

4. Addressing Non-Traditional Threats in Maritime Border of Indonesia-Malaysia

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Addressing Non-Traditional Threats in Maritime Border of Indonesia-Malaysia

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19

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Abstract. Indonesia and Malaysia have very wide maritime borders ranging from the Malacca Strait to the South China Sea which are sLOCs in Southeast Asia. Its strategic position makes this maritime border very vulnerable to threats of security both traditional and non-traditional. This article will specifically identify non-traditional threats that involved non-state actors as a newly developed field of security studies of international relations for the maritime region. The non-traditional threats in question include piracy and armed robbery, maritime terrorist act, arms trade and narcotics and psychotropic trade, trafficking and smuggling of people, and Illegal fishing. To explain that we use the concept of maritime security where the problems of the characteristics and use of the sea and the threats occur in it, thus maritime security is the responsibility of all countries as well as maintaining the security of their territories, especially for 6 countries that have vast territories and maritime boundaries. With the descriptive research method, the data used are secondary data, the method of data collection used is literature study method in which the resulting data comes from reading literature related to research. Meanwhile the analysis technique used is qualitative, which is looking for facts and information obtained and then analyzed and concluded. This article concludes that the cause of the emergence of the threat comes from non-state actors, not from those who are usually the perpetrators of maritime threats, from the threat finally emerged solutions from both countries to resolve the maritime problems. The significance of this article is to open the perspective of international relations, to know Indonesia as a maritime country and to know about the foreign policy plan of President Joko Widodo who wants to make Indonesia a global maritime axis.

Keywords: Maritime Security, Maritme Borders, Indonesia, Malaysia non-traditional security.

Introduction

Indonesia-Malaysia maritime security issues are currently gaining attention because of their increasingly widespread nature, including threats of violence, threats of navigation, threats of resources, and threats of sovereignty and law. While the *Report on Oceans and the Law of the Sea* in 2008 mentions some indication expressed as a threat to maritime safety, these are the following:

1. Piracy and Armed Robbery, marine crimes that endanger the safety and security of navigation and commercial lines.
2. The Terrorist Act, which threatens ships, installs oil refineries that have an impact on economic conditions.
3. Arms trade and narcotics and psychotropic trade.
4. Trafficking and smuggling of people.
5. Illegal fishing.⁴

This article uses the concept of maritime security as a basis for research analysis. Reviewing the analysis framework of Barry Buzan et al (1998), the concept of maritime security seems to be between two different thought of interactions between groups that use traditional frameworks on security and groups that use non-traditional frameworks. As it is well known, traditional groups tend to limit the concept of security while non-traditional groups have tendency to expand it. Maritime security has never been identified as an issue that is not tied to a particular sector, in the sense that the issue can be in the form of problems in various sectors of interaction between state actors and non-state actors.¹⁰ Maritime security tends to examine the character of the sea and its use and the threats faced.⁵ Maritime security has been seen as an important element in the idea of the ASEAN Security Community. Within this framework, it can also be understood that the regional organization created the mechanism of the ASEAN Maritime Forum. However, there is no definition of what is meant by maritime security. It was only mentioned that the Asean Maritime Forum was designed as a forum to discuss steps to respond to maritime security threats.

The inability to define maritime security is caused by 3 things. First, the discussion on maritime security in the UN is not considered important, because if the UN defines the maritime security, it will result in a lack of mechanism in other forums. Second, there is a refusal to unify the definition of the concept of maritime security with the concept of maritime safety, although both are still related to the other view that the concept of maritime safety contains the interests of ship shipping organizations. Third, there is a fear that the definition of rigid maritime security will result in the national authority managing its marine sector to be greatly reduced.⁶ Based on the perspective of the number of involved actors it can basically be divided in two ways, namely:

1. Through a direct bilateral mechanism.

⁴ Natalie Klein, Joanna Mossop, dan Donald R. Rothwell, *Maritime Security : International Law and Policy Perspectives from Australia and New Zealand*, (New York : Routledge,2010), pages 5.

