

The Exigency Of Comprehensive Maritime Policy To Materialize And Implement Indonesia's Global Maritime Fulcrum Objective

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Abstract—For the past three years, since President Jokowi took up the office, Indonesia has been emphasizing its ambitious goal to transform the nation into a global maritime fulcrum and have been developing some projects and initiatives to achieve it. To transform Indonesia into the world maritime fulcrum was set to become the objective of the government. This paper discusses Indonesian policy regarding maritime, including the country's stance, strategy, and proposed actions resulted from the statutory regulations. It also analyzes whether the policy passed suffices the requirements to become the maritime fulcrum or not. The study uses a descriptive approach by reviewing and analyzing some of relevant statutory regulations relating to maritime affairs literature as the sources. It also reviews and examines the proposed actions in the regulations. This process draws the conclusion whether the country regulates sufficient policy or not and proposes strategy to achieve it. The results show that in order to achieve the world maritime axis, it has to regulate a comprehensive policy and law on maritime affairs which includes monitoring and evaluation from time to time to ensure the strategy and projects implemented effectively. Finally, this paper highlights the challenges and provides some recommendations to be considered to implement.

Keywords—*Maritime policy, Maritime law, Global maritime axis, Archipelagic nation*

I. INTRODUCTION

By the 7th century, the Srivijaya naval kingdom had established on Sumatra, bringing with them the influences of Hinduism and Buddhism, and shaping much of the

Southeast Asia maritime. Under the ruling of Hayam Wuruk and his Prime Minister, Gajah Mada, Indonesia experienced a Golden Age, and extended through much of the southern Malay Peninsula, Borneo, Sumatra and Bali.

According to the *Negarakertagama* (Desawarñana) written in 1365, Majapahit was an empire of 98 tributaries, stretching from Sumatra to New Guinea [1]; consisting of present-day Indonesia, Singapore, Malaysia, Brunei, Southern Thailand, Sulu Archipelago, Philippines, and East Timor. Both Srivijaya and Majapahit were powerful naval kingdoms and renowned for their trading.

Majapahit launched naval and military expedition. The expansion of Majapahit Empire also involved diplomacy and alliances. Moreover, Majapahit had a strong fleet to conquer other territories and send out punitive expeditions. Therefore, Majapahit considered as a commercial trading empire in a civilization of Asia and the greatest kingdom in Southeast Asia history.

Despite history has proven strong naval empire in the archipelago, maritime sphere has been declined drastically during the Dutch colonial period as the colonial had segregated people and its culture on one island to the other.

Regardless its pivotal position as the largest economy in Southeast Asia and 16th largest worldwide [2], laid geographically strategic between the Indian and Pacific Ocean, and between Asia and Australia continents, the world third most populous democracy, the world's largest archipelagic nation with more than 18,000 islands, as well as one of the world largest natural resources reserves and biodiversity, Indonesian maritime sector remains low and weak.

Following the independence, the founders of nation aspired to unite the entire archipelagic nation as it was once under Majapahit Empire. It materialized by *tanah air* (land-water or motherland) concept, which means land and water as one inseparable part, the seas are to unite people, not to separate them. The concept of territorial and national unity regards Indonesia as an inseparable union of land and water.

II. RESULTS AND DISCUSSION

A. Indonesia's Water And Unclos Regime

Historically, Indonesia has always regarded the seas within its archipelago as internal waters and has resented 'historical colonial powers transiting through its waters without regard to its sovereignty' [3]. So, when Indonesia proclaimed independence on 17 August 1945 and sovereignty was gained, the governing powers of the day realized the necessity to enact laws to govern the seas in accordance with the geographical configurations of an archipelagic state. Such laws were necessary instruments for the unity and national resiliency of a country with a territory that encompassed all the islands, islets and the seas in between [4].

In order to protect the national security and as preventive action against intrusion, on 13 December 1957, Indonesian Government issued *Deklarasi Djuanda*. The declaration was named after the Prime Minister, Juanda Kartawidjaja. It unilaterally declared that the breadth of Indonesian territorial water is twelve nautical miles (12 nm) or equivalent to 22,2 km, of which straight baselines connecting the outermost points of the outermost island during low tide. So, all the waters surrounding and between the islands in the territory, came within Indonesian sovereignty. It contradicted *Territoriale Zee en Maritieme Kringen Ordonantie* (the Royal Territorial Sea Ordinance) 1939 of 3 nm of every island, which separated one island with another resulting there were high seas within the archipelago.

