

Law Enforcement in Indonesia's Maritime Border Areas: Challenges and Security Strategies Against Transnational Crime

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ABSTRACT

Purpose: this article examines how inter-agency cooperation and institutional integration can strengthen law enforcement against transnational crime in Indonesia's maritime border areas. **Design/method/approach:** the research employs a normative-juridical method with statute and conceptual approaches, supported by library research on national legislation, international conventions, and academic literature. **Findings:** strengthening maritime law enforcement depends on integrated multi-agency patrols, joint intelligence and information-sharing systems, closer bilateral and regional cooperation, and continued diplomatic settlement of maritime boundaries. Mochtar Kusumaatmadja's legal-development theory and Satjipto Rahardjo's progressive-law theory show that collaborative, adaptive institutions are more effective than agencies working in isolation. **Originality/value:** the article integrates these perspectives with Bueger's maritime security concept and comparative coast guard practices to recommend a unified command-and-control framework that preserves each agency's mandate while unifying patrol operations, surveillance technology, and cross-border information exchange

INTRODUCTION

As an archipelagic country with 17,499 islands and the second longest coastline in the world, Indonesia faces huge challenges in maintaining sovereignty and security over its maritime borders (Suharyo, 2019). Indonesia's sea territory, which covers 5.8 million km², directly borders ten countries: Malaysia, Singapore, the Philippines, Thailand, India, Vietnam, Australia, Papua New Guinea, Timor-Leste, and Palau. The vast waters create many monitoring gaps in the form of unofficial routes or 'rat paths,' often used by transnational crime networks, ranging from human trafficking, drug smuggling via sea routes, to fish theft by foreign-flagged ships (Handayani & Nugraha, 2021; Hartono & Bakharuddin, 2023).

The characteristics of these crimes are no longer limited to a single national jurisdiction but involve well-organized cross-border networks, including drug trafficking modes categorized as transnational organized crime (Gukguk & Jaya, 2019). Cases of foreign-flagged ship piracy in Indonesian waters also underline that maritime security threats are multidimensional and require a legal approach across jurisdictions (Tim Court Review, 2025). This issue is further complicated by unresolved sea boundary agreements with neighboring countries—for example, the dispute over the Indonesia-Vietnam Exclusive Economic Zone (EEZ) boundary, which still hasn't reached a final resolution despite more than a dozen rounds of negotiations—and the limited capacity of authorities in remote areas, making law enforcement far from optimal (Hariati & Triadi, 2024).

On the institutional side, law enforcement in Indonesian waters involves many agencies—the Navy, the Water and Air Police (Polair), Customs, the Ministry of Marine Affairs and Fisheries, Immigration, and the Maritime Security Agency (Bakamla), which was established through Presidential Regulation Number 178 of 2014 as an agency responsible for driving maritime security synergy. The large number of agencies with authority in the waters is actually a major collective strength if managed through good cooperation and operational integration, as has begun to be shown by various cross-agency synergy practices in recent years (Marsetio, 2018; Arif, 2020).

Based on the description above, the issues examined in this article are formulated as follows: first, what forms of cooperation and institutional integration have been carried out in law enforcement against transnational crimes in Indonesia's maritime border areas? Second, what strategies for strengthening inter-agency cooperation and integration are appropriate to optimize law enforcement in these areas? The aim of this study is to comprehensively analyze the patterns of legal, institutional, and operational cooperation in law enforcement at the maritime borders, while also formulating implementable integration strategies based on the applicable national and international legal frameworks. The expected benefit of this research is to provide an academic contribution to the development of Indonesian maritime law, as well as practical input for policymakers in formulating more effective maritime security cooperation policies.

LITERATURE REVIEW

Legal Development Theory (Mochtar Kusumaatmadja)

The first theoretical framework used is based on the concept of legal development put forward by Mochtar Kusumaatmadja, which emphasizes law as a means of social renewal (law as a tool of social engineering). According to this theory, law should not be static, but rather should function as an instrument of change that guides society – including state officials – toward a more orderly and prosperous condition (Kusumaatmadja, 2002). Applied to the context of law enforcement in maritime borders, this theory underlines that regulations and maritime security institutions must continually evolve adaptively to keep up with the increasingly complex dynamics of cross-border crime, rather than merely relying on colonial legal frameworks or rigid bureaucratic procedures..

