

THE ROLE OF FISHERMEN IN ASSISTING MARITIME LAW ENFORCEMENT AGENCIES TO PREVENT MARITIME SECURITY THREATS

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Abstract – Indonesia's sea is approximately 2/3 wider than the mainland, with very strategic geographical position located at the cross point of Indian and Pacific Oceans. This geographical position serves as strategic route for shipping, with every shipment from the west to east and the opposite will sail through the Indonesian sea. This can be both opportunity or challenge, depending on how Indonesia will manage it. If the State did not manage it well, it will increase the maritime security threats, such as IUU fishing, smuggling, and piracy. These threats may seriously disrupt the marine economics development, given the limited number of armaments and personnel of marine law enforcement agencies. Therefore, the capacity of fishermen in assisting marine law enforcement agencies to prevent the maritime security threat is inevitable. This study uses descriptive qualitative method. There are two types of data sources, primary and secondary data sources. Primary sources is obtained through interview with stakeholders and fishermen organization, while secondary data source is obtained by literature study. The role of fishermen in assisting maritime law enforcement agencies, in this case PSDKP KKP and Navy, to prevent maritime security threats is prescribed role or recommended role. The prescribed role is shown by the community group program established by PSDKP and Coastal Development in Rural area which is established by the Navy. With this program, the fishermen can supply informations about maritime security threats to PSDKP and the Navy so that they can act immediately to prevent these threats.

Keywords: Maritime Security Threats, Fishermen, Community Group Supervisor (Pokmaswas), Development Of Coastal In Rural Area (Bindesir)

Background

Indonesia's sea territorial comprises over two-thirds larger than the mainland. Indonesia's geographical position is strategically located at the cross point of the Indian and Pacific Oceans. In addition, this cross position provides a strategic route for world shipping with every shipment from the

west to east hemisphere and vice versa will sail through Indonesian sea territory. Please note that currently almost 90% of world trade is shipped by sea and approximately 75 % of its traded commodities are shipped through Indonesian marine territory.² This can be both opportunity or challenge, depending on how Indonesia manage it.

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² P. Nainggolan, World Maritime Axis Agenda and Strategic Environmental Change, (Jakarta: P3DI, 2015).

As a country that has ratified the United Nations Convention On the Law of the Sea 1982 (UNCLOS'82), Indonesia can be categorized as an archipelagic country, a many islands state. As an archipelagic state, Indonesia needs to focus on its sea territorial to manage its maritime potential since Indonesia has neglected the sea for decades and only focus on the development of land territory. However, since 2014 during the administration of President Joko Widodo, the maritime sector development has been re-established. With the vision of the World Maritime Axis as stipulated under the Presidential Regulation No. 16 of 2017 on the Indonesian Maritime Policy, a policy that oversees all development related to the maritime sector. It surely brings some new horizon, but as mentioned above, the maritime sector development can pose as both opportunities or challenges. It can be a great opportunity if the developments can have an impact for economic improvements in the community, while the challenge comes from the maritime security threats. According to Indonesian

Chamber of Commerce, the projected value of Indonesia's marine reaches 171 billion US dollars, equivalent to 2046 trillion, assuming the fishery sector contribute 380 trillion rupiah, coastal sector contribute 670 trillion rupiah, biotechnology sector contributes 480 trillion rupiah, maritime tourism sector contributes 24 trillion rupiah, the petroleum sector amounted to 252 trillion rupiah, and sea transportation amounted to 240 trillion rupiah.³

Threats can be defined as a business or activity undertaken by a group of people to interfere the security by taking harmful action. The maritime security threats can be divided into traditional threats and non-traditional threats. In the context of maritime security in Southeast Asia, traditional threats are often interpreted as a sea boundary dispute issue that could lead to armed conflict (military) at sea.⁴ While non-traditional threats of maritime security are threats from *non-state actors* or perpetrators rather than state institutions, like criminal groups operating at sea, among others

³ B. Prihartono, "Development and Implementation of Sea Toll in RPJMN 2015-2019 2015", in <http://www.bappenas.go.id/files/Pengembangan%20Tol%20Laut%20Dalam%20RPJMN%202015>

2019%20Dan%20Implementasi%202015.pdf, accessed on 20 February 2018.

⁴ Alban Sciascia, "A Herculean Task", in *Back to the Sea: Maritime Industries and Services in the Vision of the World Maritime Axis*, (Jakarta: Ministry of Communication on Maritime, 2016), p. 49-67.

are: piracy, ship hijacking, terrorism, drugs smuggling, timber, and illegal goods, human trafficking by sea, *illegal fishing*, and other crimes.

