

Reconstructing Legal Politics and Law Enforcement In Indonesia's Maritime Zones to Overcome Fragmented Authority and Strengthen Inter-Agency Synergy

Alioth Wilem Belseran^{1*}, John Pieris², Aarce Tehupeiry³, Hulman Panjaitan⁴

^{1,2,3,4} Universitas Kristen Indonesia

Email: alioth2904@gmail.com¹, john.pieris@uki.ac.id², aartje.tehupeiry@uki.ac.id³

Abstract

As an archipelagic state, Indonesia enforces the law in its maritime zones through multiple agencies: the Navy, the Maritime Security Agency (Bakamla), the Water and Air Police, the Sea and Coast Guard Unit, the Directorate General of Marine and Fisheries Resources Surveillance, and the Directorate General of Customs and Excise. Each agency acts under its own sectoral statute, with no definitive norm linking their powers. The result is overlapping authority, duplicated patrols, and legal uncertainty, as shown in the MT Arman 114 case, where a final criminal judgment conflicted with a civil ruling on the same evidence. This study examines three questions: (1) the forms and characteristics of fragmented authority in Indonesia's maritime law enforcement system; (2) why national legal politics has failed to achieve institutional integration that guarantees legal certainty; and (3) the ideal regulatory reform for an integrated maritime law enforcement system. This is normative legal research supported by empirical data from interviews with maritime law enforcement agencies. It employs statutory, conceptual, and case approaches. The analysis is qualitative, using the theory of legal politics as the general theory, Lawrence M. Friedman's legal system theory as the bridging theory, and the theory of legal certainty as the applied theory. The findings are threefold. First, fragmentation of authority takes three mutually reinforcing forms: institutional, sectoral-regulatory, and spatial across maritime zones. All three are marked by decentralised authority without centralised coordination, hyper-regulation without harmonisation, and structural inefficiency in budgets and resources. Second, the root cause is an accommodative, status-quo legal politics that accommodates sectoral interests without ever setting a binding direction for integration, reinforced by path dependence in maritime governance. Each new policy merely adds a layer of administrative coordination on top of existing institutions. Third, the study proposes a seven-level reconstruction of legal politics: philosophical, constitutional, legal-political, regulatory, institutional, authority, and operational coordination. It rests on a shift towards transformative-integrative legal politics, the enactment of a statute on law enforcement in maritime zones, the strengthening of Bakamla into a statute-based agency with executive coordinating powers, and a definitive authority matrix based on the principle of "one violation, one lead authority". At the operational level, the reconstruction is carried out through five synergy models: integrated patrols, integrated investigations, integrated information systems, shared understanding and coordination, and joint inter-agency operations. These are synthesised into an integrated four-pillar model of clear division of authority, institutional integration, data integration, and institutional synergy, aimed at restoring legal certainty in Indonesia's maritime zones.

Keywords: Legal Politics; Maritime Law Enforcement; Fragmentation of Authority; Legal Certainty; Inter-Agency Synergy.

INTRODUCTION

Indonesia, as the world's largest archipelagic state, possesses a distinctive and strategically important maritime geography. Its maritime jurisdiction encompasses internal waters, the territorial sea, the contiguous zone, the exclusive economic zone (EEZ), and the continental shelf, as recognized under the United Nations Convention on the Law of the Sea (UNCLOS) 1982. Indonesia's extensive maritime territory, which constitutes approximately two-thirds of its national territory, makes the sea a vital space for national connectivity, economic development, national defense, and the exercise of state sovereign (Abraham, 2017; Anang Dwi Purwanto et al., 2025). This geographical and strategic position consequently requires a maritime law enforcement system that is not only operationally effective but also legally coherent and capable of providing certainty to state institutions and maritime actors.

Despite its strategic importance, Indonesia's maritime law enforcement system continues to face substantial institutional and regulatory challenges. One of the most significant problems is the

fragmentation of authority among law enforcement institutions operating under different sectoral legal frameworks. A number of institutions—including the Indonesian Navy, the Maritime Security Agency (Bakamla), the Water and Air Police, the Sea and Coast Guard Unit, the Directorate General of Marine and Fisheries Resources Surveillance, and the Directorate General of Customs and Excise—possess specific mandates related to maritime supervision and law enforcement. The coexistence of these authorities has produced a multi-agency enforcement structure in which institutional mandates frequently intersect without being accompanied by a sufficiently integrated regulatory framework. The resulting problems include overlapping authority, sectoral institutional interests, duplicated functions, and operational inefficiency (Abraham, 2017; Ridha et al., 2024).

The fragmentation of maritime law enforcement authority should not therefore be regarded merely as an administrative or technical coordination problem (Edwards, 2022; Kusnan, 2020; Mufti et al., 2025). It has a direct relationship with the principle of legal certainty. When several state institutions possess legal authority to act over the same maritime object or event without sufficiently clear boundaries concerning their respective jurisdictions, legal subjects may face uncertainty regarding which institution is competent, what procedures will apply, and which authority bears final responsibility for enforcement. Such uncertainty may affect maritime businesses, fishing communities, shipping companies, and foreign vessels operating within Indonesian jurisdiction. In this context, regulatory disharmony and overlapping institutional mandates may weaken the predictability and effectiveness of law enforcement and create structural vulnerabilities within the national legal system (Luhulima, 1990; Ridha et al., 2024).

The problem is illustrated by the MT Arman 114 case. The vessel was apprehended in the North Natuna Sea in October 2023 following allegations of illegal ship-to-ship transfer activities and the transportation of oil without valid documentation. Criminal proceedings subsequently resulted in the confiscation of the vessel and a prison sentence for its captain. However, subsequent civil proceedings concerning ownership of the vessel and its cargo generated a different legal consequence, creating tension between the criminal judgment and the civil ruling. The case demonstrates that the consequences of fragmented maritime governance may extend beyond operational inefficiency and become relevant to the consistency of judicial outcomes and the protection of legal certainty. It also illustrates the potential consequences of allowing different legal institutions and jurisdictions to operate without a sufficiently integrated framework governing their interaction. The underlying research consequently treats the MT Arman 114 case as an empirical illustration of the broader problem of regulatory fragmentation and weak inter-agency synergy in maritime law enforcement (Ridha et al., 2024).

The persistence of this problem is particularly significant because Indonesia already possesses several laws regulating maritime activities, including Law Number 32 of 2014 on Marine Affairs, Law Number 5 of 1983 on the Indonesian Exclusive Economic Zone, and Law Number 66 of 2024 amending Law Number 17 of 2008 on Shipping. Nevertheless, these regulations have not established a comprehensive framework integrating the functions, institutional structures, and authority of maritime law enforcement agencies. The 2024 amendment to the Shipping Law provides an important regulatory opportunity for harmonization, but its sectoral character means that it does not, by itself, resolve the broader structural problem of institutional fragmentation. The resulting gap between the normative framework (*das sollen*) and its implementation (*das sein*) raises a fundamental question concerning the capacity of Indonesia's legal system to provide predictable and effective maritime law enforcement (FoEkh et al., 2023; Sulaksono, 2023).

