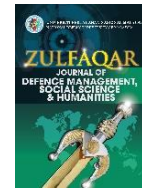




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THE CHALLENGES MANAGING MALAYSIAN BORDER

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ABSTRACT

This article aims to examine the challenges encountered by Malaysia enforcement border agencies to protect the sovereignty of Malaysia and its prospects of integration among various agencies at the border. With a wide boundary, the Malaysian security is porous to various threats which not only mean a traditional military threat but also include a multiple threat. Current threats have been broadening to include non-traditional threats such as terrorism and other transnational criminal i.e. illegal immigrants, human trafficking and smuggling of prohibited goods. In order to control such threats, there are several government agencies and legal enforcement which are responsible to protect Malaysian sovereignty such as The Royal Malaysian Police, Royal Malaysian Customs Department, Malaysian Department of Immigration, and Malaysian Border Control Agency and Malaysian Armed Forces as well. These agencies are responsible to manage the Malaysian border at various legal checkpoints such as air, sea and land checkpoints. The Malaysian Armed Forces on the other hand, has been responsible to manage illegal route along the Malaysian border especially in the jungle. All the challenges will discuss further in this article.

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Introduction

Malaysia is a strategically located in the center of Southeast Asia with Peninsular Malaysia as the most southern point of three continents, Europe, Russia and Asia. Peninsular mark the separation of two big oceans, the Indian Ocean and South China Sea. Sabah and Sarawak on the other hand surrounded by maritime area but also connected with the Philippine and Indonesia. Geographically, Malaysian border comprise of two territories; West Malaysia (Peninsular Malaysia) and East Malaysia (Sabah and Sarawak). Both territories are separated by the South China Sea. Peninsular Malaysia encompasses 131,585 sq kilometers (km) while East Malaysia encompasses 9,210,080 sq km lies across 650 km of the South China Sea in the Island of Borneo. Malaysia shares land boundaries with three countries and sea boundaries with five other countries; the Philippines, Singapore, Indonesia, Thailand and Brunei (Ruhanas, 2009).

With a wide boundary, the Malaysian security is porous to various threats which are not limited to traditional military threats but also other threats. However, the threats have been broadening to non-traditional threats such as terrorism and other transnational criminals, for example illegal immigrants, human trafficking and smuggling of prohibited goods. In order to control such threats, there are several government agencies and legal enforcement which are responsible to protect Malaysian sovereignty such as the Royal Malaysian Police or *Polis Diraja Malaysia* (PDRM), Royal Malaysian Customs Department or

Jabatan Kastam Diraja Malaysia (KDRM), Malaysian Department of Immigration or *Jabatan Imigresen Malaysia* (Immigration), Malaysian Maritime Enforcement Agency or *Agensi Penguatkuasaan Maritim Malaysia* (APMM) and Malaysian Border Control Agency or *Agensi Kawalan Sempadan Malaysia* (AKSEM) and not to forget the Malaysian Armed Forces as well. These agencies are responsible to manage the Malaysian border at various authorized checkpoints such as air, sea and land checkpoints. The Malaysian Armed Forces on the other hand, has been entrusted with managing unauthorized and illegal routes along the Malaysian border especially in the jungle.

To guarantee the peace and stability of the country, the boundaries or border of the country has to be protected and secured. Buzan (1983), in his book "Security: A New Framework For Analysis" has widen the concept of security. Buzan (1983) has identified five general categories of security namely military, environmental, economic, societal and political security. According to him, "security is about survival. Security is when an issue is presented as posing an existential threat to a designated referent object such as the state, incorporating government, territory or society" (Buzan, 1983: pp. 216). States border are a national asset which assists the country's economic assets, strategic values and political stability. National borders also allow trading, social and cultural activities and apply rules of law within its society. All countries must protect their survivability and sovereignty by eradicating crime within their boundaries. Therefore, the countries must ensure the security of their borders. National borders including Malaysia may be categorized into two types, which are:

i. Legal Crossing Points.