As the proverb says, sugar will attract the ants, which means that an economic turnaround will attract ill willing people seeking for the opportunity to involve illegally. Therefore, Indonesia requires strong sea power to prevent these threats. Sea power is the ability of a state to control its sea territory for maintaining the state sovereignty, sea power also serves to prevent unwanted actors from exploiting the state sea territory.⁵

The maritime sector development is strongly related with the role of maritime security as a way to establish a stable and sustainable development. Maritime security becomes inevitable to achieve maximum maritime development.⁶ Nowadays, studies on maritime security continue to grow rapidly,⁷ since the

increasingly high marine potential hence threats in maritime security is also increasingly evolved. Particularly now that some developed countries like America, China, and Japan are focusing on the exploration of marine potential that often interfere with other countries interest. Maritime security from the perspective of marine economic development can be interpreted as a condition or circumstance in which all economic activities undertaken and related to the sea are free from all threats and dangers that can cause financial losses and casualties and disrupt marine economic development.⁸

To establish the maritime security, a state requires sea power that is not only relying on the Navy. Sea power also includes existing non-military aspect at sea, as long as these aspects can aid the naval task and encourage engagement of government and society.⁹ Currently there are other terminology besides sea power, which is maritime power and naval power.

⁵ Marsetio, *Indonesia's Sea Power*, (Jakarta : Defense University of Indonesia, 2014).

⁶ Anta Maulana Nasution, "Urgency of Maritime Security in Maritime Economic Development of Indonesia", in *Back to the Sea: Maritime Industries and Services in the Vision of the World Maritime Axis*, (Jakarta: Ministry of Communication on Maritime, 2016), p. 175-201.

⁷ Some maritime security studies from Roell et al (2013) *Maritime Security - Perspectives for a Comprehensive Approach*, Makmur Keliat

(2009) *Maritime Security and Implications for Indonesia*, Sam Bateman et al (2009) *Good Order at Sea In Southeast Asia and Christian Bueger* (2015) *What Is Maritime Security?*

⁸ *Ibid.*

⁹ Geoffrey Till, *Sea power, A guide for the Twenty-First Century*. Second edition, (New York: Routledge, 2009).

In principle, these three terminologies are similar, because the domain are equally at sea, but considering the condition of the Indonesian sea, there are some significant differences. Indonesia's Sea power is a combination of maritime power and naval power (Figure 1), because the sea power cannot be realized without the cooperation of maritime power and naval power.



Figure 1. Sea Power of Indonesia
Source: Processed by the Author

Naval power of Indonesia is the Indonesian National Army (TNI) Navy (AL). According to Ken Booth the role of the Navy is divided into; the role of the military to maintain the state sovereignty by performing the defense and prevention of sovereignty threat at sea. While the role of the *konstabulari* is the use of naval power for law enforcement function at sea against the threats of crime and as a safeguard over marine resources. The last

is the diplomacy role that is implemented to support the government's foreign policy.

Maritime power implementation in Indonesia involved every law enforcement institutions in the sea, such as the Navy, such as Marine Police, Indonesian Sea and Coast Guard (KPLP), Directorate-General of Surveillance and Control of Marine and Fishery Resources (PSDKP), Customs and Excise, and Indonesian Maritime Security Agency (Bakamla). However, the maritime power practically cannot be separated from the support of private sectors involved in maritime industry and services. Maritime power has an important role to play during the peaceful period, because the military warfare are no longer as threatening as it did during the world war. Instead, more threats are perpetuated by the non-state actors in robbery, piracy, smuggling of illegal goods, and so on.

In accordance to the applicable regulation in Indonesia, particularly the 1945 National Constitution of the Republic of Indonesia 2nd amendment and article 30, which explained that every Indonesian citizen is entitled and obliged to participate in the defense and security of the state, where citizen is assigned as the supporting component. In regards to the defense and maritime security, the

fisherfolk is the most relevant community to be engaged as supporting component for marine law enforcement agencies. According to Law No. 45 of 2009, fishermen is defined as an individual who make his/her livelihood from fishing. Obviously, fishermen know more about the sea than the people living in the mainland. Thus, fishermen have a significant role to prevent maritime security threat and they can be great potential component to realize the maritime security of Indonesia. China as a continental state has already involved their fishermen to assist in maritime law sector. China has established a militia consisted of well-trained and properly organized fishermen and seafarers. They are also called as hybrid civilian-naval force because they are indirectly engaged as unofficial law enforcement and auxiliary components of the Navy.¹⁰ Japan also has plans to involve their local fishermen to participate in patrols alongside the coast guard in order to maintain their seafood

resource that are illegally exploited by the North Korean fishermen.¹¹

Indonesia is currently focused on maritime security threats from the marine and fishery sectors, mainly the Illegal, Unreported, Unregulated Fishing (IUU Fishing). This threat has become an international problem and has been classified as a transnational organized crime because it involves many actors from various countries. IUU Fishing is an official terms that was launched by the Food and Agriculture Organization (FAO) through the Code of Conduct for Responsible Fisheries (CCRF). Illegal fishing can be briefly defined as illegal fishing activities, which are not regulated under the regulations, and fishery activities that are not reported to the competent authorities the fisheries sector management.¹²

According to Task Force 115, there are 12 IUU Fishing modus operandi that has been identified in Indonesia:

1. Falsification of ship registration documents.

¹⁰ J. Kraska, dan M. Monti, "The Law of Naval Warfare and China's Maritime Militia", 91 INT'L L. STUD. 450. International Law Studies, U. S Naval War College, Stockton Center for the Study of International Law, 2015.

