

THE ROLE OF DITPOLAIR KORPOLAIRUD BAHARKAM POLRI IN TRANSNATIONAL CRIME PREVENTION IN INDONESIAN WATERS TERRITORY

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Abstract

Transnational crimes between countries often occur in Indonesian waters territory, so the role of DITPOLAIR BAHARKAM POLRI is needed in efforts to prevent transnational crimes. This research aims to examine the role of DITPOLAIR BAHARKAM POLRI in efforts to prevent transnational crimes in Indonesian waters. This research is a qualitative research. The data is obtained by interviewing informants who know the role of Ditpolair Baharkam POLRI in preventing transnational crimes in Indonesian waters and carrying out the FGD process. Data analysis uses is descriptive qualitative. The findings revealed that since the issuance of Government regulation (PP) No. 13 of 2022 concerning Implementation of Security, Safety and Law Enforcement in Indonesian Waters and the Indonesian Jurisdiction area, the Indonesian government has decided to become the coordinator or coast guard is BAKAMLA. In this case, BAKAMLA include Water Police (Polair), KPLP (Sea and Coast Guard Unit), Customs and others coordinating with BAKAMLA. In its efforts to prevent and deal with transnational crime or law enforcement in Indonesian waters, DITPOLAIR BAHARKAM POLRI as of September 2022 has handled 52 cases of transnational crime. Besides, DITPOLAIR BAHARKAM POLRI makes collaborative efforts with other institutions in preventing transnational crime in Indonesian waters to build a synergy system of interdepartmental police and international institutions as well as community components in order to build partnerships and networks.

Keywords: Role, Ditpolair, Indonesian Waters Territory, Prevention, Transnational Crime

1. INTRODUCTION

With an ocean area of 5, 8 million km², Indonesia was one of the nations with the largest sea area in the world (consisting of a territorial sea area of 0, 3 million km, an area of 2, 95 million km² of archipelagic waters, and an area of the Indonesian Exclusive Economic Zone of 2, 55 million km²). The seas surrounding Indonesia have the potential to become the global maritime center point (Yani & Montratama, 2018). Besides, Indonesia was located between the Indian and Pacific oceans and is surrounded by the continents of Asia and Australia. The Indonesian Archipelagic Sea Lanes (also known as ALKI), which serve as international shipping lanes for shipping and flights over the sea, are available for use by foreign ships or aircraft for peaceful shipping and flights in the usual manner (Puspitawati, 2005). The establishment of ALKI was meant to ensure that Indonesian territorial waters and airspace are not a hindrance to international shipping and flights, which can then be conducted continuously, directly, and as quickly as possible.

In guarding the Indonesian waters area which consists of ALKI I, namely the Territorial Sea Boundary, ALKI II which is the Boundary of the Continental Basin, ALKI III Boundary of the Exclusive Economic Zone which is Indonesian territory is supervised by KPLP (Sea and Coast Guard Unit) which is the oldest institution that oversees the Indonesian Waters area (Buntoro,

2017). Polri or Indonesian Police through The Directorate of Water Police for the Water and Air Police Corps of the Security Preservation Agency (hereinafter referred to as Ditpolair Korpolaairud Baharkam Polri) also has the authority, as well as duties, functions and roles in protecting Indonesian waters from crimes or criminal acts, both transnational crimes and crimes committed by Indonesian citizens (Polri, 2022).

The legal basis for implementing the duties and functions of the Directorate of Water Police for the Water and Air Police Corps of the Security Preservation Agency (refers to Ditpolair Korpolaairud Baharkam Polri) was based on the following: 1945 Constitution Article 30 paragraph (4), TAP MPR RI Number VII/MPR/2000 concerning the Role of The TNI and POLRI, Law No. 2 of 2002 Article 1 Number 6, Article 4, Article 5 paragraph (1). Article 6 paragraph (1), Law no. 43 of 2008 concerning State Territories, Article 1 point 4 and Article 3 in Law no. 6 of 1996 concerning Indonesian Waters, Government Regulation (PP) No. 23 of 2007 concerning the Legal Area of the National Police, Government Regulation (PP) no. 68 of 2008 concerning Procedures for Implementing Relations and Cooperation with the Indonesian Police, Government Regulation (PP) No. 58 of 2010 concerning Implementation of the Code of Criminal Procedure (LAKS KUHAP) which authorizes the police to carry out their functions as investigators.

Structure of Ditpolair Korpolaairud Baharkam Polri can be seen as follows:

