

Securitization of Transnational Crime

Small Arms and Light Weapons & Drug Trafficking in Indonesia

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1. CONTEXT

Lately, discussion on security concept has evolved rapidly. The state-centered security in no longer dominate the agenda of security, and question of “secure for whom and from what” is emancipating. However, the sophistication of conceptual development for security analysis moves faster than the ability of governments, mostly in developing world to response into policy framework. Academic communities especially from the welfare state of Western world have the benefit of an intellectual exercise in developing security analysis of securitization or de-securitization.¹ Significantly, differences in the political system, culture of some country or region may influence the process securitization of non-military security issues and how securitization may seen differently in different time and space.

This paper attempts to discuss “securitization” concept and its relevant to transnational crime in Indonesia, with special reference to Small Arms and Light Weapons (SALW) and Illegal Drug Trafficking (IDT). SALW and IDT that are globally recognized as a major problem in non-conventional security and it is threaten to state, societal and human security. In the Indonesian context, the significance risk of SALW and IDT to domestic security has exposed in many cases –the violence conflict and crime. As a kind of transnational crime shows the difficulties in combating them –the fact Indonesia is an archipelago with porous border, the capacity of state response to the risk is very low and consequently the possible threat from Transnational Crime is high. Significantly, the fact that the law enforcement agencies are still weak, initiatives to confront this problem remains limited in success.

The coming of “securitization” concept as a framework analysis is useful tool to debating security problem for Indonesia as well as for the region at large. However, looking at the complexity of political landscape of each country and the region, adoption of the framework needs careful observation to make a step into policy response. Some country in Southeast Asia may not able effectively to respond the speed of change in the proliferation of security agenda. Framing policy of securitization is not taken-for-granted as it applies in the state/regional origin of the concept. This argument is given to advocate that “securitization”, to certain degree, requires democratic political practices and governance in security sector that provide foundation to guarantee the normative and practical accountability of any security policy with the *social contract*. Otherwise, securitization could risk to manipulation and politization by the regime such as Indonesian experience during the repressive regime of the New Order government that

¹Ole Wæver, ‘Securitization and De-securitization’, in Ronnie Lipshultz, ed., *On Security* (New York: Columbia University Press, 1995); See also Ole Waever, *Security Agenda Old and New, How to Survive Them*. Working Paper No. 6, Univeridad Torcuato Di Tella, Buenos Aires. September 2000.

applied securitization to almost everything. During that period, regime was the single authority to defining and framing of security on behalf of stability for the development, and clearly, the outcome was otherwise –repression and the lost of human security.

Against the above experience, Indonesia is now democratizing, and an attempt to frame security policy that reaching both state and human security is more promising. However, the state of democratic consolidation and difficult process of economic recovery have significant impact to security problems and framing the policies to tackle it. Moreover, the growing of centrifugal forces that confronting the legitimacy of central government fuels the risk of instability, that gears the risk of transnational crime as well. Threat to security is even more deadly. Terrorist group with access to weapons and explosive shows its lethality such as the Bali Bombing of October 12, 2002 and Marriott Hotel Bombing of August 6, 2003. The terrorist too, they could have link to organized crime, and some terrorist group that involved in bombings they have been involved in criminal economic activities for their fund-rising method. In other side, problem of drug trafficking is alarming. Indonesia, just like other countries in the world is facing the real threats of transnational crime that operating their activities as “business as usual”² and no single country that immune from the possible silent attack from them in this new anarchic world.³

2. SECURITIZATION vs. POLITIZATION: Democratic Imperative, Misuse and Abuse

Security encompasses two axes –vertical and horizontal. By vertical security, it means security of the state as a political structure and its citizens in the context of sovereignty and territorial integrity that free from external military threats, but the people should also free from the threats of state machineries. While horizontal security it is security threats that encompasses state boundaries, such as environmental security, epidemic disease and transnational crime.⁴ For most of developing countries, both vertical and horizontal security are critical, but many of them, due to their political system, they are still dominating by the agenda of state security *versus* the real problem of human security in the ground. However, there is a contradiction that many of developing countries are under authoritarian regime or “security state”, in which, on behalf of maintaining national/state security and order, they suppress security of their own peoples.

Introduction of securitization/desecuritization is useful means as a tool of analysis as well as for policy development on what kind of threat declared as security agenda. In an interdependent world, any progress in some region could affect other region such as on the growing of securitization. At conceptual side, the development of Copenhagen

² Mats Berdal and Monica Serrano (eds.), *Transnational Organized Crime and International Security: Business as Usual?*. (London: Lynne Rienner Publication, 2002).

³Robert Kaplan labeled as the “coming of anarchy” not in realpolitik way; “Poverty, disease, swelling populations, environmental degradation and a culture of militarized “gangsterism” are among the new situation that confronting the new international environment. Robert Kaplan, “The Coming Anarchy”, *Atlantic Monthly*, February 1994. <http://www.theatlantic.com/politics/foreign/anarchy.htm>. Also in Kaplan’s book: *The Coming Anarchy*. (New York: Random House, 2000).

⁴ For a comprehensive project on non-military security see: Dietrich Fisher, *Nonmilitary Aspect of Security: A Systemic Approach* (Geneva: UNIDIR, 1993). This book is among the most comprehensive analysis on the new security perspective.

School will influence to current discourse and policy orientation of security in Southeast Asia. As part of international society, Indonesia needs to and adjust to any development in international security concern such as on the issue of securitization/desecuritization. It is un-escapable realities that any countries are not immune from any kind of threats from non-traditional security. Even, looking at the geographical landscape as an archipelago with porous borders, create the high risk of transnational crime.

As a terminology in security studies, securitization (and de-securitization) is fashionable concept that received global attention rapidly. This is promising concept that could be employed to analyze on how actors within the government and society thinking about an existential threat. However, there is a need to evaluate critically on utilizing securitization concept in different socio-political scene. It is important because different practice in the way governing the state may have different outcome in securitizing such threats. For example, countries with welfare-states system have different way in responding to the problem in the problem of unemployment.

This paper argues that applying of “securitization” needs to consider the nature of social-political system of the state –whether democratic or not. Here is the lacking of securitization theory, without enough explanation, it assumes that the theory could be implemented anywhere in different political landscape. Within democratic political system, policy process is more transparence, accountable and involving larger public debate. *Checks and balances* apply to control any policies and “speech act” as how the democratic principles work. In other word, applying of securitization needs to consider the aspect of democratic security governance of overall security sector. Within democratic security governance, it is necessary that democratic civil authority be in control of security sector that include the military. Otherwise, in the case of developing country, even Europe before the war, the undemocratic political system will make “securitization” just functioning as a tool to strengthen its authoritarianism. This is the basic different in applying the securitization in democracy and non-democracy.

The significant example of this argument is the Indonesia’s experience, which shows that the practice of securitization of non-traditional security have been effectively used more for political purpose during the New Order’ government that has fallen in 1998 due to democratic movement. During the New Order period, before the birth of “securitization” concept, “securitization of everything” has been implemented in almost every aspect as long as it could endanger to the regime, if not “politicization of everything”.

The New Order’s regime of President Soeharto (1966-1998) had systematically designing that security encompassing all aspect of political and social life. So that control to the people could be conducted effectively –the framing of security that packed in the framework of “comprehensive security”. Under the so-called comprehensive security, the concept encompasses the aspects of IPOLEKSOSBUDHANKAMNAS as an abbreviation of (I: *Ideologi* = ideology, POL: *politik* = politics, SOS: *sosial* = social, BUD: *budaya* = cultural, HAN: *pertahanan* = defence, KAM: *keamanan* = security, NAS: *nasional* = national) was the reference tools for the state to define a “security balance”. In this sense, the idea of comprehensive security has been hijacked to sustain the power and security interest for the regime maintenance. “Everything” is for national security and consequently human security received less attention. On the other hand, the state policies mentioning the whole security purpose is to promote the wealth of all peoples within the country –but it was rhetoric.

