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CRIMINALIZATION AND CRIMINAL LAW ENFORCEMENT OF CROSS-BORDER NARCOTICS TRAFFICKING AS MARITIME TRANSNATIONAL ORGANIZED CRIME IN THE WATERS OF THE RIAU ISLANDS

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Abstract

The geopolitical position of the Riau Islands Province along major international shipping routes makes its territorial waters vulnerable to being exploited as a major corridor for Maritime Transnational Organized Crime (MTOC) involving illicit narcotics trafficking. This study aims to analyze the legal qualifications and formulation of the criminalization of MTOC-based cross-border narcotics trafficking under Indonesian criminal law, as well as to evaluate the effectiveness and obstacles of criminal law enforcement and maritime interdiction in the waters of the Riau Islands. This research employs a combined normative-empirical legal research method (doctrinal-empirical legal research) using statutory, conceptual, and case approaches. Secondary data, consisting of legislation and court decisions, are complemented by primary data obtained through in-depth interviews with the National Narcotics Agency of the Riau Islands Province (BNNP Riau Islands), the Water and Air Police Directorate (Polairud), the Indonesian Navy, the Directorate General of Customs and Excise, and legal academics. The findings indicate that, substantively, Law Number 35 of 2009 on Narcotics and the New Criminal Code under Law Number 1 of 2023 have accommodated the extension of extraterritorial jurisdiction and corporate criminal liability. However, law enforcement at sea remains constrained by criminal procedural law that is predominantly land-centric. Operational obstacles include the lack of clarity in maritime criminal procedures, particularly concerning the chain of custody and digital evidence; inter-agency jurisdictional friction and overlapping authorities; limited maritime surveillance and radar technology; and the socio-economic vulnerability of local fishermen who may be exploited as coastal couriers. This study recommends the formulation of a specific maritime criminal procedural framework (lex specialis), the establishment of a single agency command mechanism, modernization of maritime surveillance technology, and the strengthening of economic empowerment programs for coastal communities.

Keywords: Criminalization, Narcotics, Maritime Transnational Organized Crime, Maritime Interdiction, Riau Islands.

I. INTRODUCTION

The Riau Islands Province occupies a crucial geopolitical and geostrategic position on the maritime map of Southeast Asia. Geographically, the region, encompassing the waters of Batam, Karimun Regency, and the Natuna Islands, stretches along the Straits of Malacca and Singapore, one of the world's busiest international shipping chokepoints , connecting the Indian and Pacific Oceans (Pramono & Ramadhani, 2023). However, this high level of maritime traffic and close connectivity between countries pose significant security vulnerabilities. The physical characteristics of the Riau Islands, dominated by ocean (over 96%) and thousands of small islands, create conditions where national borders are very open .

The vulnerability of surveillance in these waters is exacerbated by the proliferation of unofficial corridors, locally known as "rat ports" (Fitriani et al., 2024). This geographic gap is exploited by international criminal networks to use the waters of the Riau Islands as a primary corridor (international drug trafficking route) for smuggling narcotics into Indonesian territory. This escalating threat is marked by a fundamental shift in the modus operandi of transnational organized crime syndicates (Maritime Transnational Organized Crime /MTOC). International drug networks are massively expanding their operational tactics from land and air routes to a complete sea-based transformation (maritime transit) (United Nations Office on Drugs and Crime [UNODC], 2023). In practice in the waters of the Riau Islands, this syndicate relies on disguises using local fishing vessels, ship -to-ship transfer methods in the middle of the open sea, and the use of smart communication facilities based on strict encryption to deceive law enforcement radar (Siregar & Utomo, 2024).

This phenomenon confirms that the position of the Riau Islands waters is no longer merely functioning as a transit area , but has transformed into a control center and strategic distribution hub that supplies large-scale narcotics to various islands and major cities in Indonesia (National Narcotics Agency [BNN], 2024). The increasingly complex dynamics of maritime crime have prompted an urgent need for reform and restructuring of criminal law, given that maritime law enforcement faces both normative and practical challenges. Normatively, enforcement of cross-border narcotics crimes is hampered by limitations in maritime law enforcement jurisdiction . The formulation regulated in Law Number 35 of 2009 concerning Narcotics and the principles of extraterritorial criminal acts in Law Number 1 of 2023 concerning the Criminal Code (New Criminal Code) must be carefully synchronized with the international maritime law regime, especially the United Nations Convention on the Law of the Sea (UNCLOS 1982) (Rosadi & Supriyanto, 2023).

