

Maritime Security in Southeast Asia: How has ASEAN been Talking About It So Far?

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ABSTRACT

The maritime security dynamics in the Southeast Asian region demand focused attention from ASEAN. Southeast Asia holds significant strategic importance, as evidenced by its waters now serving as Sea Lines of Communication (SLOC) for international shipping. However, this strategic value also exposes the region to various escalating security threats, particularly in the maritime domain, including piracy, Illegal, Unreported and Unregulated (IUU) fishing, Trans National Crime (TNC), and maritime border conflicts. This study sheds light on the dynamics of maritime security issues in the region across various ASEAN meetings and assesses the extent to which ASEAN has prioritized maritime security as a focal point. Through data analysis employing query coding based on Buzzerword in Nvivo, examining formal legal documents, statements, discussions, and news in ASEAN meeting forums, it is evident that ASEAN consistently addresses maritime security issues in the region. This underscores that maritime security is not a widely discussed topic within ASEAN, indicating why minimizing maritime threats in this region proves challenging. The semiotic ideas of Cristian Bueger regarding maritime security further provide insight into additional findings in this research, specifically how ASEAN has historically interpreted the definition of maritime security threats.

ABSTRAK

Dinamika keamanan maritim di kawasan Asia Tenggara memerlukan perhatian khusus dari ASEAN. Asia Tenggara memiliki kepentingan strategis yang signifikan, sebagaimana dibuktikan dengan perairannya yang kini berfungsi sebagai Jalur Komunikasi Laut (SLOC) untuk pelayaran internasional. Namun, nilai strategis ini juga membuat kawasan ini menghadapi berbagai ancaman keamanan yang semakin meningkat, khususnya di bidang maritim, termasuk pembajakan, penangkapan ikan secara ilegal, tidak dilaporkan dan tidak diatur (IUU), kejahatan Trans Nasional (TNC), dan konflik perbatasan laut. Studi ini menyoroti dinamika permasalahan keamanan maritim di kawasan ini dalam berbagai pertemuan ASEAN dan menilai sejauh mana ASEAN telah memprioritaskan keamanan maritim sebagai titik fokus. Melalui analisis data menggunakan query coding berdasarkan Buzzerword di Nvivo, memeriksa dokumen hukum formal, pernyataan, diskusi, dan berita di forum pertemuan ASEAN, terbukti bahwa ASEAN secara konsisten menangani masalah keamanan maritim di kawasan. Hal ini menggarisbawahi bahwa keamanan maritim bukanlah topik yang dibahas secara luas di ASEAN, yang menunjukkan mengapa meminimalkan ancaman maritim di kawasan ini merupakan suatu tantangan. Gagasan semiotika Cristian Bueger mengenai keamanan maritim semakin memberikan wawasan terhadap temuan tambahan dalam penelitian ini, khususnya bagaimana ASEAN secara historis menafsirkan definisi ancaman keamanan maritim.

Introduction

ASEAN is pivotal in addressing maritime security concerns in the Southeast Asian region. As a regional intergovernmental organization, ASEAN is a platform for member states to collaborate and develop collective strategies to safeguard the maritime domain. Through initiatives like the ASEAN Regional Forum (ARF) and the ASEAN Maritime Forum (AMF), member states engage in dialogue, share information, and coordinate efforts to combat threats such as piracy, illegal fishing, and transnational crime. Furthermore, ASEAN promotes establishing confidence-building measures and cooperative frameworks to enhance maritime safety. While ASEAN's role is primarily diplomatic and facilitative, it acts as a catalyst for fostering mutual trust and understanding among member states, ultimately contributing to the stability and security of the Southeast Asian maritime landscape.

Southeast Asia has become a sub-region that dramatically increased its economic and geopolitical profile in a decade.¹ 2.5 trillion U.S. Dollars is a rare number to find if we talk about global economic growth. ASEAN is also considered a regional organization that successfully integrates regional actors and has become a regional security architecture in the Asia Pacific region.²

However, behind it all, Southeast Asia is home to various forms of transnational crime, such as drug trafficking, and environmental problems, such as extreme weather resulting from global warming. The bad news is that half of the world's cargo and one-third of international maritime

traffic transit daily in the landmark Asian region to the power generation economy in Northeast Asia from the Gelfand Indian Ocean.³

Multinational companies and governments worldwide have sought to increase their engagement with the region, bilaterally with their respective countries and multilaterally with ASEAN. Of course, they know the consequences of their increased engagement with Southeast Asia and what challenges they will face. However, Southeast Asia's friendliness in welcoming global interests is why they tend to ignore some of the risks they may face if they make Southeast Asia a cooperative partner.

