

Utilization of the Defense Industry in Supporting the Duties of the Navy to Enforce the Law and Maintain Security in Indonesian Waters

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Abstract —. The geographical location of Indonesia is very strategic, which is between two continents and an ocean. Indonesia has become a very strategic maritime axis, both for various relations between countries and as a world trade route. However, Indonesia has another side, namely as a state sovereignty that must be defended and guarded from various kinds of threats both from outside and within the country. So that Indonesia must have the ability in the form of a reliable and adequate defense equipment system as the main defense tool to maintain the sovereignty of the territory of the Republic of Indonesia and safeguard the national interest from all threats, disturbances and challenges as well as obstacles from within and outside the country. To overcome this, the development of the defense industry in Indonesia is urgently needed. In this study, the main problem is how the law (law) can regulate the development of the defense industry as a strategic industry in Indonesia. The method used in this research is descriptive analysis with normative juridical which is used in analyzing a problem regarding the development of the Indonesian defense industry in facing threats and challenges as well as disturbances to the sovereignty of the Republic of Indonesia due to Indonesia's very strategic geographical location. The results of the analysis and study of the problems show that the Indonesian defense industry has a very strategic position in the industry where the defense equipment in Indonesia has an important role in maintaining the country's sovereignty. Although the law in its regulation has been stipulated in Law number 16 of 2012 concerning the Defense Industry in Indonesia, it is still not regulated with clear regulations that can even be said to be ad hoc, therefore of course not beneficial for the development and development and growth of the Indonesian defense industry. . Where the law is a medium of information to the public so that it can be a very good change in the future, in this case it can direct where the defense industry will be developed in Indonesia, so that it can create a reliable defense industry company in producing defense equipment to maintain the sovereignty of the Republic of Indonesia..

Keywords — Defense Industry, Law, Security

Abstract —. Wilayah letak geografis Indonesia yang sangat strategis, dimana berada antara dua benua dan samudra. Indonesia menjadi sebagai poros maritim yang sangat strategis, baik untuk berbagai hubungan antar negara dan sebagai jalur perdagangan dunia. Namun Indonesia memiliki sisi lain yaitu sebagai kedaulatan negara yang mesti dipertahankan dan dijaga dari berbagai macam ancaman baik dari luar maupun dalam negeri. Sehingga Indonesia harus memiliki kemampuan berupa alutsista yang handal dan memadai sebagai alat pertahanan utama untuk menjaga kedaulatan wilayah NKRI dan menjaga kepentingan nasional dari segala ancaman, gangguan dan tantangan serta hambatan baik dari dalam maupun luar negeri. Untuk mengatasi hal tersebut, pengembangan industri pertahanan di Indonesia sangat dibutuhkan. Pada penelitian ini pokok dari permasalahan yaitu bagaimana UU (undang-undang) dapat mengatur perkembangan industri pertahanan sebagai industri strategis di negara Indonesia. Metode yang digunakan dalam penelitian berupa analisis deskriptif dengan yuridis normatif yang digunakan dalam menganalisis suatu permasalahan tentang perkembangan industri pertahanan Indonesia dalam menghadapi ancaman dan tantangan serta gangguan terhadap kedaulatan NKRI dikarenakan dari letak geografis Indonesia yang sangat strategis. Dari hasil analisa dan kajian permasalahan menunjukkan bahwa industri pertahanan Indonesia memiliki posisi yang sangat strategis dalam industri dimana alutsista yang ada di Indonesia memiliki peran penting dalam menjaga kedaulatan negara. Walaupun UU dalam pengaturannya telah ditetapkan pada UU nomor 16 Tahun 2012 perihal Industri Pertahanan di Indonesia, tetapi masih belum diatur dengan tentang peraturan yang jelas bahkan bisa dikatakan bersifat ad hoc, oleh karena itu tentunya tidak bermanfaat bagi perkembangan dan pemabangunan serta pertumbuhan pada industri pertahanan Indonesia. Dimana hukum merupakan media informasi kepada masyarakat sehingga dapat menjadi perubahan yang sangat baik kedepannya, dalam hal ini dapat mengarahkan kemana industri pertahanan akan dikembangkan

di Indonesia, sehingga dapat menciptakan perusahaan Industri pertahanan yang handal dalam memproduksi alutsista untuk menjaga kedaulatan NKRI.

