

International Law Enforcement Against Transnational Narcotics Smuggling In Indonesian Sea Lanes

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Abstract

Indonesia, as the world's largest archipelagic country, occupies a strategic position in the Asia-Pacific region, which makes its sea lanes vulnerable to transnational narcotics smuggling. Narcotics trafficking through Indonesian waters not only disrupts national security but also has far-reaching consequences for international security, global politics, and human rights. Despite existing international legal frameworks such as the 1982 United Nations Convention on the Law of the Sea (UNCLOS) and the 1961 Single Convention on Narcotic Drugs, Indonesia faces significant enforcement challenges. These include vast maritime borders, limited resources for surveillance, and the involvement of sophisticated international criminal syndicates. This research aims to analyze international law enforcement efforts in combating narcotics smuggling in Indonesian sea lanes, focusing on both legal frameworks and the practical challenges faced in enforcement. The study uses a normative legal research method, examining secondary data from legal documents, books, and journals. The results indicate that while international cooperation frameworks have been established, the effectiveness of narcotics law enforcement remains hindered by logistical and technological gaps. The study concludes that improving international collaboration, enhancing surveillance technology, and strengthening community-based preventive measures are essential for combating narcotics trafficking in Indonesian waters effectively.

Keywords: International Law Enforcement, Narcotics Smuggling, Indonesian Sea Lanes, International Cooperation

INTRODUCTION

Indonesia is known as the largest archipelagic country in the world, with its geographical location in a strategic cross position in the Asia-Pacific region. Strategic geographical conditions and having abundant marine natural resources clearly have advantages as well as consequences for securing marine security from various threats of violations in marine space. One of the cases in the sea waters of the archipelago that has an impact on increasing transnational crime is narcotics smuggling which can be called transnational crime (Abimanyu et al., 2024).

Illicit drug trafficking in a transnational perspective involves external parties (other countries) entering and making Indonesia not only a transit country but also a destination country for drug trafficking. Narcotics crimes are considered extraordinary crimes that can damage the order of life of a nation (Akbar, 2023). Drug crime is also very influential on international security, world politics, international trade and human rights. Drug crime is far more serious than terrorism or corruption because it has the most destructive power. Steven Casteel, a narcotics expert from the US DEA, once mentioned that narcotics are weapons of mass destruction that can be used to fight and destroy society (Aminuddin et al., 2023).

80% of foreign syndicates smuggle narcotics into Indonesia using sea routes. Of course, this requires a synergistic strategy to improve Indonesia's marine security (Zega et al., 2022). One of the cases of illegal cross-border narcotics circulation that has occurred in Indonesian sea lanes, namely: The arrest of 2 (two) suspects with the initials Az and Wa in the waters of Lhokseumawe, Aceh who are suspected of carrying narcotics on a small oskadon type boat from Thailand to Aceh by sea on Sunday (30/7/2023).

Indonesia's law enforcement efforts to handle narcotics smuggling are contained in Law No. 32 of 2014, the 1982 Convention on the Law of the Sea also explains that the eradication of narcotics trafficking is regulated in Article 108 of UNCLOS 1982, while the regulation of international narcotics trade has been regulated in The United Nation's Single Convention On Narcotic Drugs 1961 (Ananda et al., 2023).

Despite significant international frameworks and national regulations, the enforcement of laws against transnational narcotics smuggling faces practical challenges (Sa'beng et al., 2021). The vastness of Indonesian waters, coupled with limited resources and technological gaps in surveillance systems, creates opportunities for smugglers to bypass maritime security measures. Additionally, the involvement of sophisticated international syndicates with advanced logistics further complicates the enforcement process, demanding enhanced intelligence-sharing mechanisms among countries (Arto et al., 2019).