Strategically, Southeast Asian countries welcome the involvement of multiple parties from outside the region to ensure that regional partnerships are highly diversified. Thus, they can work carefully to meet potential challenges such as China's overwhelming influence. As a sub-region that can be grouped as small countries with modest military and economic strength, strong partnerships with various actors ensure that no regional or outside power can dominate the region. In essence, the Southeast Asia region prioritizes a multipolar balance of power—or, in other words, a dynamic balance.⁴ However, Southeast Asian countries are also trying to isolate the Region from excessive competition among the powers they propose.

Many studies suggest that the Southeast Asian Region has a high level of urgency.⁵ The urgency of the Southeast

¹ Xue Gong, "The Belt & Road Initiative and China's Influence in Southeast Asia," *The Pacific Review* 32, no. 4 (July 4, 2019): 635–65, <https://doi.org/10.1080/09512748.2018.1513950>.

² Anja Jetschke and Philomena Murray, "Diffusing Regional Integration: The EU and Southeast Asia," *West European Politics*, 2012, <https://doi.org/10.1080/01402382.2012.631320>.

³ Lieutenant John F. Bradford, "The Growing Prospects for Maritime Security Cooperation in Southeast Asia," *Journal of Chemical Information and Modeling* 53, no. 9 (2019): 1689–99.

⁴ Cheng Chwee Kuik, Nor Azizan Idris, and Abd Rahim Md Nor, "The China Factor in the U.S. 'Reengagement' With Southeast Asia: Drivers and Limits of Converged Hedging," *Asian Politics and Policy*, 2012, <https://doi.org/10.1111/j.1943-0787.2012.01361.x>.

⁵ Nicola Casarini, "When All Roads Lead to Beijing. Assessing China's New Silk Road and Its Implications for Europe," *International Spectator*, 2016,

Asian region can be seen in the United State-Indo Pacific Commander (USINDOPACOM) policy from the United States, the Belt Road Initiative (BRI) from China, and the fact that a third of world trade and half of the world's fuel oil transit in Strait of Malacca which plays a central role in connecting one region with other parts of the world.⁶ Current economic flows are undeniably interrelated, complicated, and dependent on maritime trade to maintain the economy's pace.

The current global dynamics have stimulated the emergence of increasing problems in the Southeast Asia region, such as piracy, territorial disputes and Transnational Crime (TNC), which is

complex, multi-dimensional, and shows economic instability in the Region.⁷ Combating Transnational organized crime, human trafficking, drugs trafficking, and human smuggling is another problem for countries in the Southeast Asian Region today.⁸

We must understand that no country in the region can solve Maritime Security issues independently. Every country needs a cooperation mechanism, both at the regional and international level, which is mutually sustainable, the extent to which cooperation in Southeast Asia runs and shows seriousness in efforts to solve the expected problems.⁹ In the 21st century, the contestation of countries in the world, especially countries in the Southeast Asian Region, was finally met with a new concern, from the dramatic economic growth of China, raising India and U.S. interests, to the problem of oil exports in the Region.¹⁰ Southeast Asia's maritime zones show a poor image, given the significant increase in human trafficking and piracy crimes.¹¹

Water areas mainly limit the Southeast Asian region, and the boundaries of this area most often overlap within the region. This geographical condition is also one of the causes of the absence of intense communication on regional maritime

<https://doi.org/10.1080/03932729.2016.1224491>; Michael Cox et al., "China's Belt and Road Initiative (BRI) and Southeast Asia," *LSE Ideas; CIMB ASEAN Research Institute*, no. October (2018): 1–52; Feng Liu, "The Recalibration of Chinese Assertiveness: China's Responses to the Indo-Pacific Challenge," *International Affairs*, 2020, <https://doi.org/10.1093/ia/iiz226>; Lyle Morris and Giacomo Persi Paoli, "A Preliminary Assessment of Indonesia's Maritime Security Threats and Capabilities," *A Preliminary Assessment of Indonesia's Maritime Security Threats and Capabilities*, 2018, <https://doi.org/10.7249/rr2469>; Gong, "The Belt & Road Initiative and China's Influence in Southeast Asia"; Bradford, "The Growing Prospects for Maritime Security Cooperation in Southeast Asia"; Kai He and Mingjiang Li, "Understanding the Dynamics of the Indo-Pacific: US-China Strategic Competition, Regional Actors, and Beyond," *International Affairs*, 2020, <https://doi.org/10.1093/ia/iiz242>; Tim Lindsey, Dave McRae, and Evan Laksmana, "Strangers Next Door? Indonesia and Australia in the Asian Century," *Contemporary Southeast Asia* 40, no. 3 (2018): 530–32, <https://doi.org/10.1355/cs40-3i>; David Scott, "The 'Indo-Pacific'-New Regional Formulations and New Maritime Frameworks for US-India Strategic Convergence," *Asia-Pacific Review*, 2012, <https://doi.org/10.1080/13439006.2012.738115>.

