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REVISITING THE LAHAD DATU STANDOFF IN SABAH: THE SECURITY ISSUES

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Hamdan, J., Ationg, R., Mansur, K., Layapan, M., & Esa, M. S. (2023). Revisiting The Lahad Datu Standoff In Sabah: The Security Issues. *International Journal of Law, Government and Communication, 8* (32), 232-243. This paper is revealing the key issue behind the Lahad Datu standoff that have significantly affected the life of Sabahans. The paper is intended not to blame anyone but instead to create awareness among us on the importance of strict international border controls, consistence citizenship policy, and transparent political activities. Such move is crucial as many Sabahan are of the opinion that the incident was strongly related with Malaysia's internal political issues and the controversial citizenship-for-votes scandal. Accordingly, by applying a qualitative approach, this paper suggests that the policy makers impose strict international border controls, consistence citizenship policy, and transparent political activities.

Keywords:

Abstract:

Lahad Datu Standoff; Political Development; Migration; Sabah

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Introduction

On February 11th, 2013, the Lahad Datu, Sabah, Malaysia bloody crisis has zoomed-in world lenses on the real picture of Sabah, a Malaysian State. The standoff gives us a warning on the importance of strict international border controls, consistence citizenship policy, and transparent political activities, primarily because there has been an allegation from native citizens in Sabah that the incident is strongly related with Malaysia's internal political issues and the controversial citizenship-for-votes scandal. The native Sabahan strongly believes that the Sulu incursion was a result of the controversial citizenship-for-votes award under 'Projek IC', and several ruling coalition politicians must be blamed for it (Chooi, *The Malaysia Insider*, 2013, April 18; Ruslan, *The Malay Mail*, 2013, March 20). This paper seeks to unveils what exactly has been the key issue behind the Lahad Datu standoff that have significantly affected the life of Sabahans. It is intended not to blame anybody but to create awareness among us on the importance of strict international border controls, consistence citizenship policy, and transparent political activities.

The study in which the paper is based applies qualitative methods to required obtain data. In many cases, scholars such as Thornton (1985) used qualitative research methods to conduct research on alignment of the history curriculum in the United States using protocols such as document analysis, class observations and interviews with teachers and students. He uses the method of understanding art (connoisseurship) and critical education to analyze the data. Smith (1991) studied the relationship between the intended curriculum with the planned curriculum and the actual curriculum implemented in class by analyzing documents and classroom observations from an ethnographic perspective. Fullan and Pomfret (1977) focus on content analysis, class observations, questions surveys, interviews in his study to examine the relationship between the Lahad Datu incident as a manifestation of security issue in Sabah, instead of content or document analysis, class observations, questions surveys and interviews, all the information of this study were gathered from secondary sources. The secondary data is referring to the data obtained from published books, magazines, seminar papers, newspaper clippings, journals, report papers, papers work, and any kind of publication.

This paper begins with the explanation of what exactly the Lahad Datu standoff is. It is followed by a discussion on the significance role played by militant group who described themselves as the 'Royal Security Force of Sulu and North Borneo' in this incident. It ended with a discussion on the key issue behind this incident.

The Lahad Datu Standoff

The Lahad Datu invasion by a group of armed men begun on February 09th, 2013, and arouse after 235 militants arrived by boats from Simunul and Tawi-Tawi island in southern Philippines on February 11th, 2013 (Ubac, Philippine Daily Inquirer, 2013, March 03). This militant group proclaimed themselves as a 'Royal Security Force of Sulu and North Borneo' which reported to have sent by Jamalul Kiram III. Jamalul Kiram III is one of more than dozen claimants to the throne of the Sultanate of Sulu, the person who declared the Sulu province as an independent state from the Philippines in November 2011(Ali, *Malaysia Today*, 2013, March 20).



In the very beginning of the incident, the objective of this militant group espoused as to assert their unresolved territorial claim to eastern Sabah which once called North Borneo at the end of 19th century (see figure 1). This militant group claims that the state of Sabah or North Borneo was once belong to the Sultanate of Sulu which in fact the Sultanate of Sulu has given the state to British East India Trading Company (BEITC).

