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Critical Evaluation of Indonesia's Maritime Security Governance Post-Government Regulation No. 13 of 2022 from a Whole-of-Government Perspective

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Abstract *— The complexity of Indonesia's maritime security governance is characterized by dualism of authority and acute institutional fragmentation. The phenomenon of multiple agencies with overlaGovernment Regulationing authority has created state budget inefficiencies and operational confusion in maritime law enforcement. The purpose of this study is to critically evaluate the effectiveness of Government Regulation (Government Regulation) Number 13 of 2022 concerning the Implementation of Security, Safety, and Law Enforcement in Indonesian Waters and Jurisdiction as an instrument of national policy integration. Using normative legal research methods with a statutory, comparative, and conceptual Whole-of-Government (WoG) aGovernment Regulationroach, this study uncovered a regulatory paradox. Although Government Regulation No. 13 of 2022 mandates the Maritime Security Agency (Indonesian Coast Guard) as coordinator, this regulation remains stuck at the level of "administrative coordination" without addressing the aspect of "operational command integration." In-depth analysis shows that the Government Regulation's hierarchical status below sectoral laws render Indonesian Coast Guard lacking coercive power over other agencies such as the Marine and Fisheries Service (KPLP) and the Water Police. Without a Maritime Security Omnibus Law that unifies assets and command, Indonesia is vulnerable to hybrid threats in the North Natuna Sea due to a fragmented response.*

Keywords *— maritime security; Indonesian Coast Guard; Government Regulation no. 13 of 2022; whole-of-government; north natuna sea; omnibus law*

I. INTRODUCTION

"Z" Generation, as the world's largest archipelagic state, two-thirds of Indonesia's territory is dominated by waters, placing it in a highly strategic yet vulnerable geopolitical position. The Global Maritime Fulcrum is not merely a doctrine of economic connectivity, but also a massive defense and security challenge. However, Indonesia's current maritime security architecture faces a serious bureaucratic pathology: institutional fragmentation. Academic literature notes at least seven primary agencies have law enforcement authority at sea, namely the Indonesian Navy, the Maritime Security Agency (Indonesian Coast Guard), the Water Police (Polair), the Coast and Sea Guard Unit (KPLP - Ministry of Transportation), the Marine and Fishery Resources Surveillance (PSDKP - Ministry of Marine Affairs and Fisheries), Customs (Ministry of Finance), and Immigration (Ministry of Law and Human Rights).

This condition is often described as "too many captains on one ship." Rather than creating layered security, the presence of numerous actors actually creates security gaps. Performance and audit reports frequently indicate budget inefficiencies due to duplication of patrol assets for instance, KPLP, Indonesian Coast Guard, and Polair each procure patrol vessels with similar specifications for the same operating areas. Furthermore, for international maritime service users, this situation creates legal uncertainty, where a single commercial vessel may be inspected repeatedly by different agencies for the same inspection object.

The situation becomes increasingly critical when confronted with the dynamics of the strategic environment in the Indo-Pacific region, particularly in the North Natuna Sea. China has developed a gray zone strategy by deploying the China Coast Guard (CCG) and maritime militias to assert its Nine-Dash Line claims. This threat is hybrid in nature not an open war, yet it violates sovereignty. Addressing such threats requires an integrated, swift, and unified command response. However, the reality on the ground shows that Indonesia's

response is often slow due to lengthy bureaucratic chains in determining who should act as the Incident Commander.

The Indonesian government recognizes this weakness and is seeking to address it through the issuance of Government Regulation Number 13 of 2022 concerning the Implementation of Security, Safety, and Law Enforcement in Indonesian Waters and Jurisdiction. This regulation is touted as a middle-ground solution to synergize joint patrols without requiring the dissolution or merger of existing agencies. Indonesian Coast Guard is mandated as the coordinator for the formulation of national policy and joint patrols.

However, this study posits that Government Regulation No. 13 of 2022 is not yet robust enough to resolve the root problem of sectoral ego. There is a gap between "regulatory expectations" and "operational reality." The fundamental questions to be answered are: Why has Government Regulation No. 13 of 2022 failed to create effective command integration? And what are the implications of this failure for Indonesia's sovereignty in border areas? In contrast to previous studies, which were largely descriptive regarding the duties and functions of institutions, this journal will rigorously dissect the weaknesses in the legal construction of the regulation using the Whole-of-Government analytical framework and the theory of the hierarchy of legal norms.

