

# Remodelling Indonesia's Maritime Law Enforcement Architecture: Theoretical and Policy Considerations

EVAN A. LAKSMANA

*Indonesia, the world's largest archipelagic state, tends to punch below its weight in regional maritime affairs. Part of the explanation for this puzzle lies in Indonesia's under-developed and ineffective maritime governance system. This article seeks to develop ways to overhaul Indonesia's maritime governance by focusing on one specific but potentially strategic area: maritime law enforcement in the country's Exclusive Economic Zone (EEZ). The article analyses the institutional challenges surrounding Indonesia's EEZ maritime law enforcement and develops theoretical models and policy options drawn from the experiences of other Asian maritime states. It argues that Indonesia needs to move from its current "division of labour" model, where there are multiple agencies with multiple tasks, to a "unified command" model, where different maritime assets are unified under a single operational command. The article suggests that Indonesia should consider a "dual agency" architecture where the Indonesian Navy and the Maritime Security Agency become the two primary EEZ maritime law enforcement authorities. The article aims to contribute to broader debates surrounding maritime security governance and Indonesia's future trajectory as a maritime power in the Indo-Pacific.*

**Keywords:** maritime security, maritime law enforcement, Indonesia, maritime governance, Exclusive Economic Zone.

EVAN A. LAKSMANA is Senior Research Fellow at the Centre on Asia and Globalisation, Lee Kuan Yew School of Public Policy, National University of Singapore. Postal address: 469A Bukit Timah Road, Tower Block, Level 10, Singapore 259770; email: laksmana@nus.edu.sg.

Why does Indonesia, the world's largest archipelagic state at the cross-roads between the Indian and Pacific Oceans, punch below its weight in regional maritime affairs? Part of the answer lies in Indonesia's chaotic maritime governance. There are at least a dozen agencies and institutions tasked with maritime governance; half of them have law enforcement mandates, and at least three are tasked with patrolling the country's Exclusive Economic Zone (EEZ). Some believe that such a "power sharing" model is necessary because, on the one hand, each of these agencies, operating alone, could not safeguard the country's vast waters. On the other hand, the overlapping authorities have hindered an effective, timely and consistent response to Indonesia's multitude of maritime security threats.<sup>1</sup> While many have analysed the reasons and implications for Indonesia's chaotic maritime governance, there are few studies that examine its potential solutions.<sup>2</sup>

This article seeks to address the above puzzle by explaining why and how Indonesia should remodel its maritime governance structure. First, I develop an analytical framework to understand maritime law enforcement models and examine the experiences of several Asian maritime states in governing their maritime spaces. The framework posits a strong correlation between the number of agencies tasked with maritime law enforcement and the available resources to execute the necessary operations to handle maritime security threats. I propose three models based on the experiences of Asian maritime states: (1) *unified force*, where all maritime assets are centralized under a single agency; (2) *unified command*, where maritime assets from different agencies are temporarily assigned under a joint operational command; and (3) *division of labour*, where there are multiple agencies with their own assets, authorities and operational tasks. While each model has its own advantages and drawbacks, this article argues that states should ideally move away from the division of labour model to a unified command or unified force model.

Second, I argue that Indonesia should strive to develop and adopt a "dual agency" architecture, whereby only the Indonesian Navy (TNI-AL) and the Indonesian Maritime Security Agency (BAKAMLA) have law enforcement authority over Indonesia's EEZ. There are different ways to implement this model, but many of them require policymakers to wage "top-down" political and legal battles to reconcile the overlapping laws and regulations. In the meantime, they should invest in "bottom-up" approaches, such as conducting joint education programmes, training activities and

exercises involving the different maritime agencies. These approaches could help Indonesia address its daily maritime security challenges, even if in incremental steps. But more importantly, Indonesia needs to significantly empower BAKAMLA, which includes expanding its budget base, doubling its manpower and patrol assets as well as cementing its status as the one and only coast guard agency. Without a significantly empowered BAKAMLA, a sustainable dual agency architecture is unlikely to materialize.

The article is composed of four sections. The first section provides theoretical insights from the maritime security literature to illustrate the different architectures of maritime law enforcement in Asia. This discussion allows us to situate Indonesia's maritime law enforcement architecture in a comparative perspective and identify the model that Jakarta should adopt. The second section describes the institutional challenges surrounding Indonesia's maritime security and law enforcement policies. It focuses on the key challenges associated with Indonesia's "division of labour" maritime law enforcement model. The third section builds on the previous two and offers policy recommendations for Indonesian maritime policymakers to consider, especially regarding the potential adoption of a dual agency architecture. The final section summarizes the analyses and discusses the broader limitations and implications of this study.

## **Modelling Maritime Governance and Law Enforcement**

### *Conceptualizing Maritime Law Enforcement*

Maritime governance is a broad term that covers the different ways in which state policies and institutions govern the maritime domain. Some analysts, for example, understand maritime governance in terms of the overarching structures and relationships that direct, control and influence the shipping and ports sector, which would include all aspects of the industry and the functioning of maritime policymaking.<sup>3</sup> Others consider maritime governance to be an overarching policy that presupposes several additional functions, such as maritime domain awareness, maritime security and safety, law and customs enforcement, natural resource protection, search and rescue, and humanitarian assistance and disaster relief.<sup>4</sup> Given these different domains, scholars suggest that ensuring good maritime governance requires a comprehensive national maritime policy and legal-political framework as well as the organization and coordination

of all maritime agencies. In other words, maritime governance should be a multi-domain, multi-dimensional field requiring a whole-of-government approach.<sup>5</sup>

However, not every maritime state has the wherewithal to develop a national maritime policy. Some states consider the process of developing such frameworks to be too cumbersome or politically contentious, especially in cases where different maritime agencies have cultivated strong domestic political constituents. Furthermore, there are always the intellectual dead-ends when attempting to define and operationalize an ever-expanding policy domain such as maritime governance. At some point, asking multiple agencies to commit to a single policy framework that takes away some of their authority is highly challenging. In addition, even if political leaders are willing to push through the bureaucratic hurdles and resource constraints, it is not clear which policy domain should be addressed first. Should policymakers begin with a top-down, “big bang” approach, fundamentally changing the entire maritime policy ecosystem in one fell swoop, or should they start by taking a gradual, bottom-up approach by improving the “coordination” between the different agencies? This question sits at the heart of maritime governance reforms common among many states with vast expanses of water under their jurisdiction but with little resources to do so.

Different maritime states also face different immediate and strategic challenges in and from their waters. This is perhaps why states often traditionally handle maritime governance on a sector-by-sector and not on a whole-of-government basis. Analysts attribute this to the greater abundance of maritime resources—creating the incentives for different agencies to control them—and the lack of major traditional security threats, which allow states to be more “relaxed” in their maritime governance.<sup>6</sup> However, maritime resource depletion, pollution, biodiversity loss and climate change—not to mention the growing tensions around disputed waters—have forced policymakers to formulate and implement a more integrated maritime governance framework.<sup>7</sup>

This article argues that archipelagic states with under-developed and sub-optimal maritime governance systems such as Indonesia should begin with enhancing maritime law enforcement within their EEZs.<sup>8</sup> “Sea-blindness”—where maritime states vastly under-rate the importance of the maritime domain or postpone measures to protect their maritime interests—is often one of the symptoms of such an under-developed governance system.<sup>9</sup> Admittedly, maritime

law enforcement is only one element of maritime security, which in turn is only one of the many elements of maritime governance. Reforming maritime law enforcement systems may thus seem limited when placed within the broader maritime policy landscape. However, reforming maritime law enforcement architectures could have strategic spill-over effects. Developing an effective system to safeguard maritime resources could allow states to generate more economic benefits, address a wider range of operational threats, and respond to broader challenges such as grey-zone operations. Ensuring that maritime law enforcement architectures are efficient and effective also improves other aspects of maritime governance such as port management. Maritime law enforcement is thus a strategic multiplier and facilitator of maritime governance in general and maritime security in particular.