The problem is also reflected in the broader economic, security, and environmental consequences of ineffective maritime law enforcement. Illegal fishing, cross-border violations, illicit trafficking, and environmental degradation continue to create significant challenges for Indonesia's maritime governance (Chapsos & Hamilton, 2019; Komara & Dermawan, 2025). Previous studies have emphasized the importance of strengthening maritime law enforcement capacity and improving institutional coordination in responding to these challenges (Dinarto, 2017). Comparative experience also demonstrates the importance of institutional clarity in maritime security governance. Countries such as the United States, Japan, and Australia have developed more integrated maritime enforcement arrangements, while Indonesia continues to operate through a multi-agency structure in which different institutions retain sector-specific mandates. This institutional configuration can generate jurisdictional conflicts and difficulties in establishing clear command and responsibility (Samy, 2022).

Previous studies have identified several dimensions of the challenges surrounding maritime law enforcement in Indonesia. Puspitawati et al. (2020) examine the overlapping authority of maritime law enforcement institutions and emphasize the need to clarify the scope of institutional powers and improve coordination among agencies. Laksmana (2022) similarly argues that Indonesia's maritime law enforcement architecture remains characterized by multiple agencies performing overlapping functions and requires a shift toward greater institutional integration and unified operational direction. Wattimena's (2024) study of conflicts of maritime law enforcement authority in the Maluku Sea highlights overlapping powers among the Navy, Bakamla, and the Police and recommends clearer authority and stronger coordination. Saifulloh & Simabura (2023) research on the institutional arrangement of maritime security and law enforcement proposes institutional restructuring based on Pancasila's legal ideals and emphasizes the need for regulatory reform. Collectively, these studies demonstrate that overlapping authority, institutional fragmentation, regulatory weaknesses, and limited information integration are persistent challenges in maritime law enforcement. However, their approaches generally address these problems separately, either from the perspective of institutional coordination, sectoral regulation, institutional restructuring, or technological integration.

The research gap lies in the absence of a comprehensive framework that explains why maritime authority fragmentation persists and how it can be reconstructed through an integrated legal-policy architecture. Existing studies identify overlapping authority and recommend stronger coordination, but they have not sufficiently connected these problems with the underlying legal politics that reproduces sectoral institutional arrangements, nor have they translated the diagnosis into a comprehensive framework for allocating primary responsibility among multiple enforcement institutions. This study fills that gap by conceptualizing maritime authority fragmentation as a systemic problem involving legal substance, institutional structure, and legal culture, and by proposing a transformative-integrative legal politics as the basis for reform. Its novelty lies in the formulation of a seven-level reconstruction—philosophical, constitutional, legal-political, regulatory, institutional, authority, and operational coordination—which is synthesized into four mutually reinforcing pillars: clear division of authority, institutional integration, data and information integration, and institutional synergy. Central to this model is the principle of “one violation, one lead authority,” which establishes a definitive primary authority for each maritime violation while allowing other institutions to perform supporting functions.

In addition, this article addresses that gap by conceptualizing maritime law enforcement fragmentation as a structural problem of legal politics rather than merely an operational coordination problem. Legal politics is used to examine how state policy determines the direction of legislation and institutional design in maritime law enforcement (Mahfud, 2009). Lawrence M. Friedman's legal system theory is used to examine the interaction among legal structure, legal substance, and legal culture (Friedman, 1975), while legal certainty provides the normative criterion for assessing whether the existing system produces clear, consistent, and predictable enforcement (Radbruch, 1950). This integrated theoretical perspective is important because institutional fragmentation may persist even when each institution possesses a formally valid legal mandate. The central problem lies in the absence of an overarching legal policy that establishes how these mandates should be integrated and which authority should assume a definitive coordinating or leading role in particular enforcement situations (Susanto & Masyhar, 2019; Widiarty, 2024).

Accordingly, this study aims to analyze the forms and characteristics of authority fragmentation in Indonesia's maritime law enforcement system, examine why national legal politics has not yet produced institutional integration that guarantees legal certainty, and formulate an ideal regulatory framework for an integrated maritime law enforcement system. The study contributes by moving the discussion from the identification of overlapping authority toward a reconstruction of the legal and institutional architecture governing maritime law enforcement. In this respect, the proposed reconstruction is directed toward regulatory harmonization, clearer allocation of authority, institutional integration, and stronger inter-agency synergy. Such a framework is expected to strengthen legal certainty while improving the effectiveness and coherence of maritime law enforcement in Indonesia.

METHODS

Research Design

This study employed a normative juridical research design supported by a juridical-empirical approach (Marzuki, 2017; Wiriadinata, 2014). The normative approach was used as the primary method to examine

the legal norms, principles, and doctrines governing maritime law enforcement in Indonesia, particularly the distribution of authority among maritime law enforcement institutions. The empirical component was used to examine how these legal provisions operate in practice and how institutional fragmentation is experienced by actors involved in maritime law enforcement. This combination was considered appropriate because the research examines not only the normative construction of institutional authority but also the gap between legal norms and their implementation in practice.

The study was designed as descriptive-analytical legal research. The descriptive dimension was used to systematically map the existing regulatory and institutional arrangements governing maritime law enforcement, while the analytical dimension was used to identify conflicts, overlaps, and inconsistencies among legal provisions and institutional mandates. The analysis subsequently examined the implications of these conditions for legal certainty and inter-agency coordination.

Research Approaches

Three complementary legal approaches were employed: the statute approach, conceptual approach, and case approach. The statute approach was used to identify and examine the legal sources establishing the authority of maritime law enforcement institutions. This included the 1945 Constitution, Law Number 6 of 1996 on Indonesian Waters, Law Number 5 of 1983 on the Indonesian Exclusive Economic Zone, Law Number 32 of 2014 on Marine Affairs, Law Number 17 of 2008 on Shipping as amended by Law Number 66 of 2024, Law Number 31 of 2004 on Fisheries as amended by Law Number 45 of 2009, Law Number 2 of 2002 on the Indonesian National Police, Law Number 34 of 2004 on the Indonesian National Armed Forces, Law Number 10 of 1995 on Customs, and relevant implementing regulations, including Presidential Regulation Number 178 of 2014 on Bakamla and Government Regulation Number 13 of 2022 on Law Enforcement in Maritime Areas. The approach also considered Law Number 17 of 1985 ratifying UNCLOS 1982 as an important basis for examining the relationship between national maritime jurisdiction and international law.

The conceptual approach was employed to analyze the concepts of legal politics, legal certainty, legal system, authority fragmentation, institutional integration, and inter-agency synergy. These concepts were connected to the theoretical framework consisting of legal politics theory, Lawrence M. Friedman's legal system theory, and legal certainty theory. The case approach was used to examine concrete manifestations of fragmented authority and regulatory inconsistency, particularly through relevant maritime law enforcement cases, including the MT Arman 114 case.

Legal Materials and Data Sources

The study relied primarily on secondary legal materials supported by primary empirical data. Primary legal materials consisted of legislation and other authoritative legal instruments governing maritime jurisdiction and law enforcement including the laws and regulations identified above. Secondary legal materials comprised legal textbooks, academic journals, scholarly articles, research reports, seminar proceedings, policy papers, and expert opinions relevant to maritime law enforcement and institutional governance. Tertiary materials including legal dictionaries, encyclopedias, and legal indexes, were used to support the identification and interpretation of relevant legal terminology.

