



MARITIME SECURITY IN THE BORDER AREA OF INDONESIA-PHILIPPINES: STUDY IN THE WATERS OF SANGIHE ISLANDS REGENCY AND TALAUD ISLAND REGENCY



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ABSTRACT

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This study aimed to identify various activities in the waters of Sangihe Islands Regency and Talaud Islands Regency that could threaten the maritime security of both regencies. The research was located in several areas: Sangihe Islands Regency, Talaud Islands Regency, and several cities in North Sulawesi Province (Manado City and Bitung City). Data and information were collected through an in-depth interview and literature review. The data obtained was then analyzed using qualitative method. The result shows that the potential maritime threats in the waters of Sangihe Islands Regency and Talaud Islands Regency involve activities such as: (1) illegal entry and illegal trade, carried out by residents living in the border areas of Indonesia (Sangihe Islands Regency and Talaud Islands Regency) and residents living in the southern Philippines region, (2) illegal fishing, starting from fish theft conducted by foreign fisheries, illicit fish trade by local fisheries to foreign vessels at sea, to fish bombing and alcohol smuggling by local fisheries, and (3) the route of terrorist activity. This route demonstrates how terrorist groups carry out their activities by utilizing the Indonesia-Philippines border area as a route for their mobility to enter and exit, as well as for the circulation of weapons for terrorist activities in Eastern Indonesia.

Contribution/ Originality: This study is one of very few studies which have investigated various activities that could threaten maritime security in the waters of the Sangihe Islands Regency and the Talaud Islands Regency. From a practical perspective this study will assist in the formulation of maritime security policies.

1. INTRODUCTION

Many countries border Indonesia. On land, Indonesia's territory is bordered by three countries, namely Malaysia, Papua New Guinea, and the Democratic Republic of Timor Leste. Meanwhile, on the maritime, Indonesia is bordered by 10 countries, including Malaysia, Papua New Guinea, Singapore, the Democratic Republic of Timor Leste, India, Thailand, Vietnam, the Republic of Philippines, the Republic of Palau and Australia. These borders are located in the regions of Sumatera, Kalimantan, Sulawesi and Papua.

A border area of a country can encourage the success of the national development as it has strategic value. This is possible because the border area, amongst other things, has several important impacts on the state sovereignty; are one of the driving factors for the improvement of the socio-economic welfare of the surrounding community; has

inter-relationship that affects the two areas; and play a role in the defense and security of state both on a regional and national scale.

Based on these, Indonesia is always vigilant in protecting its border area from various possible entries of adverse foreign influences (ideology and socio-culture) as well as the possibility of transnational crimes, illegal logging, illegal fishing, woman and child trafficking, illegal immigrants, human smuggling, narcotic drugs trafficking, entry points for terrorists, piracy, and socio-cultural conflicts that could potentially threaten the national stability.

Talud Islands Regency and the Sangihe Islands Regency, located in North Sulawesi Province, are two of Indonesian border areas with the neighboring country, Philippines. Both regencies are geographically bordered by the Pacific Ocean, Sulawesi Sea and the Republic of the Philippines.

In recent years, the Indonesia-Philippines border areas have been gaining attention due to several acts of maritime violence, such as a series of domestic vessels hijacking from 2016 to 2017 in the Sulawesi-Sulu Sea, around the Indonesia-Malaysia-Philippines border. This act was carried out by separatist groups who settled in several small backward islands in the Southern Philippines, including Jolo Island, Basilan, Tawi-tawi and Mindanao (Arifin, Ras, & Siswoyo, 2018; Rustam, 2017). Maritime security threats in the form of ship hijacking are also a threat to other countries that have an interest in this route, including Indonesia.

Considering the strategic value of the Indonesia-Philippines border areas for the integrity of the Republic of Indonesia, it is important to identify any possible security issues, especially the maritime security in the Sangihe Islands Regency and the Talud Islands Regency. A thorough framework is needed in formulating maritime security policy, particularly in the state's border area and national security in general.

