

CROSS BORDER CRIME IN FUNDING TERRORISM ACTIVITIES IN SOUTH-EAST ASIA: Malaysia Case



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ABSTRACT

Cross-border crime is seen as a common issue in any country where it should be taken care of by any government in a country to contain international security problems from being triggered. Observation through recent information and literature review found that cross border crime activities were also used as one of the methods for raising funds for terrorism. Human and trafficking, weapons smuggling and money laundering were among of the activities for terrorists to raise funds around Southeast Asia. As an example, kidnapping activities in Sabah is believed to be one of the activities of militant groups in the Philippines in raising funds for their terrorist activities by earning ransom. As well as human trafficking happened which this activities also contribute to the funding of terrorist related activities that being active in Philippines. Secondary data collections are through literature review and observation from various sources such as news, online news and other trusted sources. Finding of this paper proved that the geographical of Malaysia has causes the arising of cross border crime which this directly has contributing to funding the terrorist related activities. This paper also found that the existence of corruption amongst the enforcement members also contributes to the ease of the border being accessible.

I. INTRODUCTION

For a sovereign state, national security is one of the central focus of government where border administration, citizenship and defense issues were an aspect of policymaking. National security is an issue that is seriously regarded by the perception that the development of a country is closely linked to internal security that enables development and peace to be met by its people (Nor Azizan Idris & Rashila Ramli 2012). In general, the concept of security in Malaysia is a combination of political stability, security and economic development (Ruhana Harun 2009). To ensure the country's security and well-being is preserved, the Home Ministry (2015) has identified several challenges that need to be addressed: globalization, borderless world and technological advances, security, illegal immigrants, crime, legislation, enforcement and integrity. The country's sovereignty and defense fortress are becoming more difficult as a result of globalization. This is because globalization will open space and facilitate cross-border crimes covering terrorism, money laundering, cyber crime, economic crime, drug trafficking, firearm smuggling, trafficking and migrating smugglers.

Security issues become a wider and comprehensive issue after the end of the Cold War encompassing problems such as illegal immigrants, arms and goods trafficking, and other forms of cross-border crimes that have caused fears and problems to governments and authorities in the country involved. For Malaysia, political stability, economic development and people's well-being are an essential element of maintaining peace and ensuring national security. Nevertheless, Malaysia can't escape the political instability and the deterioration of the well-being of some of its neighboring countries which may have implications for its safety.

Apart from illegal immigrants issues, there are also several other issues that have important implications for the country's security. These include criminal activities such as trafficking, marching and sealing robbery, attacks from armed groups and international terrorism. All of these activities are cross-border and have significant impact on bilateral relations and cooperation between Malaysia and its neighboring countries. The inclusion of illegal immigrants is feared to have been invoked to transnational crime in Malaysia where the vast and open border of the country is a major challenge in managing national security from cross-border crime threats.

II. MALAYSIA GEOGRAPHICAL POSITION AND IMPLICATIONS FOR SAFETY (INVASION OF STATE BORDERS)

According to Prof. Dr. Nasrudin Mohammed from the Faculty of Science Administration & Policy Studies, Universiti Teknologi Mara (UiTM) Shah Alam, border security is one of the key responsibilities of any government. Issues related to borders will not be endless as long as there is human existence. In other words, as long as there is activity related to human movement, as long as that boundary will always be relevant as a national security agenda. The borders do not just mean the landmark and the mastery of a country. Overall, the boundaries involve symbols that can be interpreted either physically (especially landed, marked land, waters and ports), legislation (reinforced through constitution and the law) and metaphysical elements involving certain beliefs. As such, this does not involve government routine tasks and responsibilities alone. This involves individual persons as well as reaching out to geopolitical issues covering all elements of state and local levels.

Human beings as perpetrators in the context of border security are seen to potentially trigger fears to the nation. These include activities or issues relating to unauthorized migration, elements of violence and trade networks (beyond the boundaries) which may all involve direct or indirect boundary security issues. Human involvement as perpetrators has led to

incidents such as trafficking, cross-border violence, and planned provocation, and so on. The strategic position of the country, especially in the context of the Straits of Malacca, has made the country vulnerable to potential perpetrators posing a threat to border security from time to time. This includes various activities involving transnational elements of violence, money laundering, trafficking, drug trafficking and weapons.

In this context, Malaysia is surrounded by troubled states in terms of political and social stability such as Thailand, Indonesia and the Philippines where it has a direct impact on the country (Ruhana Harun 2009). **Malaysian authorities have detected 76 illegal routes at the Sarawak-Kalimantan border while Sabah's vast waters with the Philippines are more challenging and facilitate the abduction, robbery and terrorist activities.** According to the 2015-2020 KDN Strategic Plan (Kementerian Dalam Negeri), **Malaysia has a very long border line covering 6,557.5km of land and seafront.** This means that the KDN is facing a huge challenge in overseeing the entire border area at any one time.

Illegal immigrants have been illegally entering Malaysia through several routes mainly through the sea route in the Straits of Melaka, the Sulu Sea and the Sulawesi Sea. Approximately 700,000 people have been illegally entering Malaysia in 1983 (Kamarulnizam Abdullah 2012). In November 2014, DS Richard Riot Jaem revealed that an estimated 6.7 million foreign workers went to Malaysia either legally or illegally. Of these, only 2.1 million people have valid permits and are registered with JIM (Jabatan Imigresen Malaysia). According to Nor Azizan Idris & Zarina Othman (2015), this situation occurs due to the inability of a country to control land and water entry points.

To enter Malaysia, there are three main entrances for illegal immigrants namely the Straits of Melaka, Sabah waters, and other nearby waters such as Rantau Panjang (Kelantan) and Padang Besar (Perlis). The Malaysia-Thailand border is estimated at 656km but only 111km is gated (Astro Awani 2016). For Sabah, the boundaries often erupted are the maritime boundaries on the east coast of the state such as the Tawau district which is located near Nunukan in East Indonesia, as well as in Semporna and Lahad Datu areas that are easily accessible through the southern Philippines which takes between two to three hours only through the sea. In Sarawak, foreigners can enter Malaysia across the mainland through several areas in West Kalimantan, Indonesia (Azizah Kassim 2015). Foreign immigrants in Malaysia are regarded as security issues because of their large and uncontrolled presence especially those who came without legitimate documents (Ruhana Harun 2009).

