

Maritime Patrol Collaboration with Indonesian Maritime Law Enforcement Agencies

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Abstract

With so many agencies patrolling separately, the patrol becomes ineffective and inefficient. Each agency needs a budget and conducts repeated ship inspections. The expected condition is when all agencies can collaborate in carrying out patrols. Researchers used qualitative methods with exploratory designs. Interviews were conducted with informants from Bakamla, TNI AL, Polair, Bea Cukai, PSDKP, and KPLP. The results of the research show that collaboration is needed to combine various elements of patrols from various authorities in the sea. Researchers suggest collaboration between agencies with joint base assets and create a ship inspection information system in real-time.

Keywords: *Collaboration, Maritime Patrol, Maritime Law Enforcement Agencies, Indonesia.*

INTRODUCTION

Indonesia has the second longest coastline in the world, the fourth largest population in the world, and more than two-thirds of its territory is an ocean. Indonesia borders on the sea with ten neighboring countries. There are also four strategic straits for international shipping, namely the Malacca Strait, the Sunda Strait, the Lombok Strait, and the Makassar Strait. More than 200,000 ships pass through Indonesia's three strategic straits (Kemenkomarves, 2021). The various conditions above have made Indonesia vulnerable and vulnerable to various threats and disturbances at sea. Marsetio (2022) states that Indonesia's territory is open, so the potential for threats is very high. As for the biggest threats and disturbances to the Indonesian maritime environment as conveyed by the Head of Bakamla to the Legislature, namely IUU fishing, smuggling, and related accidents at sea (Kurnia, 2022).

There are six law enforcement agencies conducting patrols at sea, namely the TNI AL, Polair, Bakamla, Bea Cukai, PSDKP, dan KPLP. The various agencies that have authority at sea certainly have consequences for the need for a large patrol budget spread across each of these agencies. With the money follow function principle, where the budget allocation to fund activity is based on the duties and functions of each work unit by the mandate of the law (Directorate General of Budget, 2007). Budgetary limitations will have an impact on the frequency of sea patrols which will result in not optimal efforts to create maritime security for Indonesia. One of them, as mentioned by Andrizar et al. (2021), is that budget problems, especially the lack of fuel logistics support, are one of the obstacles to patrols.

For the private sector, the number of these institutions is also considered to be a problem. Every authorized agency can stop/inspect private ships in the middle of the sea based on the laws and regulations they have. The existence of these repeated inspections causes sea transportation logistics costs to become inefficient as reported by the Indonesian National Shipowners Association (INSA) (Bisnis.com, 2019; Republika, 2014). These inefficient logistics costs can lead to an unfavorable investment climate from the point of view of investors.

With so many agencies conducting separate patrols above, patrols become ineffective and inefficient. Each agency needs a patrol budget and conducts repeated inspections of ships, which triggers an increase in logistics costs. The expected condition is when all agencies can collaborate in carrying out patrols.

RESEARCH METHODS

Researchers used qualitative methods with exploratory designs. The qualitative method is a research method to explore and understand understanding according to several individuals or groups of people who are considered to originate from social or human problems (Sugiyono, 2015). Exploratory research is research that aims to explore broadly the causes or things that influence the occurrence of something. This research will explain in detail various things related to collaboration between six agencies. This research consists of the stages of data collection, data analysis, and concluding. Primary data collection was carried out through interviews with informants from six agencies that carry out sea patrols, namely Bakamla, TNI AL, Polair, Bea Cukai, PSDKP, and KPLP. For the data to be valid and reliable, the determination of informants must be representative of each agency. The secondary data was obtained, among others, from agency exposure material, regulations, press releases, and strategic planning documents. Researchers conducted triangulation to check the validity of the data obtained from each informant and study the literature. Triangulation is defined as a data collection technique that combines various data collection techniques and data sources (Sugiyono, 2015). Data analysis uses the Miles & Huberman (1994) analysis model, which consists of collecting data, reducing data, presenting data, and drawing conclusions.

RESULT AND DISCUSSION

Based on the mention of agencies internationally, six Indonesian agencies carry out law enforcement and carry out sea patrols, namely: TNI AL (Indonesian Navy), Polair-Polisi Air (Indonesian Marine Police), KPLP-Korps Penjaga Laut dan Pantai and Bakamla-Badan Keamanan Laut (Indonesian Coast Guard), Ditjen Bea Cukai (Indonesian Customs), dan Ditjen PSDKP (Indonesian Fisheries). The agencies authorized in the Indonesian seas but do not have patrol assets include the National Narcotics Board, the Ministry of Tourism, and the Ministry of Foreign Affairs.

