

# The Case of Transnational Crimes in the Coastal Waters of Bengkalis Regency, Riau Province

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**Abstract**— This paper analyzes transnational crimes in the coastal waters of Bengkalis Regency, Riau Province, Indonesia. Due to its proximity to the Malacca Strait, the regency of Bengkalis is prone to cross-border crimes, such as drug smuggling, illicit trade, human trafficking, and Illegal, Unreported and Unregulated (IUU) fishing. This research relied on primary and secondary data from interviews, official documents, and other scholarly literature. The crime report between 2015 to 2020 shows that all of the main islands of Bengkalis Regency, Rupaat Island, Bengkalis Island, and Rangsang and Tebingtinggi Islands are vulnerable to the smuggling of goods, piracy, human trafficking, and IUU fishing. Most perpetrators came from ASEAN countries, such as Malaysia, Vietnam, the Philippines, and Indonesia. Due to the dynamic nature of transnational crimes, this paper suggests that the Indonesian government should not only focus on strengthening its own capacity but also with the regional neighbors to tackle cross-border crimes.

**Keywords**— *maritime crime, border security, transnational crimes, Bengkalis regency.*

## I. INTRODUCTION

As stated by Shamela, maritime security is one of the most challenging security threats in the world [1]. The challenge is understandable because offshore security is very complex, touching on the issue of protecting territorial integrity against traditional security threats to the ever-changing non-traditional security problems from piracy, smuggling, and other types of transnational crimes. In this case, states cannot confront their maritime border problems alone. They must also rely on international and regional mechanisms to address the cross-border issues.

The subject of violence at sea has become a popular academic discourse since it was published in Jane's Intelligence Review [2]. Kilcullen argues that the issue should be discussed further since crimes at sea keep evolving [3]. Maritime crimes in Indonesia are seen as a series of threats, from terrorism, insurgency, piracy, and arms robbery at sea, as well as smuggling, along with oil and fish theft [4].

Maritime security threats were the main focus of Indra Kusumawardhana's discussion at a Webinar organized by the Center for ASEAN Studies, University of Riau on October 6,

2021 [5]. According to him, security threats in the sea area include piracy and theft in the sea area, acts of terrorism, arms trafficking, narcotics trafficking, smuggling and trafficking in people as well as illegal fishing activities:

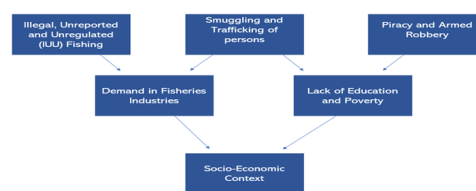


Fig. 1. *Maritime Security Threats*

Source: Indra Kusumawardhana's presentation material in the ASEAN Study Center Webinar of Riau University on October 6, 2021

These threats are closely related to each other. As part of a biological ecosystem, these threat activities are interrelated. The sea is a peaceful area and human activities have to support the peace of the sea. If political and business leaders, moving together, create a conducive security climate in which all citizens also act according to existing rules, then territorial waters will occur [6]. The Republic of Indonesia is a maritime country with the largest archipelago in the world and is in a strategic position of the Indian and Pacific Oceans with a water area of 6.4 million km<sup>2</sup> and a land area of 1.9 million km<sup>2</sup> certainly has its challenges in overcoming maritime violence.

Maritime violence refers to threats or violence in a maritime context, making Bengkalis a vulnerable area to these illegal activities. Bengkalis is a district area located in Riau Province, which cannot be separated from maritime crime threats such as smuggling, piracy, theft of marine resources such as fishing theft, illegal immigration, and other crimes that occur in territorial waters. The table below shows the various threats and maritime crimes that challenge the Bengkalis Regency.