As reported by some of the major newspaper in Malaysia such as *The Star* (2013, February 19), due to the exclusion of Sultanate of Sulu in the terms of the 'framework of a peace deal' between the Philippine government and the Moro Islamic Liberation Front (MILF), announced on October 07th, 2012, Jamalul Kiram III decreed that everyone should assert his territorial rights in North Borneo. He then, appointed his brother, Agbimuddin Kiram (*Raja Muda* or Crown Prince), to lead a group of militants to pursue his territorial claims on Sabah. Agbimuddin and his 235 followers arrived in the village of Tanduo, Lahad Datu, Sabah from Simunul Island and Tawi-Tawi in southern Philippines. The incursion has leaded Malaysian police to blocked roads leading from Lahad Datu through palm oil plantations to the remote village of Tanduo, the village where the intruders stand. Meanwhile the Philippine security agencies also blocked off entry from southern Philippine and deployed six naval ships to the seas of Sulu and Tawi-Tawi to help stabilize the situation.

Moreover, President Aquino, the President of Philippine, on February 26th, 2013, has appealed to Kiram to recall his followers and to hold dialogue with the government to address his family's claim on Sabah, but Kiram refused. Also, Malaysian government has appealed to Kiram and his followers to retreat or surrender, but Kiram still refused, and said "the standoff is not over, unless there is a concrete agreement can be reached" between Sultan, Philippine, and Malaysia (Chiu, *GMA News*, 2013, February 26; Pazzibungan, *Philipine Daily Inquirer*, 2013, March 20). Thus, on March 01, 2013, around 10.15AM, three days after Malaysia's extended deadline for the group to leave Lahad Datu, a confrontation occurred between the militants and Malaysian police when the Kiram's men opened fire. During the shots exchange 10 members of the militants were killed and two causalities from the Malaysian police (France-Presse, *ABS-CBN News*, 2013, March 01).





Figure 1: Map Showing the Location of Sabah (North Borneo)

Source: https://www.benarnews.org/english/news/malaysian/Sabah-dispute-09032020141241.html

On the same day, Najib, the Malaysian Prime Minister, later confirmed that two police personnel died in the shootout, and he had given Malaysian security forces a mandate to take "any action" against the group. Najib also specifically stated that "there will be no compromise" for the Sulu's forces and that "either they surrender or face the consequences" (Anis, Simon & Mugutan, *The Star*, 2013, March 01). Thus, on March 07th, 2013, Malaysian Foreign Minister issued a statement which defined the Kiram's forces as a group of terrorists following their atrocities and brutalities committed in the killing of Malaysia's security personnel. The label also had the concurrence of Philippine Foreign Affair.

During the weeks of shootout, a total of 8 Malaysia's police officers were pronounced missing (as well as four captured policemen were tortured and had their bodies mutilated, i.e. beheaded), 2 soldiers, 67 Sulu's men, and 1 were civilians. Moreover, Philippine's security force detained 38 Sulu's man, and the Malaysian police detained 112 Filipinos with suspected links to Kiram under the Security Offence (Special Measures) Act 2012 (one of them is successor of the Internal Security Act [ISA]). These also included several Kiram's family members who had entered Sabah using assumed identities, 9 arrested and charged under Section 121 of Penal Code wagging war against the King, charge that carries the death penalty, including Agbimuddin Kiram (*New Straits Times*, 2013, March 17).

However, after weeks of a tense standoff between the militants and Malaysian security forces, as well as after the detention of militants, a clearer picture has emerged. It appears that the armed group wants to turn the 'invasion' into international issues, specifically to draw attention to its plea for an independent Sulu sultanate. But the sultanate is financially not in a good shape and hence, the group turned its attention to Sabah where this group claimed that the Sultan Sulu has "rented out" the state to Malaysia. Jamalul Kiram III have consistently stated that



Malaysian government is paying the Sultanate of RM 5,300 (about USD 1,710 or PHP 70,000 [Philippine Pesos]) yearly in exchange for agreeing to let Sabah become a Malaysian State, and he claims that the payment is a rent. In fact, Jamalul Kiram III wants to renegotiate for a higher payment to run the "government of Sulu", but Malaysian government consistently rejected the existence of such rent. Thus, Jamalul Kiram III believed that invasion in Lahad Datu Sabah is the best way to force Malaysian government to renegotiate. He also believes that his people based in Sabah will provide assistance in his effort to renegotiate. But, even before, any effort by the Philippine government to claim Sabah, as well as what was officially been declared by Manila (Philippine government) in 1962, would be unsuccessful because of the overwhelming evidence which have piled up over a century in favour Sabah and Malaysia.

