

CHAPTER I

PREFACE

A. Background

This undergraduate thesis analysis the littoral states (Indonesia, Malaysia, Philippines) response toward transnational crime happens in the Sulu Celebes Sea, as the location of transnational crime bordering three countries, namely Indonesia, Malaysia, Philippines. Gerry Northwood, a chief operating officer at armed guard company Maritime Asset Security and Training (MAST) said, that The Sulu Celebes area is the world's fastest-growing piracy hotspot, with violent attacks on a commercial vessel and their crews, and an increasingly successful kidnap and ransom business model (Wallis, 2017). This paper attempts to conduct research on the roles of Indonesia, Malaysia, Philippines in maintaining the security and stability of the Sulu Celebes Sea through establishment maritime cooperation called Trilateral Maritime Patrol (TMP).

Southeast Asia is a region where nearly 80% its territory dominated by the sea. Thus the economic and political affairs of Southeast Asia have been dominated by the sea. In these days more than 60 % Southeast Asian live and rely on the maritime zones in term of economy. Strategically Southeast Asia located between the Indian and Pacific Oceans, the nations of Southeast Asia sit astride the main sea lanes between Asia, the Middle East, and Europe (Herd, 1994). However, the sea is also the root of a variety of dangers that threaten the prosperity of local populations as well as the security and stability of the state (Bradford, 2005, pp. 62-64). Those variety dangers include environmental degradation, territorial disputes, transnational crime, and nonstate political violence.

One of the most dangerous areas in Southeast Asia is in the Sulu Celebes Sea.

Figure 1.1 Map of Sulu Celebes Sea



The Sulu Sea is located in the western Pacific Ocean along the west side on the Philippines (between approximately 5degree and 11degree North latitude and 117degree and 123degree East longitude). It is a deep water sea, roughly circular with several exits to the Celebes Sea (to the south), the South China Sea (to the west), and the Pacific Ocean (to the east) (Global Ocean Associates , 2002). The Sulu-Celebes Sea Large Marine Ecosystem is a semi-enclosed sea bounded by northern Borneo (Malaysia), the southwest coast of the Philippines, and Sulawesi Island (northern coast of Indonesia). It has an area of about 900 000 km².

Since September 11, 2001, maritime terrorism has refocused attention on the problem of maritime crime because Piracy and sea robbery have always posed a threat international trade. Transnational crime at sea remains a problem in Southeast Asia, where a number of geographic, economic factors, and political make the region sea of space very favorable to the sea-borne criminals (Storey, 2008). At the beginning of the year 2016, the terrorist Abu Sayyaf Group based in the Southern Philippines increase in activity with the

hijacked ship and their crew's hostage. Southeast Asia considered as crime-prone waters, so cooperation and security in the field of political, military, and law enforcement need to be improved.



Figure 1.2. Location Of Incident 2016

The map above shows the approximate location of incidents and status of abducted crew during 2016. A total of 16 incidents of abduction of crew occurred in the Sulu and Celebes Sea were reported to The Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia (ReCAAP). Most of these abduction incidents are claimed by a terrorist group based in the Philippines (Oceanuslive, 2017).

Maritime crime in Southeast Asia poses a threat to regional and global security and potentially could disrupt international trade. The region's seas already used by transnational criminals and terrorist group to operate out of the reach of land-bound law enforcement and military authorities. Many territories in Southeast Asia presents an inviting opportunity to both criminals and terrorists for several reasons. Important international shipping lanes, such as the Sulu and the Celebes Sea and the Strait of Malacca (SOM), pass through the

territorial waters of several states in the region. Another problematic seas, such as those of the “triborder” area between the Philippines, Indonesia, and Malaysia, fall between the cracks of various states national security apparatuses. International cooperation is thus very important for restoring maritime security to Southeast Asia.

Therefore, maritime security and stability are at the forefront of the political problems of Southeast Asia. Since those threats are primarily transnational, successful response to maritime security threats requires international cooperation. Cooperation in Southeast Asian is currently inadequate in terms of the maritime threat; however, structural, economic, and normative factors are leading to greater cooperation. Clark G. Reynolds stated that the security condition of a region cannot be separated from its geographical circumstances, which is: “Geography is the major determining factor in any nation’s ability to utilize the sea commercially and to defend its political and economic integrity from overseas attack”. Based on the geographical condition of the Sulu Celebes Sea then security issues in these areas has implications towards international relations. Indonesia, Malaysia and Philippines as the littoral states of the Sulu Celebes Sea, are countries that are very interested towards security and stability in the Sulu Celebes Sea.