Within the above securitize context, the civil liberty is limited, on behalf of security, state surveillance to citizens was effectively run from central to lower level of society, the villages and a group of households. The problem with securitization during the New Order was located on power relationship and the military has been exploited to support the regime and plays as political actor as well. This kind of issues is not specifically discussed in Copenhagen school, except stated that securitization may vary from one to another country; “the placement of issues on the spectrum is open: Depending upon circumstances...in practices varied from state to state”.⁵ The remaining question is why do such government classify some issues as “security threat” while other are not?⁶ Consequently, differences in political status, strategic culture and rational understanding of the milieu problem could explain why states behave differently in securitization.

In Indonesian case, during the New Order regime there has been too many people that end up to stay behind the bar or military detention without a proper legal process under the comprehensive securitization jargon of *Ipoleksusbudhankamnas*. Any political critics to the regime could end-up with punishment, since opposition is not tolerable, and risk was the lost of individual security. In this situation, any future study of securitization needs to consider the political status; whether the political system is democratic and non-democratic, since it will have direct impact on the way framing securitization. Otherwise, securitization could produce unintended consequence to the civil liberty.

To borrow the keywords, framing securitization is not a new for Indonesia. Learning from Indonesian experience during the New Order regime, securitization has resulted in the absence of freedom where state was the single reference on definition to any social, political and cultural discourse. Securitization has been softened and wrapped with the sophistication of “language politics” to address certain issues through the use of euphemism. Euphemism on such political or legal terminology means repression for the people, for example: the regime has used the term of “securitized or secured” or *diamankan* to substitute the term of “arrested” for whatever activities that consider undermining the ruling party—security through obscurity. In addition, the term of “secure and under control” (*aman dan terkendali*) means that the situation is under alert and possibly uncertain. The words of security to some extent has been distorted, even has entered into the sub-consciousness of the community, such as how militarism is not only dealing with military, but it is the mind that is militarized, and consequently demilitarizing the minds is important one.

In this bleak backdrop, any attempt to implement of securitization concept needs a proper political framework –democratic governance of political system of state. Therefore, it is not enough only to refer that securitization is fashionable term, then it could be easily implement to different place without considering to the existing types of political system. Looking at the above explanation, the balance between security and liberty could better promote in the country that has democratic system, where mechanism for checks and balances have established. Significantly, there is connection between an accountable securitization and democratic security sector management.

However, the political landscape of Indonesia is changing and in this new political situation, framing of security agenda could develops better in a democratic environment.

⁵ Buzan et al., *Security A New ...*, p. 24.

⁶ See also Johan Eriksson, *Explaining Security Agenda Setting: Beyond the Domestic Realm*. www.sh.se/stasvetenskap/larare/dokument/olaf_wp/eriwp8.doc.

In the new environment, the quest on non-military aspect of security is emerging in the governmental policies; despite Indonesia still have to deal with the problem of reform in security sector. The question then is how effective the state able to guarantee the civil liberty is a perennial one. Significantly, the public understanding on security is increasing, and despite growing of security concern with regard to public security, and more understanding that state is security provider for the people. As security provider, state has the obligation to protect their citizens from whatever security risk that threaten the state existence as well as its citizens.

Securitization is genealogically Euro-centric and such consideration to promoting new security framework into different political, cultural and societal context, it should not erode the civil liberty of society. State is security provider –and it is true that state has the rights to use a means of violence if necessary –but state also guarantor for the safety, human rights, and the civil liberty of its citizens. In many Asian countries, where democracy is not yet well developed, there a need to carefully pay attention to the issue of civil liberty as already mentioned above. In other word, securitization could create *securonoia* (combination between security and paranoia) and securitization could emerge just to serve the state or regime interests and it is top-down security, while the checks and balances of political governance in not yet working. To avoid the danger on misuse of securitization, there is a need to observe whether the political system is democratic or otherwise. In a democratic country, securitization may not hamper into civil liberty and *vice versa*. Democratic order of government will guarantee the proper guidance of securitization.

3. SECURITIZATION AND TRANSNATIONAL CRIME: Global Trends and Concern

Traditionally, transnational crime has seen largely as a law and order problem rather than something that can be threaten the viability of societies, the independent of governments, the integrity of financial institutions, and the functioning of democracy.⁷ However, now it recognizes that transnational crime has undergone transformation and can no longer be understood simply as an isolated or national phenomenon.

Transnational crimes pose as direct threat to national and international security and stability, and constitute a frontal attack on political and legislative authority, and challenging the very authority of the state. Transnational crime disrupts the compromises of social and economic institutions, causing a loss of faith in democratic processes. It undermines development, diverts its gain, and victimizes entire population by targeting and capitalizing on human vulnerability. As identified in publication on the *United Nations and Transnational Organized Crime*, it is identifying that transnational crime threatened to sovereignty, societies, and individuals. It could also threaten to national stability and state control, democratic values and public institutions, national economies and financial institution. Significantly, it could threaten to democratization, development, and global regimes and codes of conduct.⁸

⁷ Phill Williams and Ernesto U. Savona (eds.), *The United Nations and Transnational Organized Crime*. (London: Frank Cass, 1996, p.2.)

⁸ Phil William Op. cit., 32-38.

The problem/threat of transnational crime is increasing globally due to the increase of their risk and danger to security. Transnational crime has increasingly associated with security. In this trend, no country is able to escape from the threats of transnational crimes and Indonesia cannot escape as well. Transnational crimes pose the greatest threats to human security, national governance, and, ultimately, international stability. The rise of transnational security challenges reflects numerous economic, social, and political changes that have occurred throughout the world since the ending of the Cold War.

Transnational crime is not a new issue, but its sophistication improved from day to day as a dark side of globalization and revolution of information and technology. The magnitude of transnational criminal activities increases dramatically over the last quarter century. The increase open global economy and the associated process of “economic globalization” have resulted in significant change of “business of transnational crime”.⁹ Studies show significant tendency that organized crimes become more pressuring to the agenda of national security. During the Cold War period, transnational crime, violent crime or non-violent crime was not calculated as a threat to national security unlike insurgency war, guerrilla warfare or other type of military operation such as sabotage etc. Normally crime is in the domestic affairs sphere and handled by the police, whilst larger-scale of security threats are handled by the state’s ‘national security apparatus’, which include the military, intelligence service and other state organs. However, the latest trends indicate that there is a significant change of the risk of crime in parallel with their increase of criminal capability, and the degree of crime is increasing, more sophisticated and better organized.¹⁰

Transnational crime operates in varieties of illicit activities, which is uneasy to draw their complete activities. Indonesian problem of transnational crime comes from different problem such as illicit drug trafficking, money laundering, illegal fishing, piracy, international terrorism, illegal arms trafficking, illegal migration (human trafficking and smuggling), endemic infectious disease, environmental degradation etc. There is chain of crime activities that operates beyond state borders.¹¹ Transnational organized crime is perhaps the most complicated aspect that challenges future Indonesian security. Indonesia could become a fertile ground for transnational crime that operates for primary purpose –the acquisition of money or other forms of material gain. However, if the legal measure and entire judicial system could not be strengthening, and there is a danger of the nexus between organized crime and political element within the state To maximize the capacity and performance state security agencies in dealing with transnational crime it has be linked to the degree of legal and penal reform.

