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# THE EFFORTS OF THE MARITIME SECURITY AGENCY IN PREVENTING TRANSNATIONAL CRIME AT THE STATE FRONTIER ARE VIEWED FROM THE STRATEGIC POSITION OF THE RIAU ISLANDS

By

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## ABSTRACT

Indonesia is an archipelagic country that has abundant potential marine resources which have the potential to cause exploitation and create vulnerability to transnational crimes. One of them is the Riau Archipelago, the outer archipelago of Indonesia. It is directly adjacent to Singapore and Malaysia, a crossroads for international shipping that makes it a strategic place. Because of this strategic location, security is needed by the authorized institution. In this case, the author intends to analyze BAKAMLA's efforts in securing the waters of the Riau Archipelago. This paper will analyze BAKAMLA's strategy for preventing transnational crimes at national borders in terms of the strategic position of the Riau Archipelago using the theory of threat and national defense. The writing method used is a descriptive qualitative literature study

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## 1. INTRODUCTION

The lives of the people in the border areas have recently received serious attention from the Government. It is a problem of development being left behind from other regions and the diminishing spirit of nationalism among the people living in these border areas. Communities in border areas tend to be a society without national borders because their activities often cross the sovereign territory of each country. The underdevelopment in the border areas has caused the Indonesian people in the border areas to be more oriented toward the value systems and lifestyles of neighboring countries. It is a significant threat the Government is currently facing. (Ali, Prakoso, & Sianturi, 2021)

If we look closely, the life of the people in the border areas is faced with a delicate problem. The strong influence of foreign value systems in the form of exchanges on socio-cultural aspects threatens the existence of the ideology and value systems of the local community (Patton, et al., 2021). Likewise, economic penetration in border areas also impacts transnational criminal activities such as smuggling, trafficking in persons, money laundering, illegal logging, illegal fishing, illegal immigrants, international narcotics networks, and so on. This situation indirectly threatens the State's sovereignty in defending its territorial boundaries. (Suhirwan L. Y., 2018)

As the front porch, the border is the entrance of a country that must be protected and empowered. The edge will become very prone to crime if it is not closely monitored and guarded because many crimes can be committed in the border area. So far, Indonesia's border areas have only been considered the outermost line of defense of the country. (Suhirwan & Prakoso., 2018) Therefore, the approach used in managing borders is only a security approach. The increasing flow of movement of people, goods, and information has become a real implication of the current globalization phenomenon (Prakoso L. Y., Strategi Maritim Penanganan Kejahatan Lintas Negara di Perbatasan Laut

Indonesia DiKabupaten Nunukan Provinsi Kalimantan Utara, 2018). It makes the border area a very strategic aspect for a country regarding social, economic, political, and defense. Of course, this requires a good and accountable border area management system. (Prakoso, Duha, Setiadi, & Kusmiati, 2021)

One of the threats to a border area is a crime that crosses national borders or transnational crimes. The emergence of international crime is caused by the geographical proximity of a country's territory (Kurniawan, Widyarto, & Prakoso, 2020). Transnational crimes can also threaten the development of social life in both countries. Transnational crime crossing the border between Indonesia and Malaysia, such as human trafficking, drugs, terrorism, and others that have occurred so far, does not necessarily allow a country to handle it alone. The crimes like this involve more than one country with different rules and regulations. (Prakoso L. Y., 2021) Thus, the Government is required to adequately supervise, know and control the movement of ships through several channels, straits, bays, seas, rivers, and ports (Quarterdeck, 2015). Practical cooperation is needed to overcome transnational crimes, such as bilateral cooperation, occurring within the smallest range of international crimes.



Gambar 1. Jarak Batam, Kepulauan Riau dengan Malaysia

Sumber: Tribun New (2010)

The Riau Archipelago Province is the locus of study in this research because, up to now, there are still very few studies on transnational crime in the Riau Archipelago Province Region. In addition, the area's location is opposite and directly adjacent to the waters of the Malacca Strait, Malaysia. Apart from that, there is also a high intensity of transnational activity in the Riau Archipelago region, increasing the economic vigor of the people in the border areas. However, the economic development in this border region, on the other hand, has also impacted the emergence of illegal financial activities in the border areas of Malaysia and the Riau Archipelago Province.