The role of international collaboration remains pivotal in addressing the issue. Collaborative efforts, such as joint maritime patrols, information exchange, and capacity-building initiatives, have shown promise but need further reinforcement (Hartono & Bakharuddin, 2023). For instance, Indonesia's partnership with neighboring countries under the ASEAN Narcotics Cooperation framework has been instrumental in monitoring drug trafficking routes. However, the success of such collaborations heavily depends on the commitment of all parties and the establishment of transparent protocols (De Ornay et al., 2022).

A critical aspect of combating narcotics smuggling is the integration of advanced technologies in maritime security (Sajidin et al., 2023). Tools like satellite surveillance, automated vessel tracking systems, and AI-driven data analytics can significantly enhance monitoring capabilities. Furthermore, the training of maritime enforcement personnel to operate these technologies is essential to ensure effective implementation and response to emerging threats (Djara, 2021).

Public awareness and education also play a crucial role in tackling the narcotics problem. While international laws focus on enforcement, preventive measures such as community engagement and anti-drug campaigns can reduce demand and deter potential smugglers.

Strengthening societal resistance to narcotics through education is as important as improving law enforcement capabilities (Gibran et al., 2023).

In summary, addressing narcotics smuggling in Indonesian waters requires a multi-faceted approach that combines robust international legal frameworks, cutting-edge technology, collaborative efforts, and community-based preventive measures. Without this comprehensive strategy, the efforts to curb transnational narcotics smuggling will continue to face significant challenges (Gukguk & Jaya, 2019).

The study by UNODC (2019) highlights the importance of international cooperation in combating transnational drug trafficking. It examines the role of international conventions such as the 1961 Single Convention on Narcotic Drugs and the 1988 Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. The research underscores the significance of synchronized enforcement efforts among countries, especially in regions with active trafficking routes like Southeast Asia.

Smith and Wallace (2020) explore the impact of technological advancements in maritime security on the effectiveness of narcotics smuggling prevention. Their findings reveal that countries employing advanced surveillance tools such as UAVs (Unmanned Aerial Vehicles) and AI-enabled vessel tracking systems report a higher success rate in intercepting illegal shipments. However, the study also notes that technology alone is insufficient without strong inter-agency and international cooperation.

Rahmat et al. (2022) focus on the challenges of enforcing the 1982 UNCLOS provisions in Southeast Asian waters, particularly in Indonesia. Their research identifies key barriers, such as inconsistent application of international law, corruption within enforcement agencies, and the lack of resources for patrolling vast maritime territories. The study recommends enhancing regional partnerships and capacity-building initiatives to address these issues effectively.

While previous studies have extensively discussed international cooperation and the role of technology in combating narcotics trafficking, there is limited research on the practical integration of these strategies within Indonesia's specific maritime context. Furthermore, little attention has been given to analyzing the effectiveness of local community-based approaches in reducing narcotics demand as part of a comprehensive strategy. This research aims to fill these gaps by focusing on both international and domestic dimensions of law enforcement against transnational narcotics smuggling in Indonesian sea lanes.

The novelty of this research lies in its holistic approach to addressing transnational narcotics smuggling in Indonesia. By combining an analysis of international legal frameworks, such as the 1982 UNCLOS and the 1961 Single Convention on Narcotic Drugs, with insights into local enforcement challenges, this study provides a unique perspective. Additionally, it integrates community-based preventive measures and advanced technological solutions, offering innovative strategies to tackle both supply and demand aspects of narcotics trafficking.

This study aims to analyze international law enforcement of narcotics crimes as one type of transnational transnational crime in Indonesian sea lanes using law enforcement theory.

Based on the above background, the author formulates a problem that focuses on:

- 1) How is international law enforcement against the criminal act of drug smuggling in Indonesian seas?
- 2) What is the view of the 1982 Law of the Sea Convention on combating narcotics trafficking?

This research offers several key benefits. Firstly, it provides policymakers and law enforcement agencies with actionable insights to strengthen international and domestic collaboration in combating narcotics trafficking. Secondly, it highlights the importance of adopting advanced technologies, ensuring a forward-looking approach to maritime security. Lastly, by emphasizing community engagement and education, this study contributes to building a society resilient to the threats of narcotics, promoting long-term societal well-being and security.

