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Veröffentlichungsversion / Published Version

Zeitschriftenartikel / journal article

Empfohlene Zitierung / Suggested Citation:

Rustam, I., Bustami, S. Y., & Sabilla, K. R. (2022). The Effectiveness of Indomalphi Trilateral Cooperation in Reducing Maritime Piracy by Abu Sayyaf Group in the Sulu-Sulawesi Sea. *Papua Journal of Diplomacy and International Relations*, 2(2), 163-183. <https://nbn-resolving.org/urn:nbn:de:0168-ssoar-80705-3>

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The Effectiveness of Indomalphi Trilateral Cooperation in Reducing Maritime Piracy by Abu Sayyaf Group in the Sulu-Sulawesi Sea

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ABSTRACT

This article aims to evaluate the effectiveness of the maritime patrol regime (Indomalphi regime) in reducing piracy cases of the Abu Sayyaf Group (ASG) in the Sulu Sea and Sulawesi Sea involving Indonesia, Malaysia, and the Philippines. Referring to the concept of regime effectiveness, it was found that the Indomalphi regime was proven effective in reducing the number of maritime cases in the Sulu and Sulawesi seas. The effectiveness of the regime is formed by a combination of four positive factors: (1) the regime is not classified as benign, indicating no inconsistencies, asymmetries, and cumulative splits in the formation of the Indomalphi regime; (2) the regime has a good problem-solving capacity because of epistemic community support that tightly integrated into the regime; (3) level of collaboration between the regime members is high, indicated by member's compliance to the standard operating procedure (SOP) of the Indomalphi's patrols even though there is no sanctions mechanism; (4) the regime facing a political context which provides an advantage with indicated by smooth cooperation during the process of Indomalphi cooperation even the three countries have sovereign sentiments and maritime territorial conflicts.



KEYWORDS

Abu Sayyaf Group; Indomalphi; Maritime Piracy; Regime Effectiveness; Sulu-Sulawesi Sea

INTRODUCTION

The Sulawesi Sea and the Sulu Sea are two seas side-by-side between three countries: Malaysia, the Philippines, and Indonesia, which are quite congested by international ships. The number of voyages that pass through these waters is around 3900 ships annually, with a total value of US \$40 billion in goods (Prasetyono, 2005). The Sulawesi Sea, located in the waters of the northern part of Indonesia, is included in the Indonesian Archipelagic Sea Lanes (ASL) II status. Giant tankers weighing more than 200,000 tons and loaded with cargo prefer the AS II rather than passing through the Strait of Malacca, which is riskier. The safety of shipping in the Sulu-Sulawesi Sea is also quite vulnerable due to frequent piracy against ships. The Abu Sayyaf Group (ASG), originating from the Southern Philippines, often hijacks ships and asks for ransom for the hostages of the crew.

In 2014, the Abu Sayyaf Group (ASG) began kidnapping ship crew members. The ASG crossed the Sulu Sea intending to get a sum of money ransom, following many acts of terrorism in the regions, especially in the Southern Philippines. Most of the financing of this group's movement came from ransom and extortion. In the following years, the

number of ship crew abductions increased. The highest was recorded in 2016, where 16 cases in ReCAAP (Regional Cooperation Agreement on Combating Piracy and Armed Robbery against Ships in Asia) were kidnapped from tugs, barges, fishing boats, and, more recently, merchant ships, as shown in figure 1 (International Chamber of Commerce, 2017). The increased crew abduction activities have made the Sulu-Sulawesi Sea the most vulnerable region in Southeast Asia.

A series of attacks from the ASG in the Sulu Sea region certainly disrupted the maritime security of three countries: Indonesia, Malaysia, and the Philippines. Following the increasing maritime piracy cases in 2015-2016, Indonesia, Malaysia, and the Philippines established the Indonesia-Malaysia-Philippines Trilateral Maritime Patrol initiative (Indomalphi) in the Sulu Sea and Sulawesi Sea. Indomalphi is expected to provide the prospect of mutual victory against security threats, namely criminal organizations and transnational terrorism (Espena, 2020). Indomalphi was established in 2016 to solve this problem by using the Malacca Strait patrol as a model for exploring military activities related to coordinated maritime security,

joint military command with ad hoc liaison, maritime and aviation patrols, technical working groups for operational

directions, transit corridors for routes specified sea, intelligence exchange, and various databases (Espena, 2020).

