

# Nurturing Hero or Villain: BAKAMLA as the Indonesian Coast Guard

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## Abstract

Maritime security governance is crucial for Indonesia, the world’s largest archipelago spread across a vast water area about the size of the United States. The existence of several law enforcement institutions to uphold Indonesian laws made governance and authority fractured and weak. Consequently, BAKAMLA was established to improve Indonesian maritime security governance by synergising and monitoring law enforcement at sea. Despite being supported politically by Indonesian President Joko Widodo, institutionally, BAKAMLA remains underperforming. This article discusses whether the existence of BAKAMLA fulfils Indonesia’s political and security needs to have an integrated coast guard institution. The article considers relevant literature and the research phase employed in-depth interviews with stakeholders of Indonesia’s law enforcement officers at sea. This article concludes that BAKAMLA is still relevant if significant adjustments are made to institutional empowerment by revising and harmonising relevant laws. Such revision reflects the aspirations of political support and will from the Indonesian government to BAKAMLA.

## Keywords

BAKAMLA; coast guard; Indonesia; law enforcement; maritime security; sea governance

## 1. Introduction

On 12 February 2020, President Joko Widodo, at the inauguration ceremony of the Head of the Indonesia Maritime Security Agency (Badan Keamanan Laut [BAKAMLA]), stated:

Yes, we hope that in the future BAKAMLA will become the embryo of Indonesia's Coast Guard so that later other institutions will return to their respective institutions and at sea only BAKAMLA will be given authority. So BAKAMLA is like the Indonesian Coast Guard. (Hakim & Krisiandi, 2020)

This statement indicates that the government intends to make BAKAMLA the leading civilian institution with authority in Indonesian waters. This way, the authority currently held by other relevant institutions will be integrated into BAKAMLA to ensure there is no overlap in authority and responsibility. However, this "top-down" political approach has been challenging to implement.

This approach was an effort to improve Indonesia's maritime security governance due to some concerns and allegations towards several law officers at sea who allegedly committed corruption (Dewi & Purnamasari, 2021, pp. 38–53). This is in addition to the notorious overlapping authority of at least six law enforcement agencies with patrol vessels at sea, namely the Navy, the Ministry of Transportation, the Ministry of Fisheries and Ocean Affairs, the Ministry of Finance, the Police, and BAKAMLA (Dirhamsyah et al., 2022, p. 3). Nevertheless, under current regulations and the absence of strong political will to empower the Indonesian Coast Guard, the president's instruction on a single maritime security agency in Indonesian waters is unlikely to be fully implemented.

The study of BAKAMLA as a legal institution has attracted much attention from many scholars. Some have focused on whether BAKAMLA has been a successful successor of the previous agency to coordinate law enforcement in Indonesian waters (Ansori et al., 2017; Puspitawati et al., 2020). Other scholars have critically examined whether or not BAKAMLA worsens the current overlapping legal authority on Indonesian waters (Kurniaty et al., 2021, p. 222; Slamet et al., 2020). There have even been those who have focused on whether BAKAMLA will become a single agency as a multi-task legal institution (Ilham et al., 2022; Prissandi et al., 2023, p. 1978; Wulansari, 2014). More attention needs to focus on how BAKAMLA's capacity to implement its duties and functions as mandated by law has experienced political resistance from other law enforcement institutions. This article examines whether BAKAMLA's efforts as a government institution to fulfil its mandate to become a new maritime security institution can be achieved.

This article found that despite the president's vision to have a single maritime security agency, which remains unfulfilled, BAKAMLA has nevertheless successfully implemented its mandate to synergise, monitor, and conduct patrols at sea by the enactment of Government Regulation No. 13 of 2022. This regulation enables all relevant resources to effectively cover most of Indonesia's waters at all times by coordinated patrols under BAKAMLA (Government of Indonesia, 2022). Following this introduction, observing Indonesia's maritime security is crucial to providing the context for securing the vast waters of Indonesia. Then, BAKAMLA, as the focus of this research, will be evaluated before the article presents its conclusion.

## 2. Indonesia's Maritime Security Governance at a Glance

With a vast coastline, Indonesia has maritime boundaries with numerous countries, including Malaysia, Singapore, Vietnam, Palau, Australia, India, Thailand, and the Philippines (Purwanto & Mangku, 2016, p. 54). Some of the maritime boundaries of those neighbouring states remain unsettled (disputed areas) and lead to uncertainty on a day-to-day basis (Afriansyah et al., 2022, p. 283). This has caused numerous maritime

incidents. For example, the KRI Tjiptadi-381 ship incident occurred in the overlapping boundaries between Indonesia and Vietnam when the Vietnamese government's vessel hit the Indonesian ship (Maulana & Ika, 2019). Additionally, Indonesia is located at the crossroads of international shipping routes. It is strategically located between the Pacific and Indian Oceans, Asia, and Australia. While there are economic and political benefits from this, this strategic position also exposes Indonesia to risks, such as smuggling, illegal migration, and border crossings (Cribb & Ford, 2009, p. 9). Its vast waters are also prone to illegal, unregulated, and unreported fishing. Consequently, improving maritime security is one of Indonesia's primary concerns (Pashya & Gozali, 2023).

