

THE LIMIT OF ARCHIPELAGIC STATE: INDONESIAN MARITIME SECURITY GOVERNANCE AND SUSTAINABLE DEVELOPMENT OF BLUE ECONOMY

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Abstract

Indonesia is pivotal in understanding maritime security dynamics and the Blue Economy's sustainability. This article aims to elaborate on how governance of the maritime security agenda and the sustainable exploitation of marine-based economic activity in Indonesia suffers from formal, informal and illegal encroachment from foreign interests. This central argument is based on the first two elaborations: research on foreign capacity-building projects and a systematic literature review on maritime security governance vis a vis Sustainable Development of Blue Economy in Indonesia. The result shows that despite formal and informal foreign intervention to leverage Indonesian maritime governance, at the same time, another form of informal and often illegal intervention hindered the former. The structure of this article begins with describing findings from two elaborations and then follow up by mapping contradictory aspects of foreign intervention. The third elaboration is supported by primary data collected from interviews and secondary data collection. Finally, this article concludes that greater transparency is needed alongside the development of international or regional regimes in maritime security and the Blue Economy. This is crucial so the case of Indonesia and other nations in the Global South can support the achievement of Sustainable Development Goals (SDGs).

Introduction

In general, the current international maritime regime divides into three authorities, namely: coastal state authority, port state authority and flag state authority. In accordance with UNCLOS 1982, Indonesia is an archipelagic state; hence, Indonesia has an archipelagic state authority. Domestically, maritime safety and security are a significant need because Indonesia's geographical condition as an archipelagic country depends on the sea as the primary means of transportation. However, more importantly, Indonesia's position in the world's main sea trade route demands a role and responsibility in managing marine safety and security in its jurisdiction.

Currently, Indonesia does not have an institution that comprehensively serves as a sea and coast guard as mandated by UNCLOS 1982 and the IMO conventions. There are 13 agencies at sea, consisting of 7 (seven) institutions that have a patrol task force at sea and 6 (six) other law enforcement agencies that do not have a marine patrol task force. Indeed, the model of civil agencies in charge of law enforcement at sea has many variations. Bateman (2016) revealed that there are three models, namely:

- (1). Single Institution Model. This model consists of two categories. The first is where law enforcement at sea is carried out thoroughly by the navy, such as in France, Brazil and Portugal. Second, countries that have only one business, namely only a navy without a coast guard, such as in New Zealand, Sri Lanka and Brunei, or only a coast guard such as in Cyprus, Micronesia and Mauritius;
- (2) Separate Institution Model. The navy and the coast guard are separate institutions. Some have a coast guard that has a militaristic character, and partly the coast guard is a purely civilian institution. Countries that adopt this model tend to be large countries such as the United States, Japan, India, China, Canada, Germany, the Philippines and Malaysia;
- (3) The Hybrid Model. This model emphasizes separate institutions with a good level of coordination with different approaches to different cases. In Australia, for example, law enforcement at sea is carried out by the Border Protection Force (BPF) through the Maritime Border Command, which brings together personnel and assets from the BPF and the Australian Defense Force. The UK, for example, gives detention authority to the Royal Navy, but law The United Kingdom's Maritime and Coast Guard Agency conducts enforcement at sea. While in Norway, the coast guard is part of the navy, where the Norwegian Coast Guard has the task of maintaining sovereignty, law enforcement, especially those related to of fisheries management and other offshore resources, environmental monitoring, search and rescue, and other assistance to other institutions.

Since the issuance of Law Number 32 of 2014 concerning the Ocean, the Maritime Security Coordinating Board (Bakorkamla) has changed to the Maritime Security Agency (Bakamla), which is further regulated through Presidential Regulation Number 178 of 2014 concerning the Maritime Security Agency. Thus, normatively implementing maritime security is under the authority of Bakamla, although some other ministries/agencies also have authority on the coast and the sea. Although Bakamla claims to be the Indonesian Coast Guard (Public Relations of Bakamla RI, 2019), several Indonesian government authorities in the sea are still not recognized internationally as Bakamla's authority. From IMO data, for example, Indonesia's Contact Point for Ship inspection and casualty investigation services as the implementation of Port State Control (PSC) is the Directorate of Sea and Coastal Guard (KPLP), Ministry of Sea Transportation (IMO GISIS, 2016).

Regardless of whether Bakamla is an ISCG or which model Indonesia adopts, some negative impacts are related to the current safety and security enforcement situation in Indonesian jurisdictional waters. First the ineffective and inefficient law enforcement at sea. According to Darmawan (2018), this impact is because there are still partial perspectives and sectoral egos

between stakeholders. The form of this sectoral ego, for example, according to Agus Widjojo, can be seen from the dominance of the role of the Indonesian Navy in enforcing civil law, which is part of the security authority, not focusing on the defence aspect at sea (Main, 2015). In addition, state institutions still require the development of cross-sectoral cooperation to increase the effectiveness of law enforcement at sea. For example, in early 2019, a memorandum of understanding was signed between the Directorate General of Customs and Excise (DJBC) and the Directorate General of Sea Transportation (Ditjen Hubla), the Ministry of Transportation regarding the supervision of the traffic of goods through sea transportation facilities (Una, 2019).