However, taking the analytical abstraction ladder down from maritime governance to maritime law enforcement does not make our task ahead easier. For one, the maritime law enforcement architecture comprises of many actors—from coast guards to navies and fisheries agencies—with overlapping authorities over cross-cutting problems. The different maritime jurisdictions—from internal waters to the EEZs and beyond—also raise different law enforcement challenges based on the variations in domestic regulations as well as capabilities. Additionally, many maritime states lack the necessary resources to maintain a well-funded single agency that could assume responsibility for all aspects of maritime law enforcement, including frequently patrolling the extent of the country's jurisdictional waters. In that case the existence of different maritime agencies might be a functional necessity to share the burden.

Traditionally, most, if not all, maritime security and law enforcement problems were under the purview of navies as the maritime domain was seen as a possible source of interstate conflict.<sup>10</sup> However, coast guards have recently become important maritime law enforcement actors with the enactment of the United Nations Convention on the Law of the Sea (UNCLOS) and the growth of maritime-based and sea-borne security challenges. Given their civilian nature, use of force regulations, and patrolling capabilities, coast guards are seen as a less “forceful” means of managing the maritime domain. On the other hand, some regional coast guards could also be used to “enforce” unilateral or even illegal claims over disputed waters, as we have seen in the South China Sea. But the rising importance of coast guards also creates challenges for maritime states already accustomed to having navies as their

primary maritime law enforcement arm, particularly for their EEZ that often require larger patrol assets and capabilities. Balancing, coordinating and even integrating the roles of navies and coast guards therefore has become one of the primary institutional challenges for maritime states in recent years.

As Table 1 shows, there are fundamental differences in how coast guards and navies are created, trained and tasked to operate. While theoretically navies can perform some maritime law enforcement duties (e.g., patrols and interdictions), not all navies are always tasked with or given the mandate to do so. In peacetime, coast guards always assume the role of a maritime law enforcement agency, rather than a warfighting one.<sup>11</sup> In other words, while all navies can theoretically perform most of the functions of the coast guards, the reverse is not true. Indeed, many navies continue to hold some form of policing or law enforcement

Table 1  
Key Distinctions between Coast Guards and Navies

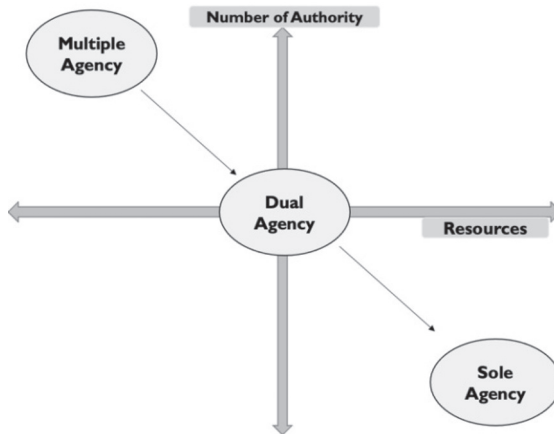
	Coast Guard	Navy
<b>Platform</b>	<ul style="list-style-type: none"> <li>• Thinner hull more vulnerable to high kinetic attacks</li> <li>• Lightly armed with deck-mounted machine guns</li> <li>• Less expensive</li> </ul>	<ul style="list-style-type: none"> <li>• Thicker hull constructed to withstand high-kinetic attacks</li> <li>• Full array of armaments, radar and communications</li> <li>• More expensive</li> </ul>
<b>Personnel</b>	<ul style="list-style-type: none"> <li>• Customs, border patrol, fisheries and counter-narcotics</li> <li>• Trained to enforce maritime laws</li> </ul>	<ul style="list-style-type: none"> <li>• Weapons officers, navigators and commanders</li> <li>• Trained to prosecute war operations</li> </ul>
<b>Rules of engagement</b>	<ul style="list-style-type: none"> <li>• Use-of-force doctrine; graduated actions to exert minimum force to compel compliance</li> </ul>	<ul style="list-style-type: none"> <li>• Rules-of-engagement doctrine</li> <li>• Lethal, highly kinetic actions against combatants</li> </ul>
<b>Legal rationale</b>	<ul style="list-style-type: none"> <li>• Enforce domestic and international maritime laws and conventions</li> </ul>	<ul style="list-style-type: none"> <li>• Defend national sovereignty and citizens from external attack or aggression</li> </ul>

Source: Lyle Morris, "Blunt Defenders of Sovereignty: The Rise of Coast Guards in East and Southeast Asia", *Naval War College Review* 70, no. 2 (2017): 79.

functions, even if they are increasingly constrained by the proper Rules of Engagement (RoE) and regularly rehearsed Visit, Board, Search, and Seizure (VBSS) procedures.<sup>12</sup> Nevertheless, coast guards are increasingly on the front line of maritime disputes in Asia, while occasionally becoming attractive alternatives for promoting international cooperation against maritime security threats.<sup>13</sup> Which agency is ultimately in charge of a country’s EEZ is therefore an important indicator for us to understand whether and how the country can handle maritime security challenges. How the navy and coast guard—as lead agencies of maritime law enforcement—relate to one another has broader implications for how resources are allocated, and consequently, the effectiveness and efficiency of a country’s maritime security governance.

One way to theorize the relationship between different maritime agencies and resources available for law enforcement is depicted in Figure 1. It shows that there is a spectrum of models based on the number of agencies tasked with maritime law enforcement. In general, the more maritime law enforcement agencies there are, the more limited resources each of them will have. Conversely, if a country only has a single agency to deal with maritime security challenges, it is more likely that its resources can be expended and used more efficiently.<sup>14</sup> In between these two extremes, there are “power sharing” arrangements between the navy and the coast

Figure 1  
**Model of Maritime Governance Based on Lead Agencies and Resources**



Source: Author.

guard. In situations where there is more than one agency tasked with maritime law enforcement, the resources, authority and power-sharing arrangements determine the extent to which a country can effectively safeguard its waters.

### *Three Models of Maritime Law Enforcement Architectures*

An analysis of different maritime states' practices shows that there are at least three possible models of EEZ maritime law enforcement architectures. First, the *unified force* model, where a single agency is tasked with all aspects of maritime law enforcement. Second, the *unified command* model, where the assets of different agencies are temporarily tasked to a joint operational command. Unlike the unified force model, a unified command does not require an institutional integration of the existing agencies, nor does it abolish the overlapping authorities altogether. Finally, the *division of labour* model, where there are multiple agencies with multiple overlapping law enforcement tasks without a joint operational command. The key feature here is the presence of informal coordinating mechanisms for these different agencies without integrating them.

Each model has its own benefits and drawbacks. In the *unified force* model, the most obvious benefit is the integrated implementation and enforcement of an existing national maritime policy and the absence of jurisdictional overlaps or wasteful asset management. A unified force model could theoretically better respond to maritime grey-zone operations involving a wide spectrum of tools short of military attack as the blurring of the lines between the navy and the coast guard allows for operational flexibility.<sup>15</sup> On the other hand, the unified agency has to be prepared to undertake most (if not all) of the responsibilities and tasks of maritime law enforcement.

However, not many states can create a unified force at the outset; many, in fact, had to struggle to create one by corralling pre-existing agencies. Most of the time, these different agencies will be against "unification" and perhaps require additional "incentives" to be folded into a larger structure, thereby raising the costs of creating a unified force.<sup>16</sup> These may include, for example, funding for inter-agency projects, information-sharing, technology transfer, joint budgeting and others.<sup>17</sup> This is not even accounting for the fact that each agency has its own doctrinal cultures that will require time, coordination and resources to overcome. As mentioned above,



navies and coast guards also have different needs. In any case, creating a unified force requires a strong and personally invested political leader who is backed with the necessary resources to push the process forward. This is why, by and large, the unified force architecture remains an ideal-typical model; very few if any maritime states could create a perfect single maritime law enforcement agency out of many.

