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The policy in handling transnational crime at Indonesia's Maritime Borders (Study at tanjung Balai Asahan, North Sumatera Province)

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Abstract. The strategic geographical constellation on the one hand, can bring benefits to Indonesia, but on the other hand, this position is very vulnerable to threats, both military threats from foreign countries and non-military threats in the form of crimes or illegal activities. Meanwhile, accelerated globalization with technological advances, especially information technology, makes it seem as if there are no boundaries between countries. The rise of transnational crimes in Indonesia, of course, has implications for national defense. Therefore, a comprehensive and integrated effort is needed to minimize the occurrence of transnational crimes at Indonesia's maritime borders, especially in Tanjung Balai Asahan, Medan, North Sumatra Province. It is proven by the increasing trend in the number of transnational crime rates that continue to increase from year to year and it is made worse by the involvement of the community and unscrupulous security forces that choose shortcuts to seek profit by carrying out these illegal actions as happened in several research taken. From the results of the analysis, it was found that 4 types of crime dominate in the Tanjung Balai area, they are smuggling of illegal goods, Drugs, Human trafficking, and People smuggling. Moreover, the weaknesses that made the crimes happened can be categorized as the lack in communication, resources, disposition, and Bureaucratic structure.

Keywords. Transnational crime, Maritime borders, National defense.

1. Introduction

Indonesia is the largest archipelagic country in the world which has 17,499 islands [1]. Indonesia's jurisdiction area is dominated by waters which cover two-thirds of its total area. Indonesia's coastline, which reaches approximately 81,000 km, is the second longest in the

world after Canada. Its geographical location which is in a cross position between two continents, Asia–Australia, and two oceans, the Indian–Pacific, makes Indonesia's strategic position as a world trade crossing area (geo-economy) and a struggle for influence (geo-strategy and geo-politics) by other countries as happened in the colonial period until now. As an archipelagic country, Indonesia's territory is bordered by many neighboring countries in the territorial waters. These border areas are generally in the forefront of Indonesia. Based on Government Regulation Number 38 of 2002 concerning the List of Geographical Coordinates of the Baseline Points of the Indonesian Archipelago as amended by Government Regulation Number 37 of 2008 there is a change in the number of Outermost Small Islands so that it becomes 111 (one hundred and eleven) Outermost Small Islands [2]. The consequence of being an archipelagic country with a geographical constellation as described above causes Indonesia to have maritime borders with ten countries, namely Malaysia, Singapore, Thailand, the Philippines, Vietnam, Timor Leste, Papua New Guinea (PNG), Australia, the Republic of Palau, and India. On land, Indonesia is bordered by three countries, namely Malaysia, Timor Leste, and PNG.

The strategic geographical constellation on the one hand, can bring benefits to Indonesia, but on the other hand, this position is very vulnerable to threats, both military threats from foreign countries and non-military threats in the form of crimes or illegal activities. Meanwhile, accelerated globalization with technological advances, especially information technology, makes it seem as if there are no boundaries between countries. This provides more opportunities for non-military threats, especially transnational crimes or illegal acts such as smuggling and human trafficking (people smuggling); fish theft (illegal fishing); drug smuggling (drug trafficking); smuggling of illegal timber (illegal logging) and smuggling of staples and horticulture. Many of these illegal activities are carried out by sea in Indonesia. This happens because the sea is open, the territory is very wide, there are many narrow straits and the infrastructure facilities for the security forces are still inadequate in securing the vast Indonesian waters. Therefore, a maximum effort is needed by optimally utilizing existing resources to tackle transnational crimes, especially in border areas.

Transnational crime was first introduced internationally in the 1990s when a meeting of nations discussed crime prevention. In 1995, the United Nations identified 18 types of transnational crimes, namely money laundering, terrorism, theft of art and cultural objects, theft of intellectual property, illicit arms trafficking (illegal trade in soldiers and weapons), aircraft hijacking (aircraft hijacking), sea piracy (pirates), insurance fraud (fraud), computer crime (cyber-crimes), environmental crime (crimes against the environment), trafficking in persons (people smuggling), trade in human body parts, illicit drug trafficking, fraudulent bankruptcy, infiltration of legal business, corruption, bribery of public, and bribery of party officials [3].