The empirical component was obtained from practitioners and officials with direct knowledge of maritime law enforcement. The research involved interviews with representatives of the Directorate General of Marine and Fisheries Resources Surveillance of the Ministry of Marine Affairs and Fisheries, Bakamla, the Water and Air Police of the Indonesian National Police, as well as maritime law academics and practitioners. These interviews were intended to obtain information concerning institutional practices, perceptions of overlapping authority, inter-agency coordination, and possible solutions to fragmented maritime law enforcement.

Data Collection

Data were collected through library research and field research. Library research involved identifying, reviewing, and classifying legislation, judicial decisions, legal literature, academic publications, and policy documents concerning maritime law enforcement. Field research was conducted through semi-structured interviews with selected institutional actors and experts. The combination of documentary and interview

data enabled the study to compare the formal allocation of legal authority with its implementation in institutional practice.

Data Analysis

The collected materials were analyzed using qualitative normative legal analysis (Pradeep, 2019). The analysis proceeded through several interconnected stages. First, the relevant legal provisions were identified and mapped according to the institutions, functions, and maritime jurisdictions to which they applied. Second, potential conflicts, overlaps, and gaps among the relevant legal norms were identified. Third, the normative findings were compared with information obtained through field interviews to determine how regulatory fragmentation was manifested in institutional practice. Fourth, the findings were interpreted using legal politics theory, Friedman's legal system theory, and legal certainty theory. Finally, the analysis was used to formulate a prospective legal reconstruction (*ius constituendum*) aimed at improving regulatory coherence, clarifying institutional authority, and strengthening inter-agency synergy. The analysis therefore followed a descriptive-analytical and contextual logic, combining deductive reasoning from legal norms and theories with inductive insights obtained from institutional practices. The principal analytical dimensions were: (1) identification of conflicts and overlaps in institutional authority; (2) assessment of regulatory synchronization; (3) examination of the relationship between institutional fragmentation and legal certainty; and (4) formulation of an integrated regulatory and institutional reform model.

RESULTS AND DISCUSSION

Forms and Characteristics of Fragmented Authority in Indonesia's Maritime Law Enforcement

The first research question concerns the forms and characteristics of fragmented authority in Indonesia's maritime law enforcement system. The issue is not the mere existence of multiple maritime law enforcement institutions, because Indonesia has deliberately distributed enforcement functions among institutions with different sectoral mandates. The legal issue is whether this distribution is accompanied by sufficiently clear rules governing the relationship among those institutions. The findings show that fragmentation occurs in three interconnected dimensions: institutional fragmentation, sectoral-regulatory fragmentation, and spatial fragmentation. These dimensions interact to produce overlapping authority, unclear institutional responsibility, procedural uncertainty, and inefficient enforcement.

Indonesia's maritime law enforcement authority is distributed through several sectoral legal regimes, including the laws governing territorial waters, the exclusive economic zone, maritime affairs, shipping, fisheries, policing, defense, and customs. Among the relevant instruments are Law No. 5 of 1983 concerning the Exclusive Economic Zone, Law No. 6 of 1996 concerning Indonesian Waters, Law No. 32 of 2014 concerning Marine Affairs, Law No. 31 of 2004 concerning Fisheries as amended by Law No. 45 of 2009, Law No. 2 of 2002 concerning the Indonesian National Police, Law No. 34 of 2004 concerning the Indonesian National Defence Forces, Law No. 17 of 2008 concerning Shipping as amended by Law No. 66 of 2024, and Government Regulation No. 13 of 2022 concerning security, safety, and law enforcement in Indonesian waters and jurisdictional waters.

These instruments establish legitimate powers for different institutions according to their respective functions. Law No. 32 of 2014 and Government Regulation No. 13 of 2022 also provide the legal basis for Bakamla as part of the national maritime security and law enforcement architecture. However, the existence of separate statutory mandates does not by itself establish a hierarchy of authority when several legal regimes apply to the same vessel, activity, or incident. The relevant legal principle is therefore not merely the existence of authority, but the clarity of its scope, relationship, priority, and accountability. As Friedman (1975) explains, the effectiveness of a legal system depends on the interaction between its substantive rules and institutional structure. Similarly, Bovens et al. (2014) emphasizes that the allocation of public authority must remain connected to identifiable responsibility and accountability.

The first finding is institutional fragmentation. The maritime law enforcement system operates through a multi-agency structure involving, among others, the Indonesian Navy, Bakamla, Polairud, KPLP, PSDKP, and Customs and Excise. Their functions are differentiated: the Navy is primarily associated with defense and sovereignty; Polairud with policing and criminal law enforcement; KPLP with maritime and shipping safety; PSDKP with fisheries-resource supervision; Customs and Excise with customs enforcement; and Bakamla with maritime security, safety, patrol, and coordination functions. The

existence of these institutions is not itself evidence of a defective legal system. The fragmentation arises because several institutions may possess operational capacities that can be exercised over the same maritime object or incident. A vessel involved in a particular event may simultaneously raise issues of fisheries, shipping, customs, general criminal law, and maritime security. The result is an overlap not necessarily because statutory provisions are identical, but because different institutions can lawfully approach the same factual event from different legal mandates.

The findings further show that Bakamla currently functions principally as a coordination node rather than a single command authority. Consequently, Indonesia's architecture is better characterized as a *coordinated multi-agency model* than a *single-command model*. This distinction is important because coordination can improve communication without changing the underlying allocation of statutory powers. Where one institution detects an alleged violation, another performs interception, and another conducts investigation, the chain of responsibility may become dispersed. The resulting problem is therefore not a lack of legal authority at the institutional level, but the absence of a sufficiently clear mechanism for integrating those authorities into one accountable enforcement process. This finding is consistent with Puspitawati et al. (2019), who emphasize the need to clarify the scope of maritime institutional authority, and with Laksmana (2022), who identifies the structural limitations of Indonesia's multi-agency maritime law enforcement architecture.

The second finding is sectoral-regulatory fragmentation. Maritime enforcement authority is distributed through multiple statutes rather than through a single comprehensive framework regulating the entire enforcement chain. The problem is not simply the quantity of legislation, but the horizontal relationship among laws that independently confer authority on different institutions. The findings identify three layers of this fragmentation: plurality of legal sources, plurality of interpretation, and plurality of procedures. The same maritime event may therefore be subject to several legal characterizations, while inspection, seizure, investigation, evidence handling, and referral procedures may follow different institutional frameworks.

This condition produces what may be described as sectoral hyper-regulation without sufficient horizontal harmonization. A large number of valid sectoral rules does not automatically create legal certainty when the system lacks a sufficiently strong connecting norm to determine which authority has priority when jurisdictions intersect. As the manuscript findings emphasize, the central regulatory problem is therefore the absence of adequate priority rules and connecting norms between sectoral authorities. Government Regulation No. 13 of 2022 provides an important coordination framework, but it does not eliminate the existence of sectoral statutory mandates. Thus, coordination operates largely at the implementation level, while an important part of the fragmentation remains embedded at the normative level.