TABLE 1: MARITIME CRIME THREAT MAPPING IN BENGKALIS REGION

| ZONE A*  |  | ZONE B   |   |
|--|--|--|---|
| <b>ZONE 1 :</b><br>TANJUNG MEDANG WATERS, BATU PANJANG AND MORONG STRAIT DSK | <b>PRONE:</b><br>ILLEGAL FISHING, DISTRIBUTION MISUSE FUEL OIL, NARCOTIC, ILLEGAL IMMIGRANTS, SMUGGLING                  | <b>ZONE 3 :</b><br>TANJUNG JATI WATERS, MESKOM, BUKIT BATU AND SEI PAKNING DSK     | <b>PRONE:</b><br>ILLEGAL FISHING, NARCOTIC, SMUGGLING   |
| <b>ZONE 2 :</b><br>TANJUNG LEBAN WATERS AND SEPAHAT                          | <b>PRONE:</b><br>ILLEGAL LOGGING, ILLEGAL FISHING, DISTRIBUTION MISUSE FUEL OIL, NARCOTIC, ILLEGAL IMMIGRANTS, SMUGGLING | <b>ZONE 4 :</b><br>TANJUNG SEKODI WATERS, KETAM PUTHI, SELAT BARU AND JANGKANG DSK | <b>PRONE:</b><br>ILLEGAL FISHING, ILLEGAL LOGGING, DISTRIBUTION MISUSE FUEL OIL, NARCOTIC, CLASHES BETWEEN FISHERMEN PIRACY |

\* Source: *Bengkalis' Water Police*

Dealing with maritime crime is organizing government agencies with roles related to maritime security and ensuring that these roles are fully implemented. Institutions carry out their roles by anticipating the execution of all missions and securing all the necessary resources for the success of all missions. Then, they must develop their capacity to maximize all forces whenever maritime crimes arise. In a civil context, civil society can become the government's main force (government tool) in fighting maritime crime. Communities facilitate essential information about what is happening in seas, lakes, rivers, and coastal areas. At the individual level, fishermen are an excellent source of information. This study describes how the involvement and role of the community is the government's leading force in responding to maritime crimes in Bengkalis waters that threaten the security and welfare of its citizens.

II. DISCUSSION

A. *Illegal exploitation of marine resources, destruction, and degradation of the marine environment*

The sea is part of the resource, which consists of moving and immovable creatures and is very valuable for human life. Indonesia is known as a country with an extraordinary maritime heritage. Besides being concerned with actions that damage the underwater heritage, it is also necessary to emphasize the importance of preservation to maintain the entire marine resource wealth heritage. Restrictions on the exploitation of particular resources on land and increasingly broad knowledge of the marine environment provide many alternatives regarding marine resources that can be exploited.

As a resource that contains a large number of living things, the fisheries sector has its charm not only in the context of economic value but also in social life, especially for people who live on the coast who make a positive contribution to the health and welfare of their people, such as Bengkalis.

To understand illegal fishing, readers can refer to the explanation from FAO [7], which places illegal fishing as an activity carried out by foreign people or ships in the jurisdictional waters of a country without permission from that country or contrary to applicable laws and regulations, contrary to with national regulations or international obligations. Illegal fishing can also occur when ships belonging to a country that is part of a regional fisheries management organization do not comply with the organization's conservation and management regulations or international laws.

Illegal fishing can also be understood through the Regulation of the Minister of Maritime Affairs and Fisheries of the Republic of Indonesia Number 37/PERMEN-KP/2017, which confirms that illegal fishing or illegal fishing can be interpreted as illegal fishing activities or fishery activities carried out contrary to the provisions of laws and regulations in the field of fisheries [8].

Illegal fishing activities in Indonesian waters generally occur at several points in vulnerable areas, mainly carried out by foreign fishing vessels (K.I.A.) from Vietnam, Malaysia, and the Philippines. This illegal fishing activity includes fishing without a permit, fishing with counterfeit permits, using prohibited fishing gear, and catching fish species that are prohibited or not in accordance with the permit. (Display of Dida Daniarsyah's material at the ASEAN Study Center Webinar October 6, 2021)[9]

Fig 2: *The Threat of Fish Theft in Indonesian Territorial Waters* (Source: Dida Daniarsyah's material was presented at the Riau University ASEAN Studies Center Webinar on October 6, 2021)



Combating illegal fishing requires international cooperation and adopting policies to control legal fishing that do not destroy the sea. Effective implementation on land and at sea requires collaborating with various institutions and the public sector. The table below shows that the government of Bengkalis Regency, together with the Bengkalis Air Police and the community, continue to strive and work hard in dealing with maritime crimes in the form of illegal fishing in their territorial waters.

