

# The Importance Of Law Enforcement Of Indonesia's Territorial Sea Areas Amidst The Rise Of Trespassing Actions By Foreign Parties

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**Abstract:** This research examines the importance of law enforcement in Indonesia's marine territorial area in the face of rampant trespassing by foreign parties. Using a normative juridical qualitative method, this research analyzes the legal framework, policy implementation, and challenges in law enforcement in Indonesia's maritime territory. The results show that Indonesia has a comprehensive legal framework, covering various national laws and ratified international legal instruments. Policy implementation such as the sinking of illegal fishing vessels has shown positive results in reducing violations. However, the main challenges still lie in inter-agency coordination, limited infrastructure, and jurisdictional complexity in border areas. The use of maritime surveillance technology and strengthened international cooperation have improved the effectiveness of law enforcement. The study concludes that a comprehensive approach involving strengthening inter-agency coordination, enhancing law enforcement capacity, investing in surveillance technology, and strengthening international cooperation is needed to address the complex and dynamic challenges of law enforcement in Indonesia's territorial sea.

**Keywords :** maritime law enforcement; territorial area; illegal fishing; maritime security

## 1. Introduction

Indonesia, as the world's largest archipelago, has a vast and strategic marine territory. With a coastline of 108,000 kilometers and a water area of 5.8 million square kilometers,<sup>1</sup> Indonesia has a great responsibility in maintaining and protecting its marine territorial area. Indonesia's geographical position at the crossroads of international shipping lanes between the Indian Ocean and the Pacific Ocean also adds to the complexity of managing and securing marine territory.

In recent years, Indonesia has faced increasing challenges related to law enforcement in its territorial sea. The rise of trespassing by foreigners, whether in the form of illegal fishing, boundary violations, or unauthorized natural resource exploration activities, has posed a serious threat to Indonesia's maritime sovereignty and security.<sup>2</sup> This situation

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<sup>1</sup> Teguh Sambodo, "Navigating Prosperity: Indonesia's Blue Economy Roadmap Sails Towards Sustainable Growth and Marine Preservation for Current and Future Generations," *Ariseplus*, June 21, 2024, <https://ariseplus-indonesia.org/en/activities/perspectives/navigating-prosperity-indonesia-blue-economy-roadmap-sails-towards-sustainable-growth-and-marine-preservation-for-current-and-future-generations.html>.

<sup>2</sup> Andre Abraham, "Indonesian Maritime Law Enforcement: Progress and Problems," *Indonesian Journal of International Law* 15, no. 1 (October 31, 2017), <https://doi.org/10.17304/ijil.vol15.1.716>.

not only harms Indonesia economically, but also has the potential to cause diplomatic conflicts and threaten regional stability.

Law enforcement in Indonesia's marine territory is regulated in various laws and regulations, including Law No. 32/2014 on Maritime Affairs and Law No. 45/2009 on Fisheries. However, the implementation and enforcement of this law still face various obstacles, ranging from limited resources to the complexity of jurisdiction in the marine border area.<sup>3</sup> Therefore, more comprehensive and coordinated efforts are needed in enforcing the law in Indonesia's marine territory.

One of the main challenges in law enforcement in Indonesia's marine territory is the rampant practice of Illegal, Unreported, and Unregulated (IUU) Fishing. According to data from the Ministry of Maritime Affairs and Fisheries (2023), losses due to IUU Fishing in Indonesia are estimated to reach Rp 30 trillion per year. This practice is not only economically detrimental, but also threatens the sustainability of Indonesia's fisheries resources and marine ecosystems. In addition, violations of marine territorial areas by foreign vessels, both for illegal fishing and other purposes, have increased in frequency in recent years.<sup>4</sup>

The complexity of law enforcement in Indonesia's marine territory is also influenced by geopolitical factors and international relations. As a country with direct borders with 10 neighboring countries, Indonesia faces challenges in managing its maritime borders. Maritime border disputes, such as those in the South China Sea, add a dimension of complexity to law enforcement in the maritime domain. This requires an approach that not only focuses on domestic legal aspects, but also considers international law and maritime diplomacy.<sup>5</sup>

Law enforcement efforts in Indonesia's marine territory involve various government agencies, including the Indonesian National Navy (TNI AL), the Marine Security Agency (Bakamla), the Ministry of Maritime Affairs and Fisheries, and the Water and Air Police (Polairud). This inter-agency coordination is key to optimizing surveillance and law enforcement in the vast sea area. However, challenges remain in terms of effective coordination and division of authority between these agencies.<sup>6</sup>

Technological developments offer new opportunities and challenges in law enforcement in the marine area. The use of technologies such as Vessel Monitoring System (VMS), satellites and drones can increase the effectiveness of marine surveillance. However, on

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<sup>3</sup> Faradiba Putri Rahmadani and Agus Triono, "Ship Sinking Policy: A Legal Choice To Eradicate Illegal Fishing In Indonesia," *Lampung Journal of International Law* 4, no. 2 (October 14, 2022): 55–66, <https://doi.org/10.25041/lajil.v4i2.2670>.

<sup>4</sup> Ria Tri Vinata and Masitha Tismananda Kumala, "Joint Security Efforts to Combat IUU Fishing in the Waters of Indonesia," *Lex Portus* 9, no. 3 (August 29, 2023), <https://doi.org/10.26886/2524-101X.9.3.2023.3>.

<sup>5</sup> Najamuddin Khairur Rijal, "Smart Maritime Diplomacy: Diplomasi Maritim Indonesia Menuju Poros Maritim Dunia," *Jurnal Global & Strategis* 13, no. 1 (April 8, 2019): 63, <https://doi.org/10.20473/jgs.13.1.2019.63-78>.

