

TRANSNATIONAL NAVAL COOPERATION IN SOUTHEAST ASIA REGION IN ORDER TO MAINTAIN SAFETY STABILITY IN THE WATERS

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ABSTRACT

The problem of maritime security stability in the Southeast Asia region has been a serious issue, and this has become a common concern of countries in this region. There are some various factors are the cause of this issue and each country has made various efforts to overcome it as well as trying to cooperate each other, even though currently it is still at the level of exchanging information between them regarding the issue in question, furthermore following up with bilateral or trilateral joint coordination and exercises. The Navy, based on the mandate of international maritime law, is the enforcer of law at sea. However, the complexity of the problem plus the vastness of the regional waters requires that the Navy need to think about further steps to increase and maintain the security stability in regional waters, rather than just exchanging information or joint exercises.

Keywords : Cooperation between navies, maritime security stability in the Southeast Asia region

A. INTRODUCTION

Southeast Asian countries have a very strategic role in ensuring security stability in the Indo Pacific. This was conveyed by Ir. Joko Widodo (President of Indonesia) at the 2019 ASEAN High Level Conference (Summit) which took place in Bangkok, Thailand¹. Economically, Southeast Asian waters are one of the arteries of the world in maritime transportation. Therefore, it is their concern (the countries which located in the Southeast Asia region) to maintain the stability and security of their waters. The water security stability

¹ Kompas Daily Adventorial, (2019), Cooperation Between Countries, To Increase Regional Security Stability, Kompas Daily, 10 December 2019, <https://adv.kompas.id/baca/kerja-sama-antarnegara-untuk-angkat-ststabil-keamanan-region> accessed 29 November 2023, at 17.20 WIB

is a condition of safe and conducive water areas that is free from all forms of threats, obstacles and disturbances.²

Nowadays, the waters of the Southeast Asian region have a fairly high level of vulnerability. The insecurity that occurs include territorial claims, security of communication and trade routes by sea, as well as non-traditional security in the form of an economic crisis. Non-state security disturbances in the form of theft/piracy/piracy at sea, illegal fishing activities, illegal logging, smuggling of weapons and ammunition, CBRN-E materials, the spread of infectious and non-communicable diseases and the threat of disasters due to being located between the world's 4 tectonic plates³.

To achieve the maritime security stability in the Southeast Asia region itself is certainly not easy as spoken, apart from being a vast archipelagic region, each country has many different visions and points of view, exacerbated by the interests of certain parties (non-state groups) who exploit the existence of waters for their own interests.⁴ Based on reports compiled by the author from the Information Fusion Center based in Singapore, during the period 2021 to the first semester of 2022, at least 151 crime cases occurred in Southeast Asian waters with various types of cargo ships as the main targets (more than 70% of cases) and 1 case of terrorism⁵.

The actors, in some cases, are originally come from transnational borders. In addition, the economics and terrorism are listed as the main triggering factors for this act and they pose a serious threat to maritime traffic stakeholders and users⁶. Meanwhile, the other sectors (illegal activities such as fishing, smuggling and others), prefer to utilize the sea route to get through due to the small probability to be detected by the authority since the huge area of the sea, where the volume and type of commodities carried can be adjusted to the shape

² Dr. Omprakash Dahiya, 2015, Maritime Security Of India: Challenges And Opportunities, New Delhi http://employmentnews.gov.in/Career_nano_eng.pdf, accessed 29 November 2023, at 17.30 WIB

³ Anthoni Sugianto, 2021, Handling Maritime Security at Maritime Borders and Its Impact on Defense and Security Aspects, Lemhanas Journal Volume 9 number 2 (2021), <http://jurnal.lemhannas.go.id/index.php/jkl/issue/view/17>, accessed 29 November 2013, at 18.16 WIB

⁴ Maulida Arbaningsih, Naomi Augustina, Sucitra Putri, 2023, Main Report on Jakarta Geopolitical Forum VII/2023 Activities Discussing the Future of Asean, Santara Magazine Number 24 September 2023, Jakarta.

⁵ IFC, ILO.

⁶ Paul J. Smith and Don Berlin, 2011 Transnational Security Threats in Asia, Indo-Pacific Maritime Security in the 21st Century, the Royal Australian Navy Heritage Center on Garden Island, Sydney, https://www.lowyinstitute.org/sites/default/files/indo-pacific_maritime_security_in_the_21st_century.pdf, accessed 29 November 2023, at 19.21 WIB

and size of the ship/boat carrying it. The smugglers who are using a small vessel, such as a local fishing boat, often go undetected by the local authorities⁷.

