



Institutionalization of Maritime Domain Awareness (MDA) Development in Government Policy

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ABSTRACT

The concept of Maritime Domain Awareness (MDA) is significant for the government to implement in order to form an effective understanding of Indonesia's maritime domain. In this regard, in the 2014-2022 period, the government has issued 3 policies related to MDA, such as establishing the Maritime Security Agency (Bakamla) of the Republic of Indonesia through the issuance of Law No. 32 of 2014 concerning Maritime Affairs, forming a Joint Agreement on the Exchange of Data and Information in the Framework of Law Enforcement at Sea. Considering the quantity of policies that have been issued and the failure to form MDA in Indonesia, it is necessary to analyze the institutional framework arrangements in these policies.

INTRODUCTION

Maritime Domain Awareness (MDA) is a concept created by the United States in order to improve effective understanding of the maritime domain. By definition, the maritime domain is all areas and everything that is on, under, related to, adjacent to, or bordering the sea, ocean or other waterways that can be crossed, including all maritime-related activities, infrastructure, people, cargo, and ships and other means of transportation (Department of Homeland Security, 2005). Based on this definition, MDA is interpreted as an effective understanding of everything related to the global maritime domain that can have implications for the security, safety, economy, or environment of the United States (Department of Homeland Security, 2005). In its development, the MDA concept was widely accepted and adopted by several countries and international organizations. In this regard, there has been a change in the definition of MDA which was initially only intended for the interests of the United States, currently the definition of MDA is more general. The International Maritime Organization and the International Civil Aviation Organization define MDA as an effective understanding of all activities associated with the maritime environment that can have an impact on security, safety, economy or the environment (International Maritime Organization and International Civil Aviation Organization, 2016).

The MDA concept will basically be beneficial for Indonesia. Considering that Indonesia is the largest archipelagic country in the world, the government needs to have adequate surveillance capabilities. On the other hand, considering that Indonesia has a large sea area, such as the Inland Waters and Archipelagic Waters area of 3,110,000 km², the Territorial Sea area of 290,000 km², the Additional Zone area of 270,000 km², and the Exclusive Economic Zone area of 3,000,000 km² (Coordinating Ministry for Maritime Affairs and Investment, 2018), the aspect of surveillance of activities at sea must be improved. In order to improve surveillance capabilities, the MDA concept will have a positive impact because it can improve understanding of Indonesia's maritime domain.

Another matter as a basis for consideration of the urgency of implementing the MDA concept is related to the intensity of shipping and the potential of natural resources. The Vice President of the Republic of Indonesia stated that of the 90% of global trade transported by sea, 40% of it passes through Indonesian waters (Ministry of State Secretariat, 2021), and it is estimated that around 200,000 ships from various parts of the world cross 3 strategic Indonesian Straits (Coordinating Ministry for Maritime Affairs and Investment, 2021). On the other hand, the Indonesian sea contains various potential natural resources which are roughly estimated to be worth 1,772 trillion or equivalent to 93% of the total revenue of the 2019 State Budget (Indonesian Institute of Sciences, 2019). On that basis, the MDA concept can help prevent potential threats, violations of the law, environmental pollution, and maintain international trust in the credibility of the government in enforcing the law. Without the formation of an effective understanding organized through comprehensive supervision or monitoring of Indonesia's maritime domain, the government will have difficulty in assessing, detecting and following up on threats to maritime security and safety. Regarding security threats, it is necessary to understand that currently threats do not only

impact the state, but also impact individuals. In addition, the scope of threats can include the military, political, economic, social and ecology/environment (Buzan, 1991). Therefore, the application of the MDA concept as a basic foundation for comprehensive supervision in order to detect, assess and follow up on threats, is important to realize.

In this regard, basically agencies in Indonesia have carried out supervision or monitoring of marine security and safety through a certain system. Several agencies already have a system to carry out supervision or monitoring. However, the implementation of this supervision is only related to the respective fields of duty of their respective agencies. Based on the matter in question, the data and/or information produced is partial according to the field of duty of the agency.

