

Control of Smuggling through Sea Road in Supporting Maritime Security and Economy in Riau Region

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ABSTRACT : *The territorial water of Riau become a transnational crime lane for used clothes, narcotics, electronics, cigarettes, and liquor. One of the efforts to maintain maritime security is to eradicate smuggling activities. The study focuses on analyzing the role of Customs in overcoming smuggling activities and analyzing the problems of Customs patrols, which are implementing the Automatic Identification System (AIS) and the use of high-speed vessels by smugglers. This study uses a qualitative approach through interviews and literature studies. The results indicated the role of Customs in conducting a maritime patrol to undertake smuggling surveillance has according to the Customs Law. The law enforcement in implementing AIS can be improved by synergizing involving agencies who conduct maritime patrol to provide information regarding the violations and giving administrative sanctions for those disobedience vessels which not activated AIS. Efforts to eradicate smugglers who use vessels with high-speed craft also required an internal synergy between the team of Customs on land and sea to take action against smuggling where the vessels are anchored, then the quick reaction team also needed to intercept the smugglers.*

KEYWORDS *smuggling, patrol, customs and excise, synergy, economic, maritime security*

I. INTRODUCTION

Indonesia is the largest archipelagic country and has the second longest coastline after Canada. Indonesia has the Malacca Strait which is one of the most important choke-points for world trade, which connects the Pacific Ocean with the Indian Ocean through the South China Sea. The Malacca Strait is directly adjacent to the territory of Indonesia, Malaysia and Singapore. The strait is known to be long and narrow, with a length of 800 km and a width of 50 km to 320 km (2.5 km at its narrowest point) with a minimum depth of 23 meters (Rodrigue, 2004). More than 100,000 ships pass through the Malacca Strait, which carry 90 million TEUs (size 20 feet) of containers a year (Media Indonesia, 2019). In 2021, data from the Coordinating Ministry for Maritime Affairs and Fisheries shows an increase in the number of ships passing by, reaching 130,000 ships per year (Kemenkomarves, 2021). Therefore, the Malacca Strait is the most strategic and important choke-point in the world economy. Busy and narrow sea lanes in the Malacca Strait poses its own threat. Some of the threats that occur are pollution due to oil spills, piracy, and border conflicts that can disrupt world trade (Evers & Gerke, 2011). In addition, there is also the threat of smuggling, both imports and exports. The existence of various forms of these threats will disrupt the maintenance of a country's maritime security.

In Law no. 27 of 2007, maritime economy is an economic activity in coastal areas and small islands. In addition, maritime economic activities are activities that produce goods and services to be utilized in the waters.

maritime economy is all economic activities on the coast of the sea, and the area around the sea. Some of the maritime economic activities include sea transportation, shipbuilding industry and its maintenance, construction and operation of ports and related industries and services. The maritime economy is different from the marine economy which is carried out in coastal and oceanic areas as well as on land which uses natural resources and marine environmental services to produce goods and services. Generally, maritime economic activities are carried out by countries that have large oceans or archipelagic countries. One of the countries that implements maritime economic policies is Indonesia.

The Riau sea area is part of the Melaka Strait region which is very close to the direct border with Malaysia and Singapore. As one of the entrances from abroad to the territory of Indonesia, the sea route in the Riau region is classified as very strategic. So transnational crime often uses this sea route, to smuggle used clothing (Yaneski et al., 2018), narcotics (Prayuda et al., 2020), electronic goods (Rifqi et al., 2020), cigarettes and liquor (Khairani et al., 2017). In this Riau sea area, it was recorded that 41 smugglers had been successfully thwarted by the Customs and Excise sea patrol of the Riau DJBC Regional Office. This Customs and Excise data does not include the actions taken by the Regional Office of DJBC Riau Islands which have a slice of surveillance area in the Riau sea area.

The effectiveness of the Customs and Excise maritime patrols looks different between the performance reports and the results of the actions taken. The performance of Customs and Excise nationally is reported to be very good for the success of patrols and operations in carrying out enforcement. The 2020 Patrol has an 85.00% success rate (DJBC, 2021), and the 2021 has a 97.57% success rate (DJBC, 2022). While the number of prosecutions for marine patrol results in 2020 is 346 cases, and in 2021 it is 321 cases (Ministry of Finance, 2022a).