We can briefly look at China's efforts to establish a unified force. China initially relied on at least five major agencies for maritime law enforcement, but bureaucratic infighting hindered effective maritime security governance.<sup>18</sup> In 2013, China reformed this system by forming a unified coast guard headed by the State Oceanic Administration. The "new" China Coast Guard (CCG) sought to unify the multiple marine forces of the other agencies and integrate their functions and roles.<sup>19</sup> But this first round of reforms did not go far enough. The CCG remained "four organizations loosely united under a single name, each retaining its original identity, missions, and culture".<sup>20</sup>

To correct this problem, control of the CCG in 2018 was transferred to the People's Armed Police (PAP), which had been reorganized and placed under the Central Military Commission. While the CCG's empowerment was facilitated by its militarization, it did not become the undisputed maritime law enforcement force. Local-level China Marine Surveillance and China Fisheries Law Enforcement organizations remained intact after 2013; the "new" CCG was tasked with "guiding and coordinating" these agencies which retained their dozens of large, ocean-going cutters.<sup>21</sup> The 2018 reforms nonetheless ensured that the CCG had some political heft under the PAP and a sense of unified identity under one organization. The post-2018 CCG has also been provided with the legal framework for its development as a professional force.<sup>22</sup> Overall, China's experience in adopting the unified force model should offer important lessons for others with similar aspirations.

The *unified command* model, meanwhile, sidesteps the problem of "forced integration" by "temporarily" re-assigning or re-tasking assets and manpower from different maritime agencies under a single joint operational command. Though personnel training and asset acquisition remain the responsibility of the respective home agencies, these personnel and assets could be rerouted to the joint operational command for a specified period or under certain conditions. The goal is to facilitate greater inter-agency maritime

law enforcement operations without the significant political, financial or bureaucratic resources necessary for integration.<sup>23</sup> This approach is similar to the so-called “Joint Task Force” framework under which regional coast guards collaborate to address shared maritime security threats.<sup>24</sup>

A joint operational command also offers the flexibility for different agencies to retain and improve their respective specialized capabilities, while expanding interoperability and joint activities. This can help prevent the excessive use of force and the potential militarization of maritime law enforcement.<sup>25</sup> To deal with maritime grey-zone challenges, for example, the presence of both naval and coast guard assets in a joint operational command offers the possibility of “switching” mission commands, depending on the likelihood of threat escalation. The joint operational command also provides an additional deterrence value since it allows for a rapid but calibrated response against some forms of grey-zone tactics.

However, the joint command model does not eliminate the issue of overlapping legal authorities, which may increase the likelihood of bureaucratic infighting as these agencies still compete for resources, assets, prestige and even command positions. There is also no guarantee that the unified command model is a sustainable method for implementing a broader maritime strategy. In fact, the benefits of this model lie in its “limited” operational function of engaging different agencies for the sole purpose of law enforcement. A unified command, in other words, cannot enforce a broader national maritime policy. For a unified command model to have broader spill-over effects into non-law enforcement areas, the government still needs to develop a centralized or single maritime policy office or hub. Once again, we cannot ignore the role of political leaders: their commitment and interest in developing and enforcing a national maritime policy is a necessary precondition here.

Australia's experience illustrates this joint command model. In Australia, the Joint Agencies Maritime Advisory Group (JAMAG) coordinates civil maritime security, maritime surveillance and maritime enforcement.<sup>26</sup> The JAMAG, chaired by the commander of the Maritime Border Command (MBC), is one of four operational commands of the Australian Border Force (ABF).<sup>27</sup> As a joint command, the MBC serves as the lead coordinator for civil maritime security incidents and risk management by integrating the ABF's and military's personnel, intelligence, surveillance and surface response capabilities.<sup>28</sup> For example, when a suspicious vessel

is discovered, the MBC will dispatch either a military or ABF vessel to conduct a lawful interception after the proper verification steps.<sup>29</sup> Given Australia's size and its expansive waters, the MBC facilitates a "whole-of-government" response to any maritime security incident, despite the country's rather limited maritime resources and assets.<sup>30</sup>

Other regional countries like Singapore have a similar joint operational command architecture.<sup>31</sup> The Singapore Maritime Crisis Centre (SMCC) performs a coordinating role within the Crisis Management Group (CMG), which is led by the chief of navy in the role of crisis manager to ensure a unified command during operations. The CMG itself is under the Homefront Crisis Executive Group for wider coordination at the national level. The SMCC brings together incident managers from other agencies such as the Republic of Singapore Navy (RSN), the Maritime and Port Authority, the Immigration and Checkpoints Authority and the Police Coast Guard to drive joint operations, coordination and planning. The RSN also maintains a Maritime Security Command tasked with, inter alia, coordinating patrols with assets from other agencies, including commandeering them in some instances.<sup>32</sup> These "nested" joint operational commands do not eliminate the authorities or specialized capabilities of other agencies, but rather "temporarily integrate" them during incidents or operations.

The *division of labour* model differs significantly from its unified force and unified command counterpart. This model is often in place by default when the government has minimal resources, capacity and political will to streamline and overhaul the different maritime agencies. Indeed, rivalries between maritime agencies tend to be sustained because they see their interests and budget allocations best served by a certain level of inter-service tension.<sup>33</sup> However, others claim that the division of labour is necessary when the agencies have deliberately (and perhaps carefully) delimited or "specialized" geographic or functional areas of responsibility to avoid diluting scarce resources.<sup>34</sup> Whether these agencies would seek to expand their areas of responsibilities to garner greater influence and resources remains an open question.

Within such an architecture where maritime governance responsibilities are divided across agencies, there is a greater risk of poor cross-agency implementation of a national maritime framework—assuming one can emerge in the first place—especially with

heightened jurisdictional overlaps.<sup>35</sup> Maritime domain awareness—a foundational element of maritime law enforcement—is also likely to be patchy in this model. Allowing different agencies to keep their separate maritime information centres can further fragment the already limited radar coverage of ports, harbours, coasts and vessels, straining the existing information processing system further.<sup>36</sup> Consequently, the stove-piped information is not going to be as useful for law enforcement as they could be. Timely and effective sharing of quality information and data is also unlikely to emerge without a clearing house under a joint command. Overall, the prosecution of maritime criminal cases may further weaken when separate agencies cling to their own information and guard their respective authorities jealously.<sup>37</sup>

More maritime states are realizing that the division of labour model is unsustainable in the face of the growing complexity of maritime challenges. The need to develop international maritime partnerships also comes into play here; one cannot properly cooperate on a maritime problem without knowing which counterpart agency is authorized to handle it.<sup>38</sup> Given the domestic challenges of moving away from the division of labour model, however, many countries simply commit to the “evolutionary process” of coordinated planning and the “harmonization” of existing laws. That said, Table 2 provides snapshots of how various countries in Asia have tried to reorganize their maritime law enforcement architectures. Some have adopted the “unified command” model even if they maintain multiple agencies, while many have at least developed “unified maritime concepts” or doctrines to improve inter-agency coordination.

In terms of reforming their maritime governance models, some states, such as China, preferred a “top-down” approach, while others, like South Korea, preferred a “bottom-up” approach of institutionalizing joint activities such as training, exercises and education.<sup>39</sup> Different states have different historical, institutional and operational contexts that influence their reform trajectories. China’s top-down approach, for example, ultimately requires a certain authoritarian and centralized system regional countries may not necessarily aspire to. Nevertheless, the unified force and unified command models are better modes of maritime security governance in managing limited maritime resources than the ineffective and inefficient division of labour model.