¹¹ "Japan's Ministry of Fisheries Spends 12 Billion Yen to Help Fishermen Dealing with North Korea", December 12, 2017, in [http:](http://www.tribunnews.com)

[//www.tribunnews.com](http://www.tribunnews.com), diakses on February 20, 2018.

¹² A. Sinulingga, "Handling Illegal Fishing in Indonesian Waters, Case Study: Illegal Fishing Period 2009-2014", Thesis, Graduate Program, Faculty of Defense Management, Defense University of Indonesia, 2016.

2. Use of double flags and double registrations.
3. Illegal fishing / shipping documents (SLO and SPB).
4. Modify the ship without notice such as *mark down*.
5. Employing foreign Captain and ship crew.
6. Deactivating VMS and AIS transmitters.
7. *Illegal transshipment*.
8. Filling out logbook data incorrectly.
9. Violation of fishing lane.
10. Use of prohibited fishing gear.
11. Does not have UPI.
12. Unloading the fish on a port that is not designated in the permit.

If the matters are not appropriately addressed, the IUU Fishing in Indonesia will massively expand in the future, especially if we refer to the Maximum Sustainable Yield, Indonesia's marine fisheries are increasing every year (1997: 6.19 Million Ton , 1999: 6.4 million tons, 2001: 6.41 million tons, 2013: 7.31 million tons, 2015: 9.93 million tons, 2016: 12.54 million tons).¹³ According to data from the

Navy, from January to October 2017 there are 64 Foreign Fishing Vessels (KIA) committing IUU Fishing in the Indonesian Exclusive Economic Zone.¹⁴ The government took a firm stand against the perpetrators of IUU Fishing from other countries as well as from Indonesia, by the end of 2017 in accordance to Law No. 45 of 2009, the Ministry of Marine Affairs and Fisheries has drowned 317 illegal fishing vessels consisting of 304 foreign fishing vessels and 13 Indonesian fishing vessels.¹⁵

The situation of limited defense weaponry system of Indonesia's law enforcement agencies, especially those who are dealing with many actors of IUU Fishing should be acknowledge as a problem. This has been admitted by Rear Admiral (Ret) Eko Djalmo as the former Director General of Supervision of Marine Resources and Fisheries (PSDKP) MoMAF, that the ideal capacity of PSDKP should include 70 units of Surveillance Ship Orca (60 m), with each Technical Services Unit (UPT) of PSDKP to control at least 5 units of Orca Ship, since PSDKP currently supervise 14 UPTs. The actual capacity of

¹³ National Commission for Assessment of Fish Resources 2016 in the Scientific Presentation of the Minister of Marine Affairs and Fisheries, 10 November 2017, Airlangga University.

¹⁴ Presentation of Operating Assistant of the Navy Chief at "Law Enforcement Seminar on Illegal

Fishing by Foreign Boats at ZEEI", October 24, 2017, University of Indonesia.

¹⁵ Presentation of Task Force Coordinator 115 at the Seminar on "Law Enforcement On Illegal Fish Catching By Foreign Ship In ZEEI", October 24, 2017, University of Indonesia.

PSDKP is only have 4 units of Surveillance Ship Orca and 30 other ships below 60 meters. Therefore, the role of fishermen is needed as an extension of law enforcement agencies in Indonesia to help in monitoring and preventing threats over Indonesian marine resources from the illegal fishing perpetrators. In addition, fishermen can potentially become a critical component of marine defense support. Indonesian fishermen have been involved in assisting the role of the maritime law enforcement agency such as the Directorate General of Supervision of Marine Resources and Fisheries (PSDKP) in maintaining and overseeing the marine resources. These fishermen is organized into a Group of Community Surveillance Group (Pokmaswas). In addition, there are also fishermen who was trained by the Navy in the program for Coastal Village Development (Bindesir). This study will discuss the extent of fishermen role who joined the Pokmaswas and Bindesir program in preventing the threat of maritime security .

Research Method

This research uses qualitative descriptive method with primary data source and secondary data. Primary data were obtained by conducting interviews with

stakeholder and fishermen organization, while secondary data was obtained through literature study. Data analysis is conducted through data collection, data reduction, data presentation, and conclusion.

The Community Surveillance Group (Pokmaswas)

The Community Surveillance Group is established by the Directorate General of Supervision of Marine Resources and Fisheries (PSDKP) Ministry of Marine Affairs and Fisheries as a form of community participation, especially the fishermen in supporting the government to maintain and prevent threats against Indonesia's marine resources. The marine resources is providing an open access or open to all, especially for those who earn their livelihood from the sea, hence it is only natural if this resources is not only guarded by the government. The government is supposed to be the one who draft the policy and the regulation, but community will need to engage for an effective implementation.