⁶ Sam Bateman, "Maritime Security: Regional Concerns and Global Implications," in *Security Politics in the Asia-Pacific: A Regional-Global Nexus?*, 2009, <https://doi.org/10.1017/CBO9780511815126.014>; Euan Graham, "Maritime Security and Threats to Energy Transportation in Southeast Asia," *RUSI Journal*, 2015, <https://doi.org/10.1080/03071847.2015.1031522>.

⁷ Melda Kamil Ariadno, "Maritime Security In South East Asia : Indonesian," *Heinonline*, 2016.

⁸ Ahmad Almaududy Amri, "Southeast Asia's Maritime Piracy: Challenges, Legal Instruments and a Way Forward," *Australian Journal of Maritime & Ocean Affairs*, 2014, <https://doi.org/10.1080/18366503.2014.915492>.

⁹ Ariadno, "Maritime Security In South East Asia : Indonesian."

¹⁰ Tertia Hindley and Pieter W Buys, "Integrated Reporting Compliance With The Global Reporting Initiative Framework: An Analysis Of The South African Mining Industry," *International Business & Economics Research Journal (IBER)*, 2012, <https://doi.org/10.19030/iber.v11i11.7372>.

¹¹ Shiro Okubo and Louise Shelley, *Human Security, Transnational Crime and Human Trafficking: Asian and Western Perspectives*, Human Security, Transnational Crime and Human Trafficking: Asian and Western Perspectives, 2011, <https://doi.org/10.4324/9780203831953>.

security issues. As a regional organization in the Southeast Asian region, ASEAN must anticipate more severe and widespread piracy that results in a more transnational severe threat. Common problems such as smuggling, human trafficking, illegal fishing, illegal logging, illegal weapons, and other maritime issues related to transnational crimes must be handled with more effective ASEAN Maritime Security cooperation.

This research aims at ASEAN's seriousness in covering security issues, particularly maritime security, by analyzing various formal legal instruments and ASEAN media publications. Query analysis and Time Tracking are used to see how

maritime security issues are discussed occasionally at ASEAN meetings.

Research Method

This study analyzes official document publications available on internet network sites at Ministries, Institutions, and related, where the data collection approach using the Library Research method is highly prioritized. Data scattered on digital pages can provide information that can be processed carefully.



Figure 1. Research Data Collection Process

In sorting data, the Buzzerword utilization method in the Maritime Security study will be combined with a search engine algorithm system connected to the existing database on the website. The Buzzword classification is classified based on the following;

- a) The ASEAN Community Pillars; ASEAN Political-Security Community; ASEAN Economic Community; ASEAN Social-Cultural Community.
- b) Based on relevant subject topics: Culture, Defence, Economic, Maritime, Human Security, Energy Security, Maritime Security, Security, Social.
- c) Based on the Type of Maritime Security Threat: Arma Proliferation, Arms Smuggling, Climate Change, Cyber Security, Drug Trafficking, Human Security, Human Trafficking, Inter-State Disputes, IUU Fishing,

Marine Pollution, Marine Safety, Maritime Accident, Maritime Terrorism, Piracy, Smuggling, Territorial Disputes, Terrorist.

The process is obtained through Nvivo to facilitate the process of analysis and classification based on Buzzerword, Timeline, and relevant Indicators. After collecting the data, the researchers classify documents based on the abovementioned three indicators. The results of the data classification are as follows.

Table 1. Classification of Data Findings Based on ASEAN Community Pillars

Buzzword	Related Documents/Articles
<i>Based on ASEAN Community Pilar</i>	
ASEAN Political-Security Community	165
ASEAN Economic Community	774
ASEAN Social-Cultural Community	425

Table 2. Classification of Data Findings By Topic

Buzzword	Related Documents/Articles
Culture	328
Defense	146
Economic	1840
Maritime	177
Human Security	36
Energy Security	107
Maritime Security	76
Security	1026
Social	614

Table 3 Classification of Data Findings Based on Maritime Security Threats

Buzzword	Related Documents/Articles
Arma Proliferation	2
Arms Smuggling	28
Climate Change	310
Cyber Security	64
Drug Trafficking	37
Human Security	36
Human Trafficking	52
Inter-State Disputes	0
IUU Fishing	18
Marine Pollution	7
Marine Safety/	3

Maritime Accident	
Maritime Terrorism	0
Piracy	46
Smuggling	68
Territorial Disputes	1
Terrorist	280

The document or article referred to in the table above is an official document published in each ASEAN Communication and Cooperation Forum that has relevance to the buzzword that has been determined. This data grouping facilitates further analysis process and makes it easier to map the connectedness of each document to see how ASEAN as a regional organization has a hand in solving the problem of maritime in the Region.