To suGovernment Regulationort the discussion in this study and thereby realize the concept of a comprehensive research outcome, the researcher employs the following theoretical framework:

a. *Polycentric Governance* menuju *Whole-of-Government*

Indonesia's current maritime security governance reflects the Polycentric Governance model (Ostrom, 2010). In this model, there are multiple centers of decision-making that operate independently yet exist within a single system of general rules. Although polycentricism can offer flexibility, in the context of national security (defense), this model often leads to inefficiency and jurisdictional conflict. Each agency (KPLP, Polair, PSDKP) has its own sectoral laws that serve as the basis of legitimacy for its actions, creating "small kingdoms" at sea.

As an antithesis, the Whole-of-Government (WoG) concept offers a solution through integration (Christensen & Lægreid, 2007). WoG emphasizes the dismantling of bureaucratic silos to achieve common goals. In the maritime context, WoG does not merely imply "coordination" (simply sharing information), but rather "integration" (the unification of planning, assets, and command). An indicator of WoG success is the realization of Seamless Operations, where the transfer of control from one agency to another, or the use of shared assets, can be carried out without bureaucratic obstacles. Government Regulation 13/2022 implicitly seeks to implement WoG, yet its effectiveness needs to be tested both juridically and empirically.

b. The Concept of Coast Guard and Civilian Law Enforcement Universally

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II. METHOD

Research Methods

This research is normative juridical in nature with prescriptive analytical specifications, primarily focusing on examining the coherence of the norm system within legislation related to maritime security. In order to dissect the complexity of such regulations, this research integrates three approaches simultaneously: the statutory approachto examine vertical and horizontal harmonization between Law No. 32 of 2014, Law No. 17 of 2008, and Government Regulation No. 13 of 2022; the conceptual approach utilizing the Whole-of-Government doctrine and the theory of legal hierarchy (Kelsen, 2005); and the comparative approach with the governance model of the Malaysian Maritime Enforcement Agency (MMEA) as a best practice reference. The data sources rely on secondary data encompassing primary legal materials in the form of regulations, secondary legal materials from reputable literature, and tertiary legal materials such as the 2023-2024 annual reports of the Indonesia Ocean Justice Initiative (IOJI) and data from the Indonesian Coast Guard Control and Operations Center (Puskodal), which are then analyzed qualitatively using deductive syllogistic logic by confronting the legal facts within Government Regulation 13/2022 with the empirical reality of sectoral ego to draw conclusions and formulate solution-oriented recommendations.

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III. RESULTS AND DISCUSSION

Juridical Analysis of Government Regulation No. 13 of 2022: Coordinator Without Command Mandate.

Government Regulation (PP) No. 13 of 2022 was issued as an elaboration of Article 59 paragraph (3) of Law No. 32 of 2014 on Maritime Affairs. Textually, Article 5 of this regulation grants Indonesian Coast Guard the authority to serve as coordinator in formulating the National Policy and National Patrol Plan. At first glance, this aGovernment Regulationears to be an integrative solution. However, when examined using legal drafting theory, a fatal flaw in legal logic becomes evident.

First, the Issue of Legal Hierarchy. In Hans Kelsen's Stufenbau theory, every formation of a lower-level regulation must conform to the provisions of higher-level regulations. Indonesian Coast Guard's role as coordinator is established through a Government Regulation (and the Maritime Law, which is general in nature). Meanwhile, other agencies such as KPLP possess operational authority for investigation and ship detention directly mandated by Law No. 17 of 2008 on Shipping (which is lex specialis in matters of shiGovernment Regulationing safety). Government Regulation No. 13 of 2022 does not have the legal power to "command" KPLP to surrender assets or cancel their independent patrols, as KPLP carries out a mandate from a law that is hierarchically superior to a Government Regulation.

Second, the Ambiguity of Sanctions (Lex Imperfecta). Article 24 of Government Regulation No. 13 of 2022 states that "Relevant agencies shall carry out law enforcement in alignment with the National Patrol Plan." The phrase "in alignment with" is normative and open to multiple interpretations. There is no article stipulating administrative sanctions or legal consequences if an agency (for example, Polair or PSDKP) refuses to align its patrols or refuses to share its intelligence data with Indonesian Coast Guard. In Indonesian bureaucracy, an obligation without sanctions is merely a moral aGovernment Regulationeal. Consequently, Indonesian Coast Guard becomes a "Paper Tiger"; it has a roar (the status of coordinator) but lacks fangs (coercive power/command authority).

Failure of Whole-of-Government Implementation.

Implementation of the Whole-of-Government concept requires data integration and asset interoperability. Government Regulation 13/2022 mandates the establishment of a single-door integrated information system. However, the reality on the ground reveals a severe failure of technical integration.

