



MARITIME SECURITY AND LEGAL ACCOUNTABILITY: CHALLENGES IN ENFORCING INTERNATIONAL MARITIME LAWS

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ABSTRACT

This study has explored the changing definition of maritime security and the difficulties involved in policing the international maritime law in a multi-jurisdictional and disjointed legal system. It investigated the maritime security has been extended by globalization, transnational crimes, and new non-traditional dangers like piracy, maritime terrorism, illicit fishing, trafficking, and environmental crimes and has shifted focus beyond traditional naval security. The study has critically evaluated the use of international maritime law, especially the United Nations Convention on the Law of the Sea (UNCLOS), and other specialized boundaries like SOLAS, MARPOL or even the SUA Convention in helping to apportion jurisdiction and creating legal accountability by imposing coastal, flag as well as port state duties. It also emphasized the importance of international collaboration, international institutional assistance by international bodies like the international maritime organization, INTERPOL, and UNODC, and local enforcement systems in the efforts to fill the enforcement gaps. The paper has found out endemic challenges such as the problem of jurisdiction, the lack of control of the weakest flag states, capacity, and the ineffectiveness of the legal regimes that exist in terms of the ability to pursue technologically advanced maritime crime. It has found that to enhance maritime security, international cooperation and harmonisation of domestic and international law, the existence of capacity building and political commitment are needed to support benefit the rule of law on the sea and to enhance effective legal responsibility in a more interconnected sea.

Keywords: *Maritime Security; International Maritime Law; Legal Accountability; Jurisdictional Challenges; Transnational Maritime Crime*



1. INTRODUCTION

Maritime security has become a new matter of concern in the current international legal system because to the growing strategic, economic, and environmental significance of the world waters. Seas and oceans play a critical role as channels of global trade, transportation of energy and communication, without which there is an absence of national and international interests. Nevertheless, maritime areas are susceptible to various security risks such as piracy, maritime armed robbery, maritime terrorism, unlawful maritime fishing, human trafficking, smuggling and even environmental crime. Strong international legal frameworks and cooperative enforcement mechanisms are necessary to provide safety, order, and responsibility on the high seas because these problems lack national boundaries.

The international law of the sea both developed mainly on the basis of conventions and customary norms tries to govern the foreign state activity and encourage fair exploitation of seas. There is a precise legal framework that specifies marine zones, jurisdictional, and duties of governments such as the UNCLOS. Despite this normative clarity, there are still several difficulties in properly implementing international maritime regulations. The principle of freedom of navigation, jurisdictional ambiguities, overlapping maritime claims, and other factors typically limit states' ability to take decisive enforcement actions, particularly when it comes to the maritime outside of their national jurisdictional areas.

The issue of legal responsibility in maritime security is also compounded by inequalities in state capacity and political goodwill. Although developed maritime countries can have sophisticated naval, surveillance and legal systems, there are myriads of coastal and developing states which are unable to effectively monitor and police their maritime realms due to the lack of resources. This biased enforcement capacity introduces legal loopholes that are taken by non-state actors and transnational criminal groups. In addition, lack of coordination between states is usually inhibited by dissimilarities in local legal frameworks, standards of evidence and prosecutorial interests, resulting in disparities in responsibility and punishment of marine crimes.

It is in this context that the application of international maritime laws is both challenging in terms of law and pragmatic necessitating the global resolve. Enhancing maritime security takes more than clear legal norms but also it entails international cooperation, capacity-building

measures and alignment of national legislation to international commitments. All these issues must be addressed to maintain the rule of law in the sea, maritime commons and proper accountability is in place to act in response to the changing threats at sea in a more interconnected world.

2. REVIEW OF LITERATURE

James Kraska (2025) examined how the law has affected and constrained state actions in maritime areas, emphasizing the relationship between maritime authority and the law of the sea. His research study stressed that the international maritime law, especially law of the sea framework, has played the function of facilitator and control of maritime power. According to Kraska, the law of the sea has restrained the use of power at sea through legal principles including freedom of navigation, sovereign rights, and dispute resolution procedures, at a time when states were increasingly deploying naval presence and seagoing policy to secure national goals. The work assisted in the comprehension of the conflict between the strategic maritime interests and the legal accountability under the international law.

