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# RESEARCH ARTICLE

# **Transnational Crime Cooperation in ASEAN**

## Irma Indrayani<sup>1</sup> and Zulkarnain<sup>2</sup>

<sup>12</sup>Universitas Nasional, Indonesia

**Corresponding Author:** Zulkarnain, **E-mail**: zulkarnaikbolak@yahoo.com

## ABSTRACT

Transnational crimes involving networks in several countries require cooperation at regional and international levels. As the central point in implementing international cooperation, the Ministry of Foreign Affairs must support all parties in implementing the one-door policy. The problems of this study are how the cooperation between ASEAN countries in dealing with transnational crime and what efforts are made. This study aims to explain that TOC has become an essential issue in International Relations, describe the spread of TOC and those related to TOC c., and inform that the TOC issue can threaten human security. This type of research is descriptive analysis. Collecting data is carried out by a literature study. Besides, the data analysis process is carried out by testing, selecting, categorizing, evaluating, comparing, synthesizing, and reflecting on the data (completing the coded data). The most significant criminal crimes in ASEAN are drug trafficking, human trafficking, maritime piracy, and terrorism. All of these problems are essentially related to each other. These problems must also be viewed in the right way so as not to be wrong in finding and applying the solution.

## **KEYWORDS**

Transnational Crime, International Cooperation, ASEAN

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### 1. Introduction

Recently, transnational crime has become one of the severe global security and prosperity problems. One of the essential multilateral mechanisms in tackling transnational crimes, especially those carried out by transnational organized criminal groups, is the United Nations Convention on Transnational Organized Crime-UNTOC. UNTOC will be an essential guide for countries to combat transnational crimes.

Indonesia's geographical position is vulnerable to various forms of transnational crime. The Ministry of Foreign Affairs continues to intensify international cooperation in overcoming transnational crimes to protect Indonesia's national interests and sovereignty which requires Indonesia's active role. Some of the transnational crime issues include trafficking in persons and people smuggling; prevention and eradication of corruption; eradication of environmental crimes that include wildlife trade, illegal logging, illegal fishing, money laundering crimes; illegal trade in cultural objects; and eradication of narcotics and psychotropic substances.

*Transnational crime* is defined by United Nations "as offences whose inception, prevention and direct or indirect effects involved more than one country". In other words, based on its understanding, transnational crimes can be understood as follows:

- 1. The crime is regulated by a group of people specially formed.
- 2. The crime is committed at specific periods.
- 3. The crime is committed by imprisonment for years, or it could be life imprisonment or even the death penalty.
- 4. The crime is committed directly or indirectly to achieve financial and material benefits (United Nations Office on Drugs and Crime. t.t. The Threat of Transnational Organized Crime, n.d.).

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Three main factors facilitate the emergence of transnational crime. They are (1) globalization of the economy; (2) the increase of rates of immigrant heterogeneity; (3) the rapid development of communication technology. These factors explain that economic globalization, which encourages differences in economic conditions between one country and another, then stimulates a country's population to migrate. However, the problem is that the community carries out out-migration in a way that is not under existing legal arrangements. This causes crimes such as human trafficking to illegalize goods and services. This problem turns into a transnational crime when the suppliers are a group of certain countries, and the consumers are a group from other countries. This is then also supported by the changing nature of international actors oriented toward money and power (Fincknenauer, 2000).

Transnational crime is closely related to the boundaries of a country. Therefore, national borders are essential when discussing transnational crimes. As transnational crime increases, the state's ability to control the crime decreases. In addition, this transnational crime can also cause conflict within a region. Not all countries have sufficient capacity to maintain their defence due to inadequate financial resources, lack of human resources, low wages, and the occurrence of corruption. Therefore, regional cooperation must overcome these problems by forming border patrols (Shelley, 2013).

Southeast Asia has already focused more on transnational crime, which is getting out of control. This is evidenced by establishing the ASEAN Ministerial Meeting on Transnational Crime (AMMTC) program, which is part of the pillars of the ASEAN Security Community. In the Southeast Asia region, transnational crime began in the 1990s, precisely when the Cold War ended and was marked by globalization. The development of transnational crimes organized by groups or organizations in Southeast Asia is facilitated by the weakness of government institutions in various countries, the opening of national boundaries, and the increase of ethnic and racial conflicts in every Southeast Asian country. This condition then escalated when a massive economic crisis in 1997 hit Southeast Asia (Broadhurst & Le, 2013).

The transnational crime was first discussed by ASEAN in 1997 when the ASEAN delegation held a meeting in Manila, the Philippines, which later determined the implementation of the ASEAN Ministerial Meeting on Transnational Crime (AMMTC) every two years. AMMTC is a meeting of ASEAN countries that makes the highest decisions on transnational crimes and holds a meeting every two years. AMMTC in making decisions was based on the decisions of the ASEAN declaration on the prevention and control of transnational crime. These consist of various steps: (1) caring for and focusing on the effects generated by transnational crimes; (2) recognizing the need so that the steps taken are more effective than the other; (3) recalling the Naples Political Declaration and the 1994 Global Plan of Action to strengthen national solidarity; (4) recalling other international conferences on transnational crime; (5) recording every decision taken in AMMTC; (6) working hard to produce effective decisions; (6) adjusting decisions taken from multilateral cooperation with AMM; (7) affirming the agreement between ASEAN heads of state; (8) ensuring the continuation of the state framework in transnational crime (ASEAN. t.t. ASEAN Ministerial Meeting on Transnational Crime, n.d.).