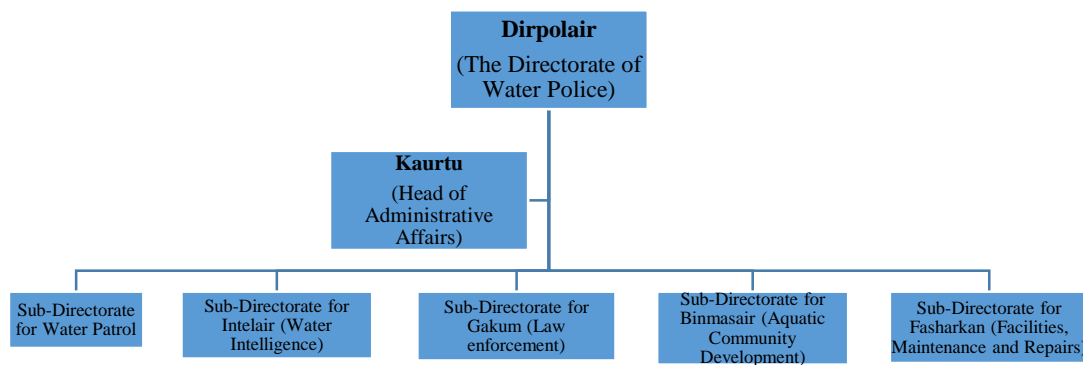


Figure 1: Ditpolair Korpolaairud Baharkam Polri Structure

The Ditpolair Korpolaairud Baharkam Polri was supported by 1.412 personnel, supported by 72 Police Ship Defense Forces with the following details: 49 ships were in good condition, 16 units were lightly damaged, and 7 units were heavily damaged. Meanwhile, there were currently 167 units of Ditpolair Korpolaairud Non-class Aluts with details of 23 in good condition, 136 units lightly damaged, 8 units heavily damaged.

Although Ditpolair Korpolaairud Baharkam Polri was supported by sufficient personnel and infrastructure that can be used in protecting Public Security and Order (refers to Kamtibmas) from general crimes and transnational crimes, the vast area of Indonesia cannot be separated from the vulnerability of crimes and kamtibmas in Indonesian waters, so it is necessary to take preventive efforts in overcoming kamtibmas crimes, both transnational crimes and general crimes committed by Indonesian citizens.

In its efforts to combat crime in Indonesian waterways, the Ditpolair Korpolaairud Baharkam Polri has adopted both preemptive and preventive measures. Unfortunately, the efforts that have been made in an attempt to prevent transnational crimes from occurring in Indonesian waters have not been successful (Awaloedin, 2015). Based on the explanation above, this paper is the result of research that discusses the research question regarding first what is the role of DITPOLAIR BAHARKAM POLRI in efforts to prevent transnational crime in Indonesian waters and how DITPOLAIR BAHARKAM POLRI makes collaborative efforts with other institutions in preventing transnational crimes in Indonesian territorial waters.

In looking at the authenticity of the research, an inventory of previous studies was carried out in contrast to the research carried out as follows, namely Suhirwan and LY Prakoso with the title “Defense strategy at sea handling of Transnational Organized Crime (TNOG) in Nunukan Indonesia's National Sea Border” where the results of transnational crime law enforcement research the District level in Nunukan was still minimal and does not have standard law enforcement to deal with TNOG (Prakoso et al., 2020). Meanwhile, current research entitles “The Role of DITPOLAIR KORPOLAIRUD BAHARKAM POLRI in Transnational Crime Prevention in Indonesian Waters Territory” discusses the role of Ditpolair Korpolaairud Baharkam Polri in preventing transnational crimes in Indonesian Waters and looking at the cooperation built in creating an interdepartmental police system Cooperation between departments domestically and abroad as well as society.

In addition, according to previous research performed by Yanti Amelia Lewerissa with the title “Impersonating Fishermen: Illegal Fishing and The Entry of Illegal Immigrants as Transnational Crime” (Yanti, 2018) analyzes that foreign fleets make Indonesian waters a place for illegal fishing which causes Indonesia to experience losses and the occurrence of transnational crime problems, namely illegal immigrants entering to the Indonesian Territory was different from current research which examines more broadly the parties responsible for preventing transnational crimes, both illegal fishing crimes that harm the wealth of the Indonesian waters territory and crimes of illegal immigrants who are smuggled in illegal fishing crimes in the process of law enforcement and prevention of crime transnational.

2. METHODOLOGY

2.1 Data and Variables

The research was a qualitative research with primary data sources in the form of interviews and FGD results with DITPOLAIR KORPOLAIRUD BAHARKAM POLRI submitted by

informants consisting of intelair and Gakum unit from the Ditpolair Baharkam POLRI who were making efforts in preventing and overcoming transnational crimes in Indonesian waters.

Data collection was sourced from secondary data related to regulations regarding the authority of the Directorate of Police in carrying out prevention as well as law enforcement data that has been inventoried in the last 2 years from 2021 to 2022, all of this data was used in analyzing transnational crimes in the law enforcement process.

Furthermore, data analysis was carried out on primary data and secondary data in qualitative research using qualitative descriptive analysis by describing and analyzing the overall primary data and secondary data obtained to obtain conclusions and suggestions in current investigation (Moleong, 2021).

3. RESULTS AND DISCUSSION

3.1 Ditpolair Korpolaairud Baharkam Polri in Efforts to Prevent Transnational Crime in Indonesian Waters Territory

In 2000, an agreement was made in an international agreement through UNTOC which is a rule in a multilateral mechanism against the threat of transnational crime that threatens prosperity, global security involving various countries. Where countries make efforts to tackle transnational crime. Indonesia as a maritime country is very vulnerable to transnational crimes, so efforts are needed in its prevention to protect Indonesia's interests and sovereignty, related institutions are needed in carrying out countermeasures and cooperation between countries.

