



## The Role Of Fleet Quick Response (FQR) In Guarding Sea Security From Crime Act At Indonesian Archipelagic Sea Lane I

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### ABSTRACT

Indonesia is the largest archipelagic country in the world, so the government established a policy to make Indonesia as the World Maritime Fulcrum, placing the maritime sector as a source of the nation's economy. This policy needs to be supported by the creation of safety shipping and maritime security. As an implementation of the responsibility and authority in supporting the program, the Indonesian Navy is demanded to be able to create a safe sea free from violations of the law at sea, having a Fleet Quick Response Team (FQR), prevent and take action against all kinds of crimes that occur in the waters area of Indonesia's national jurisdiction. The FQR action was carried out by paying attention to the speed and accuracy in tackling all violations and crimes at sea. Thus, the researchers try to illustrate how the effort to increase the role of the FQR team in order to support the tasks of the Navy Base. This research uses qualitative research methods by utilizing scientific methods in the form of interviews and direct observation on how to maintain sea security so that the sea is free from all threats of criminal acts and violations of the law in order to support the duties of the Navy. The existence of the ALKI lane carries various potential security and defense vulnerabilities, both in the form of military threats from other countries that use ALKI as a commercial shipping lane and other vulnerabilities, such as pollution of the marine environment, smuggling, piracy, terrorism, human trafficking, infiltration, and domestic shipping disturbances. Preparedness, speed of the element of impromptu as well as the accuracy of actions in the operation became the key to the success of the FQR task.

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### 1. Preliminary.

The territorial waters of Indonesia are an integral part of the Republic of Indonesia (NKRI) as a whole. According to the Constitution of the Republic of Indonesia No. 43 of 2008 about the Territory of the State, that the territory of the Republic of Indonesia includes the land territory, water territory, seabed, and the soil under it and the air space above it, including all sources of wealth contained therein. The territorial waters of Indonesia include inland waters, archipelagic waters and seas territorial. In addition, Indonesia also has jurisdiction in the territorial waters of the sea outside the territorial sea which includes the Exclusive Economic Zone, continental shelf, and additional zones over which this jurisdiction of Indonesia has sovereign rights

and certain other authorities based on statutory regulations and international law.

The concept of an archipelagic country was recognized since December 10, 1982 at a United Nations convention which discussed the United Nations Convention on the Law of the Sea (UNCLOS). Article 49 of UNCLOS 1982 states that the sovereignty of an archipelagic country includes waters that are covered by a base line as well as the airspace above it and the seabed and the soil beneath. The Government of the Republic of Indonesia then ratified the convention with the constitution of Republic of Indonesia No. 17 of 1985. Since 1994, the International Law of the Sea was officially applied and from then on Indonesian people had the sovereign right to utilize natural resources, including those at the bottom of the sea and below.

In 1996, the Indonesia Government proposed the establishment of the Indonesia Archipelagic Sea Lanes (ALKI) to the

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International Maritime Organization (IMO). This is offered by considering aspects of national defense and hydro-oceanography conditions, making Indonesian waters safe for each ship to pass through, providing navigation access for all ships passing through. The decision of ALKI was a long process and was recognized on May 19, 1998, at the IMO MSC-69 plenary session with official results acknowledged the three ALKIs in Indonesian waters.

National political policies that make Indonesia as World Maritime Fulcrum by placing the maritime sector as the backbone of the nation's economy need to be supported by the creation of safe shipping and maritime security. For this reason, to support the Indonesian government's policies, the Navy as law enforcement body at sea is obliged to maintain security in the territorial waters of Indonesia's national jurisdiction. Violations of the law that occur can cause unrest and threaten the stability of the security of the sea territory of Indonesia's national jurisdiction. Especially in ALKI I, which are traversed by trade fleets throughout the world, violations of the law are even becoming an international issue. This is because Indonesian waters are the main transportation and distribution route, which approximately 120,000 ships cross every year.

As the implementation and responsibility of authority in securing Indonesia's territorial waters, the Indonesian Navy has a Rapid Response Team called the Fleet Quick Response Team (FQR). In an effort to provide security to the international community that the FQR is a quick reaction team to take action against all forms of violations of the law at sea by empowering regional unit assets. The FQR action was carried out with an unscheduled and incidental movement system based on intelligence data input received, thus demanding readiness and preparedness of the personnel and material of the FQR. Creating a safe situation by maintaining maritime security free from all threats of criminal acts and violations of the law in order to support the duties of the Navy.