These concerns above have compelled Indonesia to establish several regulations and law enforcement agencies (Chapsos & Malcolm, 2017). Currently, Indonesia has at least 13 state entities with the authority to manage, enforce, and/or apply marine governance. They are (a) BAKAMLA, (b) the Indonesian Navy, (c) the Indonesian Marine Police Unit, (d) the Directorate Sea and Coast Guard (KPLP; under the Ministry of Transportation), (e) the Directorate General for Customs and Excise (under the Ministry of Finance), (f) the Directorate General for Immigration (under the Ministry of Law and Human Rights), (g) the Directorate General for Surveillance for Marine and Fisheries Resources (PSDKP; under the Ministry of Marine Affairs and Fisheries), (h) Directorate of Surveillance and Health Quarantine (under the Ministry of Health), (i) Agricultural Quarantine Agency (under the Ministry of Agriculture), (j) the Ministry of Forestry and Environment, (k) the Ministry of Energy and Mineral Resources, (l) National Narcotics Agency, and (m) the Indonesia Search and Rescue Agency. Of these government agencies, there are six that have sea patrol vessels and capacity (particularly expertise and human resources). They are the BAKAMLA, the Navy, the Marine Police Unit, the KPLP, the Directorate General for Customs and Excise, and the PSDKP. Under this situation, some have noted that overlapping authority is unavoidable and is a result of at least 15 domestic laws and regulations (Ikrami & Bernard, 2018, pp. 136–140).

Before the BAKAMLA's establishment, the Indonesian government realised the need to coordinate several law enforcement institutions in its waters. Thus, Indonesia established an agency named Badan Koordinasi Keamanan Laut (Coordinating Body for Maritime Affairs), abbreviated as BAKORKAMLA. This institution was established in 1972 under a joint decree of the of the Minister of Defense and Security/Commander of the Armed Forces, the Minister of Transportation, the Minister of Finance, the Minister of Justice, and the Attorney General (Minister of Defense and Security/Commander of the Armed Forces et al., 1972; see also Azis et al., 2017, p. 5; Darajati & Syafei, 2018, p. 120). The main objective was to coordinate the agencies that have responsibilities in the maritime security area.

The need to have a more robust coordinating institution for maritime legal enforcement was also provided by the Law on Indonesian Waters (Republic of Indonesia, 1996, Article 24, para. 3). The mandate was implemented through Presidential Regulation No. 81 of 2005 (President of the Republic of Indonesia, 2005). One of the most substantial changes was that the authority was initially led by the Ministry of Defence and Security, which then transferred to the Coordinating Ministry of Politics, Law, and Security. This agency acts as a coordinating body for the existing maritime security agency, or in other words, a multi-agency for a single task. This configuration is used for patrols and other related activities to secure the sea by several institutions. Unfortunately, BAKORKAMLA was deemed ineffective due to its authority being limited to coordination only (Suharyo & Bastari, 2021, p. 445).

Moreover, the various agencies do not always cooperate well in practice because of institutional rivalry, resource competitiveness, and the overlapping of jurisdictions (Prissandi et al., 2023, p. 1979). This hindered BAKORKAMLA's cohesion and general coordination (Azis et al., 2017, p. 7; Laksmana, 2022, p. 136; "Penegakan hukum di laut masih memiliki hambatan," 2014). Lastly, the legal basis for the organisation is a presidential regulation (Presidential Regulation No. 178 of 2014; President of the Republic of Indonesia, 2014), which is deemed weak (Wulansari, 2014). All these concerns have led to the discussion of establishing a new agency (Umbio, 2020, p. 291).

In 2008, Indonesia enacted a law regarding shipping (Republic of Indonesia, 2008). It focused on regulating the security and safety of navigation in Indonesian maritime areas. This law has a particular chapter related to maritime and coastal protection, with a law enforcement mandate not limited to the shipping sector alone. Chapter XVII of this law provides orders to establish an institution whose function is to guard the sea and coast. This institution has the function of guarding and enforcing all "legislations" at sea and beaches. "Legislations" here refer to all Indonesian national laws that apply in maritime and coastal areas (Republic of Indonesia, 2008, Article 276). This institution was made directly responsible to the president of Indonesia. To realise this institution legally and formally, the Shipping Law provided a mandate to be established through government regulation (Republic of Indonesia, 2008, Articles 278–279). However, to this day, the government regulation in question has never been implemented.

Instead, in 2014, Indonesia established a similar institution, BAKAMLA, which in effect is the Indonesian Coast Guard. This agency's legal basis is Law No. 32 of 2014 (Republic of Indonesia, 2014). BAKAMLA was established under the Presidential Regulation No. 178 of 2014 (President of the Republic of Indonesia, 2014) and formally replaced the previous institution, BAKORKAMLA. Under Law No. 32/2014, BAKAMLA, as a law enforcement agency, only has the authority to stop, inspect, arrest, seize, and transfer sea vessels to the relevant authorised agency for further legal proceedings (Aprilia et al., 2023, p. 2257). Glaringly obvious is that BAKAMLA needs further investigative authorisation. Notwithstanding, this design differentiates BAKAMLA from the rest of the current law enforcement agencies at sea and its authority does not overlap with other institutions.

Not only is BAKAMLA expected to perform better in maritime security governance, but it is also designed to have a more robust and significant role in Indonesian maritime security efforts. Under Article 3 of the Presidential Regulation No. 178 of 2014 (President of the Republic of Indonesia, 2014), BAKAMLA possesses the functions of formulating national policies in the field of security and safety in Indonesian waters and jurisdiction; organising an early warning system for security and safety; carrying out safeguards, supervision, prevention, and enforcement of legal violations; synergise and monitor the implementation of water patrols by related agencies; provide technical and operational support to related agencies; providing search and rescue assistance in Indonesian territorial waters and jurisdiction; and carry out other tasks in the national defence system.