On the other hand, until now the entire system of supervision or monitoring of marine security and safety has not been fully integrated. The impact that arises is the failure to achieve an effective understanding of the Indonesian maritime domain which then has an impact on the speed and accuracy of strategic decision making. Therefore, until now MDA has not been able to be realized in Indonesia.

In order to realize MDA in Indonesia, it is necessary to synergize the implementation of the marine security and safety supervision or monitoring system. The steps that can be taken are through the integration of all data and/or information into a national marine security and safety information system. Efforts to support the integration of information systems are by issuing policies that support the integration process in order to realize the formation of an effective understanding of Indonesia's maritime domain.

In the period from 2014 to 2022, the government has issued a series of policies related to the development of MDA in Indonesia. In 2014, there was a policy to establish the Maritime Security Agency (Bakamla) through the issuance of Law (UU) Number 32 of 2014 concerning Maritime Affairs. Furthermore, in 2019, a Joint Agreement (KB) was formed on the Exchange of Data and Information in the context of Law Enforcement at Sea between 8 Ministries/Institutions (K/L). In addition to these two policies, the government again issued the latest policy in 2022, namely issuing Government Regulation (PP) Number 13 of 2022 concerning the Implementation of Security, Safety, and Law Enforcement in Indonesian Waters and Indonesian Jurisdictional Areas.

When viewed from the policies that have been issued by the government, MDA should have been realized in Indonesia because the substance of the material in the three policies in question has regulated the integration of maritime security and safety information systems. However, in reality, until now MDA has not been realized because all agencies are still implementing their monitoring systems partially based on their respective institutional frameworks. On that basis, it is implied that there are problems in the development of MDA in Indonesia. In order to identify problems, the institutional approach has an important role as a basis for analysis. Through this approach, the institutionalization of the set of values, norms, roles, and mechanisms in the policies that have been issued to realize MDA in Indonesia will be seen. The

rationale for reviewing MDA development with an institutional approach is because in essence, the rules are formed on the basis of ideas (Tang, 2011), so that the government's political will regarding MDA development will be reflected in the institutional framework contained in the substance of government policy materials.

LITERATURE REVIEW

It is known that there have been several studies on MDA in Indonesia. In 2017, Agastia and Perwita conducted a study with the results that there were problems within the MDA development framework at the technical, operational, and strategic levels, which among other things were related to limited capabilities at the technical-operational level due to limited conditions regarding relevant equipment, lack of coordination between agencies in the field of maritime security, and limited understanding of MDA at the strategic level (Agastia and Perwita, 2017). The review for this study was that institutionalization had not been described in policies issued by the government, as an aspect that influenced the MDA development process in Indonesia. In 2019, Peter Chalk with the Australian Strategic Policy Institute (ASPI) conducted research related to MDA in three countries, namely Indonesia (Bakamla), the Philippines (The National Coast Watch Center), and Thailand (Thailand Maritime Enforcement Coordinating Center). The results of the study showed that there were challenges for the three countries, one of which was the bureaucratic mindset that prioritized the terminology of agency independence, rather than interdependence.

Meanwhile, the obstacles in Indonesia are competition between institutions, overlapping legal frameworks, separate management and information and intelligence systems, and competition for limited and scattered resources (Chalk, 2019). The review of the research is that the institutional aspect has not been described in detail as a matter that influences the relationship between institutions in promoting MDA collaboratively. Based on previous research, it can be seen that MDA development in Indonesia has not been implemented properly. This is due to various problems such as limited resources, lack of coordination between ministries/agencies, and overlapping legal frameworks. On the other hand, previous research has not used an institutional approach to review government policies as aspects that can drive the MDA development process in Indonesia.