⁵ ¹⁰ Mis Rahman, *Concepts of Maritime Security*, (New Zealand, 2009), pages 29.

⁶ Makmur Keliat, "Keamanan Maritim dan Implikasi Kebijakannya Bagi Indonesia". *Jurnal Ilmu Sosial dan Ilmu Politik*. Vol. 13 No 1, Juli 2009, pages 118.

2. Through the mechanism of regional cooperation.⁷

The need for maritime security cooperation both bilaterally, regionally and internationally with threats to maritime issues will be easier to be implemented if there is an agreement from the conflicting countries. If this cannot be achieved then the maritime security cooperation will result in the internationalization of the national sea area.

Method

This research is descriptive research which uses secondary data from various related written data, and literature review. This study uses qualitative analysis supported by quantitative data. Data collection used is literature study. Literature study is research conducted by studying existing documents such as books, articles, and so on. In searching for a literature review, this article uses several articles such as **The Role of ASEAN Maritime Forum in Safeguarding Maritime Security (Piracy Case Study in the Malacca Strait)** by **Trialen Lumban Gaol**, the second literature study is **Richarunia Wenny Ikhtiari** entitled **Indonesian Maritime Security Strategy in Overcoming Non-Traditional Security Threats (Case Study: Illegal Fishing Period 2005-2010)**. Meanwhile the authors explain maritime security in general based on non-traditional issues on the maritime borders of Indonesia and Malaysia which are said to be maritime crimes.

Result

In this result, this article will address list of non-traditional threats from non-state actors in maritime border area of Indonesia-Malaysia.

1. Piracy and Armed Robbery

Table 1. Piracy Data and Ship hijacking in Indonesian and Malaysian maritime border 2013-2017⁸

Southeast Asia	Locations	2013	2014	2015	2016	2017
	Indonesia	68	72	86	33	23
	Malacca Straits	1	1	5		
	Malaysia	5	15	11	5	6
Total		74	88	102	38	29

⁴ Keliat, Loc. Cit.

⁸ ICC-IMB *Piracy and Robbery Against Report 2017*, pg 5

Based on the data above, the piracy case in 2013 to 2017 experienced quite rapid dynamics, in 2015 was the year with the most cases for the Malacca Strait with the total amount of 5 cases, where the previous year only 1 case in 2014 and 2013, while for Indonesia the piracy cases continued to experience decline even though in 2015 it reached 86 cases where the following year was only 33 cases. Meanwhile Malaysia experienced a decline since 2014 which numbered 15 cases, 2015 fell to 11 cases, the following year 2016 fell again to 5 cases, but in 2016 increased up to 6 cases.

2. People Smuggling

Map 1. Map of the Route for Spreading Human Through Sea Smuggling from Malaysia-Indonesia-Australia⁹



⁹ The International Organization for Migration (IOM) notes that human smuggling, which is the "dark side" of globalization, is a large business that is growing and developing. In addition, people smuggling also creates its own problems for the country where they seek asylum. It also hit the country of Indonesia.¹⁰ Human smuggling is difficult to solve by one country alone and should be resolved by involving many countries, through various coordination, communication, negotiation and joint regulation. Handling people smuggling in cooperation is very appropriate considering the flow of human smuggling involves many countries that pass. The flow of human smuggling which is now widespread in the borders of Indonesia and Malaysia actually uses both countries as transit countries. As a transit country, Indonesia and Malaysia are used as temporary stops by immigrants to rest, collect supplies, and prepare energy to sail back to the destination country like Australia.

3. Terrorist Act

One of the maritime terrorist acts that is still fresh in our memory, how panic is our government when the 10 Brahma crew members of Indonesian citizens were held hostage by the Abu Sayyaf group on March 26, 2016. After that, the hostage of crew member Henry Charless 001, became an easy target for kidnapping by militant groups operating in the Sulu Sea, which is the maritime border of Indonesia-Malaysia-Philippines. The aim of the terrorism group is to convey political messages and force the government or state to do something as the ultimate goal to be achieved. Damage to installations or vital maritime objects and attacks with violence against ships and their crew are only ways to convey their political message. However, this action has a huge impact considering that public infrastructure in the maritime region is increasingly diverse, such as seaports, oil and gas pipelines, fiber optic communication cables, offshore exploration facilities, and maritime tourism objects, which will have a global impact.

