



Indonesia coast guard strategy againts transnational organized crime

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Abstract

This study discusses the strategy of the Indonesian Maritime Security Agency (Indonesia Coast Guard) in combating organized crime in Indonesian maritime territories. Organized crime, such as drug trafficking, money laundering, and piracy, significantly impacts national security and economic stability. Indonesia Coast Guard plays a crucial role in prevention efforts and law enforcement at sea, despite its limited authority. The research employs a normative legal approach, analyzing existing legislation and the challenges faced by Indonesia Coast Guard. Findings indicate that Indonesia Coast Guard conducts joint operations with other agencies to enhance law enforcement effectiveness in Indonesian maritime territories. Despite facing challenges such as jurisdictional limitations and complex inter-agency coordination, Indonesia Coast Guard maintains strengths in early warning systems and maritime data management. These efforts form part of a strategy to minimize criminal activities at sea and enhance overall maritime security. Thus, Indonesia Coast Guard serves as a frontline defense in safeguarding Indonesia's maritime sovereignty and preventing transnational organized crime threats.

Keywords: Crime, transnational organized crime, security maritime

Introduction

Indonesia has made many improvements and improvements to deal with and prevent crimes and other incidents that are detrimental not only to Indonesia but also to ASEAN and the world. Transnational organized crime is a frequent occurrence in Indonesia as a result of under-optimal maritime exploitation and exploration due to an Indonesia development model that has always been land-based. In addition, the Indonesian maritime sector is also facing internal and external threats due to weak protection and security in the marine sector. (Bappenas:2014) ^[1] Due to its location and potential, Indonesia has a great opportunity to develop into a maritime state based on natural resources. The possibility is a force and a challenge with a high level of vulnerability, potentially disrupting security stability and jeopardizing the sovereignty of Republic Indonesia.

Indonesia's attitude toward another country that may invade its territory by sea and undertake operations in the same maritime area with different outcomes means that the country must respect the provisions of maritime security. Indonesian geopolitics also has an impact on the country's maritime security. Due to the high rate of cross-border crime occurring in the territory of Indonesian maritime territories, the idea arose of the Government of Indonesia to play an active role in the protection of the territories of Indonesia maritime territories in some countries. (Wiratama:2015) ^[2]

The idea of playing an active role in ensuring intensive maritime activity in the territory of Indonesian maritime territories has been promoted by several countries. Although there is a desire for other nations to play an active role, these intentions and desires have not yet been fully realized. Even I feel that the Indonesian people with their capabilities are still able to defend the territory of the Indonesia maritime territories. Another reason why other countries refuse to cooperate in maritime security is the high level of maritime activity. Although there are demands from other countries to play an active role, their intentions and demands have not been fulfilled at all. (Soebiyanto:2007) ^[3] Common maritime security issues that need to be addressed through effective

maritime safety cooperation in the Assembly of Southeast Asian Nations (ASEAN) include organized transnational crime, namely piracy, pirate attacks, maritime terrorism, and environmental damage, piracy at sea, illegal arms and human trafficking, drug smuggling by sea (cargo/container vessels), maritime environmental security, competition in resources and strategic access, cargo theft, etc. The problem is due to poor maritime connectivity, which results in the highest and most expensive logistics costs in the world, and the number of offenders operating in Indonesian maritime territories that violate the rules. Both belong to the following category: violations. Violation of the law. Inside and abroad. (Lemhannas RI:2013) ^[4] The author wanted to deepen the role of Indonesia Coast Guard in the enforcement of Indonesian maritime law so that the author conducted scientific research normatively with the title "Bakamal Strategy Againts Transnational Organized Crime".

Problem formulation

- How is the Indonesian coast guard's strategy in dealing with transnational organized crime?

Methods

Research methods

As Professor Peter Mahmud Marzuki (2011) describes, legal research involves the study of legal principles, norms, and doctrines to solve legal problems. (Peter Mahmud Marzuki 2007) ^[5] The method of legal research is a systematic method of research. The research method used by the author in this study is normative with a statute approach.