According to Laksmana (2022, p. 135), Indonesia's maritime law enforcement architecture has a division of labour issues, which vary from problem to problem. Some are operational (e.g., lack of assets), while others are political, economic, and strategic. Even on a single issue—illegal, unregulated, and unreported fishing—inter-agency coordination challenges and judicial and bureaucracy corruption generate marine law enforcement problems, according to some scholars (Mubarok, 2019a, p. 115; Scarpello, 2020). Policymakers

lack maritime, environmental, and natural resource awareness, which is another issue. Unresolved maritime boundaries with Indonesia's neighbours and China's South China Sea assertiveness have also been blamed (Sodik, 2018, p. 707).

### 3. BAKAMLA as the Law Enforcement at Sea

There have been two new and important regulations related to BAKAMLA. First, Government Regulation No. 13 of 2022 (Government of Indonesia, 2022), which is designed to ease the transition of BAKAMLA's role in maritime security operations before revising the current law (Humas FHUI, 2022). It includes details on the authority of BAKAMLA, such as synergising patrol schedules between agencies and coordinating the patrols for all government vessels.

The second regulation is the Presidential Regulation No. 59 of 2023 (President of the Republic of Indonesia, 2023). This regulation provides a more detailed action plan for Indonesian maritime security efforts. It stipulates clear objectives and responsibilities for the agency. BAKAMLA is entrusted with several tasks, such as the alignment of independent patrol area sectors, revitalisation of monitoring stations and beach radio stations, and synergising patrols between agencies.

Compared to its predecessor, the BAKORKAMLA agency, BAKAMLA has enhanced functions, authority, and cooperation. BAKAMLA has six functions, while BAKORKAMLA only had the following three: (a) formulating and determining general maritime security policies; (b) coordinating maritime security tasks, including guarding, supervising, preventing, and prosecuting law violations; and (c) securing shipping and community and government activities in Indonesian waters. Unlike BAKORKAMLA, BAKAMLA gained further powers. Article 4 of the Presidential Regulation No. 178 of 2014 and Article 63, Paragraph 1 of Law No. 32 of 2014 (Republic of Indonesia, 2014) allows for pursuit, interdiction, stop and inspection, arrest, and transference of foreign sea vessels to competent authorities for legal proceedings, and to integrate security and safety information systems in Indonesian territorial waters. Initial BAKORKAMLA cooperation incorporated existing institutions. With additional authority and tasks, overall BAKAMLA coordinates more effectively. It must also lead maritime security, not just coordinate with other entities. Finally, BAKAMLA has increased its marine security presence and control in Indonesia. Its authority and role are strengthened by a better regulatory framework, although not yet perfect.

Ad-hoc agreements and informal understandings between agencies have worked to ease tensions. The Indonesian Navy (Angkatan Laut) was previously authorised to undertake all law enforcement issues at sea except asylum seekers and illegal forestry matters. In contrast, the Marine Police Unit was not allowed to handle illegal, unregulated, and unreported fishing, which was the responsibility of the Ministry of Fisheries (Jatmiko & Tandiarrang, 2014, p. 31). The 2020 North Natuna Sea incident with China (Ng, 2020) prompted maritime officials to use the "class captain" concept, where one agency assigns patrol assets and actions to another in a confined area. The informal agreement was so BAKAMLA would be in a position to fulfil all these responsibilities. Although these power-sharing arrangements are not ideal, maritime policymakers recognised that political and legal improvement are needed to fully "integrate" the agencies and to "review and harmonize" the hundreds of overlapping rules and regulations which are burdensome and costly (Laksmiana, 2022, p. 137).

#### 4. Challenges for BAKAMLA as the Indonesian Coast Guard

BAKAMLA faces numerous practical challenges. These range from overlapping jurisdiction with other institutions, lack of full investigative authority, and facility issues. As mentioned, BAKAMLA has certain functions, such as patrols and inspections on overlapping jurisdiction issues. However, at the same time, other institutions have the right to patrol, inspect, and have the fleet to support that role. It should be noted that each agency has its limitations in terms of resources and scope. However, this might have unintended consequences in practice as ships that pass through Indonesian waters may experience multiple checks from different institutions. This will result in higher costs, delays, and uncertainty (Dewi & Purnamasari, 2021, p. 8).

Another of BAKAMLA's functions is also claimed by another institution. Article 276 of Law No. 17 of 2008 (Republic of Indonesia, 2008) mentions that the Sea and Coast Guard are mandated to exercise maritime security efforts. Ideally, this mandate should be specified by a government regulation establishing the agency. However, until now, required regulation has yet to be introduced. Interestingly, KPLP believed that Article 276 referred to them and so claimed to be the Indonesian Coast Guard (Puspitawati et al., 2020, p. 510). Contrary to this, BAKAMLA received a mandate from another law, Law No. 32 of 2014, which covers a broader mandate, exceeding shipping and port issues. However, the latter law does not amend or harmonise with the Shipping Law.

The third challenge to the operation of BAKAMLA is the lack of authority to perform full investigations. The status quo now allows BAKAMLA to perform an initial investigation of ships during its patrol and pursuit, as provided by Article 61 of Law No. 32 of 2014 (Republic of Indonesia, 2014). The procedure instructs BAKAMLA to send the perpetrator to another agency with related competencies to investigate further. This limits the power of BAKAMLA and will be problematic since, in practice, BAKAMLA should be an all-encompassing, fully integrated agency (Ansori et al., 2017, p. 64). In addition, there is a severe concern over the Navy and BAKAMLA distrust, especially the patrolling superiority in the economic exclusive zone area (Sodik, 2018, p. 759). Information exchange and intelligence sharing are considered important, but maritime intelligence is highly restricted (Supriyanto, 2016, pp. 112–113). PSDKP fishery supervisors have patrol assets and the authority to carry guns, arrest and detain ships and individuals, and burn illegal fishing vessels, which can exacerbate coordination problems when information is not shared (Laksmna, 2022, p. 137).

