

Enhancing Maritime Security In Indonesia: A Case Study Of Indonesian Coastguard Approach To People Smuggling In Strategic Ocean

Ola Oktavia¹⁾, Jonni Mahroza²⁾, Lukman Yudho Prakoso³⁾, Tasdik⁴⁾, Sri Patmi⁵⁾, Rudi Sutanto⁶⁾

^{1,3,4,5,6)} Maritime Defense Strategy, Indonesian Defense University

²⁾Indonesian Defense University

*Corresponding Author

Email: Oktaviaola51@gmail.com

Abstract

In the face of globalization and increasing maritime trade, the Maritime Security Agency of the Republic of Indonesia (Indonesian Coast Guard RI) plays an important role in safeguarding the country's waters, particularly the Makassar Strait, against the threat of people smuggling. This study evaluated Indonesian Coast Guard RI's strategy to combat people smuggling, focusing on personnel capacity building, interagency collaboration, and strict regulatory enforcement. This research uses normative legal research methods, using legislative, conceptual, and historical approaches. It belongs to the category of descriptive research, using secondary data consisting mainly of primary legal material (legislation) and secondary legal material in the form of textbooks and scientific journals on people smuggling. The analysis shows (1) Indonesian maritime security agency by joint operations and interagency synergy, personnel capacity enhancement, security and safety patrol mandate (2) maritime routes poses through analysis of specific incidents, evaluation of countermeasures, utilization of technology and intelligence, (3) evaluation of method and strategy effectiveness through training impact on personnel, interagency collaboration, implementation and regulatory compliance, (4) exploration of new technology potential through advanced surveillance system utilization, integration of artificial intelligence, data-driven approaches, (4) analysis of motivations and tactics through analysis of perpetrator motivations, analysis of smuggling and people smuggling tactics. Conclusion of this research is that Indonesian Coast Guard holistic approach, coupled with collaboration with relevant agencies, has positively impacted the reduction of people smuggling incidence. Nevertheless, challenges remain, requiring further research to optimize strategies to more effectively ensure Indonesia's maritime security against the threat of people smuggling.

Keywords: *Indonesian Coast Guard, Indonesian Maritime Defense, Maritime Trade, Regulation, People smuggling*

INTRODUCTION

Indonesia is a country of about 272 million people spread across 17,000 islands with a total land area of 733,594 miles² (1,811,569 km²) which makes Indonesia the largest and most populous archipelagic country in the world. Indonesia's total sea area, including its Exclusive Economic Zone (EEZ) claims, is four times larger than its land area covering 553,244 square nautical miles (7.9 million km²). Nearly 27,080 square nautical miles (93,000 km²) are inland and archipelagic waters (The World Factbook, 2023). It can be said that Indonesia is an archipelagic country rich in maritime resources and strategic trade routes, playing an important role in the global economy.

Indonesia's maritime geography provides both opportunities and challenges. On the one hand, this maritime landscape has encouraged policymakers to provide strategic guidelines to empower and enhance Indonesia's maritime economy, as President Joko Widodo did in 2014 with the Global Maritime Fulcrum (Jakarta Post, 2014). GMF seeks to transform Indonesia into a country whose prosperity comes from and depends on the maritime sector including trade, fisheries, and natural resources such as oil and natural gas. Jokowi's statement on maritime strategy is a welcome form of policy because of the values and identity that have been embedded in the Indonesian people as proud and independent members of maritime countries.

Indonesia's waters, which cover two-thirds of the country's sovereign territory, create large, unchecked space for illegal activities to flourish, such as illegal fishing abroad, piracy, people smuggling, and illegal immigration. Some reports, for example, estimate that illegal, unreported, and unregulated (IUU) fishing costs Indonesia more than \$3 billion annually (ASEAN News, 2023). However, the vast maritime area also presents serious challenges, one of which is the threat of people smuggling . These illegal practices pose a significant threat to security and undermine human dignity, particularly in Indonesian waters, a vital corridor for transnational trafficking.