Pokmaswas was formed by PSDKP is in accordance to local wisdom that has been preserved for a long time in Indonesia to raise awareness with the environment. The Pokmaswas was

established by imitating the ancient local wisdom existed in Indonesia, such as *awig-awig* in Lombok and *Panglima Laot* in Aceh.

Until now, Pokmaswas is still perceived as the extended arms and hands of PSDKP at sea, considering the limitations of the surveillance vessels fleet of PSDKP. Fishermen who are members of Pokmaswas are granted with the authority to provide information related to marine resources management to PSDKP officers. The formation of Pokmaswas is based on several applicable laws and regulations in Indonesia, that are:

1. Law No. 31 of 2004 Juncto Law 45 of 2009 article 67 on Fisheries. Chapter 67 explained that in the community in general and specifically the coastal communities can be engaged in supporting the fisheries surveillance effort.
2. Indonesian penal code article 111 on being caught red-handed. Article 111 of the Penal Code states that when one is being caught red-handed, everyone is entitled and has the authority in the duty of tranquility, security and public order to arrest the suspect and handed him/her over to the competent authority.

3. Decree of the Minister of Marine Affairs and Fisheries No. 58 of 2001 on Community Surveillance Systems.

The Ministerial Decree describes various matters relating to a community-based surveillance system. According to the ministerial decree No. 58 community-based surveillance system is:

"Surveillance system by involving the active role of communities in supervising and controlling the management and use of marine and fishery resources responsibly, in order to gain the benefits in a sustainable manner."

The objective of this community-based marine and fishery resource surveillance system is to establish an integrated community oversight mechanism by the government, the public, NGOs and business actors in accordance with applicable regulations as well as to increase community's participation in monitoring the marine and fishery resources with the joint implementation of surveillance on marine and fishery resources performed by both law enforcement and the community.

The Community Based Monitoring System (Siswasmas) is highly influential in increasing public

awareness to participate. The nature of this group can be referred to as Community Surveillance Group (Pokmaswas) consisting of elements from traditional leaders, religious leaders, community leaders, NGOs, farmers, fishermen and other communities.

4. Decree of the Minister of Marine Affairs and Fisheries No.14 of 2012 on Institutional Main Fishing Actors. The decree states that the Pokmaswas established by the community for supervising the management and utilization of marine and fishery resources are included in the institutional form of fisheries actors. The definition of the main fisheries actors is several key actors who are informally bounded on the basis of harmony and mutual benefit and within the sphere of influence and leadership of a chairman of the main maritime and fishing actor group.

5. Local Customary Law

Local customary law also refers to the Decree of the Minister of Marine Affairs and Fisheries No. 58 of 2001 on Community Surveillance Systems. On the basic part of this Decree, it explained that the existing potential and surveillance system in society has

become a culture and custom in some places as a traditional form of awareness and responsibility towards the environment. Examples of local customs for oversight of marine resources are *Awig-awig* in Lombok and Bali, *Sasi* in Maluku, *Panglima Laut* in Aceh and many others.

The main duty of Pokmaswas is to supervise, monitor, and maintain marine and fishery resources according to their capability and authority as a community who have better awareness on the surrounding environmental conditions. Pokmaswas is an official organization whose legality is issued through a Decree of the Provincial Office of Marine and Fisheries.

According to the Sub Directorate of Center for Control and Operation MoMAF 2017 the requirements for the formation of Community Surveillance Group (Pokmaswas) includes:

1. A group consist of minimum 10 people were formed.
2. Have the name and address as the community group.
3. Have group administrator consists of chairman, secretary, treasurer.
4. The surveillance group is determined by the Minister.

The Minister delegating the establishment of the community surveillance group to the Director General of PSDKP and subsequently affirmed by the Regent/Mayor/Head of Service Unit where the community group is established. The newly established Pokmaswas will received an assignment certificate and will be trained by the marine and fisheries agencies, Technical Implementation Unit (UPT) of PSDKP and PSDKP center. This training is organized by inviting the newly established Pokmaswas to a meeting and distribute materials

related to supervision of marine and fishery resources.

The development of Pokmaswas is critical because PSDKP also has a ban on Pokmaswas. Coaching is conducted so that the community is aware of their rights and responsibilities as Pokmaswas members. Subjects forbidden to be performed by Pokmaswas are as follows:

1. Judging offenders of offenses .
2. Acting as a law enforcer.
3. Enforcing rules that have no basis.
4. Utilize the role of Pokmaswas for profit / interest, personal / group.