The unclear boundaries of enforcement authority in the territorial sea regime, additional zones, and the Exclusive Economic Zone (EEZ) often limit investigators' room for maneuver when conducting hot pursuits of foreign-flagged narcotics-carrying vessels. In addition to normative uncertainty, maritime criminal law enforcement in the Riau Islands faces practical challenges in the form of overlapping jurisdictions among multiple maritime law enforcement agencies. The existence of various agencies with maritime patrol and enforcement authority, such as the National Narcotics Agency (BNN), the Water and Air Police (Polairud), the Indonesian Navy (TNI AL), the Maritime Security Agency (Bakamla), and the Directorate General of Customs and Excise, often creates institutional sectoralism and hinders operational coordination in the field (Hutabarat & Wibowo, 2024).

This institutional friction directly impacts the effectiveness of criminalization formulations, the availability of valid evidence (chain of custody), and the efficiency of interdiction against the intellectual actors of transnational crime. Without legal reconstruction and the establishment of integrated law enforcement mechanisms, the waters of the Riau Islands will continue to be vulnerable to transnational organized drug crime. Based on the background description and literature review above, this study focuses on two main issues: How are the qualifications and formulation of criminalization for cross-border narcotics trafficking based on Maritime Transnational Organized Crime (MTOC) in Indonesian criminal law? What are the effectiveness and obstacles in enforcing criminal law and maritime interdiction against cross-border narcotics trafficking in the waters of the Riau Islands?

II. LITERATURE REVIEW

Doctrinally, the study of transnational drug crime is rooted in the development of criminalization policies outlined by international legal instruments. The 1988 United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances and the 2000 United Nations Convention Against Transnational Organized Crime (UNTOC) laid the legal foundation for participating countries to define organized crime, transnational crime mechanisms, and money laundering as integral parts of counter-narcotics efforts (Boister, 2021). Previous research by Betti (2022) emphasized that UN convention-based criminalization requires harmonization of domestic criminal law that not only targets street-level offenders , but also intellectual actors (masterminds) through the doctrine of corporate criminal liability and the expansion of the extraterritorial principle.

In the national context, the normative mapping conducted by Danil and Febrian (2023) shows that although Law Number 35 of 2009 concerning Narcotics has adopted the spirit of the 1988 Convention, its regulations still tend to focus on conventional land-based crimes, thus often creating a formulation vacuum (normative gap) when faced with organized crime schemes that exploit maritime space. On the other hand, literature on maritime law enforcement intensively examines the doctrines of jurisdictional enforcement in territorial waters based on the 1982 United Nations Convention on the Law of the Sea (UNCLOS). Maritime studies emphasize the importance of technical instruments such as maritime interdiction , the right of visit , and the doctrine of hot pursuit as the main repressive means of prosecuting vessels suspected of carrying out illegal activities at sea (Kraska & Pedrozo, 2022). Research by Roach (2021) underlines that the implementation of hot pursuit from territorial waters to the Exclusive Economic Zone (EEZ) or high seas often faces complex procedural obstacles, particularly regarding the requirements for continuity of pursuit and the legality of physical action against foreign-flagged vessels.

In the context of maritime law enforcement in Indonesia, a study by Marzuki et al. (2024) revealed that maritime interdiction actions in maritime border areas are often hampered by the fragmentation of domestic formal legal regulations that have not synchronized the authority of criminal procedure law (integrated criminal justice system) between specific sea patrol agencies. Novelty / Research Gap Statement : Most previous literature tends to examine narcotics criminal law enforcement and maritime law enforcement separately (partial examination). Criminal law studies generally focus on the normative substance of the Narcotics Law on land or rehabilitation, while maritime law studies are often limited to issues of maritime sovereignty and territorial jurisdiction in general.

The academic vacuum (research gap) filled by this article lies in the holistic integration between material and formal criminal law with the Maritime Transnational Organized Crime (MTOC) regime, which is specifically constructed on the geographical characteristics of open borders and the dynamics of rat ports in the waters of the Riau Islands.