It remarkably challenged the concept of *mare liberum*. The importance of Indonesia's Archipelagic Outlook (*Wawasan Nusantara*) emphasized on national unity and territorial integrity. This concept regards Indonesia as a single entity comprised of the entirety of the archipelagos, their individual islands and surrounding waters. According to Hasyim Djalal, the high seas between Indonesian islands enabled foreign warships and submarines to traverse the archipelago unregulated; they often conducted maneuvers visible from the coast, thereby provoking 'domestic consternation and political upheaval'.

Then the Government enacted Law Number 4 of 1960 concerning Territorial Waters formalizing territorial waters of 12 nm as a legal foundation of archipelagic baselines. By this law, all the waters within these baselines became internal waters under national jurisdiction and considered as integral parts of the Indonesian archipelago. In these waters, foreign vessels, civilian or military, were only entitled to 'innocent passage'.

During 25-year struggle for recognition as an archipelagic state, Indonesian diplomats lobbied the international community, at times engaging the great powers in negotiations, arguing that Indonesia as an archipelago should deserve special rights in International Law [5].

Indonesia's lobbying efforts finally bore fruit in December 1982, when the special provisions in Part IV dealing specifically with the unique requirements of archipelagic states in the United Nations Convention on the

Law of the Sea (UNCLOS) was opened for signature at Montego Bay, Jamaica, on 10 December 1982 and entered into force on 16 November 1994. Indonesia was a signatory of the convention and ratified it on 3 February 1986 by issuing Law Number 17 of 1985.

According to Part IV, Indonesia is entitled to draw baselines around its archipelago, but in the process should consult with neighbouring states affected by those baselines and designate sea lanes for ships that normally transit Indonesian waters. The waters enclosed by the baselines would become archipelagic waters where Indonesia holds full sovereignty, but 'archipelagic sea lanes' may be designated for foreign vessels for normal transit.

Indonesia was the first archipelagic nation in the world to implement the archipelagic regime provided by UNCLOS subsequently after its ratification. Accordingly, Indonesia formally submitted its Archipelagic Sea Lanes (ASL) proposal to the 67th session of the Maritime Safety Committee (MSC) of the International Maritime Organization (IMO) in May 1996. The Indonesia's ASLs designated three ASLs vertically from South to North, and vice versa. There were 183 points used as archipelagic baselines regulated by Government Regulation Number 38 Year 2002 as amended by Government Regulation Number 37 Year 2008, after International Court of Justice granted Sipadan and Ligitan Islands to Malaysia and after Timor-Timur Province became an independent state, Republic Democratic of Timor Leste (RDTL).

B. Indonesia As A Global Maritime Fulcrum

Since the past three years, Indonesia has been emphasizing its ambitious goal to transform the nation into a global maritime fulcrum and have been developing some projects and initiatives to achieve it [6].

Indonesia is geographically strategic state as it is positioned at the axis of global maritime trade, where it bridges the Indian and Pacific Oceans, touches the South China Sea and heavily-trafficked Malacca Straits. Yet Indonesia has not been able to leverage its unique geography as it faces challenges to its control over its maritime territory.

During the inauguration ceremony of the Indonesia's sixth President, Joko Widodo (or Jokowi) in October 2014, he expressed his determination to bring up the idea of Indonesia as the Global Maritime Fulcrum. He re-iterated his call to transform Indonesia into a maritime nation and invoked the slogan of "*Jalesveva Jayamahe*" (in the ocean we triumph) [7].

Further, President Jokowi declared Global Maritime Fulcrum officially to an international audience during the Ninth East Asia Summit in Naypidaw, Myanmar on 13 November 2014. At the summit, President Widodo listed five pillars forming the foundations of the concept, consisting of: i) rebuilding Indonesia's maritime culture; ii) better management of Indonesia's maritime resources; iii) development of Indonesia's maritime infrastructure and connectivity; iv) intensifying Indonesia's maritime

diplomacy and; v) strengthening Indonesia's maritime defence force.

It serves as centrepiece administration policy and focuses on domestic reform agenda [8]. Despite the terminology of Global Maritime Fulcrum is commonly used, similar terminology at times used, such as Global Maritime Nexus [9] or Global Maritime Axis [10].

