

**THE INDONESIAN GOVERNMENT AUTHORITY IN SECURING INDONESIAN
ARCHIPELAGO SEA LANES (ASLs/ALKI)**

Sartono¹, Budi Pramono², Lukman Y. Prakoso³ and Dohar Sianturi⁴

¹Graduate School, Faculty of Defense Strategy, Indonesia Defense University,
Jl. Sentul - Citeureup, Sentul, Kec. Citeureup, Bogor, Jawa Barat 16810, Indonesia

²Lecturer of Graduate School, Indonesia Defense University,
Jl. Sentul - Citeureup, Sentul, Kec. Citeureup, Bogor, Jawa Barat 16810, Indonesia

³Lecturer of Graduate School, Indonesia Defense University,
Jl. Sentul - Citeureup, Sentul, Kec. Citeureup, Bogor, Jawa Barat 16810, Indonesia

⁴Secretary of Graduate School, Faculty of Defense Strategy, Indonesia Defense University,
Jl. Sentul - Citeureup, Sentul, Kec. Citeureup, Bogor, Jawa Barat 16810, Indonesia

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ABSTRACT

As a large archipelagic country in the world, Indonesia can become a maritime axis for the world. This great potential is very possible, given Indonesia's position in a strategic crossroads for world shipping in the Asia Pacific region. The concept of an archipelagic state is getting stronger and obtaining international legality, but that legality must also be balanced by the government by establishing 3 Indonesian Archipelago Sea Route (ASLs) routes for the major interests of international shipping. This consequence is the big responsibility of the Indonesian government to be able to secure all maritime threats that arise. This study is to determine the impressions and efforts of the government in securing ASLS as part of the national security task. This research uses qualitative methods, and with a literature study design. This study finds that there are negative and positive impressions on the establishment of ASLs, the formation of new institutions that become the leading sector in efforts to safeguard Indonesia's territorial waters. Synergy and interoperability of all law enforcement and sovereignty agencies are needed in maintaining the stability of the security of Indonesian waters from traditional and non-traditional threats.

KEYWORDS: ALKI, Interoperability, Maritime Security, National Security, Sovereignty

1. INTRODUCTION

As a large archipelago country, of course Indonesia has the potential to become a maritime axis for the world. The maritime axis initiated by the President of the Republic of Indonesia Joko Widodo in the first period of his administration, is a strategic way to ensure connectivity between islands and islands, development of the maritime industry in the shipping and fisheries sector, improve services and infrastructure for marine transportation, and maintain maritime security stability. In this regard, the Government of Indonesia emphasizes the importance of development in the maritime sector for a sustainable economy and Indonesian national defense.

Being a maritime axis for the world, will be able to arouse the spirit of marine and strengthen Indonesia's identity as a maritime country, and provide positive opportunities in improving the sustainable national economy and national defense.[1] The potential to become a world maritime axis is very possible, given Indonesia's strategic position, being in a crossroads of two continents, Asia and Australia, the two Pacific and Indian oceans, and surrounded by Southeast Asian regional countries that are growing and developing their economies.

The concept of the existence of an archipelagic state is getting stronger with international recognition through the United Nations Convention on the Law of the Sea (UNCLOS III) on 10 December 1982 which took place in London, England. This convention is known as the Law of the Sea Convention or the Law of the Sea treaty, as an international treaty that replaces the International Quad-Treaty 1958 Convention on the High Seas. With international approval as an archipelagic country, Indonesia has the obligation to provide several navigation routes or international shipping that traverse Indonesia's territorial seas.[2]

Then in 1996, the Government of Indonesia submitted a proposal on the proposal to determine the Indonesian Archipelago Sea Channel (ASLs) in Indonesian territorial waters to the International Maritime Organization (IMO). The proposal was approved by IMO, and then there were 3 (three) ASLs regulated in Law Number 6 concerning Indonesian Waters. In general, ASLs can be interpreted as a sea lane that can be traversed by international ships and aircraft under normal rules, for transit that is direct, as fast and continuous as possible, and is not obstructed through or over territorial seas and archipelagic waters which are nearby, between the Indonesian Exclusive Economic Zone (ZEEI) or one part of the high seas, and another ZEEI or part of the high seas.

The benefits obtained by Indonesia from the establishment and regulation of ASLS are: (i) becoming an integral part of the world's maritime civilization in the framework of building a sustainable and sustainable marine economy; (ii) Indonesia is an important part of the transportation of world trade activities; (iii) Indonesia can take a bigger role in the activities of the Global Logistics Support System, especially those related to Sea Lanes Of Communication (SLOC) and Consolidated Ocean Web Of Communication (COWOC); (iv) the territorial waters of Indonesia and the ASLS therein as an essential bridge in Highly Accessed Sea Areas (HASA), where the Indian Ocean and the Pacific Ocean meet in Indonesian waters; and (v) a stopover for world shipping crossing ASLS with various cargoes, both dry and liquid bulk.