Several cases of transnational crime have been found in Indonesia. Of 222,543 reported crime cases, 36,219 were classified as international crimes, around 16.2 percent of the total crime cases. Transnational crime is a development of the characteristics of contemporary crime, which is referred to as organized crime or organized crime during the 1970s. The term is used to describe the complexities between organized crime, white-collar crime, and corruption that transcend national borders and result in lawlessness in various countries with dangerous characteristics at the international level (Olii, 2005). In its development, the UN then used the term transnational crime as a criminal activity with a broad and complex scale carried out by a complex collection of organizations that exploited illegal markets within the international community (Sinaga, 2010).

The United Nations stated in 1990 that transnational crime is a crime or crime that crosses national borders, which includes money laundering, terrorism, theft of art and cultural objects, theft of intellectual property rights, environmental crimes, firearms smuggling, aircraft hijacking, and piracy. Sea, human trafficking, trafficking in human bodies, banking crimes, corruption, and embezzlement of state funds.



Based on Albanese's view, the growth of organized crime in various countries will not be separated from the factors supporting the development of crime itself. There are 5 (five) supporting factors, namely; (1) Government Regulations, both domestic and global; (2) Economy; (3) The level of need and consumer demand; (4) Formation of markets to promote goods/services in a social environment; (5) Technology and social environment (Fredy, 2002). Therefore, transnational crimes committed in groups and organized are called TOC/Transnational Organized Crime.

Transnational Organized Crimes (TOC) is guided by the results of the UN Convention against Transnational Organized Crime, also known as the Palermo Convention. According to TOC, a transnational crime is executed in one country if committed in more than one country. The essential parts such as preparation, planning, direction, and control are carried out in another country and engaged in one country but involve criminal groups involved in illegal activities in more than one country, and carried out in one country but have an impact on other countries. Based on the convention results, several types of crimes are recognized as transnational organized crimes, and Human Trafficking is one of them (Akhirul, 2016). To overcome these problems, BAKAMLA carries out maritime security operations supported by intelligence-based detection.

## **2. LITERATURE REVIEW**

### **The National Defense**

Defense is the reaction of an agency to aggression through the extension of all means and steps, identification and measurement of risk or danger, as well as protection and response. The essence of national defense is all universal defense efforts where the implementation is based on awareness of the rights and obligations of citizens and belief in one's strength.

The Government carries out the national defense and is prepared in advance with the national defense system. National defense is a joint force between civilians and the military to ensure the integrity of its territory and protect people and their interests from threats. The Ministry of Defence manages national defense (Prakoso & Yudho., 2021)

According to Law No. 3 of 2002 concerning State defense in article 1, paragraph 1 states that national defense is all efforts to defend state sovereignty, territorial integrity of the Unitary State of the Republic of Indonesia, and the safety of the entire nation from threats and disturbances to the integrity of the Government and State. Harjomataram argued that national defense.

### **Threat**

Threats are efforts and activities. Both from within the country and abroad that are considered to threaten or endanger the sovereignty of the State. The country's territorial integrity and the safety of the entire nation (Law of the Republic of Indonesia Number 34 of 2004 concerning the Indonesian National Armed Forces, 2004). According to Law Number 17 of 2011 concerning State Intelligence, Threats are any efforts, work, activities, and actions, both domestic and foreign, which are assessed and proven to endanger the nation's safety, security, sovereignty, and territorial integrity of the State. The unity of the Republic of Indonesia, and national interests in various aspects, whether ideological, political, economic, socio-cultural, as well as defense and security.