Legal materials

The legal materials used in writing this thesis can be divided into 2, namely primary legal materials and secondary legal materials. Primary legal material is material that includes laws and regulations related to the problems in this research. While secondary legal materials are materials that clarify primary legal materials such as books, journals, articles, etc.

Discussion

Indonesia coast guard strategy againsts transnational organized crime

Joutsen (2006) argues that organized crime is a crime that is organized and carried out systematically by a structured group or network. (Francesco Calderoni:2010) ^[6]. In Indonesia, this phenomenon has a significant impact on national security, economic, and social. The discussion of organised crime in Indonesia can be analyzed from a number of key aspects, including characteristics, drivers, countermeasures, and challenges faced. First, the characteristics of organised crime in Indonesia include various types of crime such as drug trafficking, prostitution, money laundering, as well as acts of violence such as murder and blackmail. These groups often have clearly organized hierarchical structures, which allow them to operate effectively on a large scale. The main drivers of organised crime in Indonesia include economic instability, poverty, lack of fair economic opportunities, and corruption in government and law enforcement. (Melly Nia Aprianti:2016) ^[7] In addition, technological developments and globalization have also increased the complexity and scope of organized crime activities, complicating countermeasures.

The efforts to combat organised crime in Indonesia involve various institutions and strategies, including police, prosecutors, and the National Narcotics Agency (BNN). (Public Relations of BNN:2019) ^[8] Inter-agency coordination as well as international cooperation are also important in the fight against the crime that often crosses these borders. Increased investigative capacity and legal empowerment are the main focus for ensuring effective law enforcement. However, there are still major challenges facing the fight against organised crime. One of them is corruption within the law enforcement system that can affect the effectiveness of law-enforcement. Besides, the mobility and adaptability of organized crime groups makes it difficult to monitor and completely destroy. In addition, the social and economic aspects also play an important role in preventing the formation of organised crime groups. Abolition must include broader preventive strategies, such as improving education, inclusive economic development, and strengthening social values that fight a culture of violence and crime. On the legal side, the Indonesian government continues to seek improvements in regulations and legislation to strengthen law enforcement against organised crime, including improved legislation, as well as the role of financial institutions in preventing money laundering and terrorist financing. Overall, organised crime in Indonesia is a serious problem that requires a comprehensive and collaborative approach from all stakeholders, including the government, civil society, and the private sector. Only through coordinated and sustained joint efforts can Indonesia mitigate the negative impact of organised crime and create a safer and fairer environment for all citizens.

Transnational organized crime is a new form of crime that has an impact on social, economic, political life and the advances of science and technology of organized transnational crime has developed into a serious and organized crime taking into account the scope, character, mode of operation and the perpetrator. Good cooperation is needed in dealing with this problem of transnational organized crime. Since this crime is cross-border and has a

vast criminal network, strong commitment is required between States parties in eradicating this crime. The commitment that needs to be implemented immediately is to facilitate the exchange of information on the perpetrators of this crime and the punishment arrangement that can give the effects of this transnational organized crime so that peace can be established throughout the country. With a structured network and well-organized operations, this type of crime causes widespread losses in various areas, including economic, social, political, and security. Here are some of the major impacts of transnational organised crime:

1. Economic impact

Transnational organized crime has serious economic impacts. For example, illicit drug and arms trafficking creates a huge underground market that flows billions of dollars into the global economy every year. Meanwhile, the money laundering linked to these illegal activities also undermines confidence in the financial sector and disrupts market stability. Moreover, corruption, often associated with organised crime, can hinder foreign investment and sustained economic growth in many countries.

2. Social impact

Socially, transnational organized crime contributes to increased violence, drug addiction, and other social disturbances. Trafficking in human beings, both for sexual exploitation and labour, destroys the lives of individuals and families, while drug trafficking exacerbates public health problems and quality of life. Corruption linked to organised crime can also exacerbate social inequality and threaten the principles of democracy.

3. Political impact and security

Transnational organized crime often leads to political destabilization in many countries. For example, armed groups engaged in arms trade can exacerbate conflict and violence, threatening regional peace and international security. Moreover, corruption exacerbated by organised crime can weaken government institutions, undermine public confidence, and negatively affect political decisions.