In addition to providing benefits to Indonesia's economic interests, opening the ASLs route can also be detrimental to defense and security, because it contains various threats and challenges that must be faced. The threats summarized include: (i) illegal fishing activity (IUU fishing); (ii) illicit trafficking in narcotics and illegal drugs, human and gun trafficking; (iii) terrorism; (iv) piracy and / or piracy at sea; (v) global warming and extreme climate change; (vi) illegal immigration; (vii) energy security

supply chain; (vii) food safety and clean water; and (viii) the main danger in the presence of private military companies (PMCs) in Indonesian waters to protect the interests of the charter country and other commercial interests. This private military company is a company that provides services and expertise related to the military or similar fields, usually hired by certain countries to protect the economic and political interests of their country.

The stipulation of the three ASLs as the right of peaceful passage for foreign ships and aircraft, which will pass in the waters of the Indonesian archipelago, is a form of simplification of the extent and number of accesses into and out of Indonesian territory (Hidayat et al., 2019). Thus, the waters and the air space above them must be guaranteed their safety from all forms of disturbances and threats that may arise at any time. Every ship passing on the ASLs route must be ensured for its safety while in transit, and this security is an absolute obligation of the Indonesian government as a provider of peaceful cross-shipping routes.

The three Indonesia ASLs or ALKI that have been regulated and established are from the north to the south, namely ALKI-I, ALKI-II and ALKI-III (at the southern end into three: ALKI-III A, ALKI-III B and ALKI-III C). (1) ALKI-I crossing is a shipping route from the Java Sea – Sunda Strait – Karimata Strait – Natuna Sea, and leads to the South China Sea, linking international shipping routes from western Australia and Africa to the South China Sea or Japan and vice versa. (2) ALKI-II links shipping routes from the Sulawesi Sea – Makassar Strait – Lombok Strait – Flores Sea, which links international shipping routes from Africa to Southeast Asia, Taiwan, China and Japan, as well as from Australia to Singapore, China and Japan, or vice versa (Nainggolan, 2015).

Meanwhile, (3) ALKI-III A is a shipping route link from the Pacific Ocean – Maluku Sea – Seram Sea (eastern part of Mongole Island) – Banda Sea (western part of Buru Island) – Ombai Strait – Savu Sea, this route links shipping routes from Western Australia to the Philippines and Japan, or vice versa. Then, ALKI-III B is a shipping route that links shipping from the Pacific Ocean across to the Maluku Sea – Seram Sea – Banda Sea – Leti Strait – Indian Ocean or vice versa. Next is ALKI-III C, which links international shipping routes from the Pacific Ocean – Maluku Sea – Seram Sea – Banda Sea – Arafura Sea, to eastern Australia and New Zealand, and vice versa.

The ALKI – III route generally links cross-border shipping routes in two open seas, namely the Indian Ocean in the southern hemisphere, and the Pacific Ocean in the northern hemisphere.[3] International shipping traffic routes that pass through ALKI can be seen in Figure 1 below.[4]



Figure 1. ALKI Shipping Routes

Source: Directorate General of Sea Transportation, Ministry of Transportation, Republic of Indonesia, 2019

From the description above, it can be seen how important and busy sea traffic is on the ALKI route for the interests of world trade and transportation, it is not wrong if the Archipelago State of the Republic of Indonesia is also called the World Maritime Axis. You can imagine the density of sea traffic in this archipelago, as an illustration, the density of sea traffic in the Sunda Strait alone, in a period of one year not less than 53 thousand ships of various types that pass.[2] The determination of the ALKI route for international shipping is of course a consequence that must be implemented by the Government of the Republic of Indonesia, namely ensuring the safety of shipping and flights in the designated ALKI area.

Safeguarding international shipping routes through Indonesian waters and the three ALKIs is the absolute responsibility of the Indonesian Government. Negligence and weakness in safeguarding Indonesian territorial waters and the three shipping routes in the ALKI can have an impact on the entry of foreign militaries to intervene in securing the territorial waters, as stated in UN Security Council Resolution Number 1816 dated June 2, 2008, as already stated. Set in Somali waters.[5]

With the condition of maritime security which is still quite apprehensive in some of these waters, of course it requires systematic efforts to maintain the conductivity of Indonesian waters from all security disturbances, transnational crimes, law and sovereignty. This is because, in fact, Indonesia still has

land and sea borders with 10 neighboring countries which up to now still have several border problems, especially those related to national borders at sea, which have not been completed. So that this can be a potential for the decline in maritime security stability due to the occurrence of transnational crimes and other crimes, which can be in the form of traditional and non-traditional threats.

Based on the background to the problems described above, this research will explain matters related to the impact and the Indonesian Government Authority in securing ALKI and its surrounding waters as a consequence of Indonesia establishing the ALKI's right of peaceful passage.