The United Nations (UN) defines transnational crime as “as offenses whose inception, prevention and/or direct or indirect effects involved more than one country”. From this perception, transnational crime was represented by a group of people who were specially formed, committing crimes at certain times, was a form of crime committed which would be threatened with imprisonment for years, or it could be life imprisonment, or even the death penalty, and in achieving goals, crimes were committed directly or indirectly to gain material and financial benefits (Ministry of Foreign Affairs, 2019).

Transnational Crime was an issue in several countries. According to Dougherty, Global issues are questions, problems, dilemmas and challenges, which are closely related to the basic needs of international peace, security, order, justice, freedom, and progressive development (Winarno, 2014). In a broad sense, these issues were related to political diplomatic, strategic military, and socioeconomic, which characterized by disagreement and conflict, agreement and cooperation (Winarno, 2014).

Transnational crimes refer to crimes that have become international or transnational crimes that have been agreed upon by various UN countries which have been ratified by Indonesia in Law no. 5 of 2009 concerning Ratification of the United Nation Convention Against Transnational Crime which specifies that every country that agrees on this rule takes action against the perpetrators in accordance with the provisions stipulated by this convention (Muis et al., 2021). In this case, the types of crimes were included such as terrorism, human trafficking and people

smuggling, corruption and money laundering, wildlife crimes, fishery crimes, illegal trade in cultural heritage objects and narcotics and narcotic drugs and their precursors. Crimes with an international aspect consist of locus delicti in more than 1 country, that the perpetrator was related by an international network and the impact was suffered by more than 1 country (Adawiyah, 2020). The explanation of transnational crime and Indonesia has made the following countermeasures:

First, acts of human trafficking and smuggling involving the movement of people from one country to another with irregular or illegal migration. According to UNHCR data in 2018, around 14.000 refugees and irregular migrants, predominantly from Central Asia, were stranded in Indonesia while attempting to reach their final destination (Carrera et al., 2018). This case was referring to a transnational issue. In addition, Indonesia adheres to a complete and balanced approach to law enforcement and humanity, based on the pillars of crime prevention, early detection, victim protection, and criminal prosecution. The majority of victims of human trafficking from Indonesia are Indonesian migrant workers, particularly domestic workers and employees in the fishing industry.

Indonesia plays an active role in international and regional forums such as the Conference of State Parties from the United Nations Convention against Transnational Organized Crime (UNTOC), various Working Groups under UNTOC, the Global Forum on Migration and Development, the ASEAN Ministerial Meeting on Transnational Crime (AMMTC), and the Bali Process on People Smuggling, Trafficking in Persons and Related Transnational Crimes (Bali Process).

Second, other sorts of transnational crimes included corruption and money laundering, with Indonesia particularly interested about combating corruption both inside and beyond countries. As a result, international collaboration in the prevention and control of corruption offences is required. The Corruption Eradication Commission's international cooperation initiatives provided results from 2005 to 2017 that returned 1.9 trillion state losses in eradicating corruption, and Indonesia was placed 72nd in the world (Deyana et al., 2020).

Indonesia has signed the United Nations Convention against Corruption (UNCAC) on December 18, 2003 and ratified it through Law number 7 of 2006. As an example of a concrete form of Indonesian leadership was by hosting the President and hosting the Second Meeting of the Conference of the States Parties to the United Nations Convention Against Corruption (CoSP) UNCAC held in Bali, 28 January-1 February 2008 (Ministry of Foreign Affairs, 2019).

Third, a type of narcotics and illegal drugs (narcotics) crimes in this type of crime Indonesia has ratified 3 three anti-drug conventions namely:

- 1) Single Convention on Narcotic Drugs 1954 through Law No. 8 of 1976;
- 2) Convention on Psychotropic Substances 1971 through Law No. 8 of 1996;
- 3) Convention against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1953 through Law no. 7 of 1997.

At the multilateral level, Indonesia continues to strive to play an active role in eradicating drug trafficking and trafficking in various forums such as the Commission on Narcotic Drugs, Special Session of the United Nations General Assembly on the World Drug Problem, Head of National Drug Law Enforcement for Asia Pacific, and ASEAN Senior Officials on Drug Matters and various other meetings under the UNODC framework (Ministry of Foreign Affairs, 2019).

Fourth, another type of transnational crime was fisheries crime. Indonesia as an archipelagic country needs law enforcement efforts against illegal fishing by ships or other countries in the Indonesian maritime archipelago (Awaliyah et al., 2020). Fisheries crime was still considered a fisheries management issue (fisheries governance, fisheries quotas and data collection), which is currently generally regulated under the framework of the Food and Agriculture Organization (FAO) and Regional Fisheries Management Organizations (RFMOs) (Ministry of Foreign Affairs, 2019). Fishery crime was another transnational crime in the UNTOC context. UNODC in 2011 carried a study entitled “Transnational Organized Crime in the Fishing Industry” found a link between fishing crimes and human trafficking, people smuggling and illicit drug trafficking where fishing crimes are used as a means of carrying out these three crimes (UNODC, 2011). Fishery crime was also related to other crimes in the UNCAC context, namely corruption, freezing and return of assets resulting from Illegal, Unreported, and Unregulated/IUU fishing (IUUF), as well as money laundering where many cases of fisheries crimes are facilitated by corruption (such as instances of bribery by foreign companies) and the results of fisheries crimes are hidden by money laundering modes.