Legal crossing points along the border line of Malaysia can be divided as land crossing points, maritime crossing point (ports) or airspace crossing points (airports). The crossing points are as follows: (1) **Land Crossing Points.** The land crossing points in Malaysia are divided into two types which is 'official' through the Immigration, Customs and Quarantine (ICQ) Complex and 'unofficial' or *lorong tikus*. The 'official' land crossing of Peninsular are for example as Padang Besar and Wang Kelian in Perlis, Bukit Kayu Hitam and Durian Burung in Kedah, Pengkalan Hulu in Perak, Bukit Bunga, Rantau Panjang and Pengkalan Kubor in Kelantan. As for Sarawak and Kalimantan, there is only one official land border which is Tebedu. However, there is numerous 'unofficial' land borders crossing between Sarawak and Kalimantan such as Serikin (near Kuching), Bario (Kelabit Highland) and Sapulut (Sabah); (2) **Airports.** Airports in Malaysia are also considered as legal cross points (entry and exit points). The airports are for example Alor Setar Airport, Langkawi Airport, Kuala Lumpur International Airport, Melaka Airport, Kuching International Airport and Kota Kinabalu International Airport; and (3) **Sea-ports.** Sea-ports in Malaysia are for example Penang Port in Penang, Port Klang in Selangor and Tanjung Pelepas Port in Johor. However, there were several ports which is regularly used by Indonesia (particularly Sumatera) for entry/exit point such as Melaka and Muar as entry/exit point from Bengkalis and Dumai; Lumut for Belawan; and Batu Pahat for Selat Panjang. For Sabah, the entry/exit point is Tawau for Nunukan and Tarakan (East Kalimantan) (Denik, 2012).

ii. Illegal Crossing Points.

Besides the legal crossing points along the border, there are several established illegal crossing points. The established illegal crossing points by the transnational organize crime have been used for human trafficking, illegal immigrant and smuggling activities along Malaysia - Thailand border. The illegal crossing points between Malaysia and Thailand exist in developed areas and along the jungle fringe at the border. The illegal cross points along the Malaysian border therefore shows that Malaysian border were porous and vulnerable to threats. Inefficient dealings with vulnerabilities will exacerbate the threats. The vulnerabilities of Malaysian border had become the most important and questionable issues of border enforcement agencies efficiency. The border control at every Malaysia's entry point must be strengthen. The border agencies such as PDRM, KDRM, Immigration, APMM and AKSEM must undividedly play their role in order to protect Malaysia's stability from any threats. The Malaysian Armed Forces also has their own roles and task to neutralize the threats at their designated area of responsibility.

The Challenges

i. Porous Border

Malaysian borders are porous to threats. The geographical factor of Malaysia which is situated in the center of Association of South East Asia Nation (ASEAN) countries make her more vulnerable. Apart from geographical factors, the threats encountered by Malaysia are worsening due to the 'spill-over' effect and 'push and pull' factors of neighbouring countries. The issues of Thailand and the Philippines government at the southern part of their regions with Muslim communities have a long and unresolved conflict until now. It can be proven through the serious kidnapping activities by Abu Sayyaf group of Southern Mindanao in the area of Sabah since year 2000. The activities of kidnapping and demanding for ransom have threatened Malaysian security and affected Malaysian tourism. The repeated kidnapping incidents in Sabah lately has converged a negative impact on Malaysia tourism industry (Norizawati & Tarmiji, 2016).

Malaysian and Indonesian border is more vulnerable and it exposes more threats. Malaysia and Indonesia share a huge land and maritime border. With a population of 230 million people with similar language, religion and tradition, illegal immigrants of Indonesia undisputedly are a threat to Malaysian's security. Malaysia as a newly industrialized country with a huge development, economic and political stability has 'pull' a mass migration of other ASEAN nations especially from Indonesian, Myanmar, Thailand and the Philippines to Malaysia. This is unfortunately, will cause another issue of threat namely 'trans-national crime' (Ruhanas, 2009). The border of Malaysia is porous in two types of entry/exit point which is through legal cross point or illegal cross point. It can be scrutinized as follows:

a. Legal Cross Point.

The legal cross point along the border can be considered porous due to lack of integrity and technology at the border enforcement agency. The integrity of the border enforcement agencies is the ultimate important which leads to the problem of border security. Apart from question of integrity by the enforcement agency at the border, the technical issue and lack of advanced technology equipment also contribute to this problem.

b. Illegal Cross Point.