2. RESEARCH METHOD

The research method used here is a qualitative research method, with a literature study design (literature). Sugiyono, in 2019, said that the qualitative research method is a research method that uses the philosophical foundation of postpositivism.[6] This method is to examine the condition of natural objects, and the researcher himself is the key instrument in the research itself, while the data analysis is qualitative inductive, and the research results emphasize the meaning rather than generalization of the thing under study.

The literature study design, in terms of deepening the data, uses the basis of theoretical studies and other references related to the values, culture and norms that develop in the social situation being studied. Qualitative research emphasizes multiple dimensions, interactive and an exchange of social experiences that are interpreted by individuals.[7] The aim is to understand social phenomena from the perspective of the participant or object under study. The qualitative research method was chosen because it emphasizes the social phenomena that occur.

3. RESULT AND DISCUSSION

3.1 Indonesia ASLs (ALKI) in National Defense

Makmur Supriyatno, 2014, in his book, states that defense science is a science that studies the ways a country manages its national resources and strength during peacetime, war and after war, in order to face all military and non-military threats that threaten territorial integrity, sovereignty.[8] The state, and the safety of the entire nation in the context of realizing its national security. Meanwhile, Syarifudin Tippe, 2016, stated that defense science is an object of defense science itself, which represents the actions of a country in protecting and maintaining the sustainability and integrity of the country.[9] Defense science can also be said to be a science that studies all aspects related to security and safety in the national spectrum (national security), which are integrated into the objectives of national defense management.

Marsetio in a critical review of the book "Lintas Navigasi di Nusantara Indonesia", by Kresno Buntoro, 2014, explained that maritime security is part of the national security of a country, while national security in one aspect is national defense.[10] The foundation in implementing state defense is awareness of the rights and obligations of all citizens, as well as confidence in their own strength in

their efforts to maintain the survival of the nation and state. With a stable maritime security condition, it requires the involvement of all components of society, especially those carrying out activities in the maritime sector, through cooperation, interoperability and synergy of all parties, both government, private and military.

So that safeguarding Indonesian waters and the three ALKIs as one of the main things in the national interest in and or by sea will depend on government policies that are structured, systemic, consistent and serious in the architecture of its national strategy. Safeguarding the waters and the three ALKIs are important and vital, considering the impression that is generated if Indonesia is unable to secure it, namely the occurrence of violations of state sovereignty due to the entry of foreign military forces who interfere in securing Indonesian waters.

3.2. Legal Status of Indonesian Waters

Articles 2 and 49 of UNCLOS 1982 state that archipelagic states or coastal states are given the authority to have sovereignty in archipelagic waters and territorial seas. In this concept, Indonesia's view is to combine marine zones together into one term, namely Indonesian Waters. As stipulated in Law no. 6 of 1996 concerning Indonesian Waters, it is explained that Indonesia has sovereignty rights in the Indonesian waters, which consist of Indonesian territorial seas, archipelagic waters and inland waters. [10, pp. 18–19]

Although UNCLOS 1982 provides different formulations for territorial seas, archipelagic waters and inland waters, including rights held by other countries in their respective waters. However, Indonesia still formulates the three types of waters, in one term "Indonesian Waters". In this approach, when viewed from the nature of sovereignty in the three types of waters, basically it has differences. The difference in the level of sovereignty is, among others, in archipelagic waters and territorial seas, Indonesia slightly "releases" its sovereignty by providing accommodation in the form of traffic routes for the benefit of other countries in the form of shipping and flights in the waters / sea and the use of these waters / seas. Whereas in the interior waters of Indonesia, it is a water area that is closed to other countries, or does not recognize the rights of other countries in that territory.

The difference in the level of sovereignty can be understood where the three types of waters are located or seen from the beginning of their formation. When viewed from the place where the three types of waters / sea are located, inland waters have a higher and stronger level of sovereignty than the territorial sea, because inland waters are inland waters or closest to land. When viewed from the aspect of its formation, inland waters are the longest formed waters since the Middle Ages, based on the concept of inland waters. So that inland waters are very reasonable to get the highest level of sovereignty and no other country has access rights. In determining the sovereign rights over the waters of a country, the most important thing is knowing the extent to which the rights and obligations of that state, as well as what mechanisms will be taken, which can then be applied to law enforcement and maintain maritime security stability.

3.3. Challenges in Cross Peace ALKI

So far, Indonesian waters are one of the busiest shipping routes in the world. In a report issued by The United Nations Conference on Trade and Development (UNCTAD), entitled “Review of Maritime Transport 2008”, [11] states that world trade by sea will increase by 44 (forty four) percent by 2020, and by 2031 it is expected to double (analysis conducted before the Covid-19 Pandemic). The ALKI designation is a way to facilitate the sea user state in utilizing the right of peaceful passage in Indonesian waters for its interests.

As a country that has territorial sovereignty rights, this policy will certainly make it easier for Indonesia to oversee and safeguard the maritime sector. Therefore, of the many entry and exit gaps in Indonesian waters, only three routes have been officially opened, and this is of course a top priority to be implemented. As for the user country, whose ship will cross the shipping route, of course, it must follow all applicable procedures and regulations.