Second, several policy areas have not been able to be adequately managed by the Indonesian government. For example, Indonesia as an archipelagic country, does not yet have a definition of marine cadastre that is internationally recognized (Astor, 2016). The case of a coral reef collision in the Raja Ampat Islands by the MV Caledonian Sky was mentioned by Arif Havas Oergoseno as evidence of Indonesia's unpreparedness in managing cruise ships for tourism purposes (Purnomo, 2017). In addition, legal proceedings against the MV Caledonian Sky is also still difficult for the Ministry of Environment and Forestry (KHLK) to do (Aderi & Hasibuan, 2018). Race (2018) stated that regarding shipping safety, Indonesia does not yet have a qualified shipping safety management system. According to data from the National Transportation Safety Committee (KNKT), the number of ship accidents investigated during 2017 increased to 18 compared to 11 accidents in 2016 (Brorivai Center, 2018). The weakness of the ship worthiness supervision system is the main cause of the high number of ship accidents in Indonesia (Bernie, 2018).

Third, is the weakness of safety services to the maritime business world in Indonesia. Even the overlapping authority of law enforcement at sea has often been voiced by the Indonesian National Shipowners Association (INSA). With so many authorities to deal with, it takes longer and costs higher (DPP INSA, 2018). Cases of illegal levies (extortion) also often occur and involve various law enforcement agencies at sea. As happened during 2017-2018, starting with the Director General of Sea Transportation, Antonius Tonny Budiono, who was hit by the arrest operation of the Indonesia's Corruption Eradication Commission (KPK) in August 2017 (BBC Indonesia, 2017); arrest operation of Syahbandar Pos Port Sambu Island, Batam in November 2018 (H. Maulana, 2018); a member of the Ditpolair Polda Banten in August 2018 (selatsunda.com, 2018); Immigration Officer at the Pelindo I Dumai Passenger Port (Globalriau.com, 2018); and extortion from loading and unloading activities at Tanjung Priok Port, Jakarta (Poskotanews.com, 2018).

Fourth, is the weakening of Indonesia's maritime diplomacy. This phenomenon is especially evident in terms of economic diplomacy and defence diplomacy. Regarding economic diplomacy, the absence of crucial actors in maritime safety matters in Indonesia is a question for the maritime business world in Indonesia. The Global Competitiveness Report 2018 data from the World Economic Forum for the Water Transportation component put Indonesia in 45th position with a score of 47.5, while Singapore is in the first position with a score of 95.3, Malaysia is in the fifth position with a score of 84.8 and Vietnam is in position 32 with a score 53.4 (WEF, 2018).

Morris & Persi Paoli (2018) revealed that the inability of the Indonesian bureaucracy to manage maritime affairs caused a lack of attractiveness for the maritime business world to sail to Indonesia.

From a defence diplomacy perspective, Laksmana, Gindarsih, and Mantong (2018) assert that Indonesia's maritime defence diplomacy strategy is challenging to implement in a coherent, consistent, and effective manner, mainly because there are still a number of domestic issues involving maritime security actors that overlap. Indonesia's demands for a more active role, particularly in the South China Sea region, necessitate a more capable coast guard institution, especially in light of the regional trend among nations such as China, Vietnam, Malaysia, and the Philippines to prioritize "white hull" fleets over naval warships (Nurhasya, 2016).

The four impacts above show the urgency of establishing ISCG as a "single multi-task agency". This formation process is not merely an institutional change. Moreover, it is only a matter of improving coordination. The absence of ISCG indicates a more substantive problem, namely the interpretation and politicization of the international maritime regime in the Indonesian political system. Several previous studies mentioned the need for a change at the level of the law to strengthen maritime governance in Indonesia. According to a study by the National Legal Development Agency (BPHN) in 2008, this law is a maritime law as a legal umbrella in developing Indonesia's marine in a holistic and integrated manner. (National Legal Development Agency, 2008).

Limited Governance Capacity and Foreign Intervention

The establishment of ISCG is a reflection of Indonesia's limited capacity in maritime sector governance. Previous research conducted by Wibawa et al. (2021) reveals empirical results that the maritime security governance that Indonesia is currently carrying out is considered to be less effective and efficient. The improvement efforts made so far have not been able to solve various problems that hinder Indonesia's progress as an archipelagic country. Then, research from Dinarto (2019) concluded that Indonesia needs to reform maritime security governance to anticipate, prevent, and take action against the threat of piracy and armed attacks on ships that pose challenges to the development of the maritime industry and services sector in the maritime transportation sector. Furthermore, research conducted by Suci et al. (2021) shows that the management of the Thousand Islands as a Marine Protected Area (MPA) still finds several obstacles in the process of managing the development of MPA governance. The previous research discussed the direction of maritime security governance but only looked at it partially. It was not comprehensive from every region in Indonesia. Furthermore, all previous studies have found that it is necessary to reform maritime security governance in order to anticipate, prevent, and respond to the threat of piracy and armed attacks on ships, both of which pose challenges to the development of the industrial sector and maritime services in the field of sea transportation.