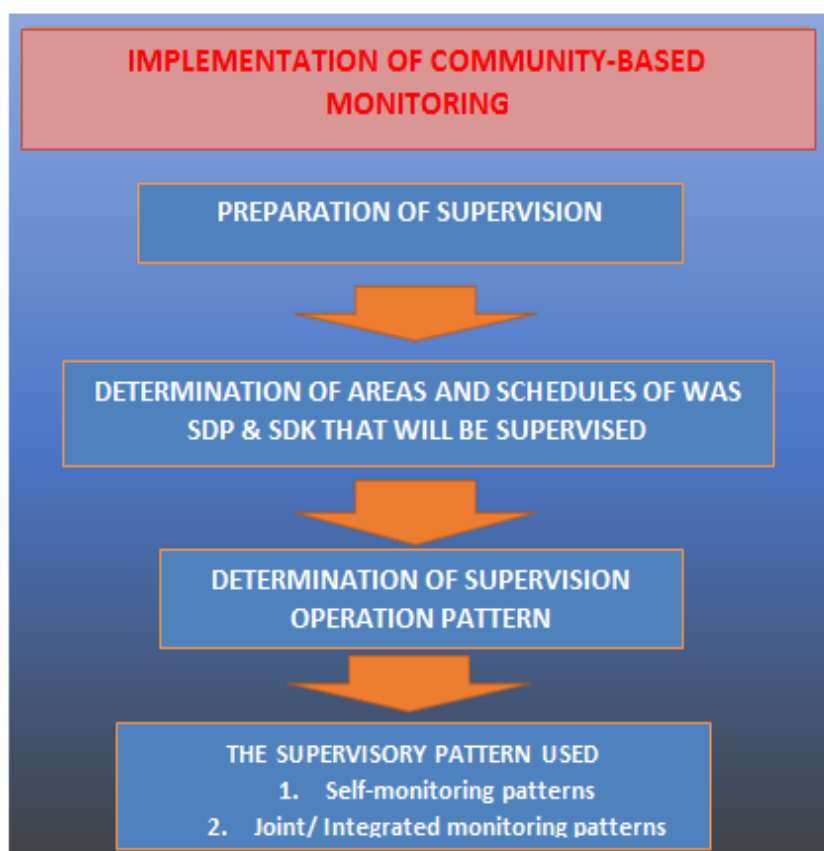


Figure 2. Community Based Monitoring Patterns
Source: PSDKP Presentation on Community Based Monitoring on Marine and Fisheries, 2017.

5. Allowing a violation/offense to take place without any responses/ attempts that may prevent/stop, a breach of such a fishery crime.

Practically, each Pokmaswas is provided with a mobile phone facility to report any offense or other related crime to the supervisor. This reporting can be done either through "SMS gateway Pokmaswas" or can be directly sent to the officers both at sea and on shore.

Related substance of the report violations reported by Pokmaswas is the location of the offense, time of the incident, the type of violation, identities of those committing the offense, a witness who saw the violation, and chronological offense.¹⁶ In general, if drawn through a diagram, the implementation pattern of community-based surveillance is described in Figure 2.

Until 2017, PSDKP has established 1640 Community Surveillance Groups (Pokmaswas) in 34 provinces in Indonesia (Table 2) and has issued the decree indicating that the group has been authorized.

Coastal Village Development (Bindesir)

Coastal Village Development Program (Bindesir) was implemented by the Department of Maritime Potential (Dispotmar) of the Navy based on the policies stipulated by the Navy Headquarter, Chief of Naval Staff (Kasal).

The implementation of coastal village development activities is carried out in a structured and pre-programmed level on Dispotmar Fleet Command in the Western Region and Fleet Command in the Eastern Region. The Bindesir program of the western and eastern fleet commands is continued through the Dispotmar in each of the Navy's Main Base (Lantamal) and directly managed on the ground by the Naval Base (Lanal). In addition to Dispotmar, there is a new organization under the Fishermen's Ship in 2016, the Maritime Potential Staff (Spotmar), in charge for formulating policies of marine defense area empowerment, namely the Coastal Village Development.

Coastal Village Development (Bindesir) is an empowerment of marine

¹⁶ Presentation of PSDKP KKP PSDKP on Community-Based Marine Resource and Fisheries Surveillance, 2017

areas included in the Marine Potential Development program. The legal basis was stipulated under TNI Law No. 34 of 2004 Article 7, paragraph 2 related to non-war military operations (OMSP) which is "Empowering the defense area and its supporting forces early in accordance with the defense system of the universe". In Article 9 E, it also stated that one of the the Navy duty is the empowerment of defense on sea area.