The increasing intensity of shipping will also encourage an increase in various kinds of problems that occur at sea. Until now, problems in maritime security have not found the right solution. Even in various discussion forums related to maritime issues, it has always been an important topic of discussion, in order to find solutions in overcoming this problem. Basically, maritime security threats can be divided into two models, namely traditional security issues and non-traditional security issues. Traditional security threats usually involve state actors, while non-traditional security issues usually involve non-state actors, and it is this non-traditional threat that is currently becoming more prevalent. However, traditional security issues do not mean that they just disappear. In fact, Indonesia must be more vigilant about this traditional threat, because it can arise at any time. Considering that Indonesia still has a lot of homework related to maritime boundaries and continental shelf boundaries with neighboring countries that need to be resolved bilaterally.

Non-traditional security threats are often mentioned as a transnational crime issue. These transnational crime actors are generally professionally organized groups, whether large or small, or interrelated with each other, whose main purpose is to get money, both legally and illegally, by selling any export-import commodities that can be used. Provide large returns with the smallest risk. It can be seen that Indonesian waters have various threat issues that still frequently arise, including: issues of maritime terrorism, illegal trafficking of narcotics and illegal drugs across countries, piracy and piracy using firearms / sharp weapons at sea, smuggling of materials. Explosives and small arms, illegal immigrants, human trafficking, illegal unregulated and unreported fishing (IUU fishing) carried out by foreign and local fishing vessels. Particularly in this last issue, the CEO of the Indonesian Justice Initiative (IOJI), Mas Achmad Santosa, noted that Indonesia at least experienced losses that could reach USD 4 billion per year or equivalent to IDR 56.13 trillion. [12]

The establishment of this peaceful passage or ALKI has meant that Indonesia is a country that is “open” to all access to international shipping and flights. The geographic position is open to access / gates of entry and exit that spreads in various areas of Indonesian waters, making it easier for criminals in Indonesian waters to escape to free waters. Its status as an archipelagic country and has a number of archipelagic sea lanes in it, implies that Indonesia must be ready to assume a big responsibility in providing security guarantees to the sea and air space, from all forms of disturbances and threats. Sovereignty in an archipelago, not only includes land and waters / sea, but also air space in its territory. UNCLOS 1982 has regulated that air space belongs to the state under it and can be exploited and utilized for the benefit of the country.[13]

The ALKI peace crossing has made Indonesia’s position as a means of connecting the world in the north and south, and two large oceans, because of its position that divides the territory of the Unitary State of the Republic of Indonesia into 3 (three) parts, namely the western, central and eastern parts of Indonesia. This proves that ALKI is very valuable and beneficial for countries that have interests in the maritime sector, where for them the main interest is the certainty of access to pass and the readiness of the resources that complement it. The ALKI route is like a free sea that can be used by all countries, foreign ships including warships (surface ships and submarines), can cross the shipping channel freely without having to get approval from the Indonesian government. In fact, foreign submarines (submarines) can also cross this route without having to rise to sea level. Likewise, with airships that can fly freely across the air space above them.

After the ALKI was formally stipulated in statutory regulations, in its development it was known that marine activity had increased quite significantly. Many countries and non-state actors, everyday use the shipping routes across ALKI and the surrounding waters which are permitted for their various interests. The increase in these activities will not only boost state revenue from marine economic activities, but also increase the potential for conventional and non-traditional maritime security threats. Thus, the interests of countries, including non-states outside the region in Southeast Asian waters that threaten maritime security stability, also need to be a common concern for all regional countries.

In global interactions, there are several countries, which depend on their activities in Indonesian waters, including the United States (US), whose foreign trade reaches 95 percent through maritime sector services. For the US, Indonesian waters are an important bridge linking US interests with other countries in the eastern hemisphere. Seeing the various potentials that provide benefits in the Asia Pacific, the US continues to strive to demonstrate its role in this region, by joining the Quadrilateral Security Partnership (QSP) alliance. QSP is an alliance between the US, Australia, India and Japan in the field of maritime security, with the main objective of forming a power alliance to stem the influence of China and Russia in the Asia Pacific. This alliance is clearly beneficial for US interests in controlling and controlling the Sea Lines of Code (SLOC), which stretches from the Indian Ocean, the Straits of Malacca, the South China Sea to the Sea of Japan and the Pacific Ocean, including several important

choke points in the world in the waters. Indonesia. To strengthen its influence in the region, the US is also known to have diverted defense bases from Okinawa to Guam.

There is a classic reason that is always used by the US, to ward off criticism from several other major powers. That reason is to realize freedom of navigation and speed of action for US troops, increased deterrence capability, global war on terrorism, strategic flexibility, and the degree of repression in peacetime, as well as to face the possibility of open conflict or war, as well as as a quick response in overcoming various crises that occur in the region or globally. The US military deployment in Guam, which consists of the Air Force, Navy and Marine Corps, will continue to be increased up to 40,000 personnel, this increase comes from the reduction in the number of US Armed Forces personnel stationed in the European region.