The third finding is spatial fragmentation. Indonesian maritime law operates across legally distinct maritime zones, including internal waters, the territorial sea, the contiguous zone, the exclusive economic zone, and the continental shelf. These zones do not carry identical forms or degrees of state jurisdiction. Accordingly, the operation of enforcement authority must be connected not only to the type of violation but also to the maritime zone in which the conduct occurs.

The findings identify three specific spatial problems: boundary of authority, overlapping authority, and transition of jurisdiction. The first concerns how far a particular institution may exercise its power within a given maritime space. The second arises when more than one institution possesses a legal basis to act in the same space. The third concerns the allocation of responsibility when a vessel or incident moves between maritime zones. Spatial fragmentation therefore does not result from the existence of maritime zones themselves. Rather, it emerges when differences in the legal status of those zones are not translated consistently into institutional authority and operational procedures.

The three forms of fragmentation ultimately reinforce one another. Institutional fragmentation determines who may act; sectoral-regulatory fragmentation determines the legal basis under which the institution acts; and spatial fragmentation determines the jurisdictional context in which the authority is exercised. A single maritime incident may therefore simultaneously involve multiple institutions, multiple legal regimes, and multiple jurisdictional considerations. In such circumstances, the legality of each individual action does not necessarily produce coherence at the system level. As the findings indicate, this is the central distinction between the legality of individual authority and the coherence of the enforcement system as a whole.

The analysis establishes that fragmented authority in Indonesia's maritime law enforcement system takes three mutually reinforcing forms: institutional, sectoral-regulatory, and spatial fragmentation. Institutional fragmentation is characterized by multiple agencies possessing differentiated but partially overlapping enforcement capacities; sectoral-regulatory fragmentation is characterized by multiple statutory regimes that provide separate legal bases without sufficiently strong connecting and priority norms; and spatial fragmentation is characterized by uncertainty concerning the boundaries, overlap, and transition of authority across maritime zones.

Accordingly, the principal finding of this research question is that the problem is not simply the multiplicity of institutions or regulations, but the absence of an integrated legal architecture capable of connecting them. The system has succeeded in distributing authority, but has not yet sufficiently integrated that authority into a coherent chain of responsibility. This condition provides the basis for the second research question, which examines why Indonesia's legal politics has allowed this fragmented architecture to persist despite the continuing development of maritime laws and institutions.

Why Indonesian Legal Politics Has Not Yet Achieved Institutional Integration in Maritime Law Enforcement

The second research question asks why Indonesian legal politics has thus far been unable to achieve institutional integration in maritime law enforcement that ensures legal certainty and the synchronization of laws and regulations. This issue should be distinguished from the question of whether the government has adopted policies to improve maritime law enforcement. Indonesia has established various regulations and institutions to strengthen security, safety, and law enforcement at sea. However, the findings indicate that these interventions have not fundamentally altered the fragmented structure of authority.

The central problem lies in a legal-policy orientation that tends to accommodate sectoral interests and preserve existing institutional configurations. Such legal politics has produced incremental adjustments and additional coordination mechanisms rather than substantive consolidation of authority. Consequently, the enactment of new regulations has not necessarily produced institutional integration, while existing fragmentation continues to be reproduced through subsequent policies. From the perspective of legal politics, this condition indicates a problem in the direction of the state's basic legal policy in determining legal objectives, the instruments of legal change, and the distribution of authority required to achieve those objectives (Mahfud, 2009).

Mahfud MD conceptualizes legal politics as the state's basic legal policy concerning the direction of law-making and law implementation, including choices regarding legal objectives, the means used to achieve them, and the authority of law-making bodies to determine those means (Mahfud, 2009). Thus, legal politics is not limited to the question of what has been regulated, but also concerns the state's choices regarding the direction of legal change, the instruments of change, and the authority used to implement such change. In this study, this framework is used to assess whether legal policy in maritime law enforcement has been directed toward resolving the problem of integration or merely managing the fragmentation that has already emerged.

Normatively, Indonesian maritime law enforcement authority is constructed through various sectoral regulations, including Law No. 5 of 1983 concerning the Exclusive Economic Zone of Indonesia, Law No. 6 of 1996 concerning Indonesian Waters, Law No. 32 of 2014 concerning Marine Affairs, Law No. 31 of 2004 concerning Fisheries as amended by Law No. 45 of 2009, Law No. 2 of 2002 concerning the Indonesian National Police, Law No. 34 of 2004 concerning the Indonesian National Defence Forces, Law No. 17 of 2008 concerning Shipping as amended by Law No. 66 of 2024, and Government Regulation No. 13 of 2022 concerning the Administration of Security, Safety, and Law Enforcement in Indonesian Waters and Indonesian Jurisdictional Waters. In particular, Law No. 32 of 2014 and Government Regulation No. 13 of 2022 provide the legal basis for the administration of security, safety, and law enforcement at sea, including the position of Bakamla within this architecture.

The analysis further employs Lawrence M. Friedman's legal system theory, which views law as a system consisting of legal structure, legal substance, and legal culture. This framework is relevant because changes in legal regulations cannot produce integration when the institutional structure remains fragmented and the legal culture continues to operate according to sectoral interests (Friedman, 1975). Douglass C. North's concept of *path dependence* is used to explain why established institutional structures tend to persist even when they no longer produce optimal effectiveness. Under such conditions, transition costs,

political costs, and adaptation costs may encourage actors to choose incremental change rather than fundamental institutional transformation (North, 1990).

a. Accommodative–Status Quo Legal Politics

The findings indicate that Indonesian legal politics in maritime law enforcement may be characterized as accommodative–status quo legal politics. This characteristic is reflected in the state’s tendency to accommodate established sectoral authorities without explicitly establishing a single binding integration design for all relevant institutions. Each regulation may strengthen a particular sectoral function, but this is not necessarily accompanied by a comprehensive restructuring of inter-agency relationships.

From Mahfud MD’s perspective, legal politics should reflect a basic legal policy that determines the direction of law-making and the objectives to be achieved by the state (Mahfud, 2009). When the problem is systemic but the instrument selected consists primarily of additional administrative coordination, there is a mismatch between the problem to be addressed and the legal means employed. The findings reveal precisely this pattern in Indonesian maritime law enforcement: when jurisdictional conflicts arise, policy responses tend to focus on coordination, while the sources of sectoral authority remain intact. Thus, the prevailing legal politics is more appropriately understood as legal politics that manages fragmentation rather than transforms it. Reform proceeds incrementally but does not alter the fundamental relationship among institutions exercising authority over the same maritime space or object. This characteristic explains why regulatory reform can take place without generating a corresponding level of institutional integration.

b. Sectoral Interests and Institutional Resistance

The findings indicate that the persistence of accommodative–status quo legal politics cannot be separated from strong sectoral interests and institutional resistance. Each institution possesses mandates, organizational structures, human resources, budgets, operational assets, and jurisdictional domains that have developed over time. Substantive consolidation of authority may therefore affect the distribution of resources and institutional standing.