Following the President speech and his Nawacita, GMF doctrine widely discussed in Indonesia and world wide as it was not anywhere elaborated in any document.

Global Maritime Fulcrum involves sea power. Alfred Thayer Mahan came up with theory of maritime nations, saying that a country requires both 'naval power' and 'sea power' to be a great maritime nation [11]. 'Naval power' operates within the territorial sea of a country (internal operations), while 'sea power' deals with external operations beyond national territory, along strategic navigational routes.

Further, he proposed six conditions required for a nation to have sea power:

1. An advantageous geographical position
2. Serviceable coastlines, abundant natural resources, and a favourable climate
3. Extent of territory
4. A population large enough to defend its territory
5. A society with an aptitude for the sea and commercial enterprise
6. A government with the influence to dominate the sea.

In order to materialize Indonesia as a maritime fulcrum, a Grand Design or a Master Plan are required. Then, for the first time a legal document officially mentioned about Global Maritime Fulcrum (*PorosMaritimDunia*), which is Presidential Regulation (*PeraturanPresidenor Perpres*) Number 2 of 2015 on *Rencana Pembangunan JangkaMenengahNasional* (RPJMN), National Medium – Term Development Plan. It is the National Medium - Term Development Plan for the entire period of President Jokowi administration of 2015-2019 [12].

The plan includes the maritime sovereignty, maritime culture as well as maritime economy. Regardless being the first document which has used the term GMF, it is not a Grand Design or a Master Plan regarded as national policy [13].

The government promulgated Presidential Regulation (*PeraturanPresiden or Perpres*) Number 16 of 2017 on National Maritime Policy on 23 February 2017. This is a comprehensive document regulating the maritime policy. The document is regarded as Indonesian Maritime Policy Documentor Grand Design of the GMF.

C. The Indonesian Maritime Policy

Article 1 point (2) of the regulation clearly says that Global Maritime Fulcrum is an Indonesian vision to become a sovereign, advanced, independent, strong and capable to give positive contribution for safety and peace in the region as well as to the world aligned with national interest [14].

The maritime policy is also in line with *Rencana Pembangunan JangkaPanjangNasional* (RPJPN), National Long-Term Development Planning 2005-2025, regarded as Long-Term Development Plan, regulated by Law Number 17 of 2007, which states that the national development vision can be achieved through eight missions, among others is point number (7), to materialize an independent archipelagic nation, advanced and strong, and based on national interest [15].

The document contains of National Maritime Policy in the Attachment 1 and Action Plan for year 2015-2019. Specifically, National Maritime Policy contains of general guideline of maritime policy, while Action Plan contains Work Plan for implementation of various programmes and activities in maritime sector as per national development target.

The Attachment 1 clearly mentions that Maritime Fulcrum vision has to consider comprehensively constellation of inter-state relations in Asia as well as initiative in the region, such as ASEAN Community, One Belt One Road (OBOR) of People's Republic of China (PRC), Act East of India and Re-Balance of the United States of America. The document focuses more on politics than economy aspect. Nevertheless, it emphasizes on 'marine' rather than 'maritime'. In other word, it prioritizes public aspect of maritime than the private aspect [16].

The policy has two functions, firstly, as a guideline for ministries/institutions and regional government to conduct planning, implementating and oversight as well as evaluation of maritime-sector development to materialize GMF and secondly, as a guideline for people and the private sector to be engaged in contributing to developmet of maritime sector.

The implementation, monitoring and evaluation of National Maritime Policy is coordinated by Maritime Coordinating Minister.

There are general principles shape the maritime policy, which are: nusantara outlook (*wawasan nusantara*), sustainable development, blue economy, integrated and transparent management, participation and equality and equalization.

The maritime policy is based on seven (7) pillars, which are: (i) management of maritime resources and human resources (ii) defence, security, legal enforcement and safety at sea (iii) maritime governance and institution (iv) economy, maritime infrestructure and prosperity (v) spatial and environment management (vi) maritime culture (vii) maritime diplomacy.

Apart from the Indonesian Maritime Policy, this heading also discusses about the Work Plan of Indonesian Maritime Policy. The Work Plan is clustered into 5 priority programs, namely: maritime border, spatial and maritime diplomacy, maritime industry and maritime connectivity, natural resources industry and maritime services as well as environmental management, maritime defence and security and lastly maritime culture.