B. Research Question

Based on the background of the problems that have been described previously, the question raised by the researcher is: *How does the efforts of littoral states (Indonesia, Malaysia, Philippines) to maintain security and stability in Sulu Celebes Sea?*

C. The Purpose of Research

1. To fulfill the requirement to achieve bachelor in International Relation
2. To explain the condition and security problem happens in the Sulu Celebes Sea.
3. To look for the outcome from the cooperation to protect Sulu Celebes Sea.
4. To know the kinds of cooperation done by littoral states to protect the Sea.

D. Theoretical Framework

To analyze the issue above is needed a theory. According to Mochtar Masoed, set of concept must be connected according the rule of logic to be a certain statement to explain the phenomenon scientifically (Mas'oed, 1990). Means, it can be explain that theory is a view or perception about what happened. Besides that, theory should give the hypothesis systematically. The aim of the theory is to understand phenomenon and data easier.

According to problem background which talks about the cooperation of the littoral states to combat transnational crimes in the Sulu Celebes Sea, the writer uses International Regimes theory.

1. International Regimes Theory

A regime is defined by Stephen D. Krasner as a set implicit or explicit principles, norms, rules, and decision-making procedures around which actors' expectations converge in a given area of international relations. Principles are beliefs of fact, causation, and rectitude. Norms are standards of behavior defined in terms of rights and obligations. Rules are specific prescriptions or proscriptions for action. Decision-

making procedures are prevailing practices for making and implementing collective choice (Andreas Hasenclever, 1997).

While Robert Keohane defines regimes as institutions with explicit rules agreed upon by the governments that pertain to particular sets of issues in international relation. Thus, the complex apparatus of principle, norms, rule, and procedure collapses into single concept of rules. As the definition of the regime, the regime theory can be applied for security problem happen in Sulu Celebes Sea.

In the regimes theorist, there were two broad schools of thought namely realism and liberalism. Hasenclever, Mayer and Rittberger see this division as an oversimplification. There are basic assumption on the regimes such as state operate in anarchic international system and they are rational and unitary actor. States are also the units responsible for establishing regime on the basis of cooperation in the international system. It will promote international order (John Baylis, 2011).

The realist thought that regimes enable state to coordinate and generate differential benefits for the states by doing the cooperation. Power is important to use for the regime formation and survival. The nature of world order depends on the principles and norms of the regime. While liberalist, it says that regimes enable state to collaborate to face the problem and regime can promote the common good. It promotes globalization and a liberal world order.

Realist are often skeptical and uninterested in international law and yet they have developed an important position on the regime. While liberalist identified as liberal institutionalist, have accept key assumptions made by neo-realist. Liberal institutionalist is focus on the way that regimes allow state to overcome the problem appearing by collaboration in the anarchic structure of international system. Although there are differences between realist and liberalist thought, there are similarities that could be take that is both of these thoughts

are consider the regimes as the product of rational self-interest actor. As consequences, they try to establish some rule derives from different perspective to help the actors define their identities, interest and demonstrate that they share a common view of the world.

Based on explanation above this undergraduate thesis relevant to liberalist thought's, as littoral states be able to collaborate to face the problem happens in the Sulu Celebes Sea and established cooperation that promote common good.

Oran R. Young defined regimes as social institutions governing the actions of those interested in specifiable activities (or accepted sets of activities). International regimes are those pertaining to activities of interest to members of the international system. For the most part, these are activities taking place entirely outside the jurisdictional boundaries of sovereign states, or cutting across international jurisdictional boundaries, or involving actions with a direct impact on the interests of two or more members of the international community.