Sinar Harian (2015) reports DS Dr. Ahmad Zahid Hamidi suggested that the military should take control over the security threats and corruption practices that existed at the border. **He wants the military to take control of security in the border area, in line with his ministry's call for a drastic move to combat corruption in the Malaysian border. The Special Branch Sources revealed that 83 percent of security personnel and Malaysian law enforcement officers working in the border area of the country were involved with corruption.**

Defense Minister DS Hishammuddin Tun Hussein on September 2nd, 2016 stated that the construction of fences and walls on the Malaysia-Thailand border was vital for empowering border control from Daish militia and blocking smuggling activities. According to him, fences and walls in the border area will be increased and so far the 111km boundary areas in Perak, Perlis and Kedah have been built on walls and fences. A committee will be formed to identify hot spots by taking into account the constraints of geographical factors such as forest thickness, river depth and other factors in the border areas. **The smuggling, trafficking of people and the threat of Daish militants is a major issue currently associated with**

security in the Malaysian-Thai border. To strengthen control and control of the mountainous and forested areas at the border, the Army has prepared about 1,600 military personnel along the 640km of Malaysia-Thailand border.

III. CROSS BORDER CRIME

Cross-border security issues are activities carried out across borders that can pose a threat to national security directly or indirectly (Ruhanas Harun 2009). Cross-border crime is a non-traditional security issue that becomes a serious phenomenon that strikes the globe globally. Non-traditional security covers many aspects such as economic development and social development and its effects. In today's world of globalization, and after the end of the Cold War, security is to be seen in a broader context encompassing non-military issues. **Globalization has created a range of cross-border crime.**

Globalization is linked to the concept of reducing state sovereignty, border invasion, technological sophistication and global downsizing (Mahfudzah Mustaffa, Rashila Ramli & Zaini Othman 1999). Cross-border crime traits and activities have undergone significant changes where largely due to the development of globalization and technological advancement. This causes other materials, humans and currencies to move easily across borders. This situation is very dynamic as it continues to grow and will have a major threat to the political stability and integrity of a country if it is not contained. An important dimension of international relations can be seen in terms of how those countries act on international behaviour and engage in interactions (Frankel 1979).

According to Castle (1997), in the long run, if cross-border crimes are not addressed, the international community is forced to deal with high-profile crime organizations that can threaten the law, the security of a country, and even the world economy. Among the safety issues that have sparked anxieties and concerns of the Malaysian government were the smuggling of illegal and human trafficking, drug trafficking, cyber-crime, terrorism and sea robbery. These activities are considered non-traditional safety issues as it involves the safety of human beings and the political stability of the country that receives them. In this context, Malaysia is surrounded by troubled states in terms of political and social stability such as Thailand, Indonesia and the Philippines where it has a direct impact on the country (Ruhanas Harun 2009).

Cross-border crimes can generally be described as activities or criminal offenses committed beyond the boundaries of a country. In 1994, the UN secretariat sought an alternative to assess cross-border crime prevalence through the Fourth United Nations Survey of Crime Trends and Operations of Criminal Justice Systems. At the same time, the UN defines cross-border crime as an offense where its establishment, prevention and/or direct or indirect impact involve more than one country. The Secretariat also identifies eighteen categories of cross-border crime ie; money laundering, illegal drug trafficking, **bribery involving civil servants**, legitimate business infiltration, bank fraud, insurance fraud, computer crime (cyberspace), stolen intellectual property, illegal weapons distribution, **terrorist activities**, seizure of pirates, sea pirates, land grabbing, human trafficking, human trafficking (organ), theft of art and cultural objects, environmental crimes, and other offenses committed by organized crime groups (Liddick Jr. 2004).

This description is also applicable to activities that occur in a country, but it also affects other countries as the United Nations through the UN Convention on Transnational Transmitted Crime states that cross-border crimes are offenses; (a) done in more than one country; (b) done in more than one country but most of the preparation, planning, instruction or control takes place in other countries; (c) done in more than one country but involve organized criminal groups involved in criminal activities in more than one country; and (d) is done in more than one country but has great effect in other countries.

The Malaysian KDN has listed several types of crimes classified as cross-border crimes namely, violence terrorism; human trafficking; drug trafficking; money laundering and **terrorist financing**; sea at sea; cyber-crime; economic crime; and firearm smuggling. These crimes are also identified by ASEAN as cross-border crimes and are the main agenda discussed at the ASEAN Senior Officials Meeting on Boundary Crime (SOM-TC). According to Tan Sri Lee Lam Thye who is the Deputy Chairman of the Malaysian Crime Prevention Foundation (MCPF), cross-border crimes such as the intrusion, illegal immigrants, weapons smuggling, and goods including livestock and wild animals on the Malaysia-Thailand border have been going on for years. Although the authorities have always been in control, monitoring and detaining those involved and seizing various smuggled goods worth tens of thousands to millions of ringgit, the activity is still widespread.

IV. VARIABLES CONTRIBUTED TO CROSS BORDER CRIME

According to Utusan Online on 24th October 2017, in response to the government's efforts to deal with cross-border crimes during a question-and-answer session in the Dewan Rakyat on 23rd October 2017, Datuk Seri Dr. Ahmad Zahid Hamidi said 346 individuals, including 95 locals, were arrested by the Royal Malaysian Police (PDRM) for allegedly being involved with Daesh militants. In addition, the Home Ministry (KDN) also received information of 53 Malaysians striving in Iraq and Syria with 34 people being reported dead in those countries. Through collaboration with several international intelligence agencies such as Interpol, arrests have been able to curb terrorism from spreading to the country. PDRM has worked with Interpol to combat various criminal activities including organized crime, cyber-crime, extremist, radical and cross-border crime.

In terms of human trafficking, Malaysia has taken preventative measures in accordance with a resolution prescribed by the United Nations (UN) to prevent such crimes. This is evidenced by the increasing number of individuals charged with offenses related to human trafficking since 2014. In 2014, only one person was charged, seven in 2015, up to 100 in 2016 and up to October in 2017, 116 were charged. This development demonstrates Malaysia's concern for trafficking in crime that is perceived as cross-border crime.

4.1 Illegal Immigrants and Human Trafficking

For researchers' views, the unauthorized cross-border activity itself is a cross-border crime. Hence, illegal immigrants have been involved with cross-border crimes for entering the country without valid passage and documents although they are sometimes victims of exploitation by unscrupulous syndicates. In fact, there are illegal immigrants acting as agents in cross-border crime activities such as smuggling of migrants and people trafficking.