According to the Case Regulation Number: Perkasal / 39 / VII / 2011 dated July 4, 2011 on the Guidebook of the Marine Defense Areas Empowerment (Dawilhanla), objective of Dawilhanla is an early effort in preparing the maritime defense area and all its supporting components, in accordance to the Indonesian defense system, that is a universal defense. Through efforts to build, maintain, enhance the fostering of maritime potential. Further information of Perkasal elucidating that:

"Empowerment of Maritime Defense Area is implemented in order to build and develop a naval force and help the Government to set up national potentials into maritime defense power and its supporting power to implement War Military Operations (OMP) and Military Operations Other Than War (MOOTW). Understanding the preparation of the Defense Area and

its supporting forces is strongly correlated with the preparation of space, tools and combat space for the implementation of guidance and the empowerment of maritime potential. The geography sector is developed to prepare the combat space for troop maneuvers advantage and the preparation of regional logistics, as well as for the preparation of other resources to strengthen the supporters of State Defense. While the guidance on the demographic sector is to prepare the combat gear that is prepared as a backup component and supporting components that can be utilized to help the main component. The fostering of social conditions during peacetime is the preparation of a struggling condition directed to help the Government to improve the Territorial Resilience and can be transformed into State Defense power during wartime.

Implementation of Marine Defense Empowerment involved activities of planning, development, deployment and control of marine defense area for the objective of National Defense in accordance with Sishanta, implemented by strengthening the ability and capability to develop and empower the national potential in the maritime sector. The Principle Implementation for Maritime Defense Areas Empowerment are provisions that must be safeguarded, so that the empowerment of the Maritime Defense Area can achieve its expected objectives".

The empowerment of the marine defense territory (Dawilhanla) should

have been established earlier, further Case / 39 / VII / 2011 dated July 4, 2011 explains that Dawilhanla is divided into two forms, during peacetime and wartime. During the period of Peace, Empowerment of Marine Defense Areas is carried out in three forms:

1. Empowerment of Marine Defense Area as regular activity (coaching). This activity to be undertaken selectively throughout the year by the Navy and its staffs in its respective districts with annual budget plan.
2. Empowerment of Marine Defense Areas as an integrated Navy program, is an activity implemented by the Navy as an integrated task organization involving all levels, the priority target areas are chosen by taking into account on local conditions, troop capacity, transportation and target achieved. This program is proposed by the community to get the approval from the Chief of Naval Staff.
3. Empowerment of the Defense Area as a form of Military Operations Other than War/ is an activity carried out by the Navy and its staff as an operations by taking into account special targets area, especially in areas prone to horizontal conflict, vertical conflict, mass riots, natural disasters and other

extraordinary events. This operation is under the order of Chief of Naval Staff in accordance to the State political decisions.

During the war period, Empowerment of Marine Defense Area is implemented in the form of military operation (supervised by the Opsla) as follows:

1. Before the War. Implementation of Empowerment of Maritime Defense Areas aims to create space, gears and conditions of combat as a deterrent strategy in order to thwart the opponent's intention to attack.
2. During the War. The Implementation of Marine Defense Empowerment is utilized for the deployment of Backup Components and Supporting Components to support the Main Components, through conventional operations, regional resistance operations, and counterattack operations.
3. After the War. The Implementation of Empowerment of Maritime Defense Area plays a role in restoring and containing the situation and condition and supporting the community to rebuild its territory.

Referring to the case as mentioned above, coaching is defined as all efforts,

work and activities related with planning, organizing, implementing, supervising and controlling all aspect in effective and efficient manner. Coastal Village Development (Bindesir) is defined as a program implemented by providing coaching, training, counseling, and raising awareness (Binlatluhgal). For example the Navy may conduct maritime security development in the fishermen community by providing legal counseling, family planning, health and others. Also providing training to process the captured fish, fish cultivation and fish processing. Furthermore, the Navy provided training so that fishermen can support the Navy task by providing useful information for the Navy. Coastal village development is a strategic step of the Navy to develop the community role in supporting the Navy task of enforcing security at sea.¹⁷

The pattern of coastal village development is targeted to the citizen, especially fishermen community, to prevent maritime security threats. Navy, under the central and regional Dispotmar, conducted series of extension activities

regarding the laws at sea. In addition, there was also introduction on the threats that often occur from IUU fishing to piracy. As explained by Chief of Progl Dispotmar Colonel Ganda Wilaga:

"There has been several community extension services, in 2016 and 2017 the Lanal or Fleet has engaged approximately 1000 to 2000 coastal communities of fishermen in the village hall and shared some information about the law, about their position in the community. The point is, the socialization of maritime security has not been entirely routine because it's still partial."¹⁸

Further explanation on the development program to prevent maritime security threats is explained by Paban VI Aspotmar Colonel Retarto which states that legal counseling is given so that fishermen can have better understanding and can recognize all forms of crime at sea. The expectation is that when fishermen witnessed any acts of violation, they can identify and immediately report it to the Navy. According to data from the Maritime Portfolio Office of the Navy, the Navy has built 505 coastal villages in Indonesia by 2017.

¹⁷ Adin Nurawaluddin, "The Synergy of Navy and MoMAF in Empowering Community Surveillance Groups to Address Marine Crime", Thesis, Graduate Program, Faculty of Defense Strategy, Indonesia Defense University, 2017.

¹⁸ Interview with Colonel Ganda Wilaga, September 27, 2017, at the Navy's Office of Maritime Potential Service.