Result

As a dynamic regional association, ASEAN is well aware of the need to consolidate further and enhance ASEAN's achievements to improve the welfare of its member states and society and strengthen these regional associations further to achieve more coherent cooperation. The 9th ASEAN Summit, which was held in Bali in 2003, was a turning point for ASEAN to be truly serious in implementing every commitment that had been agreed upon in the ASEAN Declaration (Bangkok, 1967), the Declaration on the Zone of Peace, Freedom, and Neutrality (Kuala Lumpur, 1971), the Treaty of Amity and Cooperation in Southeast Asia (Bali, 1976), the Declaration of ASEAN Concord (Bali, 1976), and the Treaty on the Southeast Asia Nuclear Weapons Free Zone (Bangkok, 1995).

The ASEAN Summit gave birth to the Bali Concord II. The awareness of ASEAN Member States to share responsibilities in strengthening economic and social stability in the region and ensuring their peaceful and progressive national development. Each

ASEAN leader agreed to establish an ASEAN Community (ASEAN Community) consisting of three pillars: the ASEAN Political-Security Community Pillar, the ASEAN Economic, and the ASEAN Socio-Cultural Community Pillar.

Here, ASEAN is also determined to ensure regional stability and security can be free from external interference in any form or method, especially since ASEAN is a regional association that adheres to the principle of non-intervention. The ASEAN Summit is also a gateway for each member to focus on maritime security issues in the region, and this is also a sign that ASEAN has opened itself up to see that security issues are problems that need to be addressed together.

Through the analysis of the buzzword "Maritime Security," it was found how ASEAN began to pay attention to maritime security issues through cooperation with ASEAN member countries and outside ASEAN members.

Since Bali Concord II has paid attention to security issues, Maritime Security Issues have also become a new trend in the region. From 2003 to 2020, ASEAN held 76 meetings to discuss issues

related to Maritime Security through various forms of cooperation forums. Discussions on Maritime Security issues are mainly carried out at several meetings such as;

- 1) Declaration of ASEAN Concord II/ Bali Concord II (2003)
- 2) The 10th ASEAN Regional Forum Phnom Penh (2003)
- 3) The 12th ASEAN Regional Forum Vientiane (2005)
- 4) The 13th ASEAN Regional Forum Kuala Lumpur (2006)
- 5) The 15th ASEAN Regional Forum Singapore (2008)
- 6) 1st Expanded ASEAN Maritime Forum Manila (2012)
- 7) The 3rd ASEAN-U.S. Leaders' Meeting (2011)
- 8) The 4th ASEAN-U.S. Leaders' Meeting (2012)
- 9) 3rd ASEAN Maritime Forum (2012)

Although ASEAN has succeeded in bringing Maritime Security issues to various meeting forums, it does not mean that Maritime Security Issues can be interesting for these forums. From the data found further regarding the points in the meeting, the debate on Maritime Security is still low.

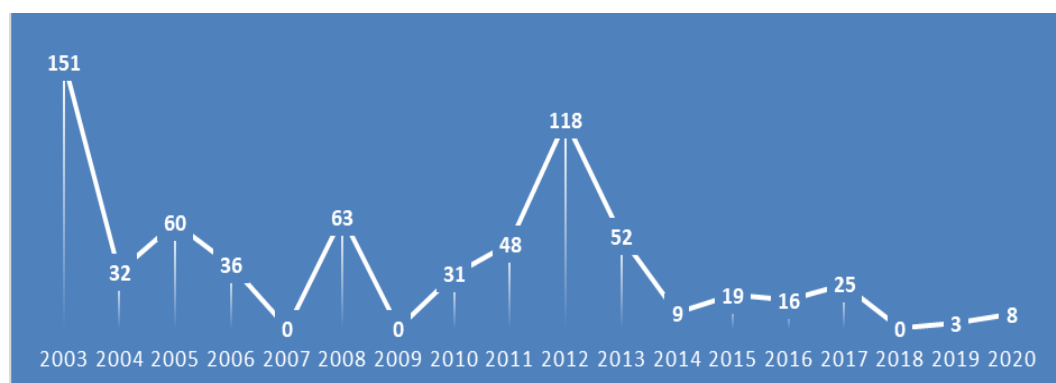


Figure 2. Numbers Discussing Maritime Security Issues at ASEAN Cooperation Meeting
Source: Nvivo analysis result

From Figure 2, we can understand that the Maritime Security dialectic at the ASEAN Forums explores quite diverse dynamics. Since the Bali Concord was born as an agreement, until 2009, Maritime Security has experienced a partial decline.