In 2006, Deputy Inspector-General of Police, Tan Sri Musa Hassan called for all parties to join forces and cooperate in combating the issue of illegal immigrants and he acknowledged that the number of illegal immigrants in excess of 2.4 million people in Malaysia at that time contributed to the rise in crime rates. Police personnel as many as 90,000 people as compared to the number of 25 million Malaysians were unable to eradicate the pandemic as a whole. This problem should be addressed seriously as expert reviews have warned of the possibility of flooding the illegal immigrants will bring security threats to the country (Ezaruddin Abdul Rahman 2006).

Based on statistics, the strength of PDRM at that time amounted to 126,800 members including senior officials, low ranking officers, and civil servants with 30 million residents. If according to the ratio, this amount is small. On external challenges, he who described crime as a traditional challenge said that PDRM's involvement in key areas of national success (NKRA) was under the Government Transformation Program. PDRM is responsible for reducing the crime index of five percent annually until 2020 since it was introduced in 2009. In that regard, a follow-up action plan for criminal prevention governance is included in the issue of raising public awareness and understanding to become a catalyst that will create a peaceful, safe and prosperous.

Among the key issues related to crime are syndicated crime, cross-border crime, foreign crime and social crime. According to him, border security, particularly Malaysia-Thailand, the Sarawak-Kalimantan and Sabah-Philippines border is still and continues to be an important agenda that must be controlled in ensuring the security of national borders and national sovereignty remains preserved. According to him, in the face of current challenges with increasingly complex criminal activity, PDRM always plans to strengthen its capabilities and efficiency in addressing sophisticated criminal challenges, in line with the PDRM's core.

According to KDN (2015), **cross-border crimes include threats of violence including militant activities and extremist groups**, piracy, money laundering, document forgery, trafficking, as well as smuggling and arms trading. Cross-border crime issues include traditional and non-traditional threats that often cover a variety of elements of criminal activity. In other words, it is an aspect of the old security field that has undergone changes and transformations according to the current world development. International reports often state that Malaysia is vulnerable and identified as a 'transit-point' location especially for smuggling and trafficking in persons. People's trafficking issues are now a big issue in current politics in the region. Southeast Asia has become a 'unique' human trafficking hub as it is also a transit and recipient centre; it is also the hub of trafficking in persons at the same time. Malaysia is one of the host countries that receive many of these trafficking victims. The black market of trafficking in persons is estimated to generate US\$ 13-US\$ 32 billion profit a year.

There are several factors that lead to the 'flooded' of people's trafficking activities into the country such as poverty, lack of education (illiteracy), economic crisis, internal and regional conflicts and political instability. Malaysia is still regarded as a destination and transit country for trafficking in persons. However, we cannot avoid being a source country, though still low (Mohd Bakri Mohd Zinin 2010). According to media reports by DS Dr. Ahmad Zahid Hamidi on July 28th, 2015, the United States Department of State (JNAS) has released the Annual Report on People Trafficking (US TIP Report) 2015 in Washington, USA on July 27th, 2015. JNAS's assessment was made against 188 countries including Malaysia where it includes aspects of prevention, prosecution and protection.

The report has placed Malaysia at Tier 2 Watch list for 2015. The increase from Level 3 (Tier 3) ranking in 2014 to Level 2 Observation is recognition of Malaysia's commitment and initiative in addressing this crime. Achievement in improving the position is not merely international recognition but has even boosted the image of the country to the best level given that Level 3 was formulated as a country that did not fully comply with the minimum standards and that the government did not show the seriousness to combat the crime. The efforts of the Malaysian government can be seen through the establishment of the High Level Committee (HLC) on the trafficking of people chaired by the Home Minister on 3rd July 2014 to discuss follow-up improvements in the JNAS Report 2014. Through amendments to the Anti-Trafficking in Persons

and Migrant Workers Anti-Migration Act (ATIPSOM) 2007 approved by the House of Representatives on June 16th, 2015 and the National Assembly on July 7th, 2015, HLC will be the permanent mechanism as the highest level committee in policy decision-making in addressing this crime.

Astro Awani's report on April 16th, 2016 quoted Inspector-General of Police Tan Sri Khalid Abu Bakar that in addressing the issue of trafficking in persons, the PDRM had identified seven active syndicates in the north of the country involving Malaysians, and Bangladesh. According to him, there are four trafficking syndicates with 20 active identified networks in Perlis while three syndicates with 17 active networks in Kedah. The police have identified the syndicate following the discovery of the 159 grave of trafficking victims in Bukit Wang Burma, Wang Kelian at the Malaysia-Thailand border in May 2015. Police are now using advanced tools such as drones to monitor hard-to-reach areas like Bukit Burma Hill. In addition, the authorities also share information with Aseanapol's associate on the syndicate. According to him, Bukit Burma Hill is now a place for command training because it is unlikely that human smuggling syndicates will turn Bukit Burma Hill into a route because of their presence at all times. In Kelantan, there are 128 illegal bases between Pengkalan Kubor and Rantau Panjang for 29 kilometers and of that number, 111 illegal bases in the Rantau Panjang were found to be smuggling illegal immigrants. On the west coast, there are 56 fish platforms, especially in Perak, carrying out illegal immigrants smuggling activities by syndicates while in the south, especially in Johor, many illegal trails are found in Kota Tinggi, Pengerang, Ulu Tiram and Pontian.

a) Case Study: Illegal Immigrants is a Big Threat to Sabah

According to a Sinar Harian newspaper report dated November 2nd, 2016, a total of 20 Filipino illegal immigrants were detained in an integrated operation in Kampung Bakapit, Jalan Tungku, Lahad Datu, in Sabah. Lahad Datu district police chief, Assistant Commissioner Hamzah Ahmad, said in their operation at around 3am, they detained nine men, six women and five boys aged between three and 50 years. According to him, prisoners were sent to the Tawau Temporary Detention Center to await the investigation and eviction process by the immigration authorities. On November 4th, 2016, Tawau Immigration Department arrested 82 illegal immigrants' members in Ops Pacak for a month with the Eastern Sabah Security Command (ESSCOM) in the area. The integrated operation is carried out from October 4th to October 31st, 2016 in Batu-Batu, Sabindo and Tanjung Batu Logpond areas, Tanjung Batu.