According to young (1982), there are three category of regime formation. The first spontaneous order, is a regime that is formed spontaneously and caused by awareness of the aims and interests are similar by the actor. The presence of the same interests and goals make the system or new order. Influence of spontaneous order depending on the actors involved in this regime. Second, is the negotiated order. The regime is formed due to negotiations between the actors. The deal between the actors is contained in the terms and rules that have been agreed upon to achieve the common good. In the agreement, there is legislative bargains in which the actors must agree to meet the terms of an existing agreement in order to be able to implement an agreement. Third, is imposed order. This regime is formed unintentionally due to the strength of the more dominant than other actors. Usually actions taken by actor hegemon is done informally. It means giving coercion by acting explicitly to

follow the regime wanted by the hegemon of the actor. So the establishment of the regime depends on the interests of the actor's hegemon, and the action gets the legitimacy that makes this unnecessary hegemon actor acted to take control of his regime (Young, 1982).

In this case this paper analyzes this regime formation formed due to negotiations between the actors (Indonesia, Malaysia, Philippines). The deal between the actors is contained in the terms and rules that have been agreed upon to achieve the common good. The littoral states established Trilateral Maritime Patrol which contained the terms and rules that have been agreed to combat transnational crime in the Sulu Celebes Sea. In the agreement, there is legislative bargains in which the actors must agree to meet the terms of an existing agreement in order to be able to implement an agreement.

According to the theory of International Regime, security problem happens in the Sulu Celebes Sea need to be solved by the littoral states. To maintain the security problem in Sulu Celebes Sea, the littoral states need to do some actions and find the solution to protect the sea. As littoral states build international regime to create agreement in order to maintain security and stability in Sulu Celebes Sea. From the agreement, they can manage and decide rules and procedures to combat transnational crime from the cooperation. Furthermore, the littoral states can do collaboration in the term of cooperation in order to make the action and the policy of protecting Sulu Celebes Sea more effective and they can find a way to tackle the problem happens. The successfulness and effectiveness of the cooperation to protect security and stability in the Sulu Celebes Sea is depend on the underlying principle and norm of an international regime which implemented in the Seas. When all of the members of littoral states can implement the principle and norm appropriately, they can fulfill their wish to protect the Sule Celebes Sea from transnational crime.

E. Hypothesis

Based on the research question and the correlation towards the theoretical framework above, the hypothesis is the littoral states of the Sulu Celebes Sea (Indonesia, Malaysia, Philippines) establish Trilateral Cooperative Arrangement (TCA) in order to create an agreement which contain norms, terms, rules, and procedures to collaborate in maintaining security and stability in the Sulu and Celebes Sea.

F. Research Method

In this research, writer uses the qualitative research method or descriptive. There are many definitions of qualitative research. First, according to Bodgan and Taylor define that “qualitative method” as the research procedure that produces the descriptive data as the words are written or spoken from the human behaviours that can observe (Bodgan Robert, Taylor Steven.J, 1975). Second, Kirk and Miller also define that qualitative research is the certain tradition in the social science fundamentally depends on the observation of human in their scope and connected with others in the discussion and the terminology (Moelong, 1989:9)

According to Lofland on Moelong, the prime source of data in the qualitative research is words and actions; the rest is the additional data such as document and others. In regarding to that, in this part the type of data divided to words and action, written data sources, photo and statistic (Moelong, 1989). It possible to uses books, publications, magazines, newspapers, documents, papers and electronic materials (accessible through Internet).

G. Scope of Discussion

In terms of the discussed material to facilitate the research and avoid the difficulty in analyzing the subject of research, this research discussed the roles of littoral states (Indonesia, Malaysia, Philippines) to combat transnational crime happen in the Sulu Celebes Sea. The research took the period of study from the before maritime security cooperation established until the decision of the littoral states to build cooperation to maintain security and stability over Sulu Celebes Sea.

H. Writing System

The outline of this undergraduate thesis is described as follows:

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| Chapter one | : As the introduction of the topic, it is about background of the problem, writing purpose, research question, theoretical framework, hypothesis, a method of writing, research are and writing system. |
| Chapter two | : In this chapter, it will explain the security problem in the Sulu Celebes Sea. |
| Chapter three | : This chapter will discuss about the process of regime formation and how the littoral states establish cooperation. |
| Chapter four | : This chapter will explain about the Trilateral Maritime Patrol (TMP) as a maritime security cooperation. |
| Chapter five | : Conclusion which summarizes the discussion mentioned in the previous chapters. |