Several researchers have conducted research as well as involved in the writing of the national security policy in Indonesia, including security in the border area. Keliat (2009) for example, analyzed maritime security and its policy implications for Indonesia, meanwhile (Mareta, 2016) analyzed the criminal acts of illegal logging in the concept of national security. Other researcher, Rustam (2017) reviewed the maritime security policy in the Sulawesi-Sulu Sea due to the frequent hostage-taking and ship hijacking even though there are already trilateral patrols (joint patrols of Indonesia, Malaysia and Philippines). Meanwhile, Edy, Usman, and Azca (2017) specifically discussed the various networks developed by the people involved in the act of illegal fishing on the Indonesia-Philippines border. The center of attention of this research was the study of the maritime security and factors that could threaten maritime security in the Indonesia-Philippines border areas, precisely in the waters of Sangihe Islands Regency and Talud Islands Regency.

1.1. Problem

The problem raised in this study was what type of activities that could threaten the maritime security in the waters of Sangihe Islands Regency and Talud Islands Regency.

1.2. Research Purposes

The purpose of this study was to determine various activities that could threaten the maritime security in the waters of Sangihe Islands Regency and Talud Islands Regency.

2. LITERATURE REVIEW

The emergence of maritime security issues begins with the function of the territorial waters that are strategic for the interests of countries in the world. Maritime security is a small part of a national security, therefore national security practices of a country determine how maritime security practices are in national policy (Octavian & Yulianto, 2014).

According to Bueger (2015) there are three things that must be considered in identifying the concept of maritime security, (1) 'Semiotics', which intends to map different meanings by exploring the relationship between maritime security and other concepts, (2) the 'Securitization' framework, which provides a means to understand how different threats are included in maritime security, and 3) Security practice theory, which aims to understand what actions are taken in the name of maritime security.

Maritime security can be defined as the protection of a country's maritime territory and its infrastructure, economy, environment, and society from threats or adverse actions that occur at sea (Klein, 2011). In the report of Ocean and Law of The Sea in 2008, it is explained that activities that threaten maritime security include (Klein, 2011):

- (1) Piracy and armed robbery, a form of crime that usually occurs at sea which can endanger the crew as well as the safety of navigation and commercial routes.
- (2) Terrorist acts, constitute one of the threats to maritime security because they do not only impact physical attacks but also affect economic conditions.
- (3) Illicit trafficking in arms and weapons of mass destruction, the greatest threat to maritime security if it is committed for the purpose of terrorism.
- (4) Illicit trafficking in narcotic drugs and psychotropic substances, a maritime threat that have been most frequently encountered since a long time ago. This illegal drug trade is usually carried out during or after a voyage.
- (5) Smuggling and trafficking of people, both smuggling and human trafficking by sea, threaten the person's safety and violate human rights.
- (6) Illegal, unreported and unregulated (IUU) fishing, a threat to maritime security on a larger scale including food security, economy, social, politics, and the environment.
- (7) Intentional and unlawful to the marine environment, an activity that damages the marine ecosystem so that it can threaten the maritime security of a country because it can affect the economy of the coastal state.

From the description above, it can be seen that maritime threats does not only cover the concept of maritime security on a military scale, but also involves non-military issues. The indication of maritime security itself cannot be separated from UNCLOS 1982 (United Nation Convention on the Law of the Sea), which generally regulates law enforcement in the territorial sea and the Exclusive Economic Zone (EEZ) of a country.

In the Southeast Asia region, maritime security, according to Oegroseno (in Keliat (2009)), has been seen as an important element in the idea of the ASEAN Security Community. Within this framework, this regional organization created the ASEAN Maritime Forum mechanism. However, this forum does not define what is meant by maritime security. It only states that the ASEAN Maritime Forum was designed as a forum to discuss steps to respond to maritime security threats. The maritime security threats refer to (1) piracy, (2) armed robbery, (3) marine environment, (4) illegal fishing, (5) smuggling of goods, people, weapons and drug trafficking. This understanding arises because in the Southeast Asia region there are a number of security problems that still characterize this region, such as conflicts stemming from territorial claims, commercial security and trade routes, terrorism, piracy, and smuggling (Directorate General of Defense Strategy Directorate of Strategic Environmental Analysis, 2008). The concept of maritime threats for ASEAN members is adapted to the context of maritime threats in the Southeast Asia region.

