

## **Chapter 1 Introduction**

### **A. Background**

Philippines is one of the countries with high rates of drug cases in Southeast Asia. The circulation of opium and cocaine in the Philippines as a significant social and security issue then encouraged the government of the Philippines to declare war on drugs. The United Nations World Report of Drug (2009) ranked the Philippines as the fifth producer of meth / marijuana for East Asia, Southeast Asia, and Oceania (Saragih & Prayuningsih, 2021). The reason why the Philippines can easily export crystal meth in other countries is influenced by geographical factors. These geographical factors indicate that the Philippines has 7,641 islands and coastlines of 36,289 km. This clearly makes it difficult for the police and military to conduct surveillance of drug trafficking. The implementation of war on drugs was not separated from the figure of Rodrigo Duterte's personalities who strived to realize conducive security of the Philippines in conjunction with the war on terror policy, which was part of the formal decision of the government of the Philippines that had been accepted and acquired legitimacy from parliament to the apparatus or bureaucrats, especially the Philippines national police and the armed forces (ASALAMU, 2019).

In response, the President-elect in 2016, Rodrigo Duterte, adopted a war on drugs policy. War on drugs policy is implemented by killing offenders and drug suspects, as many as tens of thousands of people were killed in this policy outside the legal process (Antara News, 2020). The high death rate due to this policy represented human rights abuses. Rodrigo Duterte emphasized that the goal of the “war on drugs” policy was to eliminate narco-politics and eradicate drug crimes in the Philippines. However, in the implementation of the "war on drugs" policy, several

phenomena were found that threaten humanitarian principles in the Philippines. This can be seen from how the Philippine government apparatus carried out the shooting on the spot of the perpetrators who were allegedly connected to the drug network. According to the definition of human rights from the International Human Rights Organization, every human being has the presumption of innocence. This means that the decision by law enforcement authorities in the Philippines to carry out shooting in place must have a strong legal basis. Death Squad troops and assassins are a form of Philippine president Rodrigo Duterte's policies, they are the ones who kill drugs dealer in the Philippines, this policy raises pros and cons against the Philippine community and international countries, this is a question of why President Rodrigo Duterte's policies shot dead on the spot, after being felt by the people of the Philippines, it turns out that the number of crimes in the Philippines related to drugs has decreased and many of them have given themselves up for rehabilitation.

Duterte's war on drugs is part of his collective and personal capacity as president of the Philippines, which has become a policy priority during the election campaign with three pillars of basic achievements, those are politics, socioeconomics, and security. While the war on drugs is carried out by Duterte as the primary achievement of achieving the security pillar to support the political and socio-economic unwavering. The war on drugs policy is considered effective in overcoming the drug problem in the Philippines. In the first year of the Duterte administration, at least 3,171 suspected drug dealers or traffickers died in police operations. In addition, more than 1.3 million users or distributors surrendered. So far, the police are still investigating the deaths of more than 10,000 people, to determine whether their deaths were related to the drug business (DW, 2017). However, war on drugs policy has sparked criticism since it is carried out with President Duterte's unilateral power. Furthermore, President Duterte employs the police and the army to

carry out his plans. According to Human Rights Watch, Philippine police frequently fake evidence to justify killing individuals in the controversial anti-drug operations initiated by President Rodrigo Duterte (Watch, 2017).

Moreover, HRW (Human Right Watch) views the policy of war on drugs President Rodrigo Duterte has committed crimes against humanity that are carried out by killing offenders and suspected drugs without conducting a judicial process. On the other hand, the international institution, HRW, as an organization that protects and upholds human rights must carry out its function to protect victims of human rights crimes, but HRW cannot jurisdictionally influence that policy. HRW concerns about the implementation of the war on drugs policy which has caused the death of drug offenders and defendants in very large numbers without going through a judicial process. Considering the fact, the Duterte's policy has been controversial issue, investigating the war on drugs policy towards its implementation is considered crucial. This is particularly because the implementation of Duterte's policy is closely related with international law principles, which becomes one of the main debates in the International Relations scopes (Human Right Watch, 2019). Duterte's policies in the war on drugs have received various responses from various elements international community. Duterte's controversial actions, which are often criticized, are like the dictatorship of Ferdinand Marcos, until the statement from the United Nations that Duterte violated international law in the form of basic rights and human freedoms.

This policy also was criticized by Amnesty International, the initial investigation was based on Amnesty International's complaint which saw a humanitarian violation occur in the Philippines, resulting in thousands of deaths, after which Amnesty International and the United Nations requested that the International Criminal Court (ICC) intervene and participate in the investigation process (Rome Statute of the International Criminal Court article 11 no 1, 2014). The investigation

began in February 2018, it certainly drew criticism from President Rodrigo Duterte, who considered the action a waste of time (Christiastuti, 2019). Despite President Rodrigo Duterte's vehement hostility, the ICC continues to exercise its jurisdiction in investigating cases in the Philippines. This is still done considering Rome Statute articles 54 and 55 that allow the ICC to conduct an inquiry against its member countries in a case (Rome Statute of the International Criminal Court, article 54). Fetou Bensuda, the ICC Prosecutor, has chosen to continue the investigation into the murder case in the Philippines.