Table 2  
Asian Maritime Security and Law Enforcement Architectures

	Agencies	Unified Command	Lead agency	Unified concept
<b>China</b>	Anti-Smuggling Bureau, China Maritime Police Bureau, China Maritime Surveillance, Fisheries Law Enforcement Command, and Maritime Safety Administration	China Coast Guard (2013: civilian under SOA; 2018: military under PAP)	China Coast Guard (but with close cooperation with the People's Liberation Army Navy)	– “Maritime Great Power” – “Three Decisions Plan”
<b>Japan</b>	Japan Coast Guard (2000), Japan Maritime Self-Defence Force (JMSDF), Japan Ground Self-Defence Force	Japan Coast Guard	Japan Coast Guard (backed by JMSDF)	– “Manual for Joint Strategies concerning Suspicious Boats” – “Combined Operation Manual”
<b>South Korea</b>	Republic of Korea Navy (ROKN), Korea Coast Guard (KCG)	Korea Coast Guard	Partnership and coordination	– “Korean Maritime Power” – “One National Fleet”
<b>Australia</b>	Australian Border Force, Australian Defence Force, Australian Fisheries Management Authority, Australian Federal Police, and Australian Maritime Safety Authority	Maritime Border Command	Partnership	– “Maritime Powers Act”
<b>Singapore</b>	Republic of Singapore Navy (RSN), Police Coast Guard, Immigration and Checkpoints Authority, Port Authority of Singapore, Singapore Customs	RSN Coastal Command (MARSEC), Maritime Security Task Force (MSTF)	Singapore Maritime Crisis Centre (but RSN plays central role)	– “National Maritime Security System”

Source: Author's compilation based on chapters in Ian Bowers and Collin Koh Swee Lean, eds., *Grey and White Hulls: An International Analysis of the Navy-Coastguard Nexus* (Singapore: Palgrave Macmillan, 2019).

### **Divided We Stand? Indonesia's Division of Labour Model of Maritime Governance**

This section describes the domestic institutional challenges surrounding Indonesia's maritime law enforcement architecture—which I argue embodies the problems associated with the division of labour model. The challenges cannot be easily reduced to a single root cause. Some of them are at the operational levels (e.g., lack of assets), while others stem from the broader political, economic and strategic arenas. Scholars have noted, for example, that even on a single problem—illegal, unreported and unregulated (IUU) fishing—the deficiencies in maritime law enforcement are caused not only by inter-agency coordination issues, but also by corruption in the judiciary and bureaucracy.<sup>40</sup> Other broader challenges include the lack of marine environmental and natural resource awareness within the policymaking system. The persistence of unresolved maritime boundaries with Indonesia's neighbours, along with China's assertive behaviour in the South China Sea, has also been cited as contributing factors.<sup>41</sup>

While acknowledging these challenges, and building on the theoretical insights above, this section focuses on two features of Indonesia's division of labour model that are salient for EEZ law enforcement: (1) the existence of overlapping and fractured institutions, and (2) the lack of operational capabilities of any one single maritime agency. I focus on law enforcement in the EEZ as opposed to territorial or internal waters for two reasons. First, Indonesian maritime policymakers themselves acknowledged that the EEZ and the country's maritime boundaries are among their top geographic priority areas.<sup>42</sup> Second, the centrality of EEZ law enforcement for Indonesia's broader strategic environment: without effective management of its EEZ, Indonesia will continue to punch below its weight in the predominantly maritime Indo-Pacific domains.

#### *Fractured Institutions and Overlapping Authorities*

Indonesia's various maritime agencies are increasingly concerned about security challenges, but each seem to interpret "maritime security" in different ways. The fractured institutions and overlapping authorities between them are part of the reason. This is not a uniquely maritime sector problem; after all, the Indonesian state has historically been highly fragmented.<sup>43</sup> Indonesia's maritime governance in general is administered, enforced and/or applied by at least 21 state organs: 18 executive agencies, two judicial organs and

a quasi-judicial body.<sup>44</sup> For maritime security problems, there are at least ten agencies with potential roles to play: (1) the Coordinating Ministry for Maritime Affairs and Investment; (2) the Coordinating Ministry for Political, Legal and Security Affairs; (3) BAKAMLA; (4) the Indonesian Navy (TNI-AL); (5) the Indonesian National Police's Marine Police Unit (MPU); (6) the Directorate General for Sea Transportation (under the Ministry of Transportation); (7) the Directorate General for Customs and Excise (under the Ministry of Finance); (8) the Directorate General for Immigration (under the Ministry of Law and Human Rights); (9) the Ministry of Marine Affairs and Fisheries; and (10) the Indonesia Search and Rescue Agency.<sup>45</sup> Their overlapping authorities result from at least 15 different domestic laws and regulations.<sup>46</sup>

At least six agencies are further responsible for the enforcement of maritime and fisheries laws and are equipped with patrol assets: the Sea and Coast Guard (SCG) units under the Directorate General for Sea Transportation; MPU; TNI-AL; BAKAMLA; Customs and Excise; and the Ministry of Marine Affairs and Fisheries (through its Directorate of Fisheries and Marine Resource Supervision, or PSDKP). Four of these—TNI-AL, PSDKP, BAKAMLA and MPU—are tasked with fisheries crimes in general, while the TNI-AL, PSDKP, and BAKAMLA are tasked with EEZ law enforcement.<sup>47</sup> These overlaps, according to one former official, made it “very difficult to coordinate policies and plans that cut across all jurisdictions or to implement programmes to control marine resources”.<sup>48</sup> Even the establishment of BAKAMLA in 2014 did not eliminate the TNI-AL's law enforcement powers.

BAKAMLA is the current incarnation of what used to be known as the Maritime Security Coordinating Board (BAKORKAMLA).<sup>49</sup> BAKORKAMLA was first created in 1972 to coordinate a dozen maritime agencies, even though it was effectively under the commander of the Indonesian armed forces. As the name suggests, BAKORKAMLA was meant to “coordinate” the policies and activities of, rather than integrate or command, the other maritime agencies. In 2005, it was revitalized and made to answer to the president and chaired by the coordinating minister for political, legal and security affairs. However, BAKORKAMLA was not directly involved in law enforcement operations; it did not have its own assets and had to coordinate the assets of other agencies. Perennial problems such as parochial institutional interests or competition for resources continued to hinder BAKORKAMLA's effectiveness as a coordination body.

Such was the context in which the BAKAMLA was established in 2014. Expanding its mandate beyond merely coordination, BAKAMLA was now to carry out law enforcement activities in Indonesian waters. However, as discussed below, BAKAMLA has serious limitations. A major issue is the persistent lack of trust and rivalry between TNI-AL and BAKAMLA, especially over patrolling dominance of the EEZs.<sup>50</sup> Maritime intelligence is jealously guarded while information sharing is seen as a liability.<sup>51</sup> The problem is exacerbated by the role of PSDKP's Fishery Supervisors, which are equipped with patrol assets and the authority to carry firearms, arrest and detain ships and individuals, and even burn illegal fishing vessels.<sup>52</sup>

A series of *ad-hoc* arrangements and informal understandings among these agencies have from time to time kept the peace. TNI-AL, for example, was previously authorized to handle all law enforcement incidents at sea except for asylum seekers and illegal logging, while MPU was not allowed to handle IUU fishing, which was the purview of the fisheries ministry.<sup>53</sup> Following the 2020 North Natuna Sea incident with China,<sup>54</sup> maritime policymakers invoked the so-called "class captain" model where one agency is tasked with assigning the patrol assets and activities of others within a specifically delimited area. In the North Natuna Sea, there was an informal understanding that BAKAMLA would temporarily assume the role of "class captain". These "power-sharing" arrangements are far from ideal. But maritime policymakers realize that it is often too cumbersome and costly to wage the political or legal battles necessary to fully "integrate" the different agencies or to "review and harmonize" the dozens of overlapping laws and regulations.