This condition can be explained from the perspective of *bureaucratic politics*. Allison and Zelikow demonstrate that government decisions are not always the product of a single rational calculation but may instead emerge from compromises and negotiations among bureaucratic units with different interests (Allison & Zelikow, 1999). In the context of maritime law enforcement, each institution operates from a distinct sectoral perspective and possesses institutional interests. Consequently, proposals for authority consolidation may encounter resistance from institutions that perceive such reforms as potentially reducing their jurisdictional domain, budgetary resources, or organizational influence. Inter-agency bargaining may ultimately produce formulations that are acceptable to multiple parties. Under such conditions, compromise tends to result in stronger coordination rather than substantive redistribution of authority (Allison & Zelikow, 1999). Institutional resistance should therefore not be viewed merely as a matter of individual behavior, but as a structural consequence of the way public policy is formulated within a bureaucratic environment characterized by competing interests.

c. Absence of a Binding Common Legal Objective

The findings further demonstrate that fragmentation persists because there is no sufficiently explicit and binding common legal objective serving as a shared orientation for all maritime law enforcement institutions. Each institution operates according to its own sectoral mandate, while there is no single shared institutional objective that normatively establishes integrated maritime law enforcement as the overarching goal of all relevant institutions.

The absence of such a common objective has important consequences for institutional behavior. Without a shared normative orientation, each institution tends to maximize the achievement of its own mandate. From the perspective of bureaucratic organization, such behavior may be associated with a tendency to preserve organizational jurisdiction and resources (Niskanen, 1971). Thus, differences in sectoral interests should not be viewed merely as manifestations of institutional ego, but as consequences of a legal-policy design that has not clearly established an integrative objective. In this context, inter-agency coordination encounters difficulty in reaching substantive integration because each institution continues to operate with its own performance criteria, procedures, and sectoral interests. The findings therefore indicate that

coordination requires more than communication mechanisms; it requires a common legal objective that serves as a shared benchmark for all institutions.

d. *Path Dependence* and the Reproduction of Fragmented Structures

The persistence of this structure is reinforced by *path dependence*. Indonesia's maritime law enforcement system has developed incrementally through regulations and institutions established to address different needs at different historical periods. Each institution subsequently acquired mandates, resources, procedures, and interests that became increasingly embedded. According to North, institutions do not easily move away from historically established paths because institutional change generates significant transition costs and uncertainty (North, 1990). In the Indonesian context, this tendency can be observed in the pattern of reform that largely adds new mechanisms on top of existing structures. As the need for integration increased, the state's response tended to involve the addition of coordination forums or the strengthening of coordinating functions rather than the elimination or consolidation of existing authorities. The result is institutional accumulation. Each new policy adds another layer to the existing structure without fundamentally altering the institutional path that has already developed. This pattern explains why previous reforms have tended to produce incremental adjustments rather than structural transformation.

e. Imbalance between Legal Substance and Institutional Structure

From Friedman's legal system perspective, one of the important findings is the imbalance between the development of legal substance and the development of institutional structure. Indonesia has developed increasingly comprehensive maritime regulations, but these developments have not been fully accompanied by the integration of institutions exercising authority at sea. Friedman places legal structure, substance, and culture within an interconnected system. Accordingly, changes in legal substance do not automatically generate structural change when institutional relationships and working mechanisms continue to reproduce established patterns (Friedman, 1975). In the maritime law enforcement context, an increasing number of regulations may instead expand the network of authorities when they are not accompanied by norms establishing clear relationships among institutions.

This finding is also consistent with Puspitawati et al. (2019), who demonstrate that Indonesian maritime law enforcement is closely related to institutional configurations and the need to clarify authority among institutions. Laksmana (2022) similarly shows that Indonesia's maritime law enforcement architecture faces structural problems because authority remains distributed among multiple actors. Thus, the central problem is not a lack of regulation, but the imbalance between regulatory development and institutional integration.

f. Coordination as a Substitute for Structural Integration

The findings show that the legal-policy response to fragmentation has relied more heavily on coordination than on structural integration. The establishment of Bakamla represents one of the state's efforts to create an integration point within the maritime law enforcement system. Law No. 32 of 2014 provides Bakamla with functions relating to security and safety in Indonesian waters and Indonesian jurisdictional waters, while Government Regulation No. 13 of 2022 establishes a framework for a more integrated administration of security, safety, and law enforcement.

However, this coordinating function is not equivalent to a single command. Bakamla does not automatically eliminate the authority already granted to the Indonesian Navy, the Indonesian National Police, KPLP, PSDKP, or Customs and Excise under their respective sectoral legal regimes. Accordingly, as demonstrated by Puspitawati et al. (2019), debates concerning Indonesia's maritime security and law enforcement architecture cannot be separated from the problem of institutional plurality and overlapping authority. Laksmana (2022) likewise shows that strengthening coordination has not fully resolved the underlying institutional architecture.

Under these circumstances, Indonesia effectively operates under a model of coordination without command. Coordination may improve information exchange, reduce certain forms of duplication, and facilitate operational cooperation. However, coordination does not necessarily possess the normative force required to determine conclusively which institution should lead an operation when multiple authorities intersect. As demonstrated in this study, where a conflict concerns authority directly conferred

by statute, an administrative coordination mechanism cannot simply eliminate or reduce such statutory authority (Hadjon, 2017).

Accordingly, the weakness of institutional integration should not be attributed solely to Bakamla as an institution. The problem lies in the legal design itself. Coordination operates primarily at the implementation level, whereas the principal source of fragmentation lies at the level of statutory allocation of authority. Structural problems are therefore being addressed with instruments that are essentially procedural, leaving the underlying sources of conflict intact.

g. Political Cost-Benefit Calculations and the Maintenance of the Status Quo

The tendency to maintain existing structures can also be explained through political cost-benefit calculations. Substantive consolidation of authority may generate political consequences, including resistance from institutions that would lose some of their powers, changes in the distribution of resources, organizational restructuring, and the need to adapt to new working arrangements. Conversely, maintaining the existing configuration allows the government to avoid some of these political costs in the short term.

From the perspective of *bureaucratic politics*, the distribution of authority is closely connected to the distribution of organizational influence and resources (Allison & Zelikow, 1999). Meanwhile, the *budget-maximizing bureaucracy* perspective explains the tendency of bureaucratic organizations to preserve control over resources because organizational budgets and capacities are also connected to institutional status and influence (Niskanen, 1971). In the context of this study, these conditions help explain why authority consolidation may encounter resistance even when integration could generate greater systemic efficiency. The findings reveal a paradox: short-term political costs are avoided at the expense of long-term institutional efficiency and legal certainty. A fragmented structure requires continuous coordination costs. When coordination does not eliminate overlapping authority, the state must continue to allocate resources to maintain separate sectoral capacities. The long-term cost of preserving the status quo may therefore exceed the political cost of substantive consolidation (Williamson, 1987).

h. Legal Culture and the Reproduction of Fragmentation

Fragmentation is also reproduced through the internal legal culture of institutions. Within Friedman's framework, legal culture concerns not only society's attitudes toward law but also the values, habits, and behavioral patterns that develop within legal institutions (Friedman, 1975). When a system has operated on a sectoral basis for a long period, overlapping authority may come to be regarded as normal so long as it does not produce visible institutional conflict. This condition has important implications. When fragmentation becomes embedded as an institutional habit, reform requires not only changes in legal norms but also changes in the way institutions understand inter-agency authority. Without such cultural change, institutions may formally accept coordination while continuing to operate substantively according to sectoral practices. In other words, fragmented structures may be sustained by sectoral legal culture, while that culture is simultaneously reinforced by the same regulatory and organizational structures.