Indonesia's efforts in mainstreaming Maritime Transnational Organized Crime issues were carried out in forums under the framework of the United Nations Convention against Transnational Organized Crime (UNTOC) and the Commission on Crime Prevention and Criminal Justice (CCPCJ), as well as support for the inclusion of IUU Fishing in various UN General Assembly resolutions related to fisheries (Ministry of Foreign Affairs, 2019).

Fifth, new and developing transnational crimes in 2010, the fifth UNTOC Conference of States Parties (CoSP) has identified several new and developing transnational crimes, including cybercrime, identity-related crimes, illicit trade in cultural heritage objects, environmental crimes, piracy at sea, and the illicit trade in organs. New Transnational Crimes have become a concern of the international community given the increasing number and increasingly diverse ways. Losses from this form of criminal activity were also substantial (Ministry of Foreign Affairs, 2019).

Meanwhile, crime prevention does not have a standard definition, but the point was to eliminate or reduce the opportunity for crime to occur. Ekblom (2005:28) (in (Bjørge, 2016)) defines crime prevention as an intervention in the causes of criminal events and on a regular basis to reduce the risk of occurrence and/or the potential seriousness of the consequences of the crime. As such, this definition sees crime and its impact on both individuals and society. As according to Steven P. Lab sees crime prevention as an effort that requires any action designed to reduce the level of crime that can be considered a crime (Bjørge, 2016).

One of the solutions offered by Awaloedin (2015) in crime prevention was as follows:

1. Primary prevention

Efforts to modify the physical condition of the environment and the social environment in order to create favorable conditions for criminal activity. This effort is focused on the environment that is currently being directly threatened and is specific (short term). At the RT/RW level, the community conducts security, village patrols, and maintains road portals in an effort to restrict access to residential complexes as part of the measures at this stage. In the meantime, for the organizational level, such as businesses or offices, guardrails, locks, and information technology such as installing CCTV are utilized. As a result of Ditpolair's research efforts to conduct out stages of the patrol process in Indonesian waterways, there is a hotspot zone that is constantly patrolled to prevent transnational crime.

2. Secondary prevention

Efforts to identify potential criminal offenders and intervene prior to the commission of a crime. Community development, youth development, coaching for drug addicts, and rehabilitating ex-offenders are a few of the strategies that can be implemented. This is the primary responsibility of the National Police, government entities, and community organizations. According to the findings, Binmasair (Water Police Development Unit) made efforts to socialize new regulations that needed to be socialized to the public in order for them to be aware of the current rules and avoid crime. Binmas or Development Unit function developing communication with coastal communities; in this situation, fishing vessels that are currently anchored can relay the most recent restrictions to individuals who use the water for activities.

3. Tertiary Prevention

An attempt to take action against perpetrators of crimes after a crime has committed, such as the investigation, prosecution, and punishment of offenders of crimes by the Indonesian criminal justice system. In this instance, research revealed that there is law enforcement in the Indonesian Waters Territory Ditpolair in 2022, and that there were 52 interstate crimes in this process. Additionally, there are 1 investigation case, 19 investigation cases, 4 overflow cases, 28 P21 cases, and 28 prosecution cases of transnational crimes.

The duties and responsibilities of the Ditpolair Korpolairud Baharkam Polri in the context of providing protection, safety, service, and law enforcement throughout the territory of Indonesian waters in the context of maintaining public security and order, assisting and rescuing victims in natural disasters, and maintaining and repairing police ships. The Ditpolair Korpolairud Baharkam Polri was formed of urtu (Administrative Affairs), the Sub-Directorate for Water Patrol, the Sub-Directorate for Intelair (Water Intelligence), the Sub-Directorate for Binmasair (Aquatic Community Development), the Sub-Directorate for Gakum (Law enforcement), and the Sub-Directorate for Fasharkan (Facilities, Maintenance and Repairs). The division responsible for proactive and preventative measures was polair (water police),

intelair (Water Intelligence), and binmasair (Aquatic Community Development), whereas the division responsible for law enforcement is the Gakum Sub-Directorate.

The functions of the Ditpolair Korpolaairud Baharkam Polri sub-directorate are as follows: First, carry out area patrols and escort of police boats in the context of providing Lin, Yom, Yan Masy for the creation of Maintenance of Public Order Security (refers to Harkamtibmas) and Law enforcement (Gakkum) in the territorial waters as well as carrying out aid and rescue for victims of natural disasters/accidents (SAR); Second, Intelair (Water Intelligence) was the development and implementation of intelligence activities in the security sector, including coding and intelligence products, the establishment and development of a Police intelligence network both as part of the activities of top units and as input for the preparation of plans for operational activities, and early warning in order to support the implementation of Police duties in the territorial waters; The three Gakums are carrying out investigations and prosecutions in the framework of law enforcement in territorial waters and securing detainees and - 586 - evidence as well as administrative oversight, materials and provide assistance in the investigation and investigation of criminal acts committed by investigators; Fourth, Binmas for developing marine communities, planning and controlling as well as overseeing the Binmasair activity program carried out by police ships; Fifth, Fasharkan as the organizer of routine maintenance, maintenance and repair of police ships.

