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## CONTRABAND: IMPACT ON MARITIME SECURITY IN MALACCA STRAITS

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### Abstract:

**Objective** - The existence of contraband domestically has to be thoroughly studied through comprehensive research on the definition of contraband, application of the law, the occurrences of smuggling activities, impact on domestic and border security which will include economic and reasonable preventive and mitigation measures to be considered. Thus, the research aims to investigate and analyse the severity of contraband related to smuggling activities on maritime security in the Malacca Straits.

**Methodology/Technique** - Study to employ Nursing Theory in identifying various aspects of contraband which can be broken down into 3 aspects: Nature and extent of contraband, impact on maritime security and preventive measures. Primary data are gathered through journals, reports and articles. The study will then come up with a comprehensive conclusion on contraband.

**Finding** - Study will provide a comprehensive understanding on contraband which will include the definition of contraband, impact of contraband on various aspects and the measures to be considered in controlling contraband. However, the measures to be considered will be the ideas for others to be kept as consideration in formulating law and action by the enforcement agencies.

**Novelty** - The findings and outcomes of the study showed the reality of contraband existence and threat towards maritime security in Malacca Straits is still exist. As a result, new proactive measures to be considered in order to contain the situation.

**Type of Paper:** Empirical

**Keywords:**

Contraband, Smuggle, Maritime, Security, Malacca.

**Introduction**

Referring to Utusan Malaysia, (15 November 2007) Duarte Barbosa has stated in his writings that "Who is lord of Malacca, has his hands on the throat of Venice" i.e. "Whoever rules Malacca, has power over Venice".

Therefore Malaysia is a maritime country and its maritime territory is almost twice as wide as its land territory. Malaysia's position as a maritime country was once mentioned by a famous Portuguese writer in ancient times based on the influence of the empire of the Malacca Malay Sultanate.

Security threats are now not only concerned with traditional threats such as territorial dispute, nuclear warfare, and conventional warfare, but also include transborder crime, natural disasters, infectious diseases, and climate change. Transborder crime may include smuggling activities of contraband, human trafficking, piracy, and armed robbery. Contraband can be defined as any goods prohibited by law from being imported, exported, or traded (Merriam-Webster, 2024). This issue is taken seriously by all countries around the globe. However, countries may define goods prohibition by law differently (DFreight, 2022). The interpretation of contraband by countries may differ due to domestic law, international law, threats posed by illegal goods, and so on. Normally, contrabands are transported via all means of transportation either by land, sea, or air. These means of transportation are usually organized by syndicates or crime organizations (Brigati, 2023). The smuggling activities are the main concern in this issue whereby these activities are related to contraband. Therefore, countries will regulate domestic law based on the threats and negative impact of this contraband.

As for Southeast Asia, this region is prominently known as a hub for transborder crime. The porous border with a vast coastline and mountainous topography has been a challenge for the governments to enforce measures to control this illicit activity (Sim et al, 2019). The warm waters surrounding Southeast Asia are the busiest maritime route in the world. This Sea Line Of Communication (SLOCs) are vulnerable to threat from land and sea. Meanwhile, maritime countries such as Malaysia, Indonesia, Singapore, Thailand, Vietnam, and Philippines depend on SLOC for major of their economic resources. Therefore, maritime security in this region is crucial and paramount to them. In the meantime, this SLOC is getting attention to the affected economic power nations such as United States of America, China, India and so on. United Nations Office on Drugs and Crime (UNODC) has been collaborated with ASEAN members in assessing the changes and developments of transnational crime organized flow and illicit markets in the region and neighbouring regions (Sim et al, 2019).

Malaysia is in the middle of the neighbouring ASEAN countries. Due to her geographical situation, Malaysia is exposed to the possibility of being a user and hub for the distribution of contraband, mainly drugs and human trafficking. With a vast coastline from the Peninsular of

Malaysia till Sabah, the effort of law enforcement will be a greater burden. Meanwhile, nearest neighbour with quite similar culture, Indonesia, just a few nautical miles from the coastline, imposes a greater threat of being exported or imported any contraband. As the COVID-19 pandemic has been resolved, the end of OP BENTENG and OP BENTENG LAUT, opens the gate for the incoming threat to national security. OP BENTENG and OP BENTENG LAUT are a series of operations conducted under the National Task Force (NTF) which collaborated the assets from Malaysian Army, Royal Malaysian Navy, Royal Malaysian Air Force, Malaysian Maritime Enforcement Agency, and Royal Malaysian Police. The busiest straits in the world, Malacca Straits, is exposed to this security threat as both nations have reopened their borders as operations under Movement Control Order have been terminated. Therefore, the maritime security's status in this water has to be reassessed and revisited in this post COVID-19 situation.