III. RESEARCH METHODS

This research uses a combination of normative-empirical legal research (doctrinal and empirical legal research) to analyze legal norms substantially and at the same time test their application in the reality of maritime law enforcement in the field (Irianto & Shidarta, 2022). The research approach applied includes a statute approach to examine Law No. 35 of 2009 concerning Narcotics, Law No. 1 of 2023 (New Criminal Code), Maritime Law, as well as international legal instruments such as UNCLOS 1982 and UNTOC. In addition, a conceptual approach is also used to dissect the MTOC doctrine, extraterritorial jurisdiction, and maritime interdiction , which is strengthened by a case approach through studies of court decisions and incidents of interception of narcotics vessels in the waters of the Riau Islands (Marzuki et al., 2024).

The data sources in this study consist of secondary legal materials and primary data. Secondary legal materials come from primary legal materials in the form of laws and regulations, international conventions, and decisions of the Batam/Tanjungpinang District Court, as well as secondary legal materials such as reputable scientific journals, criminal law textbooks, and official BNN reports. Meanwhile, primary data was obtained through field research techniques using structured in -depth interviews with key stakeholders in the Riau Islands Province, including investigators from the Riau Islands National Narcotics Agency (BNNP), the Riau Islands Regional Police Water Police Directorate, the Indonesian Navy Main Base (Lantamal) IV, the Riau Islands Special DJBC Regional Office, and maritime criminal law academics (Sonata, 2023).

Data analysis was conducted qualitatively using prescriptive-evaluative analysis methods. Normative legal materials and empirical data from interviews were systematically processed through data reduction, legal issue categorization, and verification of the correlation between material/formal criminal norms and the MTOC phenomenon in Riau Islands waters. Data validity was tested using source and method triangulation techniques to ensure the objectivity of the findings (Muhaimin, 2020). Furthermore, conclusions are drawn using deductive thinking methods by confronting general legal premises and maritime doctrine with empirical findings in the field, resulting in recommendations for the reconstruction of criminal law and law enforcement policies that are solution-oriented.

IV. DISCUSSION

Formulation and Criminalization of Cross-Border Narcotics Trafficking Based on MTOC in Indonesian Criminal Law

The results of the study show that the construction of Indonesian material criminal law as regulated in Law Number 35 of 2009 concerning Narcotics (Narcotics Law) basically contains broad criminalization norms for various forms of acts (actus reus). In the context of narcotics crimes based on Maritime Transnational Organized Crime (MTOC) in the waters of the Riau Islands, actus reus is not only limited to the act of possessing, storing, or controlling, but also includes the qualification of the act of importing, exporting, crossing, moving, or distributing narcotics illegally (Article 113 and Article 114 of the Narcotics Law).

However, analysis of legal norms shows that there are limitations in technical formulations in reaching modern maritime modus operandi, such as the practice of transferring cargo from ship to ship (ship-to-ship transfer) in border waters or the use of coastal couriers who are often paid using a disconnected system. Regarding mental state (mens rea), proving the elements of misery or knowledge (knowledge/intent) in maritime crime perpetrators often faces doctrinal challenges. In MTOC crimes, international syndicates deliberately exploit the blind courier doctrine , disguising narcotics cargo in the holds of fishing vessels without the full knowledge of all crew members.

In the context of the New Criminal Code (Law Number 1 of 2023 concerning the Criminal Code), there has been a significant conceptual shift through the renewal of the general principles of criminal law. The New Criminal

Code contains a firmer formulation regarding intent as an intention (dolus directus), misery as an awareness of possibility (dolus eventualis), and a restructuring of the forms of participation (deelneming) and evil agreement (poging/samenspanning) in Articles 20 and 21 of Law No. 1/2023 (Rosadi & Supriyanto, 2023).

This norm adjustment is crucial to reach every individual involved in the maritime supply chain, even if the perpetrator is on a vessel passing through the Exclusive Economic Zone (EEZ) or the high seas. The integration of the provisions of the New Criminal Code with the Narcotics Law strengthens the qualifications for organized crime . In Article 600 in conjunction with Article 601 of the New Criminal Code, crimes committed in an organized manner and across national borders are recognized as extravagant crimes, allowing for the systematic application of increased penalties. Based on secondary data in the form of copies of court decisions at the Batam District Court and Tanjungpinang District Court for the 2022–2025 period, the qualifications for the charges by the Public Prosecutor still mostly rely on Article 114 paragraph (2) in conjunction with Article 132 paragraph (1) of the Narcotics Law concerning attempted or criminal conspiracy.