From a security perspective, a change in US strategy in the Asia Pacific region can certainly pose a serious threat to Indonesia's maritime security and sovereignty, because the power of the superpower is standing right in front of the ALKI II choke point entrance and exit. Here the US interests are very clear, so that the ALKI is of particular concern. Even today, the US is still trying to urge Indonesia to open new ALKI routes from east to west or vice versa.

The next country is China, which has claimed most of the SCS territory up to the North Natuna waters (nine dash line). China with technological advances, and supported by its global strategy, has succeeded in developing its naval force to become the Blue Water Navy, which has projection capabilities to the south to the Indian Ocean region. The development of China's naval capability is to secure shipping routes for trade and supply of its energy resources. China is known to have purchased several large tonnage vessels, namely in the form of tankers and giant container ships. As a consequence of the operation of these giant ships, China needs shipping routes in deep sea waters, namely the waters along the ALKI-II and ALKI-III routes. Indeed, China desperately needs ALKI shipping lanes, especially the ALKI-II (Makassar Strait) route, which is the main shipping traffic in carrying out trade with Australia (Rustam, 2016). For China, besides being used for trading various commodities, the ALKI-II and ALKI-III routes are the easiest way to monitor the movements of the Australian Navy towards the South China Sea region.

Next up is Australia, a close US ally in the south. It is no secret that Australia has various interests in Indonesian waters. Australia's greatest wish that he will always fulfill is to become the leader of regional countries, as well as the regional security administrator in the Asia Pacific. Therefore, to make all that happen, Australia is trying to build its maritime strength, namely by having 12 submarines equipped with surface missiles to replace conventional Collins class submarines, eight anti-submarine frigates with larger dimensions to replace class frigates. Anzac and 24 anti-submarine helicopters, the plan to increase the strength of this is mentioned until 2030. Like the US superpower, Australia is one of the countries trying to urge Indonesia to open a new ALKI channel from east to west. The unfulfilled desire to open a new ALKI channel has prompted Australia to commit several times to violate

Indonesia's maritime and airspace areas. Such as the violation of Indonesian sovereignty by the Australian warship on January 6, 2014, where the Australian warship entered Indonesian waters up to 7 miles approaching the coast of Rote Island, East Nusa Tenggara, when they tried to keep illegal immigrants from entering Australian waters.[14] Apart from the aforementioned modern countries, countries in Southeast Asia also have the same interests in Indonesian waters.

The problem of demarcating and delimiting boundaries, both on land and at sea, is still a long task for Indonesia to discuss with a number of friendly countries. In addition, in the interest of controlling commercial shipping in the Southeast Asian region, until now Singapore has strongly rejected Indonesia's proposal to divert part of the shipping routes of large-dimensional commercial ships, from the Malacca Strait to the ALKI-II route (Lombok Strait and Makassar Strait). In this regard, it is very clear that Singapore strongly disagrees, because this will greatly harm the country's income from the marine activities it manages. Indonesia considers that the shipping route that crosses the Malacca Strait is not only used by the merchant fleet, but also the warships of all countries. Indonesia's interest here is to see that there is a possibility of disturbance, if there are warships from two conflicting countries passing and passing by in the waters of the Malacca Strait, of course they will show their superiority and the superiority of each technology.

ALKI-I is Indonesia's territorial waters with ships carrying around 45 percent of world logistics and trade. Based on the research of Poltak Partogi Nainggolan in 2015, it is stated that the waters of ALKI-I are currently vulnerable to the implications of conflict in the region as well as various forms of transnational crimes such as terrorism, foreign intervention, theft and ship hijacking, illegal fishing and others, which are very detrimental to the state. The implications of conflict in the region for ALKI arise from the (development) of the South China Sea (SCS) conflict that has not been resolved, and has even experienced an escalation of tensions. As a result, ships from countries using logistical transportation routes are worried about the possible implications and prospects for the SCS conflict on the surrounding waters.

Concerns about the impact of the escalation of tensions in the SCS (state actors) arose over the use of the ALKI-I peaceful passage through the Malacca Strait route, Natuna waters and Indonesia's EEZ in the northern part of the Natuna Islands Regency. Meanwhile, various forms of transnational crime, such as the threat of terrorism attacks, theft and piracy / hijacking of ships, illegal fishing, are security threats coming from non-state actors, which have increased their role recently. Since the SCS situation could have a wider impact on the future of the region and ALKI, it must be put as a form of serious and dangerous security threat, which must be addressed. However, several forms of transnational crimes that come from terrorism, theft and hijacking of ships, as well as illegal fishing, together with security threats that come from foreign intervention must also be considered.

The escalation of tensions in the SCS against ALKI-I, as the closest international water area to the SCS, which is very busy with logistical shipping activities, will be affected both directly and indirectly.