3. RESEARCH METHODS

This study used a qualitative approach in order to identify various activities that could threaten maritime security in the waters of the Sangihe Islands Regency and the Talaud Islands Regency.

This research was conducted at the Sangihe Islands Regency and the Talaud Islands Regency. To complement the research data, several cities in North Sulawesi Province was also added to the research location, among them are

Manado City and Bitung City. Both cities were picked because they have several institutions that have a direct relationship with handling maritime security in the Indonesia-Philippine border area, including the territorial waters of Sangihe Islands Regency and Talaud Islands Regency.

The data and information in this study were obtained in two means. First, in-depth interviews with informants that were familiar with the topic of this research, they were: government officials (Sangihe Islands Regency and Talaud Islands Regency); an active TNI and Polri officials in Sangihe Islands Regency and Talaud Islands Regency; an active TNI and Polri assigned to the Central Maritime Zone Area by the Marine Security Agency; Bitung Marine and Fishery Resources Supervision Base staff. Second, literature review through the collection of various secondary data such as books, journals, research reports, agreement documents, and others that were relevant to the research topic.

The data collected from in-depth interviews and literature reviews were analyzed in 3 (three) stages. First, all informations, notes, and transcripts from the interviews, as well as field observations, and various documents were carefully recorded. Second, the raw data or information with similar tendency was collated. Third, the data was then analyzed and interpreted. The interpretation of data was carried out by drawing a conclusion from informants' various expressions, views, arguments, and perceptions upon qualitatively comparing it with the facts found in the field. Triangulation was conducted by cross checking answers from various informants and comparing facts or data obtained in the field (cross referencing).

After completed, data was proceeded to analyze thoroughly by comparing the data from the field with existing theories. This was done to draw conclusion whether these data were fully supported, partially supported, or may differ from the existing (previous) theory. The latter would indicate that these data are new findings.

4. RESEARCH RESULT AND DISCUSSION

4.1. Area Description and Transboundary Arrangements of the Sangihe Islands Regency and the Talaud Islands Regency

Sangihe Islands Regency and Talaud Islands Regency¹ are integral parts of North Sulawesi Province with their respective capital cities Tahuna and Melonguane. These two regencies are an archipelago located between Sulawesi Island and Mindanao Island (Republic of the Philippines) and are categorized as border areas.

The area of Sangihe Islands Regency is 736.98 km² and divided into 15 districts wherein North Tabukan District is the largest (114.76 km²) and Marore District is the smallest (11.02 km²). Whereas, the area of Talaud Islands Regency is 39,051.02 km² and divided into 19 districts wherein Beo District is the largest (1.44.85 km²) and Miangas District is the smallest (2.39 km²). The smallest districts of both regencies have several islands that are geographically adjacent to the Republic of the Philippines, they are Miangas Island, Marore Island, Kawio Island, and Matutuang Island.

Indonesia and Philippines had signed an agreement that regulates border crossing of the two countries in 1956 through *The Agreement on Immigration Between the Republic of Philippines and the Republic of Indonesia*. The Philippines government then ratified it as *Senate Resolution Number 94 of 1957* and the Indonesian government ratified it into the *Act Number 77 of 1957*, which was the *Act of Agreement concerning Citizens Residing Illegally in the Territory of the Republic of Indonesia and the Republic of the Philippines*. This cooperation was expected to make the border area more orderly and safer.

Both contracting parties had been continuously taken efforts to improve the agreement because the border residents still found their activities to be restricted. As a continuation to the meeting between President Soeharto and President Marcos in Manado on May 29-30 in 1974, then on March 11 in 1975 in Jakarta, both contracting

¹The Talaud Islands Regency was split from the Sangihe Islands Regency in 2002 based on *Law No.8 of 2002 Concerning the Establishment of the Talaud Islands Regency, North Sulawesi Province*.

parties were further agreed to expand the border posts that could issue cross border cards or passes and allowed border crossing of people and goods. Furthermore, on July 1 in 1975, various regulations were agreed on concerning the border crossing people, it was entitled: *The Joint Implementation of The Border Patrol and Border Crossing Agreement* which aimed to facilitate supervision and maintain order and security in the border area.

