

## **Blue Secure Strategy: Indonesian Maritime Security Agency (Bakamla) in Maintain Security and Safety in the Indonesian Territorial**

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### **ABSTRACT**

As the national maritime security coordinator, the Indonesian Maritime Security Agency (BAKAMLA) should carry out Law No. 32 of 2014 and Presidential Regulation No. 178 of 2014 to build a sustainability-based economy to reach Indonesia as the World Maritime Axis. Based on the analysis, the Indonesian Maritime Security Agency specifically underscored the importance of creating a maritime security system and maintaining maritime safety in controlling the implementation of the Blue Secure Strategy. The research methodology used is sociological juridical. The purpose of this paper is to examine the role of the Indonesian Maritime Security Agency (BAKAMLA) as the coordinator of civil institutions in the arrangement related to national maritime security. The result is to place BAKAMLA as a civilian institution in the maritime area as the main component of national maritime security as mandated in the Sea Spatial Regulation stated in Law No. 17 of 1985 on the ratification of UNCLOS 1982. As well as optimizing BAKAMLA as the sole coordinator of state civil institutions in maintaining the safety and security of the sea and coast guard through the Blue Secure Strategy. Blue Secure Strategy implemented as a connected security system between Indonesian territorial waters will make BAKAMLA authority roaming area more freely ranging from the archipelago's water zone to the delimitation zone while enforcing the implementation of Indonesia's Blue Secure Strategy.

### **KEYWORDS**

Bakamla, Maritime, Maritime Security, Blue Secure Strategy.

### **Introduction**

Armada Nusantara's track journey shows that Indonesia has been the centre of the economy and the route of maritime connectivity. Geoffrey Till in his monumental work *Seapower: A Guide for the Twenty-first Century* writes that 21st-century maritime security studies primarily focus on maritime strategy. Geoffrey Till explained about the hefty points of five essential characteristics of maritime namely: the sea as a resource, sea as a medium of transportation and exchange, sea as a medium of information, sea as a medium of domination, and sea as a sovereign territory<sup>1</sup>. The characteristics are evident in various events occurring in Indonesia's maritime region, such as problems surrounding the North Natuna Sea area as a case that combines the five points of view strategically and integratively and requires a coordinated approach to the solution<sup>2</sup>.

Indonesia's maritime territory is geostrategically located at the crossroads of the main SLOC and SLOT lines between the Pacific Ocean and the Indian Ocean and the Asian continent and the Australian Continent, which are the main interstate routes in economy and trade<sup>3</sup>. This means That Indonesia serves as the global supply chain system with the geostrategic position<sup>4</sup>. Indonesia becomes a centre in the world trade and shipping lanes that require state agencies that specialize in handling security and safety in shipping and strengthened by legislation<sup>5</sup>.

Indonesia's strategic position and marine wealth is a valuable asset for the Indonesian nation. The management and utilization of Indonesian marine areas, both territorial seas and Exclusive Economic Zones (ZEE) can contribute significantly to the development of the people of Indonesia's welfare. However, the modalities have not been optimally utilized. The new fishery sector accounts for 2.46% of national GDP. Also, only about 1 0% of the national oil potential has currently been explored and utilized. Indonesian waters hold 70% of the national oil potential<sup>6</sup>.

The World Maritime Axis's Vision is stated through national long-term development policy priorities containing development programs and strategic national maritime policy direction. Indonesia's maritime strategy is implemented through three dimensions<sup>7</sup>, namely: (i) sovereignty dimensions; (ii) security dimensions; and (iii) prosperity dimensions. This dimension is integrated into realizing Blue Economy in Law Number 32 Year 2014 Article 14 so that the author summarizes it in blue security strategy.