The Theory of Progressive Law (Satjipto Rahardjo)

The second framework is Satjipto Rahardjo's progressive law theory, which rejects the status quo in law enforcement and emphasizes that law is made for humans, not the other way around (Rahardjo, 2009). From this perspective, law enforcement officers are expected to dare to make breakthroughs in interpreting and applying the law so that they can address social issues that are constantly changing, including transnational crime methods that keep evolving with technological developments (Aulia, 2018). This theory is relevant for analyzing why a purely legalistic-formal approach to law enforcement often fails to reach cross-border crimes that operate outside conventional jurisdiction frameworks.

Maritime Security Concept

This study also refers to the concept of maritime security developed by Christian Bueger, which emphasizes that sea security is multidimensional – it covers aspects of state sovereignty, law enforcement, navigation safety, and resource governance simultaneously, not just a matter of military defense alone (Bueger, 2015). This perspective is important to understand that maritime border security strategies cannot rely solely on military power but require cross-sector synergy between law enforcement, diplomacy, and coastal economic development.

International Maritime Legal Framework (UNCLOS 1982)

The United Nations Convention on the Law of the Sea (UNCLOS) 1982 became the main international legal instrument that regulates the division of sea areas into territorial seas, contiguous zones, Exclusive Economic Zones (EEZs), and the high seas. Article 56 of UNCLOS 1982 gives coastal states sovereign rights for exploring, exploiting, managing, and conserving natural resources in the EEZ, while Article 73 governs the coastal state's law enforcement authority over fisheries violations in the EEZ, including the rights to board ships, inspect, arrest, and legally process them, with the limitation that penalties for violations cannot involve corporal punishment without a special inter-state agreement. These provisions serve as both the basis and the limit of Indonesia's jurisdiction

in taking action against foreign vessels that commit violations in its EEZ (Sultan Jurisprudence, 2022; Arepa, Syaviq, Septaria, & Furqon, 2026).

METHODS

This research uses a juridical-normative method (legal research) with a statutory approach and a conceptual approach. The statutory approach is carried out by reviewing relevant regulations, such as UNCLOS 1982, Law Number 32 of 2014 on Marine Affairs, Law Number 5 of 1983 on Indonesia's Exclusive Economic Zone, Law Number 45 of 2009 on Fisheries, and Presidential Regulation Number 178 of 2014 on the Maritime Security Agency. The conceptual approach focuses on analysis from the perspective of concepts and legal theories relevant to law enforcement in maritime border areas.

Data was collected through library research on primary legal materials (laws and international conventions), secondary legal materials (books and scholarly journals), and tertiary legal materials (legal dictionaries and encyclopedias), and then analyzed descriptively and qualitatively to address the research questions.

RESULTS

Indonesia's maritime border areas have become arenas for various forms of transnational crime, as summarized in Table 1.

Table 1. Types of Cross-Border Crimes in Indonesia's Maritime Border Areas

Type of Crime	Mode of Operation	Vulnerable Area
Human trafficking	The use of mouse paths and unofficial border crossing posts	West Kalimantan (border with Malaysia)
Illegal drug trafficking	Sea routes as a transit for international syndicates	Malacca Strait, waters west of Sumatra
Fish theft (IUU fishing)	Foreign ship without permission, turning off the AIS system	North Natuna Sea
Piracy and armed robbery	Crew kidnapping, cargo hijacking	The Malacca Strait and the Singapore Strait