i. Why This Legal-Policy Orientation Fails to Guarantee Legal Certainty

Ultimately, accommodative-status quo legal politics fails to guarantee legal certainty because it does not resolve the fundamental question of the relationship among competing authorities. When several institutions possess equally valid legal bases but no priority rule determines which institution should lead in situations of concurrent jurisdiction, individual legality does not automatically produce certainty at the system level. From the perspective of legal certainty, the question is not merely whether an action taken by an official has a legal basis, but whether legal subjects can predict which institution has authority, which rules apply, what procedures will be used, and who will be responsible for the resulting action. Radbruch places legal certainty among the fundamental values of law that must be realized through a predictable legal order (Radbruch, 1950). Fuller likewise emphasizes the importance of clarity and consistency of legal norms for the effective functioning of law (Fuller, 1969). The findings demonstrate that this problem is structural. Where there is no norm or forum with definitive authority to resolve jurisdictional conflicts, uncertainty cannot be addressed merely through administrative interpretation among institutions. Accordingly, fragmented authority is not simply a matter of governmental

coordination; it is also a rule-of-law problem because it directly concerns the predictability of the exercise of public power.

j. Synthesis: From Accommodative–Status Quo to Transformative–Integrative Legal Politics

When these findings are considered together, it becomes apparent that the various problems identified—regulatory fragmentation, fragmented authority, institutional resistance, weak coordination, and legal uncertainty—are manifestations of the same underlying legal-policy pattern. Accommodative–status quo legal politics preserves sectoral authority in order to avoid the political costs of consolidation, while reforms tend to stop at administrative coordination (Mahfud, 2009). The existing legal-policy approach can therefore be assessed as insufficiently targeted to the problem it seeks to address. The problem is structural, whereas the dominant policy instrument is procedural and coordinative. As a result, each new policy adds another layer of coordination on top of the existing authority structure. This pattern is reinforced by *path dependence*, sectoral interests, and an established sectoral legal culture. The findings consequently indicate the need to shift toward transformative–integrative legal politics, namely a legal-policy orientation that consciously establishes institutional integration as a central legal-policy objective, selects instruments capable of restructuring authority, and develops institutional mechanisms ensuring that all relevant institutions operate within a single maritime law enforcement architecture (Mahfud, 2009). This shift does not necessarily require eliminating institutional specialization, but rather reorganizing the relationships among institutions through definitive rules concerning authority allocation, priority, coordination, and accountability.

The analysis of the second research question demonstrates that Indonesian legal politics has not yet achieved institutional integration in maritime law enforcement because it has developed through an accommodative–status quo orientation. This legal politics tends to preserve established sectoral authority, avoid the political costs of consolidation, and rely on coordination as the principal policy instrument. The pattern is reinforced by sectoral interests and institutional resistance (Allison & Zelikow, 1999), *path dependence* (North, 1990), imbalance between legal substance and institutional structure (Friedman, 1975), and sectoral legal culture.

Thus, the failure of legal politics does not lie in the absence of reform, but in the mismatch between the structural nature of the problem and the instruments used to address it. The state has developed various regulations and coordination mechanisms, but has not decisively altered the architecture of statutory authority that generates fragmentation. As a result, coordination functions as an intermediary mechanism rather than as a mechanism of structural integration.

The implication is that the problem cannot be resolved merely by adding coordination forums or cooperative procedures. Indonesia requires a shift from accommodative–status quo to transformative–integrative legal politics, addressing legal objectives, legislative instruments, institutional structure, authority allocation, accountability mechanisms, and operational coordination simultaneously. This conclusion provides the analytical foundation for the third research question concerning the ideal regulatory reform required to establish an integrated maritime law enforcement system capable of ensuring legal certainty.

Ideal Regulatory Reform for an Integrated Maritime Law Enforcement System

The legal framework for the proposed reconstruction begins with the constitutional position of Indonesia as an archipelagic state and the state's responsibility to protect national sovereignty, security, and the utilization of natural resources for public welfare. Article 25A of the 1945 Constitution establishes Indonesia as an archipelagic state, Article 30 provides the constitutional basis for national defense and security, and Article 33 paragraph (3) establishes state control over natural resources for the greatest prosperity of the people. These constitutional provisions provide the basic normative foundation for an integrated approach to maritime governance.

At the level of legal politics, Mahfud MD conceptualizes legal politics as the basic policy of the state concerning the direction, objectives, and instruments of law-making and law implementation (Mahfud, 2009). Consequently, regulatory reform must begin with a clear determination of the legal objectives to be achieved, followed by the selection of appropriate legal instruments and a clear allocation of authority to implement them.

At the systemic level, Friedman emphasizes the interdependence of legal structure, legal substance, and legal culture. A sustainable reform therefore requires simultaneous changes in institutional structure, regulatory substance, and the culture of cooperation among legal institutions (Friedman, 1975). The reform must also comply with the principles of legislation formation, including effectiveness, clarity, and harmonization, as reflected in Law No. 12 of 2011 as amended by Law No. 13 of 2022.

Finally, the reconstruction must be oriented toward legal certainty. Radbruch identifies legal certainty as one of the fundamental values of law, while Fuller emphasizes clarity and consistency as essential conditions for the functioning of a legal order (Fuller, 1969; Radbruch, 1950). The proposed framework therefore seeks not merely to improve coordination, but to create a legal structure in which authority, procedures, institutional responsibility, and accountability can be predicted in advance.

a. Philosophical Reconstruction: From Sectoral Ownership to Common Maritime Interest

The first level of reconstruction concerns the philosophical foundation of maritime law enforcement. The findings indicate that the fragmented system has been reinforced by a sectoral understanding of authority, in which each institution tends to regard its maritime mandate as an organizational domain to be preserved. The proposed reconstruction requires a shift from sectoral ownership toward the philosophy of common maritime interest. In this approach, the sea is understood not as a collection of separate sectoral jurisdictions but as an integrated national space in which security, sovereignty, environmental protection, economic activity, safety, and public welfare are interconnected. Such an orientation is consistent with the concept of *Wawasan Nusantara*, which understands Indonesia's territory as an integrated national unit rather than as disconnected geographical spaces. The philosophical basis must therefore emphasize the sea as a unified space of sovereignty and a common national interest rather than as a collection of institutional domains (Mahfud, 2009).

The reconstruction should also restore a balanced relationship among the three values identified by Radbruch—justice, utility, and legal certainty. The existing framework tends to preserve sectoral flexibility, but excessive flexibility can weaken predictability. The proposed reconstruction therefore does not seek absolute uniformity. Instead, it seeks a balance in which sectoral specialization remains available, while the fundamental allocation of authority and responsibility is defined uniformly (Radbruch, 1950).

