

Patterns of Transnational Crime in The Border of Sulawesi Sea -Sulu Sea and Threats to Indonesia's Maritime

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Abstract

The rise of transnational crime cases in globalization is fatal if countries with maritime areas do not notice it. It is undoubtedly very influential with the threat to the security of the country's territory. Many transnational crime cases arise in the area between the Sulu Sea and the Sulawesi Sea belonging to Indonesia and the Philippines. The case came from these two countries and other countries both in the Region and those not included in the Southeast Asia Region and has confused the maritime area of the Sulu Sea with the Sulawesi Sea. Not only is the threat coming for the Philippines, but the one that has the most impact is the Indonesian defense area because of the emergence of maritime security threats. So, the concept used to find the many patterns of transnational crime cases has emerged using "maritime security" from Christian Bueger. He explained that the understanding of maritime security is disrupting in terms of defense and terms of economic, political, and geo-strategy. From the analysis and mapping of transnational crime patterns in the Sulu Sea - Sulawesi Sea, it is still a threat to Indonesia's maritime security if Indonesia does not strengthen its defense and minimize transnational criminal activities in the Philippines' border sea area and Indonesia. Literature studies and field research are methods used to analyze maritime security themes.

Keywords: *maritime security, security threats, Sulawesi Sea, Sulu Sea, transnational crime*

Introduction

The water area is now developing its function since the issue of maritime security emerged and has become an essential part of a world country that is said to be very strategic. It is known that, according to Susanto and Munaf, the maritime area is one of the main arteries for global interaction (Munaf & Susanto, 2014). So, the maritime area should be a maritime security issue that is important for many countries worldwide. In addition, some countries in the world also need maritime security stability to maintain the nation's national interest, whose impact can be on the national development of a country. Maritime security is a small part of national security, so in practice, the national security of a country determines how maritime security practices in a national policy (Oktavian & Yulianto, 2014).

Maritime security refers to preventive actions and responding by protecting a country's maritime territory from threats to the security or other legal actions. Maritime security issues are not new. Many countries have paid attention to maritime security, including the border area between Indonesia and the Philippines, namely the Sulawesi Sea and the Sulu Sea. Smuggling, piracy, human trafficking, and environmental destruction are always found between sea borders. In addition, the issue is increasingly urgent with the existence of terrorism that uses several pirates in the sea lanes between the Sulawesi Sea and the Sulu Sea.

The concept of maritime security also lies between traditional and non-traditional security frameworks. Between the two focuses, it is non-traditional security that the state should focus on as groups or individuals with non-military issues if traditional security is faced with violations of maritime affairs and is considered to threaten the sovereignty and identity of the state. In contrast, non-traditional security is more likely to expand the security

landscape of the object of reference so that the security issues studied are more than just threats to state sovereignty and identity, including the economy, the environment even though life, and resources, even to ethnicity, religion, race, and between groups (Keliat, 2009).

Non-traditional security is based on the effects of globalization, leading to an increase in independent movements that are separated from the state framework, such as the problem of transnational Crime. Transnational Crime is a global issue closely related to the basic needs of international peace, security, justice, freedom, and progressive development. Usually, these issues are always related to political, diplomatic, military-strategic, and socio-economic aspects. Issues in Transnational Crime have characteristics such as disagreement and conflict, rather than agreement and cooperation. However, global issues cannot be authoritatively combined and given priority because the management of these issues is centralized into nation-states and even exists in the international system (Winarno, 2014). Transnational Crime or organized Crime is an organized group whose primary goal is to get money, both legally and illegally, by selling merchandise or anything to provide profits with as little risk as possible. Usually, these activities can be specified, including illegal weapons, drugs trafficking, money laundering, prostitution, cybercrime, illegal fishing, illegal logging, pornography, and ecology. On average, transnational crime activities are carried out at sea borders between countries.