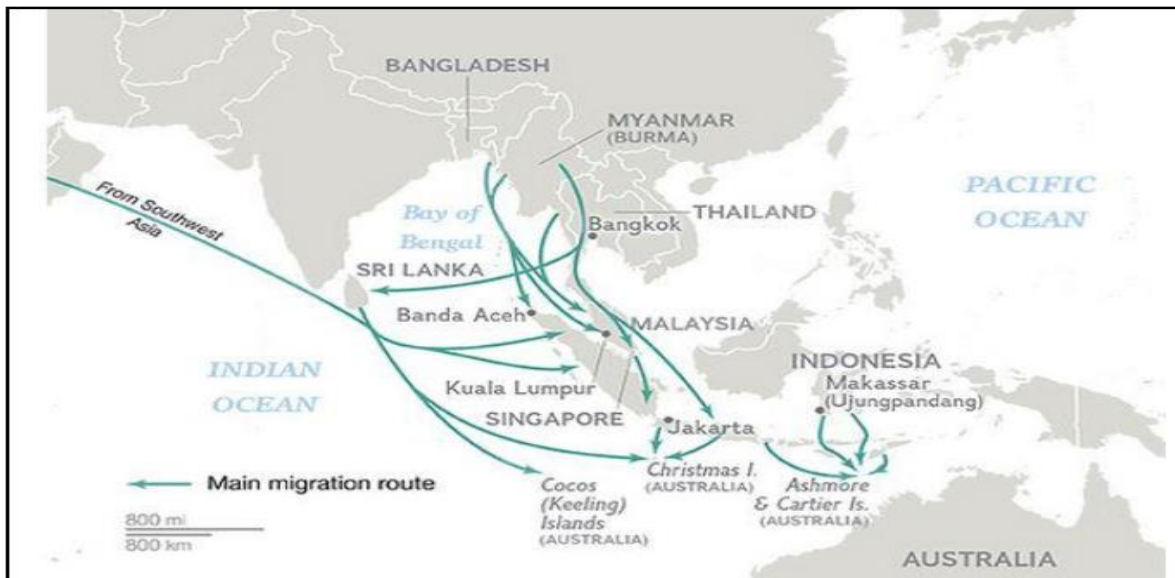
The increasing number of international crimes reflects that the handling of trans boundary crimes in Indonesia has not been maximized. Apart from the limited number of personnel, this is also caused by the separated authorities in handling trans boundary crimes in Indonesia. Indonesia has 13 (thirteen) law enforcement agencies at sea, consisting of 6 (six) institutions that have a patrol task force at sea and 7 (seven) other law enforcement agencies that do not have a patrol task force at sea. Law enforcement agencies that have a patrol task force at sea are: Indonesian Navy; Indonesia National Police/Directorate of Water Police; Ministry of Transportation- Directorate General of Sea Relations; Ministry of Marine Affairs and Fisheries; Ministry of Finance, Directorate General Of Customs And Excise; and Marine Security Agency. The six law enforcement agencies carry out patrols related to security at sea

on a sectoral basis in accordance with the authority they have based on their respective laws and regulations [4].

In the case of humanitarian assistance, this may also relate to the humanitarian intervention. However, what makes humanitarian interventions complicated are the associated principles and approaches. An intervention involves the use of coercive power, either that of another state's military forces or that of international organizations like the United Nations (UN), to enforce a sovereign country when it is unable to safeguard its citizens' fundamental rights. It seems difficult to underline the exact border between the politics, norms, and legal principles of this entry, determining that humanitarian interventions tend to be obscured. Not only their confusion, however, the term 'right to intervene' ratified as part of international law, is also questionable given the past and present humanitarian crises worldwide. Due to the progress in the academic discourse on human rights, the context of state sovereignty is changing. Recently, sovereignty details more of a responsibility to protect the universal human rights of individuals. Broadly, global nations and the sovereignty of different states include human rights values [4].

The non-integration of authorized institutions creates its own problems related to coordination and communication. Therefore, it is necessary to appoint a leading sector in coordinating the handling of transnational crimes. The non-optimal handling of transnational crimes in Indonesian waters is often exploited by transnational criminals by turning Indonesia into an illegal trade route. One of them, human trafficking that makes Indonesia a transit as shown in the picture below [5]:

Figure 1. Illegal Migration Route in the Indonesian's Waters



Source: Patkor Armabar (2016)

The rise of transnational crimes in Indonesia, of course, has implications for national defense. If not prevented early, this condition will threaten Indonesia's national defense. Therefore, a comprehensive and integrated effort is needed to minimize the occurrence of transnational crimes at Indonesia's maritime borders, especially in Tanjung Balai Asahan, Medan, North Sumatra Province.