However, primary findings from interviews with academics and investigators from the Riau Islands National Narcotics Agency (BNNP) confirm that the formulation of criminal conspiracy in the Narcotics Law often faces evidentiary obstacles when the intellectual actor controls the operation of the ship from abroad (remotely controlled), so that it is necessary to strengthen the norms of organized crime in line with the 2000 UNTOC Convention (Boister, 2021). Conventional criminalization strategies focused on corporal punishment for physical offenders on board ships have proven ineffective in disrupting the MTOC business chain. Therefore, the application of the corporate criminal liability doctrine and the use of Money Laundering (TPPU) instruments have become strategic tools for dismantling mastermind networks or intellectual actors.

In the realm of maritime crime in the Riau Islands, shipping corporations, fishing vessel owners (shipowners), and shipping agency companies often function as means (criminogenic vehicles) to disguise the proceeds of crime and facilitate the logistics of cross-border narcotics transportation. The Narcotics Law (Articles 130–136) and the New Criminal Code (Articles 45–55) have explicitly adopted corporations as subjects of criminal law. In the New Criminal Code, the criteria for corporate criminal liability are expanded through the doctrines of identification theory and strict liability , where corporations can be punished if the act is committed by a person holding a functional position for and on behalf of the corporation, or if the corporation allows the crime to occur without taking preventive measures (failure to prevent) (Danil & Febrian, 2023).

In the cross-border narcotics circulation in the Riau Islands, the ensnarement of shell shipping corporations established in offshore areas has become a very important legal instrument for confiscating assets (asset recovery) in the form of fleets of ships, property assets, and bank accounts belonging to the syndicate. In addition to the corporate liability doctrine, the implementation of Law Number 8 of 2010 concerning the Prevention and Eradication of Money Laundering Crimes (UU TPPU) in a follow-the-money manner has proven to be the most effective means of criminalization to reach intellectual actors outside of Indonesia's jurisdiction.

Based on empirical data from the Riau Islands National Narcotics Agency (BNNP) and the Riau Islands Regional Police Narcotics Directorate (Ditresnarkoba), financial transactions of maritime narcotics networks in Riau Islands waters no longer use direct conventional bank transfers, but have transformed into a combination of shadow banking (underground banking/hawala), the use of crypto assets, and the use of unlicensed foreign exchange corporations (KUPVA). By combining the case files of the predicate crime of narcotics with the crime of money laundering, investigators have the legal authority to freeze cross - border assets and impose cumulative fines and confiscate the assets of the corporations involved (Betti, 2022).

Based on the synthesis of normative data and empirical findings in the field, the author analyzes that the current Indonesian criminal law formulation policy is still experiencing a lagging effect (lagging response) in keeping up with the speed of transformation of the MTOC modus operandi in the waters. Dogmatically, the regulations in Law No. 35/2009 are land-centric in character , so that when faced with the maritime geographical characteristics of the Riau Islands which are based on open borders , law enforcers are often forced to carry out extensive interpretations of procedural and material legal norms. The author believes that the New Criminal Code (Law No. 1/2023) offers an opportunity for systemic improvement through the codification of modern criminal law principles. However, its effectiveness depends heavily on sectoral harmonization with the Narcotics Law, which is currently undergoing legislative revision. The author suggests two reorientations for criminal law formulation:

1. Reconstruction of Material Criminalization: There is a need for the formulation of specific qualifying offenses related to "Organized Maritime Narcotics Crime" in the upcoming Narcotics Law, which specifically criminalizes acts of facilitating maritime logistics, providing unofficial ports (rat ports), and the use of maritime transportation facilities for the purpose of illicit trafficking as offenses that increase sanctions (qualified offenses).

