Strengthening National Defence: Coordinating Waters and Air Territory Security under the Indonesian National Police

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Abstract

This study aims to analyse the role of a corps under the Indonesian National Police, known as Air and Water Police Corps (Ditpolair Korpolairud Baharkam) to strengthen national defence. Being on the equator makes Indonesia rich in natural resources, but, its strategic position also poses a threat, especially in the defence and security sector in border areas, both regional and international trade routes. The actual threats at trade crossings where about 40% of trade routes pass through Indonesia are the high cases of smuggling of illegal goods, human trafficking, illegal fishing, and many other cases that occur in Received: May 29, 2020 Revised: August 27, 2021 Accepted: August 28, 2021

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Indonesian waters. In accordance with Article 6 of Law Number 34 Year 2004 that the Indonesian Navy as the main component functions as an antidote, act and restore the condition of state security. The Indonesian Navy as a Military Defence Force has a heavy role because as a military, police, diplomacy and support, it also functions as a marine controller and power projection. While Non-militer Defence entities such as the National Police, Indonesian Ministry of Marine and Fisheries Affairs (KKP), Indonesian Maritime Security Agency (Bakamla) as the coordinator. The normative juridical approach has been used and qualitative research methods are explained in descriptive analysis. The result shows that Ditpolair Korpolairud Baharkam carried out their roles as mandated by laws and regulations and the need for communication and coordination in synergy with all defence forces handling maritime, so that the integrity of Indonesia remained intact.

Keywords: Territorial Control; Indonesian National Police; Waters and Air Territory.

Introduction

Indonesia is the largest archipelago in the world with over 1700 islands (Vaughn 2011). Indonesia geographically position is located between two continents, namely the Asian Continent and the Australian Continent, and also connects two large oceans, namely the Indian Ocean and the Pacific Ocean. The area of water, territorial sea and inland waters, approximately 2.8 million square kilometers, or about 70% of the Indonesia's area. This strategic position is advantageous for Indonesia actually in economic aspect and geo-politics in the both regional and global (BNPP 2014).

Indonesia's position next to some of the world's most crucial shipping lanes and trade routes. Most of trade flows and shipping track through the Malacca Strait. Malacca Strait correlated to Indian Ocean with the South China Sea and the Pacific Ocean. In geo-politics dynamic, Indonesia become a main player in Southeast Asia and Pacific region. Based on the fact, Indonesia is one of the countries that attracts many countries to take their interest.

With the addition of the Indonesian Exclusive Economic Zone (EEZ) of 2.7 million square kilometers, the total sea area of Indonesia's national jurisdiction will be 5.9 million square kilometers. The coastline is 81,000 km in length and the number of islands ranges from 17,504. And the United

Nations verifies 7 August 2017 to 16,056 islands. Indonesia borders directly with other maritime countries, namely India, Thailand, Malaysia, Singapore, Vietnam, the Philippines, East Timor, Australia, Palau and Papua New Guinea. Indonesia also divides its sea lane into 3 and there are 4 choke points from 9 choke points in the world (see the details in Figure 1).

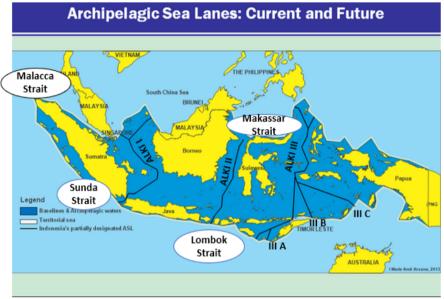


Figure 1. ALKI and Choke Point of Indonesia Source: Arsana, 2015.

According to Figure 1, Indonesia become a strategic position with rich natural resources, both fishery resources and those on the ocean floor. This should be able to make the Indonesian people a determinant and make the sea a good source of state income (Handayani et al. 2020). One example is the establishment of the Sunda Strait and the Lombok Strait as the first two sea lanes in the world to have a Traffic Separation Scheme (TSS) separation chart based on the plenary session of the International Maritime Organization (IMO) subcommittee of Navigation. ALKI, based on 1982 UNCLOS, is a territorial water of Indonesia that is free to be passed by international ships (freedom to passage) (Rustam 2016). The consequence is that Indonesia must be able to guarantee the security and safety of world shipping 24 hours a day, namely by preparing the Ship Traffic System (VTS), Coastal Radio Station (SROP), Sailing Navigation Supporting Facilities (SBNP).