The philosophical reconstruction also incorporates the concept of maritime power. Till argues that maritime space constitutes an important element of national power and should therefore be managed strategically rather than treated merely as a passive area of protection (Till, 2013). From this perspective, effective maritime law enforcement is not merely an administrative function, but an instrument for protecting sovereignty, national resources, and sustainable maritime development. Thus, the philosophical level functions as the normative compass of the entire reconstruction. Without a common philosophical orientation, subsequent institutional and regulatory reforms risk returning to sectoral competition because each institution would continue to interpret maritime authority through its own organizational objectives.

b. Constitutional Reconstruction: Establishing an Integrated Constitutional Basis

The second level translates the philosophical foundation into a constitutional framework. The 1945 Constitution already contains several provisions relevant to maritime governance, particularly Article 25A concerning Indonesia's identity as an archipelagic state, Article 30 concerning defense and security, and Article 33 paragraph (3) concerning state control over natural resources for public welfare.

The problem identified by this study is not the absence of constitutional provisions but the absence of a sufficiently integrated constitutional interpretation connecting those provisions with the architecture of maritime law enforcement. As a result, different institutions may rely on different constitutional rationales to justify their respective mandates. The reconstruction should therefore establish a coherent constitutional doctrine that recognizes maritime law enforcement as a common state function while preserving the distinct constitutional character of defense, policing, resource management, and maritime administration. This constitutional reconstruction should also clarify the relationship between executive coordination and constitutional checks and balances. Strengthening the coordinating authority of the executive should not create unlimited administrative power. Rather, the allocation of authority must remain subject to legislative oversight, budgetary control, judicial review, and other constitutional accountability mechanisms (Jimly Asshiddiqie, 2021).

The constitutional level therefore serves two purposes. First, it provides stronger legitimacy for an integrated maritime law enforcement architecture. Second, it prevents institutional consolidation from becoming a mechanism for concentrating public power without adequate accountability. In this sense, integration and constitutionalism are not contradictory; integration should instead be constructed within the constitutional limits of government authority.

c. Legal-Political Reconstruction: From Accommodative–Status Quo to Transformative–Integrative Policy
The third level concerns the direction of legal politics. The previous analysis established that existing legal politics tends to accommodate established sectoral arrangements and respond to fragmentation through incremental coordination. The reconstruction therefore requires a shift to transformative–integrative legal politics. This reconstruction follows Mahfud MD's three dimensions of legal politics: legal objectives, legal instruments, and the authority of law-making institutions (Mahfud, 2009).

First, a common legal objective should be explicitly formulated. The proposed objective is to establish maritime law enforcement that protects sovereignty, security, public order, natural resources, and sustainable public welfare within one integrated national system. This common objective should be accompanied by measurable performance indicators so that institutional performance can be assessed according to shared national outcomes rather than merely sector-specific achievements.

Second, the legal instrument must shift from predominantly administrative coordination toward substantive consolidation of authority. The findings demonstrate that the current framework cannot fully resolve conflicts originating from statutory authority merely through coordination mechanisms. The appropriate instrument is therefore a specific statute governing maritime law enforcement that defines the relationship among existing sectoral mandates and establishes binding rules of priority and coordination.

Third, the reconstruction requires a clearly designated policy owner for the national maritime law enforcement architecture. Given the cross-sectoral character of the problem, the study proposes a governance mechanism under the direct authority of the President, supported by an empowered coordinating institution capable of translating national policy into binding inter-agency arrangements. Such a design avoids the present situation of dispersed policy authority in which each institution develops its own sectoral framework without a single binding architecture.

A national *grand design* should then establish short-, medium-, and long-term reform targets, institutional responsibilities, measurable indicators, and mechanisms for periodic evaluation. The purpose is to ensure that political commitment is translated into an enforceable institutional roadmap rather than remaining a general policy statement.

d. Regulatory Reconstruction: Establishing a Comprehensive Legal Framework

The fourth level concerns the reconstruction of the regulatory framework. The study finds that Indonesia requires not simply additional maritime regulations, but horizontal harmonization of existing statutory regimes. The first regulatory step is to harmonize statutes governing maritime authority, including the legal regimes governing Indonesian waters, the exclusive economic zone, maritime affairs, shipping, fisheries, coastal areas, defense, policing, customs, and related sectors. The harmonization process should identify provisions that overlap, duplicate, conflict, or create uncertainty in the attribution of authority.

The preferred regulatory instrument is a specific statute on maritime law enforcement that functions as a connecting framework among sectoral laws. This statute should not necessarily abolish sectoral legislation; instead, it should determine how those laws interact when the same object or incident falls within more than one legal regime. In particular, it should establish priority rules, institutional relationships, procedures for concurrent jurisdiction, and responsibility for inter-agency operations. This approach is consistent with the principles governing the formation of legislation under Law No. 12 of 2011 as amended by Law No. 13 of 2022, including the need for clear formulation, effectiveness, and a comprehensive academic foundation. The regulatory reconstruction should also contain a clear transition mechanism. Existing institutions must continue to function during the transition period while internal regulations, organizational structures, operational procedures, and resource allocations are progressively aligned with the new framework. This is important to prevent an authority vacuum during implementation.

e. Institutional Reconstruction: Strengthening Bakamla as an Empowered Coordinating Institution

The fifth level translates the reconstructed legal framework into institutional design. Two broad institutional models are theoretically available. The first is a single-agency model, in which maritime law enforcement powers are consolidated into one institution. The second is an empowered coordinating body, in which existing sectoral institutions remain but operate within a binding coordination architecture (Kraska, 2025).

The single-agency model offers substantial advantages in terms of command clarity and long-term efficiency. However, its implementation would require extensive redistribution of powers from established institutions and would therefore generate significant political and organizational resistance. In light of the *path dependence* identified in this study, a phased approach is considered more realistic (North, 1990).

Accordingly, the study proposes strengthening Bakamla as an empowered coordinating institution rather than immediately dissolving the existing sectoral agencies. Its legal status should be elevated through statute so that its coordinating role rests on a stronger legal basis than an executive regulation alone. The institution should possess clearly defined executive coordinating powers, including the authority to determine the lead institution in specified cross-sectoral situations, require operational coordination, facilitate the integration of maritime information, and coordinate joint responses.

The proposed model is therefore not a simple expansion of Bakamla's existing administrative role. It is a transition from coordination without command toward legally structured operational coordination. This institutional redesign is intended to preserve necessary sectoral specialization while creating a central point of integration. A phased implementation is particularly important because abrupt institutional restructuring may create operational discontinuity or an authority vacuum. North's concept of *path dependence* supports a reform strategy that recognizes transition costs while still establishing a clear trajectory toward institutional integration (North, 1990).

f. Authority Reconstruction: Definitive Allocation and the “One Violation, One Lead Authority” Principle

The sixth level is the core of the proposed legal reconstruction because institutional integration cannot succeed without a definitive allocation of authority. The study proposes the establishment of a national maritime law enforcement authority matrix that maps the relationship between types of violations, maritime zones, enforcement functions, responsible institutions, supporting institutions, and accountability.

The matrix should first distinguish between attributive authority, delegated authority, and mandated authority. Attributive authority is granted directly by statute; delegated or mandated authority derives from a transfer or assignment for a defined operational purpose. This distinction is important because ultimate legal responsibility must remain traceable to the institution possessing the relevant statutory authority (Hadjon, 2017).