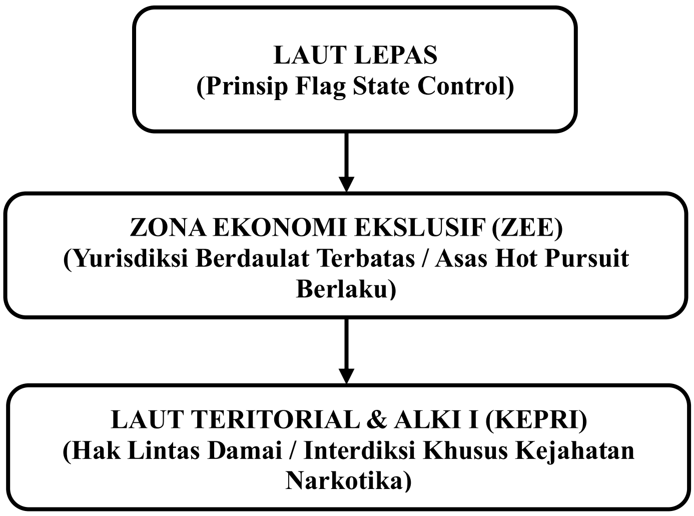
2. Implementation of the Dual-Track Approach to Intellectual Actors: Action against masterminds should no longer focus solely on imprisonment (retributive justice), but must integrate an economic-based law enforcement approach through corporate crime and TPPU simultaneously. Proof of the mens rea element in intellectual actors must be shifted from the conventional pattern (direct evidence) to the pattern of circumstantial evidence (indirect evidence) and financial trail analysis , so that legal loopholes that utilize the blind courier doctrine on board can be closed permanently.

The alignment between the domestic criminal law framework and the international legal regime is an absolute requirement in combating narcotics-based Maritime Transnational Organized Crime (MTOC). Indonesia has ratified the 1988 UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances through Law Number 7 of 1997 and the 2000 UN Convention Against Transnational Organized Crime (UNTOC) through Law Number 5 of 2009. Article 17 of the 1988 UN Convention explicitly regulates the obligations of state parties to establish international cooperation in preventing and taking action against the illicit trafficking of narcotics at sea (illicit traffic by sea). In the context of law enforcement in the waters of the Riau Islands, the substance of Law No. 35 of 2009 concerning Narcotics has basically adopted the general principles of the convention, especially regarding the confiscation of assets, the criminalization of predicate crimes, and the recognition of the mechanism of mutual legal assistance in criminal matters (Mutual Legal Assistance in Criminal Matters / MLA).

However, primary data analysis from interviews with law enforcement officials and international legal experts indicates that this normative alignment still leaves operational obstacles, particularly in the procedures for boarding , searching, and detaining foreign vessels on the high seas or border waters before they are placed under Indonesian territorial jurisdiction (Boister, 2021). Domestic criminal law doctrine remains heavily tied to conventional legality principles that require physical sovereignty, while the MTOC exploits the flexibility of international maritime boundaries.

Maritime criminal law enforcement in the Riau Islands Province is directly confronted with the complexity of the Indonesian Archipelagic Sea Lanes (ALKI) I regime and the territorial sea directly bordering the Singapore Strait and the Malacca Strait. Based on the United Nations Convention on the Law of the Sea (UNCLOS 1982), foreign-flagged vessels passing through the territorial sea enjoy the right of innocent passage , while those passing through the ALKI I route enjoy the right of archipelagic sea lanes passage . Based on Article 27 of UNCLOS 1982, the criminal jurisdiction of a coastal state cannot be exercised on a foreign vessel passing through, unless the consequences of the crime are felt by the coastal state, the crime disturbs the peace or order of the territorial sea, or if such action is necessary to suppress illegal narcotics traffic.

SKEMA YURISDIKSI PIDANA MARITIM (UNCLOS



Normative and practical challenges arise when foreign-flagged vessels carrying narcotics turn off their automatic identification systems (AIS) or transfer illicit goods ship -to-ship in the additional zone or EEZ, then immediately switch to entering the ALKI I route under the cover of the right of archipelagic sea lane passage Within the framework of Indonesian criminal law, the expansion of the principle of extraterritorial jurisdiction as regulated in Articles 4 to 8 of the New Criminal Code (Law No. 1/2023) adheres to the protective principle and the universality principle (Rosadi & Supriyanto, 2023). The New Criminal Code provides a stronger legal basis for Indonesian law enforcement officials to reach criminal acts that occur outside of Indonesia's territorial territory as long as the crime is detrimental to national interests or constitutes an international crime.

maritime criminal procedure regulations often trigger legal doubts for investigators from Polairud, BNN, and the Indonesian Navy when they have to conduct arrest (right of visit) and stop foreign vessels transiting without the approval of the flag state of the vessel (Kraska & Pedrozo, 2022).