Based on Table 1, these four types of crimes make Indonesia's maritime border areas very vulnerable, considering their open geographical nature and direct borders with ten countries. Human trafficking takes advantage of areas that are hard for authorities to reach and the weak monitoring at unofficial border posts in West Kalimantan (Handayani & Nugraha, 2021). The illegal drug trade positions Indonesia both as a market and a transit route for international syndicates, given its strategic location between the Golden Triangle of drug producers and the Australian market (Hartono & Bakharuddin, 2023; Gukguk & Jaya, 2019). Illegal fishing by foreign vessels often happens in the waters around Natuna, which not only causes economic losses but also touches on issues of sovereignty. Piracy and armed robbery at sea against merchant ships passing

through Indonesian waters also involve foreign crew members, either as victims or perpetrators (Court Review Team, 2025). Effectively handling these four types of crimes requires close cooperation between law enforcement agencies, considering that each method involves different authorities – human trafficking by Immigration and the National Police, narcotics by the National Narcotics Agency and Customs, illegal fishing by the Ministry of Marine Affairs and Fisheries, and piracy by the Indonesian Navy – so coordinated and integrated enforcement is key to successful law enforcement in the field.

Legally, law enforcement in Indonesia's maritime border areas relies on two layers of regulations. First, international law represented by UNCLOS 1982, particularly the provisions regarding the EEZ (Articles 55–75) which grant sovereign rights while also limiting the coastal state's criminal jurisdiction over foreign vessels. The ratification of UNCLOS 1982 through Law Number 17 of 1985 created an obligation for Indonesia to harmonize its national laws, including Law Number 45 of 2009, which amends Law Number 31 of 2004 on Fisheries. Second, national law, which includes Law Number 32 of 2014 on the Sea as the legal umbrella for managing marine areas, Law Number 5 of 1983 on Indonesia's Exclusive Economic Zone, and Presidential Regulation Number 178 of 2014 on the Maritime Security Agency that established Bakamla as an organization tasked with conducting security and safety patrols in Indonesia's waters and jurisdiction (Arepa et al., 2026).

Harmonizing these provisions has become an important focus of inter-agency regulatory cooperation. The wording of Article 102 of the Fisheries Law regarding the types of penalties for foreign ship captains needs to be interpreted consistently by law enforcement officers so that it aligns with the prohibition on corporal punishment according to Article 73 of UNCLOS 1982, while ensuring that offenders actually pay fines requires support through joint monitoring cooperation between law enforcement agencies and the country's fiscal authorities.

At least five forms of cooperation and institutional integration were identified from this study as a foundation for strengthening law enforcement in the future. First, strengthening operational coordination among maritime law enforcement agencies – the Navy, Water Police, Bakamla, Customs, and the Ministry of Marine Affairs and Fisheries – through unified scheduling and patrol area division, so that all water routes can be evenly monitored without duplication or gaps in supervision at the same time (Marsetio, 2018; Arif, 2020). Second, collaboration in providing cross-agency surveillance facilities and infrastructure, so that remote water routes, which have often been exploited by human and drug smuggling syndicates, can be accessed together more effectively (Handayani & Nugraha, 2021). Third, cooperation in interpreting and applying international law in handling foreign ships in the EEZ is important, considering the complexity of the coastal state's criminal jurisdiction requires cross-ministry coordination and solid evidence, as reflected in the international dispute over the MV *Norstar* between Panama and Italy, which was resolved through the International Tribunal for the Law of the Sea (ITLOS).

Similar complexities arise when foreign ships disable their automatic identification systems (AIS), disguise their identity, or carry out illegal research activities without permission, which demands more advanced technical and legal cooperation between agencies. Fourth, strengthening cross-country legal cooperation, like mutual legal assistance, needs to keep being pushed even though there are still differences in legal systems between countries and ongoing maritime boundary settlement processes, such as the Indonesia–Vietnam EEZ boundary negotiations that have been going on for over a decade (Hariati & Triadi, 2024). Fifth, cooperation in enhancing the capacity of law enforcement officers in border areas through joint inter-agency training is important, considering that handling cross-border crimes requires special skills involving aspects of exploitation and human rights protection (Handayani & Nugraha, 2021).

DISCUSSION

The findings above emphasize that the effectiveness of law enforcement at Indonesia's maritime borders largely depends on how well inter-agency cooperation and integration can be achieved, not just on having comprehensive legal norms. Recent studies on law enforcement in the North Natuna Sea show that Indonesia already has a strong legal foundation, but the success of its implementation still relies on how closely monitoring tools and related agencies cooperate with each other (Arepa, Syaviq, Septaria, & Furqon, 2026). Similar findings were reported in cases of illegal fishing in the waters along the Indonesia–Australia border, where the success of law enforcement was more determined by the quality of coordination and implementation of joint policies rather than just the completeness of the regulations (Bachtiar & Abdulrahman, 2025). The consistency of these findings across border areas strengthens the argument that boosting cooperation and institutional integration is the key to the effectiveness of Indonesia's maritime law enforcement.