TABLE 2: DATA ON THE HANDLING OF ILLEGAL FISHING CASES BY THE BENGKALIS POLICE WATER UNIT

| No. | Location <sup>b</sup> | Date | Event Identification |
|-----|-----------------------|------|----------------------|
|     |                       |      |                      |

|  |           |   |
|--|-----------|---|
| The waters bordering the State of Indonesia and the State of Malaysia.           | 2-6-2015  | On Tuesday, June 2, 2015, at around 04.00 WIB, officers carried out routine patrols in the waters on the border between Indonesia and Malaysia. At around 07.00, W.I.B. Speed Boat K.P. VI – 2303 encountered and inspected 1 (one) Malaysian-flagged Ship Unit while fishing in Indonesian waters.   |
| Village Waters Muntai Kec. Bantan Kab. Bengkalis                                 | 6-12-2016 | On Wednesday, December 6, 2016, at 07.00 WIB, the relevant officers received information from the public that fishing was in the waters of Muntai Village, Kec. Bantan Kab. Bengkalis by fishermen from the Long Strait of Kab. Kep. Meranti. The officers chased and arrested the ship, together with the community and the Muntai Village Kamtibmas, and carried out security for the ship and crew members suspected of catching fish in the Muntai Village area, Kec. Bantan Kab. Bengkalis without valid documents.  |
| Indonesian Jurisdictional Waters in Position 01° 42' 828" L.U. – 102° 25. 503 BT | 5-5-2017  | On Thursday, May 4, 2017, at 17.00 WIB, officers received information from Fishermen from Selat Baru Village, Kec. Bantan Kab. Bengkalis that foreign fishing boats are conducting netting activities in the territorial waters of the State of Indonesia. After receiving this information, officers departed for Bantan waters to conduct investigations and reconnaissance. Then, on Friday, May 5, 2017, at 02.00 WIB at coordinate position 01° 42' 828" L.U. – 102° 25. 503 BT found 1 (one) motor boat known to have a Malaysian flag.   |
| 01° 38' 16.5" N – 102° 36' 38.5 E  | 27-2-2018 | On Tuesday, February 27, 2018, at around 19.30 WIT, the relevant parties received information from fishermen that nets from Malaysia had entered Indonesian territory. After getting this information, all the authorities headed to the Malacca Strait. At around 21.30 WIB, to be precise, at position 01° 38' 16.5" N – 102° 36' 38.5 E, saw and pursued 1 (one) Malaysian net boat unit and arrested 2 (two) crew members who were fishing in Indonesian jurisdiction waters.   |
| Bantan waters in the Malacca Strait  | 8-7-2019  | On Monday, July 8, 2019, at around 17.00 WIT, the officer in charge of obtaining information from the fishing community that in the waters of the Bantan Straits of Malacca, the activities of foreign fishermen with Malaysian flags entering Indonesian Jurisdictional waters, the commander of the patrol boat departs for the waters of the Bantan Straits of Malacca to follow up that information. At 18.30, W.I.T. officers detected fishing boats with foreign flags trawling at coordinate point 01° 39' 35.23" N 102° 33' 19.76" E shows the position of Indonesia's territorial waters; after examining the ship's documents, it turns out that the captain cannot show a fishing permit in Indonesian waters. |
| Muntai Waters, Kec. Bantan, Bengkalis Regency                                    | 21-4-2020 | On Tuesday, April 21, 2020, at 05.00 WIB, officers received information from the public that a Malaysian-flagged ship originating from the State of Malaysia was carrying out illegal fishing activities in Muntai Waters, Kec. Bantan Kab. Bengkalis. After receiving this information, officers went straight to the T.K.P. and found the Malaysian-flagged Tiger Trawler in Muntai Waters was fishing. After finding the Malaysian-flagged Tiger Trawler and carrying out an inspection, it was found that the Malaysian-flagged ship was not equipped with complete documents.  |

<sup>b</sup> Source: Bengkalis' Water Police 2015-2020 [10]

Combating illegal fishing requires international cooperation and adopting policies to control legal fishing that do not destroy the sea. Effective implementation on land and at sea requires collaborating with various institutions and the public sector. The diversity of marine resources is an extraordinary asset and a gap for continued exploitation by irresponsible parties. A strong commitment is needed to protect the free sea from illegal exploitation, negatively impacting a country's sustainability and people's lives.

According to FAO [7], due to illegal fishing, developing countries, including Indonesia, experience a loss of fish resource stocks (S.D.I.) per year, an average of 25% of their potential S.D.I. Meanwhile, the total losses caused by illegal, unregulated, and unreported fishing reaches USD 10-23 billion per year [11]. The Ministry of Maritime Affairs and Fisheries (KKP.) 2014 also noted that state losses due to illegal fishing are estimated at around 101 trillion rupiahs annually [8].