Perceptions of maritime security include complex and integrated scopes. Despite the existence of two mutually binding marine interests, namely national interests and international interests<sup>8</sup>. First, the sea is free from the threat of violence, namely the threat of using organized armed forces and is considered to have the ability to interfere with and endanger the sovereignty of the country, whether in the form of military threats, piracy, sabotage of vital objects and acts of terror. Second, the sea is free from navigation caused by geographic and hydrograph conditions. Third, the sea is open from the threat of being tapped by marine resources in the form of pollution and destruction of ecosystems. Fourth, the sea is free from the threat of law violations such as illegal logging, illegal fishing, and others. Along with the current direction of Indonesia's development policy, where the marine becomes a significant factor in supporting development, especially from the economic sector, now is the time for the Indonesian nation to change its paradigm from "Land Based Socio-Economic" to "Marine Based Socio-Economic". Based on Law No. 17 of 2007 concerning the Long-Term National Development Plan year 2005-2025, it stipulates that maritime resources have not been optimally explored due to several things, including (1) determination of unassigned maritime boundaries; (2) internal conflicts in the use of maritime areas; (3) the enforcement of security and safety in the region of maritime which is still unstable (4) Different attitudes of the areas that cause different understandings in the utilization of maritime potential; (5) lack of knowledge and infrastructure to manage and utilize the potential of maritime resources (6) Lack of research and publication results and socialization of appropriate technology in the utilization of maritime potential. The function of maritime security implementation must be focused synergistically, and integration under the coordination of civil institutions, namely BAKAMLA. The consideration taken is a synergistic mechanism integrated between maritime traffic control, people, and goods several seaport entrances<sup>9</sup>.

Under President Joko Widodo through Presidential Regulation No. 178 of 2014, the Indonesian government established the Maritime Security Agency (BAKAMLA) formerly called the Maritime Security Coordinating Board (Bakorkamla)<sup>10</sup>. Bakorkamla, which initially only performed its function as a supervisor, was reorganized on December 8, 2014, to become the Indonesian Maritime Security Agency (BAKAMLA) with broader authority to crack down on all forms of violations at sea. This raises the pros and cons because the main problem is the lack of coordination between institutions and not creating new institutions<sup>11</sup>. Existing institutions are carried out according to their respective auth, and this indicates each institution's specific role (specialization). This specialization role must be strengthened through the coordination function of BAKAMLA.

The Governor of Lemhannas of the Republic of Indonesia, AgusWidjojo, in one of the focuses of his concern on maritime security stated that maritime defence is purely the Navy's responsibility<sup>12</sup>. Meanwhile, maritime security which is a function of law enforcement in the national maritime area must be implemented with relevant civil institutions.

Coordinating Minister for Political, Legal, and Security Affairs Mahfud MD stated that the number of legal products related to maritime security could be a factor that hinders the maritime security program, especially in terms of the complexity of regulations that can create loopholes for violations of the law and interfere with the sovereignty of Indonesia's maritime territory.

The reason for choosing this paper's title is because it is essential to take the form of a blue security strategy by BAKAMLA as the national maritime security coordinator. Indeed Blue secure strategy should support a sustainable marine economy called the blue economy<sup>13</sup>. It has been proven that the emergence of a very vulnerable gap in the implementation of national maritime security that interferes with the stability of the performance of the national economy, which if protracted is very dangerous for the sovereignty of the Unitary State of the Republic of Indonesia. The national maritime area's security covers all areas both on the surface and in the water column and the seabed<sup>14</sup>. So the role of BAKAMLA as coordinator of civil institutions is very influential on the sovereignty of the Republic of Indonesia's Unitary State.

The update of this writing is the placement of BAKAMLA as the national maritime security coordinator based on:

1. Sea Spatial Arrangements contained in Law No. 17 of 1985 on the ratification of UNCLOS 1982, in which authority is distinguished based on marine spatial arrangements ranging from Inland Waters, Islands Waters, Territorial Seas, Additional Zones, Exclusive Economic Zones and Continental Shelf.
2. Based on Military Institutions and Civil Institutions, where military institutions become the Navy and civilian institutions' authority under BAKAMLA as a Single Agency Multi Tas and Single Coordinator.

3. Conduct a Blue Secure Strategy to secure the implementation of the Blue Economy or blue economy, as stated in article 14 of Law 32 of 2014.

## Methods

Based on this background, the formulation of the problem in this article is How is the implementation of Blue Secure Strategy by BAKAMLA in maintaining national maritime security?.The research methodology used is sociological juridical.

