Bureaucratic Politics in Indonesian Ports' Security: A Cause for Insecurity

Muhammad Samy

Faculty of Social and Political Sciences, Universitas Airlangga E-mail: muhammad.samy-2019@fisip.unair.ac.id

Abstract

The economy of maritime states such as Indonesia rely on the sea, not only to extract natural resources but also as an essential medium for domestic and international trade. Focusing on the aspect of trade, it is important for maritime states such as Indonesia to have sea ports that function optimally. One of the determinants of the functionality of sea ports is port security. Despite being a maritime state, the security of sea ports in Indonesia is questionable. The presence of the so called "port mafia" and numerous accounts of crime in Indonesian sea ports as well as maritime traffic accidents indicate that Indonesia is not doing well enough to safeguard the security of her ports. This article scrutinizes the security of major international ports in Indonesia. Analysis is conducted using the bureaucratic politics theory framework. Based on the assumptions of the bureaucratic politics theory, this paper finds that the multiple actors involved in securing Indonesia's major international ports have failed to function in a coordinated matter due to poor implementation of port security policy. The poor implementation of port security itself is caused by the competing interests of said actors.

Keywords: Bureaucratic competition, bureaucratic politics, Indonesia, Port security, Sea ports

Abstrak

Ekonomi negara kelautan seperti Indonesia tergantung pada laut, tidak hanya untuk ekstraksi sumber daya alam namun juga menjadi sarana dasar untuk perdagangan domestik dan internasional. Pelabuhan yang berfungsi dengan optimal sendiri menjadi bagian penting bagi perdagangan Indonesia. Salah satu determinan fungsi pelabuhan sendiri adalah keamanan pelabuhan. Walaupun Indonesia merupakan negara kelautan, keamanan pelabuhan di Indonesia belum dapat dikatakan optimal. Kehadiran "mafia pelabuhan" dan banyaknya kasus kejahatan di pelabuhan-pelabuhan Indonesia serta adanya kecelakaan kapal di wilayah pelabuhan mengindikasikan bahwa keamanan pelabuhan belum optimal. Artikel ini mendalami kondisi keamanan pelabuhan-pelabuhan internasional utama di Indonesia. Analisis dilakukan menggunakan kerangka teori *bureaucratic politics theory*. Artikel ini menemukan bahwa kehadiran berbagai aktor keamanan di pelabuhan-pelabuhan internasional di Indonesia justru menghambat pengamanan pelabuhan-pelabuhan tersebut. Hal tersebut disebabkan persaingan antara aktor-aktor tersebut.

Kata kunci: Indonesia, Keamanan Pelabuhan, Kompetisi birokrasi, Pelabuhan, Politik birokrasi.

Introduction

Threats to port security pose a challenge for maritime states that rely on the sea for their economy. The increasing intensity of globalization and interdependence among states has made connectivity between states a vital aspect of the global economy and to the economies of nation-states. The sea remains an important element of international trade as it is still the most viable means of international trade even with the presence of air transportation. This is also relevant to Indonesia, in which seaborne trade is the main method of trade both internationally and domestically. The sea transportation of Indonesia alone accounted for 5% of Indonesia's GDP in 2019. Another figure that shows the significance of the sea for Indonesia's economy is the fact that transport services for export and import were worth 2 billion and 7 billion US Dollars in 2020. With this in mind, port security is an important part of the Indonesian economy (OECD, 2021; UNCTAD, 2022).

With port security being of high strategic value for Indonesia, and even the world, there have been means in order to achieve port security. One such means is the establishment of an international port state control regime (Casagrande, 2017). Port state control regimes are established in each region with the one in the Asia-Pacific region being the Tokyo Memorandum of Understanding (MoU). The Tokyo MoU is a mechanism for ensuring the safety and security of port and shipping services while simultaneously sustaining a profitable business environment for port and shipping businesses. As a means for ensuring safety and security of sea transport, the Tokyo MoU provides a mechanism for ship inspections for both foreign and domestically flagged ships. The objective of the inspection is to ensure that ships that are using ports within the Asia-Pacific region adhere to the standards set out in the Safety of Life at Sea (SOLAS) Convention, Maritime Pollution (MARPOL) Convention, and Maritime Labour Convention (MLC) (Ozcayir, 2018).