The last challenge is the disproportion between the area mandated to be monitored by BAKAMLA and the number of fleet facilities owned by BAKAMLA (Laksmna, 2022, p. 139). It is undeniable that Indonesia has a vast maritime area, which is costly and difficult to monitor, let alone enforce rules and laws. BAKAMLA is responsible for surveillance in all Indonesian waters with regard to sovereignty and territorial rights. However, BAKAMLA only owns 10 patrol ships. This number is woefully inadequate, as the head of BAKAMLA stated that 60 is the ideal number for its fleet (Gunawan, 2020).

#### 5. Observing BAKAMLA: Unexpected Hero or Villain?

Initially, BAKAMLA was designed to be the hero that leads the improvement of maritime security governance in Indonesia (Gantika et al., 2023, p. 13; Republic of Indonesia, 2014). However, some of its

duties and authority mean that BAKAMLA is also considered a threat to some (Ardyantara et al., 2020, pp. 416–417). In this section, the article delves more into how these perceptions are managed within institutions across the maritime security realm of Indonesia. Further, it is necessary to analyse the latest development of the plan to revise Law No. 32 of 2014 and specifically what this means for the future of BAKAMLA.

Considering the above challenge, it is crucial to see the role and function of BAKAMLA from several perspectives, both internal and external. These perspectives and thoughts form a general understanding, agreed idea, or differing perceptions that arise from various sources. This will give a better understanding of how BAKAMLA operates and interacts with other agencies. With this in mind, interviews have been conducted with several maritime security agencies, such as the KPLP under the Ministry of Transportation and the PSDKP from the Ministry of Fisheries of Indonesia, as well as BAKAMLA itself.

This research recognises that there are at least three main issues related to the existence of BAKAMLA's capacity as the lead authority in Indonesia's maritime security governance. They are (a) the need to have an institution like BAKAMLA, (b) the evaluation of the BAKAMLA's current authorities, and (c) general expectation for an improved "BAKAMLA."

### **5.1. Urgency of BAKAMLA as the Indonesian Coast Guard**

There is general agreement that an institution like BAKAMLA must be established. This is due to Indonesia's geographical maritime conditions, as well as multifaceted challenges and threats that are both internal and external (Pashya & Gozali, 2023). The complex web of issues and considerations, as highlighted by several key stakeholders, amplifies the need for a specialised agency like BAKAMLA to manage and safeguard Indonesia's maritime interests effectively (Manulang & Setiyono, 2023, p. 5935).

BAKAMLA's comprehensive mandate for maritime law enforcement, coupled with its significant role in responding to maritime incidents and ensuring compliance with maritime laws for national and foreign vessels, points to its indispensable role in upholding Indonesia's maritime security. This role is especially critical considering Indonesia's domestic and global recognition of the importance of maritime security, particularly concerning the preservation of territorial integrity and the protection of valuable marine resources within Indonesian territorial waters (Palupi, 2018, p. 178).

Furthermore, based on a historical perspective on the progression of maritime institutions, Indonesia developed several sectoral ministries and/or agencies to combat significant crimes such as illegal fishing and other transnational crimes via the sea. These crimes and incidents at sea often impact multiple law jurisdictions. For example, during the arrest of foreign illegal fishing vessels by PSDKP, officers may also find trafficked drugs or humans which are the responsibilities of the National Narcotics Agency and Police authorities (Mubarok, 2019b, p. 114). These highlight the urgency for BAKAMLA's establishment as a specialised maritime law enforcement body with the power to synergise the collaboration of various agencies.

However, the ongoing issues surrounding the overlapping authority among maritime law enforcement agencies and the varying interests at play emphasise the critical role that BAKAMLA must assume to address these effectively. This further reinforces the urgency for establishing a robust and coordinated maritime



governance structure led by BAKAMLA to ensure effective collaboration and management of Indonesia's vast and diverse maritime domain (Aryani, 2021, p. 167). As such, BAKAMLA's establishment remains imperative in addressing the complex and dynamic nature of Indonesia's maritime security landscape.

### **5.2. Evaluating BAKAMLA's Authorities**

The evaluation of the existence of BAKAMLA, as essentially the Indonesian Coast Guard, necessitates a comprehensive understanding of the challenges and dynamics within Indonesia's maritime security governance. Critical insights from various stakeholders shed light on the intricate issues shaping the agency's role and effectiveness. One of the primary issues highlighted is the problem of overlapping jurisdiction among multiple agencies involved in maritime law enforcement. This lack of clear demarcation has led to inefficiencies and delays in addressing critical maritime incidents. The absence of a coherent and unified approach has confused and hindered the effective response to maritime security threats and challenges.

In contrast, other perspectives emphasise various maritime agencies' distinct and complementary roles, including BAKAMLA. They also underscore the central coordinating role of BAKAMLA in the broader maritime security framework, highlighting the agency's contribution to the overall governance and coordination of maritime security efforts (Aziz, 2018, p. 441). This perspective suggests that BAKAMLA enhances and strengthens the existing governance structure rather than creating additional challenges or conflicts (Dewi et al., 2020, p. 101). However, certain limitations have been noted regarding BAKAMLA's authority and investigative powers (Abraham, 2017, p. 4). Concerns have been raised regarding the potential impact of BAKAMLA's activities on the patrol authority of other maritime agencies (Puspitawati et al., 2020, p. 508). Some stakeholders expressed that BAKAMLA's expanded role could potentially encroach upon the responsibilities and authorities of other agencies, leading to conflicts and challenges in the maritime law enforcement domain (Laksmana, 2022, p. 123).