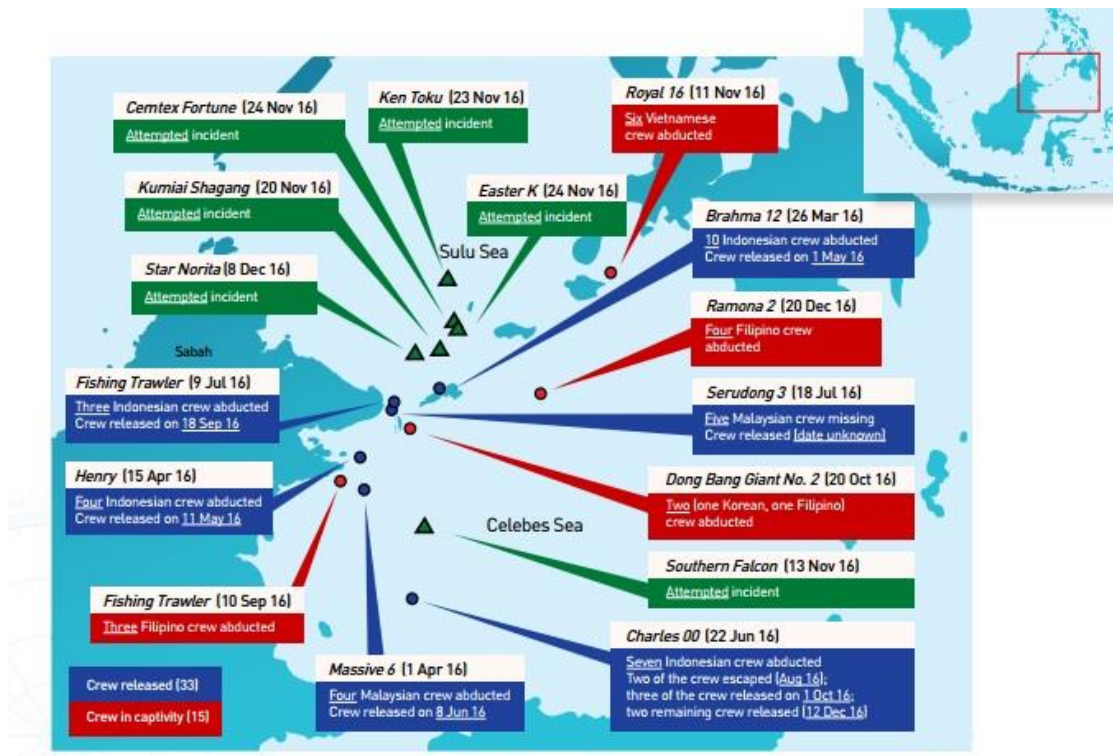


Figure 1. Map of Location Maritime Piracy Incident by Abu Sayyaf Group
 Source: ReCAAP Information Sharing Centre (2016)

Since the implementation of air and sea patrols by three countries, the rate of sea piracy has begun to decrease. This article aims to explain the effectiveness of Indomalphi Trilateral Cooperation in reducing the number of cases of ship piracy and the kidnapping – hostage-taking of crew members by the Abu Sayyaf Group in the Celebes Sea–Sulu Sea. It is essential to discuss this issue because the effectiveness of Indomalphi Trilateral Cooperation is determined by the effectiveness of the regime that regulates Indomalphi cooperation.

The first trilateral patrol was implemented in 2017, right in the middle of the Marawi incident, emphasizing that terrorism is a transnational security issue (Espena, 2020). Furthermore, in addition to the Port Visit activity, in 2018, Indomalphi activities were seen in the implementation of the Indomalphi SMEE on Sniper Trilateral Land Exercise Joint Exercise, and in 2019, the Indomalphi Middle Land Exercise Joint Exercise.

LITERATURE REVIEW

Research on international maritime security studies has indeed been carried

out quite much, especially in legal approaches and maritime border disputes. However, special studies analyzing piracy problems around Indonesia and neighboring countries are still not widely found. Therefore, the author shall try to describe some peace literature relating to the subject matter. Several articles from various sources became the reference for the review of literature.

An article written by Astriana et al. (2018) entitled *"Joint Maritime Cooperation in the South China Sea: Lessons from the Indonesia – Malaysia – Philippines Trilateral Maritime Patrol (Indomalphi)"*, develops a prescriptive analysis of the Indomalphi initiative. Indomalphi is a *valuable* lesson for joint maritime cooperation in the South China Sea (SCS) for the following reasons. First, the Indomalphi initiative was successful despite the territorial conflicts between the countries involved. Second, the Indomalphi initiative was successful even without intervention from non-regional powers. Third, although there is a capacity asymmetry among the three-member countries of Indomalphi, this does not hinder the formation of such joint maritime cooperation. Through cooperation, the three of them were able to develop their respective capabilities. Fourth, Indomalphi initiative was successful considering the clarity of the objectives and the nature of the identified maritime security threats that can be mitigated. Finally, the success of the Indomalphi initiative does not come from a comprehensive initiative on joint maritime cooperation. However, it was

realized from partial initiatives and gradually improved (incremental). Through this, Indomalphi member countries can build mutual trust and understanding as the main conditions for the formation of a more comprehensive maritime cooperation.

Arifin et al. (2018) in their article entitled *"Prevention of Maritime Violence by the Abu Sayyaf Group in the Sulawesi Sea-Sulu Sea in the Framework of Maritime Security: A Case Study of the TB Brahma 12 Tug Ship. Barge BG Anand 12"* provides a prescriptive analysis of prevention efforts that can be carried out by stakeholders of Indonesian maritime security so that maritime violence incidents such as the one that happened to the TB Brahma 12-Ship BG Anand 12 do not occur again. Considering that throughout 2016, the waters of the Sulawesi Sea-Sulu Sea were the most vulnerable shipping routes in Asia due to the inability of coastal states to control their territorial waters, allowing perpetrators of maritime violence to use these waters to carry out illegal activities that disrupt maritime security.

According to the author, several efforts can be made to prevent recurring maritime violence: (1) settlement of domestic conflicts in the Philippines; (2) resolving maritime boundary disputes between Indonesia-Malaysia and Malaysia-Philippines; (3) immediately implement the agreed Indomalphi Trilateral Maritime Patrol; (4) to immediately activate the Military Command Center which has been formed supported by an integrated surveillance

and monitoring system and a fast reaction team (IQR) with high preparedness as regulated in Indomalphi; and (5) initiating the possibility of implementing cross border pursuit between the three countries.