### *Operational Capabilities*

The division of labour model may seem necessary for Indonesia given that none of its maritime agencies by themselves could handle all aspects of law enforcement duties, let alone maritime governance. As Table 3 shows, individually, each agency does not have the necessary offshore patrol vessels (usually regarded to be between 60 to 80 metres in length and beyond) to monitor and control Indonesia's EEZ. One analyst estimates that Indonesia needs more than 370 vessels and plenty of port facilities to protect its maritime space and resources, as well as more robust human resources and technology for an effective monitoring, control and surveillance system.<sup>55</sup> However, without strong scrutiny and direction by top



Table 3  
**Number of Civilian Maritime Patrol Vessels**

Class/type	Length (LoA)	BAKAMLA	KPLP	POLAIR	DJBC	PSDKP
<i>Command centre</i>	110	1				
<i>KN80</i>	80	3		1		
<i>Class 1, FPB</i>	60		7		2	4
<i>Class A</i>	48	6		10		
<i>Class 2, FPB</i>	42		15			3
<i>FPB</i>	38				7	11
<i>Class 3, Class B</i>	28		54	11	31	14
<i>Class 4, Class C</i>	15	16	65	91	5	5
<i>Class 5, Speedboat</i>	<12	14	237		137	89
<b>Total</b>		40	378	113	182	126

*Notes:* KPLP: Ministry of Transportation; POLAIR: Marine Police, DJBC: Customs and Excise, PSDKP: Ministry of Fisheries.

*Source:* Syarief Hassan, "Penguatan Kelembagaan Sistem Keamanan Laut Indonesia" [Strengthening the Institutions of Indonesian Maritime Security System], Presentation for Indonesian Ocean Justice Initiative Webinar, 30 June 2020.

political leaders on a daily basis, it is likely that these different agencies will prioritize their bureaucratic interests and guard their sectoral mandates jealously.

The TNI-AL is tasked with a wide range of naval and maritime security duties. According to Law No. 34/2004 on the Indonesian Armed Forces, the navy can conduct operations under the War Military Operations (WMO) and Military Operations Other Than War (MOOTW) frameworks to prevent, ward off and tackle unlawful acts at sea. The MOOTW covers the TNI-AL's law enforcement role to prevent, deter and suppress illegal activities by all foreign and domestic actors. The military in general has deployed 373 guard posts along the land and maritime borders, including 117 naval bases stationed throughout the Indonesian archipelago.<sup>56</sup> The TNI-AL, however, recognizes its limitations in terms of assets, infrastructure and human resources.<sup>57</sup> Its law enforcement capabilities and readiness are further hindered by a lack of budgetary support to sustain fuel supplies and maintenance activities for its patrolling infrastructure. At any given time, only around 15 to 25 TNI-AL

vessels are deemed operationally ready.<sup>58</sup> The TNI-AL is therefore unable to fulfil the role of being the singular agency that could address all of Indonesia's maritime security challenges.

BAKAMLA, meanwhile, was created with only three vessels and had to borrow more from other agencies.<sup>59</sup> The agency, viewing itself as the legitimate "Indonesian Coast Guard", remains tasked with BAKORKAMLA's previous coordination duties, in addition to conducting its own law enforcement operations and integrating a series of maritime policies and information systems.<sup>60</sup> While technically reporting directly to the president, BAKAMLA's activities are under the purview of the Coordinating Ministry for Legal, Political and Security Affairs (for law enforcement) and the Coordinating Ministry of Maritime Affairs and Investment (for marine resource management). Despite this complicated institutional set-up, BAKAMLA remains under-developed and under-resourced, especially given its mandate of covering all Indonesian jurisdictional waters. As shown in Table 2, BAKAMLA has only a small number of assets. While there are plans for BAKAMLA to acquire 30 more patrol vessels, fleet expansion is likely to be a lengthy process constrained by technical, administrative and financial challenges.<sup>61</sup>

Furthermore, its manpower remains limited, with no more than 900 officers spread across Indonesia, almost half of whom come from non-BAKAMLA agencies (especially the TNI-AL). BAKAMLA's budget is also miniscule compared to its mandate. In 2020, it was allocated around IDR465 million (US\$32 million), which was only 9 per cent of the ideal budget of about IDR5 trillion (US\$350 million).<sup>62</sup> About half of this budget went to personnel spending rather than capability development. BAKAMLA's own assessment acknowledges certain shortcomings, including the lack of human resource, assets and infrastructure, the less-than-ideal institutional relationship with other agencies, the lack of a national maritime policy, the "duality" of coast guard recognition (between BAKAMLA and SCG), and the absence of a unified Maritime Information Centre.<sup>63</sup> Overall, BAKAMLA is not yet ready to assume responsibility for all of Indonesia's EEZ law enforcement tasks, let alone all of the country's maritime security challenges.

### **Remodelling Indonesia's Maritime Law Enforcement: Policy Considerations**

Existing ideas—whether from government officials or civilian analysts—to overhaul Indonesia's maritime law enforcement

architecture tend to start with a “top-down” approach of eliminating overlapping authorities altogether (e.g., through an “Omnibus Law” overriding all other regulations), or by empowering BAKAMLA as the sole “multitask agency” for maritime law enforcement.<sup>64</sup> The track record of these ideas so far has not been encouraging; such proposals would emerge every few years as each agency tried to gain prominence, but no serious breakthrough or progress would be achieved. In between these efforts, most maritime policymakers rely on the abovementioned *ad-hoc* or informal “coordination” between the agencies. But as of early 2022, President Joko Widodo has reportedly signalled his support for a new government regulation on “maritime security, safety and law enforcement”, which could, among other changes, formalize BAKAMLA’s role as the maritime law enforcement “class captain” regulating the patrolling activities of other agencies. Even though the Coordinating Ministry for Legal, Political and Security Affairs is taking the lead in this effort, not every agency seems particularly supportive of the prospect of BAKAMLA’s growing prominence.<sup>65</sup>

During President Widodo’s first term, there was another idea: a single issue-based multi-agency task force. In 2015, Widodo created the Task Force to Eradicate Illegal Fishing (also known as “Task Force 115”). Headed by the minister of marine affairs and fisheries, Task Force 115 was composed of the heads or senior officials of the TNI-AL, BAKAMLA, MPU and others.<sup>66</sup> The task force was authorized to utilize the existing assets of these agencies for surveillance and enforcement purposes, including regular patrols. Task Force 115 had some notable operational successes, including the arrests of hundreds of illegal fishing vessels (dozens of which were destroyed). But its broader track record, especially regarding the problems surrounding the fisheries industry and the economy, was spotty.<sup>67</sup> The task force was therefore disbanded during Widodo’s second term and the fractured maritime law enforcement architecture remains.

The theoretical and comparative insights above offer several policy considerations for Indonesia. First, Indonesian maritime policymakers could start by sketching an ideal structure for an effective domestic maritime security ecosystem. Ideally, in the long run, Indonesia should implement reforms in three areas: regional maritime diplomacy and network; domestic maritime governance; and the organizational, operational and technological transformation of BAKAMLA as the sole coast guard. The last suggestion of making BAKAMLA as the only coast guard agency is more pressing given its current duplication with SCG.<sup>68</sup> In any case, efforts to overhaul

EEZ maritime law enforcement will not be sustainable in the long run without broader maritime policy and strategy reforms.

Second, assuming there is sustained political will by the president to engage in top-down maritime reform approaches, the government should consider moving away from the “division of labour” model to a “dual agency” architecture in the domain of EEZ law enforcement. Under this “dual agency” model, the entirety of EEZ maritime law enforcement authority, duties and capabilities should be invested in the TNI-AL and BAKAMLA. Why these two agencies? For one, both are recognized by Indonesian maritime policymakers as the two most important maritime agencies.<sup>69</sup> For another, this dual agency model provides a middle ground option between two existing positions: either keep the division of labour status quo (of multiple agencies with multiple tasks) or push to have a sole maritime security authority (in which a single agency multitasks). As discussed above, these two extreme positions are neither acceptable to many maritime agencies nor sustainable for Indonesia's maritime security ecosystem.