The central principle proposed by this study is “one violation, one lead authority.” Under this principle, each category of maritime violation should have one clearly designated lead authority responsible for the principal enforcement process, while other institutions may participate as supporting agencies according to their legal competence. This does not mean that only one institution may ever act. Instead, it means that multiple institutions should not simultaneously exercise overlapping operational authority without a clearly designated leader. Supporting institutions should operate within the operational framework established by the lead authority while retaining their separate administrative and statutory identities.

The matrix should also regulate jurisdictional transitions, handover mechanisms, joint investigations, evidence management, and conflict resolution. Joint technical guidelines should translate the statutory matrix into practical operational scenarios so that field officers can determine the responsible institution without waiting for ad hoc central instructions. Special attention must also be given to the distinction between defense authority and law enforcement authority. The authority of the Indonesian Navy in the defense context has a different constitutional and statutory character from civilian maritime law enforcement. The matrix must therefore recognize cooperation between defense and law enforcement institutions without conflating their legal mandates. The proposed matrix is central to the restoration of legal certainty because it transforms the question of “who may act” from a matter of institutional negotiation into a matter determined in advance by positive law.

g. Coordination and Operational Reconstruction: From Formal Coordination to Integrated Action

The seventh level concerns the operational implementation of the entire reconstruction. The findings demonstrate that even a formally clear distribution of authority will not produce effective enforcement unless institutions can operate through shared information, procedures, and command arrangements.

The first proposed mechanism is an integrated command center that connects maritime surveillance, communication, and incident-monitoring systems into a common operational picture. A shared operational picture allows participating institutions to work from the same information rather than independently interpreting the maritime situation through separate systems (Kraska, 2025).

Second, the system requires integrated standard operating procedures governing patrol planning, operational area allocation, reporting, interception, evidence handling, investigation, handover, and post-operation evaluation. Standardization reduces uncertainty at the field level and ensures that the authority matrix is translated into consistent operational practice (Soekanto, 2005).

Third, the operational framework should include permanent inter-agency liaison arrangements, allowing representatives of the principal enforcement institutions to work directly within the integrated coordination structure. This reduces delays caused by hierarchical communication across separate organizations.

Fourth, the operational model should provide for integrated patrols, integrated investigations, integrated information systems, common understanding and coordination, and joint inter-agency operations. These five mechanisms are mutually dependent. Integrated patrols require integrated information; integrated investigations require clear responsibility and inter-agency communication; and joint operations require both command clarity and shared situational awareness (Soekanto, 2005).

Finally, the operational framework must include monitoring and accountability mechanisms. Every major operation should be traceable in terms of the legal basis for action, location, time, responsible institution, supporting institutions, decisions taken, and resulting outcomes. Such documentation is essential to prevent accountability gaps and to strengthen public confidence in the legality of maritime enforcement.

h. Synthesis: An Integrated Four-Pillar Model

The seven levels of reconstruction can be consolidated into a single model consisting of four mutually reinforcing pillars: clear division of authority, institutional integration, data integration, and institutional synergy.

The first pillar, clear division of authority, constitutes the normative foundation. It is operationalized through the definitive authority matrix and the principle of “one violation, one lead authority.” Its primary function is to eliminate ambiguity concerning institutional responsibility.

The second pillar, institutional integration, provides the structural foundation. It is realized through the strengthening of Bakamla into a statute-based coordinating institution with defined executive coordinating powers and appropriate institutional capacity.

The third pillar, data integration, provides the informational and technological foundation. Relevant maritime surveillance, vessel, incident, and enforcement data should be connected through an interoperable national information architecture accessible to authorized institutions in accordance with applicable legal and security requirements.

The fourth pillar, institutional synergy, constitutes the operational foundation. It is expressed through integrated patrols, integrated investigations, integrated information systems, shared operational understanding, and joint inter-agency operations.

These four pillars correspond directly to Friedman’s theory of the legal system. Clear authority and regulatory harmonization address legal substance; institutional integration addresses legal structure; while data integration and institutional synergy contribute to the development of a collaborative legal culture. The four pillars must therefore operate simultaneously rather than sequentially (Friedman, 1975).

The resulting model may be represented as a hierarchy in which clear authority provides the normative foundation, institutional integration provides the organizational structure, data integration provides the informational infrastructure, and institutional synergy translates the entire system into concrete enforcement outcomes. The model is therefore not simply a proposal for stronger coordination, but a systemic reconstruction of the relationship between norms, institutions, information, and operational action.

CONCLUSION

This study concludes that the central problem of maritime law enforcement in Indonesia is not the absence of legal authority or enforcement institutions, but the fragmentation of authority within a regulatory and institutional structure that lacks an effective mechanism of integration. The analysis identifies three mutually reinforcing forms of fragmentation: institutional, sectoral-regulatory, and spatial fragmentation across maritime zones. These forms of fragmentation generate overlapping mandates, regulatory disharmony, duplicated enforcement activities, unclear institutional responsibility, and ultimately legal uncertainty. Thus, the formal legality of individual institutional powers does not necessarily produce coherence and predictability at the system level.

The study further finds that the persistence of this fragmentation is closely related to an accommodative and status-quo orientation of national legal politics. Rather than restructuring the existing architecture, successive policies have tended to accommodate sectoral interests and add new layers of institutions and coordination mechanisms. This path-dependent development has preserved institutional jurisdictions without establishing a sufficiently binding common objective for maritime law enforcement. The result is a mismatch between legal substance and institutional structure: although Indonesia has developed extensive sectoral regulations and enforcement institutions, these elements have not been sufficiently integrated into a coherent system capable of guaranteeing legal certainty.

In response to these problems, this study proposes a transformative-integrative reconstruction of maritime law enforcement through seven interconnected levels: philosophical, constitutional, legal-political, regulatory, institutional, authority, and operational coordination. At the regulatory level, the study proposes the enactment of a specific statute on law enforcement in maritime zones to provide an overarching legal framework for harmonizing existing sectoral regulations. At the institutional level, Bakamla should be strengthened through a statutory foundation and executive coordinating authority while preserving the specialized functions of existing institutions. At the authority level, a definitive authority matrix should be established based on the principle of “one violation, one lead authority,” ensuring that every maritime violation has a clearly designated primary enforcement authority while other institutions function as supporting actors according to their respective competencies.

At the operational level, the reconstruction is implemented through five interconnected mechanisms: integrated patrols, integrated investigations, integrated information systems, shared understanding and coordination, and joint inter-agency operations. These mechanisms are synthesized into four fundamental pillars: clear division of authority, institutional integration, data and information integration, and institutional synergy. The proposed model therefore does not seek institutional centralization for its own sake. Rather, it seeks to establish systemic coherence by connecting existing legal powers, institutional structures, information resources, and operational practices within a single enforceable framework.

The principal contribution of this study is consequently the formulation of a regulatory and institutional reconstruction model that connects legal politics with the structural, substantive, and cultural dimensions of the legal system. By moving from an accommodative-status quo approach toward transformative-integrative legal politics, Indonesia can preserve the specialized competencies of its maritime enforcement institutions while eliminating unnecessary duplication and uncertainty concerning authority. The effectiveness of the reform should ultimately be measured not by the number of institutions involved, but by whether maritime law enforcement produces a coherent, accountable, predictable, and legally certain state response across Indonesia’s maritime zones.

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