With sea ports and sea port security having such a great significance for Indonesian economy, Indonesia has not had a great history of port security and in regards to implementing the Tokyo MoU. Since the year 2000 Indonesia has been put in the Tokyo MoU blacklist, a list that reflects the safety and security of ships inspected in Indonesia which are foreign and domestically flagged. Indonesia has just recently been included in the Tokyo MoU white list, 2021 to be exact, with a narrow excess factor value of only -0.23. The excess factor indicates that while Indonesia is in the Tokyo MoU white list, a significant number of ships that pass through Indonesian inspections are still detained in ports abroad (Tokyo MoU, 2022). This gives an insight of how Indonesia implements standards of safety and security as policies and

what port security conditions are like in Indonesia, that is not yet performing port security optimally.

The security of Indonesian Ports is the responsibility of several actors which are institutions within the Indonesian government. Those actors are Tentara Nasional Indonesia Angkatan Laut (TNI AL) or Indonesian Navy, Badan Keamanan Laut (Bakamla) or Indonesian Sea Security Forces, Indonesian Customs, Polisi Air (Polair) or Sea Police, Kesatuan Penjaga Laut dan Pantai (KPLP) or Indonesian Coast Guard, the Indonesian Ministry of Transportation, the Indonesian Ministry of Maritime Affairs and Fisheries. The Indonesian Navy is tasked with ensuring the territorial integrity and sovereignty of Indonesia at sea and also functions as a maritime constabulary force along with the Sea Police and Coast Guard and Bakamla. The Indonesian customs are responsible for inspecting the cargo that is brought inside and outside of Indonesian through sea ports. The Ministry of Transportation and Ministry of Maritime Affairs and Fisheries are responsible for coordinating the different institutions in securing sea ports in Indonesia (Chapsos & Malcolm, 2017).

The involvement of many different institutions in securing sea ports in Indonesia becomes an issue in and of itself. Indonesian government institutions are known to have a hard time cooperating and coordinating among themselves. Apart from that, every institution tends to have a unique organizational culture, level of influence, and interests that can be formal or informal and legitimate or illegitimate. The problem of cooperating and coordinating thus poses a threat to implementing the port state control regime and in the end securing the ports of Indonesia (Znoj, 2017). This paper thus seeks to elaborate the challenges faced by Indonesia in securing sea ports by explaining the dynamics of decision making and policy implementation in Indonesia in the context of port security. The first part of the paper will give an overview of port security conditions in Indonesia's five major and international ports. The second part will further describe the actors of Indonesian port security and their roles, issues, and the dynamics between them. Finally a conclusion will be drawn that gives insight on not just decision making and policy implementation of port security, but Indonesia in general.

Theoretical Framework

Bureaucratic Politics Theory

Bureaucratic Politics Theory (BPT) is a theory developed by Graham T. Allison (1969) to analyze the process of policy formulation and implementation as well as decision making within a government. The theory begins by arguing that states' governments do not act as unitary actors, rather as a conglomeration of different actors. The different actors within a

government have a variety of organizational culture, perception of interest, and levels of power or influence. During the policy or decision making and implementation process of a government, these actors negotiate among each other and make transactions because of the difference of perception of interest, organizational culture, and levels of power or influence that each actor has. The negotiation and transaction between these actors create a consensus and concession that becomes the result of the final form of the policy or decision and how it is implemented by the government actors (Buchanan & Badham, 2020).

Furthermore, analysis with the BPT requires an identification of actors involved within a certain issue of governance. Identification of the actors involved within an issue of governance is done to understand the agency of each actor within the government. Understanding the agency of the actors is important in understanding their interests and the significance of their actions. With the agency of each actor identified, further analysis can be done in regards to how the bureaucratic actors within the government view the issue of governance (Cairney, 2019). Bureaucratic actors within the government may have interests that are parochial or isolated from the interest of other actors, even if these actors are conglomerated within one issue. The difference of perception can create a different understanding of the issue and ways to resolve an issue and even the implementation of a policy. Understanding the agency of bureaucratic actors within the government policy making and implementation process. The power and influence of these actors are relative depending on the scope of issue. Power and influence can also be exerted or exercised in a formal or informal manner (Mintz & DeRouen, 2010).