In the short term, the “dual agency” model with the TNI-AL and BAKAMLA should only apply to the maritime law enforcement in the EEZ given its importance to Indonesia's maritime security, while the existing division of labour model continues to apply to other jurisdictional waters. The dual agency model could be implemented in two different ways. The first involves establishing a joint operational command backstopped by the TNI-AL and BAKAMLA, such as a “Joint Maritime Security Command”. The command could be permanent and integrate certain assets and personnel from both agencies. It could also be temporary, in which assets and personnel are assigned or seconded for specific periods, incidents or operations. This option could draw the lessons from the experience of Australia and Singapore.

Such an operational command could either piggyback on the two agencies' existing bases and units or develop new ones. On a daily basis, this joint command will decide who deals with what threats, when and how. Depending on the extent to which the joint command “integrates” existing assets and personnel, it might assign primary duty for law enforcement patrols to its BAKAMLA assets and personnel, while ensuring that TNI-AL assets can be deployed if and when necessary. In some ways, this approach is similar to what some Chinese scholars call the “PLAN-CCG Joint Commanding Regime” proposal.<sup>70</sup> That said, for the time being, any joint command should be staffed by personnel from both agencies,

ideally with a senior TNI-AL flag officer as the commander and deputized by a senior BAKAMLA officer.

The second way is to “restructure” or overhaul the different maritime security legal authorities and assets so that BAKAMLA is clearly tasked with only civilian maritime law enforcement in the EEZ, while the TNI-AL is reserved for serious naval threats. This means PSDKP’s EEZ-related assets and duties can be re-tasked or absorbed into BAKAMLA. Other specialized maritime agencies could assist BAKAMLA’s expanded duties when needed, as is currently the common practice. As the dual agency model does not apply to the other non-EEZ jurisdictional waters, it should not practically and immediately impact the other agencies, except for PSDKP. This legalistic approach also assumes that the TNI-AL is willing to “surrender” its daily EEZ law enforcement duties. But as noted above, BAKAMLA may not be able to manage this task without a dramatic expansion of its organization, budget, asset and personnel. Either way, the division of labour between military and civilian law enforcement in the EEZ should theoretically become more manageable between just the two agencies, even if there is a risk that their rivalry could worsen.

These two options are ideal in the sense that they reduce the number of agencies and optimize resources to better deal with maritime security challenges. A dual agency model, however, requires both political and legal battles that may take years to complete, whether through the omnibus law route or others. Nevertheless, it remains an important goal that Indonesian policymakers should strive for in the long run. With such a goal in mind, Indonesia can start formulating, for example, joint concepts and documents like a National Maritime Security Strategy. Such documents, as we see from the experience of other Asian maritime states, could generate spill-over benefits from maritime law enforcement reforms to the broader maritime security ecosystem.

However, the dual agency model also faces immediate limitations. For example, the attempt to “elevate” BAKAMLA to a “co-equal” status with the TNI-AL is likely to face resistance from the latter. Even when a joint leadership can be formulated for a joint operational command, there is no guarantee that the same problems that plagued the CCG between 2013 and 2018 would not be replicated in Indonesia. In this regard, it is worth noting that the majority of BAKAMLA’s top echelons have traditionally been active-duty TNI-AL officers. Furthermore, the political groundwork necessary to effectively take over the fisheries ministry’s EEZ law

enforcement assets and tasks is likely to be herculean, especially given that senior political party officials have been appointed as fisheries minister during Widodo's second term.

What can Indonesia do while waiting for the resolution of these political and legal battles? There is the option of gradually introducing practical joint activities between the TNI-AL, BAKAMLA and the Fisheries Ministry. These activities should include joint UNCLOS-related executive courses, joint education, training and exercises or even regular joint patrols. At the very least, Indonesian policymakers should find ways to develop more bottom-up "habits of dialogue" between the key agencies, which can then be gradually expanded into "habits of information sharing" and eventually joint operations. More significantly, these activities do not require any legal changes to existing law and regulations.

## **Conclusion**

That Indonesia, the world's largest archipelagic state, suffers from a wide range of maritime security threats, from IUU fishing to piracy and armed robbery and grey-zone operations, is to be expected, if not a given. The question for Indonesian policymakers is how to develop a maritime law enforcement architecture sufficiently capable of addressing daily operational challenges as well as long-term strategic ones. This article has demonstrated the many problems associated with Indonesia's current institutional architecture and "division of labour" model for its maritime law enforcement. While Indonesian maritime policymakers and analysts are aware of these problems, many are more focused on waging bureaucratic turf wars, as well as broader political and legal ones, rather than trying to reconcile the overlapping regulations. Even fewer can appreciate the comparative lessons of how other maritime states have dealt with their maritime governance challenges.

This article also contributes to the recent growth in the field of maritime security studies.<sup>71</sup> By drawing on the experience of Asian maritime states, it develops a typological framework of maritime law enforcement models based on two variables: the number of maritime agencies tasked with law enforcement, and the level of resources available to address maritime security problems. The three types or models developed—unified force, unified command and division of labour—are sufficiently general to be used to examine the experience of other maritime states beyond Indonesia. The models do not only serve classification purposes, but also help us better examine the

policy processes, promises and pitfalls when maritime states aim to move from one model to another. The theoretical benefits and drawbacks of each model are also discussed in ways that both scholars and maritime policymakers can consider when developing their options. Overall, this article offers a preliminary attempt to sketch a problem-driven theoretical model to better compare the experience of Asian maritime states.

This article further proposes the development of a dual agency model manned by the TNI-AL and BAKAMLA as one possible remedy for Indonesia's maritime security problems. The challenges to these ideas remain abound. Further analysis and debates are required to strengthen the policy implications of this model. For example, how can the president remove the existing law enforcement functions and assets of the fisheries ministry to ensure that only the TNI-AL and BAKAMLA can engage in EEZ law enforcement? What are the roles of other agencies which are currently tasked with non-EEZ maritime law enforcement? Can the dual agency architecture improve or strengthen the specialized non-law enforcement capabilities of the other maritime agencies? How will a joint operational command between the TNI-AL and BAKAMLA be funded and supported? Many questions remain, but this article is meant to offer a modest way forward, rather than merely rehashing the same perennial problems. Without serious debates on the solutions for Indonesia's maritime security problems, the country is likely to continue punching below its weight in regional maritime affairs.

## NOTES

**Acknowledgments:** The research conducted for this article was supported by the Wang Gungwu Visiting Fellows Programme at the ISEAS – Yusof Ishak Institute and the Maritime Security Programme of the S. Rajaratnam School of International Studies, Nanyang Technological University. I thank Ian Storey and Jane Chan for their help and support. The initial arguments were presented at webinars organized by the Indonesian Ocean Justice Initiative and the ISEAS – Yusof Ishak Institute. I thank the participants for their constructive feedback. I also thank Dzaky N. Dharmaputra for his research assistance and dozens of Indonesian maritime security officials for being generous with their time and insights. Comments and suggestions from two anonymous reviewers of *Contemporary Southeast Asia* helped strengthen the article.

<sup>1</sup> See the discussion in Lyle J. Morris and Giacomo Persi Paoli, *A Preliminary Assessment of Indonesia's Maritime Security Threats and Capabilities* (Santa Monica, California: RAND, 2018).