In addition, researchers have not analyzed the Joint Agreement (KB) on Data and Information Exchange for Law Enforcement at Sea between 8 Ministries/Institutions in 2019, as well as Government Regulation Number 13 of 2022 concerning the Implementation of Security, Safety, and Law Enforcement in Indonesian Waters and Indonesian Jurisdiction Areas, as the latest policies issued by the government in 2022. Considering the issuance of a series of policies related to MDA development, and considering the condition of the unintegrated and unsynergized monitoring or supervision system for maritime security and safety, this article will discuss the role of MDA actors as system organizers, and review how MDA development policies are institutionalized in national legal regulations and cooperation between agencies.

METHODOLOGY

The research uses qualitative methods, namely research that intends to understand the phenomenon of what is experienced by the research subject, for example behavior, perception, motivation, action, and others, holistically and by means of description in the form of words and language, in a specific natural context and by utilizing various scientific methods (Moleong, 2014). The data source in this study uses secondary data sources, namely sources that do not directly provide data to data collectors, for example through other people or through documents (Sugiyono, 2011).

Secondary data sources were obtained through literature studies of books, journals, cooperation documents, news from print and electronic media that focused on discussions about MDA, security theory and maritime security concepts, laws and regulations as a form of government policy related to the focus of the research discussion. The data analysis techniques used were using data display techniques, data reduction, and finally conclusions (Miles and Huberman, 1994). Based on the secondary data sources obtained, the focus of the discussion was directed at a general description of the implementation of the maritime security and safety monitoring and supervision system implemented by various actors, as well as related to the institutionalization of government policies on national legal regulations and cooperation between agencies as MDA actors.

RESEARCH RESULT

Even at the level of forming situational awareness as the foundation of MDA development, it also has high complexity. Nimmich and Goward (2007) explain "Achieving awareness will require that maritime activities and actors become more transparent, that what is seen is properly understood, and that this visibility and understanding be shared as widely as possible among members of the maritime community" (Nimmich and Goward, 2007). From this explanation, situational awareness will involve the participation of various actors where openness must be the foundation for interaction between actors, and all actors need to have adequate understanding of all phenomena at sea, as well as the will to share understanding and knowledge widely with other actors as part of the maritime community.

The various complexities in MDA development are a challenge for the government. One of the challenges that will be faced is related to the formation of an integrated management system by involving the participation of all actors in all activities in it. In this regard, Asiamah stated "Effective MDA, therefore, entails integrated management of different sets of collection and processing capabilities, aimed at identifying and understanding activities of interest" (Asiamah, 2018).

Considering the existence of various actors who carry out maritime security and safety monitoring, efforts to establish an integrated management system must be based on the will to coordinate and cooperate among related actors. Without such will, the establishment of an integrated management system becomes difficult to realize because each actor has a legal basis for implementing security or safety monitoring according to their field of duty.

In order to improve coordination and cooperation to realize an integrated management system, a policy is needed to synergize the interaction of the actors. The policy as referred to at least regulates the set of norms, values, or rules for the interaction of actors when carrying out security and safety monitoring at sea. Therefore, the policy reflects the limitations, authority, responsibility, or command and control patterns and other matters that are used as guidelines for actor interaction.

One framework for reviewing the institutionalization of MDA development in government policy is to use an institutional approach. In terminology, the word institutional comes from the word institution, namely the rules of the game in a society or, more formally, the limitations designed by humans to shape human interaction (North, 1990). Although in the general context North argues that institutions are intended to shape human interactions, it is also said that whatever organizations emerge and how they develop will be fundamentally influenced by the institutional framework (North, 1990). Therefore, institutions will intersect with organizations.