Strengthening Integrated Interagency Maritime Patrols

Strengthening cooperation between agencies can be realized through a transformation of Indonesia's maritime law enforcement system from just a Multi-Agency Single Task approach to a truly integrated system. At least 13 ministries/agencies have authority in maritime law enforcement, and six of them (the Indonesian Navy, the Police Water Directorate, the Directorate General of Sea Transportation at the Ministry of Transportation, the Directorate General of Capture Fisheries Supervision at the Ministry of Marine Affairs and Fisheries, the Directorate General of Customs at the Ministry of Finance, and the Maritime Security Agency) have patrol fleets that have great potential to be synergized into a single joint command and control system (Aryani, 2021). By coordinating patrol schedules, work areas, surveillance technology, and monitoring data among these agencies, the collective strength of these six institutions can be optimized to cover all maritime routes more evenly and efficiently (Aryani, 2021).

A more realistic solution isn't to make one agency the sole standalone coordinator, but rather to build an integrated maritime patrol among agencies that shifts the paradigm from unity of effort to unity of command – still keeping

each ministry/agency's authority intact, but uniting operational command, patrol scheduling, and surveillance technology into a single joint framework (Aryani, 2021). This model aligns with best practices in several countries: the Republic of Korea Coast Guard and Japan Coast Guard combine maritime surveillance and law enforcement functions under one command with strong legal backing, while China integrated its four maritime law enforcement agencies into the China Coast Guard in 2013. Meanwhile, Singapore adopts a whole-of-government approach that synergizes all agencies related to maritime security without eliminating each agency's authority (Bulandari, 2025). A comparative study of the coast guard institutions in these four countries recommends that Indonesia build a clear institutional framework for patrols through legislation to improve the effectiveness of maritime security governance (Bulandari, 2025).

At the national level, this policy direction has been established through Presidential Regulation Number 59 of 2023 on National Policy for Safety, Security, and Law Enforcement at Sea, which provides a framework to enhance synergy between agencies in conducting patrols, surveillance, and law enforcement, including joint patrols between the Navy, Water Police, Coast Guard, Customs, and the Ministry of Marine Affairs and Fisheries in maritime border areas. This kind of command and control integration needs to be supported by unifying surveillance information systems—such as the Navy's IMSS, the Ministry of Marine Affairs and Fisheries' VMS, the Directorate General of Sea Transport's AIS, and the Coast Guard's RCC—into a single shared data center so that information on targets and risky routes can be shared across agencies in real-time (Susanto & Munaf, 2015). Security practices in the strategic areas of the Riau Islands show that well-coordinated joint patrols across agencies can significantly reduce transnational crime (Aprilia, Prakoso, & Sudiarso, 2022), providing early evidence that strengthening integrated patrols—not just giving more authority to a single agency—is a better fit for Indonesia's diverse institutional context.

Cross-Border Legal and Intelligence Cooperation

Strengthening cross-border law enforcement and intelligence cooperation is needed, including through more comprehensive mutual legal assistance agreements with neighboring countries like Malaysia and the Philippines, to speed up the extradition process and the exchange of information related to transnational crime networks. This aligns with the findings of Hariati and Triadi (2024) that regional cooperation in the ASEAN region is key to tackling transnational crimes, although differences in countries' perceptions of the seriousness of certain crimes remain an obstacle that needs to be addressed through ongoing legal diplomacy.

Integrated Maritime Surveillance Technology

The use of integrated data-based maritime surveillance technology—like satellite monitoring systems, coastal radar, and Automatic Identification System (AIS) data integration—has become an urgent need to detect ships that disable tracking systems or carry out illegal activities without permission. Modernizing

these technology-based surveillance tools aligns with recommendations from studies on law enforcement of illegal fishing in Indonesia's southern border areas (Bachtiar & Abdulrahman, 2025), which emphasize that successful law enforcement heavily depends on early detection capabilities, not just on having complete legal regulations.