Historically, Philippine as well as the Sultanate of Sulu is consistently claiming part of Sabah, formerly known as North Borneo as its territory based on the heritage of Sultanate of Sulu (Hernando, 1966: 21; Nik Mahmud, 2001: 11-18). While, every year, Malaysia government through its Embassy in Philippine issues a cheque to the legal counsel of the Sultanate of Sulu in keeping the terms of 1878 agreement. The Malaysia government as well as the term referred to as by the Britain, considers the amount as a "cession" (*pajakan*) payment for the disputed state, while the self-proclaimed Sultanate of Sulu descendants consider the payment as "rent" or "sewa".

From the late 17th century, Sabah or North Borneo and the island of Palawan (including Spratly Island), according to Kiram and some other people were bestowed as a gift to the Sultan of Sulu by the Sultan of Brunei in gratitude for the Sultan of Sulu military assistant to quell a rebellion (Borneo's civil war in 1658). Further, in 1878, the Sultanate of Sulu has signed an agreement with Baron von Overbeck of British East India Trading Company (BEITC), allowing it to use Sabah. In return the Overbeck must pay an annual cession payment forever to the Sultanate of Sulu. However, the agreement signed by sultanate of Sulu and Baron von Overbeck is questionable as well as Rutter (1922: 120) in his book 'The British North Borneo' also admitted that this matter was very complicated due to the issue of who has the right to cede North Borne.

The Legitimacy of the Claim

Many argue that such a handover by the Sultanate of Brunei to Sultanate of Sulu never took place because the Sulu's military force did not actually been assisted the Sultan of Brunei during Brunei Civil War. As according to Jamil Al-Sufri (2007), it is true that the Sulus were invited and promised the northern Brunei territory (North Borneo) by Sultan Muhyiddin if they helped him win the civil war against Sultan Abdul Hakkul Mubin, the 13th sultan of Brunei. Sultan Muhyiddin was the 14th sultan of Brunei who ruled from 1673 to 1690. He usurped the throne after killing Sultan Muhammad Ali, the son of Sultan Mubin, and later tried to stop Mubin from taking his revenge. In fact, Mubin appointed Muhyiddin as Bendahara but later created chaos at the capital with his followers, forcing Mubin flee to Pulai Chermin. This gave Muhyiddin the opportunity to appoint himself as new Sultan of Brunei.

Based on their earlier agreement, the Sulu warriors supposed to attack the Chermin Island or Pulau Chermin (the place where Sultan Abdul Hakkul Mubin hiding and strengthening his military force to regain his throne), through Keingaran island or from the sea, but the Sulu did not do so because they were terrified by the resistance of Sultan Abdul Hakkul Mubin's forces in Pulau Chermin. The Sulu warriors went up to the island and took the chance to take a few



war booties only after Sultan Muhyiddin won the battle. Later, Sultan Muhyiddin refused to cede the territory promised to Sulu because of the failure of Sulu soldiers. Thus, the area was only "claimed" and not "ceded" to Sultanate of Sulu by the Sultanate of Brunei (Raffles, 1830: 267; Saunders, 2002: 87). Wright (1970: 142-172) in his book 'The Origin of British Borneo' also argue that the legitimacy of the Sulu claim to the territory is in considerable doubt partly because of the unreliability of 'tarsilas' such 'selesilah', which is in many cases are nothing more than written down legends to enhance the status of royal house which produced them. Moreover, Rutter (1922) also asserts that they were a treaty which Sultanate of Brunei had entered with Great Britain in 1847 he had engaged to make no cession of any part of his dominions without obtaining the consent of the British government.

Sultanate of Sulu, continued to press their claims as well as in 1775, one of the Sulu chiefs went to Brunei in the pretense of looking for fresh water. But the group was seeking for an audience with the then ruler, Sultan Omar Ali Saifuddin I, to pursue their claim on North Borneo. However, the Sultan of Brunei ordered his 'wazir' to deal with them, and threatened that if they persisted on their intention, he would have them killed. The Sulus were left Brunei immediately by thereafter continued to maintain their claim.