The issue of transnational Crime facing Indonesia itself can be categorized into three: security disturbances at sea, for example, timber smuggling, fuel, fish theft, piracy, and terrorism. Second, security disturbances in the air include piracy, sabotage, reconnaissance of Indonesian territory, and others. Third, disturbances in border areas include smuggling goods, weapons, narcotics, and people smuggling (Sudrajat, 2003). In the last ten years, transnational Crime has become increasingly worrying because Indonesia is geographically located in a strategic area that carries the consequences of being vulnerable to these threats. In the end, it will affect instability both domestically and, in the Region, especially in the sea or maritime routes. Like Indonesia, these issues also hit many developing countries, especially those direct border with Indonesia, such as Southeast Asia. We know that the Southeast Asia region has many maritime territorials bordering regional countries. The territorial waters are constantly faced with security problems in their sea lanes with a source of threat specified as a transnational crime (cross-country) categorized under non-traditional threats.

Literature Review

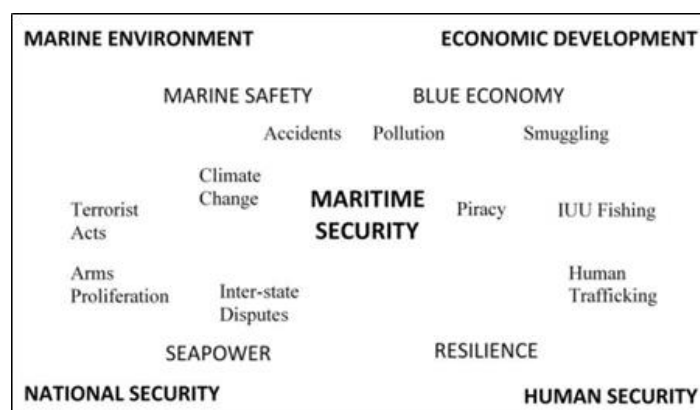
The author uses the term Maritime Security concept to discover the patterns of transnational crime between the Sulu Sea border - the Sulawesi Sea and how significant the threat to maritime security is in Indonesia. The word Maritime Security is nothing more than a buzzword in the science of international relations. In Maritime Security, maritime policies, maritime governance, and international security are used as the main actors (Bueger, 2014). Looking back in 2014, it was discovered that the UK, the European Union, and the African Union had launched their own very massive maritime security strategy. In addition, the establishment of NATO has its maritime security as one of the objectives in the maritime Alliance Strategy since 2011. Previously, in 2004, the United States had spearheaded a national maritime security policy and the Maritime Safety Committee and the International Maritime Organization in their list of maritime security tasks.

Maritime security is increasingly considered necessary when the 9/11 terrorist attacks can cause the spread of terrorism in the maritime area – coupled with the emergence of piracy in 2008 to 2011 off the coast of Somalia. Due to the danger of piracy for international trade where ships pass through these sea lanes (Murphy, 2015). Then, the intensity of the maritime

security dimension is increasingly becoming the most important because of the tension between regional countries and China in the South China Sea. Into the new concerns and challenges regarding maritime security discussions, it can be said that maritime security refers to "threats" that only apply to maritime areas or domains (Klein, 2011) (Predrozo, 2013). Specifications of maritime security "threats" such as maritime disputes between countries, maritime terrorism (which uses sea routes), piracy, narcotics trafficking, human trafficking, illegal weapons, illegal fishing, environmental crimes, and can are such as accidents and disasters in maritime (Roach, 2004).

Recently, in International Relations, maritime security was developed into a broader concept, such as power politics, geostrategy, or international regime building. Plus, sea order in the era of globalization makes the maritime area to be improved in terms of strategy, policy, and national doctrine (CNN Indonesia , 2021). Lack of attention to this maritime area will become a forum for change and innovation for international countries and create a particular pattern for interacting with the government and its political order at sea. In the concept of security, it is necessary to explore the relationship between maritime security and other concepts, including safety at sea, sea power, blue economy, and resilience.

According to Christian Bueger, maritime security can be broadly understood through a matrix or mapping to explore how different actors place a threat. The mapping leads to different dimensions of maritime security, so the concept of marine safety and sea power is old. Its position is an understanding that there is a danger of maritime threats, then the last two dimensions appear almost simultaneously with the emergence of maritime security (Bueger, 2014).