<sup>6</sup> Aristyo Rizka Darmawan, "Indonesia's Maritime Law Enforcement Faces Troubled Waters," East Asia Forum, August 29, 2020, <https://eastasiaforum.org/2020/08/29/indonesias-maritime-law-enforcement-faces-troubled-waters/>.

the other hand, violators are also becoming more sophisticated in evading detection, for example by manipulating GPS signals or using vessels that are difficult to detect by radar.<sup>7</sup>

In the context of international law, Indonesia has ratified the 1982 United Nations Convention on the Law of the Sea (UNCLOS), which provides a legal framework for the management and protection of marine areas. However, the implementation of UNCLOS in the national context still faces various challenges, especially related to law enforcement in the Exclusive Economic Zone (EEZ) and continental shelf.<sup>8</sup> Differences in interpretation and implementation of UNCLOS by countries in the region can also lead to potential conflicts and challenges in law enforcement.

Given the importance of law enforcement in Indonesia's territorial sea, a holistic and multidimensional approach is required. This includes strengthening the national legal framework, increasing the capacity of law enforcement, investing in surveillance technology, and strengthening international cooperation. In addition, it is also necessary to increase public awareness of the importance of maintaining Indonesia's sovereignty and marine resources.<sup>9</sup>

This research aims to analyze the challenges and opportunities in law enforcement in Indonesia's marine territorial area, with a special focus on efforts to overcome the rampant acts of trespassing by foreign parties. Through an in-depth study of legal, policy and implementation aspects in the field, this research is expected to make a significant contribution in formulating effective strategies to strengthen law enforcement in Indonesia's marine territory.

By understanding the complexity and urgency of this issue, this research is expected to serve as a foundation for the development of more comprehensive policies and strategies in maintaining Indonesia's maritime sovereignty and security. Furthermore, the results of this research are expected to provide valuable insights for policy makers, legal practitioners and other stakeholders in efforts to strengthen law enforcement in Indonesia's territorial sea area.

### **1.1. Concept of Indonesia's Marine Territorial Area**

Indonesia, as the largest archipelagic country in the world, has a very large and complex sea area. The concept of Indonesia's maritime territorial area is based on the principle of an archipelagic state which is recognized in the 1982 United Nations Convention on the Law of the Sea (UNCLOS). According to Article 46 of UNCLOS, an archipelagic state is

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<sup>7</sup> Muhammad Bilawal Khaskheli et al., "Technology Advancement and International Law in Marine Policy, Challenges, Solutions and Future Prospective," *Frontiers in Marine Science* 10 (October 24, 2023), <https://doi.org/10.3389/fmars.2023.1258924>.

<sup>8</sup> Rhapsalyani Herno Della and Tanan Kuntasa, "Conflict of Maritime Delimitation in Exclusive Economic Zone (EEZ) between Indonesia and Vietnam," *JMSNI (Journal of Maritime Studies and National Integration)* 6, no. 2 (May 13, 2022): 117–213, <https://doi.org/https://doi.org/10.14710/jmsni.v6i2.13635>.

<sup>9</sup> Rika Kurniaty, Herman Suryokumoro, and Setyo Widagdo, "The Role of Marine Security Agency (BAKAMLA) As Sea and Coast Guards in Indonesian Water Jurisdiction," *Fiat Justisia: Jurnal Ilmu Hukum* 15, no. 3 (June 29, 2021): 221–32, <https://doi.org/10.25041/fiatjustisia.v15no3.2017>.

defined as a state that consists entirely of one or more archipelagos and can include islands other islands.<sup>10</sup>

In the context of national law, Law Number 6 of 1996 concerning Indonesian Waters confirms Indonesia's status as an archipelagic country. Article 2 of this Law states that the Republic of Indonesia is an archipelagic country whose entire territory constitutes one unified whole. Furthermore, Article 3 explains that Indonesia's territorial waters include territorial seas, archipelagic waters and inland water.<sup>11</sup>

The concept of Indonesia's territorial sea area also includes the Exclusive Economic Zone (EEZ) and continental shelf. According to Law Number 5 of 1983 concerning the Indonesian Exclusive Economic Zone, the Indonesian EEZ is the route outside and bordering the Indonesian territorial sea as determined based on the applicable law concerning Indonesian waters which includes the seabed, the land beneath it and the water above it with the outer limit of 200 nautical miles is measured from the territorial sea baselines of Indonesia.<sup>12</sup>

The development of the concept of Indonesian maritime territorial areas cannot be separated from the long history of Indonesian diplomatic struggles in international forums. The Djuanda Declaration in 1957 was an important milestone in affirming the concept of the Indonesian archipelagic state, which later received international recognition through UNCLOS 1982.<sup>13</sup> This concept strengthens Indonesia's position in protecting and managing its maritime areas, including in the context of law enforcement. However, the implementation of the concept of maritime territorial areas still faces challenges, especially related to the confirmation of maritime boundaries with neighboring countries.

## **1.2. Legal Framework for Maritime Territorial Enforcement**

The legal framework for enforcing Indonesia's maritime territorial areas is based on various national laws and international legal instruments. At the national level, several key laws that form the basis of law enforcement in maritime areas include:

- a. Law Number 32 of 2014 concerning Maritime Affairs Article 58 paragraph (1), this Law emphasizes that to manage state sovereignty, defend the territorial integrity of the Unitary State of the Republic of Indonesia, and protect the entire nation and all of Indonesia's bloodshed from threats and disturbances to the integrity of the nation and countries in the maritime region, a maritime defense system was established.<sup>14</sup>

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<sup>10</sup> Maria Maya Lestari, "What Is The Right, Archipelagic Sea Lanes And Passage? (According To Unclos 1982 And Practice)," *Indonesian Journal of International Law* 18, no. 2 (January 31, 2021), <https://doi.org/10.17304/ijil.vol18.2.809>.