The current Sulu claim on Sabah is indeed resting on the treaty signed by Sultan Jamalul Alam of Sulu and British North Borneo Company, which in fact the treaty is questionable. If the North Borneo was never handed over by the Sultanate of Brunei to Sultanate of Sulu, then the treaty is invalid and a product of fraud on the part of Jamalul Alam. Hence, the self-proclaimed Sultan of Sulu, Sultan Jamalul Kiram III claims on Sabah is invalid as it is a product of fraud by Jamalul Alam. In fact, the first treaty was signed by Brunei's 24th Sultan, Sultan Abdul Momin, which appointing Baron von Overbeck as the Rajah Gaya and Sandakan (Maharaja Sabah) on December 29th, 1877 (Saunders, 2002: 87; Nik Mahmud, 2001: 11-18). While the second treaty was signed by Sultan Jamalul Alam, appointing Baron von Overbeck as Dato Bendahara and Rajah Sandakan on January 22nd, 1987 (Saunders, 2002: 87; Nik Mahmud, 2001: 11-18; Hernando, 1966: 17), three weeks after the first treaty was signed.

Moreover, the death of Sultan Jamalul Kiram II in June 7, 1936 saw no successor, since he died childless, which is considered as the end of Sulu Sultanate. While, as according to a letter to the Governor of North Borneo dated 28 July 1936, the Philippine government, the successors in sovereignty of the United States of America, decided not to recognize the continued existence of the Sulu Sultanate. This means that the Sulu Sultanate is no longer exists. While today Philippine is a modern nation state, a republic, which indeed there is no provision for a constitutional monarch. This republic also abrogates a former sultanate and denied his sovereignty. The British, after the independence also interpreted "cession" or "pajak" to mean sale (Rafles, 1830: 267). This fact also proves that the research finding by Hernando (1966) through his research 'The Philippine claim to North Borneo (Sabah) is less accurate and probably influenced by his desire to prove the legal basis of Philippine claims on Sabah.

In accordance, by considering the false documents, in 1946 BEITC was later absorbed by the British North Borneo Company (BNBC) and transferred Sabah or North Borneo to Britain. Later, on August 31st, 1963, Sabah was granted independence from British which it has completely abolished the 1878 agreement, the false agreement. While, on September 16th, 1963, through the Cobbold Commission, peoples in Sabah were agreed to be part of the



Federation of Malaysia, but Malaysia government consistently paid an annual cession to the so-called Sultanate of Sulu's family who are the traditional rulers of Philippine with no formal political powers as to ensure that there is no such incident happen.



¹Figure 2: Baron von Overbeck's Appointment Letters (1877 and 1878)

(L) The first treaty was signed by Brunei's 24th Sultan, Sultan Abdul Momin, appointing Baron von Overbeck as the Maharaja Sabah, Rajah Gaya and Sandakan signed on 29th December 1877. (R) The second treaty was signed by Sultan Jamalalul Alam of Sulu appointing Baron von Overbeck as Dato Bendahara and Raja Sandakan on 22nd January 1878, about three weeks after the first treaty was signed. Pictures: Yunos (The Brunei Times; 2013, March 07).

Thus, based on this historical fact, and indeed the real story of why Sulu's militants suddenly created a bloody crisis in Lahad Datu, Sabah, it is clear that special attention must be given to the issues of international border controls, consistent and strict citizenship policy, and transparent political activities. The Lahad Datu bloody crisis is not merely about the Sultanate of Sulu territorial claim over Sabah but the challenge to protect the Malaysian security especially the security of Sabah because there are many immigrants in Sabah which believe by most native Sabahan as has granted citizenship unlawfully by the government of Malaysian federation.

Today, Department of Statistics, Malaysia (2010) reported that about 27% or 899, 799 of Sabah population are foreign workers from Indonesia, Philippine, Papua New Guinea, Solomon Island, and Timor Leste. However, this figure does not account the foreigner or foreign workers who are not involved in the census or even one who have granted citizenship and later classified as other *Bumiputra* (indigenous) or Malay. Majority of these foreigners are Indonesian which is occupying 70% of all foreign workers and tends to increase from time to time due to the growing unemployment problem in Indonesia (Chin, 2008: 290).