METHODS

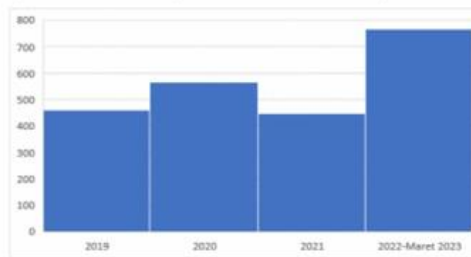
This research uses normative research methods by conducting a positive legal approach to laws and regulations and case studies using qualitative data types. The data sources used are secondary data obtained from sources in the form of official documents, books, journals, the internet and other sources related to this research.

RESULTS AND DISCUSSION

How is international law enforcement against drug smuggling in Indonesian seas?

Indonesia's vast waters make the opportunity for narcotics entry into Indonesia greater. Current efforts to enforce the Drug Trafficking Criminal Law have not been effective enough. Although it has been threatened with severe criminal penalties and handled by many parties, drug smuggling through sea routes continues to occur and makes Indonesia the highest smuggling country. Because of the fact that the abuse and illicit circulation of narcotics from year to year is increasingly worrying.

According to BNN, the overall case data of narcotics smuggling both from abroad and from within the country in 2019, 2020 to March 2023 shows that 461 cases in 2019, 568 cases in 2020, 449 cases in 2021, and 768 cases in 2022 to March 2023.



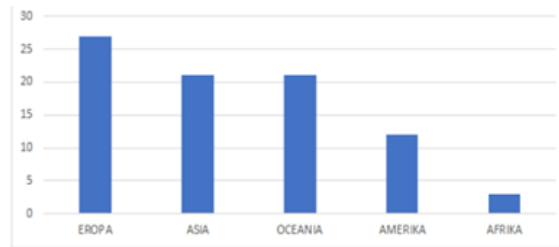
Tabel 1: Data Penyelundupan Narkotika di Indonesia

Sumber: Data Statistik Penanganan Narkotika Puslitdatin BNN IDR 2020 s.d Maret 2023

UNODC (United Nations Office on Drugs and Crime) states that there are 80% of other countries that smuggle narcotics into Indonesia by sea. Of course, there is a reason why Indonesia is the target of international narcotics trafficking, the reason is because Indonesia has a large market share and expensive selling prices. This could be because Southeast Asia is the largest producer of illegal drugs after the Golden Crescent or The Golden Triangle.

The Golden Triangle region is located on the border of Laos, Thailand and Myanmar and produces about 60% of the world's pure opium and heroin. Narcotics production in this area has reached its peak and is potentially addictive because there are certain types of paparver,

somniferum, and poppy plants that can produce heroin. The Golden Triangle region accounts for a \$160 billion heroin industry annually.



Tabel 2: Warga Negara Asing Terlibat Penyelundupan Kejahatan Narkotika Di Indonesia

The illicit circulation of narcotics in Indonesia through sea routes is divided into three main parts, in the western region through the Strait of Malacca, in the central region through the South China Sea and Sulawesi Sea and in the eastern part through Papua.

Geographically close to Indonesia's territory with the golden triangle and golden crescent areas, efforts to eradicate abuse and illicit circulation in neighboring countries such as Thailand, Malaysia, and Singapore instead make Indonesia a marketing area for international narcotics trafficking.

While geostrategically the island of Indonesia is a bridge of human and goods traffic between Asia and Australia which is in the Indian and Pacific Ocean routes passed by international trade fleets.