Based on the results of interviews and FGDs conducted with Ditpolair Korpolaairud Baharkam Polri regarding pre-emptive efforts in the form of patrols by the Air Intelligence Sub-Directorate and the activities of the Air Intelligence Sub-Directorate in early detection in mapping transnational crime-prone areas, mapping drug-prone areas, mapping areas prone to illegal fishing by fishing vessels Foreigners, Mapping Areas Prone to Fish Bomb Crimes. In addition, data was obtained that the Intelair Sub-Directorate conducted mapping of smuggling in the regions of Aceh, North Sumatra, Riau, Riau Islands, Jambi, Lampung, West Java, East Nusa Tenggara, West Kalimantan, East Kalimantan, North Sulawesi, Papua. Based on information from water intelligence unit, the smuggling areas that need special attention are the Riau, Riau Islands and Jambi areas as rat routes for foreign ships to enter Indonesian waters. The role of Ditpolair Baharkam Polri was vital in controlling transnational crimes that occur especially in Indonesian territorial waters by conducting routine patrols in hotspot areas which were vulnerable areas. Ditpolair Baharkam Polri also enforces the law against perpetrators who commit transnational crimes to provide a deterrent effect on perpetrators.

The Indonesian National Police plays the following roles in maintaining maritime security, particularly in maintaining community harmony and security: maintaining national security stability, enhancing maritime security, and addressing marine security cases. The processing of marine security cases was one of the adaptations of the national priority program that the National Police has adopted by incorporating maritime security cases into the National Police priority program. Pre-emptive measures in data gathering and mapping of water insecurity by the water police sub-director and water intelligence sub-director, as well as community outreach by the Binmasair Sub-directorate, especially in waters and coastal areas. Preventive efforts by the Patrol Air Sub-Directorate carry out the deployment of 51 police boats

throughout Indonesia every month throughout the year and carry out ship inspections in the context of monitoring and anticipating criminal acts in accordance with applicable regulations. Furthermore, repressive efforts were made in terms of professional law enforcement that occurred in Indonesian waters by increasing the handling of cases with a multi doors system approach. In addition, cooperation was carried out as a form of the role of Ditpolair Korpolarud Baharkam Polri in terms of interdepartmental cooperation such as KPP, TNI AL, BC, HUBLA, KPLP, BAKAMLA, KARANTINA, KEMENLU, IMIGRASI, LNP, IOM INDONESIA, INSA. As for the existing foreign cooperation was SPCG, JCG, PNP Maritim Group, VIETNAM WATER WAY POLICE, US COAST GUARD, LNP.

Ditpolair Korpolarud Baharkam POLRI in preventing transnational crimes in Indonesian waters where the current strategic environmental turmoil requires Polri to work professionally in carrying out its duties, especially in dealing with transnational crimes which are currently occurring frequently. The Maritime Police of the Ditpolair Baharkam Polri has a sub-directorate with a fleet of ships ready to secure hotspots in locations prone to transnational crimes. The Maritime Police of the Ditpolair Baharkam Polri in preventing transnational crimes is carried out by monitoring, observing and enforcing the law in the waters border areas, so as to create security in the face of transnational crimes. Based on the Regulation of the Head of the Water and Air Police Corps No. 1 of 2018 concerning Review of Tasks in the Korpolarud Baharkam Polri.

Preemptive activities through Binmasair carry out activities in 2022 organizing policing in Indonesian territorial waters & aquatic community environments to create safe & orderly conditions carried out by water police (Polair) by empowering community members through partnerships, being able to detect symptoms that can cause problems and being able to provide solutions in solving problems in the neighborhood. Sambaing Nusa activities by conducting patrols and visiting the outermost or remote inhabited islands as well as visiting and visiting religious leaders, community leaders, traditional leaders and youth leaders and fishing communities on the outermost inhabited islands in order to create a high sense of nationalism for the coastal communities of the outermost islands which are inhabited. Binmasair conducts Bintibluh activities in the form of face-to-face activities with the community, joint sports, social services, cross-sectoral coordination, development of border communities for economic resilience and ensuring the quality of Polri's presence in the coastal community, optimizing superior community policing programs by prioritizing local wisdom.

The Binmasair Sub-Directorate experienced problems including budgeting for socialization in preventing crime in Indonesian territorial waters. In addition, it is necessary to build communication to coastal communities, fishermen of ships that are docking can in this case convey the latest regulations so that they are understood by people who use the waters as an activity.

Monitoring system for member performance based on reports daily reports from members who report directly to the respective Head of Sub-Directorate, the results of the leadership's supervision were reported directly to the Director of the Directorate of Water Police, Baharkam Polri.