Keywords — Defense Industry, Law, Security

I. INTRODUCTION

Indonesia is one of the largest archipelagic countries in the world where 2/3 of its area is in the form of oceans and in international relations Indonesia is officially recognized as the largest archipelagic country in the world by the United Nations (UN) [1]. Indonesia has 17,504 islands with a total area of 6,400,000 km² of Indonesian waters, 3,110,000 km² of archipelagic waters, 290,000 km² of territorial waters, 3,000,000 km² of exclusive economic zone, 900,000 km² of land area of Indonesia, 8,300,000 km² of territory. Km² and the length of the Indonesian coastline is 108.000 Km². The nickname is much attached and then forms the identity and identity of the Indonesian nation as a maritime nation that cannot be separated from marine activities that provide natural resources [2]. Indonesia is a country that is in a very strategic position within the scope of the Southeast Asian region. Indonesia's strategic value can be seen in terms of not only because Indonesia is considered a sovereign country, but also because of its geographical location which is between two continents (Asia and Australia) and two oceans (India and the Pacific), as one of the strategic routes of world trade[3].

Indonesia with this position and potential has a large enough opportunity to become a maritime country based on natural resources. The country's maritime security is also influenced by Indonesia's geopolitics [4]. Indonesia's position is not free from the influence of interactions and interrelationships with the external environment, both the national environment, regional environment, and global environment with all forms of challenges in it[5]. This cannot be separated from the global geopolitical constellation, regional geopolitical environment, and national strategic environment. This geopolitical condition can be a threat to national security. Common problems related to maritime security that must be addressed through effective maritime security cooperation, namely maritime robbery, pirate attacks, maritime terrorism, environmental degradation, maritime abduction, illegal trafficking of weapons and people, drug smuggling by sea (freight ships/ container), maritime environmental security, competition for resources and strategic access, cargo theft, and others [6].

Along with the development of relations between countries carried out by Indonesia and the emergence of dynamics of relations between countries in securing national interests which often clash with the national interests of other countries, this has become one of the causes of disputes or tensions between countries which can sometimes be resolved peacefully through diplomatic and military routes [7]. As a sovereign country, of course, the Indonesian state is required to have strength in the form of an adequate military defense system as the main instrument in maintaining territorial sovereignty and securing national interests from threats, challenges, obstacles and disturbances both from within the country and from abroad [8]. The development and utilization of the TNI's defense equipment in Indonesia can also be used as a supporting factor that can provide a deterrence effect to other countries, who always view the Indonesian state with one eye because of its dependence on weapons from other countries. Therefore, without any effort to reduce dependence on the supply of TNI defense equipment from other countries, the greatness and dignity of the Indonesian nation in front of other nations, especially in the region, will be easily underestimated and underestimated in negotiating through diplomatic channels or open confrontation through military operations.

In line with these problems, this is the impact of the neglect of development in the defense industry[9]. The Indonesian defense industry, which should be able to become one of the activities that assist national development in realizing the state's goals as written in the Preamble to the 1945 Constitution of the Republic of Indonesia, is in fact in a bad condition and problematic both in terms of finances and management arrangements so that in the end not competitive enough compared to the defense industry of other countries[10]. The lack of legislation that should act as a law that regulates and directs the way for the defense industry as Indonesia's strategic industry that can assist national development cannot be carried out by Indonesia [11]. Therefore, when viewed from these problems, of course, the purpose of law which provides order and justice is not achieved in realizing a national development aspired to by Indonesia, which should be carried out through the development of the Indonesian defense industry as an Indonesian Strategic Industry that can produce at least a development both in terms of economy and in defending state sovereignty [12].

II. METHOD

In the research on the use of the defense industry in supporting the task of the Indonesian Navy to enforce the law and maintain security in Indonesian waters, the researchers carried out using qualitative methods.

Qualitative methods for this research can be identified directly by engaging in object activities and investigating using a narrative approach from the collection of individual stories involved. To collect data in this research, it comes from interviews and observations as well as documentation, while secondary data is obtained from various literature studies and existing documents to support primary data.

In this study to analyze the data by making an analysis of the data collected using a descriptive analysis approach which is an analysis commonly used. In descriptive analysis, the research aims to collect actual data or information in detail that describes existing problems, identify problems, examine conditions, make evaluations and determine what other people do in dealing with the same problem and learn from experience.