Furthermore, the historical perception of BAKAMLA as a new, controversial, and weak agency has evolved, with growing political support to bolster its role and effectiveness. Despite initial opposition from various maritime law enforcement agencies, the growing support for BAKAMLA has led to a more collaborative and cohesive approach to addressing overlapping challenges and ensuring the agency's role aligns with the broader objectives of Indonesia's maritime security governance. In evaluating the existence of BAKAMLA, it is crucial to recognise the need for a balanced and coordinated approach that addresses the challenges of overlapping jurisdiction while leveraging the agency's central coordinating role.

### **5.3. Indonesian Coast Guard Institution Ahead**

It should be noted that Law No. 32 of 2014 has positively contributed to the development, management, and protection of the maritime sector in Indonesia. However, the positive contribution of this institution has yet to be followed by the development of maritime law enforcement. The handling of maritime law enforcement is still constrained by the lack of cross-sectoral coordination and frequent differences in the perception of authority among law enforcement agencies at sea, which has led to a siloed and exclusive work culture. This situation makes it highly possible for miscoordination and disharmony to occur, causing security and law enforcement at sea to be ineffective and inefficient. In addition, Law No. 32 of 2014 (Republic of Indonesia, 2014) abstained from harmonising Chapter XVII of Law No. 17 of 2008 (Republic of Indonesia,



2008), which has a regulation that resembles Chapter IX of the latter law regarding law enforcement in Indonesian waters. This means the dualism of the Coast Guard institution still needs to be solved.

The future trajectory of BAKAMLA, as the embryo of the Indonesian Coast Guard, is intricately tied to the concerted efforts to improve inter-agency coordination and ensure its legal responsibilities. Different agencies have various hopes and potential trajectories of BAKAMLA in the evolving landscape of Indonesia's maritime security governance. Enhancing coordination among pertinent agencies remains a focal point for effectively managing maritime incidents. Establishing clear protocols and efficient communication lines ensures a synchronised and timely response to emerging maritime challenges. Strengthening collaboration among the involved agencies remains a priority to foster a more cohesive and integrated approach to maritime security.

Looking ahead, optimism is shared by some in BAKAMLA's ability to effectively fulfil its legal obligations, serving as an advisory and coordinating force within Indonesia's maritime domain. Emphasising the complexity of Indonesia's maritime challenges, a network of specialised institutions is necessary to manage the diverse array of maritime issues effectively. This perspective underlines the crucial role that BAKAMLA is expected to play in ensuring the safety and security of Indonesia's extensive maritime resources.

BAKAMLA's envisioned role as a Coast Guard agency with the authority to enforce maritime safety standards represents a crucial aspect of its future function, as articulated by the agency itself. In addition to its responsibility in law enforcement, search and rescue operations, and overall protection at sea, the agency's efficacy relies heavily on comprehensive regulatory support. Implementing necessary regulatory reforms, backed by high-level political support and effective inter-agency coordination, will substantially boost BAKAMLA's authority and enhance its overall effectiveness in safeguarding Indonesia's maritime interests. With these considerations in mind, the outlook for BAKAMLA hinges on successfully implementing streamlined communication protocols, strengthened collaboration, and comprehensive regulatory reforms. Addressing these challenges will be fundamental to empowering BAKAMLA as a central pillar in Indonesia's maritime security governance, ensuring the preservation and protection of the nation's vital maritime resources and territorial integrity (Pashya & Gozali, 2023).

With specific consideration of the above, Law No. 32 of 2014 is being revised with specific attention to Coast Guard institutional improvements. The revision initiative came from the Regional Representative Council (Dewan Perwakilan Daerah [DPD]), which recognises the need to improve maritime sector governance, particularly law enforcement. On 15 December 2022, the DPD officially proposed the Bill on the Amendment of Law No. 32 of 2014 at the *Prolegnas* (National Legislation Priority) meeting. This legislative package was also considered in the 2022 priority DPD proposal ("PPUU DPD RI usulkan tiga RUU masuk prolegnas tahun 2023," 2022). The proposed bill for the 2022 legislative programme allowed for maritime responsibilities to increase from five to six duties. This project seeks legal certainty in maritime law enforcement that ensures governance at sea can be controlled and safely applied, free from threats to navigation, marine environmental damage, and legal violation threats, to achieve national development goals (Humas Bakamla RI, 2023).

The proposed revision to Law No. 32 of 2014 is to harmonise Chapter XVII of the Law No. 17 of 2008 (Republic of Indonesia, 2008). The overlapping areas under the two laws will be merged into the new law. Some legal enforcement authorities will only be given to BAKAMLA, while the Ministry of Transportation will retain some

responsibilities relevant to navigational matters. There is also a discussion of merging personnel and resources of KPLP and BAKAMLA to end the dualism of the Indonesian Coast Guard in the future (“Pemerintah sepakat bentuk Indonesian Coast Guard,” 2023). Consequently, the new Indonesian Coast Guard will have investigative power that will focus on violations of navigational provisions. This will avoid further overlapping of authority with other law enforcement agencies in Indonesian waters.