The second category of cooperation is *The Border Trade Agreement (BTA)*. On July 29 in 1971, Manila, the Indonesian and Philippine delegations agreed on *The Border Trade Agreement between the Government of the Republic of Indonesia and the Government of the Republic of the Philippines*. Then, was followed up by the issuance of Presidential Decree No. 23 of 1972 concerning the *Ratification of the Agreement*. This agreement emphasized more on trade cooperation, which regulated traditional trade conducted by border crossing people. The goods carried by the border crossing people must not value more than 500 pesos.

The agreement document was then revised in 1974, and entitled *the Revised Agreement on Border Trade between the Government of the Republic of Indonesia and the Government of the Republic of the Philippines*. This agreement referred to *The Basic Agreement on Economic and Technical Cooperation* and was ratified by *Presidential Decree No. 6 of 1975*. The area of Indonesia included in the revised agreement are the Nanusa Islands, consists of Miangas Island, Garat Island, Karatung Island, Manupung Island, Kakorotan Island, Malo Island, and Marampit Island; Kawio Islands, consists of Marore Island, Kamboleng Island, Kawaluso Island, Mamanuk Island, Matutuang Island, and Dumarehe Island; the Bokide Islands, consists of Bokide Island, Liang Island, Enggome Island, Salehe Island, Meliang Island, Makurang Island, Malentok Island and Lipang Island; and Tarakan District. The Border Crossing Entry and Exit posts are located in Marore, Miangas and Tarakan. Meanwhile, the BTA coverage of area for the Philippines includes Balut Island, Olanivan Island, Sarangani Island, Cape San Agustin Island; and the Tawi-Tawi islands. The Border Crossing Entry and Exit posts are located in Mabila (Balut Island), Cape San Agustin, and Bongao (Tawi-Tawi).

In the Cross-Border Trade Agreement it is agreed that the value of goods carried by the Cross-Border Card holder, from one border area to another border area, must consist of personal items, such as clothing, medicines and foodstuffs which are equivalent to the needs during period of stay in another border area, the value cannot be more than 500 pesos or the equivalent in Indonesian currency. The loading capacity of the boat are also limited to no more than 200 cubic meters. Goods traded from Indonesia include agricultural products and various local products from the border area. Meanwhile, goods from Philippines that could be traded are daily consumer goods and various equipments needed at the border area.

Until now, *the Agreement on Border Trade between the Government of the Republic of Indonesia and the Government of the Republic of the Philippines 1974* is still in effect as a reference to regulate the border crossing of people and goods at the Indonesia-Philippines border area.

4.2. Strategic Value of Waters of Sangihe Islands Regency and Talaud Islands Regency

The Sangihe Islands Regency and the Talaud Islands Regency are geographically located in the northernmost part of Indonesia and bordering the Philippines. The territorial waters of these two regencies are part of the Sulawesi Sea and the Pacific Ocean and therefore their territorial waters are also included in the Indonesian Archipelago Sea Channel, which was formed after the implementation of the 1982 United Nations Convention on the Law of the Sea upon recognizing Indonesia's status as an Archipelagic State. This status aimed to guarantee the integrity of the national territory consisting of land, sea and air (Kusumaatmadja, 1988).

According to the Republic of Indonesia Act No. 6 of 1996 and the Republic of Indonesia Government Regulation No. 37 of 2002, the archipelago's sea channel is the channel of the sea through which vessels sail or foreign aircraft fly traverse the waters of the archipelago. Later, it was known as The Archipelagic Sea Lanes (ASL) and proceeded agreed upon by the International Maritime Organization (IMO), which content consists as follow:

Archipelagic Sea Lanes I. Archipelagic sea lanes that may exercise the right of archipelagic sea lanes passage for navigation from the South China Sea to the Indian Ocean and *vice versa*, crossing the Natuna Sea, Karimata Strait, Java Sea and Sunda Strait. The Archipelago Sea Lanes I has the IA Branch of the Archipelago Sea Lanes, for navigation from the Singapore Strait via the Natuna Sea or vice versa.