Southeast Asian countries that are members of the ASEAN community have agreed to jointly maintain the stability of regional maritime security so that economic activities remain conducive and safe. Various cooperative activities have been initiated through information exchange, coordinated patrols and joint patrols. However, the various forms of cooperation implemented still provide gaps for the actors due to different visions and understanding about the jurisdiction borders at sea. In relation to this matter, it is stated that the Navy is responsible to carry a mandate to secure the water jurisdiction of a country/nation. Based on UNCLOS-1982 Article 107... 'A seizure due to piracy can only be carried out by warships or military aircraft, or other ships or aircraft which are clearly marked and can be identified as being in government service and which are authorized to do so'. And sharpened by Article 111 on the Right of Hot Pursuit ...'*Immediate pursuit of a foreign ship may be carried out if the competent authorities of the coastal State have sufficient grounds to believe that the ship has violated the laws and regulations of that State. This pursuit applies from the inland sea to the open sea*⁸. A multilateral collaboration will make it easier to carry out and accomplish this task.

Apart from security problems caused by non-state actors, in some regional sea areas, territorial disputes still occur due to overlapping claims between countries, one of which actually has land areas outside the region, namely the People's Republic of China. For this reason, in order to achieve maritime security stability in the Southeast Asia region, transnational naval cooperation can be put forward as a strategic solution. This itself is stated in UNCLOS – 1982 which is the source of international maritime law.

B. METHODOLOGY

This journal was prepared based on qualitative research by taking into account applicable legal norms where the main data source adheres to statutory regulations and their derivatives and supporting data is written manuscripts that have been published and quotes from statements from those whose knowledge and/or position can be used as a data source.

⁷Sam Bateman, et a, 2009, Good Order at Sea in Southeast Asia, RSIS Policy Paper, <https://www.rsis.edu.sg/wp-content/uploads/2014/07/PR090427>, accessed 29 November 2023, at 19.24 WIB

⁸ United Nation, 1982, United Nations Convention on the Law of the Sea - United Naton Convention on the Law of the Sea, Montego Bay, 1982

C. DISCUSSION

The Bangkok Declaration (8 August 1967) was a milestone in the initiation of an agreement within the Southeast Asian countries to cooperate on the basis of a common desire to create regional stability for the sake of their national development. The ASEAN organization built based on three pillars, one of which is the ASEAN Political Security Community (APSC). APSC was formed to strengthen cooperation in the political and security fields and support the enforcement of human rights and democracy in the Southeast Asia region for the sake of creating peace and security in the region⁹.

The ASEAN Regional Forum (ARF), is a forum formed whose members are the leaders of ASEAN countries (1994). This forum is a forum for dialogue and consultation on various matters related to national and regional political and security developments as well as a forum to equalize perceptions in order to reduce the chances of threats to regional stability and security. ARF has successfully reached various agreements regarding security matters, which was started from military aspects, traditional and non-traditional security issues to political, economic, social and other issues¹⁰.

The Indonesian Navy, as a component of Indonesia's maritime defense and security, to this day stills very consistent in upholding the principles of maritime security and always strives to ensure that the seas can be free from: (1) disturbances and threats of violence (free from violence threats), namely threats using armed forces that is organized and has the ability to disturb and endanger the citizens or country. (2) navigational disturbances and threats (free from navigational hazard), namely threats posed by maritime geographic and hydrographic conditions and inadequate navigation aids, such as beacons, buoys, and so on which can endanger shipping safety; (3) disturbances and threats to marine resources (free from natural resources tribulation), in the form of pollution and destruction of marine ecosystems, as well as conflicts over the management of marine resources, and (4) disturbances and threats to violations of the law (free from law transgression threat) , namely non-compliance with national and international laws that apply in waters, such as illegal fishing, illegal logging, smuggling, etc. This is based on the Maritime Security Theory which

⁹ Yanyan, M, 2012, Harmonious Counter-Terrorism Cooperation between ASEAN Member Countries within the Framework of the ASEAN Security Community. *Journal of Social Politics* Vol 2, No 1