Previous research conducted by Prasetyo et al. (2019) revealed empirical results that maritime security in Indonesia has not been optimal, resulting in the Indonesian government's global maritime axis still finding obstacles. So suggesting maritime security in Indonesia can be done by using a complicated approach and a gentle approach, starting with the establishment of a

Maritime Doctrine, the establishment of Maritime Domain Awareness (MDA), and the development of sea power to achieve the goal of defence in maintaining and protecting the country's sovereignty, territorial integrity, and the safety of the entire nation from all forms of threats.

Then, research from Subagyo & Wirasuta (2013) revealed that the strategic environment surrounding Indonesia's maritime security is dynamic and interrelated. Global, regional, and national situations influence each other reciprocally. The strategic environment is mapped into political-legal, economic, defence-security, socio-cultural, environmental and technological factors. Opportunities and threats to Indonesia's maritime security result from the strategic environment that surrounds it.

The threat analysis was seen through the management of responses to forms of violations in the Natuna waters by the Indonesian Bakamla, Naval Base (Lanal), Naval Main Base (Lantamal), Regional Government, and Central Government through the Ministry of Foreign Affairs, according to research conducted by (Suwarno et al., 2021). This can be used as a form of building (reconstruction) of Indonesia's Maritime Resilience to support national resilience and strengthen national defence.

The previous research conducted by Harry & Nugraha (2016) generated challenges for Indonesia's maritime diplomacy in the form of Indonesia's weakness that it has not been able to compete in aspects of policy, military, and diplomatic capabilities at the global level. In fact, Indonesia is the centre of the world's maritime domain, which includes these three aspects. It should be able to start strengthening infrastructure so that the other three sectors will also be stimulated, namely the economy, marine and fisheries, and energy. Global Maritime Fulcrum is very strategic in the future in world maritime issues, therefore Indonesia needs to maximize efforts and focus on integrated cooperation if possible.

From the description above, it can be seen that previous research has similarities with discussing maritime security in Indonesia. There are obstacles that the Indonesian government's plan to make the world maritime axis is not optimal. There is a fact that the strategic environment that surrounds Indonesia's maritime security is dynamic and interrelated. There are still threats that can be seen through the management of responses to violations in the Natuna waters. This is a challenge for Indonesia's maritime diplomacy as evidenced by the weakness of Indonesia, which has not been able to compete in the aspects of policy, military, and diplomatic capabilities at the global level.

Senia Febrica (2017) explained that there are differences in attitudes and interests of maritime security actors in Indonesia in choosing to participate or not to participate in various regional and global maritime security cooperation fora. This is also a pattern of how the existence of an international maritime regime is very important, but it is not the primary reference for maritime governance.

Indonesia's Blue Economy Strategy

Indonesia's Blue Economy Strategy should be built with complete basic principles related to Indonesia's position as an archipelagic country. The concept of Archipelagic Foreign Policy is a new concept which was born from the condition of the awareness that, based on UNCLOS 1982, there is recognition of the status of an Archipelagic State (Archipelagic State). According to Laksmana and Supriyanto (2018), a country has an "archipelagic foreign policy" when its archipelagic qualities and interests are integrated into the strategy's overarching framework systematically. The success of Archipelagic Foreign Policy can be seen in three ways: first, in determining the need for foreign policy priorities based on the characteristics of the archipelago; second, in determining the choice of foreign policy instruments, particularly those related to archipelagic challenges, both military and non-military; and third, in highlighting important issues that arise as a result of the intersection of national security policy and foreign policy (Mulyana, 2012).

The Archipelagic Foreign Policy model sits on a continuum between the "maximalist archipelagic" or "thalassic" model (wherein a country's foreign policy structure prioritizes maritime-related interests) and the "minimalist archipelagic" or "unthalassic" model (in which foreign policy structures are not always capable of defending maritime interests). The spectrum of this model is influenced by domestic factors such as economic development, regime type, maritime security capabilities, or idiosyncratic factors of state leaders, as well as international factors such as war, regional security tensions, or the role of multilateral organizations. (Laksmana & Supriyanto, 2018). Roberts, Habir, & Sebastian (2015) link the character of Archipelagic Foreign Policy with the strategic maritime environment of a country, namely how to "...outward-looking projection in its regional and international influence."

The primary indicators of the gap between the blue economy strategy and Archipelagic Foreign Policy in Indonesia can be seen in the following:

1. The indicators of a country's maritime connectivity with the global market are compiled in the Liner Shipping Connectivity Index (LSCI) compiled by the United Nations Conference on Trade and Development (UNCTAD). In the first quarter of 2016, Indonesia was in the 21st position in the world. However, in the fourth quarter of 2020, Indonesia dropped to the 57th position in the world.
2. In the UNCTAD Liner Shipping Bilateral Connectivity Index (LSBCI), which assesses connectivity between two countries, the average value of Indonesia's bilateral connectivity with 163 countries in 2006 was 0.198 out of a maximum value of 1.00. In 2021, this average value decreased to 0.183. The average growth rate of Indonesia's LSBCI, when compared between 2006 and 2021, is -11 per cent. The biggest positive value for Indonesia in 2021 is Singapore with a value of 0.31909, China with a value of 0.3182437, and Malaysia with a value of 0.3052913. In addition, the Indonesian LSBCI value is below 0.3.
3. The Port liner shipping connectivity index value of the 48 main ports in Indonesia from 2016 to 2021 only reached an average of 4.24 out of a maximum value of 100. This index assesses the level of connectivity of a port to the global cargo shipping network, which UNCTAD

assesses. The Port of Jakarta recorded the highest score with a value of 33.05, then the Port of Surabaya with a value of 26.58, the Port of Semarang with a value of 14.19, and the Port of Makassar with a value of 10.26.