Among various aspect of transnational crimes, however, illicit drug trafficking is arguably the most significant and pernicious, not only because of its profits gained, but also for its illegal activity resulting in significant collateral violence and destruction of human health. In fact, since the economic crisis hit the country it is reported witnessed daily news that Indonesia has become destination for drug dealers. Indeed, Indonesia is

⁹ Mats Berdal and Monica Serrano (eds.), *Transnational Organized Crime and International Security*. London: Lynne Rienner Publication, 2002, p. 2.

¹⁰ John Ciccarelli, *Transnational Crime: A New Security Threat?* (Canberra: Australian Defence Studies Center, ADFA, 1996) p.9-11

¹¹ For further account on the issues on transnational security threats see: Alan Dupont, *East Asia Imperiled: Transnational Challenges to Security*, Cambridge: Cambridge University Press, 2001.

not only importer (illegally) of drug but also producer as well. Even, in the conflicting region such as Aceh, for example, it is widely famous sources of narco-economy. This reality, proliferation of SALW is risking to fuels the violence separatist movement. In the latest discourse, transnational crime considered as a major threat to security as there is nexus between the crime activities with terrorism.¹²

3.1. Small Arms and Light Weapons

Among one of the crucial problem in the transnational crime is the illicit small arms and light weapons. The awareness on the emerging issue of SALW as security concern internationally is increasing in the United Nations (UN) at least in the last ten years. The growing concern of international concern to the problem of SALW is increasing, more institutions and program committed to fight the plague of SALW globally.

In most general working definition, small arms and lights weapons used to define as follows: *Small Arms* are weapons designed for individual use, such as pistols, sub-machine guns, assault rifles and little machine guns. *Lights Weapons* are designed to be deployed and used by a crew of two or more, such as grenade launchers, portable anti-aircraft and anti-tank guns and missile launchers, recoilless rifles and mortars of less than 100mm caliber.¹³ According to the latest report, some of the key finding on SALW shows that at least 1,134 million companies in 98 countries worldwide are involved in some aspect of the production of small arms and /or ammunition; There are at least 639 million firearms in the world today, of which civilians legally hold 59%; small arms violence can have a severe impact on human development, including death and injury, the collapse of basic service and decline in economic activity; and Small arms have been the primary tools of violence in virtually every contemporary conflict or complex humanitarian emergency. Moreover, misuse of SALW have negative impact to development.¹⁴

Small arms and lights weapons kill more than half million peoples each year –including 300,000 in armed conflict and 200,000 from homicide and suicides –of which 90 percent are civilians. In the 1990s, small arms were weapons of choice in 47 of 49 major conflicts. In this regards, the UN Secretary General Kofi Anan said that those arms exacerbate conflict, spark refugee flows, undermine the rule of law, and spawn a culture of violence and impunity –they threaten peace and development, democracy and human rights.¹⁵ SALW is dangerous because they are:¹⁶

- *Low cost (and wide availability).* Lights weapons only require little in the way of sophisticated technology, and because these weapons are manufactured for military, police and civilian use, there are plentiful suppliers around the world. Lights arm generally cheap in price comparing to major weapon systems. The existence of many tens of million of such weapons –whether newly produced,

¹² Tamara Makarenko, Jane's Intelligence Review, August 01, 2003

¹³ *Small Arms and Light Weapons: A UK Policy Briefing*, Conflict and Humanitarian Affairs Division (CHAD), Department for International Development (DFID). London, p. 2.

¹⁴ *Small Arms Survey Yearbook 2003: Development Denied*.

¹⁵ Press Release DC/2871: First Biennial Meeting of States to Consider Implementation of Action Plan to Combat Illicit Small Arms Trade Opens in New York July 7, 2003.

¹⁶ Jeffrey Boutwell and Michael T Klare, *Light Weapon and Civil Conflict: Controlling the tool of Violence*, (New York: Carnegie Prevention for Deadly Conflict, 1999), p. 2

given way of downsizing militaries, or recycled from conflict to conflict –leads to bargain-basement price in many areas of the world.

- *Lethality.* Parallel to the increase of sophistication of technology, the lethality of assault rifles, automatic pistols, and sub-machine guns and their diffusion to non state actors, has given such group firepower that often in some country matches or exceeds that of national police or constabulary forces.
- *Portability.* Lights weapon by definition, are small and light, allowing them to be carried by an individual or by light vehicles, are easily transported or smuggled to areas of conflict, and can be concealed in shipments of legitimate cargo. Major weapons, on the other hand, cannot be carried by individual but require specialized vehicle and transportation system. Most of lights weapons require very little in the way of repair and maintenance infrastructure.
- *Minimum training.* Small arms and lights weapons only need few hours or days of training. Unlike other major weapons, combatant must have training for months or years to be able to operate major weapons like tanks, aircraft or naval system.
- *Military/Police and civilian use.* It is varied from country to country on the gun control laws; citizens are permitted to own anything from pistols and porting guns to fully automatic rifles. Moreover, in many countries, there has been dramatic increase in the number and size of private militias and security firms –in many cases, equipped with military weapons.

Those are the major characteristic of SALW –the tool of violence. Looking at the complexity nature of the problem, with the fact that those are small, portable and concealable, an effort to controlling SALW is a complex job without a multi-tasking of different agencies.¹⁷

The nature of the problem of SALW is essentially one of excessive accumulation and widespread abuses. The problems could be identified as follows:¹⁸ easy access to lights weapons undermines both traditional and modern institution of human security, conflict mediation and democratic governance; lights weapons can play an important role in creating and sustaining a culture of violence; easy access to lights weapons can help sustain authoritarian government and thwart progress toward democratic governance; certain types of lights weapons are widely believed to be “inhuman”, either because they are indiscriminate or because they cause “needless human suffering”; excessive accumulation of lights weapons can undermine human development, post-conflict peacebuilding and economic reconstruction; and, easy access to lights weapons contribute to criminal violence.

Tracking the traffic of SALW is difficult one. The problem will be in the transfer of arms that are solely coordinated by state actors, or by private military companies with the

¹⁷ Jayanta Dhanapala et.al., *Small Arms Control Old Weapons, New Issues.* (Aldershot-Sydney: UNIDIR and Ashgate: 1999. p. 4-5. See also: Jeffrey Boutwell and Michael T Klare, *Lights Weapons and Civil Conflict.* (New York: Carnegie Prevention for Deadly Conflict, 1999, p. 3-4.

¹⁸ Andrew Latham, “Light Weapons and Human Security –A Conceptual Overview”, in Jayantha Dhanapala et.al., *Small Arms ...* p. 13.

knowledge of state actors, and the involvement of organized crime in the illicit arms trade is almost entirely limited to the black market. Normally the organized crime accessing state-controlled arms stockpiles through corruption, coercion or theft, organized criminal groups act as the key weapons providers to insurgent and terrorist groups worldwide. Few criminal groups rely solely on participation in the illicit arms trade; rather they are involved in the arms trade because of their involvement in other smuggling activities, especially narcotics. In many respects, access to smuggling routes and criminal networks that extend through several regions allows organized crime to circumvent many of the legal requirements that are otherwise required in the arms trade. The nexus that exists between organized crime, the illicit drugs trade and arms smuggling is highlighted in the growing number of arms-for-drugs deals that have been uncovered since the late 1990s.¹⁹

3.2. Illegal Drug Trafficking

The problem with drug trafficking is probably among the most alarming problem in transnational crime. The problem with drug shows that the actor both supplier and user are internationally interlinkages. It has declared by the police that Indonesia is no longer consumer place for drug, but producer's as well. In compare with the government attitude toward SALW, the drug problem in Indonesian is declared more rigorous as a security threat. War to the drug has declared. There has been 25 people punished by death sentence, 19 of them are foreigner. However, even, with the penalty to be faced by the trafficker, the case on drug trafficking is not diminished. In 2002, the police was able to seizure an ecstasy factory that able to produce 150,000pils per day. Just until June 2003, reported that the police have arrested 37 Nigerian that involved in drug trafficking.²⁰