This means that Indonesia's maritime security stakeholders, as well as users and holders of sovereignty over their supervision must anticipate the worst possible scenario, if an open conflict breaks out in the SCS. This is because state revenues from base services, ship repairs, fuel, and daily logistics can be significantly reduced. Meanwhile, conflict spill over can have an impact on security instability in the nearby frontier islands of Indonesia and in the wider region.

The development of the escalation of tensions that continues to increase, brings the consequence of the need for Indonesia to prepare various worst-case scenario measures to be able to prepare an appropriate response. China's increasingly aggressive stance with military maneuvers and its efforts to continue building islands and territorial waters that it claims, regardless of the objections of other claimant states, as well as its old regional rival, the US, has made the SCS a hotspot for conflict. US reconnaissance reports that reveal the construction of a military airport and the deployment of Chinese artillery weapons in its reclaimed area of the Spratly, which it contested with ASEAN member states, made the SCS increasingly prone to open military conflict. Along with Joe Biden's victory over Donald Trump in the US Presidential Election on November 2, 2020, this will provide hope for a more conducive settlement of the SCS conflict, if China reduces aggressiveness and submits to international regulations.

Military conflict in the SCS can have direct implications for maritime security in ALKI, especially ALKI-I and ALKI II. The escalation in tensions over the years has caused a lot of concern to ALKI users, especially large countries with logistical vessels, such as oil and gas tankers, as well as their merchant ships, especially those passing through the Malacca Strait. Meanwhile, China's territorial claim to the SCS which includes Indonesia's EEZ in the Natuna Sea could have bad implications for the ALKI, which Indonesia cannot maintain unilaterally. Therefore, Indonesia needs to try to be aware of the expansion of China's territorial claims in the SCS, because it can directly impact maritime security in Indonesian waters. With this argument, as an antidote to the aggressiveness and maneuvers of the Chinese military, Indonesia needs to expand military cooperation, which is bilateral and multilateral with countries in the region.

3.4 Security, Law Enforcement and Sovereignty in Indonesian Waters

A maritime policy observer from the Indonesian Maritime Security and Safety Institute (IK2MI), Sukemi, said that securing international shipping routes, which pass through the three ALKIs, including the Malacca Strait, the Sunda Strait, the Makassar Strait and the Lombok Strait, is the full responsibility of the Indonesian government. The government's negligence in securing the trans-peaceful shipping route and the surrounding waters can provoke security intervention by foreign parties by deploying its military.[15] The consequences of this foreign military intervention have been regulated in a UN Security Council Resolution No. 1816, dated 2 June 2008. Therefore, the government in this matter needs to implement systematic and concrete efforts of all maritime security stakeholders to maintain maritime security stability in Indonesian territorial waters.

At the end of 2008, the UN Security Council passed Resolution No. 1851 regarding piracy in Somali waters, that this resolution gives full authority to all countries in the world, to take part in efforts to combat piracy crimes in the Somali sea area. Because one of the dictums gave excessive power to interested countries to hunt down and eradicate pirates, not only offshore but also entering the mainland of Somalia, this resolution attracted the attention of many international legal experts. This authority is actually quite acceptable, although somewhat unusual, because there are several reasons related to regional security in Somalia's failed state. Despite its urgency, this resolution will certainly leave behind a problem for the future. This resolution was initiated by the United States, and received full support from France, Greece, Belgium, South Korea and Liberia. Initially, it received many objections from members of the UN Security Council itself, including Indonesia.

Indonesia, as a country that also has a high problem of piracy in the waters of the Malacca Strait, previously objected to several dictum provisions in the proposed resolution. Among other things, on the clause that provides flexibility in the use of air space in the enslavement of pirates. It is clear that Indonesia does not want this resolution to set a bad precedent in the future for the interests of the entry of foreign military forces into Indonesia's land, sea and air space, as an effort to overcome piracy. But in the end, United Nations Security Council Resolution No. 1851 stated that it could not be interpreted as a common law between nations, so that its implementation in the future could not be equated to all countries.

The issue of maritime security is still an actual theme that needs serious attention. These issues include: (i) threats of violence at sea (piracy, piracy, sabotage and terror of vital objects); (ii) threat of shipping navigation hazards (due to shortage and theft / damage to navigation aids); (iii) threats to marine resources (destruction and pollution of the marine environment); and (iv) threats of sovereignty and law (illegal immigrants, illegal fishing, illicit trafficking in narcotics and illegal drugs, exploration and exploitation of wealthy maritime resources).