- <sup>2</sup> See, for example, Hadyu Ikrami and Leonardo Bernard, "Indonesia's Maritime Governance: Law, Institutions and Cooperation", *The Korean Journal of International and Comparative Law* 6, no. 2 (2018): 134–71.
- <sup>3</sup> Michael Roe, "Maritime Governance and Policy-Making: The Need for Process Rather than Form", *Asian Journal of Shipping and Logistics* 29, no. 2 (2013): 169.
- <sup>4</sup> Paul Shemella, "Assessing Maritime Governance", in *Global Responses to Maritime Violence: Cooperation and Collective Action*, edited by Paul Shemella (Redwood City, California: Stanford University Press, 2016), p. 97.
- <sup>5</sup> *Ibid.*, p. 95; Christian Bueger and Timothy Edmunds, "Beyond Seablindness: A New Agenda for Maritime Security Studies", *International Affairs* 93, no. 6 (2017): 34–35.
- <sup>6</sup> Miriam C. Balgos, Biliانا Cicin-Sain and David L. VanderZwaag, "A Comparative Analysis of Ocean Policies in Fifteen Nations and Four Regions", in *Routledge Handbook of National and Regional Ocean Policies*, edited by Biliانا Cicin-Sain, David L. VanderZwaag, and Miriam C. Balgos (Abingdon, UK: Routledge, 2015), p. 4.
- <sup>7</sup> *Ibid.*
- <sup>8</sup> See the discussion in Evan A. Laksmana and Ristian A. Supriyanto, "Abandoned at Sea: The Tribunal Ruling and Indonesia's Missing Archipelagic Foreign Policy", *Asian Politics & Policy* 10, no. 2 (2018): 303–4.
- <sup>9</sup> On sea-blindness, see Geoffrey Till, "Indonesia as a Growing Maritime Power: Possible Implications for Australia", *Soundings*, no. 4 (Sea Power Centre Australia, 2015), p. 4, <https://www.navy.gov.au/media-room/publications/soundings-papers-indonesia-growing-maritime-power-possible-implications>.
- <sup>10</sup> Lyle J. Morris, "Crossing Interagency Lines: Enhancing Navy-Coast Guard Cooperation Combat Gray Zone Conflicts of East Asia", *Asia-Pacific Journal of Ocean Law and Policy* 3, no. 2 (2018): 279.
- <sup>11</sup> However, the US Coast Guard is considered a military force. See the discussion on different types of coast guards in Suk Kyoon Kim, "The Expansion of and Changes to the National Coast Guards in East Asia", *Ocean Development & International Law* 49, no. 4 (2018): 313–34.
- <sup>12</sup> On the policing duties of navies, see Ken Booth, "Roles, Objectives and Tasks: An Inventory of the Functions of Navies", *Naval War College Review* 30, no. 3 (1977): 83–97.
- <sup>13</sup> See, for example, Ian Bowers and Collin Koh Swee Lean, eds., *Grey and White Hulls: An International Analysis of the Navy-Coastguard Nexus* (Singapore: Palgrave Macmillan, 2019); Ruijie He, "Coast Guards and Maritime Piracy: Sailing Past the Impediments to Cooperation in Asia", *The Pacific Review* 22, no. 5 (2009): 667–89.
- <sup>14</sup> See the discussion in Bueger and Edmunds, "Beyond Seablindness", pp. 1293–1311.
- <sup>15</sup> Morris, "Crossing Interagency Lines", p. 288.
- <sup>16</sup> Sung Gwi Kim, "The Impact of Institutional Arrangement on Ocean Governance: International Trends and the Case of Korea", *Ocean & Coastal Management* 64 (2012): 51.



- <sup>17</sup> Balgos, Cicin-Sain and VanderZwaag, “A Comparative Analysis of Ocean Policies”, p. 34.
- <sup>18</sup> These are the Anti-Smuggling Bureau (ASB), the China Maritime Police Bureau (CMPB), China Maritime Surveillance (CMS), the Fisheries Law Enforcement Command (FLEC) and the Maritime Safety Administration (MSA). See the discussion in Anguang Zheng, “Integrating the China Coast Guard with the PLA Navy”, in *Grey and White Hulls*, p. 18.
- <sup>19</sup> The CCG was “combined with” forces from the China Marine Surveillance, the China Fisheries Law Enforcement and the maritime anti-smuggling units of the General Administration of Customs. See Ryan D. Martinson, “Early Warning Brief: Introducing the ‘New, New’ China Coast Guard”, *China Brief* 21, no. 2 (February 2021): 7.
- <sup>20</sup> Ibid.
- <sup>21</sup> Ibid., p. 10.
- <sup>22</sup> Ibid., p. 12.
- <sup>23</sup> Sung, “The Impact of Institutional Arrangement”, p. 51.
- <sup>24</sup> Morris, “Crossing Interagency Lines”, pp. 294–96.
- <sup>25</sup> Douglas Guilfoyle, “Maritime Law Enforcement Operations and Intelligence in an Age of Maritime Security”, *International Law Studies* 93, no. 298 (2017): 299.
- <sup>26</sup> In addition to providing policy advice to the Commissioner of the Australian Border Force (ABF) and the Secretary of the Department of Home Affairs. Details are in Australian Border Force, *Guide to Australian Maritime Security Arrangements* (Canberra, Australia: Maritime Border Command Canberra, 2020), pp. 6–15.
- <sup>27</sup> The other commands are the Port Operations Command, the Border Patrol and Coordination Command and the Enforcement Command. Both the ABF and MBC are part of the JAMAG, alongside other maritime agencies, including the Australian Fisheries Management Authority, the Australian Maritime Safety Authority, the Department of Agriculture, Water and the Environment, the Department of Industry, Science, Energy and Resources and the Department of Foreign Affairs and Trade, with support from the Australian Federal Police. See Ibid.
- <sup>28</sup> James Mugg, Zoe Hawkins and John Coyne, *Australian Border Security and Unmanned Maritime Vehicles* (Canberra, Australia: Australian Strategic Policy Institute, 2016), p. 6.
- <sup>29</sup> Ibid., pp. 7–8.
- <sup>30</sup> Mike Noonan and Elizabeth Williams, “Combating Maritime Transnational Crime: An Australian Perspective”, *Journal of the Indian Ocean Region* 12, no. 1 (2016): 48.
- <sup>31</sup> Details in this paragraph are from, and further analysis of the Singaporean architecture is in, Collin Koh Swee Lean, “Singapore’s Maritime Security Approach”, in *Grey and White Hulls*, pp. 95–107.
- <sup>32</sup> See more in Joshua Ho, “Managing the Peace-Conflict Continuum: A Coast Guard for Singapore?”, *IDSS Commentaries* 86/2005 (2005), p. 2; Daniel Kho Zhi Guo, “To What Extent Can Singapore’s Maritime Security Outlook be Considered

- as Exceptional in Southeast Asia?”, *Pointer, Journal of the Singapore Armed Forces* 42, no. 3 (2016): 9.
- <sup>33</sup> Jo Inge Bekkevold, “Coast Guard Cooperation in the South China Sea: A Confidence-Building Measure?”, *Asia-Pacific Journal of Ocean Law and Policy* 4, no. 1 (2019): 47.
- <sup>34</sup> Timothy J. Doorey, “Maritime Domain Awareness”, in *Global Responses to Maritime Violence*, p. 134.
- <sup>35</sup> To some extent, such overlaps may be unavoidable altogether. Even the United States has those overlaps. See Guilfoyle, “Maritime Law Enforcement”, p. 300. The issue is whether these overlaps are detrimental to maritime law enforcement in particular and maritime governance more broadly. In under-developed maritime states like Indonesia, such overlaps have been proven to be detrimental over the years.
- <sup>36</sup> Doorey, “Maritime Domain Awareness”, p. 135.
- <sup>37</sup> Guilfoyle, “Maritime Law Enforcement”, p. 310.
- <sup>38</sup> On the importance of international cooperation, see Dick Sherwood, “Oceans Governance and its Impact on Maritime Strategy”, in *Oceans Governance and Maritime Strategy*, edited by David Wilson and Dick Sherwood (Sydney, Australia: Allen & Unwin, 2000), p. 25.
- <sup>39</sup> For the South Korean experience, see Sukjoon Yoon, “Establishing a Maritime Security Joint-Force Partnership Between the Republic of Korea Navy and the Korea Coast Guard”, in *Grey and White Hulls*, pp. 55–69.
- <sup>40</sup> Zaki Mubarak, “Illegal, Unreported, and Unregulated Fishing and Transnational Organized Fisheries Crimes: Perspectives of Legal and Policy Measures of Indonesia”, PhD dissertation, University of Wollongong, 2019, p. 115. For broader discussions on corruption within Indonesia's fishing industry, see, for example, Fabio Scarpello, “Susi versus the Rest: The Political Economy of the Fisheries Industry in Indonesia during Jokowi's First Term”, *Asian Journal of Political Science* 28, no. 2 (2020): 122–41.
- <sup>41</sup> Dikdik Mohamad Sodik, “The Outermost Small Islands of the Indonesian Archipelago: A Legal Analysis”, *The International Journal of Marine and Coastal Law* 33, no. 4 (2018): 707.
- <sup>42</sup> Ioannis Chapsos and James A. Malcolm, “Maritime Security in Indonesia: Towards a Comprehensive Agenda?”, *Marine Policy* 76 (2017): 182.
- <sup>43</sup> Michael Heazle and John G. Butcher, “Fisheries Depletion and the State in Indonesia: Towards a Regional Regulatory Regime”, *Marine Policy* 31, no. 3 (2007): 276–86.
- <sup>44</sup> Ikrami and Bernard, “Indonesia's Maritime Governance”, pp. 140–43.
- <sup>45</sup> Ioannis and Malcolm, “Maritime Security in Indonesia”, pp. 180–81.
- <sup>46</sup> See these different laws and regulations in Ikrami and Bernard, “Indonesia's Maritime Governance”, pp. 134–71.
- <sup>47</sup> Dirham Dirhamsyah, “Maritime Law Enforcement and Compliance in Indonesia: Problems and Recommendations”, *Maritime Studies* 144 (2005): 4.
- <sup>48</sup> Djoko Sumaryono, “The Indonesian Maritime Security Coordinating Board”, in *Indonesia Beyond the Water's Edge: Managing an Archipelagic State*, edited