In the National Defence Doctrine, the classification is of two types namely military and nonmilitary threats, the source of these threats can come from within and outside the country, and the actors can be state or not (Indonesian Defence Minister Regulation Number 25 of 2014). The Indonesian Minister of Defence Prabowo Subianto on October 28, 2019, said that the concept of actual and potential threats, and the one authorized to handle these threats in the field of national defence was the Indonesian Navy (TNI). In accordance with Article 6 of Law Number 34 Year 2004 that the TNI as the main component functions as an antidote, act and restore the condition of state security. Furthermore, Article 7 states that the TNI's duty is to uphold the country's sovereignty, maintain the territorial integrity of the Unitary Republic of Indonesia based on Pancasila and the 1945 Constitution, and protect the entire nation and all Indonesian blood spills from threats and disturbances to the integrity of the nation and state.

In 1998, with a mass movement that wanted change and succeeded in bringing down President Suharto on May 21, 1998. The Reform Agenda brought by the students at that time was one of which was to amend the 1945 Constitution. Then on 18 August 2000 the second change Chapter XII concerning National Defence and Security, Article 30 paragraphs 3 and 4 explains the separation between the Indonesian Armed Forces and Indonesian National Police. Then came the MPR Decree number VI and VII which stipulated that the separation of the two institutions that had joined since 1960 with TAP MPRS No. II/1960 Article 54 paragraph c (Aini, Muntholib, and Andy Suryadi 2019). Article 30 of the 1945 Constitution prior to the changes placed the Indonesian Armed Forces and the National Police of the Republic of Indonesia as the main components together to carry out Defence and Security efforts as a whole and the people as supporting components. But after the second change, there was a separation between the Indonesian Armed Forces and Indonesian National Police. The National Police as law enforcement officers have the task of Maintaining Kamtibmas (Security dan Public Order), Enforcing the Law and Providing Protection, Protection and Services to the Community (Article 13 of Law No. 2 of 2002). This means that actual and potential non-military threats that endanger domestic security in particular and the safety of the nation and the state in general.

Furthermore, Article 6 states that "the National Police in carrying out the roles and functions of the Police as referred to in Articles 2 and 5 covers the entire territory of the Republic of Indonesia". Due to the similarity in the scope of the task of maintaining security and order at sea, the National Police in particular the Directorate of Air and Water Police Corps Indonesian National Police Security Maintenance Agency (*Polair Korppairairud Baharkam*) has a duty as the main technical implementer of the Police in water areas and supports the president's policy of making Indonesia a World Maritime Axis, but bearing in mind the limited strength of the defence element the military in maritime and the scope of heavy tasks as well, then the National Police as an element of non-military defence also strengthens the special State Defence in the Maritime Region in order to achieve Indonesia's national goals. The purpose of this study is to describe the role of Ditpolair Korpolairud Baharkam in strengthening national defence.

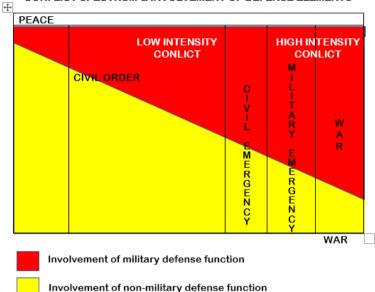
Method

The method used in this study is to use a normative juridical approach because the approach refers to the applicable laws and regulations. This writing also uses the writing specifications of qualitative methods with descriptive analysis. Descriptive, namely writing aimed at describing something in a certain area and at a certain time. This writing uses library data sources, namely using secondary data obtained by collecting from various reading materials related to the problem under study. The analysis uses qualitative methods, namely analysing data in the form of legal materials and secondary data obtained and then interpreted to be presented simply and systematically.

Indonesia's Maritime National Defence

National Defence is defined as efforts to maintain national sovereignty, territorial integrity of the Unitary State of the Republic of Indonesia, and the safety of all nations from threats and disturbances to the integrity of the nation and state (Article 1 paragraph (1) of the 2002 National Defence Law). Paragraph (2) further explains that the National Defence System is universal in nature involving all citizens, territories and other national resources, and is prepared early by the government and is carried out in a total, integrated, directed, and continuing manner to uphold state sovereignty, integrity territory, and the safety of all nations from all threats.