III. RESULT AND DISCUSSION

A. Indonesian Defense Industry

The defense industry is a strategic industrial sector in Indonesia which has the main characteristics, namely the presence of high technology and innovation inherent in the product process. In terms of the defense industry, it is not only useful in order to maintain state sovereignty, but also exists as a strategic industry that makes one of its activities supporting national development in Indonesia. The Defense Industry, which was born during the New Order era, began to emerge with the existence of PT. Pindad in 1998 which is engaged in weapons which is used as Alustsista (the main tool of the defense system). The existence of the Indonesian defense industry has not yet been able to ratify a statutory regulation that regulates the running of the defense industry. The existence of PT. Pindad itself is under the guidance of the Strategic Industry Management Agency (BPIS), however, in 1998 BPIS was dissolved so that all companies under its guidance became PT. Pakarya Industri as a subsidiary. In 1999 PT. Pakarya Industri changed its name, namely PT. Bahana Pakarya Strategic Industries. In the government regulation of the Republic of Indonesia Number 52 of 2002 concerning the participation of the state capital of the Republic of Indonesia, where strategic industries include: PT. Pindad, PT. PAL, PT. Dirgantara, Pt LEN, PT. Dahana, PT. Krakatau Steel, PT. Barata, PT. Boma Bhishma Indra, PT. KAI, PT. Telekom and the dissolution of the company PT Bahana Pakarya Industri Strategis. In government regulation number 41 of 2003 which contains the delegation of positions and duties as well as the authority of the Minister of Finance (Minister of Finance) for private companies and public companies as well as service companies to the Minister of State-Owned Enterprises (State Minister for State-Owned Enterprises) which also means that PT. Pindad (Persero) is under the authority of the Ministry of State-Owned Enterprises as the basis for the defense industry. In the formation of the defense industry in Indonesia, there are laws and regulations regarding the defense industry which were passed in 2012, namely with the issuance of Law Number 16 of 2012 concerning the Defense Industry.

The existence of the Indonesian Defense Industry is not at all regulated how the industry can operate in accordance with its objectives, namely as a Main Weapon of the Defense System that can help Indonesia in the context of national development, namely realizing the ideals of the nation as stated in the preamble to the 1945 Constitution. The law which is a rule for the operation of the defense industry, means that the role of the law so far has been very lacking in the operation of the defense industry in Indonesia, so it is possible that the impact will be the emergence of several specific obstacles related to the management of strategic industries in the defense sector, such as:

- a. In-efficiency of management.
- b. Mis-management in management.
- c. The lack of purchasing power of the TNI as an end user to absorb various strategic industrial productions.
- d. Lack of attention, utilization and synchronization of government research institutions, universities and the private sector in defense and security technology innovations that are competitive.
- e. Steel raw materials that still depend on imported products are expensive and not supported by national steel production.

B. The Role of Law in the Defense Industry in Indonesia

National defense is all efforts to defend the territorial integrity of the Unitary State of the Republic of Indonesia (NKRI), uphold state sovereignty, and the safety of the entire nation from military threats and various armed threats to the integrity of the nation and state[13]. In this case, the existence of the defense industry such

as weapons products is an important matter and concerns the livelihood of many people in maintaining and providing security, so that in this case the defense industry can be said to be a strategic industry that also affects national development in Indonesia [14]. The existence of the Indonesian defense industry as part of Indonesia's strategic industry should be able to make it easy for Indonesia to carry out an activity that can have an impact on national development in Indonesia, but in fact the supporting components, such as the national defense industry, have not fully synergized with the core components so that the defense capability country cannot be developed optimally. On the other hand, geopolitically and geostrategically, Indonesia is in a strategic and decisive position in the world and regional relations, but on the other hand the role of law as a guide in the running of the defense industry has not yet achieved its goal of providing order and justice [15].

There are no laws and regulations that regulate the implementation of the operation of the Indonesian defense industry at all, starting from the establishment of the first defense industry in Indonesia which was born during the New Order period until in 2012, Law No. 16 of 2012 concerning Industry was enacted. Defense. The existence of a national legal umbrella to facilitate the revitalization of the national strategic industry in the defense sector is more concentrated, so far it is still ad hoc and partial [16]. This means that there is no single law that explicitly regulates the position of the defense industry as a national strategic industry in defense and the national economy, the draft law for the revitalization of the defense industry has not yet been ratified. Whereas in the 2015-2019 National Medium-Term Development Plan, the targets and directions of policies and strategies for the development of the national defense industry have been set. In this case the role of the law can clearly be said to be less helpful in the development of the Indonesian defense industry as part of Indonesia's strategic industry that can assist national development in Indonesia [17]. In this case, the development of the defense industry does not carry out this thing at all in accordance with its purpose, namely to create order and justice in carrying out a development or development