The increase again occurred in line with implementing the 1st Expanded ASEAN Maritime Forum in Manila. After the agenda focused on maritime issues, ASEAN's enthusiasm to bring Maritime Security issues back into various meetings and discussions

has decreased yearly. From 2008 until now, the issue of Maritime Security has not been widely discussed in forums in ASEAN; even in 2018, there was no discussion on this issue.

As previously discussed, ASEAN is a single community in the Southeast Asian region responsible for being a vehicle for each member to cooperate, especially in overcoming Maritime Security issues. The issue of Maritime Security in the region was born as a result of the emergence of an awareness of ASEAN member countries about instability due to various forms of threats, primarily the maritime domain.

From a semiotic perspective, the threat of Maritime Security can be seen by borrowing the idea of Maritime Security outlined by Cristian Bueger. Bueger has carefully classified various Maritime Security threats through the Maritime Security Matrix.¹² By elaborating as a buzzword to find various reviews related to the threat of Maritime Security at the ASEAN meeting forum, we can see how ASEAN views the threat of Maritime Security in the Southeast Asian region.

Seeing the many variations of document data for each type of threat illustrates how ASEAN has so far viewed maritime security threats through its cooperation forums. In this context, we will have a debate in the maritime domain – this needs to be underlined – so perhaps ASEAN has discussed threats such as security through specific forums but without discussing the same threats specifically in the maritime domain.

After the 9/11 attacks, many countries, even regional organizations, will thoughtfully respond to the issue of terrorism and are aware of how these actors can destabilize their countries' national security, including ASEAN and its member countries. ASEAN has various cooperation schemes for preventing and countering terrorism in the region, such as the ASEAN Regional Forum, Inter-Session Meeting on

Maritime Security (ISM MS), Inter-Session Meeting on Counterterrorism and Transnational Crime (ISM CT-TC) to ASEAN Counter-terrorism. This forum allows member countries to exchange information with one another. However, as

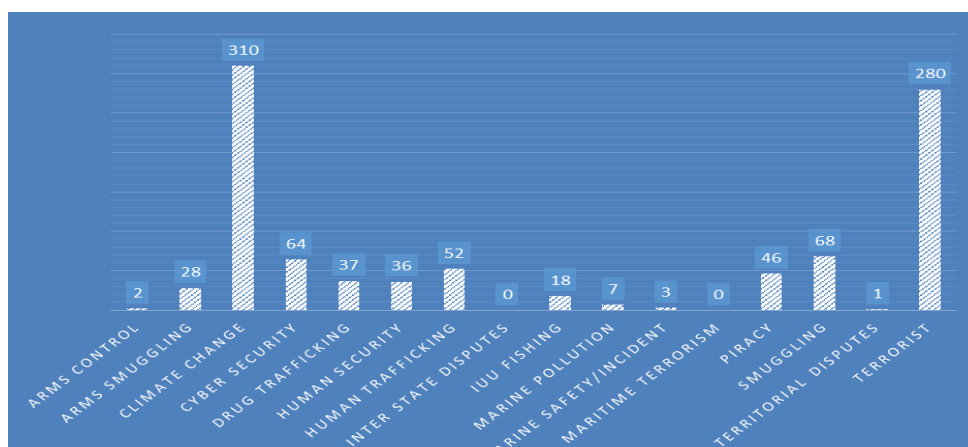


Figure 3. Types of maritime security threats at the Asean Cooperation Meeting
Source: Nvivo Analysis Result

¹²Christian Bueger, “What Is Maritime Security?,” *Marine Policy* 53, no. Murphy 2010 (2015):159–64, <https://doi.org/10.1016/j.marpol.2014.12.005>.

depicted in Graph 3 – even though it has repeatedly faced maritime terrorist threats in the region, this incident is not enough to make this cooperation forum focus more on the threat of maritime terrorism and how the

term "Maritime Terrorism" exists in the forum. Cooperation, of course, will impact the output of legal instruments and implementation in the field.