Storey (2018) wrote an article entitled "Trilateral Security Cooperation in the Sulu – Celebes Seas: A Work in Progress." The article describes the background of the formation of Indomalphi and the opportunities as well as challenges of Indomalphi in overcoming maritime security issues in the Sulawesi Sea-Sulu Sea. The maritime attacks carried out by the ASG in early 2016 prompted three countries (Indonesia-Malaysia-Philippines) to strengthen maritime security cooperation in the Sulawesi Sea-Sulu Sea. Therefore, in June 2017, the three countries coordinated marine patrols in maritime areas affected by ASG piracy. However, the initiative was not fully implemented due to sensitive factors, especially conflict of sovereignty, which is the main obstacle. However, trilateral maritime patrols (TMPs) were able to improve communication and information exchange between the three countries. Furthermore, the support for capacity building from non-ASEAN countries has enabled the three countries to tackle maritime insecurity. In addition, the Philippine security forces' assertive security policies towards ASG since mid-2017 have contributed positively to a significant reduction in the number of piracy cases.

Based on the description of the research literature reviews above, it can be seen that the three works of literature have different types of research as well as the focus of the study on each of the problems raised to one another. The research appointed by the authors also has differences in terms of the type of research and the focus of the study from the three reviews of literature previously described. This difference is that this study focuses more on evaluative analysis of the variables of the Indomalphi regime in reducing the number of cases of ship piracy and the kidnapping of ship crew (ABK) by the Abu Sayyaf Group (AGS) in the Sulawesi-Sulu Sea.

METHODS

This study uses a qualitative approach, described by Creswell as a process in which the research problem becomes a study that arises from a natural setting, such as field data collection studied by various methods, not a study that occurs from laboratory research. During the process of collecting information using qualitative techniques, data can be obtained from multiple sources in order to understand how to solve problems, either through respondents or the people involved (Creswell, 2007). In this article, the authors adopt descriptive qualitative research techniques by collecting data from various sources such as books and journals, government reports, mass media coverage, and published writings.

The difference between qualitative and quantitative methods lies in the

difference in the orientation of the researcher in gaining knowledge. The core difference between quantitative and qualitative approaches is that the former focuses on large N or cross-case analysis while the latter examines one or several cases in depth (case studies). In simple terms, we can conclude that the quantitative approach tends to be used in multiple case studies while the qualitative approach is used in case study research.

From the differences between multiple cases and case studies, we can elaborate on several things which show that the differences between the two are more than just differences in data types (Rosyidin, 2016). In this study, the authors endeavor to identify one case regarding the effectiveness of the Indomalphi regime in reducing the number of cases of ship piracy and the kidnapping of ship crews (ABK) by the Abu Sayyaf Group (AGS) in the international shipping route of the Sulawesi Sea-Sulu Sea. This shipping route for Indonesia has strategic value both economically — trade and national security. In the implementation of this research, collecting data is carried out utilizing a literature study.

RESULTS AND DISCUSSION

Maritime Piracy by the Abu Sayyaf group in the Sulu-Sulawesi Sea

This research uses three frameworks to evaluate the Indomalphi trilateral cooperation, which has been running for approximately four years, effectively reducing the number of maritime piracy threats from the Abu Sayyaf group. Based

on the definition adopted by the IMO organization, the International Maritime Bureau (IMB) defines maritime piracy as: “An act of boarding or attempting to board any ship with the intent to commit theft or any other crime and with the intent or capability to use force in the furtherance of that act” (Young, 2007, p.10).

According to the IMB, maritime piracy is defined as the act of boarding or attempting to board a ship by the crew of a ship or other ship passengers with the motive of theft or other crimes accompanied by acts of violence (Amri, 2014). This definition also includes the act of attacking a ship that is currently anchored at the dock, port, or sea (Eadie, 2001). The IMB organization defines the concept of maritime piracy more broadly than the IMO organization, which is based on the GCHS (Geneva Convention on the High Seas) and UNCLOS (United Nations Convention on the Law of the Sea). First, it does not separate the crime locus between the high seas or territorial seas, so the concept of armed robbery against ships as conceptualized by the IMO organization does not apply. It means that the concept of armed piracy against ships is also included in the crime of maritime piracy. Second, the act of piracy does not have to come from other vessels that involve at least two vessels (two-vessels requirement) and is more focused on acts of violence that occur at sea. Therefore every maritime crime (crime at sea), including attacks on ships, is referred to as maritime piracy. Third, it does not

separate the motives behind personal, public, and political motives (Twyman-Ghoshal, 2014). Fourth, the actions of government-owned naval vessels (AL) can be considered piracy under certain circumstances (Elleman et al., 2010).

The piracy behavior carried out by the Abu Sayyaf Group (ASG) in the Sulu-Sulawesi Sea can be considered a form of international maritime crime that threatens the maritime security of the Southeast Asian waters according to IMB definition. In the last five years, ASG kidnapped ship crews on several ships passing through the waters of Sulu-Sulawesi to ransom some money. This action shows a motive for piracy because the amount of funds requested is quite large, including maritime crimes.

Shipping safety in the Sulu-Sulawesi Sea has become very vulnerable after a series of maritime piracy incidents carried out by ASG. In 2016, the mode of crime increased, not just extortion on the ship's crew but piracy by holding the crew hostage and asking for ransom in a very high amount from the family or the shipping company. Throughout 2016, several cases of hijacking and kidnapping ship crews (ABK) have been reported. In March 2016, the hijacking of the Brahma 12 and Anand 12 ships and 10 Indonesian crew members were taken hostage. In early April, there was another hijacking of a Malaysian-flagged ship, the MV Massive 6 and took as many as 4 Malaysian crew members. Then in mid-April 2016, there was another piracy against the TB Henry and Cristi ships with 4 Indonesian crew

members, and in June the ships TB Charles 001 and Robby 152 were hijacked along with 7 crew members who were also taken hostage (Rustam, 2017). In 2017, it was recorded in the ReCAAP report that there were three incidents of piracy. In 2018, there were two incidents, and there were also several maritime piracy acts carried out by ASG in 2019.