National Defence doctrine regulates how the defence elements of the TNI and Ministry/Agency are deployed on the spectrum of conflict and the involvement of the defence element is carried out in times of peace and war. The deployment of the TNI for assistance in overcoming non-military threats can be carried out with state policies and political decisions (Article 7 paragraph (3) TNI Law No. 34 of 2004). Understanding of the spectrum of conflict becomes the basis in prevention, management, involvement of defence forces and also involvement in the task of peace and humanitarian assistance as well as assistance in the ability of the country's defence to the Ministry or other civil authorities (as represent in Figure 2).



CONFLICT SPECTRUM & INVOLVEMENT OF DEFENSE ELEMENTS

Figure 2. Conflict Spectrum Chart and Involvement of Defence Elements Source: Minister of Defence Regulations Number 25 of 2014.

From Figure 2, it can be seen that in accordance with the National Defence Doctrine, there are two conditions as to how the role of each element of defence, if the situation is still peaceful the security situation is still conducive then the security status is Civil Order and the role of Non-Defence Defence which is prioritized to become the leading sector, whereas Military Defence carries out its main duty. If there is a Low Intensity Conflict (LIC) and it starts to increase, the status will change to Civil Emergency, where there is an involvement of the military defence element by conducting Military Operations Other Than War according to State Political Policy and Decisions. If the threat escalation has led to high-intensity conflict or war, the civil authorities can ask the defence element directly to take over the functions of government where the emergency status is enforced, the role of military defence is more emphasized as the main force and ministry/agency is used as a backup or supporting component to strengthen the TNI.

The TNI as the main component in carrying out security duties at sea, in accordance with the mandate of Article 9 of Law No. 34 of 2004 carrying out tasks including: 1) carrying out the duties in the field of defence, 2) enforcing the law and maintaining security in the sea territory of national jurisdiction in accordance with the provisions of national law and international law which have been ratified, 3) carrying out naval diplomacy in the framework of supporting foreign policy established by the government, 4) perform duties in the development and development of the sea power force, and 5) implementing empowerment of the sea defence area.

In the explanation meant by upholding the law and maintaining security are all forms of activities related to law enforcement at sea in accordance with the authority of the Navy (constabulary function) that applies universally and in accordance with the provisions of the applicable legislation to overcome threats and actions, violence, navigation threats, and violations of the law in the sea areas of national jurisdiction. Enforcing the law is limited in the scope of the pursuit, arrest, investigation of the case which is then submitted to the prosecutor's office. The purpose of Naval Diplomacy is the function of maritime diplomacy in accordance with foreign policy that is inherent in the role of the Navy in a universal manner in accordance with international policy, and has become the basis and every warship in a country in another country has diplomatic immunity and sovereignty full (Nugraha and Sudirman 2016).

The task assigned to the Navy is very heavy, because with the limited personnel and defence equipment available to protect the Indonesian sea from a variety of complex problems both threats that come from inside and outside. TNI must play its role as military, police, diplomacy and support and function as a naval controller and force projection. For this reason, in upholding Indonesia's sea sovereignty, the President of Indonesia at the inauguration of October 20, 2014 stated that:

"We must work as hard as possible to restore Indonesia as a maritime country, ocean, sea, strait and bay are the future of our civilization. We have been backing the sea for too long, the back of the ocean, the back of the strait and the bay."

Therefore, based on Maritime Law Number 32 of 2014, Presidential Regulation Number 178 of 2014 concerning the body tasked with coordinating maritime security was formulated and named Bakamla with its authority in enforcing civil law at sea including disputes over border areas with other countries, piracy, illegal arrest, transportation of illegal logging results by sea, human and narcotics smuggling, illegal crossing and sea pollution (Keliat 2019; Ansori et al. 2017). Related to law enforcement issues at sea, there are several agencies involved besides the Navy. Such as the Ministry of Maritime Affairs and Fisheries (KKP), the Directorate of Customs and Excise, Department of Sea Transportation, and Indonesian National Police. For more clearly the division of territory and authority in law enforcement can be seen in Figure 3.