D. Maritime Diplomacy

Indonesia prioritizes to strengthen maritime diplomacy through accelerate the land and maritime border dispute settlement with its ten neighbouring countries, Malaysia, Singapore, Vietnam, the Philippines, Australia, Palau, India and RDTL.

There are significant achievements as follow:

1. Indonesia and the Philippines reached agreement and ratified on Exclusive Economic Zone (EEZ) and Indonesia passed Law Number 4 of 2017.
2. Indonesia and Singapore reached agreement on territorial border.
3. Indonesian gained extended continental shelf in South western part of Aceh beyond 200 nautical miles and made Indonesia as the first country to have extended continental shelf in South East Asia region.

With regard to strengthening maritime security and border areas, intensifying security and safety operations in the national jurisdiction, including in the maritime fulcrum and Maritime Security and sea tolls.

E. National Connectivity

In some way or the other, the National Maritime Policy complements the Master Plan of Indonesian Economy Development (*Percepatan Pembangunan Ekonomi Indonesia*, MP3EI). Despite mainly regulates about infrastructure, however it does not specify maritime infrastructure. To accelerate transportation development to strengthen national industry to support National Logistic System and to strengthen national connectivity in the framework to support regional and global partnership to achieve GMF through maritime-based transportation development as a backbone, supported by road and railway network to ports, airports and cities (RPJMN).

F. Economy Independence

RPJMN concludes there are three issues identified as part of strategic development plan process, which are: sovereignty (politics) or *kedaulatan politik*, economy independence (*kemandirian ekonomi*) and cultural character (*kepribadiandalamberbudaya*). Specifically, it embeds GMF on target sector (*bidang sasaran*) as well as policy direction and development strategy (*arah kebijakan and strategipembangunan*) through economy independence (*kemandirian ekonomi*).

Moreover, it clearly mentions that the target to achieve its five-year development programme is by developing the national economy through sea routes as well as GMF established through partnership with other nations. Furthermore, its policy direction and development strategy highlight the improvement of economy independence through access provided equally to economy resources to all people, in line with maritime-based economy development by applying GMF doctrine.

However, the document states investment should be developed to build Indonesia as a maritime fulcrum and to develop maritime sector. In the regional partnership level, Indonesia has shown its commitment to materialize the

Master Plan on ASEAN Connectivity by improving developing its maritime infrastructure.

Indonesia first has to develop itself to be a strong maritime power in the region, then only it can turn into a global maritime axis. To materialize this, the country has to take strenuous planning and efforts from all respective stakeholders. With a view to expand the Indonesian economy, the concept would improve maritime connectivity and infrastructure, such as building “sea highways”, constructing deep seaports and logistical networks, as well as developing indigenous maritime tourism, fishing and shipping industries. It also seeks to maintain and manage marine resources to ensure the country’s “food sovereignty”.

It is very obvious the document lacks of maritime element embedded in it. The only private maritime aspect included sea port logistic service, shipyard, marine tourism, especially sea port, merchant ships, modern and traditional shipyard, pioneer ship and cruise equipped with skilled human resources, such as navigation experts, seafarer and ship crews. Furthermore, it mentions considering international navigation and traffic routes in Malacca Strait, Phillips Strait, Sumatera East Coast, Indonesia requires a international hub port.

III. CONCLUSION

The current Indonesian Government objective to materialize the nation into a global maritime fulcrum is actually a very ambitious thing to achieve. Indonesia has huge potential assets to materialize GMF with Indonesia’s strategic position between two oceans, in the centre of the world busies sea route, abundant natural resources, large human resources, high Gross Domestic Product (GDP), being in the centre of Sea Lane of Communication (SLOC), Indonesia’s ambitious maritime vision faces equally powerful challenges, which are structural and deep-rooted.

Actualizing Indonesia’s shift from maritime player to maritime power demands concerted planning and effort from all relevant stakeholders. The actions to be taken and strategy to materialize the Global Maritime Fulcrum concept should be developed into written document, be it as a blue print, grand design or government regulations.

The consequences of failure to implement GMF are, among others: all the potential will become liabilities in the future, where our geographically strategic position will be utilized by other countries, our huge natural resources will be exploited by other countries. So, it is extremely crucial to carefully plan how to implement the proposed policy and its work plans.

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