4. Environmental impact

Some types of transnational organized crime also have a direct impact on the environment. For example, illegal wildlife trade threatens global biodiversity and disrupts natural ecosystems. Meanwhile, illegal activities such as illegal mining and deforestation funded by organised crime can cause serious environmental damage and accelerate global climate change. Fighting transnational organized crime is a major challenge for the international community. Effective coordination between states, law enforcement agencies, and international organizations is essential but often difficult to implement due to legal differences, national interests, and limited resources. Furthermore, rapid adaptation and the ability to cope with advanced technology used by criminal networks are increasingly adding to the difficulties in global law enforcement.

5. Global solutions and efforts

Global efforts to combat transnational organized crime include enhanced international cooperation, strengthening international regulation and law, as well as investment in national law enforcement capacity. Organizations such as

the UN and Interpol have an important role to play in facilitating cross-border cooperation and the exchange of information necessary to deal with this type of crime. In addition, promoting economic transparency, strengthening government institutions that are not vulnerable to corruption, and raising public awareness of the impact of organised crime are also important steps in global efforts to address this problem. Overall, transnational organized crime is not only a threat to national security and stability, but also a global challenge that requires a collective and sustained response from the international community to address its devastating impact worldwide.

Factors causing transnational organized crime

1. Global poverty and increasing socio-economic disparities are significant factors in promoting transnational organized crime at the global level. Extensive poverty, and huge disparities between social groups, can create conditions vulnerable to exploitation by organised crime networks seeking opportunities to profit from illegal activities.

- **Informal Economy and Exploitation Opportunities:** In many countries, high levels of poverty force most of the population to seek livelihoods through the informal economic sector. This condition is often associated with low legal protection, lack of access to social services and education, and lack of opportunities to improve the standard of living legally. This creates opportunities for organized crime groups to exploit these economic needs and social difficulties as an entry point to operate.
- **Widespread socio-economic gaps** can result in significant disparities in access to resources and opportunities. People living in poverty often have limited access to education, health services, and decent jobs. As a result, they are more susceptible to exploitation and become a vicious target for recruitment by organised crime groups that offer opportunities for greater revenue through illegal activities such as human trafficking, drug traffics, or forced labour.
- **Poverty is often associated with social stigma and the feeling that there is no alternative to achieving economic well-being.** It can affect public perception of the legality and morality of certain illegal activities. For example, in some communities, drug trafficking or prostitution is seen as an acceptable option because it is considered the only way to survive.
- **The high unemployment rate in some parts of the world leads to individuals being marginalized from the formal economy.** This condition not only creates increasing economic pressure, but also increases the tendency to engage in illegal activities as a means of earning income.
- **Poverty and economic disparity are often linked to weaknesses in social and legal protection systems in some countries.** Restrictions in law enforcement, corruption, or lack of access to a fair justice system can aggravate the situation, allowing organized crime groups to operate relatively freely.

2. There's demand for dark goods and illegal services.

The high demand for illicit goods and services is a crucial driver of transnational organized crime at a global level. This phenomenon includes a wide range of illegal activities such as drug trafficking, human traffic, arms smuggling,

wildlife trade, and other illegal activities that cross national borders. Here are some of the reasons why demand for illegal goods and services contributes to the existence and survival of transnational organized crime:

- **High profitability**

Transnational organized crime is often engaged in highly financially profitable activities, such as drug and arms trafficking, as well as prostitution or human traffic. The high demand for these goods from the vast global market provides a huge economic incentive for the criminal group to continue operating. Large potential profits are often more encouraging than the risks involved in illegal activities.

- **Inter-State Law Gaps**

Differences in laws and regulations between countries make some types of illegal activities easier to carry out in some regions than others. Criminal groups often exploit these gaps by choosing places that are less supervised or have looser laws to conduct their operations. For example, some countries may have stricter regulations related to drug or arms trafficking than others.

- **Specific Market Requirements**

The need or desire of a particular market for illegal or prohibited goods can create sustained demand. For example, demand for drugs is driven mainly by consumers in countries with high dependence on the illicit substance, as is demand for illegal weapons, which often come from criminal or militant groups seeking a weapon for a specific purpose.