Tanjung Balai Asahan has a very wide coastline and has 10 rat port points, making it easy for various types of ships to land and prone to illegal immigrants. In addition, every day there are 8,000 people who go to Malaysia, and 5,000 people who come to Indonesia through the Port of Tanjung Balai Asahan. Some of them are Indonesian citizens who claim to want to take a vacation, but actually they want to work, and legal Indonesian workers. Tanjung Balai waters are one of the favourite routes for drug syndicates from other countries to smuggle narcotics in Indonesian territory. The large number of unsupervised and unguarded small ports without docks, have become alternative routes for syndicates to smuggle narcotics. They use small boats such as fishing boats or they pay boat rentals of up to Rp. 20 million for one-time use to local fishermen. The modus operandi often used by syndicates is to hide narcotics under ships to trick the officers by wrapping them in thick plastic and hanging them in the water.

Another problem faced from cross-border handling at sea borders is that laws related to marine sector activities are faced with institutional conflicts caused by overlapping laws and regulations. A lot of the same use of space in the sea area has developed into conflicts, and it often becomes a serious problem. The problems faced in the utilization and authority of space in the sea area are due to the fact that the sea has not been strictly regulated and has not been reflected in the existing marine management policies and regulations. Marine Territories are in fact managed by several institutions that have not shown a consistent policy direction. Utilization of marine resources, policy products, and existing regulations are mostly structured to regulate sectoral with emphasis on each sectoral interest. Therefore, this condition demands a clear spatial arrangement and emphasizes the integration of existing policies and regulations so that sustainable development can be implemented in real terms.

2. Research Method

This research is a qualitative research. The data collection technique was done by triangulation (combined), with inductive data analysis. The results of qualitative research emphasize more on meaning than generalization [6]. As a qualitative research, this research will produce descriptive data. This type of qualitative research can also be defined as a type of research whose findings are not obtained through statistical procedures or other forms of calculation [7]. The descriptive method is a problem solving procedure that is investigated by describing / describing the state of the research subject / object (people, institutions, communities, etc.) at the present time based on the facts that appear or as they are [8].

This study uses a qualitative approach by collecting data obtained from the results of FGDs and interviews as well as data obtained from the results of various literatures, both in the form of reference books, journals, tabloids and articles, print and electronic.

3. Result and Discussion

3.1. Transnational Crime in Tanjung Balai City

Transnational crimes that often occur in Tanjung Balai City are mainly in the form of smuggling of goods (among them used clothes, shallots, and glutinous rice), illicit drug trafficking, and people smuggling and human trafficking. According to data compiled from Main Base of Indonesian Navy I Belawan, where Tanjung Balai is part of its working area, transnational crimes in their working area fluctuate. To obtain a clearer picture of each type of transnational crime that occurred in Tanjung Balai, the following describes the modus operandi and the process of the occurrence of these crimes, followed by a discussion of the analysis.

Firstly, concerning the smuggling of illegal goods, the commodities that are often smuggled into the country through Tanjung Balai are: used clothes, onions, and pulut rice.

Based on the results of data collection, it is known that in 2015, the Customs and Excise of Teluk Nibung managed to secure contraband items in the form of 585 balls of used clothes and 17,013 sacks (@ 10 kg) of shallots. Meanwhile, in 2016, Customs and Excise managed to secure 3,217 balls of used clothing, 17,877 sacks (@ 10 kg) of shallots, and 357 sacks of pulut rice. According to the Head of Operation of the Tanjung Balai Resort Police, most of the shallots smuggled through Tanjung Balai came from India. As for used clothing commodities, they enter Tanjung Balai from Port Klang, Malaysia. According to information from a source from Teluk Nibung Customs and Excise, these used clothes came from various countries, especially China, Korea, and Japan, but were packaged at Port Klang, before being sent to Indonesia.