- by Michelle Ford and Robert Cribb (Singapore: Institute of Southeast Asian Studies, 2009), p. 135.
- <sup>49</sup> Details in this paragraph are from *ibid.*, pp. 135–38; and Muhamad Arif, “The Navy-Coast Guard Nexus and the Nature of Indonesian Maritime Security Governance”, in *Grey and White Hulls*, pp. 123–27.
- <sup>50</sup> Sodik, “The Outermost Small Islands of the Indonesian Archipelago”, p. 759.
- <sup>51</sup> Ristian Atriandi Supriyanto, “Naval Counter-piracy in Indonesia”, in *Piracy in Southeast Asia: Trends, Hot Spots and Responses*, edited by Carolin Liss and Ted Biggs (Abingdon, UK: Routledge, 2016), pp. 112–13.
- <sup>52</sup> Ikrami and Bernard, “Indonesia’s Maritime Governance”, p. 142.
- <sup>53</sup> Bagus Jatmiko and Frans J. Tandiarang, “Designing for Inter-organisational Coordination in Indonesia’s Maritime Domain”, MA thesis, Naval Postgraduate School, 2014, p. 31.
- <sup>54</sup> The incident involved dozens of Chinese fishing vessels—accompanied by CCG vessels—illegally fishing in Indonesia’s EEZ in late 2019 until early 2020. For more details, see Jefferson Ng, “The Natuna Sea Incident: How Indonesia is Managing its Bilateral Relationship with China”, *The Diplomat*, 15 January 2020, <https://thediplomat.com/2020/01/the-natuna-sea-incident-how-indonesia-is-managing-its-bilateral-relationship-with-china/>.
- <sup>55</sup> Supriyanto, “Naval Counter-piracy in Indonesia”, p. 110.
- <sup>56</sup> Sodik, “The Outermost Small Islands of the Indonesian Archipelago”, p. 736.
- <sup>57</sup> *Ibid.*, p. 757.
- <sup>58</sup> Supriyanto, “Naval Counter-piracy in Indonesia”, p. 110; Dirhamsyah, “Maritime Law Enforcement and Compliance in Indonesia”, p. 5.
- <sup>59</sup> Ikrami and Bernard, “Indonesia’s Maritime Governance”, p. 168.
- <sup>60</sup> Peraturan Presiden Republik Indonesia No. 178 Tahun 2014 tentang Badan Keamanan Laut [Government Regulation of the Republic of Indonesia No. 178 of 2014 on Maritime Security Agency].
- <sup>61</sup> Supriyanto, “Naval Counter-piracy in Indonesia”, p. 102.
- <sup>62</sup> Presentation by Syarief Hassan (Deputy Chair of the People’s Consultative Assembly), “Penguatan Kelembagaan Sistem Keamanan Laut Indonesia” [Strengthening the Institutions of Indonesian Maritime Security System], Indonesian Ocean Justice Initiative Webinar, 30 June 2020.
- <sup>63</sup> For BAKAMLA’s own assessment, see *Peraturan Kepala Badan Keamanan Laut Republik Indonesia No. 7 tentang Rencana Strategis Badan Keamanan Laut Republik Indonesia tahun 2020–2024* [Head of Indonesian Maritime Security Agency Regulation No. 7 on the Strategic Plan of the Indonesian Maritime Security Agency for 2020–2024], 8 May 2020.
- <sup>64</sup> See Joseph Tertia, “Indonesia’s Omnibus Bill on Maritime Security: The Making of a Global Maritime Hub?”, *The Diplomat*, 27 January 2021, <https://thediplomat.com/2021/01/indonesias-omnibus-bill-on-maritime-security-the-making-of-a-global-maritime-hub/>; Andika Primasiwi, “Pola Single Agency Multi Task di Laut Bermanfaat Besar Bagi Negara” [Single Agency Multi Task Pattern Has Strong Benefits for the State], *Suara Merdeka*, 9 July 2020, <https://www.suaramerdeka.com/2020/07/09/pola-single-agency-multi-task-di-laut-bermanfaat-besar-bagi-negara/>.

com/nasional/pr-04139742/pola-single-agency-multi-task-di-laut-bermanfaat-besar-bagi-negara.

- <sup>65</sup> See Soleman Ponto, “Menyoal RPP Keamanan, Keselamatan, dan Penegakan Hukum di Laut” [On the Maritime Safety, Security, and Law Enforcement at Sea Government Regulation Draft], *Koran Sindo*, 20 December 2021, <https://nasional.sindonews.com/read/634227/18/menyoal-rpp-keamanan-keselamatan-dan-penegakan-hukum-di-laut-1640009565>.
- <sup>66</sup> Ikrami and Bernard, “Indonesia’s Maritime Governance”, p. 143.
- <sup>67</sup> See Budy P. Resosudarmo and Ellisa Kosadi, “Illegal Fishing War: An Environmental Policy during the Jokowi Era?”, in *The Indonesian Economy in Transition: Policy Challenges in the Jokowi Era and Beyond*, edited by Hal Hill and Siwage Dharma Negara (Singapore: ISEAS – Yusof Ishak Institute, 2019), pp. 414–40; Scarpello, “Susi versus the Rest”.
- <sup>68</sup> The SCG’s authorities stem from Law No. 17/2008 on Shipping, while BAKAMLA’s are based on Law No. 32/2014 about the Sea. The “coast guard” provisions of those laws have been interpreted differently; some even argue that there is no “coast guard” yet because neither SCG nor BAKAMLA is the “sea and coast guard” stipulated under the Shipping Law. See Ikrami and Bernard, “Indonesia’s Maritime Governance”, p. 169.
- <sup>69</sup> Chapsos and Malcolm, “Maritime Security in Indonesia”, p. 182.
- <sup>70</sup> In this idea, the CCG would take responsibility for patrols in disputed seas, anti-smuggling, anti-piracy, and anti-terrorism. But if the situation escalated into a crisis or war, the command would be transferred immediately to the PLA-Navy. See Zheng, “Integrating the China Coast Guard with the PLA Navy”, p. 34.
- <sup>71</sup> See the discussion in Bueger and Edmunds, “Beyond Seablindness”, pp. 1310–11.