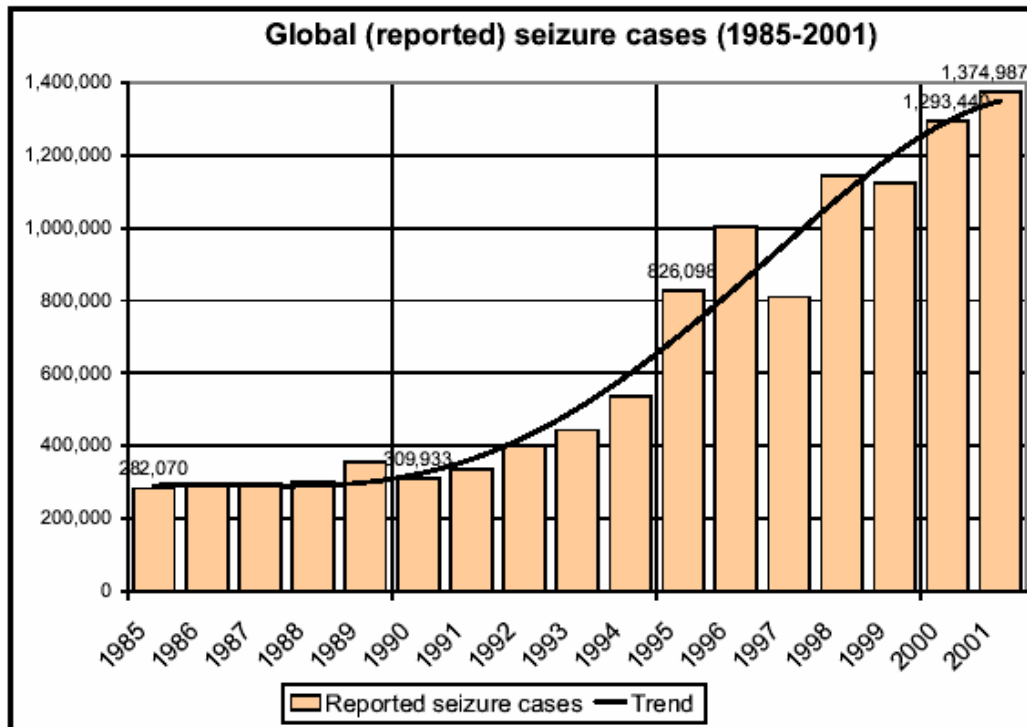
The drug problem remains one of the immense challenges of the country that constitutes a serious threat to the health, safety and well-being of the people, undermines development, including efforts to reduce poverty, socio-economic cost for government, and threatens the national security as well as the dignity and hope of millions of our young people and their families. The global trends of drug problem show steady increase from time to time (See Figure 2 below). Since the drug problem in Indonesian in not stand alone, it is connected to global crime network, there is strong reason to fear on the strengthening of threat from drug.

¹⁹ *Jane's Intelligence Review*, September 1, 2003.

²⁰ Speech of Togar Sianipar (Police Commissioner), National Narcotic Board, 9 June 2003

FIGURE 2:

Illustration of Global Cases of Drug Problem



Sources: United Nations Office on Drug and Crime, *Global Illicit Drug Trends 2003*. p. 47

4. INDONESIAN RESPONSES TO SALW

4.1. SALW: Securitize vs. Criminalize

In Indonesian context, SALW issues such as arms smuggling or illicit small arms trafficking poses serious threats in many ways. First, rebellion group against the legitimate government may use it –the separatist movement such as Free Aceh Movement (Gerakan Aceh Merdeka –GAM) relies on this illegal weapon smuggling. Second, the proliferation of weapons also promotes deadly crime activities including killings. Third, small arms have contributed in promoting violence communal conflict such as in Ambon & Maluku, Poso in Central Sulawesi. However, the exact number of the weapons is never been reported adequately. Security apparatus have not reveal a credible number of the spread of small arms and lights weapon. Despite the recognition that SALW is security problem with high sentence, however, in reality the treatment is more from the angle of illegality, which criminalized the SALW rather from security side. It is not

specifically mentioned in the legal measures as a security threats. Even, looking at the regulation, even, the SALW problem could be charged under anti-terrorist measures.

Despite the ambiguity between “securitization” and “criminalization”, Indonesia has actively involves in the international initiatives to combat the SALW such as through the UN mechanism and regional organization of ASEAN. In the statement at the UN conference on SALW (in 2001) Indonesian statement strongly recognized that the multi-faceted problems posed by the illicit trade of small arms and light weapons go beyond complex humanitarian situations. The proliferation of these weapons has also a detrimental impact on security. The illicit flow of these weapons has enabled armed separatist and insurgent group to challenge the authority of the legitimate government and thereby disrupt law and order of society. Porous borders have led to arm smuggling and challenged regional countries to intensify cooperation in combating these illegal activities. Furthermore, the easy access to small arms and lights weapons could link the problem to international terrorism and drugs trafficking and, as universally recognized, has become a destabilizing factor that prolongs conflict, undermine peace agreement, complicate peace-building efforts and impedes socio-economic development.²¹

In Indonesian context, it is uneasy to decide whether the SALW has officially securitized or remain criminalize. The problem in this format is also relates to the conceptual definition of what is “security” security in Indonesian security policy. In most cases, the SALW problem is connected to the issue of crime violence –that treated regularly as a crime to posses and or uses the SALW illegally. And looking at the existing regulations on SALW it is mostly consider as a crime with exception of the use of in the terrorist acts that consider as extraordinary crime. However, there is a degree where the SALW is decriminalizing such as announcement of Chief of Navy when the Indonesian Navy was able to deter an attempt to smuggle the weapons to the Free Aceh Movement. In this case, the problem of SALW is become “securitized and politicized”. So, the ambiguity is located within the state itself in dealing with the status of illicit SALW between crime and security. However, in realities that Indonesia in multilateral insisted that SALW is problem in transnational crime, even though ASEAN document recognized as threat to non-traditional security.

In real term, Indonesian has experienced with direct impact of SALW to security. SALW is threat to human security, sovereignty and linked to crime. Indonesia views the problem of SALW in the context of transnational crime because it is interlinked with other cross border crime such as terrorism, money laundering, and drug trafficking. In this regard, the government declared: “that the fight against individual and organizations that trade in illicit SALW is national priority, taking into account its implication to territorial integrity since it is foster separatist tendencies and promote criminal activities that would be detrimental to our national interest, in particular, to internal stability”.²² According to the government position, it is mentioned that the impact of SALW to territorial integrity is very strong due to the fact that Indonesian is now experiencing with the ongoing well-armed separatist movement in Aceh, and the impact to crime come to the second.

²¹ Indonesian Permanent Representative in the UN, Statement of Ambassador Makmur Widodo, New York July 12, 2001.

²² *National Report of the Government of Indonesia on the Implementation of the United Nations Program of Action to prevent, Combat and Eradicate the Illicit Trade in Small Arms and Lights Weapons.* (New York: Permanent Mission of the Republic Indonesia to the United Nations, 29 April 2003)

Looking at this statement above, it could be concluded that the problem of SALW is securitizing especially when the problem is threatening the national integrity. Threats to national integrity are among one of the high level of threats to national security –the territorial integrity of the state. This position reflects the Indonesian experience in dealing with separatist movements especially in the Aceh case (GAM) that effectively used SALW in fighting for their interests. The government does recognized the contribution of SALW in fueling the communal conflict in the Eastern region both in Ambon/Maluku and the violence conflict in Poso of Central Sulawesi. However, there is no adequate measure that has been implementing to combat the SALW in the violence areas.