The Actual Role of Fishermen in Preventing Maritime Security Threats

The Community Surveillance Group Program established by the Ministry of Marine Affairs and Fisheries in coastal villages and coastal communities, especially for fishermen who are fostered through Coastal Village Development by the Navy, is an actual implementation of community engagement (fishermen) to participate in maintaining and preventing maritime security threats within Indonesia's territorial sea.

Cohen explains that a role is an action or behavior expected by someone else from someone who is occupying a certain status. Furthermore, the role can be divided into two categories, the first is the enacted role. This role is an act or behavior performed by an individual on a certain role, then there is prescribed role which is an additional behavior expected by others from an individual in performing specific roles. In this case, the fishermen performing a prescribed role by taking some additional roles to assist law enforcement agencies in preventing maritime security threats. Because the actual main role of a fisherman is fishing.¹⁹

¹⁹ B. J. Cohen, *An Introduction to Sociology*, (Terj.), (Jakarta: Rineka Cipta, 2009).

²⁰ Interview with Prof Hasjim Djalal, 30 October 2017 in Jakarta.

According to Professor Hasjim Djalal, the weakness of law enforcement at sea has become national problem for Indonesia including IUU Fishing, all forms of smuggling, piracy, shipping safety and so forth. These problems are not merely the responsibility for law enforcement but also require a comprehensive marine management. One of the step that can be conducted in marine management is to engage the role of fishermen and seafarers.²⁰

Meanwhile, according to the CTF Pusopsdal Kasubdit Yeppi Sudarja, today Pokmaswas capacity can only prevent threats on marine and fishery sector only. However, there is a future possibility, that in order to prevent other threats outside fisheries sector, including prevention of illegal goods smuggling through the sea, but the group must be trained and properly developed in advance.²¹

While the roles of fishermen engaged in Bindsir program by the Navy is to identify and prevent various forms of maritime security threats such as IUU fishing, illegal logging and mining, illegal goods smuggling by providing information to the Navy personnel. As explained by

²¹ Interview with Kasubdit Pusopsdal KKP Yeppi Sudarja, October 9, 2017, at the Ministry of Maritime Affairs and Fisheries building.

Kasubdis Progladispotmar Navy Colonel Ganda Wilaga, that there are examples of cases in Tangerang where fishermen who have been trained and educated about the theft of submarine cable, has reported many incidents on the theft of submarine cable hence it can be addressed by the Navy.²² Other cases as described by Paban VI Aspotmar Colonel Retarto, is from his personal experience in preventing tugboats robbery in Batam area, because he obtained some informations from trained local fishermen and when he was commanding the KRI in patrol routine, he used to get informations on illegal foreign ships location from the fishermen he encountered in the sea.²³

According to the Secretary General of DPP HNSI Anton Leonard, the Fishermen Association of Indonesia (HNSI) will support the government effort in engaging the fishermen to play a role in maritime security. However, the program must be comprehensive throughout Indonesia and developed into a national program, both Pokmaswas and Bindsir should be implemented in many locations

and shall involve fisherman organization in Indonesia to be able to synergize in its implementation.²⁴ In that regards, the Executive Chairman of Indonesian Traditional Fishermen Association (KNTI) Martin Hadiwinata, explained that fishermen are happy and willing to collaborate with marine law enforcement to prevent the maritime security threats, reflecting the vastness of Indonesia's sea and limited supervision ability, it is already obvious that the role of fisherman is needed. In some cases fishermen have been empowered and showing some positive results such as when there is a plane crash in Kalimantan waters, fishermen are involve in searching of victims and flakes from the fuselage.²⁵

Fishermen as Maritime Defense Support Component

Indonesia implements the universal defense system, where all resources owned by Indonesia such as its human, natural and artificial resources, can be mobilized to support the state defense. Supporting components can be divided

²² Interview with Colonel Ganda Wilaga, September 27, 2017, at the Navy's Office of Maritime Potential Service.

²³ Interview with Paban VI Aspotmar Kolonel Retaro, October 17, 2017, at TNI AL Headquarters.

²⁴ Interview with HNSI Secretary General Anton Leonard, October 10, 2017, at the HNSI Central Secretariat.

²⁵ Interview with DPP Chairman of KNTI Daily Martin Hadiwinata, 9 November 2017, in Jakarta.

into three categories, the first being the human resources consisting national guard, experts and professionals, and citizens. While for the natural and artificial resources consist of regional logistics and strategic material reserves, and the last is the facilities and infrastructure covering the land, sea and air. According to the Director of Support Component (Komduk) Tristan Sumarjono, Komduk are all national resources which can be enhanced to support the state defense. Komduk involved the human resource, who is later selected and sorted to be used as a component of reserves as well as natural resources and artificial resources.²⁶