The international community's recognition of Indonesia's active role in handling transnational organized crime issues is the election of Indonesia as the President of the Conference of the Parties (COP) at the United Nations Convention Against Transnational Organized Crime (UNTOC) Sixth Session period 2012 to 2014. Globally, the emergence of transnational crime issues such as human smuggling (human trafficking), drug trafficking (drug-trafficking), timber smuggling (illegal logging), acts of piracy, internet crime (cyber-crime), terrorism, money laundering), arms smuggling, and various other international economic crimes. They are essentially a series of the pace of globalization.

There are several main characters of transnational crime. They are transnational crimes that usually take the form of transnational organized crimes, which are difficult to dismantle with a legal investigation approach alone. Transnational crimes involve networks in several countries. Most transnational crimes are motivated by power, promising benefits, and lucrative profits. So, it is easy to recruit local players because of a conflict of interest.

In many cases, transnational crimes are organized and systematic actions in the form of transnational organized crimes. The term Transnational Organized Crimes (TOC) refers to the UN Convention against Transnational Organized Crime or the Palermo Convention. Crimes that meet the characteristics of Transnational Organized Crimes are committed in more than one country or committed in one country. However, essential parts such as preparation, planning, direction, and control are carried out in other countries or committed in one country. However, they involve criminal groups involved in criminal activities in more than one country or implemented in one country but impacting other countries.

Referring to the characteristics of Transnational Organized Crimes above, the following is a chart of transnational crime issues.

### 2. Theoretical Review

The study of international relations covers all broad and general disciplines so that the science of international relations is interdisciplinary. This particular condition means that the discipline of international relations is closely related to other sciences.

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This condition is supported by the notion of international relations, which generally includes political elements and economic, social, cultural, defence, and security elements (Perwita & Yani, 2006).

*Transnational crime* is a crime or crime that crosses national borders. This concept was first introduced internationally in the era of the 1990s at the United Nations (UN) meeting, which discussed crime prevention. In 1995, the United Nations identified 18 types of transnational crime. The types are:

Money laundering, terrorism, theft of art and cultural objects, theft of intellectual property, illicit arms trafficking, aircraft hijacking, sea piracy, insurance fraud, computer crime, environmental crime, trafficking in persons, trade in human body parts, illicit drug trafficking, fraudulent bankruptcy, infiltration of legal business, corruption, and bribery of public or party officials (Emmer, 2002).

The definition of the word "transnational" includes some actions carried out in more than one country. In other countries, preparation, planning, direction, and supervision involve criminal organizations where crimes are committed in more than one country. This variable has severe impacts on other countries. Thus, it can be concluded that transnational crime is a crime that is planned in another country. This kind of crime has severe consequences in other countries. One of the consequences is a violation of both civil and criminal laws.

Conceptually, transnational crime is a crime that crosses national borders. This concept was first introduced internationally in the era of the 1990s in The Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders (Wagley, n.d.). Previously, the term that had developed earlier was "organized crime". The term transnationalism first appeared in the early 20th century to describe a new understanding of the relationship between cultures. *Transnationalism* is a social movement that grew due to the increasing interconnectivity between people across the earth's surface and the fading of national boundaries. According to Thomas L. Friedman, globalization which is the primary driver of the transnationalism movement, is a 21st-century world system that focuses on world integration that knows no boundaries.

In addition, to apply the concept of a free market, the fall of the Berlin Wall and the emergence of the internet are essential milestones for a new chapter called globalization. The collapse of national boundaries and the emergence of extensive networks have resulted in individuals being able to do anything on the world stage, good or bad, without state intermediaries. Globalization has opened up opportunities for irresponsible individuals to commit transnational crimes. Transnational crime, according to the opinion expressed by Bassiouni (1986), is that an international crime must contain three elements. They are an international element, a transnational element, and an element of necessity (necessity). This international element includes elements of direct threats to world peace, indirect threats to world peace and security, and destabilizing human feelings. Transnational elements include elements of actions that impact more than one state, actions that involve or have an impact on citizens of more than one state, and infrastructure and methods used beyond a country's territorial boundaries. Besides, the element of need (necessity) is included in the element of the need for cooperation between countries to take countermeasures.