4.2. Realities on SALW in the Archipelago

The availability of small arms in the conflicting regions shows that there is an organized crime that takes benefit from the SALW business—a chain of networks of arms supply. The network of arms trafficking is the most difficult one to prove it and it will be the direct duties of security apparatuses. The crime network of SALW is not local but international. Some sources believe that the example of its route are from Cambodia to Southern Philippines to Malaysia then enters Indonesia. As reported by *Jane's* the route of arms trafficking shows in the Figure-1 below:

Figure 1

SALW trafficking routes in Southeast Asia



Sources: *Jane's Sentinel Security Assessment*, 16 January 2003

Beside the needs to strengthen legal and mechanism to address the SALW, the fact shows that the illicit SALW is very difficult to trace. In addition, from the observation on the ground, efforts to control the spreading of SALW are still limited because police capacity and capability to perform the duties are still limited. There is also a difficulty for researcher to get data on the estimate trafficking of SALW in the archipelago. Security apparatus is not open to release the data on small arms. However, a high-level officer that

interviewed from the Transnational Crime section of the National Police recognized that the police do not have the adequate data on the illicit SALW. Somewhere it has been reported that the number of small arms that hold by civilian is around 5,500 arms, which it seem still far to believe by common sense. It is also to believe that corrupt officials and security apparatus do not help to strengthening legal measures to the spread of this menace weapons.

There is also tendency that the police provide more space to civilian to have an access to arms trough several public arms exhibitions. Moreover, it is true that under the law, private is allowed to have small arms with special approval from the chief of national police. This situation is in contradiction to the statement that given by security apparatus on the restriction of armaments as several sources say that is now very easy to get small arms in Indonesian with cheaper price. As far as media coverage, it is reported the correlation of small arms with increasing of violence conflict and crime is mostly on everyday news. It is almost in everyday media reports on the use of small arms in the crime activities such as arm robbery and homicide. In crime related activities, there are several cases that use of small arms is not only committed by an illegal one, but is has employed the member of security officers (military and/or police) that committed crime.

The problem of licit to illicit and unruly officers is one of problem in connection of SALW and the crime. For example, in 19 July 2003, the case of killing one businessman in Jakarta revealed that four marines were involved.²³ The TNI Chief, General Endriartono Sutarto has confirmed that four TNI Navy personnel were involved in the murder, while the businessman was guarded by a member of Special Forces that also shot dead. This is the case where officer have connection to business in security protection and otherwise to be used in a private business rivalry because their access to the SALW. On the other hand, other unruly military personnel were couched of selling the arm to the Free Aceh Movement in Aceh.²⁴

The illicit trade in small arms in the Southeast Asian region has contributed significantly to the arsenal of secessionist movements and warring factions in sectarian clashes in Indonesia, enough to prolong the duration of the conflicts. Arms procured illegally from the region's hot spots had changed the balance of power among conflicting groups in Indonesia. The same is true for conflicting groups in sectarian clashes in Poso, Central Sulawesi, and Ambon, Maluku. The sprawling geographic characteristic of the region and porous borders among Southeast Asian countries accounted for easy entrance of smuggled firearms originating from Cambodia, Thailand and the Northern Philippines.²⁵ Nevertheless, the officials dismiss the use of firearms as primary instruments of crime, and they are hesitant to trace and investigate the source of the weapons. The lack of updated regulations had also restricted the government's means of curbing the illicit small arms trade.²⁶

During the communal conflict in the Ambon/Maluku islands has also reportedly been aggravated by the inflow of smuggled weapons from abroad. In such circumstances, small arms are much preferred as they can easily be assembled and re-assembled, and do

²³ *The Jakarta Post*, August 11, 2003.

²⁴ "Bisnis Senjata Ilegal, Penghinaan Terhadap Bangsa", *Kompas*, 4 March 2000.

²⁵ *Ibid.*

²⁶ *The Jakarta Post*, August 15, 2003 However, this number to believe is too minimum since there are different types of small arms being used and stored by the military that not the product of PT Pindad.

not require sophisticated training for maintenance and operation. Cambodia, for one, is littered with unregistered weapons; the legacy of almost three decades of civil war. Estimation puts the number of small arms currently in circulation in Cambodia at 500,000 to 1 million units. Moreover, there is an alarming sign on the problem of number of illegal weapons that available in the society. For example, in two days of police operation in Jakarta, they seized 16 arms from different types and 2,355 ammunitions.²⁷ While in Pekanbaru, the Police seized 28 arms consist of one Italian Baretta Pistol, 3 colt-38 pistol, five FN 45 and 114 ammunitions and magazine for AK-47.²⁸ In addition, in many conflicting region such as Ambon and Poso, small arms is largely available from the original and the assembled model.

However, observing to the problems and ambiguity at the operational level, especially with the existing communal conflict, and the arms related crime that happen across the archipelago it shows that the security apparatus do not do enough to combat the illegal use and possession of small arms in the public. It has been reported several times in the media, which based on testimonial, that getting small arms is very easy and it is cheap in price. Consequently, it is not only group a criminal but also individual are getting more and more interested to posses the small arms that include the businessman as well as several number of politicians in the parliament they are possessing the gun for the reason of individual security.²⁹ In this situation, enforcing the measures to curb the small arms for its all risk (violence crime and well as in the communal conflict region) there is a need especially for the police to work harder in the field and operation for gun is not only formalism. To perform this account there is also need to strengthen the existing laws and regulation on the use SALW.³⁰

4.3. Mechanism, Actors and Regulation

4.3.1. Mechanism and Actors

The mechanism to address the SALW is taking through different level, actor and activities as the complexity of the problem. At the international level, an attempt to address this problem is channeling through the UN. Indonesia's position in the UN recognize the "increasingly global nature of small arms sales means that political and legal solutions need to be coordinated on a global level to be effective. A standardized international system for regulating exports and documenting where weapons ultimately ends is urgently needed. It should also address the increasingly trans-national network of brokers, dealers, financiers and transporters".³¹ Concerning this position, Indonesia was facilitating the UN conference on SALW in Several workshops on SALW have been conducted such as in Bogor November 2002 and Bali, February 2003. The UN is mechanism and the place where officially the Indonesian government to follow the

²⁷ Kompas 4 September 2001.

²⁸ Kompas, 12 April 2003.

²⁹ Detikcom 16 August 2003, "Menelusur Maraknya Senjata Api (1) Pemasok Terbesar dari Daerah Konflik." 2001 <http://www.detik.com/peristiwa/2001/08/16/2001816-093850.shtml> . Accessed: Jan 20, 2004.

³⁰ Kompas Online: 09 June 2003

³¹ Statement of Indonesian Government in the UN by Ambassador Makmur Widodo, Permanent Representative of the Republic of Indonesia to the United Nations at the UN Conference on the Illicit Trade in SALW in All its Aspects, New York 12 July 2001.

international regime that initiates to fight the SALW, and participate in dealing with the growing of this concern into larger security issues through an international lens.

At the regional level, with its limitation, the role of Association of Southeast Asian Nation (ASEAN) is crucial as regional level to strengthen the address the SALW. SALW, in ASEAN agenda is located under the subject of transnational crime that receives more attention with the organization in which Indonesia is part of it. The growing concern on the transnational crime is increasing in respect to the war on terror, and the fact that such terrorist acts has happen in Indonesia such as the Bali Bombing and Marriotts as well as another explosions that happen in the conflicting regions. ASEAN has released its decree on the *ASEAN Plan of Action (PoA) to Combat Transnational Crime*³² that covers the subject of illegal SALW. In addition, the Indonesian government has made a commitment to introduce tougher control measures in their territory with regard to arms trafficking.