Threats can be faced through deterrence, namely the realization of state defense and security efforts from all national forces, which will have a psychological effect to prevent and make every threat, both from outside and within the country. All citizens must avoid actual and potential hazards in protecting the nation's sovereignty, integrity, and safety. (Harris, Prakoso, & Sianturi, 2021)

### **State Border**

Borders are one of the most critical manifestations of territorial sovereignty. As the edge is expressly recognized by treaty or generally recognized without a firm statement, the frame is part of a state's right to its territory (Tirtosudarmo, 2002). According to Guo (in Arifin, 2014), the border (border) implies a boundary for a political area and a movement area. In contrast, the border area suggests a place that plays an essential role in the political competition between the two countries.

According to O.J. Martinez's (in Arifin, 2014) classification of edges, there are four distinct kinds. This categorization is based on the description and features of the border. To begin, there is the concept of alienated borderland, which refers to a region that straddles two countries but does not experience any form of cross-border activity as a result of ongoing wars, conflicts, the dominance of nationalism, ideological hatred, religious hostility, cultural differences, or ethnic competition. The second type of borderland is referred to as a coexistent borderland. This type of borderland is an area where cross-border conflicts can be reduced to a more manageable level, despite problems continuing to arise, the resolution of which is related to the question of who owns strategic natural resources at the border. The third is an interdependent borderland. Which portion of the edge, if any, is symbolically connected to both sides by international relations that are primarily unchanging. Both sides of the border region and the populations of the two nations participate in a variety of economic activities that are mutually advantageous to

one another and roughly equivalent. For instance, one camp possesses production facilities, while the other camp has access to inexpensive labor. Fourth is an integrated borderland, a border region in which economic activity is a unit, where nationalism has declined in both countries, and where both countries are closely allied with one another.

### 3. RESEARCH METHOD

The descriptive qualitative research method was utilized for this study. This method gives an overview of BAKAMLA's efforts for combating transnational crimes in the border areas of the Riau Archipelago through the use of previously collected data and facts. Secondary data, derived from the findings of a literature study and an analysis of the information presented in freelancing journal articles, are the type of data utilized. The method of data analysis is known as qualitative data analysis. After obtaining the data, it is then analyzed for its contents to determine whether or not they support the problem that is the subject of the research and the data that is related to the issue being researched. The data collection method used in this study was library research. More specifically, the data collection technique used was collecting theoretical and conceptual data from the internet in the form of online books and journal articles that had something to do with the scope of this research. These were used as a basis for thought and discussion throughout this study.

### 4. RESULTS AND DISCUSSION

The Indonesian sea has the potential to become a geostrategic center that brings together regions and countries but also serves as a source of conflict between them. Indonesia owns 80% of the ocean, totaling 5,800,000,000 km<sup>2</sup> and extending from one sea to the next with a coastline of 80,791 km and 17,504 islands (Munaf, 2015). As a result of this position, Indonesia will also play an important role and assume a significant part in its relations with the world community in its capacity as a center of gravity for the Asia Pacific area (Storey, 2013). Because of its location in the world, Indonesia has access to four communication lines and nine maritime lanes. Due to this potential geographical circumstance, the sovereignty protection area has become one of the most crucial policy goals (Dirhamsyah, 2005). Indonesia is the largest archipelagic country in the world, so the Government must be able to meet the tremendous problems of preserving its maritime territory, including its potential and natural resources, to protect its people's independence and ensure their prosperity. BAKAMLA is the front guard whose duty is to safeguard all likely.

In addition, the authority referred to in the first paragraph of Article 63 is consolidated under one Command, as stated in the second paragraph of that article. In Indonesian territorial seas, the former agency, BAKORKAMLA, coordinated the efforts of several law enforcement agencies through a single multi-agency task system. In actuality, law enforcement, maritime security, and safety operations carried out with patrol units from various agencies and Ministries have not successfully established maritime security in Indonesian waters. It is because each agency and ministry utilizes distinct strategies, infrastructure, and human resources, does not work together in an integrated system, and does not have a command and control unit; consequently, by transitioning into a unified Maritime Security Agency (BAKAMLA) command with a variety of responsibilities. It is expected that the Maritime Security Agency will function correctly regarding law enforcement, security, and safety at sea. This will cover aspects of early warning information system services, law enforcement at sea, customs, shipping security and safety, and mastery of living and non-biological natural resources in the marine environment.