Gambar 2. Pola peredaran gelap narkotika melalui jalur laut Indonesia
Sumber: Musren BNN 2023, War on Drugs-Indonesia Bersinar

The international law governing the criminal act of smuggling narcotics by sea is The United Nation's Single Convention On Narcotic Drugs 1961 which contains an international treaty that prohibits the production and supply of certain narcotics and drugs with similar effects except for substances that have been licensed for a specific purpose agreed on January 24 to March 25, 1961 at United Nations Headquarters. Some points of this convention, namely:

1. Drug Control: This Convention regulates the control of the production and distribution of narcotic substances and requires Member States to adopt appropriate national laws.
2. Drug List: The Convention lists certain narcotic drugs on a restricted list, including opium, cocaine, and morphine. Member States shall control the production and distribution of such narcotic substances.

3. Medical purposes: This Convention recognizes the use of narcotic substances for medical and scientific purposes. Member States shall ensure the availability of medicines for medical purposes without misuse.
4. International cooperation: The Convention encourages international cooperation in drug abuse prevention and law enforcement.

United Nations Convention on the Abuse and Illicit Circulation of Narcotic Drugs and Psychotropic Substances (known as the United Nations Convention on Narcotic Substances). The Convention was established to address the illicit circulation of narcotics and psychotropic substances , counter money laundering and control controlled shipping in international cooperation.

While in Indonesia, law enforcement is regulated in Law No. 32 of 2014 concerning marine affairs with the expectation that government agencies can regulate interests in the sea area to utilize, plan, supervise and control.

What is the view of the 1982 Convention on the Law of the Sea in combating narcotics trafficking?

The 1982 Law of the Sea Convention has relevant views on combating narcotics trafficking. Article 108 of UNCLOS 1982 says that all States should cooperate to combat illicit trafficking in illegal and psychotropic drugs by ship at sea, in accordance with international conventions.

The Convention aims to regulate international supervision of drug abuse and ensure cooperation between States in tackling narcotics trafficking on the high seas.

In the Indonesian context, narcotics trafficking is included in the category of unlawful and drug abuse has an impact on national social and economic aspects. Therefore, the handling of narcotics trafficking must involve international cooperation and comply with the provisions stipulated in the convention.

The 1982 Convention on the Law of the Sea (LOSC) establishes the basis for the use and protection of the sea, the seabed and the land beneath it, and the marine environment, including natural and cultural resources.

According to the 1982 Convention on the Law of the Sea, combating international drug trafficking requires relevant aspects, in particular:

1. International cooperation: The Convention emphasizes the importance of cooperative cooperation among States in combating drug trafficking. States should work together to combat illegal acts and lawlessness related to drug trafficking at sea.
2. Exceptions to freedom on the high seas: Although the Convention guarantees freedom of use of the high seas, there are some exceptions. One is a ban on drug and psychotropic trafficking at sea, and countries should work together to eliminate all forms of drug-related abuse of freedom of the seas.
3. Prevention of marine pollution: This convention also emphasizes the responsibility of countries to prevent and control marine pollution, including pollution related to the drug trade.

Therefore, the 1982 Convention on the Law of the Sea (LOSC) provides a legal foundation regarding addressing international narcotics trafficking in Indonesian sea lanes and invites international cooperation in eradication efforts.

CONCLUSION

International law enforcement against transnational narcotics smuggling in Indonesia's sea lanes remains a complex challenge. Despite established legal frameworks, such as the United Nations Single Convention on Narcotic Drugs 1961 and Indonesia's Criminal Law on Drug Trafficking, enforcement has proven insufficient, as narcotics smuggling persists, making Indonesia a primary destination for such activities. The 1982 Convention on the Law of the Sea (UNCLOS) provides a critical foundation for international cooperation, emphasizing the need for joint efforts among nations to combat illicit trafficking. However, the vast expanse of Indonesia's maritime territory, limited surveillance capabilities, and the involvement of sophisticated international syndicates pose significant hurdles. Addressing these challenges requires synergy between multiple stakeholders, including law enforcement agencies, government bodies, and international organizations. Strengthening collaboration, enhancing technological capacities, and promoting a multi-faceted approach—incorporating both enforcement and preventive measures—are imperative for bolstering Indonesia's maritime security and effectively curbing transnational narcotics smuggling.

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