### Literature Review

Contraband is defined as illegal goods that are being transported or traded by referring to laws (Merriam-Webster, 2024). The definition of contraband is very wide as it includes anything from living creatures to goods. Therefore, different nations have their interpretation of contraband. For example, Thailand has legalized the trade and usage of cannabis domestically. Thus, it means that cannabis is legal in Thailand, even though currently the government may revise the decision to legalize cannabis and focus on medical use only (Gill, 2024). However, if cannabis is being traded or transported into Malaysia, it will be defined as contraband. As it is dependent on law, legal action may be imposed for those who breach it. The decision by the government on categorizing the contraband is being made due to various reasons including harmful, economic measures, and security reasons. Nevertheless, the determination to ban certain commodities is widely being used in a matter of national interest and security. Some of the countries are capable in deploying their assets beyond their territory in order to contain contraband at the roots. For example, United States Navy warship had been deployed to Venezuelan water in order to contain drug trafficking which the origin was from Latin America (Goodman, 2020). It is clear that contraband is a matter of security threat and needs to be contained wisely.

There are many means of transportation to be used in smuggling contraband into any nation. Most of the time, the sea is being used as a medium for smuggling activities (DEA Museum, 2021). As Malaysia is surrounded by waters, this nation is prone to transborder crime including human trafficking and smuggling. The most crucial part of the waterways are straits or confined waters. Additionally, this straits that took apart two or more countries may lead to a high probability of transborder crime. In between Malaysia and Indonesia (Sumatera), there laid Malacca Straits stretch from south of the Andaman Sea and connect to the Singapore Straits with a total length of 800km and 65km for the shortest width (Zhang, 2023) This straits is a critical sea lane that connects the Indian Ocean and the South China Sea. This waterway is opened to transborder crime which includes smuggling activities of contraband due to its location between 2 countries and confined water where it takes a short time to commute from the nearest point of land. Therefore, the Malacca Straits has been used to transport cigarettes, liquors, drugs, and wildlife. Before the pandemic COVID-19, The Jakarta Post had published that there were still cases of transborder crime in Malacca Straits (Gunawan, 2018).

According to Global Organized Crime Index (2023), Malaysia's location is geographically potential of smuggling activities for small arms, drug trafficking, cigarettes and human trafficking. The 2023 index has stated that the high scores of transborder organised crime are human trafficking, human smuggling, counterfeit goods' trade, illicit trade in excisable goods, fauna crimes, heroin trade and synthetic drug trade. The occurrence of smuggling activities are crucial for the security and social problems. According to Asyura (2023), illicit drug trafficking across the maritime has affected social fabric and maritime security across Southeast Asia. The heavy addiction problem to those drugs in the market of Indonesia and Malaysia has escalated during the pandemic years. Nevertheless, the issue has been addressed by various organisations such as UNDOC, government enforcement body and researchers that there are the needs to look into detail and effective measure to be taken seriously. Therefore, Syura (2023) has mentioned that those organisations have collaborated among them, especially in information sharing for further necessary actions.

