveillance and monitoring is also key in increasing the effectiveness of law enforcement at sea. The development of technologies such as automatic identification systems (AIS), vessel identification systems (VMS), and vessel tracking systems (VTS) have strengthened the ability to accurately track vessel movements and identify suspicious activity. With this technology, law enforcement agencies can more easily detect violations of the law, implement enforcement actions, and increase surveillance over large areas of the sea.

4. Increased investment in the marine and fisheries sector

Indonesia, with most of its territory consisting of oceans, has extraordinary potential in the marine and fisheries sector which has not yet been fully exploited optimally. By strengthening investment in this sector, Indonesia can generate significant increases in production and exports of fishery products, as well as add added value to the marine and fisheries industry as a whole. This potential covers various aspects, from increasing fish production and sustainable management of marine resources to developing a more advanced fish processing industry and adding value in the marine tourism sector.

As a country rich in natural resources, Indonesia has a unique opportunity to exploit marine and fisheries potential as the main driver of economic growth. By optimizing sustainable management of marine resources, Indonesia can ensure that the marine and fisheries sector is not only a driving force for economic growth, but also plays a role in maintaining the sustainability of the marine environment and the welfare of coastal communities. Thus, increasing investment in the marine and fisheries sector will bring broad benefits to Indonesia's overall economic development, while also providing protection and preservation of marine wealth which is an important legacy for future generations.

5. Maritime infrastructure development

In the context of being a maritime country with thousands of islands, Indonesia needs adequate maritime infrastructure to strengthen inter-island and inter-country connectivity. The development of infrastructure such as modern and efficient ports will facilitate the flow of goods and passengers between islands, speed up the process of loading and unloading ships, and encourage economic growth in coastal areas. In addition, the development of efficient maritime highways will provide a fast and cheap transportation alternative to connect remote islands and isolated areas to major economic centers, reduce regional

inequality and increase community accessibility to services and wider economic opportunities.

Apart from that, developing an efficient maritime transportation network is also important to improve connectivity between countries and support international trade. By strengthening maritime infrastructure, Indonesia can strengthen its position as the world's maritime axis and increase its role as a regional logistics center. This will open up new opportunities for economic growth, increased investment and deeper regional economic integration. However, to achieve this goal, strong political commitment, large investments in infrastructure development, and cooperation between government, the private sector and civil society are required in overcoming the technical and administrative challenges associated with this ambitious maritime infrastructure development.

Challenge

1. Resource Limitations

The main challenges in carrying out law enforcement operations in Indonesia's vast and complex maritime areas are limited budget, personnel and technology. Budget constraints often hinder the government's ability to obtain the resources necessary to conduct effective law enforcement operations. This may result in restrictions in the procurement of necessary equipment and infrastructure, as well as adequate training and development of personnel. Apart from that, limited personnel is also a serious challenge, considering that Indonesia's vast maritime territory requires a sufficient number of personnel to carry out patrols, surveillance and law enforcement effectively. This condition is compounded by the need to engage highly trained and qualified personnel to handle a variety of complex maritime security issues.

Apart from that, technological limitations also pose a challenge in law enforcement operations in large sea areas. Although there has been progress in the development of maritime monitoring and surveillance technologies, such as satellite sensors and automatic identification systems, there is still a need to develop and implement more sophisticated and integrated technologies. This requires significant investment in research and development, as well as procurement of the necessary equipment and systems. Therefore, to overcome this challenge, a strong commitment from the government is needed to increase budget allocations for maritime law enforcement, increase personnel training and development, and invest in the development and application of innovative technology in monitoring and supervising Indonesia's maritime areas.

2. The Rate of Technological Change

Rapid technological developments have provided great opportunities for law enforcement in Indonesian maritime areas. Technologies such as satellite sensors, automated surveillance systems, and artificial intelligence have enabled law enforcement agencies to monitor activities at sea more effectively and efficiently. This opens up opportunities to detect and respond to illegal activities such as illegal fishing, drug smuggling and human trafficking more quickly and precisely. In addition, technology can also be used to improve data collection and analysis, thereby providing a better

understanding of maritime crime trends and emerging patterns in Indonesia's maritime areas.