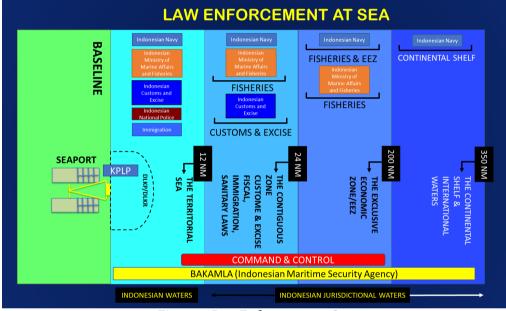


Figure 3. Law Enforcement at Sea

Source: FGD by Dr. Surya Wiranto at Indonesia Defence University on September, 30 2019.

Based on the 1982 UNCLOS Indonesian sea waters are divided into 3 regions, namely: (a) *Territorial Sea* which are the waters along the 12 Nautical Mile (NM) are measured from the base line, Indonesia has a sovereignty over the sea area, seabed, subsoil, air and natural resources contained therein. Indonesia has an obligation to guarantee the right to cross peace, both through the archipelago and traditional routes for international shipping; (b) Exclusive Economic Zone (EEZ) which is an outside and boundary sea territory of Indonesia as stipulated in the applicable law concerning Indonesian waters which includes the seabed, the land underneath and the water above it with the outermost limit of 200 (two hundred) nautical miles measured from the Indonesian sea baseline. (Article 2 of Law No. 5 of 1983). In this EEZ, Indonesia has sovereign rights to explore, exploit, conserve and manage natural resources, including being free to carry out air activities on it; and (c) Continental Shelf which is the seabed area includes subsoil which is a natural sustainability of the mainland of the Indonesian island. If the natural continuation is gentle, the outer boundary of the continental shelf is marked by a continental slope or continental rise. However, if the natural continuation is steep not far from the archipelagic baseline, then the outer boundary of the continental shelf see not far from the archipelagic baseline, then the outer boundary of the continental shelf coincides with the outer boundary of EEZ. In a focus group discussion (FGD) Rear Admiral TNI (Ret.) Dr. Surya Wiranto said that Indonesia's maritime strengths were TNI, the National Police, KPLP, KKP, Bakamla. Furthermore, sea power is not only a fleet of warships, but includes all potential national forces that use the sea as a source of power, such as law enforcement at sea, fleet of commercial ships, ports and industries and services maritime (Marsetio 2020). Maritime operations authority for agencies that handle by zone, namely: 12 nautical miles territorial zone (Navy, KKP, Bakamla, National Police, Immigration), 24 nautical miles additional zones, continental shelf & international waters zone. For Bakamla's position as the command and control of its authority, it is the same as TNI from the territorial waters of Indonesia to the waters of Indonesian jurisdiction.

The Police Headquarters Baharkam is an integral part of the National Police, indeed, its duties and responsibilities still refer to the Police Law. There are several articles that become references in the implementation of their duties. Article 4 of Law No. 2 of 2002 states that the National Police is aimed at realizing domestic security which includes maintaining the security and order of the people, orderly and upholding the law, implementation of protection, protection, and service to the community, as well as maintaining peace of society by upholding human rights.

Ditpolair is the main technical implementing element of the Police in the territorial waters whose task is to maintain domestic security, enforce the law, provide protection and services to the people in the territorial waters of the waters, being demanded to be able to anticipate and overcome various forms of vulnerability and threats that may arise from the programs. national government program. Domestic security is a condition marked by the guarantee of security and public order, orderly and upholding the law, as well as the implementation of protection, protection and service to the community (Article 1 number (6) of Law No. 2 2002). The role of Ditpolair is to maintain public security and order, enforce the law, and provide protection, protection and services to the community in the context of maintaining domestic security (Article 5 paragraph (1) of Law No. 2 of 2002). National Police Chief Gen. Idham Aziz when he was appointed to the 69th anniversary of Polairud on 1 December 2019, said that an active role in the field of humanity and trans-national crime and other assignments was required (RRI 2020).