⁹ *Peta Rute Penyebaran Penyelundupan Manusia*,

http://1.bp.blogspot.com/_6RPgNTUdZtw/TQkVPav0NVI/AAAAAAAAADZo/aP3VZMjHzAA/s1600/Map-C18mas-Island-loca-001.jpg

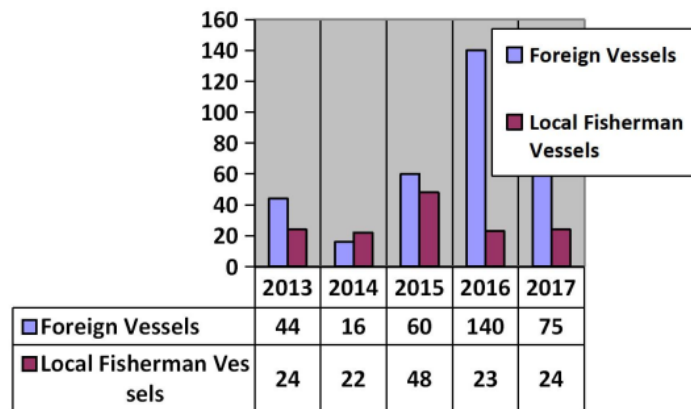
¹⁰ *Smuggling and Trafficking: A Conference Report*. International Migration Review, Vol. 34, No. 3 (Autumn, 2000), pages. 969-975.

4. Narcotics and Psychotropic Trade

Indonesia's main interest in overcoming drug trafficking and illicit trafficking is to prevent drug outflow. At the multilateral level, Indonesia continues to play an active role in combating illicit drug trafficking in various forums such as the Commission on Narcotic Drugs, Special Session of the United Nations General Assembly on the World Drug Problem which will be held on April 19-21, 2016 of National Drug Law Enforcement for Asia-Pacific and various other meetings under the UNODC framework.¹¹ Indonesia will continue to support every effort to strengthen the role of UN agencies, improve coordination among stakeholders at the international and regional levels, in an effort to overcome narcotics problems in an integrated and comprehensive manner, including through alternative development approaches, which reduce the planting of plants containing narcotics through steps - steps for development and income generation in the community.

5. Illegal Fishing

Graphic 1.Data on Illegal Fishing Vessels Arrested in 2013-2017¹²



In the table above, it can be seen that the number of foreign vessels carrying out illegal fishing from year to year has experienced ups and downs. From 2013, the Indonesian Ministry of Fisheries and Maritime Affairs arrested 68 illegal vessels from foreign and local fishermen. In 2016 there were an increase in the number of illegal vessels caught, amounting to 163 vessels, and in 2017 experienced a decline which recorded 99 illegal vessels. The table above shows that every year in the territorial waters of Indonesia illegal fishing violations committed by foreign and local fishing vessels still exist.¹³

¹¹ <https://www.kemlu.go.id/kebijakan/isu-khusus/Pages/Penangulangan-Kejahatan-Lintas-Negara-Teroganisir.aspx>.

¹² Indonesia Marines and Fisheries Book 2017, pages 27

¹³ Bagoes Rahmad, "Upaya Indonesia Menangani *Illegal Fishing* Dalam Kerangka AMF (*ASEAN Maritim Forum*) Di Perbatasan Maritim Indonesia", Mulawarman University, 2018.

Discussion

In this discussion, the article will discuss several non-traditional threats in maritime border of Indonesia-Malaysia that shows the main actors from non-state actors, they are piracy and armed robbery, people smuggling, terrorist act, narcotics and psychotropic trade, and illegal fishing.