The regulations governing the power of each agency or department that handles maritime matters are extremely clear, therefore there is no problem; however, there is a need for more coordination to prevent sectoral egos between institutions. Since 2022, Government regulation (PP) No. 13 of 2022 concerning Implementation of Security, Safety and Law Enforcement in Indonesian Waters and the Indonesian Jurisdiction (Jogloabang, 2022). BAKAMLA was used as a national coast guard institution as a coordinator for existing agencies such as Polair, KPLP, Customs and others. In the future, joint activities will be held in the form of joint patrols with all institutions that have the authority to coordinate with BAKAMLA as the party given the authority as a coast guard, so that Ditpolair efforts are needed to open up by collaborating with the authority possessed by BAKAMLA in

Data on transnational crimes for the last 3 years by the Ditpolair Baharkam Polri for types and law enforcement as follows:

Table 1: Recap of Gakkum Ditpolairud Polda in 2022 Period

NO	TYPE	QMS	INQU,	INVS	SP3	OVERF.	P21	DONE
	CASE	CASE						
1	2	3	4	5	6	7	8	11
A	BETWEEN COUNTRIES	52						
1	Piracy	1	1					
2	Psychotropic (Drugs)	28		9		2	17	
3	Immigration	7		4		1	2	
4	Child protection	1					1	
5	TIP	0						
6	Protection of Migrant Workers	15		6		1	8	
	AMOUNT	52	1	19		4	28	0

Table 2: Recap of Gakkum Ditpolairud in 2021 Period

NO	TYPE	QMS	INQU,	INVS	SP3	OVERF.	P21	DONE
	CASE	CASE						
1	2	3	4	5	6	7	8	11
A	BETWEEN COUNTRIES	98						
1	Piracy	2	1	1				
2	Psychotropic (Drugs)	79		29		11	39	
3	Immigration	14		1			13	
4	Child protection	1	1					
5	TIP	2	2					
6	Protection of Migrant Workers	98	4	31		11	52	
	AMOUNT	52	98					

Table 3: Law Enforcement Data Recap of Police Ship & Gakkum Subdit Ditpolair Korpolaairud Baharkam Polri (Mabes) in 2020

No.	VIOLETION	AMOUNT	HANDLING					INFO. (DONE)
	CASES		INQU.	INVES.	SP3	OVERF.	P21	
1	2	3	4	5	6	7	8	9
C	BETWEEN COUNTRIES	38						
1	Customs	10				10		
2	Immigration	1				1		
3	Psychotropic	23		22		1		
4	TIP	4		4				
5	Protection of Indonesian Migrant Workers	0						
	AMOUNT	38	0	26		12	0	

Based on the data for the last 3 years, it can be seen that the high level of transnational crime has been processed in law enforcement by the Ditpolair Baharkam Polri, which has succeeded in processing transnational crime cases. In 2020 the number of crimes processed was 38, while in 2021 it increased to 98 cases and in 2022 in September there were already 52 cases between countries which were processed in law enforcement.

The findings found that in the Indonesian Waters Ditpolair area there was law enforcement in 2022 and there were 52 cases of interstate crimes in this process an investigation process is carried out 1 case of inquiries, 19 cases of investigation, and 4 overflow cases, 28 cases of P21 and in the prosecution process there were 28 cases against transnational crimes. In 2021, there were 98 cases where the details were as follows: 4 stages of inquiries, 31 stages of investigation, 11 overflow and then 52 cases entered the P21 stage. In 2020, the law enforcement process found data that at the investigation stage there were 26 cases, at the overflow stage there were around 11 overflows.

From the data for the last 3 years there has been an increase in the law enforcement process in 2022 where out of 52 cases there were 28 cases which were already at the P21 process stage, which means they were accepted by the prosecutor's office in the law enforcement process. At the P21 stage, the investigator was no longer involved in the prosecution process, only at the trial the investigator acts as a witness if requested by the public prosecutor.

In this case, it can be clearly seen that the level of crime being processed was getting higher, so it can be concluded that there is a need for efforts to tackle transnational crime in Indonesian waters, especially in the process of preventing transnational crime in Indonesian waters.

From the data above, it can be seen that the high level of transnational crimes related to psychotropic substances in 2020 was 23 cases, in 2021 there were 79 cases, and in September 2022 there were 28 cases. As such, it was necessary to have countermeasures in the pre-emptive, preventive and repressive processes which were efforts in the process of overcoming transnational crimes between countries or across countries.

In its efforts to combat transnational crime, Ditpolair Baharkam POLRI takes safeguards by conducting routine surveillance and patrols in hotspot zones. The Hotspot Zone which was a crime point in Indonesian territorial waters consists of 10 points of Tanjung Priok, Jakarta, Belawan, 3 points of Riau Islands, Riau, Gersik, Taboneo, 2 points of East Kalimantan. In conducting the patrols, Ditpolair Baharkam POLRI as the front guard catches transnational crimes that occur in territorial waters and enforces the law in accordance with applicable laws and regulations. Ditpolair Baharkam Polri also has an intelligence unit, so that it can map areas that are considered prone to transnational crimes. A public service innovation program to provide a response to prevention and handling when there was an incident of theft on a ship in the Lego anchor area and berths. In carrying out settlements against transnational crimes that occur in the Indonesian jurisdiction, the Ditpolair Baharkam Polri enforces the law in accordance with applicable laws and regulations.