Based on the synthesis between international law, national norms, and empirical dynamics in the Riau Islands, the author provides three fundamental points of analysis:

1. Dualism of Sovereignty Norms vs. Transnational Law Enforcement: There is an unresolved conflict between the protection of the right of passage of foreign vessels under international maritime law (UNCLOS 1982) and the urgency of combating transnational organized crime. MTOC perpetrators exploit this legal loophole in a structured manner by using ALKI I as a "legal fortress" to avoid surprise inspections by Indonesian patrol officers.
2. Weaknesses of Special Maritime Criminal Procedure : The New Criminal Code has indeed materially expanded the scope of extraterritorial jurisdiction. However, Indonesia does not yet have a unified maritime criminal procedure law (lex specialis system). The current Criminal Procedure Code (KUHAP) is designed for land -based crimes , so that when applied to ship-to-ship interdiction procedures or securing evidence on board foreign vessels in the EEZ/ALKI I, issues of formal validity of evidence in court (procedural defects) often arise.
3. The Urgency of a Bilateral Ship-Rider Agreement : To optimize harmonization of the 1988 UN Convention, Indonesia cannot rely solely on domestic legislation. The author suggests the establishment of a formal bilateral cooperation scheme, specifically a Ship-Rider Agreement with neighboring countries in the Strait of Malacca (Singapore and Malaysia) and flag states frequently used by transiting ships in the Riau Islands region. This scheme provides full legality for Indonesian authorities to board and search and take action against foreign vessels without sacrificing the stability of maritime diplomacy.

Evaluation of Criminal Law Enforcement and Maritime Interdiction in the Waters of the Riau Islands

Criminal law enforcement against the Maritime Transnational Organized Crime (MTOC) network in the waters of the Riau Islands demands high operational precision in maritime interdiction actions . Based on secondary data analysis of narcotics crime cases handled at the Batam District Court and the Tanjungpinang District Court, the dominant modus operandi includes the use of medium-tonnage wooden fishing vessels, ship-to-ship transfers at blind spots , and the use of specially designed secret compartments (double bottoms/false bulkheads) on the ship's hull. Intercepting large-scale narcotics vessels in the waters off Batam and Karimun is often carried out through maritime intelligence -led policing . However, the enforcement process in these waters triggers a series of formal criminal procedural issues that could potentially weaken the prosecution's position in court (Hutabarat & Wibowo, 2024).

The main formal legal issues center on three crucial aspects: the legality of coercive action at sea, securing the chain of custody of evidence , and the validity of digital evidence . First, procedures for searching and seizing vessels on the high seas or in border areas often conflict with the land -centric provisions of the Criminal Procedure Code (KUHAP) . The Criminal Procedure Code (KUHAP) requires a search warrant or permission from the Chief Justice of the local District Court, a formal requirement that is practically impossible to fulfill immediately when a patrol boat conducts an emergency interception at sea. Second, securing the chain of custody of large-scale narcotics evidence seized from fishing vessels is highly vulnerable.

Extreme sea wave conditions, the process of transferring evidence from the ship's hold to the patrol fleet, and the length of the voyage to the nearest port are often used as loopholes by the defendant's legal counsel to question the integrity, continuity of sealing, and authenticity of the net weight of the evidence (Marzuki et al., 2024). Third, proving MTOC crimes relies heavily on electronic evidence such as ship GPS navigation data, satellite phone logs, and encrypted text messaging conversations. In judicial practice in the Riau Islands, the extraction and digital forensics of electronic evidence conducted on board ships without standardized maritime forensic laboratory Standard Operating Procedures (SOPs) often sparks debate over the legality of data acquisition under the Electronic Information and Transactions Law (UU ITE).

The dynamics of maritime law enforcement in the Riau Islands are characterized by complex institutional challenges resulting from the fragmentation of authority among maritime patrol agencies. Within the same waters, at least five primary agencies have enforcement authority under their respective organic laws: the National Narcotics Agency (BNN RI / BNNP Kepri), the Water Police (Polairud Polda Kepri), the Indonesian Navy (Lantamal IV), the

Directorate General of Customs and Excise (Kanwil DJBC Khusus Kepri), and the Maritime Security Agency (Bakamla). overlapping jurisdiction often creates multi-agency friction in the field (Fitriani et al., 2024). Although joint operations are frequently planned, sectoral egos regarding claims of credit , differences in operational budget allocations, and the lack of integration of maritime radar and intelligence systems between agencies have prevented interdiction efforts from running efficiently and consistently. cross-border narcotics crimes in Riau Islands waters faces complex cross- border law enforcement governance . The geographic characteristics of the Riau Islands, which directly border neighboring countries, require direct, real-world coordination with foreign maritime authorities, such as the Singapore Police Coast Guard (SPCG) and the Malaysian Maritime Enforcement Agency (MMEA).