- **Technology Innovation and Globalization**

The development of information and communication technology has enabled criminal groups to operate more efficiently and on a larger scale at a global level. The Internet and digital platforms facilitate illegal transactions, communication between group members, as well as the delivery of illegal goods internationally without significant geographical constraints.

- **Law Enforcement Challenges**

Transnational organized crime is often difficult to catch and punish because of the cross-border nature of their operations. Moreover, some countries may face the challenge of coordinating international law enforcement to deal with these crimes effectively. It allows a criminal group to operate relatively safely in some territories or use a particular country as a shelter or base of operations.

3. The demographic explosion in the developing world

The demographic explosion in developing countries can be a contributing factor to the occurrence of transnational organized crime in some significant ways. Here are some important points that explain how this can happen:

- **Rapid population growth in developing countries often leads to rapid urbanization as well.** When populations migrate to big cities in search of jobs and economic opportunities, it can increase the socio-economic disparity between urban and rural populations. These disparities could lead to a number of people being marginalized and vulnerable to exploitation by organised crime groups offering 'alternative' solutions to their economic problems.

- Rapid population growth can also put great pressure on city infrastructure such as housing, transportation, education, and health services. Lack of access to these services can create weaknesses in the security and protection systems, increasing the profitability for crimes such as human trafficking, prostitution, and drug trade.
- Although rapid economic growth can create new job opportunities, unemployment rates often remain high among young people who have just moved to big cities. High unemployment rates can encourage young people to find shortcuts in the informal economy or engage in illegal activities offered by organized crime groups.
- Growing population in a rapid demographic context can create greater demand for illegal goods and services. For example, demand for drugs among young people can increase significantly, providing a strong market for criminal groups to supply such goods.
- Rapid population growth could put additional pressure on the state's law enforcement system. Sometimes, law enforcement may not be able to follow developments quickly, causing gaps or weaknesses in surveillance and protection. It can be exploited by criminal groups to develop their operations more freely.
- Rapid population growth can also lead to complex social and cultural changes. Traditional values can be disrupted or altered, and this can affect the way individuals and groups see and engage in crime. These changes could create new dynamics within societies that could be exploited by criminal groups to expand their operations.

Understanding these factors is essential to designing effective strategies in combating transnational organized crime globally and across national borders. Comprehensive measures include strong international cooperation, enhanced law enforcement capacity, as well as initiatives to reduce demand for illegal goods can help mitigate the impact of Transnational organised crime on global societies.

Indonesia Coast Guard is committed to protection against transnational organized crime (TOC) and, in particular, Indonesia Coast Guard has taken precautionary measures. Preventive efforts are carried out by Indonesia Coast Guard through the implementation of joint operations or cooperation with other relevant agencies in charge of law enforcement at sea.(Lourdiananda, 2019) The joint operation was carried out to prevent inefficiencies as each law enforcement agency involved has their respective authority in dealing with various violations of the law in Indonesian maritime territories. Indonesia Coast Guard addressed the problem by carrying out its mission of strengthening the implementation of law enforcement patrols in Indonesian maritime territories. But the authority of the Indonesia Coast Guard is so weak that its repression efforts are not optimal. Consequently, the authority of Indonesia Coast Guard could create a barrier that hampers the role of Indonesia Coast Guard as a law enforcement agency in Indonesian maritime territories. The first obstacle to Indonesia Coast Guard is persecution that occurs suddenly. Tracking is continuous tracking in short distances, ranging from coastal or inland maritime territories to open maritime territories. The Maritime Law No. 32 of 2014 does not require the Indonesia Coast Guard to complete the ship. As a result, the authority of the Indonesia Coast Guard's