Shanshan Li and Kenny S. Fung (2019) examined the implementation issues and legal aspects of Maritime Autonomous Surface Ships (MASS). Their paper discussed the way in which the current international maritime conventions were written to cover traditionally crewed ship and were thus poorly placed to deal with autonomous technologies. Control loopholes that are found by the authors include the responsibility of the vessels, liability, safety standards, and compliance with collision laws. They made a finding that although there was efficiency and safety benefit on the basis of technological advancements, lack of clear legal frameworks had brought about a serious challenge in enforcement, accountability as well as application of maritime law in a uniform manner.

Martin McNicholas (2016) presented an in-depth analysis of the issues of maritime security threats and governance. He talked about the expansion of maritime security to encompass the traditional naval defense to piracy, terrorism, trafficking, and environmental crimes. McNicholas underscored that despite the presence of international legal means through which these threats could be addressed, the implementation of this initiative had not been consistent because of fragmentation of jurisdictions, insufficient capacity among states as well as lack of



coordination. His work established a valuable conceptual base in future research by placing maritime security in a wide legal, political as well as operational environment.

S. K. Pandey (2023) carried out extensive research on the issues surrounding maritime security and marine insurance legislation in the twenty first century. The research analyzed the effects of the emerging maritime risks that included piracy, terrorism, cyber risks, and environmental risks on the maritime trade and insurance policy. Pandey pointed out that the existing legal and insurance regimes had been unable to keep up with these changes in risks because of the degeneration and non-harmonization of international maritime law and insurance practices. The author also stressed that to cope with current maritime security issues, it was crucial to enhance the legal accountability, enhance the risk assessment mechanisms and renew the insurance regulations.

Lazar Sotiroski (2016) discussed the position of the European Union in the international system of law of maritime safety. The paper examined the manner in which the EU policies and guidelines on maritime issues had been used to supplement the international conventions embraced in the international maritime law, especially those regarding vessel safety, environmental conservation and the control of ports. Sotiroski noted that the EU had been actively involved in the strengthening of enforcement standards through incorporation of international standards in regional laws. Nonetheless, the paper also revealed the problems accruing due to the jurisdictional overlaps between EU law and international conventions that at times resulted in complexity of regulation and inconsistency in enforcement.

Muhammad Usman et al., (2021) examined how transnational crime affects maritime enforcement and jurisdiction. Their research focused on how the international law of the sea's jurisdictional fragmentation has been misused by illicit fishing, drug trafficking, and human smuggling. The authors stated that inadequate interstate collaboration and the boundaries of flag nations' maritime jurisdiction have prevented successful implementation at sea. More legislative harmonisation and increased international cooperation with capacity-building to solve enforcement gaps in the current maritime legal frameworks were required to combat transnational maritime crime, according to the report.

3. CONCEPTUAL FRAMEWORK OF MARITIME SECURITY AND INTERNATIONAL MARITIME LAW

Maritime security and international law conceptual framework is the comprehensive reference point concerning the establishment of rules by which legal norms govern the activities within the sea and address the changing security threats. Maritime security has ceased to be concerned with the safeguarding of the naval interests or territorial integrity but is instead a wide range of issues associated with economic stability, human security, environmental safety and peace internationally. This broadened knowledge is manifested in international law documents that acknowledge the oceans as common areas in which there should be collective rule. By defining marine zones, allocating jurisdiction, and enforcing legally enforceable obligations on governments to regulate and deal with illicit activities at sea, international law of the sea plays a crucial role in creating this framework. Therefore, in order to assess the issues pertaining to enforcement and accountability, it is crucial to have a thorough grasp of the concept, scope, and legal basis of maritime security.