The liberty demand that individuals are free from state arbitrariness, while the rights are based on inherent basic human rights and the state must respect these rights (Winarno, 2014). Then according to another opinion, the Universal Declaration of Human Rights, states that human rights contain two terms, namely "freedom from" and "the right to". According to articles 2-21 of the Universal Declaration of Human Rights, on the issue of President Rodrigo Duterte's war on drugs policy related to articles 3, 5, 6, 7, 8, 9, and 10. The article states that human rights cannot be violated either by the state even though every person has the right to livelihood, freedom, and individual safety; no one may be tortured or treated cruelly, receive inhuman or degrading treatment or law; Everyone has the right to recognition everywhere as a person before the law; all persons are equal before the law and are entitled to the same protection of the law without discrimination; everyone has the right to effective assistance from the competent national court for acts of violation of the basic rights conferred upon him by the constitution or the law; no one may be arbitrarily arrested, detained or exiled; and everyone, in full equality, has the right to a fair and open trial by a free and impartial court, in determining his rights and obligations and in any criminal charges that are brought against him (Griffths, M., and O'Callaghan, T, 2002).

According to the concept of human rights above, it can be understood that human rights regulate the state not to act arbitrarily by considering the elements of human rights because human rights are a legal system which at a certain point in time rights are considered the most basic in society. Referring to the concept of human rights, in President Rodrigo Duterte's war on drugs policy, there are human rights violations in the liberty theories, in articles 3, 5, 6, 7, 8, 9, and 10 above. It is known that the number of victims killed from the police operation of President Rodrigo Duterte's war on drugs policy is in the thousands and not all the victims were killed through the judicial process to get the right to legal justice and freedom of expression. This is the basis for HRW to indicate that President Rodrigo Duterte's war on drugs policy includes crimes against humanity. By HRW's goals to support and defend human rights in all countries, both involving individuals and groups that need assistance from HRW, it needs action to uphold human rights in the Philippines about this case.

## **B. Research Question**

Based on set of background above, the research question of this research formulates as follows:

**Why did Duterte defend his controversial policy although it was criticized by international community?**

## **C. Theoretical Framework**

### **1. Sovereign Theory / Sovereignty Doctrine**

One of the elements that distinguishes a country as a recognized state is sovereignty. This is because a nation's sovereignty is inextricably linked to its independence. Sovereignty refers to the power to enact laws and enforce them using whatever methods available, including coercion. A sovereign state has the ultimate power to compel all of its residents to observe its laws and regulations, which is referred to as internal sovereignty. Aside from that, the state defends itself against foreign invasions and protects its sovereignty, which is referred to as external sovereignty (Budiarjo, 2008). External sovereignty is not just about sustaining independence; it also means that the state has the authority to choose who it interacts with without being compelled or pressured by other international players.

The presence of sovereignty is critical for a country since, according to the Westphalia Agreement, a country without sovereignty cannot be termed a state. Without sovereignty, foreign meddling will be easy to come in and infiltrate the internal governing system. If this occurs, the country will have lost its independence and will be colonized. As a result, sovereignty is critical for a country's survival, and a country's leader and government must be able to safeguard its sovereignty.

Sovereignty theory is a legal philosophy that asserts that the government has complete control over its internal affairs. Other nations have no authority to intervene in the affairs of other countries unless such countries are unable to address their own issues, which have a significant influence on world stability. In international relations, state authority means that the

state has complete control over how it interacts with other actors; the state is free to choose which country it wants to work with without being pressured or intervened by other countries.

The word "sovereignty" is derived from the Latin word "superanus," which meaning "limited." Because sovereignty is a fundamental quality of a state, it is referred to as sovereign or sovereign. The term "sovereign state" refers to a country that has the most power. The word "sovereignty" comes from the Latin word "supreme power." A sovereign state is one that does not acknowledge any power greater than its own. In another way, the government has a monopoly on power. This great power has its limits. According to Mochtar Kusumaatmadja, the power of state sovereignty is restricted by two factors: first, it is limited to the limits of the country that wields that power, and second, it stops where the power of other countries begins (Kusumaatmadja & Agoes, 2003).