According to Chalk (1998), maritime piracy behavior in Southeast Asia is divided into three types. First, attacks or theft at docks and ports. It is opportunistic, carried out by a small group of people armed with knives using small high-speed boats. The main motive is theft, which generally occurs in small-scale ports and wharves due to weak monitoring systems for port and dock security. The targets of this piracy are usually cash and valuables. The losses incurred ranged from the US \$ 5000 to 15,000. The IMB organization calls this piracy low-level armed robbery (LLAR).

Second, searches and ship piracy on the high seas or territorial seas. This piracy behavior generally occurs in Southeast Asian waters. If it occurs in a narrow strait, it has the potential to disrupt the shipping navigation system. Because there is a possibility that the hijacked ship will go out of control, especially when the crew is tied up, locked up, or possibly killed. In general, it is carried out in an organized manner and often operates from a kind of *aircraft carrier* and often endangers the lives of the crew members, resulting in serious injury or even murder. The IMB organization

calls this piracy medium-level armed assault and robbery (MLAAR). This type of piracy occurs most frequently in the Malacca Strait and in the Sulu-Sulawesi Sea. The Malacca Strait's vulnerability level has decreased due to the effectiveness of the cooperation between Singapore, Malaysia, and Indonesia. Meanwhile, the level of maritime piracy in the Sulu-Sulawesi Sea is still happening, so the three border countries, namely Malaysia, Indonesia, and the Philippines, have agreed on the cooperation framework for Indomalphi to deal with this maritime security threat.

Third, ship hijacking with the aim of illegal trade. This act of piracy is referred to as the phantom ship phenomenon. It has a very large and much more organized modality because it involves an international criminal organization mobilizing a group of trained people to use firearms. The material losses incurred were much greater than the two previous types of hijacking because the ship and its cargo had disappeared and had more passengers. The IMB organization calls this piracy a high-level crime of piracy (major criminal hijack, MCHJ) (Chalk, 1998).

Establishment of the Indomalphi International Regime

The international regime is an order consisting of a collection of principles, norms, rules, and procedures for policy-making, either explicitly or implicitly, in which the expectations of the actors can reach common ground in certain fields in

International Relations (Krasner, 1982). Krasner (1982) defines principle as a belief in facts, causes, and truth, while norms are defined as standards of behavior expressed in the form of rights and obligations. Meanwhile, Puchala and Hopkins (1982) assert that international regimes have five main characteristics. First, international regimes have the ability to shape behavior in compliance with principles, norms, and rules. It is subjective and can only exist based on the understanding, expectations, and beliefs of its members regarding legitimacy, worthiness, and moral behavior. Second, international regimes can create mechanisms or procedures for policymaking. This characteristic shows that it does not just contain substantive norms, but more than that, the international regime is about how the principles are made by involving elements such as who are the members, what interests are dominant or priority, and what rules are can protect against domination in the policy-making process.

Third, an international regime always has principles that can strengthen it, just as a norm can establish the truth and prohibit deviant behavior. Fourth, in every regime, there are always actors who play a role in it. Most of the main actors are sovereign nation-state governments, but it does not rule out that there are also non-state actors. Their role as members is very crucial, namely creating, carrying out, and obeying the agreed rules. Finally, fifth, the existence of an international regime is to align values, objectives and

policy-making procedures to accommodate the interests and needs of its members (Puchala & Hopkins, 1982).

Based on the definition of the international regime above, the formation of a cooperation framework carried out by the three countries (Indonesia, Malaysia, and the Philippines) are included in the category of international regimes, although within the regional boundaries of the Southeast Asian region. The three countries face the same maritime security threat problem in the Sulu-Sulawesi sea area, so they have the same hopes for regime formation among the three. Maritime security threats are faced by almost all countries that depend on the international shipping route of the Sulu-Sulawesi Sea. The edge country, therefore, has more responsibility to provide access to security for all passing ships. Moreover, the three countries are active members of ASEAN, so that security in the Southeast Asian sea area is the duty and responsibility of the ASEAN countries.

Furthermore, Keohane (1982) said that the main objective of forming an international regime was as a place to coordinate and communicate between governments and facilitate the realization of mutually beneficial agreements. The regime is a form of cooperation on a specific issue and is formed based on the voluntary basis of the perpetrators (Keohane, 1982). The security threat of maritime piracy in the Sulu-Sulawesi Sea prompted the Minister of Defense and the Armed Forces Commander of the three countries to make a joint statement signed

in Yogyakarta on 5 May 2016. The three countries signed a Joint Working Group (JWG) collaboration in the field of maritime patrols to prevent an increase in sea piracy. Furthermore, the three countries made an agreement on Standard Operating Procedures (SOP) which contained details in the scope of operational arrangements to be implemented by the three countries as a quick action to overcome maritime security problems at the borders of the three countries by prioritizing the principle of respecting the sovereignty of each country. In June 2017 the three countries agreed on a Trilateral Cooperative Arrangement (TCA) which initiated maritime and air patrols, intelligence sharing, and the establishment of a Maritime Command Center (MCC) in the Sulu Sea region. The inauguration of the MCC was held simultaneously with the launching of the Indomalphi Trilateral Maritime Patrol on 19 June 2017 in the city of Tarakan, North Kalimantan, Indonesia. MCC Indonesia is located in Tarakan, MCC Malaysia is in Tawau and MCC Philippines is in Bongao. Furthermore, the launch of the Indomalphi Trilateral Air Patrol (TAP) on 12 October 2017 in Subang Malaysia and the first port visit was carried out from 13 to 15 November 2017 in Tawi-Tawi, Philippines.