3.1. Meaning, Scope, and Evolution of Maritime Security

Maritime security is the concept of safeguarding the maritime spaces, maritime activity, and sea resources against any threat that can disrupt safety, stability and law order at sea. Conventionally, the issue of the maritime security was interpreted in a limited way as the question of naval protection, sovereignty of the state and defense against the inter-state military conflict. This classical tradition was based on classical principles of international law which focused on national sovereignty and freedom of navigation. However, the meaning of maritime security has evolved significantly as global trade has expanded and states have become more dependent on the sea for communication.

In the current era of international law, maritime security encompasses a wide range of non-traditional threats, including human trafficking, drug smuggling, illegal fishing, maritime terrorist acts, piracy, armed robbery at sea (which is covered by UNCLOS Article 100-107), and marine environmental pollution. The conventional concept of state-centric security is being disrupted by these transnational threats, which mostly do not involve state actors. The use of the idea of universal jurisdiction in eliminating pirates such as is done is evidence of the



realization that some marine acts pose hazards to the international society in general and that they demand communitarian legal action.

Maritime security has also expanded to cover the environment and developmental aspect. Part XII of the UNCLOS regulates the environmental crime issue, which includes oil pollution, dumping of hazardous materials, and unlawful exploitation of marine living resources, which gives the states responsibility, to protect and preserve the marine environment. This development proves that maritime security has a strong connection with sustainable development, human security and environmental governance. Therefore, today maritime security is a complex set of legal frameworks of military, legal, economic, humanitarian, and environmental policies, which require the international response instead of the implementation by individual countries.

3.2. International Legal Framework Governing Maritime Security

The primary sources of international law that oversee maritime security and aid in regulating behaviour at sea are treaty law, customary international law, and institutional processes. The fundamental aspect of this framework is the UNCLOS which is usually referred to as the Constitution of the Oceans. UNCLOS provides a legal framework that regulates the maritime areas comprising internal waterways, territorial waters, neighboring areas, exclusive economic zones, and the high seas. Under Articles 100, 108, and 110, it explicitly outlines the rights and responsibilities of the coastal nations, flag states, and port states. It also imposes an obligation to cooperate in the fight against piracy, illegal drug trafficking, and other maritime crimes.

There are also other specialized international conventions on particular maritime security matters in addition to UNCLOS. Pieces of evidence like Convention to the Suppression of Unlawful acts against the safety of Maritime navigation (SUA Convention, 1988) categorize the act of maritime violence and crime of terrorism as illegal and states are bound to prosecute or extradite the offenders. Environmental protection and vessel safety are covered by the treaties created under the auspices of the International Maritime Organization, such as the International Convention on the Safety of Life at Sea (SOLAS) and the International Convention on the Prevention of Pollution by Ships (MARPOL). Such conventions bind the states and ship operators with technical and operational standards that enhance preventive maritime security.

The customary international law also serves to complement treaties in strengthening various core principles of the freedom of navigation, non-violent use of the seas, appropriate respect to rights of other states, and the general obligation to cooperate. All these treaties, customary norms and institutional mechanisms constitute a complex but organized legal system that is intended to create a balance between state sovereignty and collective responsibility. Nevertheless, regardless of this comprehensive legal framework, there are still significant loopholes in its application and adherence, as well as in coordination, which further hinder the achievement of effective maritime security and legal responsibility.

Table 1 is a brief overview of the key international legal tools of maritime security, how they came into force and what their main objectives and provisions are with respect to security. It shows the development of the law of maritime security as a result of the complex of comprehensive conventions, specialized treaties, and custom principles.