Bilateral initiative to tackle SALW has initiated between Indonesia with the Philippines, Malaysia and Thailand. The attempt to strengthen bilateral and regional cooperation is strengthening –especially under the umbrella to fight terrorism and transnational crime. The rebellious group in Aceh have been introducing arms through Thailand, with the alleged co-operation of some member of the Royal Thai Army (RTA) –a police operation that took place on 10 May had confiscated 48 landmines, 35 TNI ticks, 60-hand grenade and over 15,000 rounds of ammunition. Arms trafficking activities spread from Sri Lanka's Liberation Tigers of Eelam (LTTE) out to Sumatra, and involve insurgent faction from the Northeast of India and small Thai Muslim groups.³³

Domestically, to response the SALW problem, both internationally and domestically, the government set up an Interdepartmental Working Group (IWG) on small arms to promote more joined-up approach to the problem. The IWG is coordinate by the Department of Foreign Affairs i.e., Directorate for International Security and Disarmament. The IWG consist of Department of Foreign Affairs (Deplu), Indonesian Police (POLRI), Custom and Immigration (Bea dan Cukai), the Indonesian Army, the Indonesian Navy, the Indonesian Air force, the Dept of Defense, PT Pindad (Armed Forces Industry), and the Dept of Justice and Human rights. At the international arena, the Department of Foreign Affairs deals with diplomatic means to support the curbing the SALW. While domestically, the police deals with the problem of SALW in the ground. Before the creation of IWG, each agencies work for their own respective jurisdiction.

The effort to curb the SALW is lead by the Department of Foreign Affairs as a national coordinator for the IWG and the Police act on the ground with support of other institutions. However, there is a gap between political statement (decision) and the actual capacity to tackle the problem in ground, which is still very limited in its achievement especially from the law enforcement point of view. This is a complex aspect as it is involving the effectiveness of political coordination as well as the capability of law enforcement agencies to perform their duties –which is SALW is only one of emerging security issues. The fact that on the existing unruly officials who use the arms to commit crime or supplying the arms to civilian or guerrilla activists shows that need of tougher

³² Work Programme on Terrorism to Implement the ASEAN Plan of Action to Combat Transnational Crime. Kuala Lumpur, 17 May 2002. See Para 4. on Arms smuggling.

³³ UNESCO on Peace and Human Rights (UAB), *Bulletin to Control Small Arms*, No. 6, July 2001.

national legal measures to deal with the SALW. To securitize of SALW need tougher legal measures and clean apparatus that working on the ground.

4.3.2. *Regulating SALW*³⁴

In dealing with the problem of SALW, there are numerous legal measurements that already in place as follows:

- The regulation of small arms in Indonesian has started from the colonial period. Few years after the declaration of independence, the government promulgated Law No. 8 of 1948 that give an authority to the Head of Provincial Police (*Kepala Kepolisian Daerah*) in licensing small arms and lights weapons.
- In the case of unauthorized possession of these weapons, the punishment by law is regulated in Emergency Law No. 12 of 1951. According to the said Law, the maximum penalty for misuse of these arms would be death or life sentence.
- Law No. 20 of 1960 have granted the Head of Indonesian National Police (*Kepala Kepolisian Republik Indonesia*) the authority to monitor and control the ownership of small arms and light weapons by civilians. The Implementation Guideline of the Head of the Indonesian National Police (*Juklak Kapolri*) No. 10/III/1991 of 26 March 1991 which has been revised by *Skep/1198/IX/2000* on 18 September 2000 (*Surat Keputusan Kapolri*) explain the Law enforcing its enforcement
- In accordance with this Law, the Indonesian National Police, in coordination with the National Intelligence Unit of the Indonesian Armed Forces (BAIS TNI) and the Department of Treasury, particularly, the Directorate General of Custom performs the mandated duties of monitoring and controlling small arms and lights weapons in Indonesia to prevent the misuse and illicit trafficking of weapons.
- Civilian use of small arms and light weapons can only be authorizing by the Head of National Police.
- All purchase of arms from other countries or foreign sources, including the domestic purchase from PT PINDAD, must acquire “Import Licensing” from the Head of the Indonesian Police.
- The User of small arms and lights weapons has to submit proper identification, including the type, mark, caliber, amount and past data of such weapons and ammunition, location of distribution, bio data, and name of the country or last port that exported such weapons.
- The National Police to monitor and control civilian use of small arms and lights weapons; the Internal inspectorate division of the Indonesian National Army (*Tentara Nasional Indonesia*) has the responsibility to monitor and verify the use, storage, distribution, and destruction of such weapons. In the case of acquisition

³⁴ Mostly drawn from the *National Report...Ibid*,

of these weapons for use by the TNI, through either domestic or foreign sources, the Department of Defense is authorized to perform such task and not the TNI.

5. RESPONSE TO THE IDT

5.1. IDT: Securitization vs. Criminalization

As discussed above, of both SALW and IDT has been recognized as transnational security problem for Indonesia. SALW has recognized as a problem that fueling the violence communal conflict and contribute to violence crime. Significantly, the separatist group such as GAM in Aceh for example has directly involved with the use SALW that transported to Aceh from the black market. The problem of SALW has placed in Indonesian legal system as many other countries do, which mean that possessing the small arms is illegal without license that given by the National Chief of Police. This means that non-security officer have possibility to get an access and possesses the small arms provided they get the license from the police.

At speech act level, the Department of Foreign Affairs as coordinator for WG-SALW has recognized that the SALW is security threat because internationally the SALW has considered as security problem. In this context, Indonesia has been moderately joining international community to combat the spread of SALW. However, the speech act is not yet produces a set of regulation that officially securitizes the SALW. To this stage, measurement to deal with the SALW at the legal and operational level shows that the problem of SALW is more as criminal problem, which means that anyone who possesses the SALW illegally considered against ordinary criminal law. In addition, despite the illegal possession of SALW could be charge under anti-terrorist measures, it have not clearly states that SALW has securitized. In this respect, there is a gap between in the government response to SALW which is in one side in diplomatic strand it has been securitized but the legal measurement is criminalization.

On the illegal drug problem, it has addressed in more high profile that the threat of drug openly stated at the national level by the head of state. Through the Presidential Decree to set up National Narcotic Board (*Badan Narkotika Nasional –BNN*) that especially design to combat the drug problem in the country. Drug has recognized as a threat to future generation and it is multidimensional problems. At attempt to combat drug trafficker shows that till the mid of 2003 there has been 25 people sentence with capital punishment, but no one have been executed. However, the fact that the problem of drug trafficking is complex, and Indonesia is facing the realities that first, geographically porous border; second, the lack of law enforcement system that include the human resources; third, the corrupt official; fourth, the growing of unemployment also contribute the risk to drug.³⁵ The BNN has also release the national strategy to combating drug problem on April 2003 that provide framework for all agencies that dealing with the drug.³⁶ In the arena of law enforcement is the place where the loophole is especially with the fact that police and legal officers are still corrupt make the combat to drug trafficking

³⁵National Narcotic Board, “Speech of National Coordinator for Narcotic Board”, Jakarta, 9 June 2003.

³⁶National Narcotic Board, *Strategic Policy of National Drug Agency on Combating Drug*, 16 April 2002.

is far from what expected. The fight against drugs will be effective only when law enforcers are clean and the corrupt are replaced by the new generation.³⁷

It has recognized that the problem of drug is directly links to the transnational crime and combating drug trafficking need interstate and interagency cooperation from the legal measurement apparatus in the frontline such as, international police, customs, immigration, border control etc. The problem is even more alarming as the transnational crime connects to other issues such as human trafficking and money laundering, and so it is more complex in nature. Transnational security threat is more complex than that one of traditional security.