From a budget perspective, the implementation of patrols requires very large budget support. Sometimes the patrol budget is disrupted by budget refocusing, such as for handling the Covid-19 pandemic and economic recovery. Based on budget allocation data (Ministry of Finance, 2022b), the total refocusing of this budget reached Rp. 144.9 trillion. As a comparison, the total budget for Customs and Excise is only Rp. 2.9 trillion.

Some of the things mentioned above indicate that smuggling by sea is still happening, although efforts to combat smuggling have been reported to be good. Smuggling is a nuisance in realizing maritime security. In terms of the size of the budget requirement, it is necessary to look at the extent of the role of marine patrols in supporting maritime security.

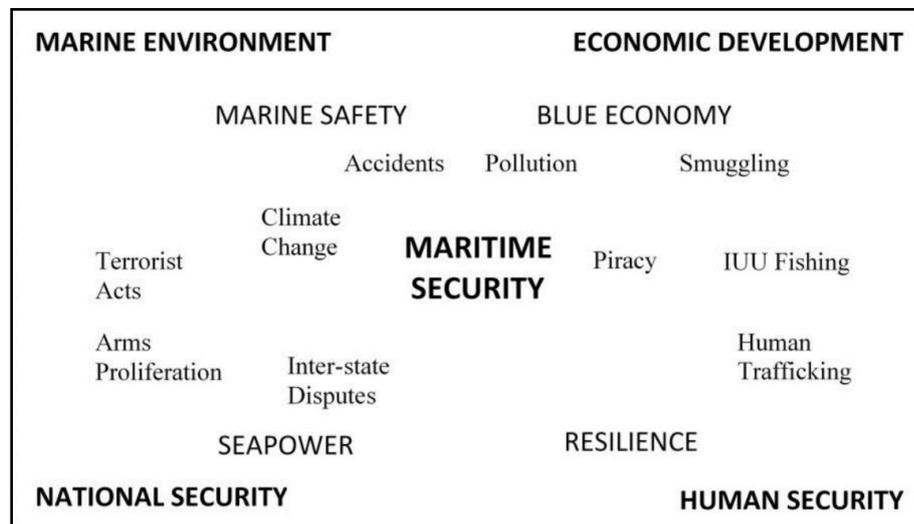
Based on these problems, it is interesting to study the role of Customs and Excise maritime patrols in suppressing smuggling carried out using sea transportation in the Riau region, as well as analyzing the obstacles faced by Customs and Excise in carrying out sea patrols. The definition of smuggling needs to be discussed in more detail, and the role of Customs and Excise here needs to be emphasized from two perspectives, namely international provisions and provisions of Indonesian laws and regulations, in addition to the hot literature on the discussion about a single marine security agent in our country in recent years.

II. LITERATURE RESEARCH

Initially, maritime security studies only discussed maritime warfare, the importance of maximizing maritime power or sea powers. Maritime security is traditionally understood, namely about national security as the main goal that needs to be protected. Till (2018) uses sea power to describe the role of the Navy's power and form a strategy in using that power.

Bueger (2015) explains maritime security in four dimensions, namely sea power or naval power, marine safety, blue economy, and human security. One of the maritime security practices in the economic field is smuggling.

Figure 1 Maritime Security Matrix



Sources: Bueger (2015)

Maritime security can also be seen through the outline of the threat form. The UN Secretary General's report distinguishes maritime threats into seven groups of threats, namely: (1) piracy and robbery with weapons, (2) terrorism, (3) illegal trade in weapons and weapons of mass destruction, (4) illegal narcotics trade, (5) smuggling and trafficking people, (6) Illegal, Unreported and Unregulated (IUU) fishing, and (7) deliberate and unlawful destruction of the marine environment (United Nations, 2008).

This study uses Graves' concept to discuss synergies in tackling smuggling. Graves et al., (2008) define synergy as follows: "The interaction of two or more agents, resources or activities such that the product is worth greater than the sum of the component parts."

Synergy is where the interaction between several different entities is aimed at achieving better results than the results achieved by an individual entity. Graves et al., (2008) divide the concept of synergy into 3 parts, namely: organizational synergy, policy synergy, and operational synergy.

