

CHAPTER I

INTRODUCTION

1.1 Background

Indonesia and Philippines are two largest maritime countries which shares similar characteristics. First of all, these two countries have the same tradition and culture which drives them to share a lot of similarities in certain aspects including music, lifestyle, and livelihood. Secondly, the physical looks of the native people is quite similar which leads to difficulty in differentiating them. In addition, both countries also has been colonized by super powerful countries such as Japan and the United States, therefore they share the same burdens and strength.

Indonesia and Philippines are merely separated by a body of a water around their border line. However, the maritime border is way easier to get through rather than the land border. Indeed, there are a lot of crimes occuring between Indonesia and Philippines that has taken place in the past few year where they are usually called as transnational crime. Some of them has been solved by the rules and regulations but the others has been left unsolved. In addition, these disputes does not merely concern about an island or territory, but also about the natural resources that exists along the border line. Besides, as time goes by, the competition between the countries has become more

aggressive, which resulted in the country doing things that favor themselves, such as manipulation, doing illegal actions, and exploiting one another.

The researcher will discuss and analyze about the transnational crime between Indonesia and Philippines which includes human trafficking, arm smuggling and illegal fishing. The scope of research will be limited from 2009 – 2014 because the ratification of UNTOC (United Nations Transnational Organized Crime) in Indonesia is applied on 20th April 2009¹. These three types of crimes are selected because it is the major crimes that usually occurs and has the correlation with the other crimes. For example, human trafficking issues are related to drug smuggling, and firearms smuggling issues are related to terrorism in Indonesia and Philippines.

Transnational crime implies to the crime between two countries or more where violation of the rules and regulation that has been established between them and aimed to maintain international peace. According to the book written by Dimitri Viassis & Phil Williams, “*United Nations Crime Prevention and Criminal Justice Branch* using transnational crime term to identify such criminal phenomena transcending international borders, transgressing the law of several states or having an impact to another country”². Many international actors have attempted to tackle down this issue since ages ago, but the issues remained among countries with no specific reasons.

¹ United Nations. *United Nations Treaty Collection*. United States. 2015. Available from https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=XVIII-12&chapter=18&lang=en (accessed on December 9, 2015)

United Nations. *United Nations Treaty Collection*. United States. 2015

² Dimitri Viassis and Phil Williams, *Combating Transnational Crimes: Concepts, Activities and Responses* (New York: Frank Cass Publishers, 2001), 13

Moreover, such transnational crimes frequently occurs only on the border line between the two countries, and indeed, this action has causes harm in many aspects, such as the security, economic, political relation and also the bilateral or multilateral relations among the countries in the world.

This issues gets more serious when humans are involved in the transactions, or also called as human trafficking. In reference to the 1949 United Nations Conventions for the Suppression of Traffick in Persons and Exploitation of Prostitution of Others, human trafficking is exclusively attached to activities in the global sex trade where women are usually put as the victim³. According to Kamala Kempadoo trafficking of women can be redefined in this way

“All acts involved in the recruitment and/ or transportation of a woman within and across national borders for work or services by means of violence or threat of violance, abuse of authority or dominant position, debt bindage, deception or other forms of coercion”⁴

According to Campbell, “one of the reasons why transnational crimes frequently happens because of corruption”. Corruption shows the vulnerability in the government body, this shows the transnational organizations a high possibility for it to grow in those countries.⁵Indonesia and Philippines are known as one of the most

³ Kamala Kempadoo (*Shifting Paradigms: Globalization, Labor Migration, and Human Rights*” from *Trafficking and Prostitution Reconsidered, New Perspectives on Migration, Sex Work, amd Human Rights* Paradigm Publishers 2010), xi

⁴ Kempadoo,*Shifting Paradigms*, Xie.

⁵ James Campbell, *Issues For Engagement: Asian Perspective On Transnational Security Challenges*(Hawaii: Asia-Pasific center for securities study, 2010).

corrupted countries in the world, with Philippines ranking 85 and Indonesia ranking 107 out of 175 countries in the world⁶

Another reason why transnational crimes often times occurs in Indonesia and Philippines is because of their history. During the colonization era, there were no strict limits which were set to regulate the flow of people. Thus lots of citizens travelled back and forth from Indonesia to Philippines freely. Especially in the northern area of Indonesia including Sangihe and Talaud, and Mindanao in Philippines.⁷

