

Indonesia–Malaysia Cooperation against Transnational Crime in Security and Defense Threats at the Border

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ABSTRACT: *Transnational crime has a vital role in national and regional stability, as it can trigger conflicts between countries. Crimes that cross national borders threaten the stability of a country, the region and even the international system. One of the emergences of transnational crime is the geographical proximity of a country's territory. This is what Indonesia and Malaysia are experiencing, that transnational crime has threatened the development of the social life of the two countries. So that with the threat of crime, ASEAN-level cooperation efforts, including Indonesia and Malaysia are needed, namely the agreement related to eradicating cross-border crimes. Transnational crimes that occur across the borders of Indonesia and Malaysia, such as human trafficking, narcotics, terrorism that occur so far, do not necessarily make a country able to handle them on its own. Effectiveness is measured by how the cooperation can continue to the next cooperation and there is a dynamic in the cooperation process. The involvement of the country's defense elements is seen as essential to support early detection systems of various potential threats. Border security encompasses the country's defense function and the country's security function.*

Keywords: *Transnational Crime, Cooperation, Indonesia, Malaysia.*

I. INTRODUCTION

Cross-border crime this century has become one of the severe threats to global security and prosperity. With the development and high flow of globalization that occurs, causing the relationship of cooperation between countries more effortless, and the freedom of access obtained by people from various countries, and makes each country and society in it increasingly dependent and affect each other, which causes the occurrence of a borderless world. However, globalization does not always bring and provide benefits but also sometimes becomes loopholes and opportunities used to commit transnational crimes. Crimes that cross national borders threaten the stability of a country, the region, and even the international system. One of the emergences of transnational crime is the geographical proximity of a country's territory.

Indonesia itself borders several other countries. The sea area is surrounded by 10 countries, namely India, Malaysia, Singapore, Thailand, Vietnam, Philippines, Australia, Timor Leste, Palau, and Papua New Guinea. Meanwhile, its land area is directly adjacent to three countries, namely Malaysia, Timor Leste, and Papua New Guinea, along 2914.1 km. The border of the sea and land is spread to 38 city districts in 12 provinces. The length of the borderline with these 10 neighboring countries on the one hand can be potential cooperation between countries, but on the other hand can be a threat to the sovereignty and security of the country (Raharjo, 2014).

This is what Indonesia and Malaysia are experiencing, that transnational crime has threatened the development of the social life of the two countries. Transnational crimes that occur across the borders of Indonesia and Malaysia, such as human trafficking, narcotics, terrorism that occur so far, do not necessarily make a country able to handle them on its own. Because crimes like this involve more than one country with different regulations and rules. Each country has its national laws. Practical cooperation is needed to tackle transnational crime, such as bilateral cooperation, the smallest scope for transnational crime (Irdyanti, 2013). Transnational crime is one form of crime that requires cooperation between countries, because of its cross-border nature, the state's role in its countermeasures is needed. One of the countermeasures carried out is to

share shared responsibility. Shared responsibility is one of the concepts where the state, society, international organizations, and actors cooperate in the fight against this crime.

Indonesia and Malaysia have very close geographical locations, which is one reason for the easy transnational crime. A water boundary between Indonesia and a reasonably large land border north of the island of Kalimantan, coupled with easier flight access from Malaysia to Indonesia. The transnational crime itself is an act of crime committed by transcending state boundaries, the concept of transnational crime itself began to exist in the 1990s, when it was introduced at a United Nations meeting that discussed crime prevention. The transnational crime itself has many types, including human trafficking, corruption, narcotics trafficking, etc. (Vincent, 2018). In particular, cross-border or cross-border drug trafficking crimes should be an essential concern for Indonesia and Malaysia. Cooperation between Indonesia and Malaysia is carried out in various fields, including the economic field, labor protection, borders and especially in security (Metro TV News).

According to Paterson in Palgrave Advances in Environmental International Politics, international environmental politics in international cooperation is the dependence between actors that will make them deal with threats that will endanger national interests. The existence of common goals or common interests is mandatory in cooperation. It cannot be denied that in cooperation, there is always a conflict of interest in each country, but as long as the common goal can be agreed to extent that the common can work. Indonesia and Malaysia officially established a relationship in 1957. At that time, Malaysia was still called by Tanah Melayu, which gained independence from Britain. Indonesia was one of the first countries to open diplomatic relations with Malaysia (Ali, 2017). Various socio-economic and political security issues are still pending on the Indonesia-Malaysia border due to problems in border governance. The seriousness of the Indonesian government shown since the reform era through the structuring of its leading regions through a series of paradigm shifts, regulations, structuring institutional and authority authorities, and budgets, has in fact, not resulted in effective border area management. This condition is still a factor in the sustainability of socio-economic and political security issues on the Indonesia-Malaysia border.