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This group of foreign workers is located or working in plantations, manufacturing, farming, fishing, tourism, carpentry, construction, civil services, and some of them run their own business. They have lived in the state for more than a year and do not want to return to their own homeland because they have opportunity to improve their well-being in Sabah, but not in their homeland. Meanwhile, as according to Sadiq (2009) and Mutalib (1999) majority of them, if not all, have granted the citizenship unlawfully by the Malaysian government over the past 20 years under the controversial systematic granting citizenship to foreigner namely 'Projek IC'.

This will be a greater challenge to the Malaysian government to protect the security of Sabah, and the Lahad Datu bloody crisis is perhaps not as worst as what would happen in the future. The crisis may also be a more terrible than Indonesian-Malaysia Confrontation in 1963-1966, a border wars that occurred when Indonesian army force and its unofficial forces tried to occupy Sabah and Sarawak which only stopped by Sukarno due to the domestic political conflict in Indonesia (Mackie, 1974). Thus, since tense between Malaysia and Indonesia or between Malaysia and Philippine is continuing, then there is no guarantee on the security of Sabah (and Sarawak). It is because, chaos may take place from inside the country especially in Sabah due to the existence of peoples who are waiting for the right time to create trouble, as well as to claim the state (Sabah) as their territorial.

This is evident when during the Lahad Datu bloody crisis; the natives Sabahan and most of the leaders of the political party in Sabah were claimed that many people who are originally Sulu's people were assisted the intruder (*Utusan*, 2013, March 23; *Daily Express*, 2013, July 17; *The Star*, 2013, July 17; *Harakah Daily*, 2013, March 06; *The Sun Daily*, 2013, July 17). Some of them were also reported to have been in Sabah since many years ago and were having Malaysia's Identification Card (IC). Also, as clearly stated by the Sultanate of Sulu, and based on the 1975 Sabah government payroll record dug up from Sabah State's Archives, Agbimuddin Kiram (had lived in Sabah after the 1968 Jabidah Massacre²), one who lead the militant groups, had worked as an Assistant District Officer (ADO) in Kudat, Sabah or a *Pegawai Pentadbir Muda* (Junior Administrative Officer) in 1974, with a starting monthly salary of MYR610.00. In the meantime, Wan Sawaluddin and Ramli (2008: 49-50) stated that there is also a possible security threat from a variety of source such Abu Sayyaf and Jemaah Islamiyah (JI), the al-Qaeda-link, because the Sabah's border is porous and the illegal immigrants who were generally dress as migrant workers can enter and leave Sabah easily.

² Also known as "Corregidor massacre", the incident where at least 28 young Moro, the Tausug and Sama Muslim (aged between 18 to 30 years) recruits who were executed with machine gun by their military handler. The incident was resulted from Ferdinand Marcos government failure in forcing the young Moro army to invade Sabah as the way to make Sabah part of the Republic of Philippine through "Operation Merdeka". The incident was appeared that in the second phase of the commando military training (the name of the commando unit was "Jabidah"); about 135 to 180 young Muslim were brought to island of Corregidor in Luzon on January 03, 1968, on a Philippine Naval vessel. However, during the second training the young Muslim military discovers their true mission is to not only fighting their brother Muslims in Sabah, but also possibly killing their Tausug or Sama relatives living in Sabah. Thus, the recruits refused to do this and demanded to be returned home. Also, because, the recruits had already begun to feel disgruntled over the non-payment of the promised P50 monthly allowance. Thus, before dawn on March 18, 1968, after an attempt by the trainees to air their grievances against the officers of Malacanang, their training officers fired them. While one of them, Mr. Jibil Arula (27 years) was managed to escape and floating on the sea long enough to be rescued by fisherman from nearby province of Cavite. *Copyright* © *GLOBAL ACADEMIC EXCELLENCE (M) SDN BHD - All rights reserved*



In the Aftermath: The Key Issue?

Quickly after the incident, there were numbers of study conducted by many for understanding what exactly the key issue behind the incident. Among the findings, as mentioned, suggest that the issues include porous international border controls, inconsistent and loose citizenship policy, and ambiguous political activities. This paper, however, stresses that the security of Sabahan is the key issue behind the Lahad Datu incident.