However, while technology provides great opportunities, the pace of technological change also poses significant challenges. Rapid technological developments require ongoing efforts to ensure that law enforcement capabilities can continue to adapt to these changes. Technology that may be effective today may be obsolete in a few years, so law enforcement agencies need to continually upgrade their capabilities, both through training and development of personnel and investment in more advanced technology.

3. Legal Diversity

Various regulations and jurisdictions, both at the national and international levels, are one of the main challenges in coordinating and enforcing laws in Indonesia's maritime areas. At the national level, various ministries and institutions have different roles and authorities related to managing and enforcing laws at sea, including the Ministry of Maritime Affairs and Fisheries, the Ministry of Transportation, and the Maritime Security Agency. This can lead to overlapping or even conflicting policies between agencies, making effective coordination and law enforcement difficult. In addition, at the international level, various agreements and conventions such as UNCLOS (United Nations Convention on the Law of the Sea) also regulate various aspects of marine management and utilization, which can create additional complexity in law enforcement in Indonesian maritime areas.

To overcome this challenge, strong cross-sectoral and cross-institutional cooperation is needed between various related parties, both at the national and international levels. This involves close coordination between the government, law enforcement agencies, relevant government agencies, and the private sector, as well as active participation from civil society and non-governmental organizations. Joint efforts are needed to harmonize regulations and policies, build effective coordination mechanisms, and increase the capacity and skills of personnel involved in law enforcement at sea. In addition, international cooperation is also important, including information exchange, joint capacity building, and regulatory harmonization, to overcome cross-border and cross-country challenges in maritime law enforcement. With a strong cross-sectoral and cross-agency approach, Indonesia can overcome regulatory and jurisdictional complexities and increase the effectiveness of law enforcement in its maritime areas.

4. Competition with Other Countries

Indonesia, as a maritime country that has great potential in the maritime economy, must face fierce competition with other countries that are also pursuing dominance in the global maritime domain, such as China and India. The economic strength and resources possessed by these countries are a serious challenge for Indonesia in pursuing a position as the world's maritime axis. However, Indonesia's efforts are hampered by limited use of technology in the maritime sector. Although there have been several advances in the use of technology, such as the use of satellites and geographic information systems, there is still a significant gap in the adoption of high technology that can increase the efficiency and effectiveness of maritime operations. As a result, Indonesia finds it difficult to optimize its

maritime potential to the maximum, facing increasingly fierce competition in the global market.

Apart from that, climate change and extreme weather events are also factors that complicate conditions. The impacts of climate change, such as rising sea levels and extreme weather events, can affect maritime activities, disrupt shipping operations and threaten coastal security. This especially has an impact on the welfare of coastal communities and small islands which are vulnerable to environmental impacts. Therefore, Indonesia must face this challenge by increasing readiness to adapt to climate change, strengthening maritime infrastructure that is resistant to natural disasters, and increasing supervision and monitoring of sea conditions to reduce the risks faced by the Indonesian maritime community. With coordinated and continuous efforts, Indonesia can overcome these challenges and strengthen its position as a competitive maritime axis on the international stage.

CONCLUSION

In law enforcement in Indonesian maritime areas, there are great opportunities that can be exploited to obtain economic benefits and maintain environmental sustainability. Wealth of natural resources, international cooperation, technology and innovation, increased investment in the maritime and fisheries sector, and development of maritime infrastructure are the main foundations for maximizing Indonesia's maritime potential. However, there are also challenges that need to be overcome, such as limited resources, the pace of technological change, legal diversity, and competition with other countries. Budget, personnel and technology limitations, as well as rapid technological change, require a strong commitment from the government to increase investment and training. In addition, cross-sectoral and inter-agency coordination at national and international levels is key to overcoming regulatory and jurisdictional complexities. Competition with other countries, coupled with the impact of climate change and extreme weather, requires Indonesia to increase adaptation readiness and risk management. With a comprehensive and sustainable approach, Indonesia can optimize its maritime potential while maintaining environmental sustainability, improving the welfare of coastal communities, and strengthening its position as a competitive maritime axis on the international stage.