Maritime Security Matrix (Bueger, 2014)

Then, the author can map the patterns of transnational crime in the Sulu Sea - Sulawesi Sea by using this matrix to find out how significant the threat to maritime security is in Indonesia itself. Security at sea before discussing maritime security is categorized as naval warfare, the importance of sea power projection, and the concept of sea power. If we understand the traditional concept of national security as protecting citizens' lives, then the concept of sea power aims to lay out the role of naval power and outline strategies for its use (war at sea) (Till, 2009). While the method used is a method by searching some literature from several journals related to the theme in question. In addition, the researchers included some relevant data from the results of field research related to transnational crime. Then the researchers analyzed qualitatively.

Methods

In conducting research related to Patterns of Transnational Crime in The Border of Sulawesi Sea - The Sulu Sea and Threats to Indonesia's Maritime, researchers used a qualitative approach. Qualitative research aims to get a holistic picture of a phenomenon from the subject's point of view, without having to prove anything, so qualitative is appropriate for use on problems that are explorative, descriptive, and explanative. According to Creswell, qualitative described as (Creswell, 2012):

“Methods for exploring and understanding the meanings that a number of individuals or groups of people ascribe to social or humanitarian issues. The research process involves important efforts, such as asking questions and procedures, collecting specific data from the participant data, analyzing data inductively from specific themes to general themes, and interpreting the meaning of the data. The final report for this research has a flexible structure or framework. Anyone who is involved in this form of research must adopt an inductive style of research perspective, focus on individual meanings, and translate the complexity of a problem.”

Qualitative research is considered as the method most needed to answer some of the data and information in this study. These data include data related to transnational crime actors, transnational crime actions that took place in the Sulu waters, to understand the level of regional security. Furthermore, in a more specific approach, this study uses an ethnographic design in exploring the discourses and phenomena that developed when the field study was carried out. As part of a qualitative research approach, ethnographic design is a procedure for describing, analyzing various cultural groups with the aim of interpreting various patterns of behavior, beliefs and language that have developed over time. The center of cultural institutions defines culture as all matters relating to human behavior and beliefs (Preissle, 1993). Another understanding was put forward regarding three methodological principles used to provide a rationale for specific ethnographic methods. These three principles are as follows (Emzir, 2012): (1) Naturalism, is the view that the purpose of social research is to capture the characteristics of human behavior that appear naturally and this can only be obtained through direct contact with those being studied; (2) Understanding that human actions are different from the behavior of physical objects and even other creatures, these actions do not only contain stimulus responses but include interpretation of the stimulus and response construction; (3) Invention, is the conception of the research process as inductive or based on findings, rather than being limited to the explicit submission of hypotheses. Ethnographic studies include in-depth interviews and continuous object observations of a situation in an attempt to capture the overall picture.

For this reason, this research does not only use literature studies, but also interviews with various parties. Data related to the number of transnational activities and their development from year to year, the enforcement of the rule of law, the level of threats faced and their handling by the authorities.

Pattern of Transnational Crime at The Sea Border

In this study, the sea border often found in transnational crime is the Sulu Sea and the Sulawesi Sea, the border between Indonesia and the Philippines. This maritime area does have a strategic value that is used for the benefit of many countries. For example, thousands of oil tankers and trading fleets cross this route. Due to the potential, location, and intensity of other busy activities, the Sulu Sea - Sulawesi Sea route undoubtedly faces many problems. There is

a problem of territorial violations caused by the position of the Indonesian-Philippine border two seasons. Then the problem of illegal fishing, illegal weapons, human trafficking, drugs trafficking, and piracy. This pattern of transnational crime is continuously repeated and never finished, because of course, the two countries, both Indonesia and the Philippines, have different interests in these two maritime.

Crime activities focus more on the border between these two countries because there are too many transnational criminal activities. The Sulu Sea - Sulawesi Sea connects Indonesia with the Philippines and connects with Malaysia. Sea surveillance on the borders of these three countries has led to rampant criminal activity. Judging from its history, the issue of Sabah, which is the name of the region in northern Borneo (Kalimantan), which is part of Malaysia, has become a territorial struggle by the Sultanate of Sulu. Many do not understand the Sultanate of Sulu, especially the Indonesian people confused about the Sabah conflict. Due to the lack of attention from the Indonesian people in the eastern and northern regions of Kalimantan, the Sultanate of Sulu also entered from the Philippines and got its regional autonomy.