Based on data from the International Maritime Bureau (IMB), in the first semester of 2020 there have been at least 15 (fifteen) attacks carried out by pirates / pirates / thieves in Indonesian waters, this incident is the highest in the world in mid-2020.[16]

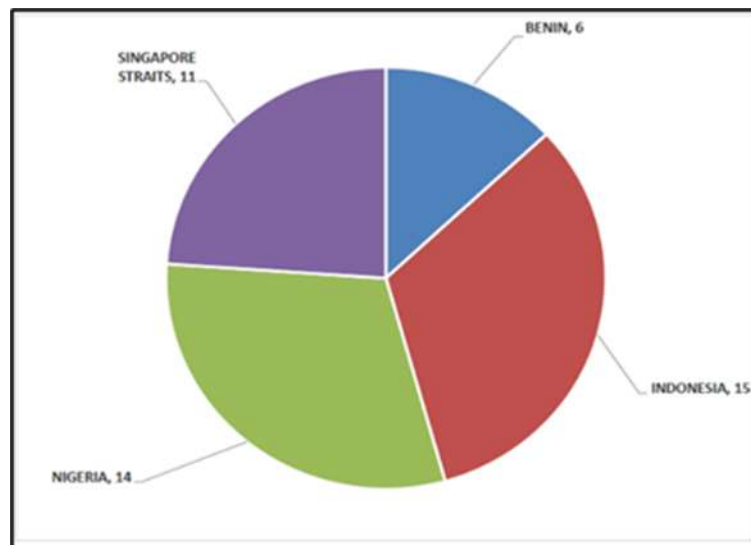


Figure 2. The following four locations contributed of incidents reported in the period January – June 2020

Source: ICC IMB, 2020

Reflecting on the dynamics of global challenges in the ALKI route and the surrounding waters, the Indonesian government needs to make efforts to improve the quality of security in the marine area as a top priority for maritime economic development along with the improvement of other maritime infrastructure. This includes several straits used as shipping routes between nations, such as the Malacca Strait, the Sunda Strait, the Lombok Strait, and the Makassar Strait.[17] If it is not able to be maximally present in ALKI waters in order to protect and secure the sea route, it is certain that Indonesia has the potential to suffer major losses. It should be noted that the main aspect in the effort to secure and control waters is to see the possibility of infiltration and subversion activities, including the guarantee of security in the management of maritime resources along the ALKI shipping route and in the surrounding waters. The conception of national resilience that is implemented here, needs to take into account well in terms of building dynamic conditions, especially preparedness in the face of contingencies against all forms of disturbances and threats that occur in all Indonesian territorial waters.

Geopolitically and geoeconomically, ALKI is very vital as a sea trade route to shorten the distance from the Indian Ocean to the South China Sea to the Pacific Ocean. In general, it can be said that ALKI has a very strategic value not only for Indonesia, but also for the countries using this shipping route.[18] There are at least 3 (three) factors that are of interest to many parties in the ALKI route, namely (i) for confrontation and projection of armed forces to various parts of the world; (ii) commercial interests in maritime commerce; and (iii) utilization of marine resources. For the superpowers who use the ALKI channel, they usually have great importance in the first and second

factors, while for Indonesia and other developing countries, they are more dominant in the second and third factors in their implementation. Therefore, it is very logical if the existence of ALKI is a factor of geostrategic, geopolitical and geoeconomics considerations for all countries in the world.

In optimizing security on the ALKI route, it is necessary to seek cooperation and synergy from various sources related to maritime security stakeholders in Indonesia. As stated in Lukman Yudho Prakoso, Prihantoro and Suhirwan's research, in 2020, entitled "Sea Defense Strategy and Urgency of Forming Maritime Command Center", requires that the success of securing Indonesian waters and ALKI is through good communication, synergy and one command in movement, for all maritime security stakeholders.[19]

3.5 DISCUSSION

Even though there are many overlapping regulations in the maritime security sector, there should be no reason as an obstacle related to synergy in maritime security efforts to achieve the national goals of the Indonesian nation. Given that law enforcement, shipping safety, defense and state security at sea are one of the foundations of the Indonesian government's maritime policies. Therefore, in meeting the needs of the security apparatus in the maritime sector and the sovereignty apparatus in all territorial waters of national jurisdiction, two institutions and two directorates can handle them, namely: (i) Indonesian Navy (TNI AL); (ii) Maritime Security Agency of the Republic of Indonesia (Bakamla); (iii) Directorate of Marine Police, National Police Security Guard (Baharkam Polri); and (iv) Sea and Coast Guard Unit (KPLP) of the Directorate General of Sea Transportation (Ditjen Hubla) of the Indonesian Ministry of Transportation.

Maritime Security Agency or Badan Keamanan Laut (Bakamla) Republic of Indonesia was formed and inaugurated by President Joko Widodo on December 15, 2014. The basis for its formation is Presidential Regulation No. 178/2014. It is hoped that in the future Bakamla will become the leading sector in maritime security management.[20] In her research, Juliawati said that the Bakamla carries out guarding, supervision, prevention and prosecution of legal violations in Indonesian territorial waters and Indonesian jurisdiction, synergizes and monitors the implementation of marine patrols by related agencies, and provides search and rescue assistance in Indonesian territorial waters and Indonesian jurisdiction.