In Tanjung Balai itself, the smuggling of used clothes from Malaysia has actually been going on for a long time. The Head of Operation of the Tanjung Balai Resort Police characterizes it as an activity that has been passed down from generation to generation. Even now, the City of Tanjung Balai has a special market for selling used clothing called "TPO"; in the form of a market with seven permanent buildings that are used daily by approximately 800 second-hand clothing traders. This permanent building used as a market was erected in the early 2000s, at the initiative of the Mayor, dr. Sutrisno Hadi, Sp.O.G.

As an illegal commodity, it is certainly difficult to obtain accurate data on the value of the used clothing trade in Tanjung Balai. However, the Team was able to estimate this value based on the "Analysis Report on the Import of Used Clothing" published by the Center for Foreign Trade Policy, BP2KP, Ministry of Trade in 2015. Based on data from the same report, used clothing entering Indonesia is dominated by used clothing from Malaysia, whose value continues to increase from year to year. In this case, there is also a discrepancy regarding the number of used clothes that enter Indonesia from Malaysia. Thus, it can be concluded that the export of Malaysian used clothing to Indonesia is illegal. This figure can illustrate the value of used clothing commodities that enter Tanjung Balai illegally, considering that the city is the main entry point for used clothing from Malaysia.

Due to its illegal nature, used clothes from Malaysia entered Indonesia by being smuggled. Information gathered from Customs sources stated that the modus operandi of smuggling used clothing is always evolving. Over time, the perpetrators learned the patrol patterns of Customs and Excise officers, and always updated their methods to anchor ships carrying used clothes to the huge number of warehouses in the Teluk Nibung area, Tanjung Balai. In the past, the perpetrators of smuggling used clothes operated by "slipping", i.e. transferring cargo from large ships to smaller ships in the middle of the ocean, to then be brought to the mainland through illegal ports, which are called as "rat routes". There are many rat trails on the east coast of North Sumatra, especially on the Asahan River which passes through the Tanjung Balai area. The figure 2 below shows the illegal ports in Tanjung Balai Asahan.

Figure 2. Illegal Ports (Rat Routes) in the Working Area of Indonesian Navy Base of Tanjung Balai Asahan



Source: Base of Indonesian Navy of Tanjung Balai Asahan (2017)

In the face of rampant smuggling of used clothes, communication between agencies has proven to be very crucial. In dealing with this violation of law, Teluk Nibung Customs and Excise has a very significant role. However, Customs cannot do it alone. Therefore, it is very important for Customs and other agencies to establish good communication and cooperation. This communication and cooperation has seen tangible benefits in the handling of used clothing smuggling by the Teluk Nibung Customs and Excise. Given the high resistance of the people of Tanjung Balai to the enforcement of the ban on the import of used clothing, the operations carried out by Customs and Excise almost always include assistance from other agencies, such as the Tanjung Balai Police Station or the Tanjung Balai Asahan Navy base. In addition, Teluk Nibung Customs and Excise also often coordinates with patrol officers from other Customs Offices in the waters of the Malacca Strait. To avoid the intervention of mass carriers, which usually escort ships carrying contraband, Customs and Excise officers made arrests before the cargo ships entered Tanjung Balai waters. After being arrested, the ship was not taken to Tanjung Balai, but was secured to Belawan.

Secondly, trafficking of drugs as the next transnational crime happened in Tanjung Balai. Considering the characteristics of Tanjung Balai which, on the one hand, has a population that is not too large compared to other cities around it and in Indonesia as general, namely, a number of 167,012 people and on the other hand, its strategic location as a port city, it is not surprising that Tanjung Balai is not a major marketing area, but a transit area for illegal drugs entering from abroad. These illegal drugs were then distributed to various other areas, including Medan. Data compiled from various agencies, especially law enforcement agencies, confirms this.

Meanwhile, in April 2017 a joint team from the Narcotics National Agency of North Sumatera Province and the Narcotics National Agency of Tanjung Balai City succeeded in uncovering a drug network controlled by a dealer from within Tanjung Gusta Prison, Medan.

In the arrest operation conducted in Tanjung Balai, the Narcotics National Agency managed to arrest six suspects (one of whom was shot dead), with evidence in the form of 1 kg of methamphetamine and 21,000 ecstasy pills.