BAKAMLA, as a single non-military agency, has the duties stated in Article 59 paragraph (3) of Law Number 32 of 2014 concerning Maritime, which is to carry out security and safety patrols in Indonesian waters and jurisdiction. Specifically, these duties require BAKAMLA to carry out security and safety patrols in Indonesian waters and jurisdiction. Formulating national policies in the sphere of security and safety in Indonesian territorial waters and jurisdictional areas is one of the roles that the Maritime Security Agency performs in carrying out its responsibilities. It is responsible for the administration of a security and safety early warning system in Indonesian territorial waters and Indonesian jurisdictional regions, the guarding, surveillance, prevention, and taking action against law violations in Indonesian waters and Indonesian jurisdiction, the synchronizing and monitoring of the implementation of water patrols by relevant agencies, the provision of technical and operational support to related agencies, the provision of search and rescue assistance in Indonesian waters and Indonesian jurisdictional regions, and the provision of search and rescue assistance in Indonesian waters and Indonesian jurisdictional

BAKAMLA was established to synergize the implementation of security and safety patrols carried out by other law enforcers in the Indonesian maritime region to avoid overlapping powers. It was accomplished by bringing together the many law enforcement agencies involved. BAKAMLA patrols have the form and nature of enforcing the law at sea and carrying out specific operations on incident objects in waters under national jurisdiction. These operations may include providing SAR (Search and Rescue) assistance at sea using the principle of filling the gap. Other incident objects may consist of pollution at sea and accidents at sea. To prevent redundant marine security patrols, the Maritime Security Agency will, after the opening has been filled, focus on enforcing laws in regions where they have not previously been applied (Munaf, 2015).



BAKAMLA has taken both preventative and repressive measures to combat illegal activities in maritime environments. BAKAMLA collaborates with other law enforcement agencies to conduct combined operations to implement preventive measures (Lourdiananda, 2019). Since each applicable law enforcement in Indonesia's marine region has the right to act on infractions of multiple laws, this combined operation was carried out to prevent inefficiencies. BAKAMLA can circumvent this challenge by performing its mission to synergize the implementation of patrols carried out by law enforcement in the maritime domain of Indonesia. However, because BAKAMLA only has a limited amount of authority, repressive tactics cannot function at their full potential. Consequently, the administration of BAKAMLA has the potential to create roadblocks that will make it more difficult for BAKAMLA to fulfill its job as a law enforcement agency in Indonesia's maritime region.

BAKAMLA's first obstacle was in instant pursuit. Hot pursuit is defined as a pursuit that is carried out without stopping starting from a short distance, namely the territorial sea or inland waters to the high seas. Law Number 32 Number 32 of 2014 concerning Maritime does not mandate BAKAMLA to be equipped with ships. This resulted in BAKAMLA's authority to carry out instant pursuits being considered a form of violation of the law. The second obstacle is that BAKAMLA does not have complete control over investigations into marine crimes. BAKAMLA only carries out its investigative powers, namely stopping, examining, arresting, bringing, and handing over the ship to the relevant authorities for further legal proceedings. The third obstacle is that BAKAMLA is not delegated investigative jurisdiction by law. Often BAKAMLAs are considered not law enforcers because they only have investigative powers, even though investigations and investigations are integral parts that cannot be separated. The authority of BAKAMLA, described previously, results in no efficiency and effectiveness in resolving law violations in the Indonesian sea area.

However, apart from these obstacles, BAKAMLA has the advantage of being located in a large work area, namely the Indonesian sea area starting from the baseline to the Exclusive Economic Zone (EEZ), which has an outer limit of 200 nautical miles. The examination carried out by BAKAMLA is comprehensive because BAKAMLA is not limited to the authority to enforce the law against any crime and sea area as long as it is still in Indonesian sea territory. In this case, BAKAMLA is a single particular agency with a command and control function. The command and control function is often considered a single-agency multitask system. The single-agency multitasking system is believed to majorly contribute to energizing law enforcement in Indonesia's maritime territory because it requires a single agency and its operations are under one Command (Martiana, 2014).