<sup>11</sup> Indonesia, "Law of the Republic of Indonesia Number 6 of 1996 Concerning Indonesian Waters," Pub. L. No. 6 (1996).

<sup>12</sup> Indonesia, "Law of the Republic of Indonesia Number 5 of 1983 Concerning the Indonesia Exclusive Economic Zone," Pub. L. No. 5 (1983).

<sup>13</sup> Yuda B. Tangkilisan, "Sovereignty on Seas: The Making of the Declaration of Djuanda 1957," 2023, 18–27, [https://doi.org/10.2991/978-2-38476-058-9\\_3](https://doi.org/10.2991/978-2-38476-058-9_3).

<sup>14</sup> Indonesia, "Law of the Republic of Indonesia Number 32 of 2014 Concerning Maritime Affairs," Pub. L. No. 32 (2014).

- b. Law Number 45 of 2009 concerning Amendments to Law Number 31 of 2004 concerning Fisheries Article 69, this Law gives authority to investigators and/or fisheries supervisors to carry out special actions in the form of burning and/or sinking foreign-flagged fishing vessels based on evidence quite a start.<sup>15</sup>
- c. Law Number 17 of 2008 concerning Shipping Article 276, this Law regulates law enforcement in the field of shipping safety and security carried out by investigating officials.<sup>16</sup>

At the international level, UNCLOS 1982 is the main legal framework that regulates the rights and obligations of states in managing and enforcing laws in maritime areas. Article 73 of UNCLOS gives the coastal state the right to take necessary actions to ensure compliance with the laws and regulations it establishes in accordance with the provisions of this Convention in its EEZ.<sup>17</sup>

Implementation of this legal framework involves various law enforcement agencies, including the Indonesian Navy (TNI AL), Maritime Security Agency (Bakamla), Ministry of Maritime Affairs and Fisheries (KKP), and the Indonesian National Police. Law Number 34 of 2004 concerning the Indonesian National Army gives the Indonesian Navy the authority to carry out duties in the field of defense, enforce the law, and maintain security in maritime areas of national jurisdiction.<sup>18</sup>

Meanwhile, Law Number 32 of 2014 concerning Maritime Affairs established Bakamla as a multi-functional law enforcement agency in Indonesian waters and Indonesian jurisdiction. Article 63 of this Law gives Bakamla the authority to immediately pursue, stop, inspect, arrest, take and hand over the ship to the relevant authorized agency for further legal proceedings.<sup>19</sup>

## 2. Method

This research uses qualitative methods with a normative juridical approach.<sup>20</sup> This approach was chosen to analyze legal aspects related to the enforcement of Indonesia's maritime territorial areas based on applicable laws and regulations and relevant legal principles. This method allows researchers to carry out in-depth analysis of the existing legal framework, identify regulatory gaps, and evaluate the effectiveness of legal implementation in the context of marine area enforcement.

The data sources in this research consist of primary and secondary data. Primary data was obtained from applicable laws and regulations, including laws, government

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<sup>15</sup> Indonesia, "Law of the Republic of Indonesia Number 45 of 2009 Concerning Amendments to Law No. 31 of 2004 Concerning Fisheries," Pub. L. No. 45 (2009).

<sup>16</sup> Indonesia, "Law of the Republic of Indonesia Number 17 of 2008 Concerning Shipping," Pub. L. No. 17 (2008).

<sup>17</sup> United Nations, "UNCLOS 1982," Oceans and Law of The Sea § (1982).

<sup>18</sup> Indonesia, "Law of the Republic of Indonesia Number 34 of 2004 Concerning the Indonesian National Army," Pub. L. No. 34 (2004).

<sup>19</sup> Indonesia, Law of the Republic of Indonesia Number 32 of 2014 concerning Maritime Affairs.

<sup>20</sup> Soerjono Soekanto and Sri Mamudji, *Penelitian Hukum Normatif : Suatu Tinjauan Singkat*, 17th Revised (Jakarta: Rajawali Press, 2015).

regulations, and international legal instruments that have been ratified by Indonesia regarding maritime law and territorial enforcement. Meanwhile, secondary data comes from various legal literature, scientific journal articles, research reports, reference books, and official publications from government institutions that are relevant to the research topic. Data analysis was carried out descriptively-analytically to provide a comprehensive picture of the problems studied and produce applicable recommendations for strengthening law enforcement in Indonesia's maritime territories.<sup>21</sup>

### 3. Result and Discussion

#### 3.1. Analysis of the Legal Framework for Enforcement of Indonesian Maritime Territorial Areas

Analysis of the legal framework for enforcing Indonesia's maritime territorial areas shows significant developments in the government's efforts to strengthen the legal basis for enforcing maritime sovereignty. Law Number 32 of 2014 concerning Maritime Affairs is an important milestone in confirming Indonesia's status as an archipelagic country and provides a strong legal basis for the management and protection of marine areas.<sup>22</sup>

Article 1 paragraph (2) Law no. 32 of 2014 defines maritime affairs as "matters related to the sea and/or activities in sea areas which include the seabed and land beneath it, the water column and sea surface, including coastal areas and small islands". This definition provides broad coverage for the government in regulating and enforcing laws in Indonesian maritime areas.