The Concept of Regime Effectiveness

Underdal (1992) defines regime effectiveness as an effort to solve the problems underlying regime formation by comparing the relative progress achieved

to the situation when no regime is working and efforts to achieve relative progress in terms of common solutions. A similar definition was also conveyed by Wettestad and Andresen (as cited in Levy et al., 1995) who mentioned regime effectiveness as an effort to solve problems faced by a regime by comparing the situation before and after the regime's existence.

According to Underdal (2002a), the effectiveness of the regime (dependent variable) is influenced by three things, namely the complexity of the problems faced by the regime (the independent variable), the regime's ability to solve the problems it faces (independent variables), and the level of collaboration in the international regime (intervening variables). First, the complexity of the problems faced by the regime (problem malignancy). It has three characteristics, including incongruity, asymmetry, and cumulative cleavages. Incongruity is the difference in understanding (disagreement) among regime members regarding the goal of forming a regime so that not all regime members consider an issue as a problem. Meanwhile, asymmetry is defined as differences in national interests among regime members. As a result, each regime member will act according to their respective national interests to the detriment of other regime members (self-egoistic). Meanwhile, cumulative cleavages are defined as accumulated differences (disagreements) including differences in interests, understanding, such as differences in

power characterized by the domination of one or more members of the regime so that the role of other regime members is ignored; water security problems faced by regime members; and regional differences that lead to division (friction) within the regime (Underdal, 2002a).

Second, the regime's ability to solve the problems at hand (problem-solving capacity); consists of three components, namely the institutional setting, the distribution of power (power distribution), and skill and energy (expertise and strength). Institutional order refers to the ability of a regime to regulate and determine the role of each member as well as the consistency of attitudes and policies in maintaining the regime's existence. The distribution of power is related to the equitable distribution of power which is characterized by the domination of the power of one or more members of the regime but does not abuse the power given; on the contrary, the power is used to lead in the regime. On the other hand, there are minority parties who do not have greater power but can control the dominant party in the regime. Meanwhile, expertise and strength is related to the existence of a system or institution that has strength with the support of qualified experts so that it can solve problems faced by the regime. Expertise and strength consists of two components, namely instrumental leadership and the epistemic community. Instrumental leadership refers to a tendency to facilitate the formation and implementation of a regime

(facilitative leadership). In short, instrumental leadership is typical of leadership which functions more as a helper in the regime. It will be increasingly needed when the regime faces a high level of problem complexity (malign). Meanwhile, the epistemic community is defined as an association or professional network consisting of a collection of countries (international government organizations, IGO) and organizations that have recognized expertise and competence in a particular field. The informal network of transnational organizations from an epistemic community contributes to promoting the effectiveness of the international regime. This is because it strengthens knowledge about the formation of a regime (regime formation) and participates in helping carry out the regime's functions to achieve its goals. The more integrated an epistemic community is, and the more profound the impact it has on the decision-making process at the relevant national level, the more effective a regime will be in carrying out its functions (Underdal, 2002a).

Third, the level of collaboration within the international regime (level of collaboration). It is related to changes in the behavior of regime members in response to the rules set by the regime. In other words, it is closely related to the level of compliance of regime members with efforts to implement the regime in the form of concrete actions in implementing the rules and fulfilling the obligations regulated in the regime. It is

also influenced by the complexity of the problems faced by the regime and the regime's ability to solve the problems it faces.

In the meantime, the higher the level of complexity of the problems faced by the regime (malign) will have a negative impact on the level of collaboration, the lower the level of complexity of the problems faced by the regime (benign) will have a positive impact on the level of collaboration. Meanwhile, the higher the ability of the regime to solve problems will have a positive effect on the level of collaboration, vice versa, the lower the ability of the regime to solve problems will have a negative impact on the level of collaboration. On the one hand, a high level of collaboration would have a positive impact on the effectiveness of the international regime, and on the other hand, a low level of collaboration would have a negative impact on the effectiveness of the international regime.

Underdal (2002a) assigns five categories of collaboration levels with a score scale from 0 (zero) to 5 (five). The higher the score, the more effective the regime would be. Underdal's five categories of level of collaboration are as follows:

Level of Collaboration (Scale 0–5):

- a) 0 Common Ideas: Joint deliberation but no joint action.
- b) 1 Common Ideas: Coordination of action on the basis of tacit understanding. Coordination of actions is done quietly.

- c) 2 Common Ideas: Coordination of action on the basis of explicitly formulated rules or standards but with implementation entirely in the hands of national government of a country; no centralized appraisal of effectiveness of measures is undertaken.
 - d) 3 Common Ideas: Coordination of action on the basis of explicitly formulated rules or standards but with implementation entirely in the hands of national government of a country; there is centralized appraisal of effectiveness of measures is undertaken.
 - e) 4 Common Ideas: Coordination of actions carried out in a planned manner; with national implementation level, including centralized appraisal of effectiveness of an action.
 - f) 5 Common Ideas: Coordination of actions carried out entirely integrated planning and implementation, with centralized appraisal of effectiveness of an action (Underdal, 2002a).
- To see the relationship between the three variables above, the figure 2 is presented below:

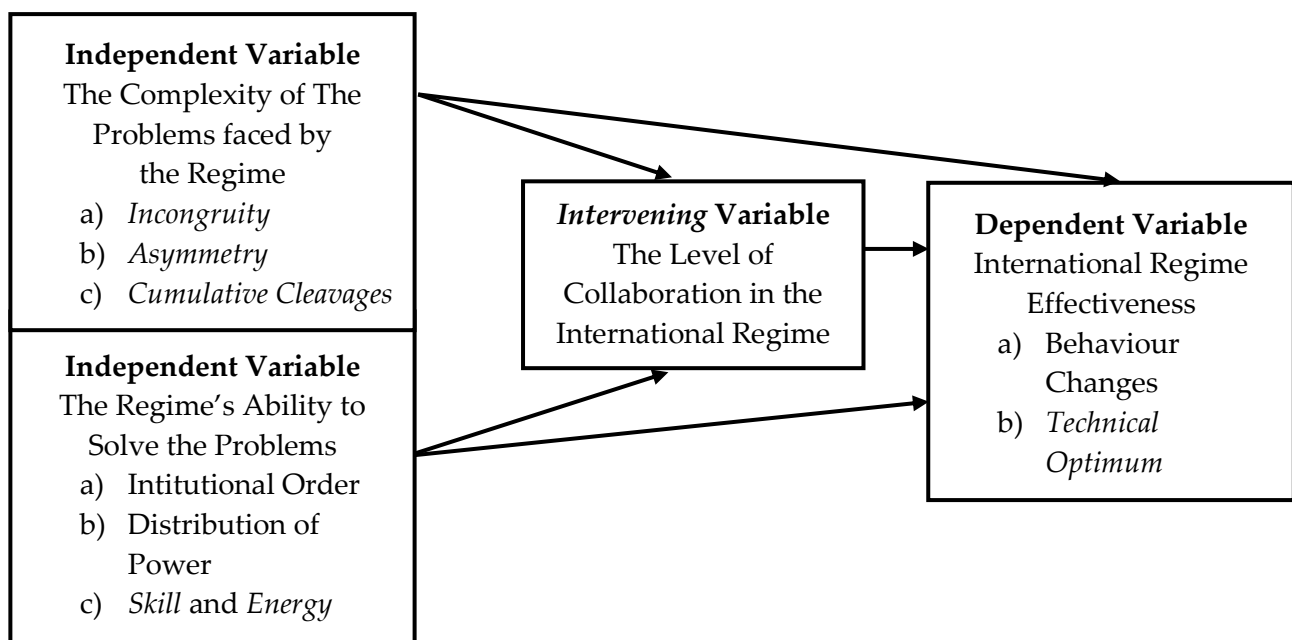


Figure 2. The Relation between Dependent, Intervening dan Independent Variable in the Analysis of International Regime Effectiveness. *Source:* Underdal (2002a)

Underdal (2002a) also classified regime effectiveness into three categories, called effective regimes, performance regimes between effective and ineffective (*mixed-performance regimes*) and regimes that were ineffective. First is an effective

regime. It is characterized by three indications, among others: *the types of problems faced by the regime* are often simple (mild) with a low level of complexity (benign) or combined in nature, combining simple and complex

(acute) problems; and the level of understanding (knowledge) of the problems faced by the regime is high. *The regime's ability to solve the problems faced* is high. This can be seen from indications such as: the existence of decision rules in the regime that regulate the adoption mechanism of the rules provided that they meet the majority requirement in the regime; optimal support by international government organizations (IGO) for the regime; well-integrated epistemic community support; the existence of a power distribution mechanism that supports the role of dominant actors or dominant and minority actors in the regime; and the existence of support for optimal instrumental leadership mechanisms by one or several parties or by individual delegations or coalitions of delegates within the regime.

The political context in which the regime is faced is classified as *favorable* (positive). This can be seen from indications such as the relationship of the regime to other problems of the members of the regime does not interfere with the regime's performance; and the existence of ulterior motives or interests of one or more parties in the regime, or the existence of an incentive to encourage cooperation in an effective manner within the regime (Miles, 2002).

Second, a regime with a performance between effective and ineffective (*mixed – performance regime*). It is characterized by two indications, namely: the types of problems faced by a combinative regime that combine simple

(mild) and complex (acute) problems with a level of complexity between high (malign) and low (benign); the regime's ability to solve the problems faced is classified as intermediate; and the political context faced by the regime is classified as *neutral*. Another indication is that it combines positive and negative scores, namely the types of problems faced by the regime are complex (acute) with a high level of complexity (malign) and the regime's ability to solve the problems faced is high; or the types of problems faced by the regime are simple (light) with a low level of complexity (benign) and the regime's ability to solve the problems faced is low (Miles, 2002).

Third, an ineffective regime; it is characterized by three indications, namely: *the types of problems faced* by the regime are mostly complex (acute) with a high degree of complexity (malign); and the level of understanding (knowledge) of the problems faced by the regime is low. *The regime's ability to solve the problems* it faces is low. This can be seen from indications such as: the existence of decision rules within the regime governing the adoption mechanism of the rules provided that it meets unanimity or consensus requirements; suboptimal support by international government organizations (IGO) for the regime; lack of support from a well-integrated epistemic community; the existence of a power distribution mechanism that supports the role of actors who are slow to act (*laggards*) or slow to act and observe (*bystanders*) in the regime; and the absence

of support for optimal instrumental leadership mechanisms by one or several parties or by individual delegations or coalitions of delegates within the regime.

The political context faced by the regime is classified as 'unfavorable' (negative). This can be seen from indications such as: the regime's relationship with other problems owned by regime members that interfere with the regime's performance; and the absence of ulterior motives or interests of one or several parties in the regime or the absence of an incentive stimulus provided to encourage cooperation in an effective direction within the regime (Miles, 2002).