Like most countries and other regional cooperation, the issue of climate change has also brought awareness for ASEAN to be included in the discussion agenda for its cooperation. Of course, this awareness can be seen from how ASEAN often conducts collaborative dialogue on this issue. In documents related to security threats due to climate change, the effect on marine ecology is an extensive discussion for ASEAN countries, significantly how the damage to marine ecology due to climate change can affect their Maritime Economy. From the data above, we can also find several other forms of Maritime Security threats that are pretty rare, even not discussed at all in various forms of meetings and cooperation forums in ASEAN, such as Inter-State Disputes, Maritime Terrorism, Territorial Disputes, Arms Control, Marine Safety/Incident, Marine Pollution.

The ASEAN Political-Security Community (APSC) is one of the three pillars established to accelerate political-security cooperation in ASEAN, especially to realize regional peace. There are three main characteristics of APSC:

- a) A rules-based Community of Shared Values and Norms consists of two elements and is spelled out in 58 actions;
- b) A Unified, Peaceful, and Resilient Region with Unified, with Shared Responsibility for Comprehensive divided into six elements and 71 actions and
- c) A Dynamic and Outward-Looking Region in an increasingly Integrated and Interdependent World.

The ASEAN Political-Security Community Blueprint explains that cooperation with these brokers is elaborated explicitly in a political, security, and legal

cooperation scheme covering a broad spectrum of traditional and non-traditional issues, from promoting good governance, dealing with the problem of terrorism, tackling natural disasters, and eradicating corruption. However, the big question is, how can a meeting forum create a safe area without precise legal instruments?

Until now, ASEAN has not entirely produced a series of protocols and security regimes in the region, especially the Maritime Security Regime. Since the emergence of a cooperation forum that also reviews Maritime security, a dialogue on Legal Instruments related to Maritime Security issues has yet to be produced; so far, ASEAN has produced 93 legal instruments that regulate the behavior of member countries and cooperation partners. However, of the 93 existing legal instruments, there are only 14 legal instruments that were born under the ASEAN Political-Security Community Pillar, and of the 14 legal instruments, there are only four legal instruments that have relevance to issues such as;

- a) ASEAN Convention Against Trafficking in Persons, Especially Women and Children,
- b) ASEAN Convention on Counter-Terrorism
- c) Treaty on Mutual Legal Assistance in Criminal Matters
- d) Treaty on the Southeast Asia Nuclear-Weapon-Free Zone

These findings show that ASEAN has never dared to discuss in-depth security issues, especially maritime security, and put it into a legal instrument. The lack of legal instruments, especially on maritime security issues, will make it challenging to implement the norms and values of peace and security in the region. This is also a big reason why ASEAN has difficulty resolving Maritime Security issues in the region despite having many forms of cooperation dialogue forums in the maritime sector.

Discussion

Maritime Security Threats in Southeast Asia and ASEAN's Major Obstacles

Maritime Security is one of the newest buzzwords in International Relations. This study was born as a response to the maritime domain's security and defense phenomenon. Furthermore, Maritime Security develops and becomes more apparent as various experts find common threads from existing patterns. The most famous invention in use is the idea of Maritime Security proposed by Christian Bueger in his article entitled "What is Maritime security?"¹³. Bueger managed to simplify the abstraction of patterns from Maritime crimes and other threat variants through the Maritime Security matrix that he created.

We can recognize Bueger's ideas as a semiotic perspective characterized by an idea of threat concepts that can be readily accepted. When we look at the Maritime Security matrix, we can automatically understand how these concepts represent threats in the field. In addition to the semiotic perspective, other parts of this chapter will also borrow the constructive perspective (Securitization) developed by Buzan in their book entitled *Regions and Power: The Structure of International Security*,¹⁴ where this constructive idea puts forward the thought construction process related to the form of Security threats that are considered threatening and need to be given a complete response by various actors. However, in this section, the researcher will use a semiotic perspective as a basis for thinking before developing the idea of maritime security threats in the Southeast Asia region through the securitization process.

¹³ Christian Bueger, "What Is Maritime Security?," *Marine Policy*, 2015, <https://doi.org/10.1016/j.marpol.2014.12.005>.

¹⁴ Barry Buzan and Ole Wæver, *Regions and Powers, Regions and Powers*, 2003, <https://doi.org/10.1017/cbo9780511491252>.

We need to minimize bias from every data and information we receive in a scientific study. This is the reason why the researchers finally tried to separate the two ideas related to the threat to Maritime Security in the Southeast Asian region; the first is the threat of Maritime Security, which is seen from how ASEAN responds to the threat of Maritime Security through meeting forums; the second is through findings from existing studies but still focused on the semiotic ideas of Christian Bueger.