The urgency of managing the above border seems to be necessary at the Indonesia-Malaysia border. The two countries have social capital for the joint development of their border areas through the character of interdependence relations, as previously stated. Indonesia's border region also has social capital in the form of connectivity in the sense of geography and culture. Connectivity potential can be utilized optimally by integrating the development of the border area of the two countries. Formulating a comprehensive and planned border area development model is a determining factor in success in overcoming various transnational threats that are increasingly rife along the border region. The lack of infrastructure and personnel causes surveillance along the border area to be less effective. The high rate of immigration crimes, drug smuggling, goods and people indicates the need for anticipatory measures to minimize the mode of transnational crime that threatens state sovereignty. The border area is a specific area that has a substantial impact and has a strategic role for improving people's welfare and improving the defense of socio-economic welfare of people inside or outside the region, which has a strong connection with activities in other bordering regions, both in the national and interstate and certainly has a political impact and impact on the function of defense in national security.

II. DISCUSSION

One important multilateral mechanism in tackling cross-border crime, mainly committed by transnational organized criminal groups, is the United Nations Convention on Transnational Organized Crime-UNTOC. UNTOC will be an essential guide for countries in cross-border crime prevention efforts. Transnational crime has a vital role in national and regional stability, as it can trigger conflicts between countries. ASEAN, as a Southeast Asian regional organization plays an essential role in overcoming transnational crime, this is done by ASEAN by holding a meeting in discussing transnational crime called the ASEAN Ministerial Meeting on Transnational Crime (AMMTC). Transnational crimes such as illicit drug trafficking, human trafficking, sea piracy and even terrorism are the focus of ASEAN.

So that with the threat of crime, ASEAN-level cooperation including Indonesia and Malaysia is required, namely the agreement related to the eradication of cross-border crimes, especially drug crimes, namely

the ASEAN Plan of Action to Combat Transnational Crimes – cooperation on combating transnational crime, Treaty on Mutual Legal Assistance in Criminal Matters (MLAT) – mutual legal assistance treaty in the criminal field, Agreement on Information Exchanged and Establishment of Communication Procedures – cooperation in the exchange of information and establishment of communication procedure. In addition to cooperation at the ASEAN level in particular, coordination between Indonesia and Malaysia, namely through the Police of the Republic of Indonesia (POLRI) - Royal Malaysian Police (PDRM), National Narcotics Agency (BNN) - anti-drug agency nationality (AAK), and Non-Government Organizations (NGO's): National Anti-Drug Movement (GRANAT) - Association to Prevent Drugs Malaysia (PEMADAM) / Association of Compassionate Malaysia (AAK) agreed to increase cooperation to deal with Transnational crime includes surveillance in the border areas of the two countries.

North Kalimantan is a province in Indonesia located in the northern part of Kalimantan Island. The province is directly adjacent to neighboring Sabah and Sarawak states and East Malaysia. Sabah is one of the states in Malaysia and is also one of the 13 founding states within the Federation of Malaysia. Sabah is the second largest state in Malaysia after Sarawak. Sabah also borders the Province of North Kalimantan, Indonesia, to the south. East Kalimantan and Sabah-Malaysia established cross-border cooperation through BTA (Border Trade Agreement) in 1970, this agreement discussed the traffic of goods and services that occurred on the border of Indonesia and Malaysia, especially in East Kalimantan and Sabah-Malaysia. In addition to BCA, the two countries also agreed on the Agreement Border Trade between the Government of the Republic of Indonesia and the Government of Malaysia on August 24, 1970 in Jakarta, commonly referred to as the Border Trade Agreement (BTA). This BTA refers to BCA 1967 and has not been revised until 2016 (Raharjo, 2017, p. 03-04). Nevertheless, the two countries again negotiated the Border Crossing Agreement Review because the BTA in 1970 was considered unable to accommodate border trade activities in the border region of the two Countries (Pingit, 2017).