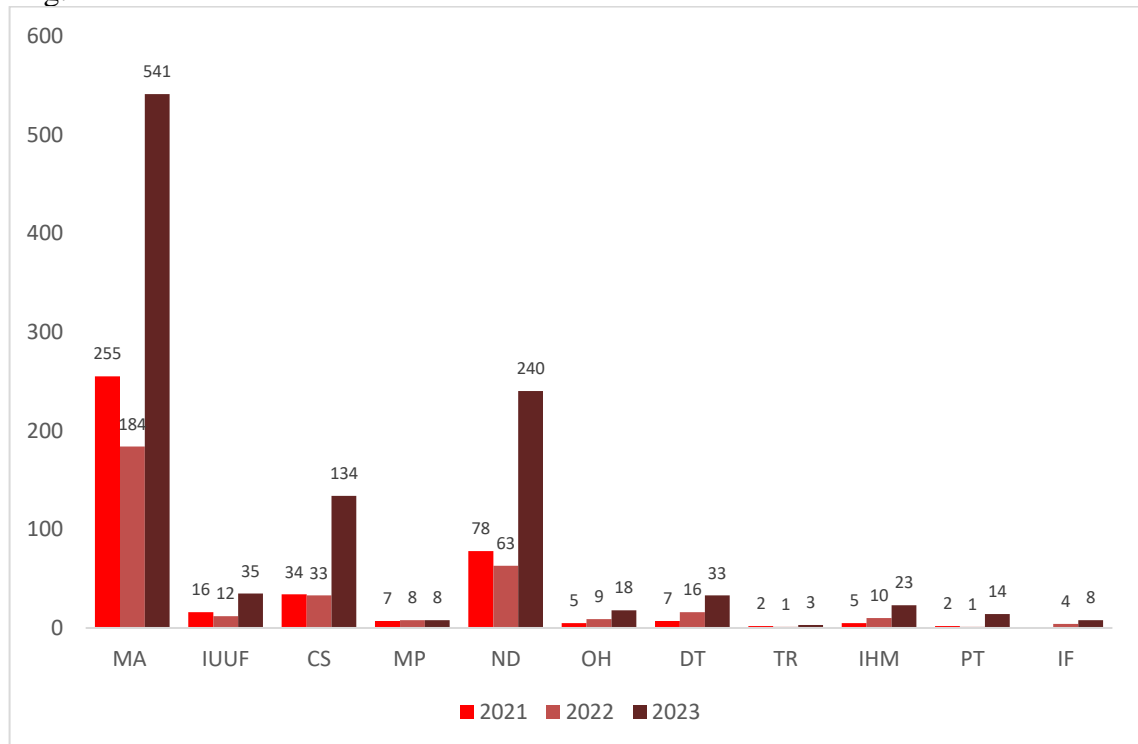


Figure 3 Maritime Domain Threat Map
 Source : IMIC Bakamla, Data Processed by the Author, 2023

| Nomenklatur | |
|-------------|-----------------------------|
| Notation | Description |
| MA | Maritime Accident |
| AR | Armed Robbery against Ships |
| PT | Petty Theft |
| CS | Contraband Smuggling |
| MP | maritime Pollution |
| DT | Drug Trafficking |
| IHM | Irregular Human Migration |
| IUUF | IUU Fishing |
| IF | Illegal Fuel/Siphoning |
| ND | Natural Disaster |
| OH | Others |

Based on figures 2 and 3, it is known that the maritime domain threat over the past 3 years has been dominated by accidents at sea which ranges from 51% to 62%. Second, natural disasters ranging from 18% to 22%, third smuggling of goods by 8% to 12%, fourth illegal fishing 4%,

fifth marine pollution and smuggling 1% to 3%, illegal migration by 1% to 2%, and container theft by 0.1% to 0.2%.

Based on these data, it is known that the number of people smuggling reaches 1%. Article 1, paragraph 1 of Law No. 21/2007 on the Eradication of Trafficking in Persons states that trafficking in persons is the act of recruiting, transporting, sheltering, sending, transferring, or receiving a person by threat of violence, use of force, kidnapping, captivity, forgery, fraud, abuse of power or vulnerable position, debt bondage or giving payment or benefits, thus obtaining the consent of the person holding control over others, whether carried out within countries or between countries, for the purpose of exploitation or resulting in exploitation of people (Syugiaro, 2022).