Sabah is a state in the Federation of Malaysia which located in the Borneo Island and separated by the China Sea from the Peninsular Malaysia. It has a long border with Sarawak and Brunei in the west, Kalimantan in the south as well as the Philippines and Indonesia in the eastern part which is separated by the Sulu Sea and the Sulawesi Sea. Based on the location, scholars such as Berry, Jr. (1997) opined that Sabah is the Malaysian state that always subject to security issue. In fact, according to Wan Sawaluddin and Ramli Dollah (2008), unlike Sarawak which does not deal with many issues relating to security, Sabah continuously encounter various security issues which required the policy makers to addressed them thoroughly. The security issue taken place relatively due to its close location with the Philippines and Indonesia. Apart from that, its coastline that covers 1,400 km and has 182 islands with only 50 are inhabited also made the security problems tend to arise in this state.

Like the Lahad Datu incident, kidnapping-related incidents also occur due to this matter. The most famous kidnapping case is the kidnapping involving Abu Savyaf Group on Sipadan Island on April 23, 2000. It involved 21 hostages, comprises of 10 foreign tourists. Abu Sayvaf is one of the smallest Moro groups compared to the Moro National group Liberation Front (MNLF) and Moro Islamic Liberation Front (MILF) with the number of members is less than a thousand people. Nevertheless, the Abu Sayyaf is a group the most violent and well-known anti-Christian terrorist in the Philippines. Even so, Abu Sayyaf has not gain significant support from the majority Muslim population in Mindanao due to it violent approach. It was established by an Afghan war veteran, Abdurajak Abubakar Janjalani on in 1991. Rajak was killed in a skirmish in 1998. He was replaced by his younger brother, Khadaffy Janjanlani. Under their leadership, Abu Sayyaf have done several violent activities such as bombing civilians, assassinations, threatening businessmen as well as kidnapping in the Philippines. Abu Sayyaf does not necessary pose a threat to the security of this country if their violent activities taken place within the Philippines only. However, the group always interested in making trouble in Sabah, Malaysia for not only gaining international sympathy for their struggle, but to gain financial return for funding the organization. Thus, the group may always pose security treat to Sabah.

To make this matter even worse, the new citizens, especially those who were accorded citizenship through ambiguous method may also signify the security problem because their loyalty to the state is always questionable. In fact, if anything happens such as international conflict or war with a neighboring country, there is a possibility that these new citizens may interested in supporting their country of origin. this happened in some country and for this reason, some leaders always in doubt with the loyalty of the new citizens. Sabah is populated by numbers of ethnic groups such as Kadazan, Dusun, Rungus, Murut, Bajau, Suluk, Malay Brunei and others. Apart from that, there are ethnic groups that originates from the Philippines. While the Bugis and Javanese come from Sulawesi and Java, Indonesia. They are Muslim Bumiputera residents in Sabah and have been long settled in Sabah which is since the 17th century for the people of Bajau and Sulu and since the 1960s for people of Bugis and Javanese



descent. The presence of ethnic groups from the Philippines and Indonesia has made migration activities continued in Sabah, and that these new citizens may came to Sabah form many reasons. Despite the individual reason, their loyalty remains questionable. (Dangin, 2013, March 12)

The case of Lahad Datu standoff proven such a suspicious when most of the militiamen were reported to have been resided in Sabah since 1960s. Jawahar and Sariburaja (2016) even reported that some militiamen involved possesses Malaysian Identification Card (MyKad). Therefore, it is by now clear that the Lahad Datu incident is not merely about the Sultanate of Sulu territorial claim over Sabah but the challenge to protect the Malaysian security especially the security of Sabah because there are many immigrants in Sabah which believe by most native Sabahan as has granted citizenship unlawfully by some political leaders.

Conclusion

It is now clear that there had been various issues associated with the so-called Lahad Datu Standoff. The issues were not only historical but also associated significantly with the present political activities in Malaysia and specifically Sabah. Accordingly, though the incident has ended, the security of Sabahan is remain uncertain. Thus, the present government is urged to take necessary move to guarantee the security of Sabahan. This includes a drastic step to revoke all illegally issued ICs including those under Project IC. The reason is that the papers suggest that Sabah is facing security problems both from the inside and outside and this indirectly threatens the sovereignty of Malaysia as a whole. The Philippines and Indonesia are two countries that can pose a threat to the safety of Sabaha. Threats from the Philippines and illegal immigrants.

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