## 2. Method.

This research was conducted using qualitative methods, which qualitative research by definition mean a research process based on methodologies that investigate social phenomena and human problems. Bogdan and Guba in Suhasaputra explained that qualitative research is carried out by several procedures that produce descriptive data, in the form of words both in oral and written form, discussing the behaviour of the subject being examined. The research design used is a qualitative data type that is analysing data in the form of words and human actions consisting of spoken speech, and activities expressed in the form of questions that must be answered. Some opinions above explained that research using qualitative methods is done using descriptive data in the form of questions to the research subjects and observing in detail the research subjects contained in the research object.

Basically observation techniques are used to see and observe changes in social phenomena that grow and develop which can then be made changes to the assessment. For researchers / observers in observing certain objects, are able to separate what is

needed and not needed. In this study, researchers conducted direct observations on the subject of research and the FQR unit to obtain the information needed. To obtain optimal results, the research results obtained are synchronized with the literature according to the theories of the experts so that it can be concluded as desired. This is stated in the theories which are used as literature in this study, including:

### 2.1. Threat Theory.

The definition of threat is based on constitution of RI No. 34 of 2004 Article 1 paragraph 22 about the Indonesian National Army which states that threats are any efforts and activities, which occur in land or abroad, which are considered to threaten or endanger the country's sovereignty, territorial integrity and the safety of the whole nation. According to Lloyd Lorenzini, the threat consists of combining three elements, including 1) Intention of the perpetrators of crimes at sea in all forms and ways carried out with economic motives by using natural resource wealth and a very strategic geographical position as an international waters crossing. 2) Ability (capability) of perpetrators who generally use the means of the sea vessels with the high speed and good manoeuvrability at sea. 3) Conducive circumstances. From this understanding, it can easily be stated that threats will not exist if one of those elements is not presence.

Definition of threats according to the constitution of the Republic of Indonesia No. 3 of 2003 about national defense, what is meant by threats is any business and activity both from domestic and from foreign countries which are considered to endanger the country's sovereignty, territorial integrity and national safety. The existence of ALKI I lane carries various potential security and defense vulnerabilities, both in the form of military threats from other countries that use ALKII as a commercial and military shipping lane as well as other vulnerabilities, such as pollution of the marine environment, smuggling, piracy, terrorism, human trafficking, infiltration, and interference domestic shipping. Traditional threats are interpreted according to their long-known nature, such threats are perpetrated by actors in general who are motivated by the economy to fulfil their daily needs.

### 2.2. Crimes at sea.

The definition of a crime at sea is a crime that can only occur at sea and cannot occur on land, distinguished from general criminal acts that occur at sea. Starting from this understanding, the consequence arises, namely that a criminal act at sea becomes a special criminal act which covers all elements of a criminal act (subject, mistakes, against the law, contrary to the law, and other elements such as place, time and condition other).

## 3. Results and Discussion.

1. Various forms of threats of criminal acts at sea which are set forth according to a basic procedure (Protap) Criminal Acts

at sea by the Navy, which can cause disruption of national defense and security, which are described based on the following:

**a. Piracy at Sea.**

Piracy is any act of violence / seizure or illegal detention, or any act of destroying a person or property, which is carried out for personal purposes by the crew or passengers of other vessel.

**b. Illegal Fishing**

Fisheries criminal offense is an act of fishing that is against the law as regulated and threatened with criminal sanctions by laws or other fisheries regulations. Fishing is an activity that aims to obtain fish in waters that are not being cultivated by or in any way, including activities that use ships to load, transport, store, cool, process or preserve them.

**c. Criminal Acts of Treasury of Sinking Ships (BMKT)**

Treasury items from Sinking Vessels, hereinafter referred to as BMKT, are valuable objects that have historical, economic and other values. BMKT comes from a ship that sank in Indonesian waters and is more than 50 years old. Exploration is an activity that includes research, surveys and collections of BMKT.

**d. Environmental Crimes.**

Environmental crimes are environmental destruction and environmental pollution both intentionally and due to negligence in committing acts that result in environmental pollution and / or environmental damage.