## Result and Discussion

Indonesia's maritime strategic environment today has seen a separation between sovereignty enforcement and law enforcement. The context of sovereignty enforcement is carried out by the military, namely the Navy, while a civilian institution, namely BAKAMLA carry out law enforcement. This is the translation of Law No. 4 of 2004 on TNI and Law No. 32 of 2014 on Marine. In article 14 of the Marine Law, it is stated that the Government and Local Government by its authority to conduct Marine Management for the maximum prosperity of the people through the utilization and cultivation of Marine Resources using blue economic principles. The blue economy is an economic model that can improve poor economic conditions and create more activities in the form of a sustainable model<sup>15</sup>. Internationally, BAKAMLA can be compared with countries in the region that already have a Coast Guard: Malaysia Coast Guard (APMM), Singapore Police Coast Guard, Philippine Coast Guard and Vietnam Coast Guard. The Coast Guard of each of these countries carries out maritime guard duties ranging from its territorial territory to continental shelf and implementing law enforcement.

Indonesia has not become an entirely maritime country because it has not utilised and managed maritime potential optimally. However, the maritime field is up-and-coming for the prosperity of the nation. The main obstacle is that maritime has not become mainstream in national development; the government prefers land-based oriented development. According to the authors, this became the basis for encouraging BAKAMLA to take a blue security strategy step in national maritime security<sup>16</sup>. Do not let the ruler have his interpretation to translate the national maritime security strategy according to his interests.

The results of the analysis showed the authority of civil institutions based on the mandate of Law No. 5 of 1983 on ZEEI and Law No. 6 of 1996 on Indonesian Waters, Presidential Regulation 178 /2014 and Law No. 32 of 2014 on Marine shows that in Indonesia's Exclusive Economic Zone is BAKAMLA. This includes Indonesian fishing areas consisting of Indonesian territorial waters, archipelago waters, Indonesian inland waters, and ZEEI. The establishment of BAKAMLA in Article 59 of Law No. 32 of 2014 strengthened by Presidential Regulation 178 of 2014 mandates the establishment of coordinators in maintaining security, maritime connectivity and national maritime safety.

In anticipation of maritime territorial breaches such as the North Natuna Sea, the Government of Indonesia requires a format of strategy and operating procedures that are by the blue economy carried out<sup>17</sup>. BAKAMLA needs to get the authorities to take persuasive action approaching foreign vessels in the hope of exiting Indonesian territory. The extreme frictions expected by the break-ins can be avoided, which are framing to gain foreign sympathy and contain content that benefits the foreign country. Surely it will be very detrimental to Indonesia's government and not by the blue economic strategy implemented<sup>18</sup>.

The thing to note by the Indonesian government is in the Maritime Law Article 62-63 explained that the authority of the sea is in one command and control BAKAMLA. However, in the maritime defence and security legislation, there are 24 rules in the legislation that cannot be implemented under one line of command because of one institution's position with the other institutions at the same level. If the government imposes BAKAMLA into a single task multi-agency, it should be mandated in separate legislation.

Indonesia still needs to focus more on following up on the urgency of maritime security governance. According to the author, this problem can be traced through the implementation of Friedman's theory of legal substance, institutional structure, and culture<sup>19</sup>. The legal framework serves to provide a set of regulations on maritime security defence. Then resources that include capability and integrated division systems, personnel and training.

Simultaneously, the institutional aspects include synergy and coordination between state institutions related to maritime security defence and the involvement of information systems. They rely on laws to build a national maritime culture subject to, compliant and bound by legal norms. It is very appropriate in the governance of national maritime security defence.

The legal substance framework plays a significant role in translating civilian institutions' legitimacy related to national maritime security defence<sup>20</sup>. Indonesia today only has legislation related to maritime, namely Law no. 32 of 2014 on Marine. This legislation explicitly underscores the importance of creating maritime defence systems, and the obligations of shipping safety activities. But it has not expressly stated a national maritime territorial protection system that integrates institutions related to the division of functions and roles. This paper states the importance of creating a blue security strategy as the basis for implementation to clarify concrete measures in maritime security management in Indonesia to make synergistic between institutions in the implementation of maritime security defence.

A maritime territory that is legally recognized as the Indonesian state's sovereign territory is that the Indonesian state is fully sovereign to inhabit and manage the region. By Jean Bodin's assertion in the theory of sovereignty, the sovereignty of the state arises simultaneously as the establishment of a state<sup>21</sup>. Authority of the State is the sovereignty derived from the state itself<sup>22</sup>. Authority is the supreme power in a country that applies to all territories and all people. The state's independence becomes the primary right and the highest right, either naturally, de jure or de facto. Sovereignty for Indonesia becomes the goal and framework for achieving national ideals in Preamble 1945 Constitution of the Republic of Indonesia.