Maritime security has been a key focus in preventing and addressing people smuggling in Indonesia. In this context, this study explores the role of the Maritime Security Agency (Bakamla) in optimizing prevention and law enforcement efforts related to people smuggling in Indonesian waters. The legal basis of Indonesian Coast Guard Law Number 32 of 2014 concerning Marine Affairs and Presidential Regulation Number 178 of 2014 concerning Bakamla. With the existence of a strong marine security system through strengthening the Indonesian Coast Guard organization which is always ready to maintain the security and safety of waters in Indonesian territory (Rasyidin, LY, 2021). Several studies have provided in-depth insights into the complexity of the challenges faced, maritime strategy analysis, and Indonesia's efforts and policies in addressing people smuggling (Keliat Makmur, 2009; Prakoso, 2018; Akhirul, 2016; Yustitiantingtyas, 2015; Puspahapsari et al., 2015; Subagyo & Wirasuta, 2013; Sulaksono, 2016; Farhana, 2010; Widia Aprilia, 2023).

In this study, Bakamla's efforts in preventing transnational crime at Indonesia's maritime borders will be elaborated, focusing on the prevention and enforcement of laws related to people smuggling. Data and information from sources such as www.beacukai.go.id and www.antaraneews.com will be utilized to provide a comprehensive understanding of the current situation and related policies. This research aims to make a significant contribution in designing effective strategies and sustainable solutions to address the threat of people smuggling in Indonesia's maritime areas.

RESEARCH METHODS

This research uses normative legal research methods, using legislative, conceptual, and historical approaches. It belongs to the category of descriptive research, using secondary data consisting mainly of primary legal material (legislation) and secondary legal material in the form of textbooks and scientific journals on people smuggling. The data collected will be subjected to qualitative analysis.

RESULT AND DISCUSSION

People Smuggling



Figure 1 Map of Indonesia's Human Traffic Threat

Sumber : Renstra Indonesian Coast Guard 2020 – 2024

Based on figure 1, it is known that the human traffic threat map that occurs in Indonesia is rife in the Strait of Malacca, Southern Waters of Java Island, NTT Area, Sabah and Nunukan. People smuggling is one of the illegal businesses today, both on land and at sea. Indonesia is a country with many small borders that are powerless, especially on Batam Island which facilitates this practice. From 2004 to 2007, Batam Island had the highest number of trafficking registrations. Batam is directly adjacent to Malaysia and Singapore, and most traders make huge profits from their victims (Rumlah, 2021).

Historically, people smuggling can be seen as slavery and a violation of human rights. This situation occurs in societies with low economic levels, lack of religious or moral understanding, and dependence on high economic groups. The reasons given by victims are usually valid and based on consensus. The term "trafficking" was first known from the United Nations and means "illegal trade". Initially, "traffic" was used to refer to the "white slave trade" experienced by women and children around 1900. According to Indonesian Law Number 21 of 2007, Article 1, point 1 states that people smuggling is the act of recruiting, transporting, harboring, sending, transferring, or receiving a person through threats or use of violence, kidnapping, detention, forgery, fraud, abuse of power or vulnerable positions, debt bondage, or providing payment or benefits, thus obtaining consent from the person in control of the other person, whether within the country or across countries, for the purpose of exploitation or resulting in the exploitation of the person. The Protocol to Prevent, Suppress and Punish Trafficking in Persons defines people smuggling as the recruitment, transportation, transfer, harboring, or receipt of persons by means of threat or use of force or other forms of coercion, kidnapping, fraud, abuse of power or vulnerable positions, or giving or receiving payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation includes prostitution or other forms of sexual exploitation, forced labor or services, slavery, servitude, or organ removal. (Rumlah, 2021).

Table 1 People Smuggling Based on Asian Countries

| Country | Number of Victims | Percentages | Gender | | Age | | | Explanation |
|-----------------|-------------------|-------------|--------|--------|----------------|-----------------|----------------|---|
| | | | Male | Female | 0-17 years old | 18-47 years old | > 47 years old | |
| Uni Emirat Arab | 416 | 0,54 | 99% | 1% | 1,44% | 93,47% | 4,09% | |
| Malaysia | 881 | 1,14% | 93% | 7% | 9,87% | 87,41% | 2,72% | The type of exploitation carried out is: as a worker as much as 66.79%, Sex Trafficking as much as 16.43%, and others of 16.79% |
| Indonesia | 582 | 0,75% | 89% | 11% | 20,79% | 77,15% | 2,06% | Labor trafficking and sex work |

Source : The Counter Trafficking Data Collaborative (CTDC), 2019

Based on these data, it is known that Malaysia is the country with the most people smuggling with 881 people or equivalent to 1.14%, Indonesia is second in Asian countries with 582 people or equivalent to 0.75% and the United Arab Emirates as many as 416 people or equivalent to 0.54%. The majority of people smuggling is carried out on men aged 18 to 47 years to be used as workers and sex workers.