4. UNCTAD recorded the number of Indonesian-flagged commercial vessels weighing over 100 GT as 1,699 thousand Deadweight Tons (DWT) in 1983. This number increased to 28,750 thousand DWT in 2021. However, compared to Singapore in 1983, the number of Singapore-flagged commercial vessels has reached 12,924 DWT and will become 136,400 thousand DWT in 2021. On average, Indonesian-flagged commercial vessels are 18 per cent of Singapore-flagged commercial vessels. Globally, the value of Indonesian-flagged commercial fleets is 1.08 per cent, while the percentage value of Singapore-flagged commercial fleets is 6.35 per cent.
5. The number of Indonesian-flagged vessels for cargo ships weighing 1,000 DWT and above increased from 15,302 thousand DWT in 2014 to 26,212 thousand DWT in 2021. Of this number, 2,073 thousand DWT were vessels owned by foreign companies. On the other hand, Indonesian ships using flags of convenience from other countries also increased from 1,472 thousand DWT in 2016 to 2,705 thousand DWT in 2021.
6. The number of commercial vessels weighing over 100 GT built in Indonesia decreased from 66,941 GT in 2014, then significantly increased to 163,188 GT in 2018, then only reached 36,388 GT in 2020. Five countries with the most significant number of ship production in the year 2020 were: China with a production of 23,257,200 GT; South Korea with a production of 18,173,891 GT; Japan with a production of 12,827,375 GT; the Philippines with a production of 608,211 GT; and Vietnam with a production of 544,699 GT.
7. According to UNCTAD, the number of Indonesian seafarers has decreased. In 2015 the number of Indonesian seafarers reached 8.72 per cent of the total seafarers working in the merchant ship fleet. Nevertheless, in 2021 it will be 7.59 per cent.
8. The Ocean Health Index (OHI) value is an analytical framework for assessing ocean health based on the continued fulfilment of the benefits and services people expect from a healthy ocean, such as food sources, cultural and social values, and employment. Indonesia scored 60/100 in 2012 and increased to 65/100 in 2021. Currently, Indonesia is ranked 164/220 globally.
9. The Global Fishing Index scores are a comprehensive report on the state of marine fisheries worldwide. This index is the world's first assessment of the governance and sustainability of marine fisheries in 142 coastal countries. This index reveals critical gaps that lead to overfishing and prompts governments and companies to express intent and take action to reverse the decline in fisheries. In 2021 Indonesia will get a total score of D, from the best score of A.
10. The Blue Technology Barometer score ranks 66 coastal countries regarding their progress and commitment to protecting marine sustainability. This index measures the priority degree of marine health protection by economic activity through sustainable marine and fisheries

activities, blue innovation, and policy implementation. In 2021, Indonesia will get a 4.1/10 with a position in the 43rd rank out of 66 countries.

Indonesian Maritime Security Governance

The concept of Maritime Security is relatively new and is currently being developed. However, the urgency of Maritime Security study is becoming increasingly important due to the complex dynamics of the international world related to interactions between state and non-state actors at sea. This complexity is also reflected in the fact that there is no fixed definition of Maritime Security. This means that Maritime Security is seen to vary depending on the actors and interests at play. Christian Bueger (2015) explained that understanding the concept of Maritime Security semantically produces a conceptual matrix. The notion of Maritime Security occupies an essential place in the conceptual matrix concerning the dimensions of other concepts, especially the concepts of National Security, Human Security, Economic Development, and Marine Environment. What is interesting about Bueger's explanation is that to understand Maritime Security, it is necessary to look at the actors involved in building an understanding of each other and how they interact.

Regarding the main actors in law enforcement to respond to maritime security, Geoffrey Till (2009) uses the concept of "Good order at sea", which divides Maritime Security into five dimensions. Till further highlighted that the scope of policy implementation connected to the navy and coast guard's roles must be comprehended. Due to the growing complexity of maritime security issues, it is necessary to divide who does what, because no one actor is able to do everything.

The implementation of Maritime Security Governance is built on the concept of governance developed in security studies. According to Daase & Friesendorf (2010) "Governance" has become a buzzword to describe new forms of policy coordination, but many definitions are related to governance. Broadly, to quote Keohane and Nye, Governance is "the processes and institutions, both formal and informal, that guide and restrain the collective activities of a group". A narrower definition, to quote Krahmman, "Governance emphasizes the structures and processes that enable a group of public and private actors to coordinate their independent needs and interests through the formulation and implementation of binding policy decisions across the board. In the absence of central political authority"(Daase & Friesendorf, 2010).

If the traditional government structure is hierarchical, then governance is decentralized and horizontal (Czempiel & Rosenau, 1992). International politics – especially security policy – is always decentralized and horizontal, meaning that it has dynamic structures and processes that are transnational and global in nature, so Security Governance can be identified through four aspects: (a) what policy content should be regulated?, (b) the structure of the agents (who are the relevant actors?), (c) the form of cooperation (how is the policy implemented?), and (d) the compliance structure (why do the actors pay attention to their obligations?)(Daase & Friesendorf, 2010).