**e. Shipping Crimes**

Generally, the shipping crime is an offense against every law related to transportation in the water, at the port, as well as security and safety, based on the criteria of constitution Number 21 of 1992 about Shipping.

**f. Customs Criminal Acts.**

Customs crime is transportation of goods exiting / entering a country by sea without using legal or not in accordance with customs documents requirement. This customs area is the territory of the Republic of Indonesia which includes land, waters and air space above it, as well as certain places in the EEZ and Continental Shelf in which this law applies.

**g. Forestry Crime.**

Forestry crime is the transportation of forest products without legal document, or does not carry out auctions of state assets in the form of forest products and other goods in the form of findings and / or seizure of the proceeds of crime or violations and does not provide incentives from the auction results to related parties. This case is the act of violating the Certificate of Legality of Forest Products (SKSHH), which is a forestry document that must be attached together when transporting, ownership of forest products because SKSHH has function as proof of legality.

**h. Immigration Crimes.**

Immigration crime is the arrival or existence of a person in the territory of the Republic of Indonesia where the person is not registered as an Indonesian citizen and does not have / own immigration documents.

**i. Sea Sand Mining Crimes.**

Crimes of mining sea sand are activities related to dredging, transporting and exporting sea sand without having / protected by legal documents.

**j. Criminal offenses of territorial violations (No Security Clearance).**

Crimes against territorial violations are actions of foreign vessels that deliberately sail or float for certain purposes which have an influence on the security aspect and / or through closed areas in Indonesian waters without permission, these foreign vessels include warships / military foreign vessels, foreign fishing vessels, foreign vessels conducting hydrographic surveys, foreign vessels in exploitation / exploration activities, foreign yachts and foreign ships going through closed areas in the territory of the Republic of Indonesia.

**k. Narcotics and Psychotropic Crimes.**

Narcotics crime in the form of narcotics transportation is every activity or series of activities to move narcotics from one place to another by any means or means of transportation. Psychotropic criminal acts in the form of psychotropic handling are a series of activities in the context of transferring psychotropic substances from one place to another by means of modes, or any means of transport in the context of production and distribution. While transit is the transportation of psychotropic substances in the territory of the Republic of Indonesia with or without changing means of transportation between two countries across.

**l. Firearms and Explosives.**

The crime of firearms and explosives is an act without the right to enter, make, receive, try to obtain, deliver or try to surrender, control, carry, possess inventory, store, transport, conceal, use or issue from Indonesia any firearms, ammunition or explosives.

**M. Criminal at ZEE Indonesia.**

The criminal offense at EEZ Indonesia is an unlawful act as regulated and threatened in accordance with Law Number 5 of 1983 concerning EEZ along with other implementing regulations, which include a) the creation and / or use of artificial islands or installations or other buildings in ZEEI without permission or does not meet the requirements, b) exploration and / or exploitation of natural resources or other activities of economic value without permission or without agreement with the Indonesian government, c) Scientific research activities at ZEEI without the approval of the Indonesian government, and d) intentionally destroy or destroy evidence that is used to carry out criminal acts of exploration and exploitation in EEZ with the intention of avoiding confiscation of said evidence.

**n. Criminal Acts of Terrorism.**

The criminal act of terrorism is an act that intentionally uses violence or threat of violence creates an atmosphere of terror or widespread fear of people or causes mass victims, by seizing freedom or loss of life and property of others, or resulting in damage or destruction to objects strategic vital objects or the environment or public facilities or international facilities.

**o. Biodiversity Conservation and Ecosystem System Criminal Acts, including:**

Activities that can cause changes to the integrity of the nature reserve area, include: a) Taking, cutting, possessing, damaging, destroying, maintaining, transporting and trading the protected plants or their parts in a living or dead condition; b) Removing protected plants or parts of it alive or dead from a place in Indonesia to other places inside or outside Indonesia. Activ-

ities related to violations of protected animals or against parts of such animals such as skin, body or parts other protected animals, or items made from these animals. Activity violation of the core zone of the national park, or the zone of utilization and other zones of the national park, grand forest park and nature tourism park.