The Sultanate of Sulu succeeded in asserting their claim to ownership of Sabah through a ceasefire. Despite the lack of opportunities that the Sultanate of Sulu would have over Sabah, the first ceasefire occurred in March 2013 and resulted in casualties on both sides – with this incident causing a prolonged conflict in the future. Various parties well understood the reason for the attack on the Sulu Sultanate as an act of frustration with power. After that, the Sultanate of Sulu was involved in negotiations with the Philippines, the Moro National Liberation Front (MNLF). The negotiations between the two resulted in the decision that the Mindanao and Sulu regions were autonomous regions that the Philippine government had given them to manage independently. The agreement caused the Sulu Sultanate in the southern Philippines to not get land and instead wanted their territory, namely Sabah.

Meanwhile, Sabah is an area of Malaysia that historically is the land of the Sulu Sultanate from the former colonialism. The activities of imperialism and colonialism always leave traces of problems, namely the border issue. In addition, the weak guarding at the border, especially at the sea border, made it easier for the Sulu Sultanate troops to come to the Sabah area and carry out a ceasefire from the Sulawesi Sea route and the Sulu Sea.

So, what is the pattern of transnational crime on the regional border between the Sulawesi Sea and the Sulu Sea? Then what are the threats to maritime security for Indonesia? The border area between Indonesia and the Philippines is not only carried out by citizens of the two countries. For example, the perpetrators of illegal fishing are caught from the Philippines and several countries in the Southeast Asia region, such as Thailand, Vietnam, Malaysia, and Myanmar.

The number of criminal activities on the maritime border between the Sulu Sea - the Sulawesi Sea is because the Philippines and Indonesia have a weak response to guarding their maritime territorial borders, especially Indonesia. The transnational crime that has been happening for a long time and developed in the era of globalization has been intentionally left unchecked. The neglect of these cases has spread rapidly. Therefore, if the maritime border issue is not related to territorial disputes, there must also be criminal activities that have been carried out too often by several cross-border or cross-border communities.

Terrorist and Piracy Actions

The Sulu Sea and the Celebes Sea are surrounded by Indonesia, the Philippines, and Malaysia. Every year, the Sulu Sea - Sulawesi Sea is constantly crossed by more than 18 million

people and ships with an average payload of more than 55 million metric tons. This area is a communication line and a trade center and a very strategic area for perpetrators of terrorism and international crimes in the Southeast Asia Region. In real cases, crime and terrorism networks are now using the sea route as a transit point for weapons smuggling and terrorist network groups, hostage release, and illegal human smuggling. The Sulawesi Sea route is significant. The route from the Makassar Strait must pass through the Sulawesi Sea to East Asia and the route from Southeast Asia through the Sulu Sea and the Sulawesi Sea to the Pacific Ocean (Rustam, 2017).

Meanwhile, the Sulu Sea area is located in the eastern part of Palawan, Philippines and stretches to Sabah, Malaysia, and is in the western part of Visayas and Mindanao, Philippines. The sea area of Sulu - Sulawesi is a marine area prone to terrorism and piracy where the perpetrators are extremist groups and Islamic insurgencies, such as the Sulu Sultanate rebel group and the MNLF (Moro National Liberation Front). After going through the process of analysis and research, the Sulu marine area and the Sulawesi Sea in recent years have increased the threat to peace and security in this region, especially to the point of threatening Indonesia's maritime security.

From the research data obtained alone, cargo and cargo crossing the Sulu Sea - Sulawesi Region can pose a threat. From 2014 to 2016, the Abu Sayyaf group has carried out several piracy and kidnappings in the Sulu Sea - Sulawesi Sea area. In 2014 alone, there were five attempts at piracy, ten attempts were successful, as well as acts of kidnapping with nine victims. Where a series of attacks in that year was also dominated by murder. Then in 2015, hostage-killing activities began to run rampant. It was recorded that there were two attempts at piracy and twelve successful acts, plus three kidnapping cases with nineteen victims. However, in 2018 the Sulu Sea - Sulawesi Sea area experienced a reduction in incidents with one to two successful actions. Then in 2019, five hijackings and one burglary occurred on ships in the region (Piracy and Armed Robbery Against Ships in Asia , 2016)