The combination of Maritime Security and Governance as buzzwords makes the author build a conceptual framework through a literature study aimed at describing the phenomenon of

Maritime Security Governance implementation in Indonesia. The framework is built through the concepts of Informality, Illegality, and Insularity as described next. This is done by taking into account the statement Daase & Friesendorf (2010) that the complexity of Security Governance is global resulting from the process of removing the boundaries between domestic security and foreign security and incorporating new security thoughts in national security policies.

Informality on Implementing International Maritime Regime

Informality in governance is a concept that has a broad definition. Keith Hart first introduced this concept in development studies. Hart (1973) explains that the informal economy, both legal and illegal, is an economy that is outside the scope of regulation. Similar to Hart, according to Ledeneva (2018) Informality can be used as an umbrella concept for various social, political, and cultural phenomena in the relationship between government and society that are not regulated by law. Informality can also be regarded as a non-formalized relationship, a relationship outside of formality, the absence of procedures, or non-formal means of addressing local matters. Ledeneva then explains the antithesis of informality, which is not rigid and independent of formal boundaries were to facilitate the definition of informality. Meanwhile, Bulmer (2018) defines informality as an unregistered economic activity. This definition is based on workers' social security, production standards, or other regulations. Based on these definitions, the general theme that can be found is that informality is social, political, economic, and cultural activities that are independent of government regulations.

The study of the informal concept is expanding quickly in economics to distinguish between formal and informal components of the economy. Guha-Khasnobis et al. (2006.4) explained in studies related to political and development policies. There are two main characteristics of informality. First, informality is an activity "as being outside the reach of different levels and mechanisms of official governance". Second, informality "has to do with the nature of the organization. The informal is often identified with 'lacking structure...—the term 'unorganized sector' is often used".

The concept of informality then developed in the study of International Political Economy (EPI) in the study of International Relations. The formal and informal dichotomy in the study of International Political Economy (Vabulas, 2021) is realized through "soft law, informal governance, and informal intergovernmental organizations", influencing the global economy in areas such as international finance, international trade and international economic institutions.

Another International Relations study discusses informality and how state and non-state actors interact informally. According to Shapovalova (2016), informal interactions between state and non-state actors occur because of each other's needs that cannot be facilitated through formal interactions. In this case, the need can be a form of information exchange, interest advocacy, or support for achieving interests that cannot be obtained through formal means.

The study of informality in International Relations can also be found in the study of border governance and international trade. According to Cantens et al. (2015), informal trade occurs because there is no meeting point between the government and the people involved in informal

trade. The meeting point in question is regulation that can benefit the government and informal traders. One such regulation is an excise tax. Some informal traders think that the existence of excise is detrimental to them. Another reason is the absence of authority in international trade. This problem occurs in border areas or other remote trading points.

In the trade sector, informality still exists because globalization has made it easier for informal traders to make profits. One way or another, globalization has made it easier for people and goods to cross national borders. This is especially true for informal traders operating on a small scale (Sinha & Kanbur, 2012).

Farrell (2009), like Sinhar & Kanbur, also argues that informality still exists because of the benefits gained through informal processes. However, Farrell uses a different approach, namely path dependence. Farrell argues that informality has become a culture for some societies and is seen as an advantage. Therefore, even if a government has attempted to formalize social, political, and economic practices in a society, people will still carry out these practices informally. This is because people are sceptical of the benefits of a formal process that can exceed or at least equal the informal process.

Mohmand (2016) argues that informality can exist as a filler in a situation where there is no government or as an extension of the government's hand on the community. In the absence of government, there is no enforcement of the implementation of regulations. Therefore, the community informally carries out social, economic, and political processes. In situations when informality becomes an extension of the government, there is a lack of confidence between the government and the community. In this case, the broker is informally a liaison in the relationship between the community and the government.

Enforcement of laws and regulations in remote areas, especially if the area is an ocean, is difficult. This is because the ocean is a large area, so that law enforcement at sea requires adequate logistical and financial capabilities. Enforcement itself involves more than just patrolling. Enforcement of laws and regulations includes other activities such as detection, arrest and prosecution. This adds to the burden of carrying out law enforcement in remote waters, namely the need for human resources capable of carrying out technical tasks that are quite complex to carry out the functions of patrol, detection, arrest, and prosecution (Arias et al., 2016).

Likewise, Arias et al., Almeida & Carneiro (2012) argue that spatial factors and the availability of human resources also influence the effectiveness of law and regulation enforcement. The spatial factor referred to by Almeida & Carneiro is the distance from the centre of law enforcement operations and regulations to the target operation. The further away the target of operations and the wider the area of operation, the more difficult it is for law enforcement to carry out their duties. The human resource factor is relatively straightforward, namely the presence of human resources with adequate capabilities in sufficient quantities.

Polese (2021) argues that there are three dimensions of informality. First, informality is something that is hidden from the state. Second, informality fills the space that exists between regulations. Third, informality happens on a small scale but with a high frequency and is not coordinated.