Most of the Malaysian land border are intentionally underdeveloped and covered with jungle fringe. Criminals make full use of this vulnerability for their advantage. Furthermore, maritime border along Malaysian border also considered as the most vulnerable to piracy because it covers a vast area of Malaysia. As example of undeveloped area which is along Malaysia-Thailand border is Sg Golok, Kelantan. It covers 29.9 km from Rantau Panjang to Pangkalan Kubor, Kelantan. Besides the legal crossing points in Pangkalan Kubor and Rantau Panjang border, the communities along the border remain preferred illegal routes along the border to conduct their day to day activities (Fauzi et al., 2013). Therefore, the Armed Forces have been given a task by the government to assist other security forces to 'close the gap' through various operation such as Operation Wawasan, Operation Merpati etc.

ii. Virtual Border

International borders are so porous that they are no longer played their important role as a barrier of ideas, a movement of people and goods or to an extent of no longer important to the power of the state (Laitinen, 2001). Virtual border is the impact of globalization of the world. Globalization will increase the activities of transnational crimes, money laundering, cyber-crime, smuggling, piracy, human trafficking and migration. Some scholars relate the globalization with systemic boundaries. Navniit (2010) in his book indicates that the current boundaries can be characterized as systemic boundaries because it is less territorial or ideological rather than before. As a result, failure to address domestic priorities will affect the political agenda of the government and jeopardize economic development of the nation and create uneasiness to community which in the end will create threats internally. National security has come to mean the security of a whole socio political entity.

As suggested by Aniszewski (2009), in the 21st century, the concept of physical border has emerged from the traditional concept although it is still intact. The definition of national border should be observed beyond the delineation of the national frontier and should be changed. The risk having threats can be anywhere not only at the frontier of national border. The protection of the border should be well managed before any travellers or goods enter the national border. Therefore, the border control must be maintained 'well forward' in another country and 'well backward' into our country itself.

Basically, border security's aim is to facilitate a lawful traveller and trader; and to prevent any person who has a 'communication disease' to enter a country (Rosenblum, 2013). The current procedures of checking and inspection by various enforcement agencies at the border area are ineffective. As for Malaysia situation, Mr Ahmad Rasdi, Customs Officer at Bukit Kayu Hitam, Kedah mentioned during his briefing that the border security enforcement at Bukit Kayu Hitam ICQS is inefficient because it is not well equipped. The numerous checking by various enforcement agencies are redundant at times. The checking procedures of goods and individuals are time consuming and slow down the flows of travel and trade when time is very crucial in certain situation. Therefore, it needs a new advanced technology like a scanner that can scan thoroughly a container or body and less time consumption needed.

iii. Ethnic Communities along the Border

Historically, before the delineation of the modern border, every nation or ethnic shared a common identity and culture. They were recognized through their ethnicity or religion. The establishment of the borders has changed the significance of ethnicity. The ethnicity has been separated from their community by the modern border and recognized through their citizenship of the state and nationality. Though divided by the border, the continuity of the culture and economy are still maintained because of the relationship. Therefore, the non-physical element along the border has to be considered in discussing the border management security. The border area where the same community lived before the establishment of a country's boundaries will pose a certain issue such as movement across the national border and the requirement of certain immigration document. The biggest challenge is that the community believes that they have a right to move beyond the borders despite being separated by the borders. This is the situation at Sarawak-Kalimantan border communities at Serikin (Suhana et al., 2014).

The same case also can be observed among the border community in North and East region of Peninsular Malaysia especially along Kedah, Perak and Kelantan border. Along the southern border of Thailand, Malay-muslim community shares the same language, customs and religion with the Northern part of Malaysia. Historically, the region of Southern Thailand was part of the ancient Malay Kingdom, Langkasuka. The region claims independence and pay a tribute to Siamese Empire of Ayutthaya as its vassal kingdom. Finally, it is under the Siamese controlled state under the Anglo Siamese Treaty of 1909 with British (Rupprecht, 2014). Not to forget the Javanese Community on the West Coast of Peninsular Malaysia with Indonesia and Bajau Laut community with the Philippines (Ramli et al., 2015).

iv. Transfusion of Threat

Criminal network transfusion pervades in its own ring and is more complex in the globalization world. It may be elaborated in a situation where a trafficking organization (either human trafficking or contraband trafficking) may transfuse their activities with an unauthorized migrant or terrorism. They may integrate and cooperate with an organized crime and may use same techniques or the same routes.