The legal basis of the Supporting Components in Indonesia has not enter the implementation stage. It remains at the basic law level, according to 1945 National Constitution Article 30 and Law No. 3 of 2002 on state defense. The 1945 National Constitution of the Republic of Indonesia in the second amendment of Article 30 states that every Indonesian citizen is entitled and obliged to participate in the defense and security of the state, in which the people are placed as supporting forces. Law No.3 of 2002 stated that the state defense is all efforts

to defend the sovereignty of the state, the territorial integrity of the Unitary Republic of Indonesia, and the safety of the whole nation from the threat and disruption against the integrity of the nation and state. In addition, the state defense must be prepared by taking into account to the geographical conditions of Indonesia as an archipelagic country. Later in the Defense White Paper of Indonesia of 2015, it is described that there are the main components, the reserve components, and support components. The main component of Law No.34 of 2004 on the Indonesian National Army (TNI) in article 6 stating that the TNI is the main component of national defense.

Prior to this law, there was a Bill (draft law) that has been formulated and currently discussed in the House of Representatives, namely Komcad and Komduk Bill. But the discussion on this bill has been halted, and the was no updates on the process. According to the Director of the Supporting Component of the Ministry of Defense, this occurs because many Indonesians think that the bill will lead to a conscription program or militarization. When they are not so as thought, because in the universal defense

²⁶ Direct interview with the Director of Supporting Components of the Ministry of

Defense, Tristan Sumarjono, October 10, 2017, at the Ministry of Defense.

system, when the state is in an emergency situation or at war, all the nation components will be summoned to join the fight. Currently the Ministry of Defense is already preparing another bill to replace the Bill of Komcad and Komduk, known as the National Resource Management Bill (PSDN) for National Defense.

Supporting components have a vital role in the universal defense, because there will be no backup component without developing the supporting components. In conclusion, Indonesia has no backup component to this extent, because the backup component must be prepared from the supporting components that have been selected and enhanced its ability. Until recently, we have only the main component, the Indonesian National Army. The upgraded Komduk that has been improved into Komcad can only be mobilized when the state is under serious condition or at war situation.

The fishing communities have a big role to play as the Supporting Components of Maritime Defense. Because fishermen knows better about the maritime area where they fish. Director of Supporting Component of Minsitry of Defense explained that not all fishermen can be referred as supporting

components, the potential must be assessed, at least by age. There are several supporting components of marine element that have the potential to be upgraded into Reserves Component, including Pramuka Saka Bahari, professional group (fisherman and sailor), National Guard includes Polair, Bakamla, PSDKP, KPLP and other law enforcement agencies.

Regarding the marine supporting components, we shall learn from the China's action by establishing Maritime Militia of fishermen, it can be categorized as supporting component of marine defense forces involving professional elements such as fishermen. In fact, this concept represent the universal defense by engaging the community, by empowering them during the time of peace. The development of Pokmaswas and Bindesir can be referred as part of the Supporting Components preparation. Although it has not been implemented under the Ministry of Defense, but it is necessary to consider the development of state defense program for fishermen to strengthen their sense of nationalism. So whenever the state needs them, the fishermen who have been equipped with the ability to defend the state can directly

upgraded its ability into reserve component.

Programs conducted by the Community Surveillance Group (Pokmaswas) is organized by PSDKP, it focus more on preventing threats in marine sector and fishery resources in accordance to the mandate of PSDKP which is to oversee the marine and fishery resources. While for the community, in this case the fishermen who have been trained by the Navy does not focused only for preventing the marine and fisheries threat but includes other acts of infringement such as theft, robbery and illegal goods smuggling.

Engaging the fishermen for maritime security threats prevention is also part of the strategy in strengthening the maritime power, according to Geoffrey Till theory which states that the maritime power is not only relying on the Navy power but shall also involves community participation, in this case the fishermen. In addition, the role of fishermen also to maintain order at sea and to ensure security for the implementation of state interests at sea. Because the lack of order

at sea can have a negative impact on marine resources.²⁷

Conclusion

The role of fishermen in assisting law enforcement agencies, in this case PSDKP, KKP and Navy, to prevent maritime security threats is defined as prescribed role or recommended role, because the main role of fishermen as a profession is for fishing. It is designated as a Prescribed role in accordance to the establishment of the Community Surveillance Groups program that was formed by PSDKP and Coastal Village Development under the Navy. In this case, fishermen's role is to supply information related to maritime security threats such as IUU fishing, smuggling, piracy and other threats to PSDKP and the Navy, so the respective institution can immediately take action to address these potential threats from occurring. Currently, the role of fishermen is still limited as the extended arms and eyes of the law enforcement agencies at sea given the vastness of Indonesia's maritime territories and the limited defense weaponry system and personnel

²⁷ Joshua Ho, Bateman, S, and J. Chan, *Good Order at Sea In Southeast Asia*, (Singapura: Rajaratnam

School of International Studies, Nanyang Technological University, 2009).

of law enforcement agencies in the sea. Fishermen can be incorporated into the Marine Defense Supporting Components which are the embodiment of the universal defense system.

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