Understanding the agency of bureaucratic actors within a government can explain how these actors frame or shape issues. Framing or shaping the issue becomes important to these actors because through framing or shaping an issue, bureaucratic actors within a government are able to manipulate the outcome of the policy formulation or implementation in accordance to their favor (Alden & Aran, 2016). The framing or shaping of an issue is done by bureaucratic actors within a government in a way in which they view the issue and in a way that the issue that is shaped is favourable for the respective actors. The actors compete in framing or shaping an issue in order to gain an edge in the policy outcome or implementation. The competition between these actors can be viewed through two lenses, competition for allocation and competition for function. Allocational competition can be understood as the competition of bureaucratic actors to earn an allocation of budgeting or other material resources while functional competition can be understood as a competition for having a certain function or functions pertaining to a certain issue (Hill & Varone, 2021).

The framework of analysis provided by the BPT gives a valuable insight in understanding the functioning of multiple actors within one issue (Hammond & Knott, 1999) which in this case is the security of major international ports in Indonesia. The BPT is able to identify the ineffectiveness of the actors involved in Indonesian port security by understanding their functions and the determinants of their actions within the government, particularly actions related to competition between one and another. The main focus of the research will be the competition of function or functional competition between the actors. This approach is useful in identifying how the involvement of multiple stakeholders bogs down policy implementation.

Methods

This study uses a literature study approach to analyze the role of bureaucratic politics in port security in Indonesia. Through systematic searches of academic databases and other reliable sources, researcher collects a wide variety of documents, including academic publications, government documents, and reports of international organizations that are relevant to the topic. Inclusion and exclusion criteria were established to ensure the quality and relevance of the selected sources. Analysis is carried out through codification, thematization, and content analysis to identify patterns, themes, and relationships between bureaucratic politics and port security issues. This process was supported by source triangulation and peer review to add validity to the findings.

Result and Discussion

Port Security in Indonesia

All the major international ports in Indonesia, namely Tanjung Priok, Tanjung Perak, Belawan, and Soekarno-Hatta Sea Port, have narrowly met the standards of the ISPS code despite having both sub-par infrastructure and port services in comparison to most other international ports (Morris & Paoli, 2018). Aspinall & Klinken (2011) explain that Indonesia has had a history and reputation for illegal actions being conducted by government officials, including by those in the realm of port security. These illegal actions include corruption and demanding or accepting bribes from criminals in exchange for port access. Bribes from legitimate port users have also been demanded in exchange for decent and standard port services with items demanded ranging from something as simple as cigarettes to actual money. Sciascia (2013) shows that Indonesian port security is also under threat from private actors,

namely civilian organizations that take part in crime and actual criminals that collude with governmental actors for material gains and illicit services such as illegal access to ports.

In Tanjung Priok these threats to port security have caused an increase in ship dwelling time. Perpetrators of the crime are dubbed as the "port mafia" due to the fact that the crimes are done not just by criminals and civilians, but also involving several people from port authorities (Santoso, 2021). While government authorities such as the Indonesian Navy, Coast Guard, Sea Security Force, Customs, and Port Officers have coordinated with each other, illegal activities persist with illegal contraband and people still entering and exiting Indonesia through the port of Tanjung Priok. Mishaps at sea such as ship collision or malfunction also persist in and around the port, indicating poor inspection and communication by port authorities (Sunardi, et al. 2020). Such conditions threaten the security of the Tanjung Priok port and undermine the attempts to improve port services quality.

In Tanjung Perak, similar problems are found, government officials colluding with criminals for illicit port services. Tobing, et al. (2020) explain that the port mafia has bribed port officials responsible for inspecting the processing of waste that is hazardous for the environment at sea. This resulted in the release of this unprocessed waste at sea, contaminating maritime ecosystems around the port of Tanjung Perak. It was also found that port officials have accepted bribes to accept the entrance of untreated waste to Indonesia, threatening environmental security in terrestrial ecosystems. The same method, bribery, is also used to smuggle illegal workers to and from Indonesia through the port of Tanjung Perak. In this case, bribes are given to customs and immigration officers at the port of Tanjung Perak and also to navy and police officers in the port (Putra & Runturambi, 2022). Contraband such as narcotics and other illegal items are also smuggled through the port of Tanjung Perak through these methods with bribes usually going to Customs officers and police (Prasetya & Syauqillah, 2019).