¹⁰ Ditpolkom.bappenas.go.id, 2023, PoliticsAbroad Indonesia's Membership in the ASEAN International Organization Indonesia's Role in ASEAN/ARF, <https://www.bappenas.go.id/unit-kerja/0204>, accessed 29 November 2023, at 19.31 WIB

is essentially designed so that Indonesia has effective authority and control over various activities and/or activities at sea.¹¹

Together with the navies of Southeast Asian countries, The Indonesian Navy has formed ASEAN Navy Chief Meeting (ANCM) forum. This forum consists of leaders or Chiefs of Naval from regional countries whose annually meet to discuss and determine strategic policies related to their fields of work. At the ANCM meeting in Bali, Indonesia (21-24 August 2022) Admiral Yudo Margono (when he was Chief of Indonesian Navy), put forward the theme of what concepts should be promoted by the Regional Navy in the context of strengthening regional Maritime Security Operations (Opskamla) in the Southeast Asia region¹².

To emphasize, for Indonesia, from one aspect, namely illegal fishing, the state's losses from the 166 ships that were recovered in 2021 amounted to IDR 1.1 trillion. The 166 ships came from 4 countries, namely Vietnam (25), Malaysia (21 ships), the Philippines (6), the remaining 114 ships were local ships¹³. The same conditions are experienced by other countries. Based on this, cooperation between the navies of Southeast Asian countries has a fairly high urgency value.

The form of cooperation carried out consists of several things in nature, deterrence (through exchange of information to coordinated and/or joint patrols) and law enforcement (actions such as arrests, security and court proceedings with each country not interfering with each other in the ongoing process). Apart from that, another security threat is China's unilateral claim to maritime territory South China. Currently, China, with its large maritime power, often carries out exploration violations in the Exclusive Economic Zone (EEZ) of countries in the Southeast Asian region under the guard of its Coast Guard and Navy fleets.

Information Exchange

Since 2009, it has been officially established *Information Fusion Centre* (IFC) which was initiated by the Republic of Singapore Navy (RSN). This organization is located at the Changi Command and Control Center (CC2C) and has now developed into a maritime information center that provides various maritime information for several countries in the Asia Pacific

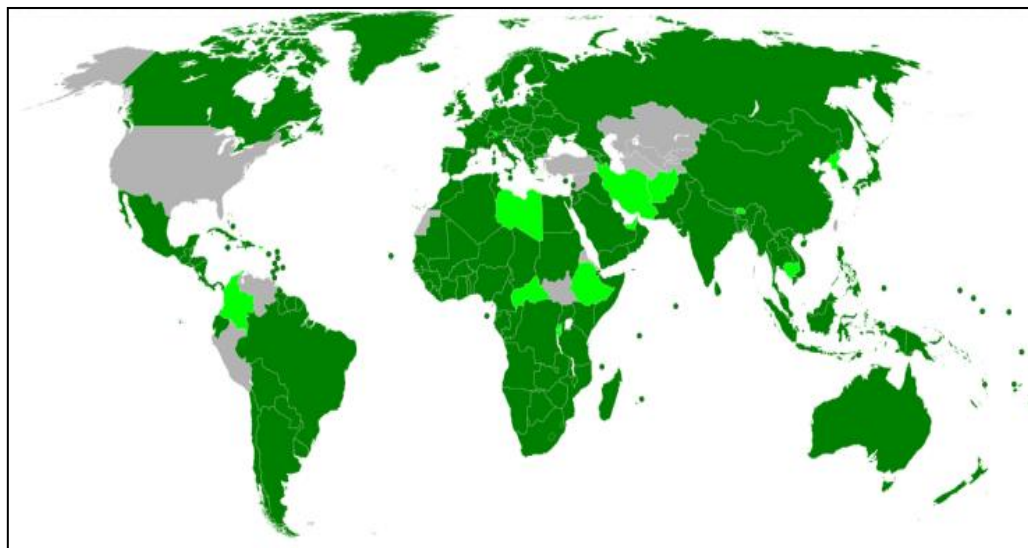
¹¹ Indonesian Navy, 2022, Maritime Security White Paper (Kamla), Indonesian Navy Headquarters, Jakarta

¹² Pelopor Wiratama, 2022, TNI AL Host of the 16th ANCM, Home Website Pelopor Wiratama, <https://peloporwiratama.co.id/2022/08/24/Indonesian-Navy-tuan-rumah-ancm-ke-16/>, accessed 29 November 2023, at 18.56 WIB