The Police of the Republic of Indonesia (Polri) and the Royal Malaysian Police (PDRM) agreed to increase cooperation in handling transnational crime to its supervision in the border areas of the two countries. Indonesia and Malaysia agreed to enhance cooperation in dealing with transnational crime, including monitoring the common border through information exchange cooperation between Indonesian and Malaysian police forces through signing the GBC Malindo (General Border Committee Malaysia-Indonesia) memorandum of understanding (MoU). The two countries agreed to exchange information that can be followed up by both parties in law enforcement efforts and crime prevention (Irdayanti, 2013: 14). This cooperation procedure contains five types of cooperation, including monitoring at sea by Malaysian and Indonesian marine police, communication and handling of criminal cases, including cooperation in border monitoring between police in the Malaysian state of Sabah and police in East Kalimantan province, and between police in Sarawak, Malaysia and police in West Kalimantan, Indonesia. Cooperation between Interpol Indonesia and Malaysia is contained in an agreement between the two countries. There are 3 (three) essential agreements that underlie cooperation between Indonesia and Malaysia related to combating and tackling transnational crime, namely:

1. Extradition Treaty of the Republic of Indonesia with Malaysia (Law No. 9 of 1974 concerning the ratification. the agreement between the government of the Republic of Indonesia and the Government of Malaysia regarding Extradition)
2. Mutual Legal Assistance in Criminal Matters
3. Memorandum of Understanding Between The Indonesian National Police and The Royal Malaysia Police on Combating ILLICIT Trafficking in Narcotics, Drugs, Psychotropic Substances, Precursors, Hazardous Materials and Enhancement of Police Cooperation.

In addition to the cooperation of fellow ASEAN members, Indonesia and Malaysia also coordinate together. The Police of the Republic of Indonesia (Polri) and the Royal Malaysian Police (PDRM) agreed to increase cooperation in handling transnational crime to its supervision in the border areas of the two countries. Indonesia and Malaysia agreed to enhance cooperation in dealing with transnational crimes, including terrorism and narcotics trafficking, as well as monitor the common border through cooperation in exchanging information between Indonesian and Malaysian police forces through the signing of the GBC Malindo (General Border

Committee Malaysia-Indonesia) memorandum of understanding (MoU). The two countries agreed to exchange information that can be followed up by both parties to enforce the law and prevent crime.

Standard Operation Procedure 15 contains five types of cooperation, including monitoring at sea by Malaysian and Indonesian marine police, communication and handling of criminal cases including cooperation in monitoring at the border between police in the Malaysian state of Sabah and police in East Kalimantan province, and between police in Sarawak, Malaysia and police in West Kalimantan, Indonesia.

Monitoring includes if one of the parties arrests a terror suspect, It will then be handed over to the country concerned and cases of drug smuggling entering the territory of Indonesia and Malaysia. The dynamics of Indonesia-Malaysia interaction are inseparable from their dependence on each other. The advantages of working together are more significant than conflicts due to geographical proximity. In general, the Malaysian government has built better models for managing their border areas. This can be identified from the strict supervision of the Malaysian immigration service in anticipating the potential for transnational crime from the territory of Indonesia. The public perception that Malaysia's laws are more assertive and do not compromise on immigration violations or cases of smuggling of goods and people on their territory. In general, the government Indonesia has issued various policies on the governance of the country's borders. This can be seen from the many regulations related to the arrangement and management of border areas. Some laws related to border management include:

1. Law No. 17 of 2007 on National RPJP 2005-2025
2. Law No. 43 of 2008 concerning Coastal Areas and Small Islands
5. Law No. 32 of 2004 concerning Local Government.

In addition, several government regulations related to the management of border areas include Presidential Regulation No. 5 of 2010 on National RPJM 2010-2014, Presidential Regulation No. 78 of 2005 on the management of small and outer islands, and Presidential Regulation No. 12 of 2010 on National Agency for Border Management, where its contents are, among other things, related to the universal state defense system involving all elements of citizens, regions and other national resources, with the full support of the government aimed at enforcing threats both externally and internally. Looking at the development of transnational crime, namely human trafficking in a country, this is seen that there has been a change in the security paradigm, namely from a state-centric paradigm to a paradigm that pays more attention to humans.