III. RESEARCH METHOD

Sources of data in this study consists of primary data and secondary data. Primary data is data collected directly for further analysis in order to find solutions to the problems studied (Sekaran & Bougie, 2016). Primary data collection is done by interviewing resource persons or informants whose positions and competencies are considered to be able to describe and disclose various information regarding the eradication of smuggling by sea in the Riau region. Primary data were obtained from interviews with official sources at the Dumai Customs and Excise Supervision and Service Office (KPPBC), Sailing Safety Office of Harbor Masters and Port Authority (KSOP) Class I Dumai, and the Riau Province National Narcotics Agency (BNN).

Secondary data is information that has been collected by other people for purposes other than the purpose of this research. Secondary data in this study were collected from books, journals, reports, archives, and other public documents (Sekaran & Bougie, 2016), which are relevant to the topics and problems of this research.

IV. RESULT AND DISSCUSION

Smuggling in the Big Indonesian Dictionary (KBBI) is defined as the illegal entry of goods to avoid import duties or for smuggling prohibited goods. According to Deflem & Henry-Turner (2001), smuggling is defined as follows:

“Smuggling can be defined as the clandestine importation of goods from one jurisdiction to another. Price disparities and differential customs duties between jurisdictions or across differential periods in time determine the likelihood of smuggling.”

Smuggling is here defined as the illegal importation of goods from one jurisdiction to another. Smuggling of imported and exported goods is caused because the goods are prohibited/restricted from being imported/exported legally (such as narcotics), or it could be due to the need for lower prices (such as cigarettes). Both lead to financial benefits for smugglers or consumers, but are detrimental to the state, similar product industries, honest importers/exporters, and society.

Deflem & Henry-Turner (2001) state that smuggling from one jurisdiction to another is generally linked to taxation and customs laws to protect the country's economic power. Within the scope of Indonesian Customs (Law Number 17 of 2006), the form of smuggling is divided into import smuggling (Article 102) and export smuggling (Article 102A). Import smuggling includes transporting imported goods that are not listed in the manifest, unloading imported goods outside the customs area or not listed in the customs declaration, hiding imported goods against the law, and intentionally misrepresenting the types and/or quantities of imported goods in the customs declaration. Meanwhile, export smuggling includes exporting goods without submitting a customs declaration, intentionally misrepresenting the types or quantities of exported goods in a customs declaration, transporting exported goods outside the customs area, unloading exported goods within the customs area, and transporting exported goods without being protected by documents legitimate.

The Revised Kyoto Convention (2008), an international convention that guides the implementation of customs provisions for all WCO (World Customs Organization) members, states that the practice of eradicating smuggling is carried out by a country's customs institution, as quoted below:

“All goods, including means of transport, which enter or leave the Customs territory, regardless of whether they are liable to duties and taxes, shall be subject to Customs control.”

Any goods (including means of transportation) that enter or leave the territory of a country must be subject to the provisions of customs control. Customs control of a country is required to use risk management in conducting inspections of people, goods, and transportation means.

The KPPBC informant stated that smuggling in the Riau sea area was carried out because of price disparities, increasing domestic demand, provisions for prohibitions and restrictions on imports/exports, and the inequality in the economic level of the people of the east coast of Sumatra and the people of the west coast of Malaysia. Smuggling is done by taking advantage of the narrowness of the Malacca strait so that the distance is short. Along the coast of Sumatra, there are also many unofficial ports (rat ports), making it difficult for law enforcement officials to monitor large areas. Smuggling can also be done by unloading goods from one ship to another in the middle of the sea, or commonly called ship to ship.

Smuggled commodities on the sea route in the Riau region are generally in the form of smuggling used clothes, narcotics, electronic goods, cigarettes and liquor. Smuggling will be a maritime security threat that has a direct impact on national defense, if the smuggled commodities are weapons, bomb-making materials, and narcotics. Smuggling is a maritime security threat that has an impact on the country's economy, if the smuggled commodity is legally traded, but because it is smuggled it disrupts domestic industry or business actors who import legally.

Role of Customs and Excise

The institution specifically authorized to be responsible for services and supervision of imports and exports in Indonesia is Customs and Excise. In addition to Customs and Excise, another institution that is authorized, especially in narcotics smuggling, is the National Narcotics Agency. The BNN informant said that BNN focuses

on conducting surveillance through routine raids at ports or conducting integrated interdiction patrols with Customs and Excise and other relevant agencies. Interdiction teams were formed at the airport and seaport to break up narcotics syndicates by BNN, Customs and Excise, Immigration, Quarantine, and BPOM (Suparta, 2015).