Giving an eye towards Indonesia's government, the way they govern and secure their maritime territorial, it is not a surprised to see the loss of many natural resources recently. During the second administration of Susilo Bambang Yudhoyono (2009-2014), he stressed more towards the economic aspects of Indonesia where he focused in having strengthened bilateral relations with superpower states like United States and China. He was shown to be negligence in terms of Indonesia's natural resources in the maritime area, forgetting the vulnerabilty of these resources towards transnasional crimes, thus allowing the ascension of territorial maritime crimes. Such crimes occurs exceedingly in maritime resources such as fish and the other maritime resources that is possible to be taken by other countries illegally. In addition, maritime

⁶ Transparency e.V., 'Transparency International - The Global Anti-Corruption Coalition', *Transparency.Org*, last modified 2015, accessed November 12, 2015, <https://www.transparency.org/>.

⁷ Djinora Velasco."Navigating the Indonesian-Philippine Border: The Challenges of Life in the Borderzone.Kasarinlan": *Philippine Journal of Third world Studies* 25(1-2):95-118.(November 2010),95-100

resources cannot be protected as much as land properties, as there is no concrete border that exists.⁸

1.2 Research Questions

1. What is the historical background of Sangihe and Talaud as the border zone area of transnational crime?
2. What are the major transnational crimes that take place between Indonesia and Philippines maritime border lines? What are the implications of these crimes towards the security?
3. What are the actions that have been taken by Indonesia and Philippines to combat these crimes?

1.3 Research Objectives

Based on the problems identified above, there are several objectives of the writers in making this research:

- 1) This research will discuss about the major transnational crimes that happens in Indonesia and Philippines.
- 2) The writer will review the actions which been taken by both the government and discuss about the policy that has been made by both countries regarding

⁸ Aaron L. Connelly, 'Sovereignty And The Sea: President Joko Widodo'S Foreign Policy Challenges', *CS* 37, no. 1 (September 2015), 3

this issues. Later, the writer will discuss what are the other actions that have been taken by states beside policies, which can be either economical or political way, since every country has a comparative advantage, which makes it not able to fully hold the power and exploit others.

- 3) The writer will see the drawbacks of these actions, and what is supposed to be done in dealing with transnational crime itself as the recommendations. Perhaps many actors stated that they want to support government to settle this issue, but there is no guarantee that they are really doing what is right, and are defending national interest. If we talk about resources, it has close relation with wealth, fortune, and advantages, and many parties are willing to do anything to get these resources as much as they can. Even though there are laws and regulations made to combat this issue, but these parties can easily get through it involving bribery. Therefore the writer would like to analyze all the actions that has been taken regarding this issue, and figure out what is missing and how it supposed to be.

1.4 Research Contributions

1. **Academic:** To know more about the applications of International Relations subjects in the practical field, focusing more in bilateral relations between countries especially in dispute and transnational crimes that often comes about in countries that are separated by maritime border such as Indonesia and Philippines.

2. **Practice:** To enrich the research and observations in the Indonesian Embassy in Manila and Philippines Embassy in Jakarta, and also to function to minimize the practice of transnational crimes.
3. **Social:** To raise awareness regarding the danger and risk on practicing transnational crime for readers, and also give the knowledge about bilateral relations between Indonesia and Philippines

1.5 Organization

The research paper entitled “The Impact of the Cooperation between Indonesia and Philippines on the Eradication of Transnational Crimes” will consist of 5 chapters, namely, introduction, conceptual framework, research methods, data analysis and closure. The systematic of writing will be described as following:

CHAPTER I : INTRODUCTION

Chapter I consists of five sub-chapters which are background, research questions, purpose, research benefit that consisted of academics, practical and social benefits and the last is structure of writing.

CHAPTER II : CONCEPTUAL FRAMEWORK

Chapter II consists of the main point of the research. Firstly, this chapter will explain the literature review which analyzes the topic. Secondly, it will be followed by theories

and concepts that are relevant to the research topic. The main theory that will be used in this research is Liberalism.

CHAPTER III : RESEARCH METHODOLOGY

Chapter III explains about the method of research in analyzing the topic. Whether the method is qualitative or quantitative, or what kind of data will be used to conduct the research. The chapter also consists of techniques to collect the data and the approach that is used to analyze the data.

CHAPTER IV : DATA ANALYSIS

Chapter IV consists of the conclusion and recommendations of the data that has been collected and analyzed. This chapter also will solve the problems that have been stated in the previous chapter.

CHAPTER V : CONCLUSION AND RECOMMENDATIONS

Chapter V consists of the conclusion of the research and analysis. This chapter will also provide suggestions or recommendations pertaining with the research topic.