¹³ Ridho Syukra, 2021, KKP Saves Potential State Losses Due to Illegal Fishing IDR 1.1 Trillion, Investor Daily website, <https://investor.id/business/274446/>, accessed 29 November 2023, at 19.01 WIB

region. Within the IFC organization itself there is an integrated team consisting of International Liaison Officers (ILO) from the Navy and Coast Guard of several Southeast Asian countries plus other countries that have interests and are neighbors in the Southeast Asian Region. The existence of the ILO is very vital for the IFC organization. And on a regular basis, currently IFC provides reports on all matters related to maritime security issues in the region.

Regarding the problem of cross-information exchanges country, May 2021, based on information from Malaysian authorities, the Indonesian Navy succeeded in intercepting methamphetamine (narcotics) smuggling in Bengkalis waters. The methamphetamine originating from Malaysia is planned to enter Indonesia via Riau. Smuggling using speedboats is a direct smuggling operation using private/rented boats. At high speed, the smugglers headed for Sepahat Waters, Bengkalis Regency. In this intercept operation, the Indonesian Navy deployed the Fleet One Quick Response (F1QR) team from Lanal Dumai. Refers to initial information from related parties on the Malaysian side, this interception operation was able to proceed as expected even though the speedboat itself turned around and immediately returned to Malaysian waters.¹⁴ The existing problem is that there are no regulations that allow the F1QR team to pursue and enter the sea territory of neighboring countries.



■ Telah meratifikasi ■ Telah ditandatangani akan tetapi belum diratifikasi ■ Tidak menandatangani

■ Muso - Karya sendiri

Figure 1. UNCLOS Signatory Countries Source: UN UNCLOS text

¹⁴ Iwan Sutiawan, 2021, INDONESIA NAVY foils methamphetamine smuggling from Malaysia, Gatra.com, <https://www.gatra.com/news-513095-law-Indonesian-Navy-failed-smuggling-sabu-from-malaysia.html>, accessed 29 November, at 19.34 WIB

Coordinated to Joint Patrols

In accordance with UNCLOS regulations, the Navy has the authority to protect areas up to the high seas. With 158 signatory countries with all regional countries agreeing to its implementation (except Thailand), then in the high seas area in the Southeast Asia Region, it is very possible for Navy patrols, both independently and together. This activity is very important in efforts to reduce the number of violations that can affect the stability of regional water security.

Specifically for Thailand. If we look at Thailand's position regarding UNCLOS, there is something unique in dealing with maritime law issues. In international conferences, Thailand showed a less than sympathetic attitude towards the Exclusive Economic Zone Concept even though it did not oppose it, and Thailand tried to seek strong guarantees so that its fisheries interests would not be harmed.¹⁵

The existence of Thailand's traditional fishing rights in the Adaman Sea means Thailand feels the need to find a reasonable shipping regime through the Strait of Malacca and the Strait of Singapore. Thailand is willing to support Wawasan Archipelago for Indonesia and the Philippines as long as its interests can be protected. Indonesia then held various dialogues with Thailand and an agreement was acknowledged that Thailand's interests in going through the Malacca Strait and the Singapore Strait in the fisheries sector were slightly different. After going through various dialogues, an agreement was finally reached that Thailand would support Indonesia's sovereignty over its archipelago waters, with the understanding of "traditional fishing rights"¹⁶ Thai fishermen who have been present in certain parts of Indonesian waters in the South China Sea will be recognized, provided that the implementation method will be regulated bilaterally and currently an agreement has been established between Indonesia and Thailand.

Patrol Cooperation, Indonesian Navy has established relations with all regional countries in the form of exchanging information and is currently moving towards coordinated patrols. What underlies the fact that joint patrols have not been implemented is the regulations and political interests of each country. The Indonesian Navy has successfully achieved a step forward regarding bilateral joint patrol efforts. One of them is the Vietnamese Navy where in

¹⁵ Achmad Fahrudin, Akhmad Solihin, 1999, Development of International Maritime Law and Indonesian Legislation, Open University Lecture Module, Jakarta

¹⁶ Ibid.