## 6. Conclusion

BAKAMLA has been through a transformation process, to achieve improvement in numerous aspects. In addition, other institutions’ perceptions towards BAKAMLA have also evolved. The common dilemma is the division of authority between the agencies and collaboration to pursue a common interest, namely protecting Indonesian waters. Having several law enforcement institutions for this has not achieved results. This is due to sectoral mandates with different or fragmented laws. The proposal to integrate law enforcement at sea into a single agency remains a challenge to realise. Trust issues, division of labour and resources, political will, and different bureaucratic processes among law enforcement institutions hinder the improvement of maritime security governance.

However, the general aspiration to improve maritime security governance remains universal in Indonesia. Pressure from commercial users of the Indonesian waters, encroachments from external powers on Indonesian borders, and constant threats of transnational crimes via the sea have been the factors that warrant better maritime governance. Giving authority to only one institution appears to be the best solution. Indonesia is trying to compromise on different proposals by establishing BAKAMLA as the chief commander of the collective effort to secure the sea. Even if it only absorbs some of the collective authority from other agencies, it will harmonise operations for better results. This was the intention, as stipulated in Government Regulation No. 13 of 2022 (Government of Indonesia, 2022).

Lastly, significant challenges arising from overlapping responsibilities and authorities have led to inefficiency and the perception of BAKAMLA as a “stepchild” institution. A proposal to create a new Indonesian Coast Guard, professionalising and integrating the agencies of KPLP and BAKAMLA into a more coherent and competent maritime and Coast Guard structure, has been discussed, and appears to be the best option to address these challenges. However, the successful implementation of this proposal will depend on careful planning, regulatory changes, policy support, and practical cooperation between relevant authorities to streamline and improve Indonesia’s maritime law enforcement mechanisms moving forward. The new president of Indonesia in 2024, whoever that might be, will have to regularly assess the region and ensure that the nation is ready to respond appropriately when required, and a well-resourced and well-defined institution like BAKAMLA will help Indonesia protect its maritime interests and fulfil its responsibilities as a sovereign state.

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## References

- Abraham, A. (2017). Indonesian maritime law enforcement: Progress and problems. *Indonesian Journal of International Law*, 15(1), Article 1. <https://doi.org/10.17304/ijil.vol15.1.716>
- Afriansyah, A., Darmawan, A. R., & Pramudianto, A. (2022). Enforcing law in unresolved maritime boundaries: Indonesian border experience. *The International Journal of Marine and Coastal Law*, 37(2), 282–299. <https://doi.org/10.1163/15718085-bja10092>
- Ansori, A., Ikhsanudin, A. H., & Suhardono, E. (2017). Sinergi BAKAMLA dengan TNI AL guna penanggulangan tindak pidana di laut dalam rangka penegakan hukum. *Jurnal Prodi Strategi Pertahanan Laut*, 3(3), 47–68. <https://doi.org/10.33172/SPL.V3I3.139>
- Aprilia, W., Sutanto, R., Prakoso, L. Y., Priyanto, P., & Adriyanto, A. (2023). The efforts of the Maritime Security Agency in preventing transnational crime at the state frontier are viewed from the strategic position of the Riau Islands. *International Journal of Social Science*, 2(5), 2252–2260. <https://doi.org/10.53625/ijss.v2i5.4962>
- Ardyantara, D. M., Sukarna, K., Sadono, B., & Arifin, Z. (2020). Reposisi kewenangan antar lembaga negara dalam pengaturan terkait pertahanan keamanan maritim nasional. *USM Law Review*, 3(2), 404–418. <http://dx.doi.org/10.26623/julr.v3i2.2593>
- Aryani, C. (2021). Mendorong lahirnya RUU keamanan laut dalam penguatan sistem keamanan laut nasional. *Jurnal Pembangunan Hukum Indonesia*, 3(2), 155–173. <https://doi.org/10.14710/jphi.v3i2.155-173>
- Azis, N. A., Setyawanto R, L. T., & Hardiwinoto, S. (2017). Kewenangan badan keamanan laut (Bakamla) dalam pelaksanaan pengamanan di wilayah perairan Indonesia. *Diponegoro Law Journal*, 5(4), 1–13. <https://ejournal3.undip.ac.id/index.php/dlr/article/view/15743>
- Aziz, M. F. (2018). Developing joint development zone in disputed maritime boundaries. *Indonesian Journal of International Law*, 15(4), 432–448. <https://doi.org/10.17304/ijil.vol15.4.735>
- Chapsos, I., & Malcolm, J. A. (2017). Maritime security in Indonesia: Towards a comprehensive agenda? *Marine Policy*, 76, 178–184. <https://doi.org/10.1016/j.marpol.2016.11.033>
- Cribb, R., & Ford, M. (2009). *Indonesia as an archipelago: Managing islands, managing the seas*. ISEAS—Yusof Ishak Institute. <http://hdl.handle.net/2123/16146>
- Darajati, M. R., & Syafei, M. (2018). Politik hukum pembentukan badan keamanan laut dalam menjaga keamanan maritim di Indonesia. *Era Hukum—Jurnal Ilmiah Ilmu Hukum*, 16(1), 107–127. <https://doi.org/10.24912/erahukum.v16i1.2379>
- Dewi, Y. K., Afriansyah, A., & Darmawan, A. R. (2020). Comparative law enforcement model at sea: Lesson learned for Indonesia. *Indonesian Journal of International Law*, 18(1), 83–104. <https://doi.org/10.17304/ijil.vol18.1.802>
- Dewi, Y. K., & Purnamasari, D. (2021). Costs of maritime security inspection to merchant ship operations—The Indonesian shipowners' perspective. *Australian Journal of Maritime & Ocean Affairs*, 15(1), 38–53. <https://doi.org/10.1080/18366503.2021.1962059>
- Dirhamsyah, D., Umam, S., & Arifin, Z. (2022). Maritime law enforcement: Indonesia's experience against illegal fishing. *Ocean & Coastal Management*, 229, Article 106304. <https://doi.org/10.1016/j.ocecoaman.2022.106304>
- Gantika, N., Prayitno, R., & Yandi, R. (2023). Upaya badan keamanan laut dalam penegakan hukum terhadap tindak pidana kelautan. *Science and Research Journal of Mai Wandeu*, 3(1), 8–16.
- Government of Indonesia. (2022). *Government Regulation No. 13 of 2022 on implementing security, safety, and law enforcement in Indonesian water and jurisdiction areas*.
- Gunawan, D. (2020, September 18). Di Natuna, kapal Bakamla hadapi China dengan meriam 12,7 MM.