Apart from this restricted power, a sovereign state possesses vital sovereignty over its domicile, which is unaffected by external action. In the instance of President Rodrigo Duterte's divisive War on Drugs campaign, the Philippines, as a sovereign nation, has complete authority to decide what is best for its people. Furthermore, the problem of drug trafficking is deeply rooted and poses a threat to the Philippines' sovereignty. The doctrine of sovereignty also includes a responsibility component, in which the state is responsible for upholding its sovereignty to protect its citizens and prevent threats to international peace. Even though the War on Drugs has been controversial.

Because of sovereignty theory and the necessity of sovereignty for a country, Duterte's choice to disregard international criticism and continue to arrest thousands of drug traffickers as part of his War on Drug strategy is justified. For the sake of his country's sovereignty, Duterte is accountable for regulating all internal policies and for resolving the drug trafficking problem

that has taken root in the Philippines. Because drugs are responsible for a slew of issues. People who use drugs will continue to commit crimes, which will harm the Philippines' young generation if drugs are not eradicated immediately.

## **2. Foreign Policy**

According to the Dictionary of International Relations, foreign policy is defined as a sequence of action strategies devised by a country's policymakers in response to other countries in the international system to acquire benefits described in the form of national interests (Purnama, 2017). In order to fulfill the national interests of the people they govern, even though a nation's national interests at the time were decided by who was in power (Mas'oed, 1994).

Foreign policy is a set of beliefs, attitudes, goals, and objectives designed to defend, secure, and advance national interests. Therefore, the formulation of the right foreign policy can guarantee a country to be able to survive in the international world. Basically, foreign policy is an "action theory" or a policy of a country that is shown to other countries to achieve a certain interest (Anak Agung Banyu Perwita & Yanyan Mochamad Yadi, 2005). With a foreign policy, a country can determine its direction and role in involvement in international issues.

Foreign policy is a set of state attitudes and activities that refer to the domain and features of foreign policy based on decision makers' beliefs and patterns of action. The attitudes and actions of the state are aimed at resolving problems and effecting change in an international scope (Rizky, 2020). Foreign policy is made by a country's policymakers to confront and respond to very complicated domestic and external crises and conditions.

In relation to foreign policy, foreign policy analysis is an important conceptual framework to utilize in assessing the issues addressed in this study when it comes to foreign policy in general.



Foreign policy analysis reveals the many possibilities open to a country's foreign policy decision-makers (Mintz & DeRouen, 2010). In an anarchic international system, the quality of international relations actors' decisions, both state and non-state actors, is primarily decided by the contestation of international relations, one aspect of which is a country's foreign policy.

There are at least four things that need to be considered in the process of formulating and implementing a country's foreign policy by relying on foreign policy analysis, those are: first, identify problems or problems faced by policymakers; second, proceed with the process of making alternative options after recognizing the problematic difficulties; third, carefully make or determine the decision on the available alternative choices; fourth, implement or execute the carefully determined decisions and policies (Mintz & DeRouen, 2010).

#### **D. Hypothesis**

Duterte defended his controversial policy, although it was criticized by international community because:

1. Rodrigo Duterte wanted to save young generation and the exercise sovereignty of the Philippines from drugs.
2. The Philippines left from the Rome Statute.

## **E. Research Objective**

1. This research goal of this thesis is expected to answer the formulation of the problem and prove hypotheses about the factors behind the implementation of war on drugs policy by the government.
2. To know the reason why Rodrigo Duterte defends his policy, although it was criticized by international community.
3. The writing of this thesis is expected to improve insight for the author as well as those in need about the various dynamics of Philippine security and war on drugs.

## **F. Scope of Research**

The author gives the limitations of the research in 2009, 2016-2019. It was chosen in 2009 because it showed a period the growth of drugs in the Philippines, while 2016-2019 was the beginning of Rodrigo Duterte's leadership and the eradicate of drugs in Philippines. The author will mention a few outside of that year if there is still relevance to the thesis being discussed.

## **G. Research Methodology**

The research method used is a qualitative method, which is a research method that focuses on the analysis of data that is non-numbers and without using statistical formulas as an approach. Meanwhile, data collection techniques are carried out through library research. Data is obtained through sources derived from books, journals, newspapers, and the internet.

## **H. Outline**

Systematic writing in this paper will be divided into four chapters in the following order:

Chapter 1 : In this chapter contains the background of the problem, the foundation of the theory, the hypothesis, the research objective, the research methods, scope of research, and systematics of writing or outline.

Chapter 2 : It contains an overview of drug cases in the Philippines, Rodrigo Duterte's effort to save the young generation and the sovereignty of the Philippines from drugs.

Chapter 3 : This chapter discusses the process of joining the Philippines to the International Criminal Court, the process of withdrawing the Philippines from the International Criminal Court, Philippines's resignation decision from International Criminal Court

Chapter 4 : This chapter draws conclusion of the thesis and answer the research question. Why does Duterte defend his controversial policy although it was criticized by international community.