September 2022 in Batam, Codex 22B1 between the Indonesian Navy and the Vietnam People's Army Navy or Quân đội Nhân dân Việt Nam (QĐND) was implemented. The concept of the exercise carried out was a field rehearsal between elements of the two countries, involving KRI Bung Tomo-357 with the Vietnam People's Navy (VPN) Ly Thai To-012 with one of the Indonesian Navy Aviation Center (Puspenerbal) helicopter. As a result, the two navies agreed to increase this activity to a joint patrol at security hotspots¹⁷.

The initiation of this activity is a step forward to increase efforts to enforce security in regional waters. It is easier for Indonesia to collaborate with Vietnam because it has the same foreign policy views, namely a neutral country or not aligned with major world powers such as the United States, China and Russia. However, this may be done regionally, in terms of security interests, the principle is that Southeast Asian countries are in the same frequency. The differences that exist are more about elements of political policy.

Strategic Steps to Face China's Claims to the South China Sea

Politically, Southeast Asia is a stable region. The political upheaval in each country is dynamic with minimal horizontal conflict. This has encouraged high investment from countries outside the region in Southeast Asia. Regarding regional security issues, especially China's claim to the South China Sea, at the meeting between ASEAN-China leaders at the end of 2021, the President of the Republic of Indonesia emphasized the responsibility of China and the leaders of ASEAN countries to make the Southeast Asia region a peaceful and stable region. President Joko Widodo believes that without peace and stability there will be no prosperity¹⁸.

Regionally, China's claim does not intersect with the Indonesian Territorial Sea even though it intersects with the EEZ. Regarding this, Indonesia emphasized that it will prioritize regional level diplomacy to accelerate the resolution of this problem.

The Indonesian government is optimistic about negotiations between ASEAN and China regarding a code of ethics in the South China Sea. This optimism is based on the agreement of each head of state at the summit in November 2018. Which resulted in a 'Single Draft

¹⁷ Ilham Yude Pratama, 2022, the Indonesian Navy and Vietnam Navy close Latma Codex 22B1 in Batam, *Antaraneews.com*, <https://www.antaraneews.com/berita/3096865/>, accessed 29 November 2023, at 19.10 WIB

¹⁸ Candra Gian Asmara, 2021, Jokowi's Speech at the ASEAN-China Meeting, *CNBCNews.com*, <https://www.cnbcindonesia.com/news/20211122143301-4-293452/begini-isi-pidato-jokowi-di-perteman-asean-china>, accessed 29 November 2023, at 19.40 WIB

South China Sea Code of Conduct Negotiating Text' covering at least five main focuses regarding the dispute, namely includes: (1) geographical scope of the South China Sea; (2) dispute resolution efforts; (3) the obligation to cooperate in preserving the maritime environment; (4) the role of third parties in the South China Sea and; (5) legal status code of conduct.¹⁹ Quoting the statement of the Indonesian Minister of Foreign Affairs, Retno Marsudi, "The Code of Conduct framework has been agreed. "At the ASEAN-CHINA meeting, he also said that a code of ethics is very necessary as a guide to maintaining stability and security in Southeast Asia and its surroundings."

Refers to the point of the Strategic Constraints, even though ASEAN is putting forward the diplomatic route in facing China's claims, from a military perspective we must open up military theory as a reference. In this case the Balance of Power theory. The strength of China's navy when compared to the strength of the Navy of countries in the Southeast Asian region is not balanced. China currently has a minimum of 557 surface and underwater combat ships. With a core strength of 2 aircraft carriers, 36 destroyers, 52 frigates, 50 corvettes and 74 submarines²⁰. This number will soon be added to Fujian's largest aircraft carrier (Type 003) which is capable of carrying 84 fighter jets armed with short, medium to long range missiles, complete with a supporting fleet.

Southeast Asian countries, if you count the combined naval fleet strength, will have around 1,000 ships. With the largest being 1 aircraft carrier belonging to Thailand. However, of the 1,000 ships, the majority are patrol ships (+/- 650 ships), with support ships (Amphibious Elements and Auxiliary Elements) around 100 ships. This means that if the combat elements are combined, there will only be a maximum of 250, and this is dominated by corvette ships, many of which are not in a combat ready position. Of course it is not comparable to the strength of the Chinese combat fleet.