It is essential to see how ASEAN responds to maritime security threats through discussions at meetings and cooperation forums in ASEAN, mainly since regional organizational actors home to their member countries can provide a unanimous idea. Because using studies from expert views is considered unfair when we ignore the views of the object of study under study, even so, the view of the Maritime Security threat will also be information that will be elaborated.

If we talk about how ASEAN sees the threat of Maritime Security, maybe we will refer to the previous data findings, where ASEAN is considered not to have fully shown its focus on Maritime Security issues in the Southeast Asia region (Graph 2)—developed rapidly in 2003 during the 9th ASEAN Summit which gave birth to the Bali Concord II. This momentum is a turning point for ASEAN in showing its seriousness in dealing with the problem of security instability in the region, especially in the maritime domain.

Border issues, the environment, and terrorist acts are issues that are currently the focus of ASEAN. However, if we look closely, we need to be concerned about ASEAN's response to regional border issues. We especially see how ASEAN seems reluctant to mediate in various regional border cases. Sipadan and Ligitan are examples of ASEAN's failure, wherein, in the end, Malaysia and Indonesia chose the International Court of Justice over ASEAN as an institution that could resolve border disputes in the region.

ASEAN may not be able to intervene in the policies and decisions of its member countries. Still, ASEAN can provide a set of game rules to guide each member country in their attitude, significantly minimizing border conflicts. In addition, ASEAN needs to solve the limitations of UNCLOS as a world maritime regime. UNCLOS currently does not provide specific ideas regarding agreements or substantive mechanisms related to cooperation agreements in the Maritime Domain.¹⁵

The border issue is not something simple. The ambiguity of the rules related to the border, both in policy and in the calculation rules, backfired for each member country, especially the implications that were caused and resulted in new polemics. IUU Fishing is not only an illegal act at sea; this also occurs due to the lack of clarity regarding the maritime regime in the region, so the indications of illegality are pretty gray. The problem between Vietnam and China is a clear example, especially how their perceptions of the EEZ boundary led to mutual accusations against IUU Fishing.¹⁶

In addition to border issues, which still often experience friction between countries in the region. The problem of cooperation in enforcement and supervision is also the second most significant obstacle in the Southeast Asia region.¹⁷ This problem has implications for the increase in TNC crimes such as smuggling and drug trafficking, smuggling and human trafficking, and other illegal trade problems. Perhaps ASEAN member countries have established many bilateral to trilateral cooperative relationships to supervise and enforce maritime law in the region. However, other problems arise, wildly how

the rules and agreements in each cooperation location differ, so they also overlap with supervision and enforcement cooperation.¹⁸

The problem of differences in policies and interests in the cooperative relationship of supervision and enforcement can be overcome by merging into a Maritime Security Regime in the Region. Each member country has the same and clear guidelines when practicing maritime. ASEAN should produce a Regional Maritime Security Regime as the highest regional organization. The complexity and uniqueness of Maritime Security issues in the Southeast Asian region make ASEAN have to be more agile in producing solutions.

The Weak Role of ASEAN as a Regional Organization on Regional Maritime Security Issues

Roles can be interpreted as orientations and concepts formed from the part played by a party in social opposition; with this role, the perpetrators, individuals, and organizations will behave according to people's expectations or environment¹⁹. Roles are also defined as demands given structurally (norms, expectations, taboos, responsibilities). A series of pressures and conveniences connect the mentor and support his organizational function. A role is a set of behaviors with small and large groups performing various roles.

When we dissect the role of ASEAN in maintaining maritime security in the Southeast Asia region, we need to underline, "Does ASEAN have the task and function in maintaining Maritime Security in the Southeast Asian region?". This question may sound strange when we find various scientific writings that touch on ASEAN's role in maintaining Maritime Security in the Southeast Asian region. Suppose we define

¹⁵ Sam Bateman, "UNCLOS and Its Limitations as the Foundation for a Regional Maritime Security Regime," *Korean Journal of Defense Analysis*, 2007, <https://doi.org/10.1080/10163270709464140>.

¹⁶ Bateman.

¹⁷ Zou Keyuan, *Law of the Sea in East Asia: Issues and Prospects*, *Law of the Sea in East Asia: Issues and Prospects*, 2013, <https://doi.org/10.4324/9780203023198>.

¹⁸ Bateman, "UNCLOS and Its Limitations as the Foundation for a Regional Maritime Security Regime."