According to Head of Operation, Noraini Rasi, during the operation, 1,756 people were examined while those detained were 66 Indonesians and 16 Filipinos. All illegal immigrants detained consisted of 55 men and 27 women between one and 82 years old. A total of 54 of the illegal immigrants were detained under Section 5 of the Immigration Act and 28 others under Section 6 (1) (c) of the same Act after it had no identification documents. According to him, many illegal immigrants were detained when trying to enter the district using the identified routes of smuggled using boats.

The Sinar Harian report on November 14th, 2016 states that the Tawau police detained 20 people including 17 Indonesians in Ops Integrated in two separate locations around the city. Tawau District Police Chief, Assistant Commissioner Fadil Marsus said 12 illegal immigrants were comprised of four men, seven women and a baby boy arrested after an illegal landfall at Batu Payung Tinagat, about 10 pm. All 12 illegal immigrants aged one to 53 years old have no identification documents when they are arrested. In addition, police arrested a local 46-year-old taxi driver and 42-year-old foreign lorry driver on the scene. The Integrated Ops also arrested five male illegal immigrants and a foreign man near Jalan Persisiran at 8:10 pm, the same day. According to him, five men had no

no identification documents landed illegally using ferry boats at a rock cliff near Jalan Persisiran while the 28-year-old foreigner was an agent carrying illegal immigrants.

According to the Sinar Harian dated June 14th, 2015, the East Coast Special Security Command Marine Component Director (ESSCOM), Maritime First Admiral M. Karunanithi said the Sabah illegal immigrants problem especially in the Eastern Sabah Safe Zone (ESSZONE) has been inherited since decades is 'too' complex. It is not enough for one or two years to complete the problem as it requires thorough planning and the involvement of all parties holistically. According to him, **the presence of these large illegal immigrants is a big threat to Sabah as some of them have been strangers to cross-border criminals, especially abductions.** Following a report by the Royal Commission of Inquiry on Illegal Immigrants (RCI) in Sabah, **ESSCOM is responsible for steering the hunt for hunting operations at ESSZONE including restraining abductions ... but it is not easy to manifest kidnapping crime as long as there are enemies in the blankets ... the problem of illegal immigrants needs to be resolved together,**" he said. On trafficking, he said that most of the activities were carried out by illegal immigrants and masterminded his own local people mainly involving cigarettes, diesel and subsidized gas.

The Berita Harian newspaper report dated 1st July 2015 reported that ESSCOM's deputy director of intelligence, ACP Hashim Justin, said ESSCOM had done what could be used with existing assets to curb cross-border crime. However, the effort has been challenging because it has been interrupted by indigenous people or illegal immigrants who are already in Sabah. According to him, **"The strangers are unlikely to know unless there is a person who gives information ... this is our challenge, the informer among the illegal immigrants."**

He said ESSCOM, established on 1st April 2013 following the Tanduo bloody event in Lahad Datu not only had to deal with external threats, but also from inside especially the long-standing illegal immigrants at ESSZONE. **At least four kidnapping cases taking place at ESSZONE, including in Sandakan, are believed to be obscured by undocumented foreign workers or illegal immigrants.** The Harian Metro newspaper reported on 8th November 2015 that **the boat entrepreneurial intimidation of illegal immigrants as an employee was feared to be one of the factors of undesirable incidents including being hired as a string of cross-border criminals and abductions in Semporna.**

4.2 Terrorism (involvement of Abu Sayyaf Group)

According to MStar Online dated 24th January 2017, Sabah is now a terrorist target location led by refugee militant, Dr Mahmud Ahmad in collaboration with Abu Sayyaf Group (ASG) to recruit members in the region. **The new cell formed in Sabah is a transit point for new members from Peninsular Malaysia, Indonesia, Bangladesh and Rohingya from Rakhine to be brought to Marawi City in the southern Philippines.** Inspector-General of Police, Tan Sri Khalid Abu Bakar, said **Dr Mahmud's new cell was an affiliate of ASG.** Marawi City is dominated by ASG led by Isnilon Hapilon. Like Dr Mahmud, Isnilon is also well versed with the IS leader, Abu Bakar Al-Baghdadi. Besides Dr Mahmud, the two other members of the cell are members of Darul Islam Sabah, Amin Bacho and Joramee Awang.

Dr Mahmud's activities were revealed following the detention of three foreign men, one from the Philippines and two Bangladeshis with Malaysian women who became members of the cell. The suspect was arrested in a raid on the Anti-Terrorist Special Branch in Sabah and capital on January 13th and January 19th, 2017. All 27 to 31-year-old suspects, crippling a new cell of the Daesh terrorist who planned to make Sabah a transit by terrorists from Southeast Asia and South crippling a new cell of the Daesh terrorist who planned to make Sabah a transit by terrorists from Southeast Asia and South Asia for the purpose of

infiltrating the Philippines. The first suspect, a 31-year-old Filipino man working as a detained vendor in Kota Kinabalu on January 13th, 2017 was a member of the Daesh terrorist group. **Suspects with Dr Mahmud Ahmad (berbaiah) have been directed to recruit and regulate the infiltration of new Daesh members from Malaysia, Indonesia, Bangladesh and its Rohingians to the southern Philippines for the purpose of joining the Daesh group in Marawi City, Mindanao in the Philippines.**

The second suspect was a 27-year-old local woman who was also arrested with the first suspect in Kota Kinabalu. She who has no job originated from Selangor and has been recruited earlier this month through social media. The woman left the Kuala Lumpur International Airport on January 13th to meet the first suspect in Kota Kinabalu before they were believed to have planned to leave for Sandakan before infiltrating the southern Philippines. The other two suspects were Bangladeshis aged 27 and 28 who worked as salespeople and were recruited by the first suspect arrested here on 19th January 2017. They are both suspected of having links with the Daesh terrorist group operating in Bangladesh. All suspects were arrested for alleged offenses under Chapter VIA - criminal offenses, the Penal Code (Act 574) and investigated according to the procedures under the Security Offenses (Special Measures) Act 2012 (Act 747).

According to the Philippine Army, General Eduardo Ano, the most wanted terrorist in Malaysia, **Mahmud Ahmad is suspected of channeling more than 30 million pesos (RM2.6 million) from IS to buy firearms, food and other supplies for the attacks in Marawi, Philippines.** Inspector-General of Police Tan Sri Khalid Abu Bakar said Mahmud might have escaped from Marawi with Abu Sayyaf leader Isnilon Hapilon. Mahmud and Hapilon were reportedly involved in the attack on Marawi in Mindanao which began on May 23rd, 2017. It was headed by Maute's group, an Islamic radical group. Mahmud, better known as Abu Handzalah, is said to play a leading role among militant Maute in the Philippines, which has links to IS.