Indonesia's geographical condition is so broad bakamla should be as a civilian institution national maritime security coordinator can have a unanimous and complete understanding of how the actual position in the implementation of Maritime Security Indonesia. In addition to geographical conditions, efforts to identify maritime security threats in Indonesia are among the main elements. Maritime security threats in Indonesia can be categorized into 2, namely crimes that use the sea as objects such as IUU fishing, illegal waste dumping, and illegal poaching. Furthermore, crimes that use the sea as a means, such as human smuggling and people trafficking and piracy and armed robbery at sea.

Indonesia has not managed maritime security to the maximum because it has not utilized and worked maritime potential optimally. According to the Author, the government in the National Long-Term Development Plan (RPJPN) maritime has not become mainstream in national development, the government is more mainstreaming land-based oriented development. This, according to the author, becomes the basis for the preparation of the repositioning of authority in the defence and national maritime security. This is by the description of maritime defence issues in Indonesia. Four things that must be considered to build a maritime defence in Indonesia are maritime security trends, the disparity in marine development, regulation and institutional, and defence and security infrastructure. Related to the problem of maritime security, there is still the rampant activity of theft of fish (illegal fishing) and other natural resources that can threaten the socio-economic life of the community. In addition to the problem of theft of natural resources, it is also exacerbated by the still containment of several violence at sea in piracy and sabotage<sup>23</sup>.

This study's results can be mapped that the authority of BAKAMLA as a civilian institution based on the division of civilian and military duties. BAKAMLA is a single agency that coordinates civil institutions both the Ministry Of Marine Affairs And Fisheries Republic Of Indonesia, the Ministry of Transportation, The Directorate General of Customs and Excise and The Indonesian National Police. The repositioning of this authority provides attribution in institutional control to uphold national maritime security by the content material stipulated in the law. By the theory of governance, attribution can also be stated to gain government authority. Thus, the authority obtained through attribution carried out by government agencies is the foremost authority because the head is obtained directly from the constitution or legislation. It categorizes maritime legislation into two: first, general laws, such as defence law and second, laws that entirely regulate the sea, such as Marine law, ZEE law, Fisheries law, and Shipping law. The categorization becomes the basis of the repositioning of the institutions' authority related to maritime security defence.

The results of this study placed BAKAMLA as the person in charge of national maritime security based on Sea Spatial Arrangements contained in Law No. 17 of 1985 on the ratification of UNCLOS 1982, where authority is

distinguished based on marine spatial planning ranging from Inland Waters, Islands Waters, Territorial Seas, Additional Zones, Exclusive Economic Zones and Continental Shelf. Next because based on military institutions and civilian institutions, where military institutions become the authority of the Navy and civilian institutions under BAKAMLA as a Single Agency Multi-Task or Single Coordinator. And lastly, because BAKAMLA conducts a Blue Secure Strategy to secure the implementation of Blue Economy as stated in article 14 of Law No. 32 of 2014.

Thus, it can be mapped BAKAMLA position as the person in charge of national maritime security based on Sea Spatial Arrangements contained in Law No. 17 of 1985 on ratification of UNCLOS 1982, has an authority that can be distinguished based on marine spatial planning ranging from Inland Waters, Islands Waters, Territorial Seas, Additional Zones, Exclusive Economic Zones and Continental Shelf. Next because based on military institutions and civilian institutions, where military institutions become the authority of the Navy and civilian institutions under BAKAMLA as a Single Agency Multi-Task or Single Coordinator. And lastly, because BAKAMLA conducts a Blue Secure Strategy to secure the implementation of Blue Economy as stated in article 14 of Law No. 32 of 2014.

## Conclusion

BAKAMLA is the only civilian institution as stipulated in Presidential Regulation No. 178 of 2014 and Law No. 32 of 2014 on the Marine. BAKAMLA regionally handles the security of maritime route connectivity with a range of areas ranging from Indonesian Waters (12 Nm), to reach the territory of Indonesia's Exclusive Zone Waters, Continental Shelf (200-350 Nm). It should even be encouraged its role up to the delimitation area. BAKAMLA as the intersectoral over overlapping claims of differences in the boundary line of Continental Shelf and ZEE. This civilian institution's main task and primary focus are on the security of shipping lane connectivity and marine safety by carrying out various investigative tasks to investigate security disturbances at sea. The investigation has been forwarded to the investigators on the ground by the violations and delegated by the relevant agencies that handle it.

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