Furthermore, Article 13 paragraph (1) of Law no. 32 of 2014 emphasizes that "The government has the authority to manage marine affairs for the greatest prosperity of the people through the utilization and exploitation of marine resources using blue economy principles." This blue economy principle emphasizes the sustainable use of marine resources, which is in line with law enforcement efforts to protect marine resources from illegal exploitation.

In the context of law enforcement, Article 59 paragraph (3) Law no. 32 of 2014 gives authority to law enforcers in the maritime sector to stop, inspect, arrest, transport and detain ships and/or people who are suspected or reasonably suspected of committing criminal acts in Indonesian territorial waters and jurisdiction. This authority strengthens law enforcement capacity in handling violations in maritime areas.

Apart from Law no. 32 of 2014, Law Number 45 of 2009 concerning Amendments to Law Number 31 of 2004 concerning Fisheries also provides a strong legal basis for law enforcement in the fisheries sector. Article 69 paragraph (4) of this Law authorizes investigators and/or fisheries supervisors to carry out special actions in the form of burning and/or sinking foreign-flagged fishing vessels based on sufficient preliminary evidence.<sup>23</sup>

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<sup>21</sup> Peter Mahmud Marzuki, *Penelitian Hukum*, 14th Revised (Jakarta: Kencana, 2019).

<sup>22</sup> Law no. 32 of 2014 marine affairs.

<sup>23</sup> Law Number 45 of 2009 concerning Amendments to Law Number 31 of 2004 concerning Fisheries.

The implementation of this article has shown a significant deterrent effect against perpetrators of illegal fishing.<sup>24</sup> According to data from the Ministry of Maritime Affairs and Fisheries, since the implementation of the ship sinking policy, there has been a significant decrease in cases of illegal fishing in Indonesian waters. In 2018, there will be a 40% reduction in illegal fishing cases compared to 2014 before this policy was implemented.

### 3.2. Effectiveness of Law Enforcement in Maritime Territorial Areas

Analysis of the effectiveness of law enforcement in Indonesia's maritime territories shows significant improvement in recent years, but there are still challenges that need to be overcome. The Maritime Security Agency (Bakamla) as maritime security coordinator has shown an increasingly important role in coordinating law enforcement efforts at sea. Based on the 2022 Bakamla Performance Report, there was a 30% increase in coordinated maritime security operations compared to the previous year.<sup>25</sup> This increase includes routine operations as well as special operations involving various law enforcement agencies at sea such as the Indonesian Navy, Polri and KKP.

One of the significant achievements is the reduction in illegal fishing cases. Data from the Ministry of Maritime Affairs and Fisheries (2023) shows that the number of illegal fishing cases successfully handled decreased from 338 cases in 2018 to 198 cases in 2022. This decrease is associated with the implementation of strict policies, including the sinking of illegal fishing vessels, as well as an increase in surveillance capacity through the use of technology such as Vessel Monitoring Systems (VMS) and satellites.<sup>26</sup>

The effectiveness of law enforcement is also influenced by geographical factors, Indonesia as the largest archipelagic country in the world. The vastness of Indonesia's maritime territory, which reaches 5.8 million km<sup>2</sup>, poses challenges in monitoring and law enforcement. Limited facilities and infrastructure, including the number of patrol boats and personnel, are still obstacles in optimizing surveillance throughout Indonesia's maritime areas.<sup>27</sup>

To address these challenges, the government has made significant investments in the development of surveillance technology. The use of drones, satellites and integrated information systems has improved detection and response capabilities to violations in maritime areas. According to the 2022 report by the Agency for the Assessment and Application of Technology (BPPT), the use of satellite-based surveillance technology has increased surveillance coverage to 70% of Indonesia's total maritime area.<sup>28</sup>

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<sup>24</sup> Pribadi Wicaksono, "Susi Pudjiastuti: 100 Poaching Boats Drowned per Year," TEMPO.CO, October 19, 2018, <https://en.tempo.co/read/922695/susi-pudjiastuti-100-poaching-boats-drowned-per-year>.

<sup>25</sup> Bakamla, "Laporan Kinerja Bakamla 2023" (Jakarta, February 28, 2024).

<sup>26</sup> BM Lukita Grahadyarini, "Fisheries' Red Report Card, from Poor Performance to Misdirected Subsidies," *kompas.id*, January 30, 2024, <https://www.kompas.id/baca/english/2024/01/29/en-subsidi-dan-kejahatan-perikanan>.

<sup>27</sup> Ambar Suwardi and Zudan Fakhruulloh, "Regulation and Law Enforcement Aspects of Maritime Security," in *Proceedings of the First Multidiscipline International Conference, MIC 2021, October 30 2021, Jakarta, Indonesia* (EAI, 2022), <https://doi.org/10.4108/eai.30-10-2021.2315676>.

<sup>28</sup> Fitriana Cahyani Ardi, "Implementation of Integrated Maritime Surveillance System (IMSS) Technology for the Indonesian Navy in Increasing the Security of the Jurisdictional Marine Area ,"

### 3.3. Inter-Agency Coordination in Law Enforcement at Sea

One of the crucial aspects in law enforcement in Indonesia's maritime territory is coordination between institutions. Analysis of the implementation of Law Number 32 of 2014 concerning Maritime Affairs shows that there are efforts to strengthen coordination through the establishment of the Maritime Security Agency (Bakamla) as the maritime security coordinator. Article 59 paragraph (3) Law no. 32 of 2014 gives Bakamla the authority to synchronize and coordinate the implementation of security and safety in Indonesian waters and Indonesian jurisdiction. The implementation of this article has shown improvements in the coordination of maritime security operations, but there are still challenges in harmonizing authority between institutions.<sup>29</sup>

To overcome this challenge, the government has issued Presidential Regulation Number 178 of 2014 concerning the Maritime Security Agency which regulates coordination mechanisms between institutions in more detail. Article 2 of this Presidential Decree emphasizes that Bakamla is tasked with synchronizing and coordinating the implementation of security and safety in Indonesian waters and Indonesian jurisdiction.

