

# Impact of New and Emerging Crimes in Nunukan District in Defense and State Security Perspective

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**Abstract:** Countries bordering on land and sea are involved in handling transnational crimes which are serious crimes that threaten global prosperity in general and national security in particular. International agreements were formed because of the urgency for handling transnational crimes such as UNTOC (United Nations Convention on Transnational Organized Crime) which was born in 2000 which created a mechanism to tackle these crimes and became a basic guide for countries experiencing it. For Indonesia, which is very strategically located Transnational crimes are of particular concern because they are vulnerable to state security and sovereignty, are complex in nature and require a comprehensive response and are not only oriented towards eradicating and prosecuting perpetrators without being oriented towards handling and approaching victims. Literature study obtained through books. Newspapers/newspaper articles, internet media and scientific journals are the author's choice, which of course begins with searching for information and the author's (empirical) experience as a Legal Officer with accurate data analysis. Mail order bride is a new mode of transnational crime, a new and growing threat to sovereignty and real security for the Indonesian state. State losses are not small due to crimes that occur across borders, the issue of security and sovereignty in national defense has an impact and becomes a spotlight that needs to be a priority in overcoming it considering that the sovereignty of the Indonesian state is a non-negotiable fixed price.

**Keywords:** new transnational crime, national defense, security

## I. Preliminary

For Indonesia, transnational crime is not just nonsense, which in fact is the largest archipelagic country in the world. Seriousness in handling transnational crimes must be carried out properly. Police officers as law enforcers cannot act alone and find it difficult to uncover these crimes by using a legal investigation approach because of their organized characteristics. Cooperation is urgently needed from all components in dealing with this transnational crime, both from within and outside the country. Exchanging data and information from other countries both regionally and internationally in the form of Cooperation because transnational crime networks tend to involve them. The selfishness of each department must be abandoned in dealing with transnational crimes, coordination and cooperation internally within the country is very much needed between law enforcement, between departments such as the prosecutor's office, police, customs. Immigration and other agencies dealing with this crime (Rahmanidar 2014). Introduced internationally for the first time in 1990 at the "Eighth United Nations Congress on Crime Prevention and Treatment of Offenders" the concept of Transnational Crime is defined as a crime or crime between countries by crossing national borders. (Darwis 2018).

The stability of the international and regional systems of a country can be threatened by transnational crimes. The proximity of a country (geographical) can give rise to the transnational crime. The threat to the

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development of social life due to this crime is being experienced by Indonesia and Malaysia. One country is not automatically able to overcome cross-border problems and transnational crimes that pass between Indonesia and Malaysia such as narcotics, human trafficking and terrorism, regulations and differences in national rules and laws owned by each country. The smallest scope of transnational crime can be implemented if effective (bilateral) cooperation is implemented for effective countermeasures.<sup>2</sup>

The identification of new and developing transnational crimes (New and Emerging Crimes) at the fifth UNTOC Conference of States Parties (CoSP) in 2010 such as identity-related crimes, illegal buying and selling of cultural heritage objects, destruction and environmental crimes, piracy on the sea, as well as the trafficking of body organs is increasingly widespread and has become the attention of the international world, the modes of crime are varied and the losses caused by this crime are not small. Indonesia's active role in international forums and its participation in various Working Groups under UNTOC, (AMMTC), (CoSP) is very much needed to facilitate the handling of these crimes effectively. Based on the facts above, it is necessary to discuss the impact of new and developing transnational crimes (New and Emerging Crimes) in Nunukan in the perspective of state defense and security

## **II. Methods**

The choice for the author is literature study with data collection techniques carried out through library research by searching for information and collecting written data obtained through books, journals, scientific, and also through news or newspaper articles and internet media using an in-depth and analytical approach, which formulate the triggering factors and causes of transnational crimes that are aligned with the author's (empirical) experience as a law officer at the Indonesia-Malaysia border, Nunukan Regency. Examines in detail related to the problems of New and Emerging Crimes or problems that exist and occur at the border, especially in Nunukan Regency. In addition, the author uses a statute approach and a conceptual approach which is a legal approach and a conceptual approach by selecting the data or information that is obtained selectively and the truth of the data is combined and linked to the realities of the field that the author can directly when carrying out the task of guarding the border..