Archipelagic Sea Lanes II. Archipelagic sea lanes that may exercise the right of archipelagic sea lanes passage for navigation from the Sulawesi Sea to the Indian Ocean or *vice versa*, crossing the Makassar Strait, Flores Sea and Lombok Strait.

Archipelagic Sea Lanes IIIA. Archipelagic sea lanes that may exercise the right of archipelagic sea lanes passage for navigation from the Pacific Ocean to the Indian Ocean or *vice versa*, crossing the Maluku Sea, Seram Sea, Banda Sea, Ombai Strait, and Savu Sea. Archipelagic Sea Lanes IIIA has:

- (1) Archipelagic Sea Lanes III B, for navigation from the Pacific Ocean to the Indian Ocean or *vice versa*, crossing the Maluku Sea, Seram Sea, and Banda Sea and the Leti Strait.
- (2) Archipelagic Sea Lanes IIIC, for navigation from the Pacific Ocean to the Arafura Sea or *vice versa*, crossing the Maluku Sea, Seram Sea, and Banda Sea.
- (3) Archipelagic Sea Lanes IID, for navigation from the Pacific Ocean to the Indian Ocean or *vice versa*, crossing the Maluku Sea, Seram Sea, Banda Sea, Ombai Strait, and Savu Sea.
- (4) Archipelagic Sea Lanes IIIE, for navigation from the Indian Ocean to the Sulawesi Sea or *vice versa*, crossing the Sawu Sea, Ombai Strait, Banda Sea, Seram Sea and Maluku Sea or for navigation from the Timor Sea to the Sulawesi Sea or *vice versa*, crossing the Leti Strait, Banda Sea, Seram Sea, and Maluku Sea or for navigation from Arafura Sea to Sulawesi Sea or *vice versa*, crossing the Banda Sea, Seram Sea and Maluku Sea.

These routes of the Indonesian Archipelago Sea Lanes, particularly the Archipelago Sea Lanes II, illustrates that the Sulawesi Sea is the entry point to the Indonesian Archipelago Sea Lanes II area, which is connected to the Makassar Strait, Flores Sea and Lombok Strait to the Indian Ocean. The main entrance to the southern part of the Indonesian Archipelago Sea Lanes II is directly opposite to two major countries, Australia and New Zealand. These two countries need to traverse the Indonesian Archipelago Sea Lanes II for commercial vessels to East Asia and *vice versa*. The Sulawesi Sea is also the entry point for crossing vessels from the northern part of the Indonesian Archipelago Sea Lanes II to the Indian Ocean as the Sulawesi Sea is directly connected to the Pacific Ocean and the Sulu Sea.

Thousands of oil tankers and merchant fleets cross the route because of the potential, location, and intensity of marine activities (Rustam, 2017). Because of it, this route also has a number of threats along the way, such as territorial violations due to its precise position on the border of three countries (Indonesia, Philippines and Malaysia), illegal fishing, weapons smuggling and human trafficking, as well as piracies along with crews kidnapping (Rustam, 2017).

Nevertheless, its beneficial factors for many countries are what makes the territorial waters of Sangihe Islands Regency and Talaud Islands Regency have a strategic value, as they also are geographically connected to the Sulawesi Sea, Sulu Sea and Pacific Ocean.

4.3. Potential Threats in the Waters of Sangihe Islands Regency and Talaud Islands Regency

4.3.1. Illegal Mobility of People and Goods

Population mobility or population migration between two different regions is influenced by various factors such as social, economic and geographic interrelations. According to Rich (in Ghazali, Pudjiastuti, and Sunardi (2015)), population migration is determined by two factors that influence each other, namely internal factors and external or pull factors. Many of the driving factors are determined by the conditions of the country of origin, such as life prospects, gloomy economy, ethnic and religious discrimination, and so on. Meanwhile, the pull factor is determined by the conditions of the place or destination country which usually have or promise a better situation.