Problems found in both Tanjung Priok and Tanjung Perak are also found in the port of Belawan. In the port of Belawan, bribes to port officials have been given in exchange for the smuggling of illegal contraband and migrants. Commodities such as second-hand clothing, illegal timber, to drugs and people have been smuggled through the port of Belawan by way of bribing port officials. Crime can also be found in the warehouse sector where it is used to house illegal contraband. Warehouses are also used for prolonged and unlawful detention of legal commodities traded through the port of Belawan which benefits warehouse owners. Speeding up the process of detention would usually require paying illegal fees to customs officers. Crime can also be found in parking businesses for cars and trucks in and around Belawan where crime gangs conflict with each other for control of parking spaces. Control of parking spaces by crime gangs also entails paying fees to the police. These crimes become a detriment for the security of the port of Belawan (Ginting, et al. 2016).

The same trend happens in the port of Soekarno Hatta, Makassar. Bribery is done to enable criminal actions that jeopardize port security. One of the illegal activities enabled by bribery is illegal fishing. Fish that are obtained illegally can be sold in Makassar. The fish enters the city through Soekarno Hatta sea port. The fish are obtained through means that potentially damage the ecosystem in the seas surrounding the port. Unregulated fishing around the port working area also poses a hazard to sea traffic in the area. Like other ports, the port of Soekarno Hatta is also used for smuggling illegal contraband and migrants (Liss, 2013; Subagyo & Wirasuta, 2013).

Actors in Indonesian Ports' Security

The Indonesian Navy is primarily tasked with the defence of Indonesia's sovereignty and territorial integrity in the maritime domain. However, the Indonesian Navy also has a constabulary or law enforcement role in the maritime domain. The constabulary role has over the years become a big focus of the Indonesian Navy and because of that it is increasingly involved in working on domestic issues including playing a major role in port security. Historically, before the emergence of police in maritime domains and other governmental actors in charge of law enforcement at sea, the Indonesian Navy has had a major influence on law enforcement at sea. The Indonesian Navy seems to be reluctant to let go of its role as a constabulary force at sea due to historical reasons. It has come to form an organizational culture in which the Indonesia Navy believes that every aspect of maritime security and mitigation of threats, even from criminals or non-traditional sources, are their responsibility (Arif & Kurniawan, 2018). Apart from that, having a function or playing a part in port security is seen as something lucrative by navy officers as it can be a source of informal income for them be it from legitimate or illegitimate sources (Supriyanto, 2016).

As for the KPLP and Bakamla, they are tasked only with homeland security in the maritime domain. However, the lines that separate their tasks are often blurry. Both agencies serve as coastguards for the Indonesian government, tasked with patrolling Indonesian waters and maintaining order within those waters. Legally, the Bakamla does not have as much authority as the KPLP because the Bakamla does not have the authority to detain violators and conduct inspections and investigations. However, there have been cases in which one or the other refused to coordinate and cooperate on a case. One of the causes of this, again, is that

detaining violators can give them higher credibility and thus more trust to conduct and or increase their respective functions. Such credibility and more function can, again, be lucrative for each of them (Azis et al., 2016).

The Polair or maritime police is specifically tasked with law enforcement within Indonesian waters. In the case of port security, the Polair is responsible for detaining and investigating crime done in and around ports. This can range anywhere between smuggling to traffic accidents at sea. Thus, the part of the Polair functions that are congruent with that of the Navy and KPLP. As for smuggling, the task is also the responsibility of Indonesian Customs that are stationed at sea ports. The Indonesian Customs is responsible for ensuring that items that enter Indonesian sea ports are up to par with national standards. Items can include anything from fish, plants, and animals to furniture, and cars. The items also have to be legal. Much the same as other governmental agencies however, illegality is also lucrative for the police and customs (Silitonga, et al., 2019).

The final actor analyzed in this paper is the port operators which are officers from the Sea Transportation Directorate General of the Ministry of Transportation. They are charged with ensuring that ships that enter and exit the ports of Indonesia are up to national and international standards. This function is virtually the monopoly of the port operators. In some cases, substandard ships can still enter and exit Indonesian ports. However that usually will cost the shipowner or the crew that is manning those ships. There also have been cases in which shipowners and crews are asked to pay a fee in many forms just for them to get proper port services, despite having a ship that is according to national and international standards (Pyman & de la Blache, 2021).