Settlement of criminal cases committed by Ditpolair Baharkam POLRI as a law enforcement process was carried out by the Gakkum Sub-Directorate with investigators who already have competency in the field of law enforcement. The mechanism used in resolving criminal cases committed by the Ditpolair Baharkam Polri was the inquiries process which was carried out in a professional, accountable and transparent manner in accordance with applicable laws. Thus, after the inquiries process was completed, the Investigator at the Ditpolair Baharkam Polri submitted it to the prosecutor's office and then there was a complete statement from P21, so the trial process for the crime was entered. In enforcing fisheries law, there was a 30-day time limit and that should be P21, and this was an obstacle to the legal process. For 30 days the inquiries process has continued at P21 to the District Attorney's Office, while it was necessary to carry out the stages of handing over suspects and evidence after P21. After completing P21, the law enforcement process was completed by Ditpolair, then it was handed over to the prosecutor's office according to the locus delicti where a crime has occurred.

However, there were several obstacles faced by the Ditpolair Baharkam Polri in preventing transnational crime, both internal and external factors. Internal factors refer to obstacles that occur in the field in preventing transnational crime, lack of budget needed to mobilize prevention and security for members on duty in the field. As for external factors, there was a lack of outreach to the community to jointly prevent transnational crime and a lack of coordination with relevant stakeholders, so that efficiency should be easier to implement.

Kabaharkam Polri appreciates members who take action and prevent transnational crimes that occur in Indonesia's jurisdiction. Since 2021, Kabaharkam Polri has provided rewards in the form of certificates and other awards several times as appreciation to members who have excelled in preventing and prosecuting transnational crimes that have occurred. In addition, the award is in the form of a gold pin, education, extraordinary promotion, training to improve the ability of members to prevent and resolve transnational cases.

Ditpolair has 5 sub-directors consisting of water patrol sub-director, Intelair Sub-directorate, Gakkum Sub-Directorate, Binmasair Sub-Directorate, Fasharkam Sub-Directorate, in carrying out their duties it is necessary to make improvements related to the activity budget so that it can function optimally, although there is an additional budget for members in the Water Patrol

Sub-Directorate with additional daily money for members who patrol, but it is also necessary in the future for all special sub-directors for the prevention and control of transnational crime to be given an additional budget for members. In addition to increasing the budget, education and training are needed for members in carrying out activities to prevent and overcome transnational crime so that they can have personnel who have an understanding of the capabilities related to the prevention and control of transnational crime.

3.2 Cooperation Attempts with Other Institutions in Preventing Transnational Crime in the Indonesian Water Area

Ditpolair Baharkam Polri in carrying out law enforcement duties in Indonesian waters cooperates with related stakeholders by carrying out the making of the MoU. As of now, there were several areas which defined as hotspots for criminal acts, and joint patrols were carried out by the Ditpolair Baharkam Polri with Bakamla, TNI AL (Indonesian Navy) and other stakeholders to prevent security and law enforcement. Since 2022, Government regulation (PP) No. 13 of 2022 concerning Implementation of Security, Safety and Law Enforcement in Indonesian Waters and the Indonesian Jurisdiction. BAKAMLA was defined as a national coast guard institution as a coordinator for existing agencies such as Polair, KPLP, Customs and others.

BAKAMLA refers to an institution that has patrol boats, offices in the regions in carrying out tactical tasks, has conducted patrols and was in the process of arresting violations of the law. However, the existence of BAKAMLA as a coast guard has not functioned properly, but the collaboration that has been carried out with Polair was in the form of joint patrols, independently coordinated not in law enforcement, the law enforcement process was still being carried out by the Ditpolair Baharkam POLRI. In this case, it is clear for law enforcement between countries in September 2022, and it can be seen that there were around 52 cases handled by Ditpolair Collaboration carried out by Dirpolairud in the law enforcement process with the Attorney General's Office in resolving criminal cases including transnational crimes. Since 2022, the Attorney General's Office has issued the Republic of Indonesia Attorney General Circular No. 9 of 2022 concerning Optimizing the Handling of General Crime Cases Based on Equality with Investigating Institutions and Qualitative Criteria that the position/position/qualifications of the suspect, the value of the loss/impact incurred, and the qualifications of the crime are listed in the attorney general's circular letters b, c, d and or e. Nevertheless, if it does not meet these criteria, it will be resolved at the high prosecutor's office where the locus delicti crime occurred. In this context, "cost of investigative activities" refers to those tasks that necessitate going to the location where the crime took place in order to work in conjunction with the Regional Police. According to the findings of the interviews and the information provided by the informants, problems were discovered that were caused by the fact that each institution or department that guards Indonesian territorial waters, fishermen reported to the President that fishing boats were inspected by all agencies including inspections by the Navy, inspections by Polairud, and inspections by Customs; consequently, in the future, a joint agreement will be made that it is necessary to issue a proof that it has been inspected by an institution that has the authority to do. In addition to the joint agreement between the Ditpolair

Baharkam Polri and joint patrol activities, MoUs between BNN, KPLP, BAKAMLA institutions were carried out in preventing transnational crimes in Indonesian territorial waters. Ditpolair builds an interdepartmental police synergy system in order to build partnerships and networks in preventing transnational crime.