## **III. Discussion**

### **3.1 Indonesia becomes a destination for transnational criminals**

Indonesia's strategic position and position in the world trade route has practically become a congested international route by land, sea and air. Being a liaison, especially in Asia and Australia and generally for countries in the world for various activities, creates promising economic potential. The occurrence of cultural acculturation that will add to the diversity of Indonesian culture will not rule out the possibility of frequent interactions with the outside world which will make Indonesia better known in international associations, however, it will be a scourge for Indonesia because of its strategic location in addition to the potential for promising economic and social benefits. culture.<sup>3</sup>

The number of foreigners who enter the territory of Indonesia and the implementation of visa-free application by the Indonesian government is widely used by many irresponsible people, including criminals, because foreigners who enter Indonesia are not all good. Related parties in this case immigration must further improve supervision of foreigners (foreigners) because it is difficult to identify them applying for a visa or not, as a consequence, better security and supervision must be overcome. This fact is faced by Indonesia because of the use of certain channels by international crime associations in carrying out their modus operandi. Making the entrance and exit for transnational crimes, one of which is people smuggling which recently occurred through Indonesian territorial waters (Kep et al. 2020). The ease of crossing Indonesian borders, the difficulty of supervision that is not

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<sup>2</sup><https://transnasional.ejournal.unri.ac.id/index.php/JTS/article/view/1797/1768>. Retrieved November 26, 2021

<sup>3</sup><https://core.ac.uk/download/pdf/322562048.pdf>. Retrieved November 26, 2021

supported by strong and firm regulations will make a separate destination that is prolonged and becomes a haven for criminals and transnational crime associations to reap maximum profits.

### **3.2 Transnational crimes threaten state security and sovereignty**

The increase in population movement (mobility) both internationally and between countries is due to the implementation of free markets and globalization. The difficulty of handling transnational crimes such as narcotics, illegal goods, money laundering, human and child trafficking, even threats to safety, security, and nuclear traffic and so on is due to the support of advances in information communication technology and weapons technology from the development of transnational crime organizations. The decline in community discipline and compliance with the law results in the fading of the basic sense of community security. Public order is created by obedience and community discipline as a prerequisite as well as a challenge for the community itself. Poor guidance and management of correlative criminogenic factors and police hazards will lead to and can encourage crime and horizontal conflicts such as differences in understanding of cultural diversity, social conditions, welfare gap, unemployment rate, poverty rate, and population density. Attitudes and behaviors and actions of a compliant and disciplined society can reduce these factors. (Irdayanti 2013). The resulting horizontal conflict will certainly have an impact on the defense and security of the country, the sovereignty of the state will be disturbed by conflicts that should not have occurred if effective handling of the government, both regional and central.

Recognition on the other hand, the traffic of goods and people in the border region of Southeast Asia poses a serious challenge. It is difficult to combat transnational crime (trafficking in people, smuggling of wildlife, chemical drugs, wood, counterfeit goods) comprehensively because border officers in their territory do not have adequate equipment, this is stated by the United Nations on its website at the Office on Drugs and Crime (UNODC). ). The growing scale of transnational organized crime in Southeast Asia is the result of weak border control and management.<sup>4</sup>

If it departs from the meaning of the definition of the state which is a political unit of society with territorial boundaries, the illegal activities directly have a correlation and have implications for the sovereignty of the Unitary State of the Republic of Indonesia. No wonder it raises the question of whether it is an insult to the sovereignty of the state caused by people smuggling? Is the positive law enforced in that country that regulates the entry and exit of humans from and to its territory cannot be applied so that in this context the state has lost some of its authority? Answering this in the 90s Professor Hideki Tarumono tried to express the same idea through a case study on Japanese immigration conducted at Hokkaido University. Two points of view can be taken when reflecting on the Indonesian context, namely sociological as a nation with human rights values as a constructivist tendency that forms the basis of asylum seekers, this is in accordance with the 1945 Constitution (article 1 paragraph 2) which reads "sovereignty is in the hands of people and run based on the constitution". It should be noted that sovereignty which is untouched by the enforcement of transnational violations (immigration) must still be processed as mandated in Law Number 9 of 1992 concerning Immigration. The 1951 United Nations Convention has not yet ratified this as a manifestation and extension of the sovereignty of the Indonesian nation in accordance with applicable positive law and concludes that such action is a violation of state sovereignty.<sup>5</sup> Transnational crime is very vulnerable to security and state sovereignty which are two pillars that cannot be separated, the strength of a country because of its high level of security so that sovereignty accompanies it as a manifestation of the face of a sovereign state in the eyes of other countries in the international world

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<sup>4</sup>[https://www.kompas.id/baca/utama/2019/07/20/ancaman-kejahatan-transnasional?status=sukses\\_login&status\\_login=login](https://www.kompas.id/baca/utama/2019/07/20/ancaman-kejahatan-transnasional?status=sukses_login&status_login=login). Retrieved November 25, 2021.