The Directorate of Marine Police (Ditpolair) of the National Police Security Maintenance Agency (Baharkam) is tasked with carrying out functions that include patrols, first handling of criminal acts and search and rescue of accidents in water areas, and development of coastal / aquatic communities. Initially Ditpolair was formed based on the Decree of the Minister of Home Affairs of the Republic of Indonesia No. 4/2/3/Um, dated March 14, 1951 concerning the Determination of the Marine Police as Part of the National Police Service as of December 1, 1950, and up to now there have been various changes. Taking into account the development of the situation and the existence of the validation of the National Police's organization, based on the Chief of Police Regulation Number 6 of 2017

concerning Organizational Structure and Work Procedures of Organizational Units at the National Police Headquarters Level, Ditpolair has changed to become the Marine and Air Police Corps (Korpolairud) Baharkam Polri.[21]

Meanwhile, the existence of the Directorate of Marine and Coast Guard Unit, Directorate General of Sea Transportation, has existed since the Dutch East Indies colonial era in Indonesia under another name. Then on the way, based on the Decree of the Minister of Transportation Number KM.14 / U / Phb-1973 dated January 30, 1974, the name of the organization of the Sea and Coast Guard was set at Directorate level (Echelon 2). KPLP itself in accordance with Law Number 17 of 2008 concerning Shipping has an investigative and law enforcement function at sea. KPLP in acting is also based on applicable international and national rules.[22]

The number of regulations that regulate maritime security should be a spirit for synergy and interoperability between law enforcement and sovereignty at sea. These different sources of regulation should be combined with the existence of Bakamla as the leading sector in maritime security. Like the National Narcotics Agency, which synergizes with the National Police in eradicating the trafficking of narcotics and illegal drugs. The purpose of safeguarding ALKI is to prevent all crimes and violations of sovereignty with the aim of avoiding problems such as in Somalia, which led to the UN Security Council intervening to issue resolutions related to efforts by multinational forces in overcoming piracy to the mainland of Somalia. Prevent multinational forces (foreign military) from interfering in handling Indonesia's maritime security.

The emergence of potential threats in Indonesian territorial waters that occur every year, especially in the waters of ALKI and its surroundings, should be an important message and must be evaluated for the purposes of optimizing security and supervision. So that in a security perspective through the policy of state defense posture, the government can plan allocations that are in line with the conditions and needs in an effort to protect Indonesia's territorial waters. The quality and capability of the defense force must be supported by a modern and sophisticated fleet of warships and government ships. At the very least, Indonesia must have the strength of a fleet that can provide a deterrent effect for criminals to stop their intentions of committing crimes and crimes in Indonesian territorial waters. By having a strong defense posture, it can minimize the intention of other countries to disrupt Indonesia's sovereign territory. Indonesia, as a large archipelagic country, is obliged to demonstrate its dignity and assertiveness by being a key contestant in the region for the creation of regional security stability. That way, Indonesia will be able to ensure the stability of maritime security properly in the waters of its jurisdiction.

4. CONCLUSION AND RECOMMENDATIONS

The existence of Indonesia as an archipelagic country has been officially recognized in the international world based on UNCLOS 1982, as a consequence it must provide access rights for foreign

ships through the establishment of the Indonesian Archipelago Sea Lanes (ASLs / ALKI) which has been approved by the International Maritime Organization (IMO).

The Indonesian Archipelago Sea Channel is a strategic route for the shipping and world trade industries that utilize the sea as a means of transportation. This strategic water area leads to the South China Sea and East China Sea, as well as the Pacific Ocean. Important sea lanes that are in Indonesia's sovereign territory include the Malacca Strait, the Sunda Strait, the Lombok Strait, and the Makassar Strait. The Strait of Malacca became a popular shipping route during the current Trans-Pacific trade period. This strait has an important role because it is considered as the fastest and shortest sea route linking the Indian Ocean and the Pacific Ocean.

As a consequence of establishing ALKI, apart from having many benefits that stimulate economic growth and national development, ALKI also presents a myriad of problems that Indonesia must always be prepared to anticipate so that its sovereignty is not disturbed by foreign military intervention in these waters.

To be able to secure the vast waters of the ALKI with complex problems, it requires synergy and interoperability between law enforcement agencies and enforcers of sovereignty at sea. Synergy and interoperability are urgently needed to maintain Indonesia's dignity and authority in the eyes of the world as a large archipelagic country capable and optimal in securing its maritime territory with all its limitations. The government must continue to encourage maritime security stakeholders to synergize and eliminate sectoral egos for the sake of an advanced and sovereign, independent, and personable Indonesia. In addition, the government needs to consider integrating civilian law enforcement officers in the Ministry of Transportation with the Maritime Security Agency solely for the sake of effectiveness and efficiency in the use of maritime security forces.

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Author’s Profile



Sartono is a postgraduate student for study assignments at the Indonesian Defense University for the 2020/2021 academic year. He is an officer of the Indonesian Navy and is taking a marine defense strategy study program at the defense strategy faculty of the University of Defense. He is interested in maritime security and marine defense which are issues today.