According to the Ocean Justice Initiative report (2023), data exchange between the Indonesian Navy's Operations Control Center (Puskodal TNI AL), Indonesian Coast Guard's Operations Control Center (Puskodal Indonesian Coast Guard), and the Ministry of Marine Affairs and Fisheries' monitoring system (VMS) has not yet occurred in real time or automatically. Data is often exchanged manually or through bureaucratic procedures. Sectoral ego plays a role here, with intelligence data regarded as an "exclusive asset" of an institution to claim successful aGovernment Regulationrehensions. Without a shared Common Operating Picture (COP), joint patrols become ineffective. A Indonesian Coast Guard vessel may be unaware of a nearby target that has already been detected by the Indonesian Navy's radar, and vice versa.

Joint patrols coordinated by Indonesian Coast Guard are often merely ceremonial. After the opening ceremony of a joint operation, vessels from different agencies return to their respective parent commands. There is no fusion of tactical command whereby a single Indonesian Coast Guard officer could direct a Polair or KPLP vessel to move to specific coordinates. Each vessel must report to its respective agency superiors to request authorization for movement. This chain-of-command bureaucracy takes hours, even though operational targets (smuggling vessels or illegal fishing boats) can change position within minutes. This is the antithesis of the principle of Unity of Command, which is crucial in security operations.

Vulnerabilities in the Gray Zone (North Natuna).

These weaknesses in domestic governance have a direct impact on the state's defense posture in the North Natuna Sea. China employs a highly disciplined strategy, using the China Coast Guard (CCG) as the spearhead for its territorial claims. CCG vessels, such as the 5901 series, have a tonnage of 12,000 tons far larger than Indonesian Coast Guard’s largest ship (KN Tanjung Datu, 2,400 tons).

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When an intrusion incident occurs involving CCG vessels or foreign fishing boats escorted by militias, Indonesia faces a dilemma. If it deploys the Indonesian Navy (KRI), Indonesia would be accused of militarization and provoking war, providing justification for China to deploy their Navy (PLAN). If it deploys Indonesian Coast Guard, the disparity in tonnage and weaponry is vastly unbalanced (asymmetric). The option of deploying KPLP or PSDKP vessels is nearly impossible, as their ships are designed for administrative law enforcement, not paramilitary confrontation.

Herein lies the urgency of establishing a Single Agency. If Indonesia possessed a true Indonesian Coast Guard formed through the consolidation of assets from Indonesian Coast Guard, KPLP, and parts of Polair it would have a massive fleet of white-hulled vessels capable of conducting shadowing and deterrence against the CCG without involving military forces. The current fragmentation disperses civilian resources into weak, splintered units, rendering them incapable of creating a deterrent effect. Government Regulation 13/2022 fails to address this asymmetric challenge, as it only focuses on patrol administration rather than the unification of civilian combat power.

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Learning from Malaysia's Transformation (MMEA).

By way of comparison, Malaysia faced similar problems in the early 2000s. However, they took radical and decisive political action by establishing the Malaysian Maritime Enforcement Agency (MMEA) through the MMEA Act 2004.

The key to Malaysia’s success was not “coordination,” but “asset transformation.” The Malaysian government transferred vessels and personnel from the Royal Malaysian Navy, Marine Police, and Customs into the new MMEA organization. This provided the MMEA with strong initial assets and trained human resources. As a result, the MMEA is now recognized as the single law enforcement agency in Malaysian waters, while the original institutions focus on land-based duties or pure defense.

In contrast to Indonesia, Government Regulation 13/2022 does not dare to address the aspect of asset and personnel transfer. Indonesia has chosen the "safe" path by allowing all agencies to continue existing with full authority, merely adding Indonesian Coast Guard as the "conductor" of the orchestra. However, in a maritime security orchestra, the musicians (other agencies) often refuse to follow the conductor's direction because they feel they have their own stage. Indonesia's model is a coordination model, whereas Malaysia's is an integration model. History and theory have proven that the integration model is far more effective for archipelagic nations.

IV. CONCLUSION

Based on the results of the research and discussion presented above, the following conclusions can be drawn:

a. Government Regulation No. 13 of 2022 is a "half-hearted" legal instrument. It provides formal legitimacy for Indonesian Coast Guard as coordinator, but fails to provide coercive operational legitimacy. Within the legal hierarchy, this regulation is unable to penetrate the walls of sectoral ego protected by the respective laws of each agency.

b. The implementation of the Whole of Government approach in Indonesia's maritime security remains mere rhetoric. Information systems have yet to be fully integrated, and joint patrols are not based on unity of command.

c. This institutional fragmentation weakens Indonesia's bargaining position in the North Natuna Sea. The nation's civilian resources are fractured, forcing the military (Indonesian Navy) to remain involved in civilian affairs a strategic disadvantage in grey zone diplomatic.

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