<sup>5</sup><http://www.ejournal.lembagakeris.net/index.php/Defendonesia/article/view/4/4>. Retrieved November 26, 2021

### **3.3 Mail order bride in Nunukan Regency, a new crime mode of trafficking in women**

Indonesia is one of those affected by the global phenomenon of many countries against human trafficking. The identification of human trafficking by The United Nation Commission and Prevention and Criminal Justice has been a problem for many countries since 1994, specifically the source, transit and destination countries of human trafficking. Many parties will suffer losses due to failed immigration arrangements. The loss of productive workers from the country of origin will become a burden due to the emergence of new social problems for the destination country, for example, unfair competition with local residents regarding work products, increased spending of funds and crime. Nunukan, which is located in East Kalimantan, has the biggest problem in terms of trafficking in women (woman trafficking) in Indonesia. Being the largest center in Indonesia for various reasons, including the social gap that occurred between Nunukan and the State of Sabah and making Sabah to look for work (Karuniawati 2014)

Nunukan Regency, North Kalimantan is still classified as a crossing area for traffickers with the aim of neighboring Malaysia, so it needs serious attention for all stakeholders. including religious organizations such as the Aisyiah Regional Board of Nunukan Regency which participates by holding socialization on the prevention of the crime of trafficking in persons.<sup>6</sup>Due to Nunukan being one of the entry and exit points for smuggling illegal workers in Indonesia, making it along the border is a rattlesnake for those who enter Malaysia, the Malaysian government often repatriates hundreds of illegal Indonesian workers through this route. because the majority of them do not have official immigration documents until they are involved in criminal acts in Malaysia. Indonesian Migrant Workers are often repatriated via Nunukan. It is suspected that the incident had occurred in Nunukan for years, therefore the local government was determined to eradicate the illicit practice of human trafficking under the guise of dispatching workers.<sup>7</sup>

The number of Indonesian workers who fulfill and reside in Nunukan Regency is three times that of the original population, which does not reach 22 thousand people. As a stopover place for Indonesian Workers who will earn a living in neighboring countries, it is not surprising that Indonesian Workers are there. The increasing and widespread trafficking of women in Nunukan has given rise to the phenomenon of mail order brides. Many parties are irresponsible by taking advantage of the situation because of the multiple profits generated from the practice of marrying messages which are actually the practice of trafficking in women. The brokers no longer hesitate to come to the homes of residents in Nunukan because the demand for women to become wives in Taiwan is very high. Offering jobs as housemaids or shop workers is used as a veil to cover the real purpose of being brought to Taiwan for sale. There are no small salary offers from brokers to women in the interior of Nunukan village who will usually be ordered brides and it is believed by Taiwanese men that Kalimantan women (amoy) are hardworking and unyielding women. Economic reasons are the background for these women to want to be the wives of Taiwanese men. Taiwanese people will pay a very high price if female workers are brought in and legally employed, but there will be many consequences if Taiwanese are found using the services of female workers from Indonesia illegally. As a result of all this, the phenomenon of ordered marriages emerged on the pretext of Taiwanese men making women workers' wives through orders from brokers in Nunukan Regency. Finally, the concept of marriage based on buying and selling will cause new problems and will not work well.(Karuniawati 2014). These problems have resulted in the deportation of many female workers from Indonesia. The impact of this crime is not only detrimental to the state materially, moreover it will have an impact on social life in the victim community from the ordered marriage.

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<sup>6</sup><https://berandatimur.com/nunukan-masuk-daerah-perlintasan-pelaku-perdagangan-orang/>. Retrieved November 29, 2021

<sup>7</sup><https://www.liputan6.com/regional/read/2909877/30-korban-perdagangan-orang-ketahuant-erobos-perbatasan-nunukan>. Retrieved November 28, 2021

Psychologist Wiene Dewi from the Indonesian Psychologist Association (Himpsti) stated that for optimal psychological recovery for victims of the crime of selling people under the guise of ordered brides with good monitoring so that they can get up and be motivated again for a more productive and better life struggle.<sup>8</sup> Seeing the number of deportations of Indonesian Migrant Workers carried out by the Malaysian Government makes us shake our heads, in 2018 the number only crossed 2,800 people and the number continued to shoot up until early 2019. It can be estimated how many Indonesian Migrant Workers until now have entered neighboring Malaysia. It is very concerning for Indonesian Migrant Workers from Indonesia who are proven to have violated the rules before being deported, they must serve a period of confinement in the Temporary Detention Center.<sup>9</sup>

Trafficking in women (Mail order brides) under the guise of labor has been widely discussed by politicians in this country, academics also do not want to be left behind in conveying ideas to solve problems that seem to never be broken. The state, in this case the government which is fully responsible for its citizens, has made efforts with various policies and regulations that it has made, but the results obtained from these policies have not been optimal so that citizens are still found to be victims of human trafficking crimes. The perpetrators and experts of the crime (mafia) of human trafficking seem difficult to catch because they are neat and skilled and well organized in every crime they commit so that the profits generated are very large and increase significantly.