The various cases that have been successfully uncovered by law enforcement agencies above can be an illustration of the drug trafficking that occurred in Tanjung Balai. Very likely, these cases are only a small number of all drug crimes that occurred in Tanjung Balai. Based on information from sources from the three agencies, it is suspected that drug smuggling often occurs together with the smuggling of illegal goods, especially used clothes. The difficulty of securing ships transporting used clothes due to mass escorts has also paved the way for the entry of drugs into the mainland of Tanjung Balai. Most of the drug offenders who were arrested in Tanjung Balai are local residents from several areas in northern Sumatera.

Thirdly, human trafficking and people smuggling. In addition to the smuggling of goods (including used clothes, shallots, and pulut rice) and drug trafficking, transnational crimes in the form of human trafficking and/or people smuggling also frequently occur in the Tanjung Balai area. Conceptually, these two acts are different crimes. According to Andrees [9], human trafficking is a product of transactions involving the sale of people, with the implication of benefiting one party, while the other party is harmed because of the loss of the right to independence. Meanwhile, according to the United Nations [10], what is meant by people smuggling is a criminal activity to obtain financial or other material benefits, either directly or indirectly, from the entry of people into a country where people the person is not a citizen or permanent resident of the country entered.

In practice, human trafficking and people smuggling are closely intertwined. Human trafficking often occurs across borders between countries, so it also contains elements of people smuggling. However, the conceptual differences above are not just differences at the theoretical level, because they will bring different legal consequences. This is clearly seen in the legal system in developed countries. In the United States, for example, human trafficking (trafficking in persons) and people smuggling (people smuggling) are regulated by two different laws. In the context of Tanjung Balai, the occurrence of these two types of transnational crimes can be seen from the activities of international migration or the movement of people involving Indonesian workers (TKI) leaving for or returning from Malaysia, as well as those involving the movement of illegal immigrants from various countries entering Indonesian waters.

As a strategic international passenger port and very close to Port Klang in Malaysia, Teluk Nibung Harbor in Tanjung Balai is indeed often used as a place of embarkation by Indonesian migrant workers who want to make a living in their neighboring country. The mode that is often used is to go to Malaysia with the reason of "traveling", whether visiting relatives who are married to Malaysian citizens or just on vacation. However, when they arrived in Malaysia, they actually worked for a living. Judging from the process, the mode used by illegal Indonesian migrant workers who went to Malaysia via Tanjung Balai can be categorized as legal entry-illegal stay. They enter Malaysia armed with valid documents. However, after arriving there, the activities they do (working) are not in accordance with the visas they have (tourism), so they become illegal migrant workers.

As a transnational crime, the traffic of illegal migrant workers through Tanjung Balai waters fulfills the elements of people smuggling. This can be seen from the prevention carried out by Teluk Nibung Customs 3 times in 2015 and 10 times in 2016. The TKI who wanted to enter the Tanjung Balai waters were prevented because they did not enter through a legal immigration route, namely the ferry crossing at the international passengers terminal at Teluk Nibung Harbor. They were transported from Malaysia to Tanjung Balai using fishing boats.

The main problem that arises from the traffic of illegal Indonesian migrant workers, for Indonesia, especially the City of Tanjung Balai, is the entry of illegal drugs along with the return of some of them from Malaysia. In the data collection activities that have been carried out, there is no definite data on the percentage of the number of illegal migrant workers who return home with illegal drugs. However, in 2015, Teluk Nibung Customs also managed to secure 1,076 grams of methamphetamine. The existence of this kind of incident corroborates the statements of several relevant agencies in Tanjung Balai, such as the Tanjung Balai Police, Tanjung Balai BNNK, and Teluk Nibung Customs and Excise, which revealed that the traffic of illegal migrant workers is often used by networks of illicit drug dealers to bring illegal drugs from Malaysia to Indonesia. .

Furthermore, the crime of people smuggling or human trafficking occurs through the international migration of illegal immigrants from various countries who enter Indonesian waters. Based on data compiled from the Tanjung Balai Immigration Office, the illegal immigrants mainly come from countries experiencing violent conflict, such as Myanmar (Rohingya), Somalia, Afghanistan, Sudan, and others. Details of the number of illegal immigrants by country of origin handled by Tanjung Balai Immigration can be seen in the table below:

Table 1. The Number of Illegal Immigrant at detention housing based on the country (2011-2017)