immediate prosecution is deemed to be against the law. Indonesia Coast Guard only exercises investigative authority, which means stopping, inspecting, capturing, and handing over the ship to the authorities for further legal action. The third obstacle is that Indonesia Coast Guard is not given the authority to investigate legally. In fact, Indonesia Coast Guard is often not considered a law enforcement agency because it has only investigative authority. In fact, investigation and investigation are inseparable. As explained above, the Indonesia Coast Guard mandate has resulted in less efficient and effective investigation of violations of the law in Indonesian maritime territories. But despite these constraints, Indonesia Coast Guard has the advantage of being located in a wide area of work, i.e. in Indonesian maritime territories ranging from the reference line to the Exclusive Economic Zone (ZEE). (batas terluar 200 mil laut). (Indonesia Maritime Information Centre:2023) ^[9] As long as Indonesia Coast Guard is in Indonesian maritime territories, the inspections performed by Indonesia Coast Guard are comprehensive as they are not limited to its authority to enforce the law against all crimes and maritime territories. In this case, Indonesia Coast Guard acts as a special unit that performs command and control functions. The term "command and control" is often seen as a single multitasking institutional system. The one-agency multitasking system is believed to make an important contribution to the synergy of law enforcement in Indonesian maritime territories as it requires the presence of one agency and the execution of operations under one command.(Eka Martiana Wulansari:2014) ^[10] This combined operation is very effective in minimizing criminal activity in Indonesian maritime territories, as Indonesia Coast Guard has a vulnerability map that can identify the locations used by the perpetrators to commit criminal activity.(Aprilia, W., Prakoso, L. Y. and Aries, S:2022) ^[11] Combined operations have a positive impact on Indonesia Coast Guard because joint operations are much cheaper to carry out than individual prosecutions. Besides, Indonesia Coast Guard is equipped with early warning systems for safety and security in Indonesia's maritime territory.(Azis, N. A., R, L. T. S., and Hardiwinoto, S:2016) ^[12] Indonesia Coast Guard also has a Maritime Data and Information Centre designed to facilitate Indonesia Coast Guard in carrying out security patrols to protect Indonesian maritime territories from organized transnational crime. (TOC). Efforts to deal with and prevent transactional organized crime, Indoneisa Coast Guard has a policy direction and strategy for such problems, here are the policies and strategies:

1. Increase the presence of the Indonesian Coast Guard patrol elements in the territory of the maritime territories of Indonesia and the territories of Indonesia's jurisdiction, in particular in the maritime border areas, vulnerable areas and outermost islands on a continuous basis;
2. Strengthen the framework of rules for the maintenance of maritime security and security operations in an integrated manner and integrated with the relevant ministries/agencies;
3. Improve the quality and quantity of facilities and facilities supporting the maintenance of security and security operations in the territory of Indonesian maritime territories and the territories of Indonesia jurisdiction;

4. Improve the capacity and capacity of the Human Resources Department of Bakamla RI in support of maritime security and security operations in the maritime territories of Indonesia and the jurisdiction of Indonesia;
 5. Increase the speed of dealing with security and security threats in the territory of Indonesian maritime territory and the territories of Indonesia's jurisdiction;
 6. Increase public participation in support of the implementation of security and security operations in the territory of Indonesian maritime territories and the jurisdiction of Indonesia;
 7. Improve the quality of data and information support for the implementation of maritime security and security operations in the territory of Indonesian maritime territories and the territories of Indonesia jurisdiction;
 8. Improve the implementation of evidence collection and investigations to support law enforcement processes at sea;
 9. Strengthen cooperation in the field of maritime security and security to support the implementation of operations and to security stability at the national, regional and global levels;
 10. Establish accountability and transparency in the implementation of security and security operations in the territory of Indonesian maritime territory and the territories of Indonesia's jurisdiction;
 11. Create a positive institutional image in order to increase public confidence in the Indonesian Coast Guard;
 12. Improve the efficiency and efficiency of resource use in the implementation of security and security operations in the maritime territory of Indonesia and the territories of Indonesian jurisdiction.
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Conclusion

The results of the research as described in the previous chapters, the following conclusions can be drawn:

The Indonesian Coast Guard's strategy to combat transnational organized crime in Indonesia has proved effective through strengthening maritime patrols, international cooperation in information exchange, and development of technological capacity. The implementation of this strategy is based on UNCLOS 1982, aimed at enhancing maritime areas, protecting natural resources, and supporting national stability. Emphasis on cross-country cooperation and the use of advanced technology is key in efforts to address the complexity of cross-border crime in Indonesian maritime territories.

Refernces

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