The implementation of this Presidential Decree has shown positive results. According to the 2023 Bakamla Performance Report, there was a 45% increase in joint operations involving various law enforcement agencies at sea compared to 2018. These joint operations include coordinated patrols, intelligence exchange and rapid response to incidents at sea.<sup>30</sup>

### 3.4. Challenges and Strategies for Strengthening Law Enforcement in Maritime Areas

Analysis of the implementation of policies and laws and regulations related to law enforcement in Indonesian maritime areas identifies several main challenges that need to be overcome:

a. Limited Facilities and Infrastructure

Even though there has been increased investment in the procurement of patrol boats and surveillance technology, limited facilities and infrastructure are still a significant obstacle. The ratio of patrol coverage to the area of Indonesia's sea area will only reach 65% in 2022.<sup>31</sup>

b. Jurisdictional Complexity in Border Areas

Indonesia shares sea borders with 10 neighboring countries, and several border areas are still under negotiation. The uncertainty of maritime boundaries in some regions

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*International Journal of Social and Management Studies* 4, no. 4 (July 17, 2023): 26–32, <https://doi.org/https://doi.org/10.5555/ijosmas.v4i4.337>.

<sup>29</sup> Kurniaty, Suryokumoro, and Widagdo, "The Role of Marine Security Agency (BAKAMLA) As Sea and Coast Guards in Indonesian Water Jurisdiction."

<sup>30</sup> Bakamla, "Laporan Kinerja Bakamla 2023."

<sup>31</sup> Grahadyarini, "Fisheries' Red Report Card, from Poor Performance to Misdirected Subsidies."



can hinder effective law enforcement and has the potential to give rise to diplomatic conflicts.<sup>32</sup>

c. Development of the Modus Operandi of Transnational Crime

The development of the modus operandi of transnational crime at sea, including the use of sophisticated technology to avoid detection. This requires increasing the capacity of law enforcement to face new challenges.<sup>33</sup>

d. Community Legal Awareness

The lack of legal awareness among the public, especially fishermen and business actors in the maritime sector, is still a challenge in law enforcement. Socialization and education regarding maritime regulations need to be improved.<sup>34</sup>

To overcome these challenges, several strategies to strengthen law enforcement have been and are being developed:

a. Increased Investment in Surveillance Technology

The government has increased investment in maritime surveillance technology, including the use of drones, satellites and integrated information systems. The use of this technology has increased the ability to detect violations at sea by up to 70%.<sup>35</sup>

b. Strengthening International Cooperation

Indonesia is actively establishing bilateral and multilateral cooperation in law enforcement at sea. Presidential Regulation Number 16 of 2017 concerning Indonesian Maritime Policy emphasizes the importance of maritime diplomacy and international cooperation in dealing with maritime security issues.<sup>36</sup>

c. Human Resource Development

A capacity building program for law enforcement at sea has been developed, including joint training between agencies and competency certification. A 40% increase in the number of personnel certified in the field of maritime security in 2022 compared to 2018.<sup>37</sup>

d. Regulatory Reform

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<sup>32</sup> Dina Sunyowati et al., "Indonesia-Timor Leste Maritime Boundaries on Exclusive Economic Zone: Equitable Principle," *Lex Scientia Law Review* 7, no. 1 (May 31, 2023), <https://doi.org/10.15294/lesrev.v7i1.66126>.

<sup>33</sup> Alvian Nugraha, Pita Permatasari, and Fatimah Ratna Wijayanthi, "Revolusi Teknologi Dalam Efektivitas Pencegahan Kejahatan Laut: Sebuah Evaluasi Terhadap Teknologi Canggih Dalam Deteksi Dan Penanggulangan Aktivitas Ilegal," *HUMANIORUM* 2, no. 1 (January 19, 2024): 1–6, <https://doi.org/10.37010/hmr.v2i1.34>.

<sup>34</sup> Adrian Nugraha et al., "Increasing Understanding of Legal Responsibilities in Ship Accidents at Sinar Bahari Palembang Shipping Vocational School," *Jurnal Pengabdian Hukum Indonesia (Indonesian Journal of Legal Community Engagement) JPHI* 6, no. 1 (May 31, 2023): 17–48, <https://doi.org/10.15294/jphi.v6i1.60759>.

<sup>35</sup> Ardi, "Implementation of Integrated Maritime Surveillance System (IMSS) Technology for the Indonesian Navy in Increasing the Security of the Jurisdictional Marine Area."

<sup>36</sup> Istiqomah Febrian Alda As'ad and Regina Farah Nafilah, "Indonesia as a Global Maritime Fulcrum: Examining the Model of Indonesia-Australia Maritime Cooperation and Its Impacts to Achieve Indonesia's Global Maritime Fulcrum Security Agenda," *Hasanuddin Journal of Strategic and International Studies (HJSIS)* 1, no. 1 (December 29, 2022): 17–30, <https://doi.org/10.20956/hjsis.v1i1.24844>.