He is believed to have been chosen as the successor to Hapilon, who is named as IS chairman in Southeast Asia. Mahmud and his right-hand man, Mohd Najib Husen, who were killed in the Philippines, were previously identified as major IS recruits in Malaysia. Mahmud is also responsible for training and sending militants to fight in Syria and Iraq. Among the individuals recruited by him was the first Malaysian to be a suicide bomber, Ahmad Tarmimi Maliki. Mahmud received training at Al-Qaeda camp in Afghanistan under Osama bin Laden while studying at Islamabad Islamic University, Pakistan, in the late 1990s. He returned to Malaysia and became a lecturer at the University of Malaya. Mahmud fled to the Philippines after police dismantled militants in 2014 (Free Malaysia Today 2017).

a) Case Study: Kidnapping or Abduction as a Cross Border Crime

According to Sabah Police Commissioner Datuk Abd Rashid Harun on Berita Harian Online, 22nd Disember 2016, former Abu Sayyaf member, Abraham @ Ibrahim Hamid, is believed to have been involved in some kidnapping cases for ransom (KFR) in Sabah's east coast waters. Abraham was among the three kidnapers shot dead in battle with police in Semporna waters on Dec 8. Police are also investigating the possibility of Abraham being involved with the group. Before December 8, she was actively involved in kidnapping. According to Sabah Police deputy commissioner Datuk Razarudin Husain @ Abd Rasid, the police will continue to enhance control and always prepare to defend the sovereignty and security of the state.

According to Anti-terrorism chief Ayob Khan Mydin Pitchay, 20 people aged between 20 and 40 years old, who are supporters of the Islamic State (IS) have been caught for

financing terrorism since 2016. They consist of local people from all walks of life, like schoolteachers, policemen, military personnel, direct selling agents, university lecturers, clerics (imam) and businessmen. They were channelling money to IS members in Syria and the Philippines. Some of the suspects had been charged in court or held under the Prevention of Terrorism Act 2015 (POTA) and the Prevention of Crime Act (POCA).

Speaking at a press conference at the 3rd Counter-Terrorism Financing Summit hosted by Malaysia on November 2017, since IS had lost its base, it now had to depend on sympathisers for funding. Therefore, financing terrorist activities was not a new phenomenon. Although he did not have details of the total amount with him, police were sure that there would be more such cases in the future. For his opinion, this might be in small amounts, but in many transactions. If 10,000 people channel RM10 per person, that amounts to a lot of money. He said the money was obtained from people who ran businesses, or those who had houses and property where they channel this money through Western Union and ATM machines. Because the amounts are small, it is hard to check who is doing this.

Ayob Khan Mydin Pitchay also said that to monitor such activities, it was essential to have good intelligence and help from the central bank because without intelligence, we cannot detect or disrupt these activities. If we have intelligence, we can ask the central bank to monitor the suspects’ accounts, collect evidence, arrest and charge them. For him, we cannot monitor all 32 million Malaysians, which is why we need intelligence to gain leads into suspects and their activities. He also said that non-profit organisations were also being monitored for terrorist funding. Police are monitoring these organisations that may channel money, which is not new. According to him, if we look back at history at the Afghanistan war in the 80s (during the Soviet invasion), NGOs were used to channel money to Al-Qaeda in Afghanistan. In southern Philippines, they are using a similar method, so the method isn’t new. Police are monitoring NGOs and charity groups as there is a possibility that these IS members are using them.

According to Malay Mail Online on 19th September 2016, this is the list of abductions in Sabah in over a decade before the formation of ESSCOM and since its establishment in 2013.

DATE	CASES
23/4/ 2000	21 hostages, 10 tourists and 11 resort staff kidnapped from Sipadan island. All 21 released.
11/9/2000	3 Malaysians kidnapped from Pandanan Island. Hostages rescued a month later.
5/10/2003	3 Indonesians and 3 Filipinos from Borneo Paradise Eco Resort Farm were abducted – One later died, one was rescued and the remaining released.
11/4/2004	East Ocean tugboat near the Sabah border raided and took its Indonesian skipper and 2 Sarawakians. Later reported dead.
30/3/2005	3 Indonesian from Bonggaya 91 tugboat taken, near Mataking Island, Semporna. All were released.
8/2/2010	2 Malaysians employed at a seaweed farm in Pulau Sebangkat, Semporna taken. Released after 10 months.
14/11/2012	Cousins Tung Wee Jie and Wee Wei kidnapped from their bird’s nest farm near Felda Sahabat, Lahad Datu. Wee Jie escapes after 9 months. Wee Wei died in captivity.
11/2/2013	Kampung Tanduo, Lahad Datu attacked by 200 armed insurgents from Sulu Sultanate. 56 militants, 10 Malaysian security forces were later killed in shootouts.
1/3/2013	ESSCOM was formed to coordinate security operations and intelligence gathering to protect Sabah’s east coast from external threats.
15/11/2013	Taiwanese Chang An Wei abducted and her husband Li Min Hsu killed at Pom Pom island resort. Chang was freed after 36 days.
2/4/2014	Chinese tourist Gao Huayun, and Filipino hotel worker Marcy Dayawan taken from the Singahmata Reef Resort near Semporna. Both released after 2 months.
6/5/2014	Chinese national Yang Zailin taken from a fish farm in Pulau Baik, Lahad Datu. He was rescued 63 days later.
16/6/2014	Malaysian Chan Sai Chuin kidnapped from a fish farm at Kampung Sapang in Kunak. Hostage released after six months.
12/7/2014	Marine Police Ab Rajah Jamuan was shot dead while colleague Kons Zakiah Aleip was abducted while on duty at on Mabul island. Zakiah was released after 8 months.
19/7/2014	ESSCOM imposes sea curfew from 6pm to 6am. Curfew was later extended and changed to 7pm to 5am.
14/5/2015	Restaurant manager Thien Nyuk Fun and patron Bernard Then kidnapped from Sandakan seafood restaurant. Thien was released after 6 months but Then was beheaded.
26/3/2016	Brahma 12 tugboat hijacked and 10 Indonesian crew taken. All were later released.
1/4/2016	4 Sarawakian Malaysians on the MV Masfive 6 tugboat en route from Manila to Tawau, abducted near Ligitan island in Sabah. All were released 3 months later.
9/7/2016	3 Indonesians – Lorence Kotten, Teodorus Kopong and Emanuel Arakian abducted from a Malaysian fishing boat off Sinakut, Lahad Datu. Released after two months.
18/7/2016	Five Malaysian sailors Tayuddin Anjut, Mohd Ridzuan Ismail, Fandy Bakran, Mohd Zumadil Rahim and Abd Rahim Summas were kidnapped near Dent Haven, Lahad Datu, Still in captivity.
3/8/2016	Harman Mangga 30, the Indonesian skipper of a fishing trawler was taken. Fate unknown.
10/9/2016	Filipino refugees Lolo Alpin, 30; Sami and Masurin, were taken off Pulau Pom Pom while fishing. Still in captivity.