### ***Relationship Contraband Nature, Impact On Maritime Security and Preventive Measures***

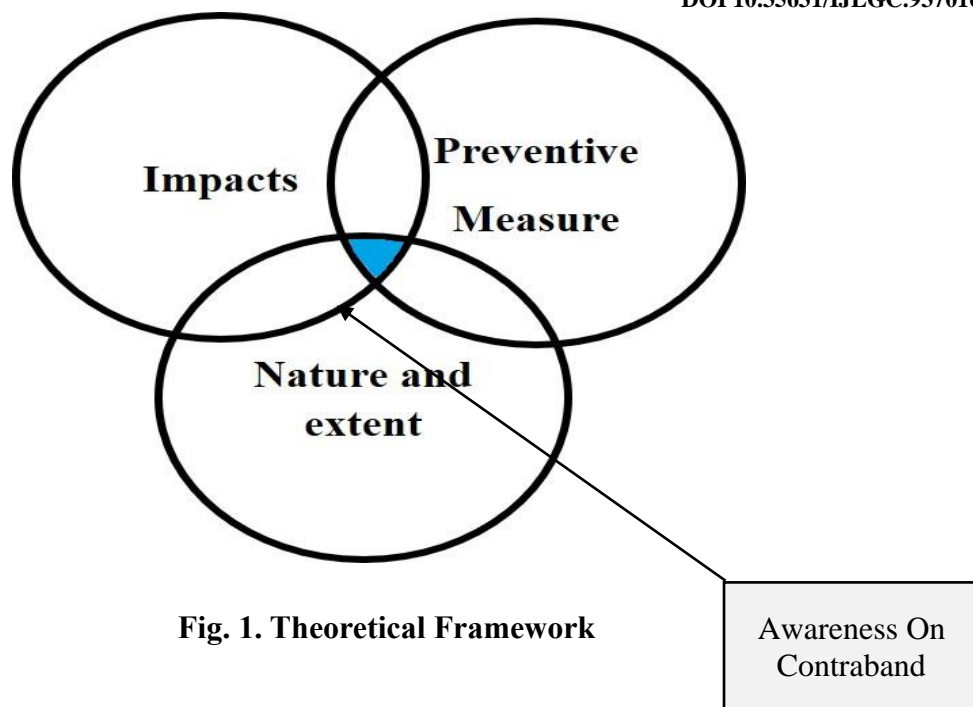
The study provide a clear understanding on the relation between 3 main aspects of the research. As the main aspects categorised as the objectives of the research, these aspects also inter related to each other. For example, by understanding the nature and extent of the smuggling activities of illicit cigarettes, the study may further understand the impact of illegal goods toward the economic and society. Upon understanding the issue, study may further come up with the measures to be considered to contain and control the activities such as collaboration of inter agencies in border patrol. Meanwhile, the suggested measure is to be considered based on current or previous operation's achievements.

The adaptation of situational analysis in the study had provided a better understanding on the issue. Situational analysis is an approach to research using a grounded theorizing methodology to identify and describe social worlds and arenas of action and by representing complexity through mapmaking (Martin et al, 2016). The approach of this method is suitable for empirical study as the information or data are being collected through reading material. Further analysis to be conducted based on the collected data to identify the effect towards Malaysia in major aspects such as economy and society. The analysis are also being supported by reading material such as journals, articles and reports. Therefore, a solution can be identified to contain the issue.

### ***Theoretical Framework and Research Hypothesis***

To illustrate the flow of study as a means to achieve the objectives of the research, the Theoretical Framework which adopted from Nursing Theory. To advance that definition and focus on nursing specifically, nursing theory helps nurses to see, describe, explore, explain, and test "what is going on" (Brown, 2021). Nursing Theory is a theory which guide a study in a deep research to enhance understanding comprehensively on certain issue. The used of this theory can emphasis the study on the relation of various factors or aspects which will provide a better outcome in measures and conclusion.

In the study, the combination of nature and extent, impacts, and preventive measure will provide a comprehensive understanding on contraband's issue awareness in Malacca Straits. Therefore, the design for this study's Theoretical Framework as shown in Figure 1:



**Fig. 1. Theoretical Framework**

### Research Methodology

The research method used is quantitative (text analysis). A relatively new research method, text analysis is often used nowadays to describe trends and patterns in media content, especially social media (Bouchrika, 2024). Literature in the form of journals, articles and reports need to be analyzed and studied in order to complete the research. The results of the analysis and research are to provide a better understanding of the problem. After a comprehensive understanding, the study will further analyze some steps that can be taken to contain and control the problem. Thus, the study will complete a comprehensive awareness loop on the issue.

### Discussion

In understanding the complex nature and extent of contraband activities along the Malacca Straits, the threats must be assessed and analysed. These threats are in the forms of the type of goods to be smuggled which in relation to demand and supply concepts and methods to be utilised by the crime syndicates in order to accomplish their mission. Meanwhile, understanding the laws and acts imposed on contraband will enhance the understanding these complexities due to laws and acts are to be designed as a reactive measure to the threats. Then, the trend of occurrences with the frequencies on the cases will complement the study. Thus, for the Malacca Straits contraband activities, the severity of this issue is with regard to the smuggling activities of several goods which most concern is to be kept on cigarettes and drugs. The issue has to be remain as a major concern due to the high probability of the shifting in modus operandi in utilising the strait as line of communication. Further plan and mitigation measures are to be considered and always to be reviewed based on analysis in order to prove the relevancy of the current laws and acts.