5.2. Realities of ITD Problem

Indonesia has traditionally been a transit country for illicit drug trafficking. In recent years, however, the country has increasingly become a point of destination for illicit drug trafficking and a source of drugs. Synthetic drugs coming in to Indonesia include ecstasy from the Netherlands and Belgium, shabu from China, Hong Kong and the Philippines and methamphetamine pills from Thailand. The number of seizures from 1996 to 2002 can be used as an indicator of the presence of various drugs in Indonesia. While trafficking of these drugs occurred in Indonesia throughout the 1990s, it was only in the latter half of the decade that domestic production was identified. Of increasing concern is the production of synthetic drugs, more specifically ecstasy and “shabu” (crystalline methamphetamine hydrochloride). Three laboratories for psychotropic substances were seized in 1998 and two in 1999 (one for amphetamine, the other for ecstasy). In 2000, laboratory that produced ecstasy pills was discovered in Batam, and in 2001 laboratory producing chemicals for ecstasy production was raided. Moreover, in April 2002, a very large illicit drug laboratory was dismantled in Tangerang West Java, producing 150.000 ecstasy tablets per day using precursor chemical, and according to DEA, USA is of the world’s largest drug laboratory.³⁸

³⁷ See for example, the cynical news on the police: “Police relay on money from drug dealers”, in *The Jakarta Post*, 17 January 2003

³⁸ National Narcotic Board Republic of Indonesia, *Strategic Concept to Combat the Drug Menace in Pursuit of A drug Free Indonesia 2015*. March 2003.

FIGURES 3:

Seizures of drugs in Indonesia 1996-2003

DRUG	1996	1997	1998	1999	2000	2001	2002	2003
Heroin	1.9kg	20 kg	27.8 kg	14.0 kg	22.7 kg	52.5 kg	20 kg	14.076 kg
Cocaine	0.4kg	3.3kg	4.7 kg	0.5 kg	17.4 kg	31 kg	2.3 kg	17.8 kg
Ecstasy	398 885 tab	89 413 tab	119 655 tab	29 511 tab	109 567 tab	90 523 tab	92 415 tab	196 338 tab
Shabu	0.3 kg	5.6 kg	8.1 kg	218.6 kg	76.7 kg	301.2 kg	396.58 kg	18, 5kg
Hashish	3.3 kg	4.0 kg	0.9 kg	300.0 kg	3.9 kg	5.6 kg	687gr	-
Cannabis	4012 kg	716 kg	1 072 kg	4 488 kg	6 333 kg	27 391 kg	61 669 kg	22 472 kg

Sources: Data from 1996-2003 from *National Narcotic Board (Badan Narkotika Nasional –BNN)*. March 2003, and 2003 from *BNN* 26 June 2004.

In addition, domestic problem of drug abuse has reported of increased, because to believe that the case reported is lower than the reality. In Jakarta alone, drug trafficking and abuse in are increasing at an extremely alarming rate due to abundant supplies of drugs on the market. Even some expert said the “data shows a declining trend in drug addicts asking for treatment from drug rehabilitation centers. That's extremely alarming as it implies there are abundant supplies on the market that are accessible to drug addicts so that they do not suffer severe craving for drugs that forces them to seek help at rehabilitation centers or hospital.” Jakarta Hospital for drug addicts reported declining trends in drug addicts being treated by the hospital from 1999 to 2001, or from 9,714 patients to 4,108 patients. However, based on that data, an expert Prof Dadang Hawari asserted, the number of drug abusers in Jakarta could stand at 10 times the reported cases. In its year-end report, the police revealed that the number of drug cases had jumped significantly, up 44 percent to 2,642 cases in 2002 from 1,831 cases in 2001.³⁹ In general, in 2002, the police succeeded to solving 2,571 cases implicating 2,703 suspects comprising 2,662 Indonesians and 41 foreigners. The police also seized 263 kilograms of marijuana, 143 kilograms of heroin, 55 kilograms of crystal methamphetamine (shabu-shabu), 8.5 kilograms of cocaine, 4,985 ecstasy pills, and 5,321 other samples of other additive substances.⁴⁰

The challenge to combat the IDT will face the problem of lawlessness, yet it is also deal with the corrupt of law enforcers as problem of corruption in entire social and political system. It is a public secret that law enforcers, including police and judges, that are not serious in quashing drug trafficking, they are even behind the drug trafficking. However, according to police officers that personally interview, it was clearly stated that the

³⁹ Damar Harsanto, “Drug Problem Extremely Alarming”, *The Jakarta Post*, 24 January, 2003.

⁴⁰ *Ibid.*.

problem of police capability to deter the drugs problem is also relate to the minimum of financial resources to support the operation.

5.3. IDT and Transnational Crime: The Case of African Network

The connection of drugs trafficking with the trans-national crime is lately increasing especially in relation to the criminal network from Southeast and West Africa. Organized groups of West African origin have involved particularly in the trafficking of heroin and cocaine into Indonesia. In some case, these traffickers use female couriers of Indonesian nationality. The presence of Nigerian Crime Enterprise in Indonesia, considered one of the International drug syndicates, has seemingly influenced a number of local, especially in Jakarta to support their drug trafficking activities as their means of livelihood. The geographical location of Indonesia, the porous borders, inadequate customs personnel and other law enforcement make it an attractive business location for drug traffickers.

The existing of international trafficker recently becomes more alarming due to strengthening of African criminal network especially the Nigerian. Lately, the police have detained 49 Nigerian that involved in drug dealing. Many of Nigerians have been shot during the police operation. With regard to the growing number of Nigerian who involved in the drug trafficking in Indonesia, the National Narcotic Board has send the delegation to meet the Nigerian government to help the Indonesian government to stop the Nigerian drug traffickers to Indonesia, and the government of Nigeria should work hardly to cope with the drug trafficker from Nigeria. Moreover, it is also reported that there are approximately 700 Nigerian has entered Indonesia illegally. The Indonesian side also informs to the Nigerian government that many of them have been shot death due to the attitude against the official during the police operation. However, so far, according to the report from the Indonesian police, that the Nigerian side washing their hand by saying that from 220 million on Nigerian, there are only 200 million those stay inside the country.⁴¹ Estimated of other 20 million are scattered around the globe and many of them have double nationality with other countries in Africa or Europe.

The growing of Nigerian Organized crime also received more attention internationally. The Rand Intelligence Review reported that Nigerian organized crime groups have become major players in international drug trafficking and fraud, and their continuing operations are having an increasingly detrimental effect on stability in many parts of the world⁴² Nigerian organized crime groups have been identified in at least 60 countries around the world. Another significance case of IDT that involving the African crime network, was when the Tebet Police Sector (*Polsek Tebet*), South Jakarta had arrested three African (Malawian, Cote d'Ivory and Senegalese) with 3kg heroin for the estimate of US\$1.5 million. The Tebet area of South Jakarta for example, is among one of the most alarming drug belt that reach 60% of detainees in the *Polsek* are drug related cases.⁴³

⁴¹ "BNN Minta Nigeria Usut Sindikat Narkoba di Negerinya", *Kompas*, June 30, 2003

⁴² See, Peter Chalk, "Countering Nigerian Organized Crime" in *Jane's Intelligence Review*, September 01, 2003

⁴³ Telephone Interview with Chief of Police Sector (Polsek Tebet), Police Commissioner Agus Irianto, 30 July 2004). Also see: "*Tiga Penedar 3 Kilogram Heroin Ditangkap*". *www.tempo.co.id.*, 20 October 2003.

6. EPILOGUE: SECURITIZE, POLITICIZE, CRIMINALIZE

The previous explanation attempt to discuss the relevance of “securitization”, and how it could be implemented within the new locus and context of Indonesia. As mentioned in the early of the paper, the application of securitization needs to consider the political reality of the national entity (at the state level) whether the political system is democratic or not. This is important because securitization of non-military security that employ or deploy extra-measurement by state's security sector apparatus may counter productive to the goal of promoting human security. This is the weaknesses of “securitization” framework, which assume that the concept could be applied “value free” in different political context.