The Governments of Malaysia and Indonesia signed a Memorandum of Understanding (MoU) agreement to address the trade of Indonesians to the eastern Malaysian state of Sabah. Although details still do not exist, the move shows an essential milestone in the two countries cooperation to fight human trafficking. The strengthening of cooperation between the two governments is essential in creating a solid platform to solve long-standing problems. Archdiocesan Human Development Committee (AHDC) is a partner of the Geneva-based International Catholic Migration Commission (ICMC) to implement a three-year program to stop Indonesian slavery and human trafficking, especially women and children, to Sabah, Malaysia. In the case of the arrest of fugitives, Indonesia and Malaysia have signed cooperation in the form of ASEAN Mutual Legal Assistance (MLA). When there are legal issues facing Indonesia, the request for assistance will be followed up through the Attorney General of Malaysia.

The involvement of state defense elements is seen as essential to support early detection systems of various potential threats because the increasingly sophisticated levels of transnational crime can only be overcome with adequate intelligence capabilities and supporting facilities such as weapons, detection tools, and trained personnel. The unity of the army: The people supported by adequate and contextual government policies that have been tested in the course of the nation must be the primary consideration of the design of border management. In essence, handling state borders is part of efforts to realize the space of the archipelago as a unity of geography, politics, economy, socio-culture and defense and security. Border security encompasses the country's defense function and the country's security function. Police as part of the state security function, especially related to border control, is expected to eliminate the threat of transnational crime. Effectiveness is measured by how the cooperation can continue to the next cooperation and there is a dynamic in the cooperation

process. The opinion emphasizes the process to look at cooperation or diplomacy. Safe conditions cannot be separated from the international environment.

The nearest international neighborhood is the border with Malaysia. Indonesia needs to secure its territory by not creating conflict. This is what makes Indonesia need bilateral cooperation in security defense. The situation and conditions of land borders will always be dynamic, especially about the determination of geographical boundaries, it is natural for countries to want profits and a more significant portion in terms of territory, coupled with the phenomenon of trafficking and human traffic that is illegal. Understand the importance of cooperation in the field of defense. If asked how effective, GBC Indonesia-Malaysia cooperation proved effective in securing the land border of our territory, the operation cooperation is running, the training is running, welfare programs are carried out, negotiations continue to take place every year, the result is that security at the Indonesian-Malaysian border is created gradually and expands the reach of its territory. A diplomatic effort by the two countries is more or less bound to meet obstacles and challenges. Obstacles and challenges can come from the domestic territory, but more often from external countries. Any country would potentially violate what was drafted in the cooperation agreement, Chayes and Chayes said. The obstacles and challenges lie in the political will of the Malaysian state.

The situation and political conditions in the country or if referring to Denik is, the domestic environment also affects the political mood of neighboring Malaysia. Barriers created are usually reluctant to discuss cross-border crime, border issues, or the construction of a full border post (PLBN), this occurs in commission hearings and independent meetings of cooperation bodies under the General Border Committee. Indonesia continues to encourage the mainstreaming of new cross-border crimes through various international forums such as cybersecurity maintenance, protection of objects and cultural reserves from illegal trade, fisheries crimes, and forestry and wildlife trafficking crimes. This is done because new cross-border crimes have not received much special attention from the international community and do not have sufficient studies, definitions, and criminalization. International cooperation in tackling these crimes can be further enhanced. Indonesia has a great interest so that new cross-border crimes can be regulated more comprehensively given the heavy losses incurred from such crimes, including through cooperation to increase the capacity of law enforcement and information exchange.

CONCLUSION

Transnational crime has a vital role in national and regional stability, as it can trigger conflicts between countries. ASEAN as a southeast Asian regional organization, plays an essential role in overcoming transnational crime, this is done by ASEAN by holding a meeting in discussing transnational crime called the ASEAN Ministerial Meeting on Transnational Crime (AMMTC). So that with the threat of crime, ASEAN-level cooperation efforts, including Indonesia and Malaysia, are needed, namely the agreement related to the eradication of cross-border crimes. The Police of the Republic of Indonesia (Polri) and the Royal Malaysian Police (PDRM) agreed to increase cooperation in handling transnational crime to its supervision in the border areas of the two countries. The involvement of state defense elements is seen as essential to support early detection systems of various potential threats because the increasingly sophisticated level of transnational crime can only be overcome with adequate intelligence capabilities and supporting facilities such as weapons, detection tools, and trained personnel. The unity of the TNI-Rakyat and supported by adequate and contextual government policies have been tested in the nation's course should be the primary consideration of the design of border management.

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