No.	Origin Countries	2011	2012	2013	2014	2015	2016	2017	Total
1.	Myanmar (Rohingya)		41	25	7	33			106
2.	Bangladesh			18	8	49	7		82
3.	Somalia			5	14	31		8	58
4.	Afghanistan	15	12	4					31
5.	Sudan			11		2			13
6.	Myanmar (Budha)	1			5	4			10
7.	Malaysia	1				1	4		6
8.	Palestina				5				5
9.	Pakistan	4		1					5
10.	Irak	4							4
11.	Sri Lanka		2			1			3
12.	Tiongkok			1		1	1		3
13.	India			1	1				2
14.	Taiwan			1					1
15.	Nepal			1					1
16.	Thailand				1				1
	Total	25	55	68	41	122	12	8	331

Source : Tanjung Balai City Immigration Office, 2017

Based on information provided by sources from the Immigration Office, most illegal immigrants from countries experiencing conflict are refugees or asylum seekers. They usually come by using wooden boats. Cases of the entry of illegal immigrants, based on the process, method, and purpose, can be categorized as people smuggling. In terms of process, people who are smuggled are aware of the entire process of their migration, from recruitment, transportation, harboring, shipping, to transfer to the destination country. In addition, they also

have an understanding of the dangers and deplorable conditions of the process. In terms of methods, these immigrants consciously cooperate with perpetrators who will smuggle them into other countries, for example by giving some money. Therefore, these victims can actually also be categorized as participating victims. In terms of goals, they want to get out of their conflicted country and get asylum in another country that is considered more peaceful and conducive.

The cooperation between Immigration and other related agencies illustrates that good communication between agencies has proven to help Immigration in carrying out their duties and functions. The lack of ship facilities/infrastructure complained of by the Tanjung Balai Immigration resource persons, in practice it can be compensated through cooperation with other agencies, such as the Tanjung Balai Water Police and Tanjung Balai Asahan Indonesian Navy base. Therefore, efforts to strengthen the number and quality of the fleet owned by those agencies will indirectly assist the implementation of Immigration tasks. This can be realized, if the allocation of facilities/infrastructure is complemented by clear and strong coordination and communication between agencies. Thus, the implementation of tasks in securing water areas will be integrated.

3.2. Strategy for Handling Transnational Crime in Tanjung Balai

The potential for transnational crimes that occurred in Tanjung Balai has several serious roots that must be resolved. The things that become the root of the problem, after being analysed, can be classified as follows:

3.2.1 Economic

The economic cycle that occurs in Tanjung Balai is dominated by illegal activities, both in the form of smuggling used clothes and horticultural products such as shallots. The economic cycle that depends on these illegal activities actually reflects the economic disparity that exists in society. In addition to the gap between social classes in the Tanjung Balai community itself, this economic gap can also be seen from the inequality in tax revenue between Tanjung Balai City and its neighbouring regencies. This is not surprising, considering that Asahan and Batu Bara Regencies have large areas that are used as large-scale oil palm plantations. In an effort to deal with the economic problems that occurred in Tanjung Balai, there are two alternatives that can be considered:

a. Legalize the trading activities of used clothes.

The secondhand clothing trade has proven to have great potential in contributing to the economic growth of the Tanjung Balai community. According to estimates by the Ministry of Trade, the value of the illegal second-hand clothing trade from Malaysia in 2014 alone reached USD 27 million. This is how large the possible value of the illegal used clothing trade in Tanjung Balai per year, considering that Tanjung Balai is the main entry point for illegal used clothing from Malaysia. This economic potential can be empowered by legalizing the trading of used clothing, but while collecting high taxes so that the circulation of used clothing will naturally be eroded slowly, or at least it will be more controlled. Of course, this legal alternative has its advantages and disadvantages. On the one hand, the benefits that can be obtained from the legalization of used clothing include increasing the income of the Tanjung Balai community, increasing the original regional income (PAD) of Tanjung Balai City, both from tax and levy sources, increasing the activity of the other businesses sector, such as restaurants, transportation vehicle services, and hotels, and more job opportunities for the people of Tanjung Balai. On the other hand, the legalization of used clothing can also bring disadvantages, including, weakening the local textile and apparel industry, increasing the potential for smuggling of illegal goods

such as drugs and weapons, triggering demands to legalize goods, other illegal goods originating from abroad, and spread of disease due to lack of hygiene of imported used clothes.

b. Empowering the potential of natural resources owned by Tanjung Balai.