However, existing coordination channels are still dominated by formal diplomatic mechanisms based on Mutual Legal Assistance (MLA) or extradition, which require relatively lengthy bureaucratic processes. In the context of maritime operations that require real-time interdiction , the lack of tactical protocols that allow direct communication or pursuit schemes at maritime borders often allows smuggling vessels to escape into neighboring countries' jurisdictions (Siregar & Utomo, 2024). Based on a juridical-empirical analysis of enforcement practices in the waters of the Riau Islands, the author formulates three critical points of analysis regarding the effectiveness and obstacles of the maritime criminal law enforcement system. The weak evidentiary position in maritime narcotics cases in court is due to the forced use of the land Criminal Procedure Code to address the dynamic characteristics of maritime crime.

lex specialis) is necessary in Indonesian criminal procedural law concerning Maritime Criminal Procedure . This rule must provide legal discretion for maritime investigators, such as the legality of conducting emergency searches at sea without prior court authorization, as well as the authority to legally acquire digital forensic evidence directly on board ships. To anticipate the invalidation of evidence due to allegations of contamination or manipulation during the voyage to land, the National Narcotics Agency (BNN) and maritime agencies need to develop an accredited inter-agency Standard Operating Procedure (SOP) for handling evidence at sea (maritime evidence handling protocol). This SOP must include the obligation of continuous video documentation (body-worn cameras and vessel surveillance) from the time the evidence is lifted from the hold until it is handed over to the forensic laboratory.

The current integration of integrated patrols remains ad hoc and prone to sectoral egos. The author recommends the establishment of a Maritime Joint Interdiction Command Center specifically for the Riau Islands region, under a single integrated operational command. This command center will function to unify maritime domain awareness (MDA) data, effectively divide patrol zones, and serve as a single point of real-time tactical communication with the Malaysian MMEA and the Singaporean SPCG. The effectiveness of criminal law enforcement against Maritime Transnational Organized Crime (MTOC)-based narcotics trafficking in the Riau Islands Province faces interconnected, multidimensional obstacles. Based on law enforcement evaluation criteria, these obstacles are classified into three main aspects: legal/normative factors, logistical and geographical factors, and socio-economic factors in coastal communities.

a. Legal/Normative Factors: Absence of a Single Agency for MTOC Operations

The substantive legal obstacle lies in the absence of a regulatory basis that explicitly functions or designates a single agency /single-window command that holds full authority over the prosecution of organized maritime crime. Although Law Number 32 of 2014 concerning Maritime Affairs has authorized the Maritime Security Agency (Bakamla) to conduct security and safety patrols in Indonesian waters, other sectoral laws such as the Narcotics Law (BNN), the Police Law (Polairud), the Indonesian National Armed Forces Law (TNI AL), and the Customs Law (Bea Cukai)—still provide independent investigative and enforcement authority (standalone authority). The lack of harmonization of laws and regulations requiring unified operational commands has resulted in each agency acting based on its own operational standards and institutional priorities. This situation creates a legal gap where the handling of MTOC cases requiring rapid response decisions is often hampered by cross-sectoral bureaucratic processes (Hutabarat & Wibowo, 2024).

b. Logistical and Geographical Factors: Water Area and Patrol Technology Limitations

Geographically, the Riau Islands' waters encompass more than 96% of the province's total area, dominated by thousands of small islands, narrow straits, and unofficial routes (rogue ports). The vastness of these open waters is disproportionate to the availability of maritime law enforcement facilities and infrastructure. Empirical data from the field shows that the patrol boat fleet belonging to law enforcement agencies in the Riau Islands still faces limitations in quantity and quality of technical specifications. Many patrol boats are not yet equipped with advanced navigation and remote sensing technology, such as Automatic Radar Plotting Aid (ARPA) radar, depth sonar systems, and thermal imaging night vision . As a result, when international syndicate ships move during blackout navigation or move goods in border zones during bad weather conditions, the patrol apparatus' surveillance range becomes very limited (Marzuki et al., 2024).