Combatting contraband is a must as the issue will rise up more complicated implication to the nation. Concerning the economy, the nation will lose in term of taxes and duty imports. The existence of contraband may also compete with the legal goods which will further create a loss in profit for trade. As business will never run as usual, some company may be affected and need to find another source to gain profit or change the direction of the business. Thus, many



human capital will be wasted and unemployed rates will be higher. Contraband will create social issue to the society. Many contraband are unlawful to be traded or consume as it will effect health issue such as drug. Hence, uncontrolled contraband issue may further affect society well-being and morale which later will deteriorate human capital issue for the nation as they are the essential element for nation's development. Hereby, contraband is a major issue for the nation to move forward economically through development. The continuous occurrences of smuggling activities in Malacca Strait will create a loose end in maritime security where the threats of intrusion may be exposed to a greater challenge in defence aspect. Therefore, the government has to take initiative in combatting contraband through an active anticipation in order to mitigate the issue.

### Conclusion

The research has proposed a comprehensive study on contraband which include in depth understanding the nature and extent of the issue. As Malaysia has a long sea border with Indonesia and other nations in Malacca Straits where it prone to smuggling of contraband, the government must always review current operations' effectiveness. Therewith, a thorough investigation on criminals modus operandi need to be frequently updated for a better anticipation. Provided views on the impact of contraband, laws are to be design and governed based on trend of the issue. The relation of the governance and impact is the evolvement of contraband. The government must be flexible in combatting contraband as the issue will evolve through times while being affected by the enforcement measure. Contraband issue may not be fully halted, but a good strategy will lessen the issue from high risk and threat to low risk and threat which can be considered as contained situation.

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### References

- Arms Act (Act 206) Act 1960 (MALA)
- Asyura, S. (2023, January 31). Illicit Maritime Drug Trafficking As An Evolving Threat To Southeast Asia's Maritime Security. Asia Maritime Transparency Initiative. <https://amti.csis.org/illicit-maritime-drug-trafficking-as-an-evolving-threat-to-southeast-asias-maritime-security/>
- Attorney General's Chambers (2023, April 13). Customs (Prohibition of Imports) Order 2023. Federal Government Gazette. P.U. (A) 117.
- Attorney General's Chambers (2023, April 14). Customs (Prohibition of Exports) Order 2023. Federal Government Gazette. P.U. (A) 122.
- Brigati, M. S. (2023, June 29). Rip-on/Rip-off Modus Operandi - What Is The Impact For The Shipping Industry? Risk Intelligence. <https://www.riskintelligence.eu/analyst-briefings/rip-on-rip-off-modus-operandi-what-is-the-impact-for-the-shipping-industry>
- Britannica, T. Editors of Encyclopaedia (2024, January 13). smuggling. Encyclopedia Britannica. <https://www.britannica.com/topic/smuggling>
- Bouchrika, I. (2024). What Is Empirical Research? Definition, Types and Samples In 2024. <https://research.com/research/what-is-empirical-research>
- Brown, C. L (2021, November 9). Theory-guided Research: What, Why, and How?. Nursology. <https://nursology.net/2021/11/09/theory-guided-research-what-why-and->