Indonesian Coast Guard's Strategy in Dealing with Human Trafficking

Indonesian Coast Guard or Bakamla is a Non-Ministerial State Institution that is under and directly accountable to the President. It has the authority to enforce the law at sea and is justified by the Law. Therefore, with the issuance of Law No. 32 of 2014 regarding Maritime Affairs and Presidential Regulation No. 178 of 2014 regarding BAKAMLA, it can be understood that Indonesian Coast Guard has legal legitimacy in carrying out its duties, functions, and authorities to enforce specific criminal law at sea. One of BAKAMLA's functions is to enforce the law at sea, which includes the authority to stop, inspect, apprehend, transport, and hand over vessels that have committed legal violations at sea to relevant investigative authorities authorized to carry out further legal proceedings (Head of the Indonesian Security Agency, 2020).

Dalam Rencana strategis tahun 2020-2024 diketahui bahwa major project Indonesian Coast Guard adalah penguatan keamanan laut terhadap ancaman nonmiliter yang terdiri dari transnational organizational crime (TNOC) dengan anggaran sebesar Rp. 12,2 triliun dari APBN. Strategic goals and KPI Reducing crime cases in Indonesian waters and Indonesian jurisdiction KPI: Percentage decrease in security and safety cases in Indonesian waters & Indonesian jurisdiction KPI: Value of Patrol Capacity Dimension Ocean Security Omnibus Law Draft. There are 15 legal foundations that grant authority for law enforcement and maritime security, leading to ineffective and inefficient implementation. Regulation in the field of maritime security and the organization of maritime security with a single agency multi task is needed.

As a government agency focused on maritime security, the operational activities of Indonesian Coast Guard RI are not only based in one office, but also in four operational offices, including the Indonesian Coast Guard RI Headquarters as the central office in Jakarta, with a total of 488 personnel, accounting for 55.33% of the workforce, and a total of 394 personnel in the regional areas, accounting for 44.67% of the workforce. The detailed breakdown is as follows:

1. Western Maritime Zone Kamla: The number of personnel in the western region is 163, accounting for 18.56% of the workforce. This includes 20 personnel in the Western Maritime Zone Kamla Office, 7 personnel in the Fleet Base, 1 personnel in SPKKL with 32 personnel in Earth Station, and 104 personnel on State Vessels.
2. Central Maritime Zone Kamla: The number of personnel in the central region is 110, accounting for 12.52% of the workforce. This includes 16 personnel in the Central Maritime Zone Kamla Office, 5 personnel in the Fleet Base, 1 personnel in SPKKL with 20 personnel in Manembo-Nembo Earth Station, and 71 personnel on State Vessels.

3. Eastern Maritime Zone Kamla: The number of personnel in the eastern region is 125, accounting for 14.25% of the workforce. This includes 12 personnel in the Eastern Maritime Zone Kamla Office, 8 personnel in the Fleet Base, 22 personnel in SPKKL, and 68 personnel on State Vessels.

Strategic Approach of the Indonesian Maritime Security Agency (Indonesian Coast Guard) in Combating People smuggling The Indonesian Maritime Security Agency (Indonesian Coast Guard) plays a crucial role in addressing the issue of people smuggling in Indonesian waters. These efforts encompass various strategies involving personnel capacity building, interagency collaboration, and strict enforcement of regulations.