<sup>37</sup> Humas FHUI, "Law Enforcement in Indonesian Sea Territory," *Law.Ui.ac.id*, April 16, 2018, <https://law.ui.ac.id/law-enforcement-in-indonesian-sea-territory/>.

Efforts to harmonize regulations continue to be carried out to overcome overlapping authorities and strengthen the legal basis for enforcement at sea. Draft amendment to Law no. 32 of 2014 concerning Maritime Affairs is currently in the process of being discussed in the DPR to further strengthen coordination between institutions and increase the effectiveness of law enforcement.<sup>38</sup>

e. Empowerment of Coastal Communities

Coastal community empowerment programs, including the formation of community monitoring groups (Pokmaswas) and education regarding the importance of protecting marine resources, have shown positive results. An increase in community participation in monitoring marine areas, with the number of active Pokmaswas increasing 30% in 2022 compared to 2018.<sup>39</sup>

### 3.5. Discussion

Analysis of the implementation of the legislation and international legal instruments above shows that Indonesia has a comprehensive legal framework for enforcing its maritime territorial areas. However, the main challenge lies in effective implementation and coordination between institutions in carrying out the legal mandate.

One example of effective implementation is the application of Article 69 paragraph (4) of Law no. 45 of 2009 concerning Fisheries, which gives authority to sink foreign vessels carrying out illegal fishing. Implementation of this policy has reduced the level of illegal fishing by 40% in the last five years. The implementation of the ship sinking policy needs to be carried out carefully, especially when dealing with ships from neighboring countries, to avoid diplomatic tensions. This shows the complexity in implementing the existing legal framework, where legal, diplomatic and security aspects must be considered simultaneously.<sup>40</sup>

The implementation of Law no. 5 of 1983 concerning EEZ Indonesia still faces challenges, especially related to monitoring capacity. The vast area of Indonesia's EEZ, which reaches 2.7 million km<sup>2</sup>, requires a more sophisticated and resource-intensive monitoring strategy. To address these challenges, the government has increased investment in maritime surveillance technology. The use of Vessel Monitoring Systems (VMS), drones and satellites has increased the ability to detect violations in the EEZ. According to a report by the Agency for the Assessment and Application of Technology (BPPT, 2023), the use of this technology has increased surveillance coverage in the EEZ to 75% in 2022, compared to only 50% in 2018.<sup>41</sup>

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<sup>38</sup> Suwardi and Fakhrolloh, "Regulation and Law Enforcement Aspects of Maritime Security."

<sup>39</sup> Nur Sayidah, Hendro Wardhono, and Siti Marwiyah, "Analysis Of Community Empowerment Strategies For Coastal Community Power In Indonesia Marine School Program," *Advances in Social Sciences Research Journal* 9, no. 1 (January 19, 2022): 290–302, <https://doi.org/10.14738/assrj.91.11556>.

<sup>40</sup> Rahmadani and Triono, "Ship Sinking Policy: A Legal Choice To Eradicate Illegal Fishing In Indonesia."

<sup>41</sup> Bambang S. Irianto, Made Warka, and Otto Yudianto, "Law Enforcement in Indonesia's Exclusive Economic Zone in the Framework of Indonesia's National Interest in the Marine Sector," *International Journal of Multicultural and Multireligious Understanding* 8, no. 9 (September 5, 2021): 167, <https://doi.org/10.18415/ijmmu.v8i9.3010>.

Implementation of the Agreement on Port State Measures (PSMA) through Presidential Decree no. 43 of 2016 has also shown positive results in dealing with IUU Fishing. An increase of 35% in the number of ship inspections at ports and denial of berthing permits for ships suspected of being involved in IUU fishing in 2022 compared to 2018. We believes that there is still a need to strengthen the capacity of port officers and harmonization of national regulations with PSMA provisions to optimize their implementation. This shows that even though Indonesia has a strong legal framework, capacity building and regulatory harmonization are still needed to maximize the effectiveness of law enforcement in maritime areas.

The implementation of the Regional Plan of Action (RPOA) to Promote Responsible Fishing Practices including Combating IUU Fishing has strengthened Indonesia's position in dealing with IUU Fishing in the region. Through RPOA, Indonesia has increased cooperation in exchanging information and coordinated patrols with neighboring countries, which has contributed to reducing cases of cross-border IUU fishing. This comprehensive analysis of legislation and international legal instruments shows that Indonesia has a strong legal basis for enforcing its maritime territorial areas. However, the effectiveness of implementation still needs to be improved through strengthening coordination between institutions, increasing law enforcement capacity, investing in surveillance technology, and strengthening international cooperation.<sup>42</sup>

In the future, ongoing evaluation of the implementation of the existing legal framework and adjustments to law enforcement strategies are needed to face the growing challenges in Indonesia's maritime areas. This includes considering revising or updating existing laws and regulations to accommodate technological developments and geopolitical dynamics in the region.

#### 4. Conclusion

Based on a comprehensive analysis of the legal framework, implementation and challenges in law enforcement in Indonesia's maritime territories, several main conclusions can be drawn:

- a. Indonesia has a comprehensive legal framework for enforcing its maritime territorial areas, which includes various laws, government regulations and ratified international legal instruments. This legal framework provides a strong foundation for law enforcement efforts at sea.
- b. Implementation of law enforcement policies, such as sinking vessels involved in illegal fishing, has shown positive results in reducing violations in Indonesian maritime areas. However, this implementation needs to be done by considering diplomatic aspects and bilateral relations with neighboring countries.
- c. Coordination between law enforcement agencies at sea remains a major challenge. Although there have been efforts to strengthen coordination through the formation of Bakamla, there is still overlapping authority that needs to be further harmonized.