2. The FQR team is an existing law enforcement and security system at sea and in turn is expected to be a guarantee to the international community for the security of Indonesia's national jurisdictional waters in order to realize Indonesia's vision of becoming a global axis. Preparedness is the key to the success of the FQR's task of providing action against an incident in less than an hour. The speed, the element of imprisonment and the accuracy of actions in operations are important to support the success of the FQR, so that the personnel and assets involved must continue to be trained gradually and continuously. During the implementation of their duties, the FQR unit has succeeded in preventing and taking action against crimes that occur in Indonesian waters, especially in ALKI I Waters.

In carrying out its duties the FQR adheres to the principle of speed of action, focus on results and focus on implementation, has the ability to move fast, is ready to move at any time, able to adjust to changing dynamics in the field. FQR is able to empower the operational area environment in order to collect intelligence data continuously and sustainably. The success of the operation is not immune from great intelligence. But on the contrary, if the operations carried out do not get intelligence data input, the operation will fail, but since the formation of the FQR unit, has succeeded in preventing and taking action against several perpetrators of crime in the waters of Indonesia's national jurisdiction. Some incidents which are the responsibility of the FQR in maintaining the stability of sea waters include; Piracy and piracy, smuggling, illegal migrants, marine accidents, terrorism, human trafficking, infiltration, shipping disruptions and other violations.

In carrying out the handling of existing cases, FQR is expected to be able to take action quickly with the intensive exchange of intelligence. Intelligence as a data and information collector provides precise, fast and accurate information, performs processing, analysis and evaluation so as to obtain a comprehensive picture of the vulnerabilities that occur so that the data can be used as material for consideration in making decisions in an effective and efficient action.

Related to the above, the main responsibility of the FQR as a quick reaction formation team is to focus more on the areas in which it is responsible, but it does not rule out the possibility of being put in place to face other actions from perpetrators of crimes that can be detrimental, threatening the stability of the sea security territories of national jurisdictions. Prevention efforts made against violations of criminal acts at sea include:

#### **a. Routine Patrol.**

Patrol activities are part of the FQR operations plan that is carried out in order to deal with various criminal acts at sea. Perform prevention in various ways and methods by optimizing elements of KRI, KAL, Patkamla and Aircraft by placing elements of the degree in areas deemed strategic. In anticipating various crimes and crime at sea, it takes an important role

from various units with factors that influence the emergence of potential threats in ALKI I.

#### **b. Geographical Conditions.**

This geographical condition is a general factor that influences all potential threats that arise in ALKI waters and Indonesia as the person responsible for ALKI is bound by international law to guarantee security and safety for users of the archipelagic sea lanes. Can overcome the problem of territorial violations, the problem of illegal capture, the problem of smuggling of goods and narcotics, the problem of arms smuggling and human trafficking, all of which are almost certainly inseparable from the perspective of Indonesia's geographical conditions.

#### **c. Abundant natural resource potential.**

From various world maritime literature, archipelago waters generally in the waters of ALKI have abundant human resource potential. There is oil and gas (oil and gas), fishery resources along with the industry that is in it as well as the use of waters for economic and industrial interests (as sea transportation) beneficial to the sea transportation channel.

### **Conclusions**

1. The existence of the ALKI line carries various potential security and defense vulnerabilities, both in the form of military threats from other countries that use ALKI as a commercial and military shipping lane and other vulnerabilities, such as pollution of the marine environment, smuggling, piracy, terrorism, human trafficking, infiltration and disruption to domestic shipping.

2. As a maritime country that is strategically positioned and bordered by many countries poses a variety of complex problems. The complexity of the problem at sea begins with the issue of boundaries, sea accidents and vulnerability related to illegal activities caused by violations of Indonesian laws and regulations.

3. From the above explanation, it can be concluded that in taking action and handling various violations in ALKI, it is clear that the synergy of units in the field is clearly needed. security and threaten the sovereignty of the Republic of Indonesia. Unity of Command is very much needed considering the urgency and readiness as a fast reaction team faced with all existing conditions.

4. The FQR is a rapid reaction team formed to prevent and take action against various acts of violation of the law that occur in the territorial waters of Indonesia's national jurisdiction. The FQR action was carried out in the form of optimizing repressive reactions that were flexible and proportional by taking into account the speed and accuracy in tackling all violations of law at sea by maximizing the role of the FQR supported by work units in the Main Navy Navy Base.

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