In contrast to North who emphasizes that institutions are only related to constraints, Tang (2011) tends to adopt Giddens' opinion that institutions impose restrictions and activate agents at the same time (Tang, 2011). This is possible because institutions sometimes increase social welfare by reducing transaction costs and uncertainty (Tang, 2011). On that basis, institutions are not always only related to restrictions but can also activate agents based on the conditions that occur at that time. Referring to several opinions regarding institutions, it can be understood that institutions are a system that contains a set of values, norms, ethics, procedures and so on to provide restrictions and/or activate agents to form interactions, both individuals and organizations. On the basis of this, the subject of the problem based on the institutional approach includes regulations, procedures, and formal government organizations (Marsh and Stoker, 2011). Therefore, theories on the institutional approach will be one of the frameworks for understanding individual and organizational behavior (Dacin, Goodstein, and Scott, 2002), as well as explaining actions and decision-making in public organizations (Andriyani, 2016).

In relation to the development of MDA in Indonesia, the institutional approach plays a role in constructing values and/or norms that are arranged to change the interaction between agencies as actors in the implementation of the marine safety and security monitoring system. Considering that the regulatory framework owned by the actors has formed a certain structure of values, norms, and procedures, in order to realize system integration, policies need to be issued that are able to synergize the set of values, norms or procedures so that harmony is created. Through the issuance of these policies, synergy will be formed

between the interactions of the actors related to the implementation of the monitoring system and the integration of the marine safety and security information system to build MDA in Indonesia.

In addition to looking at the policies issued by the government to regulate the governance of the implementation of the marine safety and security monitoring system, efforts to increase synergy between actors can be implemented through the division of roles for the related actors.

Currently, all agencies have their respective roles as organizers of the monitoring system according to their fields of duty and function. Given that MDA requires the formation of an effective understanding of the maritime domain, the role arrangements currently implemented will increase the complexity of MDA development in Indonesia. Therefore, the issuance of policies carried out by the government should regulate the division of roles for all actors organizing the monitoring system.

In relation to the matter in question, there are several meanings of the word role, namely: 1) Role refers to the characterization carried out to be carried out by an actor in a drama stage; 2) In the connotation of social science, role is interpreted as a function carried out by someone when occupying a characterization (position) in a social structure; 3) At a more operational level, the role of an actor is a limitation designed by another actor, who happens to be in the same "role performance". Related to this meaning, the relationship between the actor and his role partner is interrelated and complementary because in a social context, no role can stand alone without the other (Suhardono, 2018).

In addition, it is known that the role is also interpreted as a structurally given demand (norms, expectations, taboos, responsibilities, and others), in which there is a series of pressures and conveniences that connect mentors and support their function in organizing (Lantaeda et al, 2017). Based on the meaning as mentioned, the role is an attribution that influences the interaction between actors. In the public policy dimension, actors are required to play behaviors that are in accordance with the roles they have (Fauzi and Rostyaningsih, 2018). In the context of developing MDA, the division of roles between actors organizing the marine safety and security monitoring system needs to be regulated in policies issued by the government. The purpose of the division of roles is to align the pattern of actions in organizing the monitoring system so that it can be well orchestrated and avoid overlapping roles. The division of roles is also intended to increase interdependence between actors so that effective collaboration is created related to the development of MDA in Indonesia.

DISCUSSION

In relation to the matters as explained, PP No. 13 of 2022 will become a binding institutional framework for actors organizing the monitoring or safety and security system to integrate their information systems. This is because PP No. 13 of 2022 has outlined the role of each agency as an actor organizing the security and/or safety system. In order to integrate the marine security and safety information system, Bakamla is given the role of integrating the information systems of the Related Agencies and Technical Agencies. The role given to Bakamla is basically no different from the role in Law No. 32 of 2014, namely integrating the security and safety information system in Indonesian waters and Indonesian jurisdiction. Therefore, the institutionalization in PP No. 13 of 2022 strengthens the role of Bakamla as an agency that integrates the marine security and safety information system.