Table 1: Key International Legal Instruments Governing Maritime Security

Legal Instrument	Year	Primary Focus	Key Provisions Relevant to Maritime Security
UNCLOS	1982	Comprehensive law of the sea framework	Defines maritime zones; allocates jurisdiction; Articles 100–107 (piracy), Article 92 (flag state jurisdiction), Part XII (marine environmental protection)
Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA Convention)	1988	Maritime terrorism and violence	Criminalizes unlawful seizure of ships, violence against navigation; establishes <i>aut dedere aut judicare</i> obligation
International Convention for the Safety of Life at Sea (SOLAS)	1974	Maritime safety and ship security	Sets minimum safety standards for ships; includes ship and port facility security measures

International Convention for the Prevention of Pollution from Ships (MARPOL)	1973/ 78	Marine environmental protection	Regulates pollution from ships; addresses oil spills, hazardous substances, sewage, and garbage
Convention on the High Seas	1958	High seas governance	Reinforced freedom of navigation; early provisions on piracy and flag state duties
FAO Agreement on Port State Measures	2009	Illegal, unreported, and unregulated fishing	Enables port states to deny port access to vessels engaged in illegal fishing activities
Customary International Law	—	Foundational maritime principles	Freedom of navigation, due regard, peaceful use of the seas, duty to cooperate

As presented in the table 1, the maritime security is governed by means of the layered legal framework with the UNCLOS being the basis and other conventions tackling particular threats. Although the framework is comprehensive, its usefulness relies on a structured practice and international collaboration, and enforcement issues are also emphasized.

4. LEGAL ACCOUNTABILITY MECHANISMS IN THE MARITIME DOMAIN

The maritime dimension of legal responsibility has been designed to be organized in manner that it encompasses a combination of domestic legal systems, international conventions, and customary international law. Contrary to a land jurisdiction, maritime law exists in stratiform maritime areas whereby law enforcement capacities differ depending on the location and the legal classification of the vessels. The international maritime law aims at avoiding the problem of legal vacuum in the sea by clearly defining the jurisdiction and the responsibility of states and simultaneously promoting the states to cooperate in dealing with international maritime offenses. But the effectiveness of these mechanisms in practice is determined by the degree to which states give effect and apply to them their international legal obligations.



4.1. Jurisdictional Regimes and State Responsibilities

The UNCLOS, which is the legal framework that contains the entire set of rules and regulations of sea jurisdiction and jurisdiction enforcement, may largely control the law of jurisdiction over the sea. Articles 2-12 Articles 2–12 grant coastal states total sovereignty over their territorial sea, up to a distance of 12 nautical miles, and the freedom to enact laws pertaining to immigration, criminal justice, customs, and the environment. This is in addition to the prosecution of crimes committed in territorial seas, such as smuggling, maritime pollution, and offenses related to piracy.

The coastal states have the sovereign rights in the Exclusive Economic Zone (EEZ) as defined in Articles 55-73 of the UNCLOS, and they are largely concerned with the exploration of resources, conservation and environmental preservation. The EEZ has less enforcement authorities, particularly when it comes to navigation and security-related crimes, which are often under the jurisdiction of the flag state. The principle of exclusive flag state jurisdiction is outlined in Article 92 of the High Seas. In the high seas, jurisdiction is primarily governed by the idea of exclusive flag state jurisdiction, which is necessary for the flag state to effectively control the ships flying their flag. According to UNCLOS, the universal jurisdiction over the subject of piracy is also generally recognized through Articles 100-107, in which any state can eradicate pirate vessels and prosecute them with crime. Nevertheless, any relaxation by flag states in the execution of the law regarding flags of convenience serves to undermine the legal duty.

To address these shortcomings, port state jurisdiction has emerged as a crucial enforcement instrument. International conventions such as the International Convention on Safety of Life at Sea and the International Convention on Prevention of Pollution by Ships allow states to verify foreign vessels through local port state control systems against international standards. When flag state enforcement is insufficient, these options allow the states to impose additional accountability by arresting or sanctioning non-conforming vessels.

4.2. Role of International Cooperation and Enforcement Agencies

Since maritime crimes are frequently connected to many countries and non-state entities, international collaboration is necessary for the enforcement of maritime laws. There are a

number of international accords that require cooperation efforts by states. According to the principle of *aut dedere aut judicare*, the Convention to Suppression of Unlawful Acts against the Safety of Maritime Navigation criminalizes acts such as maritime terrorism, ship seizure, and violence against maritime navigation. States are required to prosecute or extradite the perpetrator. By reducing jurisdictional gaps, this convention improves accountability in the handling of maritime violence.