Various parties say that there is an overlapping authority at sea in these various agencies. It is said so because several agencies patrol the same sea area. Researchers will discuss it based on the division of sea areas regulated by the 1982 UNCLOS regime, which consists of territorial sea areas, additional zones, EEZ, and high seas. Based on the range of the patrol area, Bakamla and TNI AL dominate because they can carry out patrols to the high seas. The Polair ships and KPLP ships are limited to the territorial sea only. If the Bea Cukai ship can reach the additional zone, the PSDKP ship can reach the EEZ. However, Bea Cukai can carry out a hot pursuit that only stops after the ship being chased enters the territorial sea of its own country or a third country.

Each agency conducts patrols based on regulations that give it authority. Among these regulations are Law Number 32 of 2014 concerning Maritime Affairs (Bakamla), Law Number 34 of 2004 concerning the TNI (TNI AL), Law Number 2 of 2002 concerning the Police (Polair), and Law Number 17 of 2014. 2006 concerning Customs (Bea Cukai), Law Number 31 of 2004 concerning Fisheries (PSDKP), and Law Number 17 of 2008 concerning Shipping

(KPLP). Apart from this, many other regulations provide authority at sea, but the authorized agency does not own patrol assets.

Three of the six agencies that have patrol boats are still trying to add more patrol boats. Based on a review of the 2020-2024 Strategic Plan for each agency, Bakamla plans to procure 3 patrol boats, PSDKP plans to procure 2 patrol boats, and the Indonesian Navy plans to procure 2 patrol boats. The plan to procure patrol boats requires a very large budget, reaching 1.8 trillion rupiahs (118 million USD). This research seeks to find a solution beyond the classic suggestion of adding assets, budget, and personnel. Researchers will maximize the utilization of available assets, budgets, and personnel by collaborating between agencies conducting patrols.

There is a gap between patrol authority by regulations and the main problems in Indonesia's maritime environment, namely related to issues of accidents, smuggling, and IUU fishing. The authority related to accidents belongs to KPLP, TNI AL, and Polair. Meanwhile, the authority related to smuggling only belongs to Bea Cukai. Finally, the authority related to IUU fishing belongs to PSDKP, the Indonesian Navy, and Polair. While Bakamla does not have investigative authority, but rather has a role in collaborating between agencies. Even though the investigative authority is specific to certain violations, each agency can arrest all types of violations at sea even though it is outside their authority, with the provision that they must hand them over to the relevant agency that has investigative authority. For example, the Bakamla patrol boat finds a smuggling violation, the smuggling ship is detained and handed over to Bea Cukai for investigation, and so on.

Table 1. Authority of Each Agency

Agency	Investigative Authority			Patrol Authority	Seizure Authority
	IUU Fishing	Accidents	Smuggling		
Bakamla				√	√
TNI AL	√	√		√	√
Polair	√	√		√	√
Bea dan Cukai			√	√	√
PSDKP	√			√	√
KPLP		√		√	√

Collaboration is a mutual engagement of participants in a coordinated effort to solve a problem together (Lai, 2011). According to Lasker et al. (2001), collaboration is a process that allows independent individuals and organizations to combine their human and material resources so that they can achieve goals that they cannot achieve alone. In a truly collaborative relationship, exchanges should be made at all levels, for example, the level of expertise, knowledge, and skills of each agency. To prevent collaboration from failing, it is necessary to have a Memorandum of Understanding (MoU) which clearly describes the roles and responsibilities of partners, processes, and procedures that guide cooperation, and a timeline for evaluating the integrity of cooperation (Norris et al., 2007).

Collaboration must combine various patrol elements from various agencies to achieve the common goal of an effective and efficient patrol. Collaboration is carried out to produce better patrol performance, rather than patrols that are carried out separately in each agency. For collaboration between agencies to work, the collaboration agreement must be stated in the MoU. The MoU on patrol synergy will serve as a guideline for the implementation of collaboration in patrols, the division of tasks between agencies, as well as a reference for evaluating the agreed collaboration.