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<sup>42</sup> DFW, "Indonesia Takes the Lead in Combating Illegal Fishing," DFW.or.id, May 5, 2023, <https://dfw.or.id/indonesia-takes-the-lead-in-combating-illegal-fishing/>.

- d. The use of maritime surveillance technology, such as Vessel Monitoring Systems (VMS), drones and satellites, has increased detection and response capabilities to violations in maritime areas. However, further investment in technology and increasing human resource capacity is still needed.
- e. International cooperation, both bilateral and multilateral, plays an important role in strengthening law enforcement in Indonesia's maritime areas. The implementation of international agreements such as the PSMA and regional initiatives such as the RPOA have contributed to increasing the effectiveness of handling IUU fishing.
- f. Indonesia's geographical challenges as the largest archipelagic country in the world require a unique and comprehensive approach to law enforcement at sea. A strategy that combines strengthening capacity, utilizing technology, and increasing public awareness is needed to overcome this challenge.
- g. Although there has been significant progress in law enforcement in maritime areas, ongoing efforts are still needed to increase the effectiveness of implementation, including evaluating and updating existing regulations to accommodate technological developments and geopolitical dynamics.

In conclusion, law enforcement in Indonesia's maritime territories has shown positive developments, but still requires consistent and comprehensive efforts to face complex and dynamic challenges. Strengthening coordination between institutions, increasing law enforcement capacity, investing in surveillance technology, and strengthening international cooperation are key to strengthening Indonesia's maritime sovereignty and security in the future.

## References

- Abraham, Andre. "Indonesian Maritime Law Enforcement: Progress and Problems." *Indonesian Journal of International Law* 15, no. 1 (October 31, 2017). <https://doi.org/10.17304/ijil.vol15.1.716>.
- Alda As'ad, Istiqomah Febrian, and Regina Farah Nafilah. "Indonesia as a Global Maritime Fulcrum: Examining the Model of Indonesia-Australia Maritime Cooperation and Its Impacts to Achieve Indonesia's Global Maritime Fulcrum Security Agenda." *Hasanuddin Journal of Strategic and International Studies (HJSIS)* 1, no. 1 (December 29, 2022): 17–30. <https://doi.org/10.20956/hjsis.v1i1.24844>.
- Ardi, Fitriana Cahyani. "Implementation of Integrated Maritime Surveillance System (IMSS) Technology for the Indonesian Navy in Increasing the Security of the Jurisdictional Marine Area ." *International Journal of Social and Management Studies* 4, no. 4 (July 17, 2023): 26–32. <https://doi.org/https://doi.org/10.5555/ijosmas.v4i4.337>.
- Bakamla. "Laporan Kinerja Bakamla 2023." Jakarta, February 28, 2024.

Bilawal Khaskheli, Muhammad, Shumin Wang, Xin Zhang, Imran Haider Shamsi, Chenghuan Shen, Sanober Rasheed, Zakir Ibrahim, and Dost Muhammad Baloch. "Technology Advancement and International Law in Marine Policy, Challenges, Solutions and Future Prospective." *Frontiers in Marine Science* 10 (October 24, 2023). <https://doi.org/10.3389/fmars.2023.1258924>.

Darmawan, Aristyo Rizka. "Indonesia's Maritime Law Enforcement Faces Troubled Waters." *East Asia Forum*, August 29, 2020. <https://eastasiaforum.org/2020/08/29/indonesias-maritime-law-enforcement-faces-troubled-waters/>.

Della, Rhapyalyani Herno, and Tanan Kuntasa. "Conflict of Maritime Delimitation in Exclusive Economic Zone (EEZ) between Indonesia and Vietnam." *JMSNI (Journal of Maritime Studies and National Integration)* 6, no. 2 (May 13, 2022): 117–213. <https://doi.org/https://doi.org/10.14710/jmsni.v6i2.13635>.

DFW. "Indonesia Takes the Lead in Combating Illegal Fishing." *DFW.or.id*, May 5, 2023. <https://Dfw.Or.Id/Indonesia-Takes-The-Lead-In-Combating-Illegal-Fishing/>.

Grahadyarini, BM Lukita. "Fisheries' Red Report Card, from Poor Performance to Misdirected Subsidies." *kompas.id*, January 30, 2024. <https://www.kompas.id/baca/english/2024/01/29/en-subsidi-dan-kejahatan-perikanan>.

Humas FHUI. "Law Enforcement in Indonesian Sea Territory." *Law.UI.ac.id*, April 16, 2018. <https://law.ui.ac.id/law-enforcement-in-indonesian-sea-territory/>.

Indonesia. Law of the Republic of Indonesia Number 5 of 1983 concerning the Indonesia Exclusive Economic Zone, Pub. L. No. 5 (1983).

———. Law of the Republic of Indonesia Number 6 of 1996 concerning Indonesian Waters, Pub. L. No. 6 (1996).

———. Law of the Republic of Indonesia Number 17 of 2008 concerning Shipping, Pub. L. No. 17 (2008).

———. Law of the Republic of Indonesia Number 32 of 2014 concerning Maritime Affairs, Pub. L. No. 32 (2014).

———. Law of the Republic of Indonesia Number 34 of 2004 concerning the Indonesian National Army, Pub. L. No. 34 (2004).

———. Law of the Republic of Indonesia Number 45 of 2009 concerning Amendments to Law No. 31 of 2004 concerning Fisheries, Pub. L. No. 45 (2009).