The economic potential possessed by the City of Tanjung Balai is actually not only derived from the trade in illegal goods. Tanjung Balai City has several other potentials that have not been maximized in spurring community economic growth. These potentials include in the marine and mining sectors. If optimized, these potentials can minimize the involvement of the Tanjung Balai community in trading activities and smuggling of illegal goods. For the marine and fisheries sector, Tanjung Balai has quite promising marine potential. The main potential commodity is giant prawns. This commodity has a high value for export. However, until now the marine and fisheries sector has not received serious attention, especially from the government, to be able to work optimally. For the mining sector, the Asahan River sand which is widely available in the Tanjung Balai area is a natural material formed from the process of eroding soil along the river from upstream to downstream. Asahan River sand contains 70–80% silica. With a large silica content, Asahan River sand has distinctive characteristics and is very good for raw materials for the porcelain glass industry and construction. It is hoped that the mining materials will not be sold raw, but will be processed into finished goods so that they have a high selling value and create jobs in Tanjung Balai through the establishment of porcelain glass processing factories. Based on the description above, it is assumed that in order to provide some international aid or receiving international, should be obey to certain rules to respect the sovereignty of a country and also to assure that the help is safety, useful and meaningful for the people affected in emergency situation.

3.2.2 Geo-Strategic

Tanjung Balai is one of 33 (thirty three) regencies/cities in North Sumatra Province. The city of Tanjung Balai is located on the east coast of North Sumatra. With a very strategic geographical location, it is very possible for transnational crimes to occur in Tanjung Balai. Therefore, strict supervision is needed from agencies that have the authority to take action at sea. This supervision can be in the form of a one-task multiagency implemented by monitoring the Tanjung Balai waters on a regular and ongoing basis. In addition, coastal communities and fishermen can also be included as eyes and ears to participate in supervising foreign ships entering the Tanjung Balai waters.

3.2.3 Law Enforcement

In practice, law enforcement in the Tanjung Balai area faces its own dilemma. Law enforcement officers are often confronted by the local culture, which considers trade in illegal goods to be normal and important for the sustainability of their economic life. This clash with the community has resulted in difficulties in handling the illegal activities that have occurred in Tanjung Balai. In fact, it is not uncommon for smugglers' ships to be escorted by small community boats loaded by the masses. These "guard" ships aim to protect the entry of smugglers' ships until they dock on the coast of Tanjung Balai. If there is action from the apparatus, the small ship carrying out the escort will attack the officers.

3.2.4 Facilities and Infrastructures

The condition of readiness of facilities and infrastructure for securing transnational crimes in Tanjung Balai requires serious attention in supporting surveillance operations. In

terms of numbers, readiness, and capabilities, these facilities and infrastructure should be improved, considering the characteristics of the Tanjung Balai area which has many rat lanes and the growth rate of transnational crime from year to year which continues to increase.

3.3. Policy Implementation in Handling Transnational Crimes at the Indonesian Sea Border

Considering the data on transnational crimes that are increasing every year, it can be considered that the government should conduct further research related to transnational crimes at sea borders. This research is expected to contribute to efforts to reduce the number of transnational crimes as much as possible in order to maintain the sovereignty of the Unitary State of the Republic of Indonesia. As an analytical tool, this research uses the theory of policy implementation developed by George C. Edwards III [11]. According to him, there are four variables in public policy, namely communication (communications), resources (resources), attitudes (dispositions or attitudes), and bureaucratic structure (bureaucratic structure).

3.3.1 Communication

Based on the research finding, there are still communication barriers between law enforcement agencies. Moreover, some agencies do not have a common perception about things that need to be considered in handling cases. For instance, the Indonesian Navy complains that sometimes the results of the arrests made by the Navy are not received by the relevant agencies for further processing for various reasons. The delegation of cases from the Indonesian Navy is sometimes not accepted by Customs because the necessary equipment for sentencing is often not fulfilled. This shows that there is still a gap in communication between the two agencies, so that both of them do not yet have the same perception of things that need to be considered in handling cases, ranging from arrests, delegation, to sentencing. Besides, there are often problems in the distribution of communication, namely misunderstanding (miscommunication) caused by the many levels of bureaucracy that must be passed in the communication process, so that what is expected is distorted in the middle of the road.