Indonesia is currently developing its navy by ordering new warships with a minimum size of Frigate (8 units from the Italian Ficantieri Shipyard), Scorpene class submarines (2 units from France) and PT Penataran Angkatan Laut (PAL) is currently making efforts to transfer technology from Germany, in the form of making Iver Huitfeldt class

¹⁹ Rizki Akbar Hasan, 2018, Ministry of Foreign Affairs, ASEAN-China Negotiations on the South China Sea to be Completed in 3 Years," Liputan6.com, <https://www.liputan6.com/global/read/3805254/kemlu-negosiasi-asean-tiongkok-soal-laut-china-selatan-selesai-3-tahun-lagi>, accessed 29 November 2023, at 19.42 WIB

²⁰ Prihastomo Wahyu Widodo, 2020, Measuring China's naval strength versus the US, who is superior?, kontan.co.id, <https://internasional.kontan.co.id/news/menakar-powered-angkatan-laut-china-versus-as-who-yang-besar-unggul?page=all>, accessed 29 November 2023, at 19.45 WIB

Frigates.²¹ However, this strength is not yet comparable to the Chinese Navy. Therefore, the concept of a Joint Regional Fleet in the context of strengthening security in the waters of the Southeast Asian Region is a tactical concept in the context of eliminating illegal acts as well as being a balance of power to prevent territorial violations from other countries outside the Region.

Based on the theory of Dynamic Stability (Dynamic Equilibrium) where Stability as an inseparable part of the concept of security is a condition where there is self-sufficiency and/or being able to survive various circumstances that will change the desired ideal situation. Stability is needed to create resilience and flexibility in an organization, country or certain group. And according to Gregory B Polling, this concept is a mechanism for relations between countries in the Southeast Asia region that think alike to have a power that is comparable to the major power countries in the Indo Pacific Region. The aim is not to create domination but rather an effort to avoid one party being too strong over another party or excessive domination. To achieve a balance of power, the author tries to encourage policies towards the formation of an integrated security area in Southeast Asian waters.

D. CONCLUSION

Cooperation between the navies of Southeast Asian countries to overcome security threats at sea in order to maintain the stability of maritime security is something that is highly important, due to the currently level of threat and vulnerability in the region's waters is increased. The existence of the IFC as a maritime information centre makes a significant contribution to regional security stability. Information from the IFC allows the Navy to map vulnerable points. Furthermore, coordinated and joint patrols are a technical solution to overcome regional security problems in Southeast Asian waters and highly recommended to be enhanced in the future. Thus, the sea maritime problems in related to the security and safety would be decreased.

China's claims on the South China Sea is still the main discussion in maritime current issues. Therefore, diplomacy is still a strategic step to resolve conflicts of interest within the claimant states over China's claims to the South China Sea.

²¹ Fathanah Akbar, 2021, Finally a Deal, Prabowo Buys Italian Warship to RI, CNBCNews.com, <https://www.cnbcindonesia.com/news/20210612082457-4-252568/akhirnya-deal-also-prabowo-borong-kapal-erang-italia-ke-ri>, accessed 29 November 2023, at 19.47 WIB

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BIOGRAPHY

Jarot Wicaksono



He serves in the Health Unit of the Naval Command and Staff College. He joined the Indonesian Navy through The Military Student Scholarship route in 1997, and accomplished his basic military training in 2003. He took various education and courses to support him to become a researcher on maritime issues, such as Specialist Training for Educational Officers (2008), Health of Ships on Water (2017), Officers Investigating Certain Crimes at Sea (2018), Regional Empowerment Officers Maritime Defense (2019), and Exercise Planning Staff (2020). He also accomplished The Law of Armed Conflict Course which held by The International Committee of the Red Cross (2010).

Amimul Ummah Bay



She joined the Indonesian Navy in 2001. She holds a Master of International Studies from the University of Wollongong in 2010 in Australia, and she has also accomplished her Command and Staff College in 2016 at the Indonesian Navy Command and Staff College in Jakarta. She was deployed to Maritime Task Force (MTF)-UNIFIL in 2012. She also attended some courses in Indonesia and abroad as well as appointed as the speaker at the ADMM Plus EWG on Peacekeeping Operations in Sydney, Australia in 2019. Besides she was also experienced as an instructor of GPOI Capstone Garuda Canti Dharma, Multinational Peacekeeping Exercise 2022. She is currently a Director of Information and Publication at Center for Maritime Studies (Pusjianmar), the Indonesian Navy Command and Staff College.