how%EF%BF%BC/

- Crossley, D. (2023, March 2). Malacca and Singapore Starits - Increase of Piracy Incidents. Westpadi. <https://www.westpadi.com/news-and-resources/news/march-2023/malacca-and-singapore-straits-increase-of-piracy-i/>
- Customs Act (Act 235) Act 1967 (MALA)
- Dangerous Drugs Act (Act 234) Act 1952 (MALA)
- DEA Museum (2021). DEA On The Sea. <https://museum.dea.gov/exhibits/online-exhibits/dea-air-land-and-sea/dea-sea>
- DFreight (2022, September 2). All About Importing/Exporting Contraband. <https://dfreight.org/blog/all-about-contraband-cargo-export-import/>
- Ediwarman, Trisna, W. (2020). Criminalology Perspective On Criminal Acts In Malacca Strait. Internal Research Publication House. [http://www.irphouse.com/ijert20/ijertv13n12\\_69.pdf](http://www.irphouse.com/ijert20/ijertv13n12_69.pdf)
- Galien, M., Weigand, F. (2021, March 12). Channeling Contraband: How States Shape International Smuggling Routes. Security Studies. <https://doi.org/10.1080/09636412.2021.1885728>
- Gill, P. S. (2024, January 18). Cannabis Crunch: Thailand's Sudden Reversal on Marijuana Legalization. The Diplomat. <https://thediplomat.com/2024/01/cannabis-crunch-thailands-sudden-reversal-on-marijuana-legalization/>
- Global Organized Crime Index (2023). Global Initiative Against Transnational Organized Crime: Malaysia. [https://ocindex.net/assets/downloads/2023/english/ocindex\\_profile\\_malaysia\\_2023.pdf](https://ocindex.net/assets/downloads/2023/english/ocindex_profile_malaysia_2023.pdf)
- Goodman, J. (2020, April 2). Trump: US to deploy anti-drug Navy ships near Venezuela. APNews. <https://apnews.com/article/d4c51884ba3ac6a4311b6f548434f958>
- Gunawan, A. (2018, December 5). Malacca Strait remains prone to transnational crimes. The Jakarta Post. <https://www.thejakartapost.com/seasia/2018/12/05/malacca-strait-remains-prone-to-transnational-crimes.html>
- Hincks, J. (2023, August 24). Indonesia Is Becoming A Center Of Excellence In The Fight Against Maritime Crime. United Nations Indonesia. <https://indonesia.un.org/en/243355-indonesia-becoming-center-excellence-fight-against-maritime-crime>
- Kupatadze, A. (2020, July 16). How Smugglers Are Shifting Staggering Amounts of Contraband Despite The Pandemic. The Conversation. <https://theconversation.com/how-smugglers-are-shifting-staggering-amounts-of-contraband-despite-the-pandemic-142776>
- Malaysia Military Times (2022, December 28). Op BENTENG Appreciation Ceremony And Disbanding Of The National Task Force. <https://mymilitarytimes.com/index.php/2022/12/28/op-benteng-appreciation-ceremony-and-disbanding-of-the-national-task-force/>
- Martin, W., Pauly, B., MacDonald, M. (2016, March 10). Situational Analysis For Complex Systems: Methodological Development In Public Health Research. <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5690266/#:~:text=Situational%20analysis%20is%20an%20approach,complexity%20through%20mappingmaking%20%5B12%5D>
- Merriam-Webster (2024). Contraband. <https://www.merriam-webster.com/dictionary/contraband>

- National Security Council (2023, October 25). Polis Pulau Pinang Bongkar Makmal Proses Heroin, Rampas Dadah RM1.87 Juta. <https://www.mkn.gov.my/web/ms/2023/10/25/polis-pulau-pinang-bongkar-makmal-proses-heroin-rampas-dadah-rm1-87-juta/>
- Rejab, I., Zain, Z. (2006). The Modus Operandi Of Cigarette Smuggling In Malaysia. Southeast Asia Tobacco Control Alliance (SEATCA). [https://seatca.org/dmdocuments/5\\_the\\_modus\\_operandi\\_of\\_cigarette\\_smuggling\\_in\\_malaysia.pdf](https://seatca.org/dmdocuments/5_the_modus_operandi_of_cigarette_smuggling_in_malaysia.pdf)
- Sim, I., Kelley, S., & Lapouge, M. (2019). Transnational Organized Crime in Southeast Asia: Evolution, Growth and Impact.
- Waite, J. (2010, January 25). Prison Life: Contraband Classifications and Control. Inmate Aid. <https://www.inmateaid.com/information/prison-life-contraband-classifications-and-control>
- World Bank Group (2020). Who Is Keeping Score? Estimating The Number Of Foreign Workers In Malaysia. <https://documents1.worldbank.org/curated/en/892721588859396364/pdf/Who-is-Keeping-Score-Estimating-the-Number-of-Foreign-Workers-in-Malaysia.pdf>
- Zack, J. (2023, December 1). Over RM900mil in contraband seized in Bukit Aman ops from Jan to Nov. The Star. <https://www.thestar.com.my/news/nation/2023/12/01/over-rm900mil-in-contraband-seized-in-bukit-aman-ops-from-jan-to-nov>
- Zhang, Y. (2023, March 28). Handbill Spotlight: Strait of Malacca. ICAS Maritime Affairs Handbill. <https://chinaus-icas.org/wp-content/uploads/2023/03/ICAS-MAP-Handbill-March-28-2023.pdf>