According to Berenschot & van Klinken (2018), there are three dimensions of informality: mediation, social norms, and social affiliation. Mediation, in this case, means a process where the community needs a third party as an intermediary or 'broker' in interacting with the government bureaucracy. Meanwhile, what is meant by social norms, in this case, is reciprocal relations in society. In some countries, a culture of reciprocity can be the source of informality when bureaucrats give preferential treatment to non-bureaucrats on the basis of 'paying back a debt of appreciation'. Social affiliation affects access to state resources given from bureaucrats to individuals outside the bureaucracy because of social affiliation. This social affiliation can arise, among others, based on religion, ethnicity,

Illegality on Enforcing Maritime Law

The concept of illegality will be easily understood by first understanding the concept of legality. Legality can be understood as things under the law that has been set. Based on this understanding, illegality can be defined as things that violate or are not following the established law (Lindahl, 2013). In short, it can be said that illegality is an act of non-compliance with the applicable law.

The study of illegality in International Relations is related to, among others, non-compliance with international regimes. Non-compliance in complying with international regimes can occur for several reasons. Franck (1988) argues that non-compliance can occur because of the weak legitimacy of international regimes. An international regime itself can be said to be weak in legitimacy if it does not have detailed provisions. However, Franck also states that non-compliance could occur in an international regime with too demanding conditions because it can provide incentives for that country. These incentives can arise when a country does not bear the capability to implement the provisions of the international regime so that it becomes more profitable for that country to carry out non-compliance. Finnemore & Toope (2001) argue that non-compliance with international regimes occurs because of the disparity between things regulated in international regimes and social practices within a country. This refers to the lack of compatibility between the international regime and the patterns of interaction and culture that exists in a society.

According to Heyman (1999), the perpetuation of illegality is not only caused by the financial benefits obtained from illegal acts. From the social and cultural aspects, illegality can still occur because of legal pluralism, a condition when there are two or more legal systems or norms in society. This occurs due to a mismatch between the legal system established by the state and the customary law or norms that existed in society prior to the formation of state law. Illegality due to legal pluralism itself can get worse if the state is not able to exercise its sovereignty and the legal system formed by the state does not have strong legitimacy.

McCarthy (2011) argues that the occurrence of illegality has historical and structural roots. For third-world countries, funding law enforcement officers is complex and sometimes impossible, especially in areas far from central government control. Therefore, these officials need other sources to obtain a budget that is used for operational costs and the necessities of life for personnel. The authorities may be involved in perpetuating illegality. The following reason, according to

McCarthy, is that compliance with laws and regulations, especially in business, sometimes costs quite a lot.

According to Brinkerhoff and Goldsmith (2002), illegality persists due to the prevalence of clientelism and patrimonialism, particularly among government employees. Both relationship patterns benefit the people involved in it, both in the form of financial and social. As a result, parts of society and state authorities involved in clientelism and patrimonialism will want to retain the pattern of their connection, obstructing efforts to eradicate illegality.

According to Sundstrom (2016), difficulties in law enforcement against illegality arise from the participation of law enforcement professionals in unlawful activity, particularly on a small scale. The involvement of law enforcement officers and law violators creates a symbiotic condition of mutualism so that law enforcement officers do not take action against violations. The involvement of law enforcement in illegality can take the form of participating in illegal acts or accepting bribes from perpetrators of violations.

McLeod (2011) argues that illegality due to weak law enforcement efforts occurs because of the disparity between the income of government officials and workers in the private sector. In a condition where a government official has a lower income than private work in a similar career path, the government official will try to get more income. One way to get more income is through involvement in illegality.

Banister et al. (2015) have their arguments regarding the challenges in law enforcement against illegality, especially related to illegal economic activities. In their article, they use a geographical approach. In general, illegal economic activities are carried out clandestinely and in places far from the reach of law enforcement officials. The nature of the illegal economy, which is geographically difficult to reach and full of secrecy, makes it challenging for law enforcement officials.

Insularity on Cross-Collaboration

Insularity according to Pierson (2003) is a condition when an institution is isolated from the public and other institutions. In this insular condition, policies made by an institution are less likely to receive intervention from other institutions and the public. Deidda (2015) argues that insularity is a broader circumstance than just a geographical condition. Insularity is a condition that also includes social, political and cultural aspects. Insularity can be used to describe the marginalization of an entity from other entities. Furthermore, Pungetti (2012) explains that insularity causes a unique pattern of cultural development. This happens because the condition of insularity causes minimal contact with other entities, so the possibility of foreign cultural influences on the culture of insular entities is slight. Katzenstein and Weygandt (2017) argue that insular culture influences foreign policy-making patterns. Cultures that are insular tend to be more inward-oriented, so they ignore the development of the environment outside. This then gave rise to policies with a limited orientation. The limitations of their orientation then make it difficult for these policies to align with environmental developments and the policies of other entities. Similar to Katzenstein and Weygandt,

Alexander & Haward (2018) explained that insularity between government institutions occurs because of government structures and mechanisms; communication and information sharing; participation and exclusion; and fragmentation. Sander (2018) argues that top-down structures and mechanisms are more effective in regulating inter-institutional coordination so that they can mitigate the occurrence of insularity. Top-down structures and mechanisms become effective because the directions from officials at the top level of the bureaucracy are clear before being given to the task executors. Also, disagreements can be settled at the bureaucracy's highest level so that institutions and frontline employees are not required to address the issue. Hassler et al. (2018) argue that the influence of structures and mechanisms on the effectiveness of inter-institutional coordination does not only occur at the domestic level but also the transnational level. The absence of clear structures and mechanisms can hinder practical cooperation and coordination between government institutions. This is commonly found in ad hoc inter-institutional collaboration (Cruz & McLaughlin, 2008).