Sabah abductions: Before and after ESSCOM



Source: <http://www.themalaymailonline.com/malaysia/article/sabah-abductions-since-2000-a-timeline#18Zx33q4MeBG8Zcf.97>

[22nd November 2017].

Four Sarawakians abducted



Other kidnappings by Abu Sayyaf in Sabah

May 14, 2015: Restaurant manager Thien Nyuk Fun, 50, and Sarawakian electrical consultant Bernard Then Ted Fen, 39, were kidnapped from Sandakan. In November, Then would be killed by Abu Sayyaf gunmen in Jolo, just days after Thien was released.

July 12, 2014: A policeman is killed and another kidnapped from Mabul Island.

June 16, 2014: A fish farm manager is kidnapped from Kampung Air Sapang, Kunak.

May 6, 2014: Chinese national Yang Zai Lin, 34, is abducted from a fish farm in Baik Island, Lahad Datu, where he worked as manager.

April 2, 2014: Chinese national Gao Hua Yun, 29, and Filipina resort worker Marcy Dayawan, 40, were snatched from the Singamata Reef Resort, Semporna.

November 2013: Militants kidnapped Taiwanese tourist Chang An Wei, 58, after killing her husband Hsu Li Min, 57, in a cross-border raid on Pom Pom Island.

September 10, 2000: Three Malaysians were kidnapped from Pandanan Island, near Sipadan.

May 3, 2000: 21 hostages were kidnapped from a dive resort on the Island of Sipadan and taken to the Abu Sayyaf base in Jolo, Sulu.

Sumber: <http://www.theborneopost.com/2016/04/03/four-sarawakians-kidnapped/>

[22nd November 2017].

5.0 BRIBERY AMONG LAW ENFORCEMENT IN MALAYSIA

The Utusan Malaysia dated July 30th, 2016, revealed that 28 immigration officers detained in special operations of PDRM from May to July 2016 were believed to be involved in smuggling in and out over 10,000 foreigners in the country five years ago. The smuggling activities are believed to be carried out not just through the country's airport, but at all the country's entrances including land and water. Most foreigners brought in are Bangladeshis followed by India, Africa, China, Vietnam, Indonesia and Sri Lanka.

In addition to working illegally, there are also foreigners who are believed to be waiting for time to be managed to go to a third country by making the country a transit. They will deal with agents for a local fraud that has been forged and agents will then use the services of immigration officials involved for the next process. Every incoming foreigner will be charged between RM300 and RM5,000 by the agent by country and the immigration officer involved will receive the payment equal to the agent based on the number of foreigners who need to be smuggled. All foreigners who are brought in does not follow legal procedures such as the need to undergo health screening and fear that it may be the cause of the spread of infectious and dangerous diseases in the country.

According to the Berita Harian newspaper, dated September 21st, 2016, several portals shared links and recorded a television program in Indonesia, TransMedia, which revealed how hundreds of illegal immigrants landed in the Batu-Batu area near the Pasar Besar and the Quarantine, Customs and Immigration Center (CIQ) in Tawau daily. The Indonesian journalist also disguised as an Indonesian worker (TKI) to illegally enter Malaysia through Tawau, through Nunukan, Indonesia, apart from revealing how the illegal immigrant's journey from neighbouring countries was simplified by giving bribes between RM50 and RM100 to authorities in the country. Following the television program report, the authorities began to place officers in order to make a detailed examination of all individuals arriving by boat in the Batu-Batu area. The action is to monitor the process of exiting the boat passengers, ensuring there is no human trafficking and subsidized goods and immigration from Indonesia. The police have also identified its members allegedly receiving bribes to facilitate the inclusion of the illegal immigrants.

Tawau District Police Chief, Assistant Commissioner Fadil Marsus said his party would not compromise on any violation of integrity or misconduct involving any of its members. If found to be true and there is a violation of integrity, then a crackdown will be taken to ensure that every member carrying out enforcement duties adheres to police integrity. On October 7th, 2016, through the Berita Harian newspaper, Inspector-General of Police, **Tan Sri Khalid Abu Bakar issued a statement that his party did not deny the involvement of security personnel in information leakage over several Abu Sayyaf militants and kidnapping activities.** Police have detained more than 10 individuals including members of the security forces who are believed to have leaked ESSCOM security team operations information.

Among other cases involving corruption practices among a few enforcement members were through Harian Metro's report on June 10th, 2015 where four Immigration officers were remanded for seven days to assist in investigating the case on charges of requesting and receiving a bribe against UNHCR (United Nations High Commissioner for Refugees) card holders at the Depoh Tahanan Langkap, since November 2014. The preliminary investigation finds that the four suspects are believed to have been carrying out the activity since November 2014 by requesting and receiving bribes between RM2,000 and RM3,000

from every 10 prisoners involving Myanmar, Rohingya, Iran and Yemen estimated worth about RM12,000. Magistrate Nurul Asyifa Redzuan allowed the application of the Suruhanjaya Pencegahan Rasuah Malaysia (SPRM) to restrict the remand of the four suspects to 15th June under Section 16 (a) (B) of the SPRM Act 2009. The section covers corruption offenses involving one person alone others request, accept or agree to accept feeds as an inducement or wage in respect of matters or transactions involving public bodies. If convicted, the accused can be jailed for a maximum of 20 years and a fine of not less than five times the value of the feed. The Daily News on November 13th, 2015 reported that two senior officers of the Perak Immigration Department were detained by the SPRM for suspected of receiving a RM7,000 bribe for the protection of illegal immigrants. The case is being investigated under Section 17 (a) of the SPRM Act 2009 namely soliciting and accepting bribes.