Therefore, this makes the stability of the security of the Sulu Sea to the Sulawesi Sea crucial for trade and shipping activities that pass through this route. The crime rate also threatens passing ships, especially ships with high-value cargo. So that raises concerns for countries owning the area, making countries in the Sulu Sea - Sulawesi Sea area have interests and cooperation in providing security guarantees to users of these waterways. In this case, the radical groups in the waters of the Sulu Sea - the Sulawesi Sea seem to have been given freedom. The Abu Sayaf group and other terrorist groups entered the Philippines and Indonesia by sea from Malaysia or other countries. Due to the absence of stringent safeguards and harsh measures for perpetrators of this sea lane terrorism, they can develop their potential in the Southern Philippines, especially around the Sulu Sea. Not only large groups that enter this water area. Small groups or other non-state groups can enter, supported by geographical factors to carry out direct practices and actions and other criminal groups to accelerate their abilities on sea routes.

In the case of terrorism, the terrorist network that has developed in Southeast Asia (radical groups) has developed into a terrorist network that crosses national borders and becomes a terrorist network on an international scale. The category of terrorist groups operating between the Philippines and those entering Indonesia comprises rebels or armed separatist groups threatening national sovereignty. A militaristic approach is needed. This militaristic approach is related because groups like Abu Sayaf have since 2014 declared their group affiliated with ISIS (Roza, 2018). Their movement is none other than through the waters of the Sulu Sea - the Sulawesi Sea. Most of them came after training in Afghanistan; after using the land route was through Malaysia (Sabah), they used the sea route to come to the

Philippines and spread across Indonesia. Meanwhile, terrorism in the Philippines in the development of terror acts and threats faced by the Philippine government. This group wants a new state based on Islamic law.

Illegal Fishing

The pattern of transnational crimes other than terrorism is illegal fishing. Indonesia and the Philippines are indeed referred to as archipelagic countries with more comprehensive territorial coverage of waters than the mainland. With such a large sea area, it is undeniable that there are marine threats such as illegal fishing, unregulated, and unreported fishing (IUU fishing). Most of these illegal fishing actions occur in Indonesian waters, namely the Sulawesi Sea. Many illegal fishing practices occur in Indonesian maritime because Indonesian waters have high economic value and attract Indonesian fishing vessels (local fishers) and foreign fishing vessels (KIA). The types of fish taken by KIA are also of high economic value and have a potential of 1000 tons per year.

According to data from the Ministry of Maritime Affairs and Fisheries (KKP), as of 2021, illegal fishing is still common. The fishing theft by KIA, which was obtained on average, had the flags of Malaysia, Vietnam, and the Philippines themselves in the waters of the Sulawesi Sea (KKP, 2021). Some of the KIA arrested had lost evidence during the chase by the police. Not only do Malaysians and Filipinos take action, but Indonesian citizens in one of these KIAs helped with illegal fishing. This illegal fishing activity certainly harms income and damages marine and water resources because illegal fishing actors also use destructive fishing such as fish bombs, electric shocks, and poison (KKP, 2021). The challenge for maritime security in Indonesia is not only border surveillance by the Indonesian Navy, Bakamla (The Indonesian Maritime Security Agency), or related agencies in charge of security and borders at sea, but agencies in Indonesia must also have the performance of an Integrated Surveillance System (ISS). In addition, to reduce the number of illegal fishing at the border, the integrated agencies must know the modus operandi of KIA, which often deceives the authorities by being outside the Indonesian border when surveillance ships are patrolling. Additionally, Indonesian citizens are also involved in KIA using the Indonesian flag (Lubis, 2020).