c. Socio-Economic Factors: Exploitation of Local Fishermen as Coastal Couriers

Besides legal and technical factors, the most crucial obstacle at the local level stems from the socio-economic conditions of coastal communities. International drug syndicates systematically exploit the economic vulnerability of traditional fishermen and coastal communities in the Riau Islands to recruit them as local couriers (coastal couriers Limited income from the fisheries sector, high fuel price fluctuations, and limited access to alternative employment opportunities have lured some fishermen into the lucrative financial rewards offered by transnational crime networks. These fishermen are exploited to pick up narcotics cargo at border waters (ship-to-ship) or provide temporary storage services on remote islands before being transported to the mainland of Batam or Bintan.

The existence of local courier networks that blend in with people's shipping activities makes it difficult for authorities to distinguish between fishermen who are purely fishing and perpetrators affiliated with organized crime networks (Fitriani et al., 2024; Siregar & Utomo, 2024). Based on the synthesis of the normative, technical, and socio-economic obstacles above, the author formulates three critical analysis points related to the strategy for combating maritime narcotics crime in the Riau Islands. The author assesses that the current ad-hoc coordination pattern is no longer adequate to keep up with the speed of MTOC syndicate operations. There is a need for the establishment of integrated maritime law enforcement regulations that specifically establish a single command (Single Agency Command) for the prosecution of Maritime Transnational Crime , where the BNN, Polairud, TNI AL, and Customs are under the same tactical integration during interdiction operations.

Geographical barriers and patrol fleet limitations cannot be resolved simply by quantitatively increasing the number of vessels. The author recommends investing in strengthening digital Maritime Domain Awareness (MDA) in the Riau Islands waters, namely by integrating all coastal radar stations, satellite data, and Unmanned Aerial Vehicle (UAV/sea drone) surveillance owned by all agencies into a centralized monitoring system supported by artificial intelligence (AI anomaly detection) to detect suspicious vessel movements in real-time . A penal approach alone will always lead to a dead end if the root causes of local fishermen's socio-economic problems are not addressed. The author believes that local governments, along with the National Narcotics Agency (BNN), need to launch a non-penal program to strengthen coastal economies and establish "Shining Coastal Villages" (Clean from Narcotics). Through this approach, fishermen are no longer positioned as a vulnerable group recruited as coastal couriers , but rather transformed into community-based maritime intelligence partners who actively report the movement of foreign vessels or suspicious activity in their residential waters.

V. CONCLUSION AND SUGGESTIONS

Legally, the formulation of criminalization of narcotics crimes based on Maritime Transnational Organized Crime (MTOC) in Indonesian criminal law has basically been accommodated through the norms of Law No. 35 of 2009 as well as the expansion of the principle of extraterritoriality and corporate responsibility in the New Criminal Code (Law No. 1 of 2023). However, the effectiveness of maritime law enforcement and interdiction in the waters of the Riau Islands is still faced with the limitations of criminal procedural law which tends to be land -centric , thus creating procedural vulnerabilities in coercive actions at sea, securing the chain of custody of evidence, and proving digital evidence. In addition, operational implementation in the field is still overshadowed by multidimensional obstacles, including the absence of a single agency command , friction of authority between maritime patrol agencies (overlapping jurisdiction), limitations of maritime sensing technology in patrol fleets, and exploitation of the socio-economic vulnerability of local fishermen as coastal couriers by international syndicates. The government and the House of Representatives need to encourage the drafting of the Maritime Criminal Procedure (Special Maritime Criminal Procedure Law) as lex specialis through both the revision of the Narcotics Law and integrated maritime law enforcement regulations to provide legal certainty over the discretion of action, the legality of ship-to-ship interdiction , the acquisition of digital evidence at sea, and the affirmation of a single operational command (Single Agency Command) for organized maritime crime. (BNN), along with all maritime agencies, needs to establish an integrated Maritime Joint Interdiction Task Force in the Riau Islands, supported by modernized Maritime Domain Awareness (MDA) based on integrated radar/AI technology and cross-border tactical cooperation (bilateral ship-rider agreement). Furthermore, the Regional Government and BNN are required to strengthen coastal community economic empowerment programs to break the dependence of local fishermen on international drug syndicates.
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