Speeding Up the Settlement of Sea Boundaries and Strengthening Human Resources

Speeding up the settlement of maritime boundary agreements with neighboring countries through diplomatic channels needs to keep being pushed so it doesn't become a legal loophole that cross-border criminals can exploit to evade jurisdiction. Besides that, boosting the capacity of human resources in the border area officials—through special training on handling human trafficking, narcotics, and illegal fishing—becomes key so law enforcement can be carried out professionally and with a human rights perspective (Handayani & Nugraha, 2021).

These five steps align with Bueger's (2015) multidimensional maritime security perspective, which emphasizes that maritime security can't be reduced to just a defense issue, but requires a synergy between legal, institutional, technological, and diplomatic aspects all at once. Satjipto Rahardjo's progressive legal approach also calls for law enforcement officers not to get stuck in procedural formalities when facing new crime methods that keep evolving with advances in maritime transportation and communication technology.

CONCLUSIONS AND RECOMMENDATIONS

Conclusion

Law enforcement in Indonesia's maritime border areas shows that its effectiveness lies in strong cooperation and integration between agencies, despite limitations in criminal jurisdiction in the Exclusive Economic Zone, limited surveillance facilities and technology, unresolved maritime boundary agreements with neighboring countries, and limited human resource capacity in remote areas. The fact that many agencies have authority at sea can actually be a huge collective strength if managed through good operational cooperation and integration, so that maritime border areas can be better protected from cross-border crimes like human trafficking, drug smuggling, illegal fishing, and piracy. An effective security strategy requires strengthening integrated maritime patrols between agencies, enhancing cross-country legal and intelligence cooperation, utilizing integrated maritime surveillance technology, speeding up the resolution of maritime boundaries through diplomacy, and boosting law enforcement capacity through joint training. The synergy between legal, institutional, technological, and diplomatic approaches is key to ensuring sovereignty and security in Indonesia's maritime borders, as emphasized by the framework of legal development theory and progressive law.

Recommendations

The priority should be the direction of strengthening that cooperation itself. Several experts referenced in the discussion above generally arrive at the same conclusion, even if they emphasize different points. Aryani (2021) suggests that improvements should focus on unifying command and operational control at sea, rather than expanding the authority of a specific agency, since the authority already held by each ministry/agency can still be retained as long as the command is unified. Bulandari (2025), through comparisons with South Korea, China, and Singapore, adds that the success of institutional integration in various countries is always supported by a clear legal framework, so establishing regulatory frameworks is an absolute requirement before inter-agency synergy can effectively take place. Meanwhile, Susanto and Munaf (2015) remind us that consolidating command won't mean much if it's not followed by the unification of information systems and monitoring technology, because that's where the real data exchange between agencies happens.

Based on this series of views, it is suggested that the government direct the strengthening of integrated patrols between agencies, by uniting operational command, patrol schedules, and the surveillance information systems of the Indonesian Navy, Water Police, Bakamla, Customs, and the Ministry of Marine Affairs and Fisheries into a single joint framework, as mandated by Presidential Regulation Number 59 of 2023. This approach is considered more suitable for Indonesia's diverse institutional context compared to adding authority to just one agency, because it maintains the sectoral expertise each agency already has while also ensuring patrol coverage is more even and no waterways go unchecked. The successful example of cross-agency operational synergy in the Riau Islands (Aprilia, Prakoso, & Sudiarmo, 2022) can be used as a model to gradually replicate in other high-risk border areas.

In addition, the government needs to speed up the digitalization of the national maritime surveillance system and strengthen the training and deployment of officers in the outermost border areas. Further research is suggested to empirically examine the effectiveness of integrated inter-agency patrols in field enforcement, especially through a socio-legal approach that involves primary data from officers and coastal communities.

FURTHER STUDY

This study still has limitations, so further research on Law Enforcement in Indonesia's Maritime Border Areas: Challenges and Security Strategies Against Transnational Crime is needed to refine this study and enhance the insights of readers and the authors.

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