Drugs Trafficking

Another pattern is drug trafficking in the Sulu Sea and Sulawesi Sea routes. This transnational crime is committed by several large and small groups and many international actors such as cartels. This group takes advantage of the weakness of a country's bureaucracy to escape from legal bondage and expand its operations to the international realm (Emmers, 2021). The Philippines is also a producer of methamphetamine, ranging from Indonesia to Canada and the United States. The circulation of narcotics in the Philippines is suspected to involve separatist groups such as the Moro Islamic Liberation Front and the Abu Sayaf (Weatherbee, 2009). The distribution of these illegal narcotics uses land, air, and sea routes. Usually, this sea route is rarely detected, and security checks are not strict. In addition, cargo transported by sea can use larger ships, so the circulation of sea routes can have a considerable effect (UNODC, 2012).

The Philippines is also a producer of methamphetamine, circulating in Indonesia to Canada and the US. In addition, judging from the geographical location of the Southeast Asia region, it is easier for illegal drugs to come to Indonesia and exit or circulate by sea to the Middle East, Japan, and Australia. Moreover, the Sulu - Sulawesi Sea route is the main route, especially methamphetamine, marijuana, and heroin narcotics. The distribution of illegal narcotics in the Sulu - Sulawesi Sea is circulated by the Abu Sayaf terrorism group, which is suspected of being related to traffickers in Hong Kong to distribute methamphetamine to the Philippines and countries in Southeast Asia sea, especially to Indonesia.

Illegal Weapon

Smuggling and selling weapons illegally often occur in the Sulu Sea and Sulawesi Sea. Moreover, Indonesia is not strictly guarded by the border in its sea lanes, so the unstable situation and condition of the country further exacerbate illegal weapons activities in transnational crime specifications. This illegal weapon activity is undoubtedly a severe threat to the country, region, and region. These illegal arms smuggling also comes from conflict areas like Pattani, Thailand. Usually, the smuggled weapons are mostly stolen from the Thai army arsenal (Rahman & Susiatingsih, 2019). Several other actors are also involved in the practice of arms smugglings in the Sulu Sea, such as separatist groups obtaining weapons from Afghanistan, Colombia, China, Pakistan, Palestine, Lebanon, Sudan, Libya, North Korea, Saudi Arabia, and Malaysia, where such as the Abu Group. Sayaf and the MILF get the supplies and then distribute them in the Philippines and Indonesia. The supply of smuggled weapons has occurred since the GAM separatist group (Gerakan Aceh Merdeka) became rampant some time ago.

Conclusion

There are many types of transnational crimes. Only a few crime patterns are repeated of the patterns that appear in the Sulu Sea - Sulawesi Sea. It certainly raises the issue of maritime security threats in Indonesian waters. Because indirectly, these transnational crimes always play in the maritime border area between the Sulawesi Sea from or going to the Sulu Sea. As an archipelagic country, Indonesia has ALKI (Alur Laut Kepulauan Indonesia - Indonesian Archipelago Sea Lane), an Indonesian sea area used to transport ships to and from the Indian Ocean or Pacific Ocean (Pujayanti, 2015). The ALKI stretches widely and borders the oceans and seas belonging to other countries bordering Indonesia. Of course, both ALKI and the sea, which still covers Indonesian territory, are well guarded through patrols in border areas. However, several agencies face many weaknesses related to the security of maritime borders or sea areas.

For example, ALKI II, which goes to East Asia and the Pacific from the Lombok Strait, passes through the Makassar Strait between Kalimantan and Sulawesi to the Sulu Sulawesi Sea. Then continues to the Pacific Ocean or the South China Sea. International merchant ships usually bring coal and other commodities to China, Japan, South Korea, and the Philippines. The value in the waters of the Sulu Sea - Sulawesi Sea has essential meaning not only for countries that have borders with the Sulu Sea - Sulawesi Sea but also for international trade shipping. For Indonesia alone, the strategic value of the Sulu Sea - Sulawesi Sea has increased, often with the growth of export or import activities from Eastern Indonesia (KTI). In addition, the development of maritime connectivity has so far been concentrated in the western region of Indonesia.

In contrast, the eastern region, which covers 50% of Indonesia's territory, is still underdeveloped. So, this lag causes many factors for the emergence of transnational crime. In addition to social factors, there are factors where Indonesia itself does not strictly maintain its maritime borders. So, cases of transnational crimes, namely piracy, terrorism, illegal fishing, illegal weapons, and drugs trafficking, are still rampant.

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