Population mobility across the state administrative boundary that occur in the Indonesia-Philippines border area is caused by several factors. First, the kinship factor between the residents of the Sangihe-Talaud Islands Regencies and the residents of the Southern Philippines. Second, the accessibility factor to villages or cities, which is closer to the neighboring country, has resulted tendency in residents of the two regencies in the Indonesian territory to go to the Philippines's territory. For example, the distance between Marore Island and Manado is 206 nautical miles, while the distance between Marore Island and Balut Island is 35 nautical miles (shown in Table 1 and Table 2). The third is several economic factors, such as the differences in production between regions and demand that failed to be fulfilled by their own regions. Another factor that also affects the mobility of the population in the border area is work opportunity. The availability of employment opportunities encourages the mobility of workers to cross national borders (Ulaen in Ishikawa (2011)).

Table-1. The distance between the outer islands in the Sangihe Islands Regency and Talaud Islands Regency and several areas in the South Philippines.

Area in Sangihe-Talaud	Area in Southern Philippines	Distance
Marore Island	Balut Island	35 nautical miles
Miangas Island	San Augustine	50 nautical miles

Table-2. The distance between the outer islands in the Sangihe Islands Regency and Talaud Islands Regency with the Capital of North Sulawesi Province (Manado).

Area in Sangihe-Talaud	Capital of North Sulawesi Province	Distance
Marore Island	Manado	206 nautical miles
Miangas Island	Manado	274 nautical miles

In the last 3 years, data from Tahuna Immigration Office demonstrates that Indonesian and Phillipino who cross borders legally or through Border Crossing Entry and Exit posts in Marore and Miangas from 2017 to 2019 are 1406 people and 257 people, respectively (shown in Table 3).

Table-3. Number of Boundary Passers through the Border Crossing Entry and Exit post (Marore and Miangas).

Year	Number of Boundary Passers			
	Citizen			
	Indonesian citizens		Foreign citizens	
	Depart	Arrived	Depart	Arrived
2017	347	473	59	80
2018	147	201	30	59
2019	130	108	15	14

Crossing border through the Border Crossing Entry and Exit post by the border people from the territory of Indonesia and Philippines are also often went unreported. They regard the cross border routes in their territories as the traditional routes that have been used by their ancestors and so it should not be limited. Beside, the distance between the islands they are residing and the Border Crossing Entry and Exit posts is relatively far. Therefore, they choose not to report themselves and directly cross the border (Niode, 2014; Niode, 2017).

The cross border agreement between the Republic of Indonesia and the Republic of the Philippines or to be precise the *Revised Agreement on Immigration Between the Republic of the Philippines and the Republic of Indonesia*, which was signed in 1975, allows residents who live in the border areas of the two countries to visit each other for the purpose of a relative visit, religious visit, and other visits (vacation and the likes), by only going through the Border Crossing Entry and Exit post and limited to areas that are included in the coverage of the border areas between Indonesia and the Philippines. However, residents who cross borders from Indonesia to the Philippines or *vice versa* are often brought certain goods, such as marine products, batik articles, *krettek* cigarettes, and other economically valuable objects to be exchanged (bartered) or traded in the destination (Pristianto, Sumolang, Triwibowo, & Ulaen, 2013). The interview result with the Secretary of Regional Border Management Agency for the Sangihe

Islands Regency, Abdul R. Mandang SH, found that the limited infrastructure supervision, weak monitoring of the crossing border people's mobility, and shady arrangement between officials and crossing border people are the cause for the large number of illegal goods in the islands. These illegal goods, such as alcohol and perfume, are freely circulated and traded in the capital of Sangihe Islands Regency (Tahuna) and the capital of the Talaud Islands Regency (Melonguane).

4.3.2. Illegal Fishing

Based on various literatures on illegal fishing, it can be concluded that Illegal fishing is fishing activities that are not in accordance with the existing regulations and is not reported to an existing fishery management institution. Meanwhile, Illegal fishing in the document of the International Plan of Action - Food and Agriculture Organization of the United Nations (IPOA-FAO) is divided into three categories, illegal fishing, unreported fishing and unregulated fishing².