Flannery & Cinneide (2012) stated that communication is essential in inter-institutional coordination and preventing insularity. In cooperation and coordination between institutions, dialogue builds trust, networks, and a clear division of tasks. Poor communication affects the formation of trust, networking, and division of tasks and adversely affects the process of information sharing. Without clear communication and information-sharing mechanisms, coordination between institutions not only deteriorates but can turn into relationships that tend to be conflictual (Read & West, 2014; Ariza et al., 2016).

Gonzalez-Riancho et al. (2009) identified participation and exclusion as the causes of insularity between government institutions. The lack of participation in cooperation and the high exclusion of each institution make these institutions less compatible in conditions that require coordination and cooperation. Ebbin (2003) explains that institutional functions and jurisdictions that are too narrow can prevent practical inter-institutional cooperation. It can also reduce the effectiveness of insular institutional functions.

Boyes & Elliot (2015) explained that the existence of two or more institutions with the same task could also cause poor coordination. This condition is known as fragmentation. Fragmentation causes institutions with the same mandate to compete in their duties. Such competitive relations can lead to and exacerbate the insularity between government institutions. Apart from the competition, fragmentation also causes poor coordination due to confusion about which institution has jurisdiction over a particular area or task area (Ullah et al., 2017).

The Limit of Archipelagic State

Maritime security governance in Indonesia as an archipelagic country is a unique domain. This is because Indonesia is obliged to facilitate the Right of Innocent Passage for foreign ships along the ALKI. Also, it must ensure the fulfilment of Navigation Safety while ensuring Marine Environment Protection.

The last implementation dimension in this discussion tends to be more closely related to the classic discourse on Maritime Security Governance in Indonesia, which relates to the defence

aspect.(Sumadinata, 2022; Suryawan et al., 2021). The spatial dimension of informality related to the management of ALKI is built on an Indonesian approach that focuses on security. This is easy to understand because Indonesia does not have adequate superstructure and infrastructure in accordance with best practices to take advantage of economic opportunities from foreign ship shipping through ALKI.

This confirms the need for a maritime security policy that is oriented towards an international shipping regime. Because of a defence and security approach, Indonesia does not get any benefit from the existence of ALKI. For example, after the implementation of the TSS in the Lombok Strait, reports from VTS Bena, the ALKI II route in the Lombok Strait has a high level of navigation density every year. In 2020 it will reach 27,460 thousand crossings, as presented in the table below.

Table 5.7 Total Traffic Monitored by Bena VTS Station in 2020

No	Ship Type	Type of Pass	
		Passing	Crossing
1	Cargo ship	14,483	293
2	Tanker	2,799	353
3	Passenger ship	347	8.141
4	Fishing Boat	129	18
5	Barge	107	63
6	Worker Ship	10	1
7	Government Ship	30	30
8	Yatch ship	30	12
9	Cruise ship	108	24
10	Other Ships	136	6
11	Unknown	273	67
Amount		18.452	9.008
Total Traffic		27,460	