Utusan Malaysia newspaper on 2nd December 2014 reported that MAC (Malaysian Anti-Corruption) had recorded the highest corruption index among enforcement agencies in the country. According to DS Dr. Ahmad Zahid Hamidi, the report had affected the image and caused a negative perception of the public towards the department despite the fact that 10 other agencies were also monitored by the SPRM. The report is based on complaints received and being investigated by the SPRM, especially involving cases of illegal immigration. According to Sinar Harian's news report on July 31st, 2015, the Malaysian Bar Council in collaboration with several bodies has suggested that reforms be made on the SPRM with full force and independence in fighting corruption in the country. They proposed the establishment of the Suruhanjaya Bebas Pencegahan Rasuah (SBPR) as a recognized Commission in the Constitution which extends beyond the scope, control and influence of the Executive. According to Bar Council President Steven Thiru, the body has limited powers and the reform will ensure holistic action taken against any corruption offenses.

Astro Awani report on October 24th, 2016, JIM's Director-General, Mustafar Ali issued a statement that the department will clean up the department's internal level by implementing three important strategies to curb corruption among its officers. The three strategies to be taken are internal action, precautionary measures and continuing education on integrity elements in enforcement. According to him, out of the 14,400 of his officers, there are still many who have integrity in carrying out their duties, and that matter is to be maintained. He said this in response to a report by a local newspaper about 37 enforcement officers who took wages of about RM18 million since 2014 by bringing in and exiting foreigners through easy access to the country. The group of enforcement officers comprising 27 men and 10 women have brought in and out over 16,000 foreigners from different countries with different wage rates, including Bangladesh, India, Vietnam and China. The figure was obtained through interrogation of 74 suspects in which 37 of them were comprised of enforcement officers arrested in PDRM from February until October 12th, 2016.

On 10th December 2016, the SPRM targets Malaysia to be free of corruption within the next three years. According to Deputy Commissioner, Datuk Dzulkifli Ahmad, his team will work to achieve the target with the cooperation of various parties. On December 12th, 2016, Sultan Nazrin Muizzuddin Shah said he was concerned about corrupt acts and breach of trust committed by big and tertiary posts. According to him, it is not only widespread, but it happens in a very large scale as it appears in the media. Hence, corruption among enforcement and security forces has resulted in the country's borders to be easily access, thereby causing cross-border crime and terrorist movements. Therefore, strict control at the national border is necessary to curb this problem.

VI. ACTION TAKEN

According to the Utusan Online newspaper on November 23rd, 2017, in a press conference after the opening of the Third Terrorism Financing Summit (CTF) in Kuala Lumpur on November 22nd 2017, Datuk Seri Dr. Ahmad Zahid Hamidi warned and strictly prohibited all non-profit-based organizations (NPOs) in the country from being a fund channel to terrorist activities in the fight against regional terrorism activities to the maximum level. He also voiced concerns over establishing community-based organizations and conducting good activities, but instead being a medium for channelling terrorist activities. However, until now no NPO in the country is detected to do so even though there are NPOs overseas doing so.

According to him, the government does not hesitate to take action against any NPO involved in fund-raising activities for terrorism. The government is very concerned about organizations that carry out activities that have good objectives, but are misused to promote terrorism including funding channels. Malaysia is consistent and serious in strengthening the domestic legal framework and policies to safeguard new risks and trends in terrorism financing. This commitment has been shown through amendments and enactments of various laws relating to terrorism financing over the years. These amendments include; *'Kanun Keseksaan, Antipengubahan Wang Haram, Antipembiayaan Keganasan dan Akta Pencegahan Pengubahan Wang Haram dan Pencegahan Pembiayaan Keganasan 2001 (AMLA), Akta Pencegahan Jenayah 1959, Akta Pencegahan Keganasan (POTA)* and special approach in *Akta Langkah-langkah Khas Menentang Keganasan di Luar Negara 2015 (SMATA)*.

According to Bank Negara Governor, Tan Sri Muhammad Ibrahim, the Bank's Financial Intelligence Unit (FIU) received 346 suspicious transactions related to terrorist financing (STR) in the first six months of 2017 from January to June. Of these, 34 of them are subject to law enforcement agencies. In 2015, the FIU received a total of 93 STRs relating to terrorism financing, of which 14 were subject to law enforcement agencies. According to him, access to better intelligence information for financial institutions as well as increased threats from the ISIS shows a more upbeat trend in STR's success.

On January 28th, 2015, Malaysian Foreign Minister, DS Anifah Aman, during a press conference after chairing meetings with foreign ministers and representatives of the governments of the ASEAN countries at a meeting of the 2015 Foreign Ministers' Meeting in Kota Kinabalu speaking on behalf of their counterpart at the end of their settlement that the ministers also reiterated their commitment to combating terrorist extremism, including through the Global Movement of Simplicity (GMM). GMM is the idea proposed by the Prime Minister, DS Najib Razak at the United Nations General Assembly (UNGA) 2010 and it is the latest approach in international relations and external policies, with the ultimate aim of adopting a simplified perspective and framework to create peace and harmony of the world.

According to DS Anifah Aman, as proposed by DS Najib Razak during the 25th ASEAN Summit in November 2014, Malaysia will call the Special Ministers Meeting of ASEAN on Radicalism and Extreme Impact where the meeting is scheduled to be held in conjunction with the Ministerial Meeting (ASEAN Countries Organization of Southeast Asia) consists of Brunei Darussalam, Cambodia, Indonesia, Laos, Malaysia, Myanmar, Philippines, Singapore, Thailand and Vietnam). Malaysia took over ASEAN chairmanship from Myanmar from 1st January 2015.

On September 28th, 2015, KDN hosted the 10th Asean Ministerial Meeting on Transnational Crime (AMMTC 10th) from 28th September to 1st October 2015 in Kuala Lumpur. AMMTC was inaugurated and subsequently presided over by DS Dr. Ahmad Zahid Hamidi. The main agenda of the 10th AMMTC conference is to discuss issues on cross-border crime and other related issues. This ministerial-level meeting ends with a declaration to cooperate against these cross-border crimes.