Framing of Issue by Bureaucratic Actors

In an effort to increase each actors' respective significance towards a certain issue and thus pertain or increase their function in said issue, bureaucratic actors frame or shape the issue in accordance to their ability. In the case of the Indonesian Navy, the issues of port security that are framed to be under their authority vary. Due to their identity as protectors of the main maritime security it becomes easy for them to frame multiple issues as threats to maritime and therefore port security. The Indonesian Navy conducts detainment of ships in ports when ships are deemed not seaworthy or entered Indonesia illegally. Ships carrying contraband and illegal migrants are also on the Indonesian Navy's radar (Arif & Kurniawan, 2017). Such an example is the statement of the Chief of Indonesian Navy, Admiral Yudo Margono, who said that "the navy is taking narcotics eradication seriously" (Indonesian Navy, 2022). The same sort of

issues are also framed by the Water Police Force. As the main actor of law enforcement in Indonesia, there is a wide range of issues that are framed to be within their function. The issues covered include drug and people smuggling and illegal fishing (Morris & Paoli, 2018).

For the KPLP or Indonesian Coastguard, the issues related to port security usually revolve around the detention of ships without proper documents or ships that conditions are not seaworthy. The KPLP attempts to consolidate its role as the leader in law enforcement and security agent at sea by acting as the coordinator of interagency cooperation. One of the attempts was done in 2021 in which the KPLP gave directions through a socialization event to the Indonesian Navy and Water Police on law enforcement at sea. During the event, the Head of KPLP, Ahmad, said that "The event is to increase synergy between the agencies in conducting law enforcement at sea" (Direktorat Jenderal Perhubungan Laut, 2021). As for the Indonesian Customs, the agency claims to be the protectors of Indonesian borders. As the major international seaports act as entry points for foreign objects and persons, the Indonesian Customs play an important role in preventing smuggling and the issue of smuggling has become the issue domain of port security by the Indonesian Customs (Direktorat Jenderal Bea dan Cukai, 2021).

Actors Competing Interests

Competition between bureaucratic actors within the government of Indonesia is nothing new. Historically, competition between bureaucrats has even happened since the time of colonial rule by the Dutch East Indies Company in Indonesia. Competition between bureaucratic actors was also prevalent during the New Order Era in the second half of the 20th century and the Reformation Era in the 21st century. Competition is done both in the context of funding allocation and in a functional context. Competition happens between bureaucratic actors because there are incentives to be gained from winning such competitions. Increased contact between the bureaucratic actors and the people enables the bureaucratic actors to benefit in less than legal ways (Znoj, 2017; Turner, et al., 2022). A common theme of going through the Indonesian bureaucracy is the fact that it is quite complex and that a lot of the time bribes are used to make the administrative and bureaucratic processes easier. Such conditions are not surprising considering that it is something that some officials in the Indonesian government want (King 1995).

Liss (2013) explains that the same case is prevalent in the issue of maritime and port security as well. There are incentives to be earned by bureaucrats related to port security through illegal means. Therefore, bureaucratic actors related to port security are competing to

have a higher function and therefore are involved in port security issues. One way these actors compete for increased function or to secure their already existing function in port security is by creating a perception that they are respectively able to complete certain functions or that they are needed in certain functions. To give a better description of why bureaucratic actors compete for certain functions, Sequeira and Djankov (2010) explain that bribes and corruption within the Indonesian government can be seen as a sort of market. By market, what is happening in the Indonesian port security sector is that certain functions pay more (in bribes) than others. Therefore, competition for a better function or a piece of it is done.

One such case of bureaucratic competition is in the case of ship detention. According to Constitution Number 17 2008 about Shipping, the detention of ships is the responsibility of port operators or Kantor Kesyahbandaran. However, in reality most of the time the detention of ships is carried out by the Indonesian Navy and sometimes by the Indonesian Water Police. To give an image of how lucrative ship detentions can be for actors involved in port security, a recent case uncovers how bureaucrats ask for bribes or in this case some sort of ransom for the release of a ship albeit the case has been stopped due to lack of evidence. In the case, an Indonesian Navy officer allegedly requested 5,4 billion Indonesian Rupiah or equivalent of 360.000 U.S. dollars for the release of a ship of foreign flag that has been detained. Although the case was later stopped due to lack of evidence, such cases are not impossible (Brock, 2022). In 2017, Luhut Panjaitan, the Coordinating Minister of Maritime Affairs and Investment, visited the port city of Batam in which he found 30 ships waiting to harbor. During the visit, the Governor of Riau Islands province told Luhut Panjaitan that usually bribes were demanded by government officials to ships waiting to harbor (Junida, 2017).