Most unauthorized migrants enter into any country through a legal cross point either by land, seaport or airport and overstay in that country. Smugglers can successfully snake in goods through cargoes and check points due to lack of new scanning technology. It is worth to states that, it is impossible for border security enforcement at legal cross points to contain criminal activities at the border (Rosenblum, 2013).

v. Lack of Authority to the Armed Forces

Besides the challenges faced by the Legal Cross points at the Malaysia national border, there are several illegal cross points at the Malaysia – Thailand and Malaysia – Indonesia border. These borders have been maintained and protected by the Malaysian Army. According to the briefing by Chief of Staff of 6th Brigade and 30th Brigade at 5th Border Regiment mentioned that the challenge faced by the Malaysian Armed Forces during the operation at Malaysia – Thailand border is lack of legal authority. The operation Malaysian

Armed Forces had been deployed to the border area of Malaysia – Thailand in the northern region especially Kedah and Perak without any authority of law with regard to power of arrest, search and seizure. The Armed Forces had a sufficient legal power before the abolishment of the Internal Security Act 1960 by the government in order to conduct their operations. Section 64, Section 65 and Section 73 of the Internal Security Act 1960 had provided a power to the Armed Forces with regard to arrest, search and seizure.

vi. Failure to Assess Threat

According to Navniit (2010), the concept of security is previously focused on the military dimension, especially the perceptions of threats by an elite, doctrinal response, security resources and capabilities to encounter the external threats. The assessment of threat and security was more focused on two clusters of variables which is security environment and the availability of hardware. However, he stressed out that the proper assessment of overall security need to be paid more to software security management which involve political context and policy capacity through the definition of national values, perceived of threat and vulnerabilities, the allocation of resources and the implementation of policies. The concept of security acquires an operational meaning when threat is identified. There is an implicit and explicit determination of threat security against recession, illegal search and seizure and inflation or erosion. Therefore, failure by the government or enforcement agencies to assess threats accurately is a threat by itself.

National security can no longer be preserved by defending the border. National interest of a country must be protected beyond the delineation of border. There are three categories of National interest, which are:

a. Vital Interest.

Vital interest is broad and very important for the country's survival. It includes physical security of a country (its territory), the safety of its citizens and economic well-being of the people. This must be protected at all cost. The threat could be neutralized through the use of military force.

b. Important Interest.

The threat to a country's security may not be direct. The volatile neighbouring countries would affect the instability and threaten the country indirectly.

c. Humanitarian Interest.

This category of interest will not affect the country's boundaries directly but the threat could affect national values such as natural/ man-made disaster or violation of human rights. The threat could be neutralized through diplomacy or cooperation with Non-Governmental Organization (NGO) or other government.

Conclusion

Despite all the efforts taken by Malaysia, it must be conceded that there is still a lot of work to do toward greater security. Indeed, a number of challenges have continued to embrace Malaysian along with its efforts. Definition of border issue always focused on physical elements either natural or man-made elements such as rivers, mountain, walls, towers, fence or even barbed wires to identify the boundaries or border. A balance approach between security policy, economic policy, a clear policy on economic management and developing management resources by the border enforcement unit will make national border issue which relate to security will be effectively manage.

For developing country like Malaysia, protect a national border is a problematic issue. The country which fails to protect border will consider a failed country. To solve the problems of border, it requires the involvement and association of many sectors and department. All the government agencies must work together and share information to help diagnose the problems. With related to this, border crossing management and security needs to shy away from traditional management which emphasis on the

regulations, patterns, command and control. The CBM offers a different structure with a strict of strict regulations towards the management of inter-agency cooperation with flexibility and adaptability.

Sir Gerald Templer, the High Commissioner of Malaya rightly stated that "...the answer lies not in pouring more troops in to the jungle, but in the hearts and minds of the people." (Hishamuddin, 2015). This quotation was rightly understood and implemented by Malaya government at that time. Thus, the quotation is still relevant in the current situations. In order to neutralized the multi facet threat faced by Malaysia, all sort of elements must be combined and working together to eliminate the threat. It is not lies on security forces, government agencies or political parties but also the Malaysian population as whole.

Therefore, securitization is important to eliminate threats. The dynamics of all security categories are determined by securitizing actors and referents object. According to Collins (2013), the **securitizing actors** are 'actors who securitized issues by declaring something existentially threatens' such as governments, political leaders, bureaucrats, lobbyists and pressure groups. **Referent objects**, on the other hands are, 'things that are seen to be existentially threatened and that have a legitimate claim to survival.' Referent objects can be the state (military security), national sovereignty or ideology (political security), national economies (economic security), collective identities (societal security) and species or habitats (environmental security).

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