This joint operation is very effective in minimizing the occurrence of criminal acts in Indonesia's maritime territory because BAKAMLA has a vulnerability map that determines the locations used by perpetrators to commit a crime. Joint operations positively impact BAKAMLA because joint operations are much cheaper than law enforcement when implementing separate law enforcement. Furthermore, BAKAMLA has an early warning system for security and safety in the Indonesian sea area. This early warning system is needed by the Indonesian State, which is classified as a country prone to natural disasters. BAKAMLA also has a maritime data and information center, which aims to facilitate BAKAMLA in carrying out security and safety patrols.

If we take a closer look at BAKAMLA, the tasks of BAKAMLA are very broad, but such overall studies will not be carried out if they are not equipped with adequate patrol facilities and infrastructure. Currently, there are 10 (ten) patrol boats of various types. Still, BAKAMLA patrol boats are small in size and can only carry out patrols in the territorial sea and have not been able to reach the high seas or the Indonesian Exclusive Economic Zone (ZEEI). The number is not enough to secure the territory of Indonesia (Redaksimandala, 2021). Even though in normative reality, the high seas and ZEEI are the responsibility of BAKAMLA, whose security must be maintained. Besides patrol boats, BAKAMLA requires aerial surveillance such as aircraft and drones. This aerial observation is needed to identify each surface contact to optimize patrol boats' use. Implementing the fleet strategy or BAKAMLA standby fleet is necessary to secure priority areas that have been determined beforehand. To encourage BAKAMLA's role in synergizing maritime patrol and information systems, it is required to develop BAKAMLA's strengths and capabilities as a policy reference and institutional strengthening strategy.

As a result of several concerns about marine safety, Indonesia needs to devise a concept for its maritime policy to address these dangers. When potential and facts are considered, together with strengths and weaknesses, opportunities and risks, we likely find that the proposal has merit. The first marine strategy has a presence at sea. More specifically, having law enforcement agencies such as BAKAMLA, the Indonesian Naval, and KKP present at sea. The second economic approach involves researching the ocean and extracting natural resources from the exclusive economic zone (EEZ) and the continental shelf. As a tactic for naval diplomacy, focusing on maritime diplomacy and building confidence through interactions on the water.

As a manifestation of serious efforts to tackle crime at sea in July 2020, BAKAMLA officially formed the Indonesia Maritime Information Center (IMIC) to support maritime domain awareness for sea users. Military and intelligence observer Susaningtyas Kertopati assessed that internally the Indonesian Naval needs to encourage

BAKAMLA to play a more active role in the delimitation zone. Following international law of the sea, BAKAMLA ships, such as the Indonesia Coast Guard, have more authority to operate in the delimitation zone. At the same time, Indonesian Naval warships are used in the sea border area (Sucipto, 2020).

## 5. CONCLUSION

BAKAMLA is a single non-military agency tasked with administering a security and safety early warning system in Indonesian waters and jurisdictions, carrying out guard, supervision, prevention, and prosecution of law violations in Indonesian waters and jurisdictions, and synergizing and monitoring the implementation of maritime patrols. These responsibilities fall under the jurisdiction of the Ministry of Defense of Indonesia. By affiliated agencies, providing search and rescue aid in Indonesian territorial seas and jurisdiction regions, and carrying out other activities as part of Indonesia's national defense system. To fulfill its responsibilities, BAKAMLA has several challenges in its execution, the majority of which are connected to infrastructure and the fact that its authorities overlap with those of other maritime security sector agencies.

To encourage BAKAMLA's role in synergizing maritime patrol and information systems, it is necessary to develop BAKAMLA's strengths and capabilities as a policy reference and institutional strengthening strategy. As a manifestation of serious efforts to tackle crime at sea in July 2020, BAKAMLA officially formed the Indonesia Maritime Information Center (IMIC) to support maritime domain awareness for sea users.

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