Customs and Excise are authorized in the field of Customs (Law Number 17 of 2006), so that they have functions in collecting tax revenues (revenue collectors), protecting the public (community protector), facilitating trade (trade facilitators) and assisting industry (industrial assistance). The duties of Customs and Excise can be divided into two, namely the service side aimed at state revenues, and the supervision of the smuggling of prohibited and restricted goods. Article 75 of Law Number 17 of 2006, authorizes Customs and Excise to carry out supervision of sea and river transportation using patrol boats, and can even be equipped with firearms (PMK Number 113/PMK.04/2017 concerning the Use of Firearms Service in the Environment). DJBC). Article 90 emphasizes the authority of Customs and Excise to stop and inspect the means of transportation and their cargo.

In international provisions (UNCLOS, 1982) the term hot pursuit is known, namely continuous pursuit may only be carried out by military ships/planes, or other ships/airplanes with a clear government sign and authorized. Hot pursuit here is carried out only for violations related to customs, taxation, immigration or quarantine laws (Walker, 2011). Customs and Excise, including those authorized to carry out hot pursuit of ships outside the Customs Area for alleged customs violations in accordance with PMK Number 179/PMK.04/2019 concerning DJBC Sea Patrol in the context of Enforcement in the Customs and Excise Sector .

Customs and Excise Marine Patrol

The authority to stop and inspect a means of transportation is within the framework of supervision to ensure compliance with laws and regulations whose implementation is entrusted to Customs and Excise. In order for this inspection not to hinder activities at sea, Customs and Excise must selectively stop the means of transportation (Law No. 17 of 2006). There are two people in control of the patrol boat, namely the Patrol Commander and the Ship Master. The captain and the crew are assigned and responsible for the ship's movement (navigation), while the Patrol Commander is the person who has the authority to inspect, control operations and customs and customs.

The Customs and Excise vertical units that have the authority to supervise the Riau sea area are KPPBC Dumai, KPPBC Bengkalis, and KPPBC Tembilahan. And assisted by PSO Customs and Excise Tanjung Balai Karimun, to prepare a fleet for sea patrols that KPPBC cannot fulfill. There are 10 Speedboats owned by KPPBC Dumai, KPPBC Bengkalis, and KPPBC Tembilahan, which are used to supervise smuggling along the sea in the Riau region. This number can still be increased with the help of 24 Fast Patrol Boats (FPB) measuring 28 to 60 meters, and there are 5 Very Slender Vessels (VSV) 15 belonging to PSO Customs and Excise Tanjung Balai Karimun, with patrol areas covering the waters from the tip of Sabang to Lampung. , including the Malacca Strait to the Natuna Sea. Throughout Indonesia, Customs and Excise has 118 Speedboats and 44 patrol boats of various sizes. For comparison, the Ministry of Maritime Affairs and Fisheries has 49 Speedboats and 30 patrol boats of various sizes. *Tabell Armada Patroli Bea dan Cukai*

The sea patrols carried out by Customs and Excise use the scheme of independent patrols, integrated patrols, special patrols, and coordinated patrols. Independent patrols are patrols carried out in a service office or regional office by utilizing patrol boats or patrol boat crews owned, or from PSOs under them. The form of patrol carried out can be in the form of regular patrols in a predetermined sector, or patrols carried out based on certain information. Integrated patrols are carried out across the work area of the Customs and Excise Regional Office by utilizing patrol boats and patrol boat crews from one or several Regional Offices. Examples of integrated patrols are the Sriwijaya Nets Integrated Operation and Wallacea Nets Integrated Operations. Customs and Excise also carry out joint patrols with other institutions, for example operations with BNN, Polri, Bakamla, and

the Navy. The last form of patrol is a coordinated patrol between Customs and Excise with customs agencies of other countries, such as patrols with Malaysia through Operation Patkor Kastima and Operation Patkor Optima.