International organizations also help in facilitating institutional cooperation. International Maritime Organization is at the forefront of coming up with binding and non-binding instruments concerning ship security, protection of port facilities and maritime safety. Some of the agencies that support law enforcement coordination include International Criminal Police Organization, which aids in exchange of intelligence and following of criminal networks of maritime and the United Nations Office on Drugs and Crime, which offers technical assistance, legislative support and capacity building to maritime law enforcement.

The regional agreements, as well as the naval coalitions, also play a significant role in enforcement efforts as they allow joint patrols, coordinated prosecutions and shared surveillance systems. These types of collaborative structures serve to close any gaps in enforcement due to the jurisdictional constraint and resource disparities. However, the full realization of the idea of legal accountability in the maritime domain is still hampered by the challenges posed by the sovereignty issue, the inconsistent implementation of international law, and the lack of harmonization of domestic legislation.

Table 2 presents the main legal tools and mechanisms by which jurisdiction and accountability can be achieved in the maritime area. It provides the applicable legal provisions, the jurisdictional authority that is involved and the role each of the mechanisms contributes to the enforcement of international maritime law.

Table 2: Legal Accountability Mechanisms and Jurisdiction under International Maritime Law

Legal Instrument	Relevant Provision(s)	Jurisdiction	Role in Legal Accountability
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UNCLOS	Articles 2–12	Coastal State (Territorial Sea)	Grants’ full sovereignty to enforce criminal, environmental, customs, and immigration laws
UNCLOS	Articles 55–73	Coastal State (EEZ)	Allows enforcement related to resources, fisheries, and marine environment
UNCLOS	Article 92	Flag State (High Seas)	Establishes exclusive flag state jurisdiction and duty of effective control
UNCLOS	Articles 100– 107	Universal Jurisdiction (Piracy)	Enables all states to seize pirate vessels and prosecute offenders
Port State Control (SOLAS, MARPOL)	SOLAS Ch. XI, MARPOL Arts. 4–6	Port State	Permits inspection, detention, and penal action against non- compliant vessels
Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation (SUA Convention)	Articles 6–10	State Parties	Mandates prosecution or extradition of maritime terrorists <i>(aut dedere aut judicare)</i>
IMO Instruments	ISPS Code, SOLAS Amendments	Member States	Sets global standards for ship and port security
INTERPOL	—	International Cooperation	Facilitates intelligence sharing and tracking of maritime criminals

UNODC	—	Capacity Building	Supports maritime law enforcement, prosecution, and legal harmonization
Regional Maritime Agreements	—	Participating States	Enable joint patrols, shared surveillance, and coordinated enforcement

The table 2 shows that the maritime accountability exists as the system of shared jurisdiction encompassing the coastal, flag, port, and collaborative states. Although UNCLOS offers fundamental legal framework, to work, compliments like port state control, universal jurisdiction over piracy and international cooperation are essential to enforce, which underlines the power and sophistication of maritime legal control.

5. CHALLENGES IN ENFORCING INTERNATIONAL MARITIME LAWS

The application of international maritime rules has been one of the most prevalent issues in international governance, despite the fact that marine operations are governed by a complex international legal framework. Seafarers describe the marine space by enormous geographical expanses, lack of uniformity in jurisdiction, and dependency on the cooperation of governments, making it difficult to implement the principles of law efficiently. Though the rights, duties and enforcement procedures are specified in treaties like the UNCLOS, the actual enforcement becomes ineffectual due of jurisdictional concerns, ambiguity in the law and the capacity of various states. These issues result in the creation of enforcement gaps, which are often used by transnational criminal networks and non-state actors in the sea.