In addition to carrying out duties in accordance with the mandate of the Ditpolair Law and supporting the president's program, Indonesia is becoming the World Maritime Axis (PMD). President Jokowi issued seven pillars which were the responsibility of Ditpolair to carry it out. Such as securing the acceleration of President Jokowi's program, which is securing the construction of sea ports in 306 locations spread throughout the Republic of Indonesia. Article 6 regulates the territory for the Indonesian National Police members in carrying out their roles and functions. The State Territory included herein is the jurisdiction of the Republic of Indonesia sovereignty in accordance with the prevailing laws and regulations. The implementation of the Indonesian Police functions covers the entire territory of the Republic of Indonesia so that every police institution can exercise his authority in the entire territory of the Republic of Indonesia, especially in the area he is assigned to (Explanation of Article 6 paragraph (1) of Law No. 2 of 2002).

The meaning of the Republic of Indonesia or the territory of a country according to the Law on state territory is one of the elements of the state which is a unified land area, inland waters, archipelagic waters and territorial sea along with the seabed and ground beneath it, and the air space above it, including all sources wealth contained therein (Article 1 paragraph (1) of Law No. 43, 2008). Ditpolair carries out tasks throughout the waters of the Republic of Indonesia. Data obtained from a total of 76 ships, there were 42 ships carrying out the assignments of Patroil Binamas and Sambang Nusa. The remaining 34 other ships are at the base.

From 42 ships that are carrying out assignments outside the base, only one sample has been chosen for assignment in the waters of North Sulawesi and North Maluku to carry out Police activities in order to anticipate an increase in security disruption. In an official statement issued on April 27, 2020, the police have a major task to regularly patrol the waters. Another statement from a police officer, Kompol Ekanto as the Captain said that he had carried out the task for eight months since October 2019 and to secure the smuggling of liquor from the Philippines. While data on handling cases for the 2018 to 2019 can be seen in Figure 4.

	CASE	CASE HANDLING						
NO		NUMBER OF CASES			CASE SETTLEMENT			
		2018	2019	INVESTIGATION	Warrant of Termination of Investigation (SP3)	Judicial Mafia (LIMP)	Notification of Results of Investigation (P21)	Additional Information
Α	CONVENTIONAL							
1	Shipping	6	1				7	
2	Theft	2				1	1	
3	Document Forgery	1	4	4			1	
4	Explosive	6	1				7	
	Embezzlement		1					1 (INVESTIGATE)
в	THE COUNTRY'S WEALTH							
5	Illegal Fishing	19				19		KIA
6	Illegal Oil	2	3	1	1		3	
С	TRANSNATIONAL CRIME							
7	Quarantine	1				1		
8	Customs	1				1		
9	Drugs		1				1	
TOTAL		38	11	5	1	22	20	1 (INVESTIGATE)

Figure 4. Case handling data of Subditgakkum. Source: Kasubditgakkum Ditpolair, March 26, 2019.

In the operational implementation of Ditpolair, it refers to the Decree of the Head of the Indonesian National Police regarding guidelines for the use of water police police elements. This rule is used by Polair elements in all ranks of the National Police starting from the central and regional levels, so there is uniformity in the mindset and actions in carrying out their duties. This regulation also explains the authority to use the central, regional police and regional police stations. When carrying out their duties, keep coordinating with the unit under Operational Control (BKO). Informant Kompol Ekanto said that in addition to carrying out law enforcement, they also carried out the ALKI Patrols and Indonesian boundary waters.

The basis for implementing the ALKI Patrol is the Regulation of the Director of the Baharkam Water Police Number 1 of 2016. What is meant by the ALKI Patrol is the Police's activities in a systematic, planned and synergy manner to guarantee the situation and condition of the ALKI free from disturbances, obstacles and threats so that foreign ships can exercise their rights peace and national interests can still be protected. According to a Captain of the Prahasta-7015, to secure special waters in the North Sulawesi and North Maluku regions, water police did as instructor in accordance with the rules. However, there are obstacles to take an action of fuel oil cases, it is difficult to arrest perpetrators in transnational crime cases.