Current trends of transnational crime are widely agreed that this problem is more alarming in the future security agenda. In conjunction to the expanding concept of security, it is widely recognized that transnational crime pose threats both to national and human security. Several factors contribute to the growing threats of transnational crime such as the globalization itself. On the other hand, there is nexus between the reality of growing transnational crime and the sophistication of intellectual analysis on security studies. “Securitization” provides a new approach to the emergence of security analytical framework that have developed and attributed as the Copenhagen School. In respect to transnational crime, the Copenhagen school needs to meet the reality of “securitization” process of with respect to the problem of Illicit SALW and IDT in Indonesia.

On the other hand, it also uneasy to measure the effectiveness of speech acts in securitizing the non-traditional security threats such as illegal SALW and IDT. This position is also relates again to the degree of openness and the credibility of sources of speech act. Even, if the elite political leader gives the speech act, but if the leader is not effective it will give different impact to the framing of policies. Indeed, speech act is not enough to be seen as a main cause to securitize the “thing” unless it has direct policy impact that able to deploy the necessary resources to combat the so-called “security threats”. Here, the question is the effectiveness of the government. In addition, it is also important to conclude that securitization needs the setting of proper “democratic security sector governance”, otherwise, securitization could be easily abused and misused for the interests of power and hamper the liberty of the people ---the human security side. Indonesian example of comprehensive security that securitizes everything during the New Order regime is clear example. The New Order is the main actor of securitization, which holds the hegemony of definition of the things.

In the current political landscape, in the case of SALW and IDT the securitizing actors remain the government, but more civil society involve in promoting their concern. The state role as securitizing actor is clear because the problem of transnational crime such as SALW and IDT have direct relations to the aspect of law enforcement—in which security apparatus has the duties to tackle it. Significantly, the community has contribution to help the apparatus to enforce the law such as in the case of drug trafficking.

The response to SALW and IDT shows ambiguity between the “criminalization” and “securitization”. In general, the Indonesian government through several multinational and regional organizations do recognized that SALW or IDRT is threat to security as “a non-traditional security” threats. This Indonesian position is clearly stated both in the UN and its related agencies and at the regional organization such as ASEAN. However, even in

the UN that declare the two as a new security threats, the UN only able to bring the agenda by initiating the Conference on Illicit Trade in SALW in Its All Aspects in 2001 that produce Program Action Plan to Prevent, Combat and Eradicate the Illicit Trade in SALW. At the ASEAN level, the achievement that reached was the similar level to the UN –it is recognized that SALW and ITD as non-traditional security –but still under domain of (transnational) crime.

SALW received different security policy response comparing to the IDT despite the fact that SALW has been widely used and provoke massive killing in the communal conflict in Ambon/Maluku, Poso and Aceh for the case of GAM. SALW remain treated as criminal problem with exception of the use of SALW in the anti-terror law. In the case of SALW that have relations to the rebellious group there is statement that treat SALW as security problem, however, the reference of security threat is not the matter of SALW but the user itself (the rebellious group). By and large, there is no such panic politics with regard to SALW and it is not treated in an emergency response –which in general could conclude that problem of SALW remain criminalize.

On the other hand, the IDT received response that is more substantial and treated in an emergency like contingencies. IDT has declared as existential threats to the future generations –it is recognized as threats to community and human security. To response the IDT the government through presidential decree has set up the National Narcotic Boards (*Badan Narkotika Nasional*) as a special task-force that dealing with the strategy, policy and coordinate the systemic way to combat the use of drug trafficking and its uses. Significantly, the heavy punishment for the drug user and dealer also shows the serious treatment to the problem. Looking at the stage of response, and the speech act, i.e., presidential decree it shows that the IDT has been treated as securitize problem and require permanent and institutional response to fight it –the war on drug. However, at the operational level the mechanism to deal with the IDT remain treated as a “crime” problem and not treated as security problem with normal joined up approach between the police, customs and immigration as a main institution dealing with the problem. In this joined-up approach, the police leading the role.

In addition, there is an issue that need further exploration is the subject relate to language and terminology that used to address security. At national policy level, there existing problem in defining security that creates disagreement between the armed forces and the police to draw the line between internal/external roles. The black and white separation between defense and security for the military and police make uneasiness of discussing the “securitization” process. “Security” which means “*keamanan*” has a meaning of “internal security –that relate to law enforcement and public order”. In this context, it is the police jurisdiction that responsible to tackle the problem under the umbrella of “criminalization”. Consequently, the police claim that all role of internal security is their responsibility, while military is only for the external aspect. This also led to the conflict for example between police and the Navy in securing the water, since the police claim that it is the police role to enforce the law in the sea.

Security concept is developing rapidly, and threat to security is no longer seen from the angle of military security. Security threat is proliferates rapidly in types as well as its magnitude. In this context, transnational crime receives more attention due to its disastrous impact to security. The fact that conceptual development for security analysis is moving faster, there a need that state to adapt its “speed” in policy making, the framing

of security. However, many countries in developing world need to respond differently due to their nature of their politics. Indeed, applying securitization needs also to consider the background of political system, such as democratic or undemocratic, so the framing of security of non-military security within non-democratic regime could hamper the civil liberty.

A more capable security apparatuses and a credible law enforcement agency are needed in solving cases such as transnational crime –the illegal drug trafficking and SALW. Cooperation among related departments is of importance. In practice, should the military be employed, a clear instruction and proper role of engagement are prerequisites to guide the operation at ground level. Looking at the unsettling domestic security principles there is a need that evaluation on securitization needs also to consider the culture of national security and its political context. So the use “securitization” is not necessary applicable to any places –but it is good to promote security debate and promoting consciousness to the proliferating security issues.

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There clear trends globally that transnational crime in general and SALW and IDT in particular has recognized as a security problem. The securitization process is now taking place through different level from supra-national such as the United Nations and other international NGOs that working closely to fight the problem. In the case of combating the SALW, the UN works closely members countries and continues to promote awareness. In other side, the International NGOs such as Small Arms Survey and International Alliance against Small Arms (IANSA) conduct research and advocacy in different countries and region to tackle SALW problems. SALW is complex subject that addressed differently from one to different region based on the nature of problem and it must be approached comprehensively. On the other hand, Illegal Drug Trafficking received similar attention in the process of securitization internationally. However, despite the SALW and IDT involving the transnational crime, to some extent, there is difference in the ways combating it due to it differences in utilizing it. The drug problem

is more endemic and widespread that daunting health problem across section and level of societies.

that is different from the context of the birththe lo has tried to The main question regarding the SALW and IDT is how the application of securitization to approach the problem such as

of security, of transnational crime threats of such problem is getting more , especially with regards to illicit SALW and IDT, it is clearly that the two

With regards to your two case studies, it is important that you apply the securitization model more thoroughly. You should reorganize these two sections around a series of key questions:

- have the issues of small arms and drug trafficking really been securitized in the case of Indonesia?
- Who or what are the securitizing actors, the referent objects and the specific audiences when it comes to small arms and drug trafficking? You should also give more examples of speech acts to show that the process of securitization is going on.
- Moreover, have these acts of securitization, if they have indeed taken place, been successful and led to the implementation of extraordinary measures in Indonesia? Or, have they primarily been rhetorical and have these issues therefore continued to be handled as traditional police matters?
- Finally, do you see differences in how small arms on the one hand and drug trafficking on the other have been addressed?
- You mention that the problem of small arms has been linked to the problem of insurgencies and internal conflicts. Does this mean that small arms have perhaps been securitized while drug trafficking has not?

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