- detikNEWS. <https://news.detik.com/berita/d-5178289/di-natuna-kapal-bakamla-hadapi-china-dengan-meriam-127-mm>
- Hakim, R. N., & Krisiandi. (2020, February 12). Jokowi sebut nantinya hanya Bakamla yang berwenang jaga laut Indonesia. *KOMPAS*. <https://nasional.kompas.com/read/2020/02/12/20315571/jokowi-sebut-nantinya-hanya-BAKAMLA-yang-berwenang-jaga-laut-indonesia>
- Humas Bakamla RI. (2023, May 26). Bakamla RI hadiri rapat kerja PPUU DPD RI, bahas revisi UU. *Badan Keamanan Laut*. [https://bakamla.go.id/publication/detail\\_news/bakamla-ri-hadiri-rapat-kerja-ppuu-dpd-ri-bahas-revisi-uu](https://bakamla.go.id/publication/detail_news/bakamla-ri-hadiri-rapat-kerja-ppuu-dpd-ri-bahas-revisi-uu)
- Humas FHUI. (2022, June 16). Webinar: Kebijakan penegakan hukum keamanan laut pasca penerbitan PP No. 13 tahun 2022. *Fakultas Hukum Universitas Indonesia*. <https://law.ui.ac.id/webinar-kebijakan-penegakan-hukum-keamanan-laut-pasca-penerbitan-pp-no-13-tahun-2022>
- Ikrami, H., & Bernard, L. (2018). Indonesia's maritime governance: Law, institutions and cooperation. *The Korean Journal of International and Comparative Law*, 6(2), 134–171. <http://dx.doi.org/10.1163/22134484-12340110>
- Ilham, M., Nur, N. M., & Hipan, N. (2022). Kedudukan badan keamanan laut (bakamla) dalam penegakkan hukum di wilayah laut Indonesia. *Jurnal Yustisiabel*, 6(1), 55–69. <https://doi.org/10.32529/yustisiabel.v6i1.1591>
- Jatmiko, B., & Tandiarang, F. J. (2014). *Designing for inter-organisational coordination in Indonesia's maritime domain* [Unpublished master's thesis]. Indonesia Naval Postgraduate School.
- Kurniaty, R., Herman, S., & Setyo, W. (2021). The role of Marine Security Agency (BAKAMLA) as sea and coast guards in Indonesian water jurisdiction. *Fiat Justisia: Jurnal Ilmu Hukum*, 15(3), 221–232. <https://doi.org/10.25041/fiatjustisia.v15no3.2017>
- Laksmiana, E. A. (2022). Remodelling Indonesia's maritime law enforcement architecture: Theoretical and policy considerations. *Contemporary Southeast Asia*, 44(1), 122–149. <https://doi.org/10.1355/cs44-1e>
- Manulang, M. O., & Setiyono, J. (2023). Maritime security from the perspective of international regulations and enforcement in Indonesia. *International Journal of Social Science and Human Research*, 6(10), 5931–5936. <https://doi.org/10.47191/ijsshr/v6-i10-18>
- Maulana, H., & Ika, A. (2019, April 29). 2 kapal pemerintah Vietnam tabrak KRI Tjiptadi-381 yang sedang patroli. *KOMPAS*. <https://regional.kompas.com/read/2019/04/29/08345151/2-kapal-pemerintah-vietnam-tabrak-kri-tjiptadi-381-yang-sedang-patroli>
- Minister of Defense and Security/Commander of the Armed Forces, Minister of Transportation, Minister of Finance, Minister of Justice, & Attorney General. (1972). *Joint Decree of the Minister of Defense and Security/Commander of the Armed Forces, Minister of Transportation, Minister of Finance, Minister of Justice, and Attorney General, Number: KEP/B/45/XII/1972; SK/901/M/1972; KEP.779/MK/III/12/1972; J.S.8/72/1; KEP-085/J.A/12/1972 concerning the establishment of a security coordination agency at sea and a joint operations command for security at sea*.
- Mubarok, Z. (2019a). *Illegal, unreported, and unregulated fishing and transnational organized fisheries crimes: Perspectives of legal and policy measures of Indonesia* [Unpublished doctoral dissertation]. University of Wollongong.
- Mubarok, Z. (2019b). Indonesia legal analysis of IUU fishing and transnational organized fisheries crimes: Loopholes and proposed measures. *Indonesian Journal of International Law*, 17(1), 113–137, <https://doi.org/10.17304/ijil.vol17.1.780>
- Ng, J. (2020, January 15). The Natuna sea incident: How Indonesia is managing its bilateral relationship with China. *The Diplomat*. <https://thediplomat.com/2020/01/the-natuna-sea-incident-how-indonesia-is-managing-its-bilateral-relationship-with-china>