### **3.4 The impact of New and Emerging Crimes from the perspective of state defense and security.**

The achievement of national goals uses all the potentials that are part of the national power consisting of natural and man-made resources, both military and non-military, which are a form of comprehensive state defense and security forces. National security is one of the instruments of the creation of the main national defense. (Mardhani, Josias, and Runturambi 2020). The Indonesian nation must observe and respond seriously to changes in the strategic environment and its development with changing perceptions and threats that have a negative impact on the sovereignty of the state and nation. The development and implications of modern warfare (Asymmetric Warfare and Proxy War) must be remembered because of advances in technology and science as well as information and communication technology.<sup>10</sup>

Concerns about the growth in the development of transnational crime or serious crimes such as trafficking in women, drugs and terrorism are due to the rapid increase in growth. Transnational (cross-country) crimes occur because of the interest of Indonesia's strategic location. Involvement as a victim or perpetrator in this crime is due to the weak economy of community members. The existence of financial benefits resulting from this type of crime, makes this type of crime network always grow and develop even to the level of using sophisticated tools.<sup>11</sup>

National agreement and the responsibility of all Indonesian people in seeking the defense and security of the Indonesian state and nation. National defense and security are shared with the community, not only the TNI and POLRI's responsibility. The unity of the TNI and POLRI with the people in Sishankamrata to maintain state defense and security for the sake of the integrity of the Unitary State of the Republic of Indonesia based on Pancasila and the 1945 Constitution.

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<sup>8</sup><https://www.antaranews.com/berita/931571/kondisi-psikologis-korban-pengantin-pesanan-hendaknya-terpantau>. Retrieved November 28, 2021.

<sup>9</sup><https://kaltara.prokal.co/read/news/31724-akhir-tahun-wni-di-malaysia-makin-banyak-yang-dideportasi.html>. Retrieved November 28, 2021

<sup>10</sup><https://www.kemhan.go.id/belanegara/opini/asd>. Retrieved November 28, 2021

<sup>11</sup>[https://www.bappenas.go.id/files/3513/5211/1083/bab-9-pertahanan-dan-keamanan\\_\\_20111025152402\\_\\_3351\\_\\_9.pdf](https://www.bappenas.go.id/files/3513/5211/1083/bab-9-pertahanan-dan-keamanan__20111025152402__3351__9.pdf). Retrieved November 28, 2021

In essence, Sishankamrata is the effort of the Indonesian people to safeguard and maintain the security of the people with all and with the people who are intact and comprehensive as well as all national resources, national facilities and infrastructure as well as the entire territory of the country as a defense unit. In addition, to fight external threats related to culture, ideology, natural resources, and human resources that are infiltrated into the national identity, it is important for the Indonesian people to have national security

The color of crime along with the development of science and technology is increasingly varied, such as the colors of the rainbow, which are beautiful but difficult to reach. Similarly, the pattern or mode of transnational crime in Nunukan Regency. The local government's concern about the rampant trafficking of women is no longer a mere form of anxiety but has become a new phenomenon with the emergence of trafficking in women wrapped in labor (Mail order bride) which is a new and developing crime (New and Emerging Crimes) as a matter of fact. It is not impossible if a country with a high transnational crime rate due to non-optimal border management and its defense and sovereignty will be disturbed, the inability to protect people who are victims of human trafficking (Mail order bride) will reduce public trust in the government. The realization of national defense and security will not be separated from the trust of the public (public) which can fade or even disappear because the role of the government at state borders is not optimal.

#### **IV. Conclusion**

New and emerging transnational crimes are a real threat to the Indonesian state. The sovereignty and defense of the country at the border are at stake if the settlement is not carried out thoroughly and properly. The development of science and technology in the era of globalization which was followed by the development of the strategic environment made crime into various modes of crime, one of which was human trafficking which was packaged and developed into (mail order bride) which occurred on the Indonesia-Malaysia border, Nunukan district. The phenomenon of mail order brides in Nunukan Regency is a new development of crime (modus) that needs special attention from the government, the issue of disruption of state security and defense due to allowing this crime to be heard is getting louder and unavoidable. The good name of the Indonesian people in the eyes of neighboring countries and even the world is at stake if the eradication of transnational crime is not resolved.

State defense and security can be realized if Indonesia's human resources are of high quality and with synergy, quality of education, welfare, and a sense of security for the Indonesian people who live on the Indonesia-Malaysia border are the benchmarks for the success of the development launched by the government through its Nawacita program. It is undeniable that national border areas are vital national objects that must be taken seriously and receive special attention. If the government in handling the border seems slow and not serious, it will have an impact on national security and defense which incidentally is formed from great human resources in addition to other resources.

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