In the last 3 years, the Customs and Excise maritime patrol in the Riau sea area has succeeded in carrying out a number of actions as shown in the data in the image below. Goods that are prevented by this prosecution include drugs (methamphetamine and ecstasy), ballpress (used clothes), cigarettes, alcoholic beverages, and so on. Some of these actions are the result of synergies with other law enforcement officers. As in 2019, the prosecution of 27,650 grams of crystal methamphetamine and 20,000 pills of ecstasy was the result of the synergy between Customs and Excise with Lanal Dumai and the Dumai Police. In June 2020, the crackdown on the smuggling of 32,196 grams of crystal methamphetamine was carried out by a joint Customs and Excise team with Lanal Dumai and BNN. Furthermore, in November 2020, enforcement of NPP (Narcotics, Psychotropics, and Precursors) as much as 50 kg by the Customs and Excise patrol team with BNN and Lanal Dumai

Customs and Excise Sea Patrol Constraints

Customs and Excise face several obstacles in eradicating smuggling, including those mentioned by KPPBC informants, namely obstacles to the implementation of the Automatic Identification System (AIS) and the existence of high-speed smuggling vessels. AIS technology is an automatic tracking system on ships that produces ship data, ship coordinates, ship speed, and ship direction, which is primarily for shipping safety. Customs and Excise uses AIS data to monitor the movement of suspicious vessels. However, many smugglers turn off their AIS to trick officers. In fact, regulations have been issued in the form of Minister of Transportation Regulation Number 7 of 2019 and the Dumai KSOP Circular regarding the obligation to activate AIS for ships in Indonesian waters. This is in line with the mandate of the International Maritime Organization (SOLAS, 1974) to require the application of AIS in order to improve safety, navigation efficiency, and protect the maritime environment.

The authority to enforce the law on ship compliance in activating AIS is under the Ministry of Transportation, which is delegated to the Harbormaster Office and Port Authority at each port. However, as stated by the KSOP informant, the KSOP operation is very limited around official ports, where smuggling is generally carried out outside official ports which are far from the scope of KSOP supervision. Law enforcement on the implementation of AIS is very important, in addition to shipping safety, as well as a tool for law enforcement officials as initial information to monitor suspected ships.

Synergy between law enforcement officers needs to be carried out between Customs and Excise and agencies that carry out the functions of shipping safety and order. So that it can carry out supervision and law enforcement for ships that violate it can be subject to sanctions according to the provisions. The limitations of the KSOP in carrying out law enforcement due to being constrained by the fleet, need to be supported by information from various relevant agencies that have patrol fleets. Law enforcement officers need to carry out organizational synergy, namely synergy between organizations by combining resources and assets to be able to increase the quantity and quality of the results of an activity (Graves et al., 2008). Assets in this organizational synergy can be in the form of patrol fleet assets owned by various agencies to supply information on AIS implementation violations in all waters that are difficult for the KSOP team to reach. This is in line with the recently issued PP No. 13, which states that every inspection carried out by sea patrols is recorded in a joint system between law enforcement agencies at sea, namely the National Marine Security and Safety Information System.

The provision of sanctions for ships that do not activate AIS is also not maximized. Based on Minister of Transportation Regulation Number 7 of 2019 and Minister of Transportation Number 58 of 2019, sanctions are administrative sanctions in the form of delaying ship departures until AIS is installed, and freezing of certificates of endorsement (Certificate of Endorsement (COE)). The form of administrative sanctions is appropriate compared to criminal sanctions, because do not have to go through judicial procedures, so the

process does not drag on. However, the imposition of sanctions needs to be increased in the form of administrative fines. In administrative law, fines are the most severe punishments (Wijaya & Arifianto, 2021). With administrative sanctions that are quite burdensome, it is expected can play a maximum role as a repressive function, a preventive function, and a restitution/repair function (Susanto, 2019) for violations or non-compliance for ships that do not activate AIS. Neighboring Singapore has imposed a fine of up to 210 million rupiah for violations of AIS inactivity (OceanWeek, 2019).

Another problem in tackling smuggling is the presence of smugglers using high speed craft vessels. This ship is small in size and has been upgraded to use six engines, so its speed can reach above 60 knots (CNBC Indonesia, 2019). For comparison, a large 28-60 meter Customs vessel only has a speed of 25-35 knots (BeaCukai.go.id, 2018). VSV and Speedboat are also still below it with a speed of 50 knots (BeaCukai.go.id, 2018). So to pursue the ship becomes very difficult to do.