1. Joint Operations and Interagency Synergy: Indonesian Coast Guard engages in joint operations with other law enforcement agencies, such as the police and customs, to disrupt people smuggling. This synergy creates a combined strength in tackling this transnational threat. Evaluating the impact of joint operations and analyzing the outcomes can be a focus for further research.
2. Personnel Capacity Enhancement: Indonesian Coast GuardRI's commitment to enhancing personnel capacity is reflected in collaborations with other institutions to conduct training on identifying people smuggling at sea. In-depth analysis of the training's impact on personnel readiness and identifying areas for improvement is a key aspect that can be further explored.
3. Security and Safety Patrol Mandate: Indonesian Coast GuardRI is mandated to conduct security and safety patrols in Indonesian waters and jurisdiction. Research can investigate the effectiveness of implementing this mandate, including the analysis of immediate pursuit, interception, arrest, and examination of suspected vessels.

People smuggling in Strategic Waters People smuggling through maritime routes poses a serious challenge in Indonesia, especially in strategic areas such as the Makassar Strait. The challenges faced by authorities can be further described and analyzed in depth.

1. Analysis of Specific Incidents: Providing detailed analysis of specific people smuggling incidents recorded in strategic waters. This can include victim profiles, modus operandi, and factors facilitating people smuggling in the region.
2. Evaluation of Countermeasures: Assessing the actual actions taken by authorities in responding to people smuggling incidents. What were the successes and shortcomings of each action?
3. Utilization of Technology and Intelligenc. Identifying the potential use of technology, such as advanced surveillance and artificial intelligence, in detecting and preventing people smuggling. Comparing the effectiveness between conventional approaches and technology-based solutions can be an important part of the research findings.

Evaluation of Method and Strategy Effectiveness Further research can focus on a comprehensive evaluation of the methods and strategies used by Indonesian Coast GuardRI. This evaluation can include several aspects:

1. Training Impact on Personnel: Measuring the effectiveness of training provided to Indonesian Coast GuardRI personnel in enhancing their preparedness against people smuggling threats. The evaluation can cover skill improvement, understanding, and response to potential situations.
2. Interagency Collaboration: Assessing the extent to which interagency collaboration, particularly with the police, customs, and other institutions, has positively contributed to combating people smuggling. Are there policies and collaboration mechanisms that need improvement?

3. **Implementation and Regulatory Compliance:** Evaluating the effectiveness of implementing regulations related to people smuggling in strategic waters. Are there policies or regulations that need updating or strengthening? To what extent is compliance with these regulations maintained?

Exploration of New Technology Potential This research can also explore the potential application of new technologies in addressing people smuggling in strategic waters. Aspects to be explored can include:

1. **Advanced Surveillance System Utilization:** Assessing the potential use of advanced surveillance systems, such as satellite sensors, automated surveillance cameras, and remote sensing technology, in detecting suspicious vessel movements.
2. **Integration of Artificial Intelligence:** Investigating the possibility of integrating artificial intelligence to analyze vessel behavior patterns and detect potential people smuggling activities.
3. **Data-Driven Approaches:** Exploring data-driven approaches for predictive analysis, where historical data can be used to identify patterns and potential focal points of people smuggling .

Analysis of Motivations and Tactics In formulating more targeted prevention and intervention strategies in the future, a deep understanding of the motivations and tactics used by human traffickers is crucial.

1. **Analysis of Perpetrator Motivations:** Investigating the driving factors behind people smuggling , including financial gain, inequality, and social factors that appeal to perpetrators.
2. **Analysis of Smuggling and People smuggling Tactics:** Analyzing the methods and tactics used by people smuggling syndicates.

CONCLUSION

In facing the challenges of people smuggling in maritime areas, Indonesian Coast Guard has positioned itself as a key player in prevention and intervention efforts. By combining various strategies, including personnel capacity building, interagency collaboration, and strict enforcement of regulations, Indonesian Coast Guard demonstrates a strong commitment to safeguarding the integrity of Indonesian waters, particularly in strategic areas such as the Makassar Strait. Considering Indonesian Coast Guard RI's important role in maritime security, it is recommended that further research focus on evaluating the effectiveness of the methods and strategies currently employed by Bakamla. This could involve in-depth analysis of the impact of training provided to personnel and the effectiveness of collaboration with other institutions. Additionally, research could explore the potential of new technologies, such as advanced surveillance and artificial intelligence, in detecting and preventing people smuggling . Lastly, understanding the motivations and tactics used will provide additional insights for Indonesian Coast Guard RI in formulating more targeted prevention and intervention strategies in the future.

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