The international regime's effectiveness consists of three components in detail, including output, outcome and impact. The output refers to the rules, programs and organizations laid down by the members of the regime to enforce the

provisions laid down in the scheme so that in the form of acts, items which were originally written agreements may be manifested in the form of actions. Meanwhile, *outcome* refers to changes in the behavior of members of the regime who are subject to provisions regulated in the regime, either in the form of stopping actions taken before the regime exists or efforts to take actions regulated in the regime that were not previously carried out. This is closely related to the level of compliance of regime members to the provisions set in the regime (Underdal, 2002a). Moreover, *impact* refers to the level of success achieved in solving problems that are the background of the regime's formation. To see the relationship between the three components above (output, outcome and impact), the figure 3 is presented below:

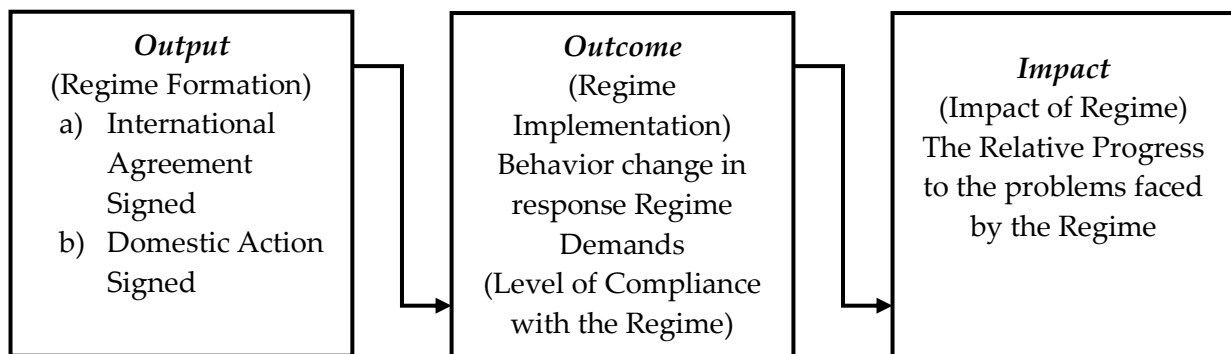


Figure 3. The Relation Between Output, Outcome and Impact Component in the Analysis International Regime Effectiveness. *Source:* Underdal (2002a)

There are two ways in which the mechanism for measuring the effectiveness of international regimes is applied: by comparing the circumstances before and after the existence of the regime, and by comparing the actual

situation with the desired conditions that could have been achieved by the existence of that regime. This is a process of evaluating the policies of the regime by evaluating the implementation of the policies developed by the regime and the

level of compliance of the representatives of the regime with the agreements agreed (Underdal, 2002b).

Analysis of the Effectiveness of the Indomalphi Regime in Dealing Maritime Piracy of the Abu Sayyaf Group

By using the concept of regime effectiveness, the analysis of cooperation between three countries (Indonesia, Malaysia and the Philippines) in the Indomalphi regime can be concluded:

First, the regime faces a relatively low problem complexity (*Benign*). The three countries have something in common with regard to: perceived threat posed by ASG's maritime piracy action; understanding or perspective related to the urgency of maritime security cooperation related to combating maritime piracy in the Sulu – Sulawesi Sea; and common interests related to the impact caused by maritime piracy by ASG on maritime security in the Sulu-Sulawesi Sea as stated in the joint declaration and joint statement involving the three countries so that the patrol cooperation framework Indomalphi's trilateral cooperative arrangement (TCA) can be implemented based on mutual trust and responsibility.

In addition, in order to discuss, anticipate and generalize perceptions and understandings concerning the possible threat of ASG piracy in the Sulu-Sulawesi Sea to maritime security in the three regions of the country, they also proactively held various diplomatic meetings and discussions through

trilateral meetings on six occasions. This action is an attempt to create mutual trust so that it can reduce the potential for future uncertainty.

Second, the Indomalphi regime has a relatively high level of collaboration. The three countries have a relatively high level of compliance in implementing the various rules and regulations stipulated in the Indomalphi regime. This is evidenced by the compliance of the three countries in implementing the Standard Operating Procedure (SOP) for Indomalphi trilateral coordinated maritime patrols which regulates four things: (1) trilateral maritime patrol mechanism in the Sulu-Sulawesi Sea; (2) a mechanism for providing quick assistance to residents and ships that are in danger; (3) information and intelligence exchange mechanisms; and (4) a joint communication mechanism between the three countries (joint communication hotline) in order to detect and identify threats and actions that have the potential to threaten the security of the Sulu – Sulawesi Sea from ASG attacks; localizing the intensity of a security threat to a specific location as to facilitate patrol operations by focusing on *hot spots*, as well as to handle situations appropriately in accordance with applicable laws and agreements.

The Indomalphi regime regulates a centralized monitoring and evaluation mechanism, thus the implementation of trilateral coordinated maritime patrols can be evaluated periodically. In addition, the three countries have implemented well-

coordinated and integrated maritime, land, and air patrol policies through coordination mechanisms between offshore, border and law enforcement patrols. It is also endorsed by an integrated communication system – the Maritime Command Center (MCC) – located in the three countries, namely in Tarakan, Indonesia; Tawau, Malaysia; and Bongao, Philippines. Not only trilateral patrols on sea and land, the Indomalphi regime also regulates the SOPs of Trilateral Air Patrol (TAP) to maximize the efforts to protect the Sulu-Sulawesi Sea from the potential threat of ASG piracy.