Piracy is one of the forms of maritime crime. The term piracy has various meanings, both academic, practical and juridical and agreed upon by countries in the world. People smuggling is a crime and it has been recognized that people smuggling is an act of violating human rights and forms of contemporary slavery. Terrorist act is one of the form of threat to maritime domain that sometimes lacks public attention and it is usually called maritime terrorism. The complexity of marine terrorism threat is often overlooked, even though the possibility of its occurrence is increasing, although some parties argue that attacks on sailing ships are acts of piracy purely due to economic motives because the perpetrators demand a ransom instead for the release of hostages, criminal acts at sea with the use of violence by terrorist groups or affiliating with certain terrorist groups will be increasingly complex, especially from the impact or aspects of legal action. Narcotics trading are generally transnational (cross border), so that no country is separated from the targets of international drug crime syndicates including Indonesia. Because of its cross-border nature, drug problems cannot be solved alone. Indonesia's main interest in overcoming drug trafficking and illicit trafficking is to prevent drug outflow and its precursors. Indonesia principled on a balanced approach between 'supply and demand reduction' and comprehensive and integrated response. Illegal fishing is fishing activities carried out by a particular country or foreign vessel in waters that are not a jurisdiction and without permission from countries that have jurisdiction or fishing activities that is contrary to the law and regulations of that country. Indonesia as an archipelagic country has a great interest in maintaining its territory and upholding sovereignty including against illegal fishing. This is in line with the vision of President Joko Widodo's Government to make Indonesia a World Maritime Axis by promoting maritime cooperation through diplomacy and the development of maritime defense forces to secure marine natural resources and exclusive economic zones.

Among the five threats above responded by both countries by conducting bilateral meetings between Indonesia and Malaysia at a JCBC (Joint Commission on Bilateral Cooperation) meeting a memorandum of understanding was made "Common Guidelines for Concerning Treatment of Fisherman by Maritime Law Enforcement Agencies" on January 27, 2012 in Nusa Dua, Bali.¹⁴ This cooperation continues on Friday 29 April 2016, Malaysian Minister of Agriculture Dato Sri Ahmad Shabery Cheek visited the Ministry of Maritime Affairs and Fisheries to discuss Cooperation in the field of Maritime Affairs and Fisheries. The meeting discussed about joint patrol plans carried out with Indonesian side, possibly with the Badan Keamanan Laut (Bakamla) or Marine and Fisheries Resources Supervision.¹⁵

The two countries agreed to the supervision, evaluation and review efforts in coordination between Indonesian marine maritime law enforcement agencies such as Bakorkamla, Indonesian Navy, Indonesian Air Force, Police, Ministry of Maritime Affairs and Fisheries, Ministry of Transportation, Indonesian customs, with Malaysian law enforcement agencies Maritime Enforcement Malaysian Agency (MMEA), Royal Navy, Royal Airforce, Royal Malaysian Police, and the Department of Fisheries and Royal Malaysian Customs.

¹⁴ http://www.kkp.go.id/index.php/mobile/arsip/c/7011/INDONESIA-MALAYSIA-SEPAKAT-SELESAIKAN-MALAH-NELAYAN-LEWAT-JALUR-DIPLOMASI/?category_id=34

¹⁵ <https://m.tempco.co/read/news/2016/04/30/090767243/indonesia-dan-malaysia-kerja-sama-patroli-illegal-fishing>.

Conclusion

The issue of maritime security in the Malacca Strait will remain an important part of the policies of the coastal countries and the Malacca Strait user countries. The Malacca Strait Security will be largely determined by the extent to which the active contributions of the coastal states and the international community have an effect on the security of the strait itself.

Of the 5 threats above, the most difficult threat to overcome is the threat of illegal fishing, where there are still many ships act as perpetrators of illegal fishing which are fishermen who does not only come from both countries, but come from other countries in the region. Thus in resolving the threat, a good cooperation between the two countries and regional is needed in resolving these maritime threats.

The cooperation between the two countries is expected to reduce friction between the two countries in maritime disputes and it could encourage synergy between the two countries in working together to secure their maritime sovereignty. Therefore it has a good impact on the progress of the Indonesian-Malaysian economy and security, especially in the maritime sector.

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