Competition Between Actors in Port Security

As mentioned in previous sections, there are multiple actors involved in port security in Indonesia that have conflicting interests in one way or another. One such conflicting interest is that involvement in port operations is an opportunity for the actors to take part in corruption. In other words, presence in Indonesian ports offers an incentive for these actors in the form of corruption (Suparto & Admiral, 2022). Because of this, the actors of port operations in Indonesia tend to be resistant to initiatives to streamline the bureaucracy in port security. As a justification to be involved in port security, each actor creates narratives about why their presence is needed in the port in order to secure it. Despite the calls for a more streamlined bureaucracy of port security in current discourse, the actors involved tend to legitimize their presence also by producing the narrative that they are in cooperation and coordination with one another.

One such case of reluctance to let go of function in port security while also producing a narrative of coordination and cooperation is in the case of the relationship between the Indonesian Navy and the Bakamla. While the two institutions have been involved in multiple corporations and conducted multiple joint operations and claim to be in coordination with one another, in reality the two are involved in competition. Competition, in this case, takes the form of reluctance to share intelligence or information related to port security or security of waters in the vicinity of sea ports. There have been reports that the two institutions refuse to do this because each of them does not desire the other to succeed in securing the operation target because it limits the opportunity to extort a bribe.

In other cases, there is a competition in maintaining a patron and client relationship, either between port security actors with criminals or between port security actors and port users. The patron and client relationship is important to maintain because, again, it is an opportunity for port security as the patron to extort bribes from criminals or port users that act as the clients in the relationship (Honna, 2010). The way the relationship is maintained is by provision of illegitimate services from port security actors to the clients in exchange for bribes. The bribes themselves range from something as simple as cigarettes, snacks and beverages to actual money. In order to be involved in this relationship, government institutions need to have legitimacy to be involved in port security. This is also a reason for port security actors to be reluctant in letting go of their role as actors of port security, despite having a more streamlined port security bureaucracy means having increased efficiency and effectiveness in securing ports (Safuan & Budiandru, 2019; Novian, 2017).

An example of this is when police officers stationed near sea ports allow the presence of gangs under the guise of private security contractors or civil society organizations. These gangs are involved in criminal activities such as smuggling, extortion, and illegal parking in sea ports. In return, these gangs give money to police officers. Such relations are not exclusive to the police, meaning that other port security actors have similar relationships with similar organizations. The patron client relationship also exists between port security actors and port users. Port security authorities also extort bribes from port users in exchange for port services. It has been reported that customs officers extort bribes in exchange for quicker inspections or even to look the other way in the case of violations such as the presence of contraband in ships (Maritime Anti Corruption Network, 2021). There are also several other forms of corruption conducted by various actors as displayed in the data below:



Figure 1 Corruption in International Ports Source: Maritime Anti Corruption Network (2021)

Conclusion

This research finds that the presence of multiple actors in Indonesian sea ports has undermined efforts to increase security. This is because instead of coordinating and cooperating, bureaucratic actors of Indonesian port security tend to compete with each other. The actors compete in having a presence in the port despite their presence not being essential to the functioning or the security of the port. Persistence of this competition is caused by the fact that there is an incentive to be had by being present and involved in port security. The incentive of such presence and involvement is that the actors of port security gain the opportunity to interact with users of port services and other actors. In the process, the port security actors have an opportunity to extort bribes from port users in exchange for illegitimate services and other illegal acts. In addition to undermining cooperation and coordination, this has also perpetuated the presence of threats to port security in Indonesian sea ports. Based on the findings, this research recommends that existing regulations regarding the involvement of actors in port securities are to be reevaluated and streamlined. Since the causes of suboptimal port security in Indonesia is caused by the presence of multiple actors and lengthy bureaucratic processes in ports, streamlining the number of port authorities involved can serve to mitigate the security issues found in ports.

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