Ditpolair Baharkam Polri develops interdepartmental police synergy systems within international institutions and community components in order to build partnerships and partnership building/networking networks in preventing transnational crimes. In the interdepartmental police where cooperation was carried out between institutions responsible for protecting Indonesian territorial waters from transnational crime. International cooperation was carried out by the foreign cooperation section in collaboration with the international relations division. As for countries that have carried out cooperation, including the American embassy, Australian embassy, Singapore embassy, Korea embassy which performed a joint FGD process activities between countries.

In addition to the role of the Indonesian Air Police as a maritime nation, it has made efforts to tackle transnational crimes, especially crimes in the fisheries sector. Fishery crime was another transnational crime in the UNTOC context. Fishing crime with human trafficking, human smuggling and illicit drug trafficking where fishing crime often used as a means of carrying out these three crimes. Fishery crime was also related to other crimes in the UNCAC context, namely corruption, freezing and return of assets resulting from Illegal, Unreported, and Unregulated/IUU fishing (IUUF), as well as money laundering where many cases of fisheries crimes were facilitated by corruption (for example cases of bribery by companies foreigners) and the results of fisheries crimes were hidden by money laundering modes. Indonesia's efforts in mainstreaming Maritime Transnational Organized Crime issues are carried out in forums under the framework of the United Nations Convention against Transnational Organized Crime (UNTOC) and the Commission on Crime Prevention and Criminal Justice (CCPCJ), as well as support for the inclusion of IUU Fishing in various UN General Assembly resolutions related to fisheries (Ministry of Foreign Affairs, 2019).

From the conditions above, it is necessary to have the role of all parties, in this case the Ditpolair Baharkam Polri, which has been handling illegal fishing crimes committed in Indonesia, with the existence of fisheries crime handlers can prevent other types of transnational crimes such as drugs, human trafficking, results from fishing crimes are hidden by money laundering modes and corruption cases in the form of bribes from foreign vessels. Hence, it is necessary to strengthen the understanding of law enforcers, in tackling transnational crime and the existence of inter-departmental cooperation and international cooperation that must be built in the prevention and control of transnational transnational crimes that will harm Indonesia as a sovereign country and harm state finances. Hence, DITPOLAIR BAHARKAM POLRI needs to make collaborative efforts with other institutions in preventing transnational crimes in Indonesian waters to build a system of interdepartmental police synergy and international institutions as well as community components in order to build partnerships and networks in preventing transnational crimes in Indonesian waters on an ongoing basis so as to create efforts prevention or control as stipulated in UNTOC that serves as a guide for countries

in efforts to tackle transnational crime. International cooperation in dealing with transnational crimes, the role of the Ministry of Foreign Affairs needs to be well coordinated in overcoming transnational crimes in order to protect Indonesia's national interests and sovereignty. Since 2022, it has been decided by the Indonesian government that BAKAMLA will be the coordinator or coast guard with the issuance of Government regulation (PP) No. 13 of 2022 concerning Implementation of Security, Safety and Law Enforcement in Indonesian Waters and the Indonesian Jurisdiction. BAKAMLA is used as a national coast guard institution as a coordinator for existing agencies such as Polair, KPLP, Customs and others. BAKAMLA is an institution that has patrol boats, offices in the regions in carrying out tactical tasks, has carried out patrols and the process of arresting violations of the law. However, the existence of BAKAMLA as a coast guard has not functioned properly, but the collaboration that has been carried out with Polair is in the form of joint patrols, independently coordinated not in law enforcement, the law enforcement process is still being carried out by the Ditpolair Baharkam POLRI. In this case, it is clear for law enforcement between countries in September 2022, and it can be seen that there are around 52 cases being handled by Ditpolair. Therefore, it is necessary for Ditpolair Baharkam Polri to build a system of interdepartmental police synergy and international institutions as well as community components in order to build partnerships and work networks in preventing transnational crimes in Indonesian waters.

4. CONCLUSIONS AND RECOMMENDATIONS

With the issuance of Government Regulation (PP) No. 13 of 2022 concerning the Implementation of Security, Safety, and Law Enforcement in Indonesian Waters and Indonesian Jurisdiction, the Indonesian government has decided that the coordinator or coast guard for Indonesian waters and Indonesian jurisdiction will be BAKAMLA, which includes Polair, KPLP, Customs, and other institutions with the authority to maintain security, safety, and law enforcement. In the course of their work to combat transnational crime or facilitate law enforcement in Indonesian waters as of September 2022, DITPOLAIR BAHARKAM POLRI has dealt with 52 cases of transnational criminal activity. However, Ditpolair Baharkam Polri is having trouble with the socialization budget process as it works to socialize efforts related to crime prevention, including the most recent regulations, communication that must continue to be built with coastal communities, fishermen, and ships that are anchored to prevent crime from occurring.

DITPOLAIR KALPORAIRUD BAHARKAM POLRI makes collaborative efforts with other institutions in preventing transnational crime in Indonesian waters to build a system of interdepartmental police synergy and international institutions as well as community components in order to build partnerships and networks in preventing transnational crime in Indonesian waters by cooperating with inter-institutions there is cooperation in conducting MoUs and agreements on activities in water patrols for international institutions through cooperation including the embassies of the American, Australia, Singapore, Korea are carried out joint activities of the FGD process between countries.

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