Third, the Indomalphi regime has a relatively high problem-solving capacity. The three countries (Indonesia, Malaysia and the Philippines) experience the same problem, such as the limited allocation of resources, in this case referring to the limited capabilities of military defense equipment, especially the strength of the naval fleet. They are unable to provide the ideal defense equipment required to secure the maritime territories of each country from the threat of ASG piracy in the Sulu-Sulawesi Sea. Even so, the regime is able to accommodate the problems encountered by implementing a coordinated patrol model adopted from the Malacca Strait patrol (MSP) coordinated patrol model, so the crisis of allocation of marine defense equipment resources required can be operated effectively and efficiently in tackling maritime piracy done by ASG. The regime's problem-solving capacity is high

due to the cooperation of the Indomalphi regime being expanded through the framework of a cooperation agreement known as *Our Eyes Initiative* by involving the participation of external forces, including: ASEAN member countries (apart from Indonesia, Malaysia and the Philippines), United States (US), Japan and Australia. Through this initiative, external forces can participate in assisting Indomalphi patrol operations through integrated air patrol operations with Indomalphi land and sea operations.

In addition, countries such as Japan and the US are helping to strengthen the regime's problem-solving capacity by providing logistical support for patrols and technical training for the militaries of the three countries. This step is considered a solution to the problem of limited allocation of patrol resources experienced by the three countries, especially the Philippines. In contrast to Japan and the US, Singapore helped strengthen the capacity to solve problems of the Indomalphi regime by providing information resources in the form of an Information Fusion Center (IFC) to support Indomalphi patrol operations.

The Indomalphi regime adopted the Malsindo (Malaysia, Singapore & Indonesia) coordinated maritime patrol model or commonly referred to as the Malacca Strait Patrol (MSP) model as a role model in carrying out Indomalphi's trilateral coordinated maritime patrol operations. It is different from the joint patrol model which is carried out jointly across national borders. Meanwhile, the

coordinated patrol model is carried out jointly within the boundaries of each country and in coordination with the Maritime Command Center (MCC). It also regulates a coordinated patrol mechanism across national borders, but is limited to certain hot spots or maritime areas that are of common concern to the three countries. This is stated in Indomalphi's hot pursuit standard operating procedure (SOP) which regulates the chasing mechanism for pirates entering the territorial areas of other countries. This patrol concept is considered as a solution to the maritime territorial conflict between the three countries that accompanied the formation of the Indomalphi regime.

The Philippines as a country that has become a hotbed for the development of ASG has constructively modernized its naval military defense equipment in response to the increasing threat of maritime piracy committed by ASG in the Sulu-Sulawesi Sea. The Philippine Navy's military capability is classified as the lowest among the three countries, so it is necessary to increase the Navy's military capability. In addition, the Philippines launched a large-scale ground military operation with the assistance of the United States Special Forces with the aim of eradicating the ASG movement in Mindanao, Southern Philippines.

The capacity to solve problems of the Indomalphi regime is also supported by the role of the epistemic community, such as the Trilateral Maritime Patrol Working Group (TMPWG), which is a joint working group involving the three

countries that play a role in formulating operational guidelines for the implementation of Indomalphi's trilateral patrols. The results of this group's work were in the form of a standard operating procedure (SOP) for the Indomalphi trilateral patrol, which regulates four matters: (1) trilateral maritime patrol mechanism in the Sulu – Sulawesi Sea; (2) a mechanism for providing quick assistance to residents and ships that are in danger; (3) information and intelligence exchange mechanisms; and (4) a joint communication mechanism between the three countries (joint communication hotline). The formulation of the SOP was subsequently standardized and adopted by the Indomalphi regime as a *role model* for the SOP of the Indomalphi trilateral patrol.

In addition to TMPWG, the Indomalphi regime is also supported by a similar epistemic community by involving the three countries known as the intelligence working group (IWG). This working group was tasked with supplying intelligence related to the implementation of the Indomalphi trilateral patrol operation.

Fourth, the political context faced by the Indomalphi regime was classified as *favorable* (positive). The regime faces problems related to sentiments of sovereignty and territorial boundaries at sea (maritime territorial conflict) involving the three countries. These include the Ambalat dispute involving Indonesia and Malaysia; the Sipadan and Ligitan dispute involving Indonesia and Malaysia; the

Sabah dispute involving Malaysia and the Philippines; and dispute violation of Border Crossing Agreements (BCA) by residents of Marore and Miangas involving Indonesia and the Philippines. These disputes have the potential to create mutual suspicion and distrust of one another, and have the potential to hinder the formation of the Indomalphi regime. However, the three countries agreed to resolve the issue peacefully within the framework of ASEAN without disturbing the performance of the Indomalphi regime. The potential threat of maritime piracy (common threat) which is increasingly growing rapidly requires the three countries to *hold back* and ignore past conflicts and disputes, and commit to carrying out agreements as regulated in the Indomalphi regime.

CONCLUSION

This article has scrutinized the effectiveness of Indomalphi Trilateral Cooperation in reducing the number of cases of ship piracy and the kidnapping – hostage-taking of crew members by the Abu Sayyaf Group in the Celebes Sea-Sulu Sea. The effectiveness of Indomalphi trilateral cooperation is determined by a combination of four positive factors. First, the regime encounters problems that are classified as benign. Second, the Indomalphi regime fosters a high degree of collaboration among the three countries (Indonesia, Malaysia, and the Philippines). Third, the Indomalphi regime demonstrates a high problem-solving capacity, including the

involvement of external actors like United States (US), Japan and Australia. Fourth, the Indomalphi regime faces a favorable political context, considered as positive.

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HOW TO CITE THIS ARTICLE:

Rustam, I., Bustami, S.Y., & Sabilla, K.R. The Effectiveness of Indomalphi Trilateral Cooperation in Reducing Maritime Piracy by Abu Sayyaf Group in the Sulu-Sulawesi Sea. *Papua Journal of Diplomacy and International Relations*, 2(2), 163-183. DOI: 10.31957/pjdir.v2i2.2247