- Palupi, D. A. (2018). The role of Bakamla in law enforcement in Indonesian waters and Indonesian jurisdiction. In D. Ahmadi, L. Halimah, A. Satriani, R. Adwiyah, Alhamuddin, D. A. N. Sirodj, & A. N. Permatasari (Eds.), *Proceedings of the Social and Humaniora Research Symposium (SoRes 2018)* (pp. 177–179). Atlantis Press. <https://doi.org/10.2991/sores-18.2019.41>
- Pashya, M. H., & Gozali, G. (2023). *Bakamla's duty and the challenges in securing Indonesia's waters* (THC Insights No. 41). Habibie Center. <https://www.habibiecenter.or.id/img/publication/1fc7eae1fa85dd018209c0e628f7ebf8.pdf>
- Pemerintah sepakat bentuk Indonesian Coast Guard melalui fusi antara Bakamla dan KPLP. (2023, June 27). *Kementerian Koordinator Bidang Kemaritiman dan Investasi*. <https://maritim.go.id/detail/pemerintah-sepakat-bentuk-indonesian-coast-guard-melalui-fusi-antara-bakamla-dan-kplp>
- Penegakan hukum di laut masih memiliki hambatan. (2014, December 3). *Hukumonline*. <https://www.hukumonline.com/berita/a/penegakan-hukum-di-laut-masih-memiliki-hambatan-lt547f2fca0e249/#>
- PPUU DPD RI usulkan tiga RUU masuk prolegnas tahun 2023. (2022, 20 September). *Dewan Perwakilan Daerah*. <https://dpd.go.id/daftar-berita/ppuu-dpd-ri-usulkan-tiga-ruu-masuk-prolegnas-tahun-2023>
- President of the Republic of Indonesia. (2005). *Presidential Regulation No. 81 of 2005 on the Maritime Security Coordinating Agency (BAKORKAMLA)*.
- President of the Republic of Indonesia. (2014). *Presidential Regulation No. 178 of 2014 on Badan Keamanan Laut*.
- President of the Republic of Indonesia. (2023). *Presidential Regulation No. 59 of 2023 on national policy for security, safety and law enforcement in Indonesian waters and jurisdiction*.
- Prissandi, G., Wiranto, S., Said, B. D., Widodo, P., Saragih, H. J. R., & Suwarno, P. (2023). Reformulation of regulations in the context of structuring the Indonesian maritime security regime. *International Journal of Humanities Education and Social Sciences*, 2(6), 1969–1983. <https://doi.org/10.55227/ijhess.v2i6.533>
- Purwanto, H., & Mangku, D. G. S. (2016). Legal instrument of the Republic of Indonesia on border management using the perspective of archipelagic state. *International Journal of Business, Economics and Law*, 11(4), 51–59.
- Puspitawati, D., Hadiyantina, S., Susanto, F. A., & Apriyanti, N. (2020). Law enforcement at Indonesian waters: Bakamla vs. sea and coast guard. *Indonesian Journal of International Law*, 17(4), 495–518. <https://doi.org/10.17304/ijil.vol17.4.797>
- Republic of Indonesia. (1996). *Law No. 6 of 1996 on Indonesian waters*.
- Republic of Indonesia. (2008). *Law No. 17 of 2008 on shipping*.
- Republic of Indonesia. (2014). *Law No. 32 of 2014 on ocean affairs*.
- Scarpello, F. (2020). Susi versus the rest: The political economy of the fisheries industry in Indonesia during Jokowi's first term. *Asian Journal of Political Science*, 28(2), 122–141. <https://doi.org/10.1080/02185377.2020.1774908>
- Slamet, S. A., Djaenuri, A., Effendy, K., & Lukman, S. (2020). Efektivitas badan keamanan laut dalam melaksanakan fungsi penegakkan hukum di perairan laut Indonesia. *Papatung: Jurnal Ilmu Administrasi Publik, Pemerintahan Dan Politik*, 2(3), 178–189. <https://doi.org/10.54783/japp.v2i3.29>
- Sodik, D. M. (2018). The outermost small islands of the Indonesian archipelago: A legal analysis. *The International Journal of Marine and Coastal Law*, 33(4), 706–767. <https://doi.org/10.1163/15718085-13310001>
- Suharyo, O. S., & Bastari, A. (2021). Review strategis upaya pengamanan laut nasional menuju keamanan maritim dan pengelolaan ruang laut Indonesia. *REKAYASA Journal of Science and Technology*, 14(3), 443–449. <https://doi.org/10.21107/rekayasa.v14i3.13087>

- Supriyanto, R. A. (2016). Naval counter-piracy in Indonesia. In C. Liss & T. Biggs (Eds.), *Piracy in Southeast Asia: Trends, hot spots and responses* (pp. 112–113). Routledge.
- Umbio, R. S. (2020). Juridical review of authority overlapping issues in law enforcement in marine and coastal area. *The 2nd International Conference and Call Paper*, 1(1), 289–300. <https://jurnal.unissula.ac.id/index.php/lics/article/view/13739>
- Wulansari, E. M. (2014). Penegakan hukum di laut dengan sistem single agency multy tasks. *Jurnal Rechtsvinding*, 2014, 1–6. [https://rechtsvinding.bphn.go.id/jurnal\\_online/PENEGAKAN%20HUKUM%20DI%20LAUT%20DENGAN%20SISTEM%20SINGLE%20AGENCY%20MULTY%20TASKS.pdf](https://rechtsvinding.bphn.go.id/jurnal_online/PENEGAKAN%20HUKUM%20DI%20LAUT%20DENGAN%20SISTEM%20SINGLE%20AGENCY%20MULTY%20TASKS.pdf)

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