¹⁹ Jeanne H Ballantine and Keith A Roberts, "Our Social World: Introduction to the Sociology.," *Applerouth*, 2007.

in general terms the role in the context of ASEAN – as an international institution – acting and responding to various forms of Maritime Security threats. In that case, it can be concluded that ASEAN has no such task. The biggest reason is that ASEAN is a regional organization whose only task is to accommodate its member countries in conducting international political interactions in communication forums and cooperation. ASEAN does not have the power to play a role as previously understood. However, does ASEAN have another type or form of role?

In this context, ASEAN has a role in responding to various problems in the region and the problems of its member countries. In this case, we will examine the role of ASEAN in an active and participatory manner, especially in responding to Maritime Security issues in the region, as has been explained by Soekanto²⁰ regarding the types of roles. Soekanto explained that an active role is a complete role of actors who are always active in their actions in an organization, which can be measured by their presence and contribution to an organization. Let's look at the dialectics of issues in the ASEAN cooperation forum. It can be said that ASEAN plays an active role in responding to maritime security issues in the region.

This active role is proven when we issue a list of ASEAN cooperation forms that discuss maritime issues to focus on Maritime Security in the region, where there are approximately 12 forms of cooperation forums that discuss Maritime Security issues in the Southeast Asia region, such as;

- 1) *ASEAN Maritime Forum*,
- 2) *Expanded ASEAN Maritime Forum*
- 3) *ASEAN Regional Forum*
- 4) *ASEAN Defense Ministers' Meeting*
- 5) *ASEAN Defense Ministers' Meeting Plus*

- 6) *ASEAN Ministerial Meeting on Transnational Crime*
- 7) *Senior Officials Meeting on Transnational Crime*
- 8) *ASEAN Law Ministers Meeting*
- 9) *ASEAN Senior Law Officials Meeting*
- 10) *ASEAN Transport Ministers Meeting*
- 11) *Senior Transport Officials Meeting*
- 12) *Maritime Transport Working Group*

However, the totality of ASEAN's active role still needs to be questioned, and the biggest reason is how this forum has not succeeded in fully contributing in the form of legal products until now. Even policies that can be used as guidelines by member countries and participating countries in cooperation, behavior, and action in the maritime domain in the Southeast Asian region.

In addition to the active role, we need to see how ASEAN's participatory role responds to Maritime Security issues in the region. The participatory role is a role that is carried out by actors based on needs or only at certain times. More specifically, this participatory role is a role in responding to any existing issues or problems. If we refer to this idea, ASEAN certainly has not yet played a participatory role.

Several factors cause the weakness of ASEAN's participatory role and the poor power of ASEAN in providing control over the behavior of Angora countries. The absence of Legal Instruments related to Maritime Security is also a big problem, so ASEAN does not have a clear direction. On the other hand, when we revisit the issue of the struggle for Sipadan and Ligitan between Indonesia and Malaysia, or even the problem of the Rohingya conflict, conflicted countries are considered to have no trust in ASEAN, so they prefer other ways, such as through the instrument of the International Court of Justice.

In addition to the Sipadan and Ligitan issues, even other problems such as the Rohingya, ASEAN can still become the leading actor in creating a sense of security

²⁰ Soerjono Soekanto, "Sosiologi: Suatu Pengantar," *Journal Ekonomi Dan Bisnis Indonesia*, 2013.

for its member countries in the South China Sea case.²¹ The South China Sea conflict shows how ASEAN is still groping about its role; the most obvious is the protracted discussion of dealing with the Code of Conduct related to the South China Sea between ASEAN and China.

Conclusion and Recommendation

ASEAN has actively accommodated member countries to discuss maritime domains in the region; various meeting forums and official agendas from various levels have also become everyday activities in ASEAN. However, the problem is that the meeting from this cooperation forum did not produce anything, especially legal instruments that should guide the behavior of member countries. ASEAN's weak active role is also exacerbated by the absence of ASEAN's participatory role. Besides, ASEAN is only an association based on the principle of non-intervention; the absence of legal instruments makes it difficult for ASEAN to decide on maritime security issues in the region. ASEAN's non-intervention principle should allow each country to regulate their respective policies and welfare; in fact, ASEAN member countries still have not been able to find independent solutions to Maritime Security issues within their sovereignty. So, we need an instrument that can be a guideline and everyday norm in acting in the maritime domain.

²¹ Irawan jati, "Critical Perspective on ASEAN Security Community under ASEAN Political and Security Community," *Unisia*, 2014, <https://doi.org/10.20885/unisia.vol36.iss81.art4>.

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