This AMMTC meeting is aimed at strengthening and reinforcing commitment and establishing an agreement and understanding in combating cross-border crime in Southeast Asia. Among the other successes of the 10th AMMTC is the signing of a cooperation agreement in addressing cross-border crimes through the cooperation of Malaysia and the government of the Republic of Vietnam. The 10th AMMTC was subsequently followed by the Special Ministers Meeting of ASEAN on the Advancement of Radical and Extreme Violence (SAMMRRVE) on 2nd October 2015 where it involved the same delegation and was the first meeting held on the proposal of DS Dr. Ahmad Zahid Hamidi.

The meeting aims to enhance the level of preparedness of the ASEAN countries and readiness in addressing extreme radicals and violence to ensure the peace and harmony of the nation can be sustained. The 10th AMMTC was accompanied by Singapore's Minister of Foreign Affairs and Foreign Affairs; Zulkifli Masagos Mohamad, Minister of Public Security of Vietnam; Tran Dai Quang, Minister of Energy of Brunei; Pehin Dato 'Dr. Muhammad Yasmin Umar, Laos Public Security Minister; Brigadier General Police Somkeo Sylavong, Deputy Home Minister of Myanmar; Kyaw Kyaw Tun, Deputy Minister of the Philippines; Peter Irving C. Corvera, Thailand's Internal Affairs Deputy Minister; Sutee Markboon, Secretary of State and Ministry of Interior of Cambodia; Em Sam An and Indonesian National Police Chief General Badrodin Haiti.

INTERNATIONAL JOURNAL FOUNDATION

How We Are KEEPING MALAYSIA SECURE
The Eastern Sabah Security Command (ESSCOM)

What's ESSCOM?
The Sabah Special Security Area that was announced by the Prime Minister on 7th March 2013 to monitor the shores of Eastern Sabah. Length: 1,400km

Who is involved?

- 1 Local communities**
Organizations mobilised for this cause: REKA, Jabatan Pertahanan Awam Malaysia (Malaysian Public Defence Department), Jawatankuasa Kemajuan dan Keselamatan Kampung (Village Safety and Development Committee).
- 2 Military**
Five additional battalions for the Malaysian Armed Forces (AMF) and the Royal Malaysian Police (PDRM) will be placed in strategic locations along the assigned coastal area.
- 3 PDRM**

How is it being executed?

- 1 NEW ESSCOM HEADQUARTERS**
Improving existing logistical structures as well as increasing security personnel and assets.
- 2 NEW CIQS**
2 CIQS in Kudat and Lahad Datu (Customs Checkpoint, Immigration & Quarantine Centre) will be established to assist movement in and out of the area legally and 1 integrated immigration control post in Kudat.
- 3 COASTLINE SAFETY**
Mobilising AMF, PDRM & APMM's (Malaysian Maritime Enforcement Agency) marine assets to ensure the safety of Sabah's coastline.
- 4 NEW POLICE STATIONS**
At Bum Bum Island, Mabul Island, Pulau Gaya and Felisa Sabah as well as upgrade police stations of Cenderawasih & Tomblani Island.
- 5 QUICK CABINS**
All three centers (ESSCOM headquarters, new police stations and CIQS) can be established quickly by using cabins rather than waiting for permanent infrastructure to be built.
- 6 STRUCTURAL ORGANISATION**
It will be completed in the near future by a legal team. As soon as the establishment of ESSCOM is legally approved, the appointment of its Executive Director will be done with the agreement of the state government.

Sumber: <http://merdeka-online.com/home/esscom-bakal-rangsang-pertumbuhan-sosio-ekonomi-di-pantai-timur-sabah/> [23rd November 2017].

VII. CONCLUSION

Malaysia is bordered by several countries in the ASEAN region. Malaysia is located in the middle of Southeast Asia and shares its direct border with Indonesia and four other regional countries such as Brunei, Philippines, Singapore and Thailand. After the end of the Cold War, security concerns shifted to non-traditional security issues such as illegal immigrants, cross-border crimes and overflowing from the political instability of neighbouring countries (Ruhana Harun 2009). To address the security threat, Malaysia has taken the policy to work with neighbouring countries. Malaysia needs close cooperation with neighbouring countries whether in bilateral or multilateral relations.

However, at present, regional countries are more likely to have bilateral cooperation on joint safety issues. The bilateral security cooperation between Malaysia and neighbouring countries has enabled most of the issues to be addressed effectively, but Malaysia is still heavily burdened as a 'recipient' of the problem due to its position in the middle of the ASEAN region, as well as the difficulties in controlling maritime boundaries a vast and prosperous economy that attracts foreign arrivals to the country. Malaysia's strategic position is also the concern of the international community in terms of its ability to safeguard international waters especially the Straits of Malacca and the South China Sea (Kamarulnizam Abdullah 2012). That is why the importance of bilateral cooperation in security issues. This is because of the importance of the border area as a sensitive security area where it enables various activities that threaten national security. This is why Malaysia is actively involved with strategic plans and cooperation to curb violence in the region.

If military security issues such as insurgencies are identifiable threats, but it is not with non-traditional security threats. In this situation, it is difficult for countries to reach agreement on common threats. Issues such as the incoming of illegal immigrants, human trafficking, arms smuggling and drug trafficking are an issue that is difficult to identify as a common threat because the impact is different from one country to another. Bilateral cooperation in addressing security issues, both traditional and non-traditional, is the best and practical way among regional countries due to the absence of effective mechanisms in ASEAN for that purpose. This is because ASEAN's 'non-interference' policy does not encourage the organization to take a settlement initiative when an issue is considered an internal issue of a member country. This is a core point to point out that the enhancement of bilateral cooperation is the most effective way to address security issues between Malaysia and neighbouring countries such as Indonesia.

Malaysia's geographical position and the policy of avoiding conflict in its external relations are among the major factors affecting Malaysia in safeguarding security of border areas safely and collaboratively. The justification for conflict is often continued by looking at the circumstances of each party involved (Kenneth N. Waltz 2008). Malaysia, therefore, takes the ASEAN approach to address cross-border crime and militant movements and violence in the country as cooperation from ASEAN countries enables the containment and control of the country's borders to be implemented effectively. In this paper, we can conclude that illegal immigrants is a cross border crime that can lead to another dimension like terrorism where we can find link that illegal immigrant has help financially towards terrorism activities. Thus, it is important for us to combat this problem from the root base. This paper finds that corruption is the main factor that makes the border of this country hard to securitize. The implementation of law is the key for us to look back towards this problem.

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