An informant gave an example of collaboration such as the Joint Interagency Task Force South (JITFS) in the United States, which is aimed at controlling drug trafficking.

Collaboration like this has been done with the formation of Task Force 115 to deal with illegal fishing in Natuna. This Task Force was formed in 2015, but has now been disbanded in line with the strengthening of Bakamla's role. This is considering that Bakamla was indeed established to collaborate with various agencies that carry out law enforcement at sea.

The informants agreed that collaboration was needed in two respects, namely the sharing of assets and the ship inspection information system. The asset is in the form of a base/dock so that it can be utilized by other agencies, thus saving the budget from building a new pier/base. Aryani (2021) states that maritime security infrastructure that has not been integrated is one of the causes of not optimal law enforcement at sea. An example of using a wharf can be seen in Search and Rescue (SAR) activities. Not every agency has a pier at that location, but a pier can be determined to be used as a joint post with various agencies.

In the sea area around the Malacca Strait (around the Riau Archipelago Province), various agencies have their respective bases. TNI AL with Koarmada 1 (Tanjung Pinang) and Lantamal 4 (Batam), Bakamla Wharf Base (Batam), Riau Islands Water Police Directorate (Batam), Bea Cukai Operation Facility Base (Batam and Tanjung Balai Karimun), PSDKP Base (Batam), as well as the Sea and Coast Guard Base (Tanjung Uban). The hope is that in the future there will be no construction of a base/pier for an agency somewhere that has it. What's more, the use of the base to be built is not necessarily very intense.

The informant said that there had been MoUs with several agencies that agreed on the shared use of the base/pier. However, implementation is considered very difficult because there are many requirements and it takes a long time for the submission process. It is recommended that this MoU agree on simple terms of use, perhaps limited to a few ships, but it is guaranteed to be carried out easily and quickly. The point is that the utilization of these assets must be ensured that they can be carried out in the field simply, easily, and quickly.

In addition to collaboration on the use of bases/piers, another asset that can be collaborated on is the utilization of aerial monitoring from an aircraft belonging to one of the agencies. Air monitoring can reach 100% of Indonesia's sea area, something that is very difficult to do with patrols using patrol boats. This information is important for the movement of patrol boats to be more effective and efficient.

But of course, it is necessary to pay attention to the readiness of each base/wharf. He also added that there may have been an MoU for joint use of the base/pier between the two agencies, but it was assessed that implementation was difficult due to the many requirements and it could not be done quickly. Preferably this MoU can agree on simple terms of use. In the early stages, it can be agreed that the use of the base/dock by other agencies is limited to a few ships, but with a flow that can be guaranteed to be carried out easily and quickly.

Next, it is necessary to implement a ship inspection information system in real-time. Currently, when a ship is inspected by an agency, information sharing has not been carried out with other agency ships in real time. So that a ship could be re-examined by a different agency. By regulation, this information sharing has been regulated in Article 23 and Article 27 to Article 30 of Government Regulation Number 13 of 2022. This regulation states that the collection of data and information on alleged violations from various agencies is contained in an information system. However, the implementation has not been carried out as acknowledged by the informants.

The informants assessed that the implementation of this regulation was still far from what was expected. As stated by Kusuma et al. (2019) that the implementation of the information sharing process is not carried out regularly or continuously. The informants said that there was no real-time flow of information that could be received by the ship's personnel conducting the inspection. So when carrying out an inspection, it is not known whether the ship has been inspected or not by another agency. When a ship inspection information system can be implemented, it can be a solution for repeated ship inspections that INSA complains about.

For a ship that has been inspected by an agency and no violations are found, the information on the results of the inspection must be known by other agencies in real-time so that repeated inspections are not carried out.

In addition to carrying out independent patrols, in recent years the six agencies have also conducted joint patrols. However, what was noted by some of the informants was the lack of evaluation of the joint patrols being carried out. It seems that only one agency evaluates the implementation of joint patrols, not involving all agencies. All agencies should be able to evaluate joint patrols that have been carried out to find out the shortcomings of joint patrols from the perspective of all agencies.

CONCLUSION

Collaboration is the process of combining various patrol elements from various authorized agencies at sea. Collaboration agreements must be stated in the MoU, as guidelines for the implementation and evaluation of the agreed collaboration. Researchers suggest collaboration between agencies with joint base/dock assets with simple procedures and create a real-time ship inspection information system that can be accessed by each agency.

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