However, if you encounter a Foreign Fish Boat that enters the waters of the Republic of Indonesia, to take action it will be terminated by using Very Hight Frequency (VHF) radio on the 16 Marine Channel, then an inspection of the ship, person and cargo. If a violation of a crime is found, action will be taken to be taken to the nearest port while being guarded. Then submitted to the territory related to the handover of police investigation report, the suspect and the evidence. At present the National Police and KKP have reached a decision to synergize in securing and law enforcement in the field of maritime affairs and fisheries.

According to the Governor of North Sulawesi in a public lecture on November 21, 2019, in terms of maritime security, North Sulawesi region become vulnerable because consisted of four cities and eleven districts, 287 islands (59 already inhabited and 228 empty), 12 outermost islands (two islands bordering the Philippines, namely Miangas Island and Marore Island). This is vulnerable and requires the role of all elements of both military defence and non-military defence elements. The role of the Polair, both the Polytechnic Baharkam Police Headquarters and the North Sulawesi Regional Police Polytechnic, to work together and extra in carrying out the main task and function. Ditpolair must be able to secure the smuggling of terrorist members who will come out and join the Abu Sayyaf

group. The smuggling of weapons to be used by East Indonesian Mujahid groups in Poso, armed separatist groups in Papua or will be used by other criminal groups who use firearms as a tool to carry out their actions (Dodokambey 2019).

The role of Ditpolair is also demanded in providing the convenience of tourists who come to North Sulawesi to enjoy marine tourism. Both from the interference of the perpetrators of crime or provide assistance in the event of a disaster. The synergy that is built in enhancing the role of Ditpolair is urgently needed, because efforts to create security in maritime cooperation need between institutions. According to the online Indonesian Dictionary, synergy means to carry out joint activities or operations. According to Deardorff and Williams (2006), synergy is a process in which the interaction of two or more agents or forces will produce a combined effect that is greater than the sum of their individual effects. From these two definitions it can be seen that synergy is an activity or operation carried out by two or more forces so as to get maximum results.

In order to play the role of Ditpolair, what is most needed is good communication and coordination among elements in Maritime Operations. Hasan (2004) states that communication cannot stand alone without coordination. Coordination is the integration and activities of individuals and units into a joint effort that is working towards a common goal (Hasan 2004). Evidenced by good communication and coordination, on 4 October 2019 the TNI, the National Police, KKP synergized in carrying out their duties so that they succeeded in thwarting smuggling efforts by 440,770 lobster seeds worth Rp 66,194,650,000. One of examples, synergy is also carried out by the water police in Brebes and TNI conducting joint patrols at night at the hot spot area, an area where crime is prone to provide a sense of security at the location of fishing vessels that are anchors, and fish auction, jetties and settlement (*Tribratanews* 2017).

However, during the pandemic, their duties added to provide consumption for who are active in the sea (*Tribratanews* 2020a). This activity was also implemented for residents who could not go to sea because they had to stay at home to break the chain of the spread of the Covid-19 pandemic (*Tribratanews* 2020b).

Conclusions

The universal defence system is a characteristic of the Indonesian nation. The existence of the national defence doctrine as the basis for all doctrines relating to the state both to regulate the Military Defence Doctrine which was formulated and elaborated by the Indonesian Navy Headquarters, is known as the Tri Dharma Eka Karma Doctrine (three services, one determination). The descendants of the Land Mattrage Doctrine are the Kartika Eka Paksi Doctrine, the Sea Matra, the Jalesveva Jayamahe Doctrine and the Air Matra, the Swa Bhuana Forced Doctrine. As for the non-military defencee of the doctrine, it is known as Dwi Bhakti Eka Darma. The elaboration is adjusted to the complexity of the role and functions of the non-military and the demands of the organization of the non-military defence. The Indonesian National Police has a doctrine known as Tri Brata, which is the three bases that are used as a way of life for every individual personnel of the National Police. Ditpolair Korpolairud Baharkam Police Headquarters has carried out its role in accordance with the mandate of the National Police Law to maintain and provide protection and service to the community. In performing their duties, communication and coordination with other maritime elements is needed so that the creation of synergy in carrying out their duties can be optimal to strengthen the Republic of Indonesia. The results of this research shows that Ditpolair Korpolairud Baharkam has a main role as mandated by laws and regulations. In addition, communication and coordination is needed to cooperate with all maritime defence forces, so that the integrity of Indonesia remained intact.

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