Table-4. Fisheries Crime in the Waters of Sangihe Islands Regency and Talaud Islands Regency 2019-2020.

Ship Name	Flag of the Ship	The Crews Nationality	Offense Type
FBCA. King Vincent Jhon	Philippines	Philippino	Undocumented fishing
FB GA3	Philippines	Philippino	Undocumented fishing
FB Jhon Carl	Philippines	Philippino	Undocumented fishing
FB Roger	Philippines	Philippino	Undocumented fishing
FB LB Vient 009	Philippines	Philippino	Undocumented fishing
Full Balst 4	Philippines	Philippino	Undocumented fishing
M/BCA Aira	Philippines	Philippino	Undocumented fishing
M/BCA Nicolo	Philippines	Philippino	Undocumented fishing
Ice Breakir - 03	Philippines	Philippino	Undocumented fishing
FB Makmur 13	Philippines	Philippino	Undocumented fishing
FBCa SALIN-02	Philippines	Philippino	Undocumented fishing
Sheng Teng Chun	Taiwan	Taiwanese dan Philippino	Undocumented fishing
KM Tanpa Nama	Indonesia	Indonesian	Conducted fishing using chemicals
FBCA Canter Jhon	Philippines	Philippino	Undocumented fishing
FBCA QUADR OCHO	Philippines	Philippino	Undocumented fishing
FB Louie - 17	Philippines	Philippino	Undocumented fishing
FBca BENTEN	Philippines	Philippino	Undocumented fishing

The interest of foreign fisheries in the waters of the Sulawesi Sea, which resulted in illegal fishing activity, cannot be separated from the existence of region that is not only rich in marine resources, but also has not been optimally explored. Other reasons are the wide coverage area and geographic conditions that are difficult to reach, plus the limited facilities and infrastructure which makes supervising and patrolling by the apparatus difficult.

Philippines's fisheries as illustrated in Table 4, can freely enter the waters of the Sulawesi Sea, especially the waters of the Sangihe Islands Regency and the Talaud Islands Regency. It is due to the relatively close proximity between the Southern Philippines and the two regencies, apart from its geographic position which is located between the Sulawesi Sea and the Pacific Ocean. The wide area and the lack of monitoring facilities allow Philippines's fisheries to freely steal fish in the waters of the Sangihe-Talaud Islands Regency.

Various techniques of illegal fishing are carried out by foreign fisheries in order to continue the illegal fishing activities, among them are faking the ship with Indonesian names and using local fisheries in order to be considered as Indonesian ship. In 2019, another violation was found by the Tahuna's fisheries and the Marine Resources

² International Plan of Action to Prevent, Deter and Eliminate Illegal, Unreported and Unregulated Fishing", <http://www.fao.org/docrep/003/y1224e/y1224e00.HTM>, accessed on October 1, 2020.

Supervisory. They found 12 *rumpon* (fishing aggregating device) that did not have a permit installed in the waters of the Sangihe Islands Regency belonging to Philippines's fisheries (Manado Post, 2019).

Other illegal fishing activities carried out particularly by local fisheries in the Sangihe Islands Regency and Talaud Islands Regency are selling fish to foreign vessels at sea. The price disparity of marine commodities in Tahuna and Melonguane (the capital of Sangihe Islands Regency and Talaud Islands Regency, respectively) with the price in General Santos and Davao (Republic of the Philippines) is one of the reasons why local fisheries prefer selling fish illegally.³ Other violations that are often committed by local fisheries in the waters of the Sulawesi Sea are fish bombing and alcohol smuggling.⁴

4.3.3. Route of Terrorist Activity

Terrorism is currently a global, regional, and local threat for every country. In the political science literature, the concept of terrorism is interpreted differently, depending on who defines it. This is understandable because the issue of terrorism has generated controversy and includes a very broad dimension. Not only the security aspects involved in it, but also ideological issues and religious beliefs, considering that more and more acts of terrorism are being carried out in the name of religion (Jemadu, 2014).