The specifications of the Customs and Excise ship will make it very difficult to pursue or hot pursuit the ship that violates the law. Even though smuggling carried out using this type of ship reaches 40% of the total catches of Customs and Excise in the Riau Islands (WartaEkonomi, 2021). For this reason, it is necessary to make more efforts to make arrests, for example by preparing a patrol fleet to intercept at the trajectory line that is expected to be passed by smuggling vessels. For this problem, a synergy between law enforcement officers who have a marine patrol fleet that can keep up with the speed of smugglers is needed. Law enforcement officers need to carry out operational synergy, which is a type of synergy between units that can be realized through the merging of interactive operations between units (Graves et al., 2008). In this narrow strait, it is necessary to form a quick reaction team that is always on standby and can move at any time according to the leadership's orders, so that smugglers can be immediately intercepted when they act.

The most important operational synergy is the synergy between law enforcement officers and Customs and Excise itself. If between law enforcement officers operational synergy aims to take action against smugglers at sea, then internal operational synergy aims to take action against smugglers at sea does not allow prosecution at sea. Customs and Excise already has surveillance teams on land and at sea. With information from the surveillance team at sea, the land surveillance team of Customs and Excise can immediately conduct surveillance at the place where it is estimated that the smuggler's ship will dock. Likewise for export smuggling, the Customs and Excise maritime patrol team can take effective action if there is initial information from the Customs and Excise team that confirms that a ship contains prohibited/restricted export goods. Internal coordination of the land team and the sea team of Customs and Excise is carried out between Customs and Excise work units, in the form of direct communication between personal employees in the Enforcement and Investigation unit.

V. CONCLUSION

The institution specifically authorized to be responsible for the service and supervision of imports and exports in Indonesia is Customs and Excise, in accordance with UNCLOS 1982 and Revised Kyoto Convention chapter 6 (Customs Control), as well as the Customs Law. To supervise smuggling by sea in the Riau region, Customs and Excise has 10 Speedboats, and 24 FPB 28-60 meters in size and 5 VSV from PSO BC Tanjung Balai Karimun can be added. With the strength of the fleet, Customs and Excise uses a scheme of independent patrols, integrated patrols, special patrols, and coordinated patrols to support maritime security in the Riau region. The Customs and Excise Patrol in the Riau sea area has succeeded in cracking down on narcotics commodities, ballpress (used clothes), cigarettes, alcoholic beverages, and so on.

Some of the obstacles faced by Customs and Excise are obstacles to the implementation of AIS and high-speed smuggling vessels. Efforts to enforce law on the implementation of AIS can be increased by synergizing various agencies that carry out sea patrols to jointly take action on any findings of violations of AIS implementation, as well as making a policy of administrative fines for violations or non-compliance to ships that do not activate AIS. Meanwhile, efforts to tackle smuggling using high speed craft vessels are carried out by

synergizing law enforcement officers with a marine patrol fleet that can keep pace with the speed of smuggling vessels. There needs to be a rapid reaction team that is on standby and can move at any time on command, so that smugglers can be caught in the act. But the most important thing is the internal synergy between the sea team and the land team of Customs and Excise, such as taking action against smugglers at sea where ships dock.

The policy recommendations that can be given by researchers are the need to formulate policies that regulate administrative fines for violations or non-compliance for ships that do not activate AIS. Then for all agencies that carry out sea patrols (Bakamla, Customs and Excise, Polair, KPLP, etc.) to take action against violations of AIS implementation in a synergistic manner. Customs and Excise to improve communication patterns in the internal coordination of the land and sea teams to ensure that information on alleged violations is conveyed quickly and accurately.

VI. Acknowledgements

The preparation of this article could be completed thanks to the help and support from various parties, either directly or indirectly. For this reason, on this occasion the researcher would like to thank: 1. Vice Admiral TNI Dr. A. Octavian, S.T., M.Sc., DESD., CIQnR., CIQaR, IPU, as Chancellor of the Defense University of the Republic of Indonesia. 2. Rear Admiral of the Indonesian Armed Forces, Dr. Kasih Prihantoro, S.E., M.M., M.Tr. (Han) as Dean of the Faculty of National Security, Defense University of the Republic of Indonesia. 3. Marine Colonel (T) Dr. Panji Suwarno, SE MM., IPU., CIQaR., as Secretary of the Defense Management Study Program, Faculty of Defense Management, Defense University of the Republic of Indonesia,

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