C. Enforcement of Law and Maintaining Security in Indonesian Waters.

Legally, formally contained in UNCLOS 1982, Indonesia has binding provisions including the obligation to ensure security in Indonesia's marine areas. In particular, jurisdictional sea areas include EEZ (exclusive economic zone), Continental Shelf and Additional Zone and SLOC (Sea Lane of Communication) in particular, namely obligations for the safety of international shipping and maintaining the security of Indonesian seas [18]. When ships of other countries carry out activities and pass according to legal provisions around Indonesian waters and feel that their safety is threatened, then in terms of being able to present their country's sea power as an excuse [19]. With this incident, coordination is needed for an agreement on the dimensions of maritime security, every component of the nation in particular must have duties and functions as well as authority at sea, so that the implementation can be in accordance with the target and is directed and integrated. Security at sea is not just about law enforcement, therefore maritime security has a much broader dimension than law enforcement. In the dimension of security at sea, it means that the sea is safe and free to use from various threats and disturbances to the use of the sea or use activities which include several things, namely:

- a. The ocean is free from the threat of violence (free from violence threat); Included in this type of threat is having the ability to disrupt and endanger personnel or the state as well as threats by using force of arms. The various threats include piracy, piracy and mines, sabotage of vital objects and acts of armed terror.
- b. The oceans are free from navigation threats (free from navigation threats); Included in this type of threat are hydrographic and geographical conditions that pose a threat as well as lack of navigational tools and information that can endanger safety during shipping.
- c. The oceans are free from threats to the environment and marine resources (free from natural resources tribulation). Included in this type of threat are threats to the destruction of ecosystems and inappropriate exploitation of the sea and the occurrence of misunderstandings in the management of marine resources. In another fact, misunderstandings about the management of marine resources have a tendency to be easily politicized and then the deployment of foreign military forces is carried out.
- d. The oceans are free from the threat of law violation (free from law transgression threat) 15 Included in this type of threat are violating national law and international law that has been ratified, including: smuggling, illegal logging and illegal fishing, as well as illegal immigrants..

In the 1982 Law of the Sea Convention there are provisions that apply to all foreign ships, Article 19 paragraph (2) mentions the list of activities of foreign ships which are considered non-peaceful:

- a. Carry out violence and threats to the territorial integrity and sovereignty and political independence of the coastal state, or by violating legal principles.

- b. Conduct combat training or practice with any kind of weapon.
- c. Carry out actions that aim to collect information that is detrimental to the party state in security.
- d. Performing acts that affect the defense or security of the coastal state by means of propaganda.
- e. Launch, land or raise an aircraft from or on board a ship.
- f. Launch, land, or raise any military equipment and equipment from or aboard a ship.
- g. Unloading or loading any commodity, currency or person that is contrary to the laws and regulations in the Customs, fiscal, immigration and sanitary fields.
- h. Conducting acts of pollution that are carried out intentionally and cause severe pollution.
- i. Carry out illegal fishing activities.
- j. Carry out a survey and research activity without the permission of the coastal state.

CONCLUSIONS

A country that already has its own defense industry is considered to have a very strategic advantage in the global order because it can be considered capable of deterrence and responding to challenges and threats both from within and from outside. The defense industry is the answer to various challenges and the need to achieve MEF (Minimum Essential Force) within the TNI which has been designed in the RPM (National Medium-Term Development Plan) owned by the Indonesian nation. The existence of the defense industry such as weapons products makes an important matter and concerns the livelihood of many people in maintaining and providing security, so that in this case the defense industry can be said to be a strategic industry that also affects national development in Indonesia. This is in line with the constitutional basis of the existence of a defense industry which was at the opening of the 1945 Constitution.

However, in reality, in developing the defense industry as a strategic industry in Indonesia, it still cannot run well due to the lack of the role of law as a means of reform which means as a channel for the direction of activities desired human. Laws that assume order and order are absolute, in this case the law is still ad hoc or explicitly regulates the development of the defense industry in Indonesia. So that the role of law in the development of the defense industry in Indonesia does not provide clear legal certainty and certainly does not result in the emergence of order and justice in the development of the Indonesian defense industry as Indonesia's strategic industry.

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