In general, the losses from maritime illegal fishing crimes significantly impact three essential sectors in Indonesia, namely economic, environmental and social, and sovereignty. In the economic sector, the actual losses are the

loss of opportunities to earn foreign exchange, reduced opportunities to gain added value, and threats to the supply of fish to the domestic Fish Processing Unit. The second sector, namely environment and social, also feels the effects of maritime illegal fishing crimes. Losses experienced include damage to fish resources, harm to aquatic ecosystems by local fishermen who cannot compete, conflicts between compliant and non-compliant fishermen, and loss of livelihoods for fishing workers. The Indonesian state's sovereignty is also affected by illegal fishing activities, as foreign vessels enter Indonesian waters and illegal fishing actors occupy Indonesian territory, posing a threat to dignity and sovereignty. [9].

The main requirement for overcoming maritime violence is to identify what (or who) threatens the country and its population. This approach allows countries to have the ability to respond to any maritime crime events that occur. The government can start by mapping a long list of possible threats in its maritime territory. Since the entire response is highly dependent on government resources, the process of identifying risks is an absolute requirement. Once risks are identified, the government can mobilize its maritime resources. Maritime violence including terrorists, maritime

criminals, smugglers, and even greedy corporations. The next stage of the strategy is to identify specific groups that are considered dangerous. The Indonesian government has a foundation for dealing with this Illegal Fishing issue. This can be seen in this image.

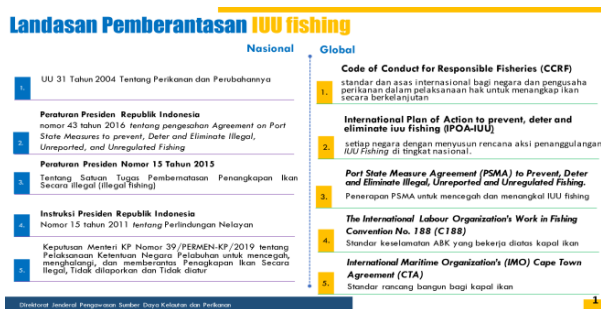


Fig 3: Indonesian Government on Eradication Program with IUU Fishing. (Source: Dida Daniarsyah Webinar material on October 6, 2021)

The figure shows the legal bases for eradicating Illegal, Unreported, and Unregulated (IUU) Fishing in Indonesia through the regulations that apply in Indonesia and the international legal basis. In national law uses the basis of Law Number 31 of 2004 concerning Fisheries, Presidential Regulation Number 43 of 2016 concerning Ratification of the Agreement on Port State Measures to prevent, Deter and Eliminate IUU Fishing, Presidential Regulation Number 15 of 2015 concerning the Task Force for the Eradication of Illegal Fishing Illegal, Instruction of the President of the Republic of Indonesia Number 15 of 2011 concerning Protection of Fishermen and Decree of the Minister of Maritime Affairs and Fisheries number 39/PERMEN-KP/2019 concerning Implementation, Port State Provisions to prevent, hinder and eradicate illegal fishing, not reported and not regulated (IUU Fishing).

In addition, the international legal basis is contained in the Code of Conduct for Responsible Fisheries (CCRF), International Plan of Action to prevent, deter and eliminate IUU Fishing (IPOA-IUU), Port State Measure Agreement (PSMA) to Prevent, Deter and Eliminate IUU Fishing, The International Labor Organization Work in Fishing

Convention No.188 (C188), and the International maritime Organization (IMO) Cape Town Agreement (CTA).

### III. CONCLUSION

Responding to the various threats of maritime crime described above, the authors argue that the government and law enforcers are good enough to deal with maritime violence in Bengkalis. Nevertheless, both government and law enforcers need to improve structure and ability to protect maritime security. Territorial protection for maritime countries is a necessity that knows no time and requires a comprehensive understanding of all maritime activities that arise in its territorial waters. In addition, coastal countries are faced with a daunting challenge, as more than 70% of the Earth's surface is covered by water. It requires the ability to detect, identify, track, and evaluate maritime activities within a specific geographic area so that various maritime crime threats can be prevented, and dealt with effectively. Collaboration with different entities is essential in addressing transnational crime, as mishandling this matter can negatively impact sovereignty, social economy, and security.

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