3.3.2 Resources

The main resource in policy implementation is staff or employees (first-level bureaucrats). Some failures that often occur in policy implementation, one of which, is caused by inadequate, sufficient, or incompetent staff in their fields. Moreover, the facilities and infrastructures in dealing with the threat of transnational crime, especially in maritime border areas, have become a priority requirement in handling. The need for patrol boats in related agencies with supervision is quite urgent. The development of shipping technology that is not owned by each institution make the perpetrators of crimes just get away when they are about to be arrested. This was happened due to the patrol boats owned by law enforcement officers in Indonesia were less modern than the perpetrators of the crime. Limited resources, especially facilities/infrastructure and personnel made it hard to do their job well. The examples of cases in the field, that the Indonesian Navy is currently one of the agencies that have patrol boats. However, the need for high speed diesel (HSD) fuel for these ships can only be met in Bitung. This condition makes the patrols carried out by the Indonesian Navy at the border ineffective. Therefore, the Indonesian Navy really hopes that Pertamina can build HSD filling facilities on islands directly bordering the sea with neighbouring countries. Moreover, budget availability is still a classic problem faced by agencies regarding the amount of the budget and issues related to its management system.

3.3.3 Attitudes

According to Edward III in Winarno [12] suggests "tendencies or dispositions are one of the factors that have important consequences for effective policy implementation". If the implementers have a positive tendency or attitude or support for the implementation of the policy, there is a high probability that the implementation of the policy will be carried out in accordance with the initial decision. In this case, there is overlapping regulations among related agencies. Regarding the disposition among agencies related to security at sea, it seems that there are not many problems, the implementers in the field have implemented the policies from the leadership. This can be seen, for example, from the actions of the Indonesian Navy and PSDKP officers who often secure FADs in border areas according to orders from the center. In this case, the problem is that there are no regulations governing the use of FADs. As a result, the action taken by the apparatus is prone to be affected by the pre-trial process. The lack of synchrony between the will of the regions and the center causes obstacles in completing the work.

3.3.4 Bureaucratic Structure

The implementation of complex policies requires the cooperation of many parties. When the bureaucratic structure is not conducive to the implementation of a policy, this will lead to ineffectiveness and hinder the implementation of the policy. Length of Bureaucracy made it difficult to choose or to find the exact decision to be made as soon as possible. Moreover, the institutional instruments owned by several agencies are not yet completed. The lack of standard operational procedure (SOP), which regulates supervision of sea lanes against transnational crimes at sea.

4. Conclusion

In essence, the threat to the occurrence of transnational crimes in Indonesia is quite wide open considering the territory owned by Indonesia as an archipelagic country. This geographical condition also affects the difficulty of supervision carried out and is faced with the limitations of the facilities and infrastructure indicated that many transnational crimes that occur in Indonesia have not been handled properly. It is proven by the increasing trend in the number of transnational crime rates that continue to increase from year to year and it is made worse by the involvement of the community and unscrupulous security forces that choose shortcuts to seek profit by carrying out these illegal actions as happened in several research taken. From the results of the analysis, it was found that 4 types of crime dominate in Indonesia, especially in the Tanjung Balai area of Medan, North Sumatra, the findings are:

- a. Smuggling of illegal goods
- b. Drugs
- c. Human trafficking
- d. People smuggling

Based on the analysis above, in theory, George Edward II's policy is that there are several weaknesses in the 4 elements that have been determined in the theory, namely:

- a. Communication. It has not been running optimally, especially in terms of the span of control which is considered inefficient in terms of determining decisions on transnational crimes that occur.

b. Resources. The lack of facilities and infrastructure to support the handling of transnational crimes that absolutely must be fulfilled, both in terms of the limitations of patrol boats and personnel support.

c. Disposition. The implementation of complex policies requires the cooperation of many parties. When the bureaucratic structure is not conducive to the implementation of a policy, this will lead to ineffectiveness and hinder the implementation of the policy.

d. Bureaucratic Structure. There is overlapping regulations among agencies related to handling transnational crimes in Indonesia.

The root cause of the occurrence of transnational crime in Indonesia when generalized directly leads to three problems, namely first economic problems, where people with increasingly high economic demands prefer to carry out illegal activities because they are easy to obtain, the second is geostrategic where the position of Indonesia as an archipelagic country is very strategic both as a transit country and a destination country in relation to the occurrence of transnational crimes, the third is law enforcement that has not been optimal against perpetrators and the transnational crime network itself.

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