Kegley and Wittkopf define terrorism as "*premeditated, politically motivated violence perpetrated against noncombatant targets by subnational group or clandestine agents, usually intended to influence an audience*" (Kegley & Wittkopf, 2003). This definition, apart from emphasizing the aspects of resistance to repressive power or domination, it also draws our attention to the acts of terrorism, which is a well-planned activity that operates in secret within a sovereign state. Meanwhile, the definition of criminal acts of terrorism in Indonesia is contained in articles 6 and 7 of Government Regulation No. 1 of 2002 and Law No. 15 of 2003, concerning *the Eradication of Criminal Acts of Terrorism*, which has been amended into *Law Number. 5 of 2018 concerning the Amendment to Law Number 15 of 2003 Concerning the Settlement of Substitute Government Regulations Law Number 1 of 2002 Concerning Eradication Criminal Action of Terrorism Becomes Law*.

The terrorism law in Indonesia contains provisions for the death penalty. This is still become a debate in the community. There are those who argue, as a country based on the One Godhead, the state does not have the right to take someone's life, because the right to take someone's life is God. In addition, there are also those who argue that death penalty is against human rights (HAM). However, there are also people who reckon terrorism as an act that deserves to be rewarded with a punishment that is commensurate with their actions (Golose, 2014).

There are reasons that motivate or encourage terrorism movement according to Hoffman, the motivations for the intermediate terrorism movement are nationalist-separatism, religion, ideology, and mental disorders (Golose, 2014). One example of terrorism with a radical Islamic ideology is the Moro Islamic Liberation Front (MILF) and the Abu Sayyaf Group (ABG). Both of these groups operate in the Philippines (Golose, 2014).

One case that can explain how transnational crime organizations and terrorist groups carry out their activities is taking advantage of the border area between Thailand, Malaysia, and Singapore by terrorist groups in arranging, planning and carrying out their terrorist activities. The border between Southern Thailand and Satun province to Sumatera (Riau Islands) through Malaysian waters around Langkawi-Penang is the preferred land and sea route for channeling funds, distributing weapons and explosives from terrorist suspects. In addition, the border areas of the Southern Philippines, from Zamboanga and Davao (Mindanao), towards Sulu-Sarawa-Nunukan in Kalimantan and the Sangihe-Talaud Islands in North Sulawesi to Maluku and Central Sulawesi are known as routes of weapons for terrorist activity in Eastern Indonesia. Sangihe Islands Regency is recognized as a weapons smuggling route for

³ Personal communication with S. Laudang, Head of the Regional Border Management Section of the Talaud Islands Regency, June 29, 2020.

⁴ Personal communication with F. A. Kaihatu, Head of Marine and Fisheries Resources Supervision Division of the Department of Marine Affairs and Fisheries North Sulawesi Province, July 27, 2020.

terrorist activities and was also reported by the Indonesian Attorney General's Office of Defense and Security Team when monitoring Marore Island, Sangihe Islands Regency on October 17 in 2019 (Manado Post, 2019).

During 2016 to 2019, four terrorists were arrested in the province of North Sulawesi. They were arrested in Manado and Bitung cities before they visited the Philippines (Manado Post, 2019). This disclosure proves that the province of North Sulawesi and the territorial waters of the Sangihe Islands Regency and the Talaud Islands Regency are respectively terrorist transit points and routes.

5. CONCLUSION

Based on the study above, it shows that the potential maritime threats in the waters of the Sangihe Islands Regency and the Talaud Islands Regency involve activities such as: (1) illegal entry and illegal trade, carried out by residents living in the border areas of Indonesia (Sangihe Islands Regency and Talaud Islands Regency) and residents living in the southern Philippines region, (2) illegal fishing, starting from fish theft conducted by foreign fisheries, illicit fish trade by local fisheries to foreign vessels at sea, to fish bombing and alcohol smuggling by local fisheries, and (3) the route of terrorism. This route demonstrates how terrorist groups carry out their activities by utilizing the Indonesia-Philippines border area as a route for their mobility to enter and exit, as well as for the circulation of weapons for terrorist activities in eastern Indonesia.

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