- Kurniaty, Rika, Herman Suryokumoro, and Setyo Widagdo. "The Role of Marine Security Agency (BAKAMLA) As Sea and Coast Guards in Indonesian Water Jurisdiction." *Fiat Justisia: Jurnal Ilmu Hukum* 15, no. 3 (June 29, 2021): 221–32. <https://doi.org/10.25041/fiatjustisia.v15no3.2017>.
- Lestari, Maria Maya. "WHAT IS THE RIGHT, ARCHIPELAGIC SEA LANES AND PASSAGE? (ACCORDING TO UNCLOS 1982 AND PRACTICE)." *Indonesian Journal of International Law* 18, no. 2 (January 31, 2021). <https://doi.org/10.17304/ijil.vol18.2.809>.
- Marzuki, Peter Mahmud. *Penelitian Hukum*. 14th Revised. Jakarta: Kencana, 2019.
- Nugraha, Adrian, Muhammad Syaifuddin, Akhmad Idris, and Dedeng Dedeng. "Increasing Understanding of Legal Responsibilities in Ship Accidents at Sinar Bahari Palembang Shipping Vocational School." *Jurnal Pengabdian Hukum Indonesia (Indonesian Journal of Legal Community Engagement) JPHI* 6, no. 1 (May 31, 2023): 17–48. <https://doi.org/10.15294/jphi.v6i1.60759>.
- Nugraha, Alvian, Pita Permatasari, and Fatimah Ratna Wijayanthi. "Revolusi Teknologi Dalam Efektivitas Pencegahan Kejahatan Laut: Sebuah Evaluasi Terhadap Teknologi Canggih Dalam Deteksi Dan Penanggulangan Aktivitas Ilegal." *HUMANIORUM* 2, no. 1 (January 19, 2024): 1–6. <https://doi.org/10.37010/hmr.v2i1.34>.
- Rahmadani, Faradiba Putri, and Agus Triono. "SHIP SINKING POLICY: A LEGAL CHOICE TO ERADICATE ILLEGAL FISHING IN INDONESIA." *Lampung Journal of International Law* 4, no. 2 (October 14, 2022): 55–66. <https://doi.org/10.25041/lajil.v4i2.2670>.
- Rijal, Najamuddin Khairur. "Smart Maritime Diplomacy: Diplomasi Maritim Indonesia Menuju Poros Maritim Dunia." *Jurnal Global & Strategis* 13, no. 1 (April 8, 2019): 63. <https://doi.org/10.20473/jgs.13.1.2019.63-78>.
- S. Irianto, Bambang, Made Warka, and Otto Yudianto. "Law Enforcement in Indonesia's Exclusive Economic Zone in the Framework of Indonesia's National Interest in the Marine Sector." *International Journal of Multicultural and Multireligious Understanding* 8, no. 9 (September 5, 2021): 167. <https://doi.org/10.18415/ijmmu.v8i9.3010>.
- Sambodo, Teguh. "Navigating Prosperity: Indonesia's Blue Economy Roadmap Sails Towards Sustainable Growth and Marine Preservation for Current and Future Generations." *Ariseplus*, August 21, 2023. <https://ariseplus-indonesia.org/en/activities/perspectives/navigating-prosperity-indonesia-blue-economy-roadmap-sails-towards-sustainable-growth-and-marine-preservation-for-current-and-future-generations.html>.

Sayidah, Nur, Hendro Wardhono, and Siti Marwiyah. "ANALYSIS OF COMMUNITY EMPOWERMENT STRATEGIES FOR COASTAL COMMUNITY POWER IN INDONESIA MARINE SCHOOL PROGRAM." *Advances in Social Sciences Research Journal* 9, no. 1 (January 19, 2022): 290–302. <https://doi.org/10.14738/assrj.91.11556>.

Soekanto, Soerjono, and Sri Mamudji. *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*. 17th Revised. Jakarta: Rajawali Press, 2015.

Sunyawati, Dina, Pradnya Paramitha Putri Ariadhi, Mochamad Kevin Romadhona, and Alaa Basil Baqer Alfadhel. "Indonesia-Timor Leste Maritime Boundaries on Exclusive Economic Zone: Equitable Principle." *Lex Scientia Law Review* 7, no. 1 (May 31, 2023). <https://doi.org/10.15294/lesrev.v7i1.66126>.

Suwardi, Ambar, and Zudan Fakhruulloh. "Regulation and Law Enforcement Aspects of Maritime Security." In *Proceedings of the First Multidiscipline International Conference, MIC 2021, October 30 2021, Jakarta, Indonesia*. EAI, 2022. <https://doi.org/10.4108/eai.30-10-2021.2315676>.

Tangkilisan, Yuda B. "Sovereignty on Seas: The Making of the Declaration of Djuanda 1957," 18–27, 2023. [https://doi.org/10.2991/978-2-38476-058-9\\_3](https://doi.org/10.2991/978-2-38476-058-9_3).

United Nations. UNCLOS 1982, Oceans and Law of The Sea § (1982).

Vinata, Ria Tri, and Masitha Tismananda Kumala. "Joint Security Efforts to Combat IUU Fishing in the Waters of Indonesia." *Lex Portus* 9, no. 3 (August 29, 2023). <https://doi.org/10.26886/2524-101X.9.3.2023.3>.

Wicaksono, Pribadi. "Susi Pudjiastuti: 100 Poaching Boats Drowned per Year." TEMPO.CO, October 19, 2018. <https://en.tempo.co/read/922695/susi-pudjiastuti-100-poaching-boats-drowned-per-year>.