On the other hand, PP No. 13 of 2022 also explains that in the context of managing the National Maritime Security and Safety Information System, Bakamla functions as a center for maritime security and safety information. Regarding operationalization, Article 29 paragraph (2) explains that Bakamla forms a work team consisting of liaisons from the Related Agencies and Technical Agencies. Based on the provisions as mentioned, collaboration between actors will increase because each actor places its personnel as liaisons on the work team at the maritime security and safety information center. Through these liaisons, communication is carried out continuously so that there is a harmony of perspectives and patterns of action towards the management of the National Maritime Security and Safety Information System as one of the supporting elements for the development of MDA in Indonesia. In addition to strengthening the role of Bakamla, PP No. 13 of 2022 also clarifies the roles of other actors related to the integration of the maritime security and safety information system. This role can be seen from the provisions of Article 24 paragraph (2) which states that the Related Agencies and Technical Agencies provide facilities for use and create connectivity and access to the National Maritime Security and Safety Information System.

Based on the intended regulation, the information produced will be integrated with the National Maritime Safety and Security Information System because the inter-system connectivity has been established and access has been opened. Therefore, PP No. 13 of 2022 becomes an institution that minimizes bureaucratic obstacles because the actors organizing the maritime safety and security information system must provide information sharing facilities, open system connectivity, and provide access to their information systems. The information systems that are integrated include the security information system, safety information system, ship traffic information system, goods traffic information system, people traffic information system, marine pollution information system, marine safety and security early warning system, fisheries resource information system, and other information systems (Explanation of Article 27 paragraph (2) of PP No. 13 of 2022).

Other matters regulated in PP No. 13 of 2022 are regarding the regulation of the dissemination of data and information management results. Article 30 paragraph (2) emphasizes that the results of data and information management are disseminated to Related Agencies, Technical Agencies, and the public in accordance with the provisions of laws and regulations. This means that Bakamla, as the organizer of the function of the maritime safety and security information center, has an obligation to disseminate the results of data and/or information management to Related Agencies, Technical Agencies and the public as long as it does not conflict with applicable laws. In addition to regulating government agencies, the institutional framework of PP No. 13 of 2022 also provides obligations for ships and the public. Article 30 paragraph (2) explains that in the event of suspected violations of the law or accidents in Indonesian waters and Indonesian jurisdiction, ships and/or the public are required to immediately report to the maritime safety and security information center. Based on these regulations, it is reflected that the government provides space for public participation (the public and/or ships) in order to support the implementation of the National Maritime Safety and Security Information System.

CONCLUSIONS AND RECOMMENDATIONS

In general, the three government policy instruments have led to efforts to realize MDA in Indonesia, but their institutionalization has different levels of regulation. The issuance of Law No. 32 of 2014 has emphasized the role of Bakamla as an agency that integrates the security and safety information system in Indonesian waters and Indonesian jurisdiction, but does not regulate in detail the roles, duties or responsibilities of other agencies as organizers of the maritime security and safety monitoring or supervision system. Meanwhile, the Joint Agreement on Exchange and Information in the Framework of Law Enforcement at Sea has institutionalized in detail the duties and responsibilities that create the roles of each agency. However, the Joint Agreement has not been able to encourage the development of MDA as a whole that includes all actors organizing the maritime security and safety monitoring or supervision system. Therefore, the scope of the Joint Agreement is limited because it only applies and binds 8 Ministries/Institutions.

In the midst of the less than optimal institutionalization of the two previous policies, then strengthening it through the issuance of PP No. 13 of 2022. The Government Regulation has institutionalized in detail the duties, responsibilities, roles, and mechanisms that bind various actors (Bakamla, Related Agencies, Technical Agencies, ships, and the community) to realize and support the implementation of the National Maritime Security and Safety Information System. Therefore, PP No. 13 of 2022 becomes an institution that encourages the development of MDA as a whole and is used as a guideline for all related actors. The recommendations that can be proposed are the need to build a joint commitment between agencies to implement the regulations as stated in PP No. 13 of 2022. In addition, in the future, a national concept needs to be prepared as a Blueprint for MDA development in Indonesia which regulates in detail the direction of MDA development.

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