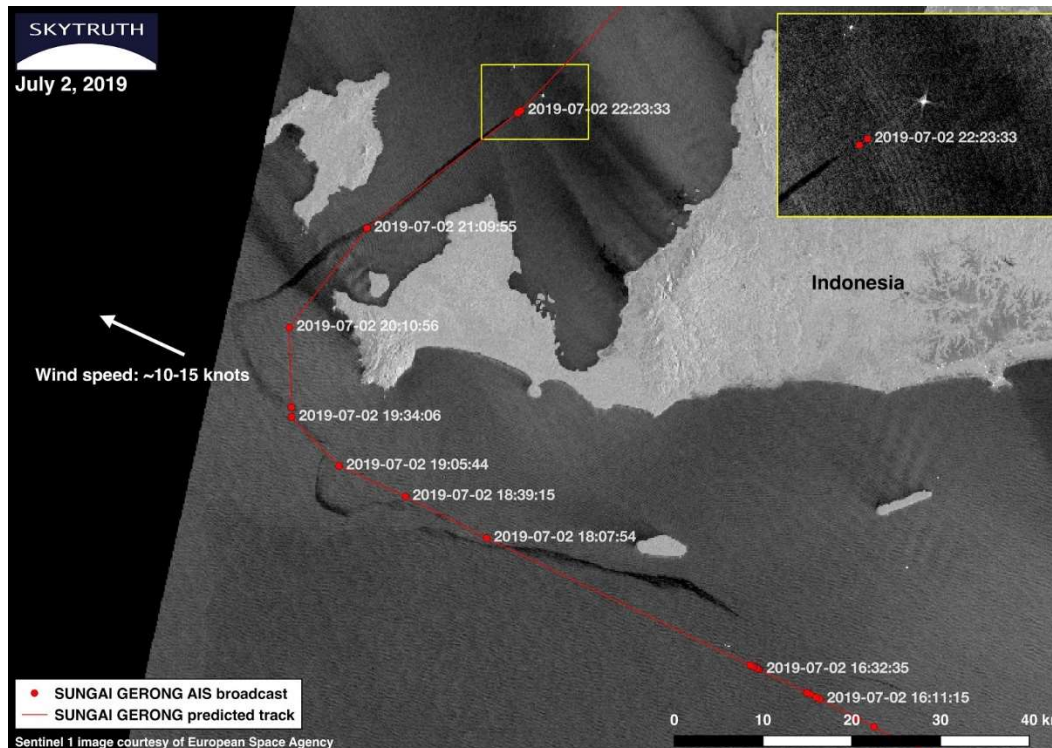
Source: Bena VTS Report, 2020

On the other hand, as the institution responsible for securing ALKI, the Indonesian Navy admits that maintaining maritime security burdens its maritime defence role, as confirmed by several informants. In the context of ALKI, for example, the problem of the traditional regime in the form of unorganized activities of traditional Indonesian fishermen distances Indonesia from regulating TSS according to international standards.(Amurwonegoro, 2022).

In the Social Dimension, there is a tendency to take advantage of the weak Maritime Security Governance in Indonesia, especially in the ALKI I region, by foreign ships in the TRAPS (Theft, Robbery and Piracy at Sea) issue. In a presentation by the Maritime Information Center (Pusinfomar) of the TNI Headquarters, MV. New Spirit to Information Fusion Center (IFC) Singapore on February 9, 2020. From the results of the counter-report, indications of sales of ship spare parts before reporting were found because of MV. New Spirit turns off the Automatic Identification System (AIS).

These weaknesses also encourage illegality by foreign-flagged and Indonesian-flagged vessels. One common type of crime is bilge dumping or illegally disposal of ship oil waste in Indonesian waters. For example, the environmental monitoring group SkyTruth has published several times the findings of their investigations using AIS data and satellite imagery to find evidence and vessels suspected of bilge dumping.(Evanisko, 2019; Ibarra, and; Meyer, 2019a, 2019b; Meyer & Jarrell, 2019). The Figure below shows how SkyTruth finds the perpetrators of bilge dumping.

Bilge Dumping Finding Visualization Image by SkyTruth



Source: Meyer & Jarrell, 2019

Gokkon (2019), through the Mongabay website, reported that they had tried to communicate with the Directorate General of Hubla about this but had not received a response. From the data on the Handling of Shipping Crimes by Civil Servant Investigators (PPNS) of the Directorate General of Hubla from 2015 to November 2021, no cases of bilge dumping were found. Data for 2019 only shows investigations of violations by KM. Muhammad Bilal GT.25 and KM. Samudra-II GT.26, both for sailing without SPB.

Some of the illegality cases above show the need for law enforcement based on technological developments that align with maritime security threats' dynamics. However, what is essential to understand is the need for extensive resources in the management of ALKI, primarily if it is oriented towards Indonesia's economic interests. This shows the importance of the Coordinating Ministry for Maritime Affairs and Investment's role as the leading sector in the management of ALKI, which is obliged to manage inter-institutional resources.

Indonesia's inability to overcome problems that continue to be of international concern as above is a reflection of the insularity in Maritime Security Governance. Protecting the maritime environment from pollution and managing TRAPS issues in the Straits of Malacca and Singapore suggest fragmentation.

Orientation dimension, on a relatively extreme spectrum, can be seen from the statement of the Indonesian Navy regarding the escalation of conflict in LTS (Arsilan, 2022; CNN Indonesia, 2021; R. Maulana, 2022). Forms of public accountability suffice with heroic statements and exposure to strength in practice. In fact, from an internal document, only a portion of the Indonesian Navy's KRI fleet is fit for combat. Furthermore, from this number, from the Sensor, Weapon and Command (Sewaco) aspect, only a few of the frigates and fewer of the Indonesian Navy's corvettes are combat-worthy.

Learning from how Indonesia, as a littoral state in tripartite management in SOMS, shows the need to build a port business ecosystem that can serve international shipping through ALKI. This is not only due to Indonesian ALKI's broad and strategic management for economic purposes. Moreover, it is to overcome the negative image of the Indonesian shipping and port business world, which is still negative. One of the main things that need to be done is strengthening cooperation in information sharing to support global port and shipping businesses.

Conclusion

First, the international maritime regime acts as a framework to describe the conditions of implementation of maritime security governance so that studies can be carried out to determine the spaces in which negative discourse, politics, and policies dominate. Second, the international maritime regime shows Indonesia's position in building a maritime power. Currently, the existence of the traditional regime has not become a solid foundation to encourage the reorientation of national resources. In addition, the traditional regime indicates an inward-looking maritime security policy orientation. So there is a need for a reorientation of traditional protection aspects that are transparent and have a high impact, and are in line with the orientation of international maritime governance.

Likewise, the high seas regime still tends to be a source of problems and threats, not a potential development of Indonesia's maritime power. This shows the need to facilitate the international maritime regime as a reference for maritime security governance to build a solid and sustainable Indonesian maritime governance. This condition is a prerequisite for Indonesia to contribute to the Sustainable Development Goals (SDGs). So that the existence of Nusantara Insights as a policy outlook can comprehensively and sustainably encourage Indonesia as a global Archipelagic State

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