REFERENCES

1. Asror, M. K., & Puspoayu, E. S. (2023). Harmonisasi Peraturan Perundang-Undangan Terkait Kewenangan Penyidikan Oleh Lembaga Penegak Hukum Di Wilayah Zona Ekonomi Eksklusif Indonesia. *NOVUM: JURNAL HUKUM*, 69-89.
2. Darajati, M. R., & Syafei, M. (2023). Strategi Pemberantasan Praktik Penangkapan Ikan Secara Ilegal di Wilayah Laut Indonesia. *Jurnal Hukum Ius Quia Iustum*, 30(1), 138-158.
3. Gerungan, L. K. (2016). Penegakan Hukum Di Wilayah Perairan Indonesia. *Lex et Societatis*, 4(5).

4. Haryanto, A. (2016). Faktor Geografis dan Konsepsi Peran Nasional sebagai Sumber Politik Luar Negeri Indonesia. *Jurnal Hubungan Internasional*, 4(2), 136-147.
5. Indriyani, Y., Laksmono, R., Syhataria, M. I., & Uksan, A. (2022). Strategi Pertahanan Negara dalam Melindungi Sumber Energi di Wilayah Perbatasan: Studi Kasus Blok Ambalat & Kepulauan Natuna. *Cakrawala: Jurnal Litbang Kebijakan*, 16(1), 29-42.
6. Kadar, A. (2015). Pengelolaan kemaritiman menuju Indonesia sebagai poros maritim dunia. *Jurnal Keamanan Nasional*, 1(3), 427-442.
7. Kasworo, Y. (2019). Restrukturisasi kewenangan guna mendukung pengelolaan Ruang laut yang berdaulat dan berkelanjutan. *Jurnal RechtsVinding*, 8(2), 265-276.
8. Kurnia, I. (2010). Pengaturan Perundang-undangan Nasional Terkait dengan Penetapan Indonesia Sebagai Negara Kepulauan. *Jurnal Hukum PRIORIS*, 2(4), 256-263.
9. Monteiro, S. (2020). Yurisdiksi Negara Pantai Di Wilayah Delimitasi Maritim Zona Ekonomi Eksklusif Yang Belum Ditetapkan Berdasarkan Ketentuan Hukum Laut Internasional (Study Di Timor Leste-Indonesia). *Jurnal Komunikasi Hukum (JKH)*, 6(1), 303-334.
10. Notohamijoyo, A. (2023). *Reaktualisasi poros maritim*. MCL Publisher.
11. Nursalim, M., Puspoayu, E. S., & Hikmah, N. (2023). Penyelesaian Sengketa terhadap Aktivitas Perikanan Kapal Cina di Perairan Laut Natuna Utara Menurut Hukum Laut Internasional. *Novum: Jurnal Hukum*, 139-160.
12. Saifulloh, P. P. A., & Simabura, C. (2023). PENATAAN LEMBAGA PENGAMANAN DAN PENEKAKAN HUKUM LAUT BERDASARKAN CITA HUKUM PANCASILA. *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional*, 12(3).
13. Soekanto, S. (2007). Penelitian hukum normatif: Suatu tinjauan singkat.
14. Suryawati, N. (2016). Kebijakan Kelautan dalam Kerangka Menjaga Dan Mengelola Sumber Daya Alam Laut. *Legality: Jurnal Ilmiah Hukum*, 24(2), 204-212.
15. Susetyorini, P. (2019). Kebijakan Kelautan Indonesia Dalam Perspektif Unclos 1982. *Masalah-Masalah Hukum*, 48(2), 164-177.
16. Turi, T. M., Sudiarto, A., & Warka, I. W. (2023). Implementasi Pengamanan Laut oleh Bakamla RI di Wilayah Perairan Indonesia dan Yurisdiksi Indonesia. *Jurnal Kewarganegaraan*, 7(2), 2356-2364.
17. Vinata, R. T. (2010). Prinsip-Prinsip Penentuan Laut Teritorial Republik Indonesia Berdasarkan Konvensi Hukum Laut 1982. *Perspektif*, 15(3), 207-225.
18. Wiranto, S. (2020). Membangun kembali budaya maritim Indonesia melalui kebijakan kelautan Indonesia dengan strategi pertahanan maritim Indonesia: perspektif pertahanan maritim. *Jurnal Maritim Indonesia (Indonesian Maritime Journal)*, 8(2), 1-16.
19. Wulansari, E. M. (2014). Penegakan Hukum Di Laut Dengan Sistem Single Agency Multy Tasks. *Media Pembinaan Hukum Nasional*, 1-6.