5.1. Jurisdictional Conflicts and Legal Gaps

A major obstacle to the effective implementation of international marine law is the question of jurisdiction as it pertains to maritime law. Territorial seas, exclusive economic zones, and the high seas are the three distinct sections of the ocean that fall under the purview of various jurisdictions, as defined by UNCLOS. Although this zonal framework is legally clear on paper, it in practice can create overlapping in the maritime claims, especially in the semi-enclosed seas and disputed areas. This kind of overlapping would undermine the power to enforce



because states might hesitate or fail to take decisive action in case of worsening diplomatic or territorial conflicts.

The legislation regarding flag state jurisdiction is very lacking. Article 92 of the UNCLOS states that the flag state has exclusive authority over the high seas and is obligated to enforce international norms and regulations. Yet, flag state supervision is sometimes too lenient, leading to a lack of enforcement of laws pertaining to labor standards, pollution, criminal behaviour, safety, and the use of convenient flags. Because of a lack of political will and administrative resources, many flag nations are unable to investigate and punish maritime crimes, thus creating an accountability vacuum.

Maritime governance also faces challenges due to the lack of clarity regarding the enforcement authority. Although Articles 100–107 of UNCLOS grant universal jurisdiction over piracy, the term is defined narrowly to include only those actions carried out on the high seas with the intent to harm another person or their property. This also does not cover acts carried out in the territorial waters and is inefficient in addressing contemporary crimes in the seas like armed robbery at sea, maritime terrorism and computer-mediated maritime crimes. The lack of harmonized definitions and enforcement standards has given offenders an opportunity to take advantage of the legal loopholes, geographical fragmentation, and the lack of consistency in domestic legislation, rendering the international maritime law ineffective.

5.2. Capacity Constraints and Emerging Maritime Threats

In addition to legal and jurisdictional problems, the practical and institutional constraints of the implementation of international maritime laws are severe. Most coastal and developing nations do not have the financial capability, qualified staff, and technological base to achieve proper maritime surveillance and enforcement of the law. In doing so, it implies that to patrol extensive sea territories, especially exclusive economic zones of a depth of up to 200 nautical miles, they need sophisticated radar systems, satellite surveillance, patrolling vessels, and air surveillance, which some states lack the resources to do so.

The political unreadiness and ineffective governance systems also increase technological constraints and capacity shortages. In other instances, the law enforcement in the maritime setting is not given priority over the land issues of security thus not fully enforcing the



international duties. Where legal frameworks are in place within countries, enforcement agencies might not be coordinated, lack prosecutorial skills, or the judicial capacity to deal with complex cases at sea. The net effect is that it leads to low conviction and the unavailability of deterrence especially when it comes to transnational maritime crimes.

New and more advanced forms of maritime threats are continuing to push the legal systems to the limit. Some of the transnational organized crimes e.g. drug trafficking, human smuggling, illegal fishing and environmental crimes have adopted new technologies such as encrypted communications, fabricated vessel identities as well as intricate logistical networks. These dynamic threats tend to supersede the regulatory and implementing processes as envisioned in the conventional maritime conventions. Though international organizations like the international maritime organization and United Nations office on drugs and crime have been assisting in the capacity-building and harmonization of laws, cases of state-capability disparities have been persisted to hamper the implementation of uniformity. Actions to mitigate these challenges need legal amendment, but long-term international collaboration, investment in technology, and investment in political determination to enhance maritime governance and responsibility.

6. CONCLUSION

This study has found that the international maritime law offers a strict normative system to maintain maritime security even though its enforcement has continued to be compromised by the problem of jurisdiction fragmentation, lack of effective control and management of flag states, capacity limitation, and transnational dangers. Although other legal tools like UNCLOS, and other conventions have clear legal requirements and accountability mechanisms, loopholes in the implementation, coordination, and political commitment remain, which have eroded the rule of law at sea. The study has highlighted that to enhance maritime security measures, there should be the need to have long-term cooperation among nations, domestic legislations to be harmonized with international laws, capacity building of maritime security enforcing bodies, and the need to have adaptive legislation changes to the changing maritime offences to ensure sound legal responsibility in a world that is ever interdependent.

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