In 1995, United Nations identified 18 types of transnational crimes. They are money laundering, terrorism, theft of artistic and cultural objects, intellectual property theft, illicit arms trafficking, aircraft hijacking, sea piracy, insurance fraud, computer crimes, environmental crimes, trafficking in persons, trafficking in human body parts, drug trafficking, bankruptcy fraud, business infiltration, corruption, and bribery of public officials or particular parties. According to KJ Holsti, international cooperation is the view that two or more interests, values, or goals meet each other. This condition can produce something promoted or fulfilled by all parties at once. Furthermore, the view or hope of a country that policies decided by other countries will help the country. It is to achieve interests and values, agreements, or specific matters between two or more countries in the context of taking advantage of similarities of interests or conflicts of interest, official or unofficial rules regarding future transactions carried out to carry out agreements, transactions between countries to fulfil their agreements (Holsti, 1988).

International cooperation carried out must at least have two main requirements. First is the necessity to respect the national interests of each member involved. Second, there is a joint decision in overcoming any problems that arise. To reach a joint decision, continuous communication and consultation are required (Dam & Riswand, 1995). The primary purpose of a country that does international cooperation is to fulfil its national interests that are not owned at home. For this reason, the country needs to fight for its national interests abroad. Cooperation is needed to bring together national interests between countries (Dam & Riswand, 1995).

According to Jack C. Plano and Roy Olton, the national interest is the fundamental goal and final determining factor that directs the decision-makers of a country in formulating its foreign policy. Meanwhile, according to James Laki, transnational crime is all forms of domestic crime that occur at national borders in one or more countries and get the focus of attention of the international community. On the other hand, transnational crime implies criminal acts committed between countries by perpetrators, either individually or in groups, syndicates that use cross-country networks with specific goals and benefits (Laki, 2006).

The United Nations uses transnational crime as a broad and complex criminal activity carried out by a complex collection of organizations that exploit illegal markets in the international community. The United Nations itself has determined what characteristics are included in the transnational crime category, namely: 1) It is carried out in more than one country. 2) It is done in one country, but an essential part of the preparation, planning, directing, or controlling is done in another country. 3) It is committed in one country but involves an organized criminal group involved in criminal activities in more than one country. 4) It is carried out in one country but has an essential effect on other countries (Male, 2006).

Global security is the protection of the world from war and threats that arise in the 21st century (Buckley, n.d.). Security threats in the 21st century, including:

- 1. Poverty
- 2. Infectious Disease
- 3. Environmental Crime
- 4. Interstate War
- 5. Civil war
- 6. Genocide
- 7. Trafficking women and children for sexual slavery, kidnapping for the sale of body parts.
- 8. Weapons of mass destruction
- 9. Terrorism
- 10. Transnational Organized Crime.

Meanwhile, *national security* is generally defined as a fundamental need to protect and safeguard the national interests of a nationstate by using political, economic, and military power to deal with various threats both from outside and from within the country (National, 2010). During the cold war, *national security* was still defined as protecting the state from external threats of a military nature, such as military attacks from other countries (Rachmat, 2015).

However, with the end of the cold war, the emerging threats related to studies and efforts to overcome them are no longer related to military threats with the object and subject of the state. Then, this extends to threats related to individuals, both object and subject. This condition then rises to a non-traditional conception of security. The non-traditional concept of security in its development is born due to a shift or decrease in threats related to the issue of military attacks and ideology for a country as an institution. In this case, transnational crime threatens the non-traditional security concept. When viewed from the dimension of The Origin of Threats, the origin of threats, according to the non-traditional security concept, does not only come from the state but can come from non-state actors, both domestic and transnational (Winarmo, 2011).

### 3. Research Methodology

This type of research is descriptive analysis. This method explains the extent of cooperation among ASEAN countries in preventing the development of transnational crime. The method used is qualitative, namely data adjustment by analyzing phenomena that are arranged systematically—collecting data through literature study. Qualitative data were analyzed using inductive and logical analysis methods (Marshall & Rossman, 1989). This qualitative data analysis procedure contains two main elements, data reduction, and interpretation. The process of data analysis in qualitative research includes testing (examining), selecting, categorizing, evaluating, comparing, synthesizing, and reflecting on the data (completing the coded data), which was carried out cyclically to build inferences and retest inferences, and then draw conclusions. Neuman, 1997).

In addition, because the data collection process was carried out using several previously existing concepts about social capital, the data analysis process was carried out using the illustrative method in a loose sense. The level of research used was the level of Inductionist analysis. Furthermore, the unit of explanation is at a higher level than the unit of analysis. This study places NCB-Interpol Indonesia as an explanatory unit at the nation-state level, while transnational crime offenders as a unit of analysis exist at the individual and group levels.

#### 4. Results and Discussion

Transnational crime cases recorded in Southeast Asia include the first case is the illicit trafficking of narcotics. Several countries in Southeast Asia are significant producers of narcotics which are then exported to countries in North America, Europe, and several regions in Asia. The country that became the primary producer is called The Golden Triangle consisting of Thailand (north), Myanmar (east), and Laos (west). Myanmar and Laos are the first and third-largest producers of opium leaves, which are then transformed into cannabis. The leading country that became the largest country in The Golden Triangle is Myanmar. The Myanmar army 1989 legalized the trade and distribution of marijuana because Myanmar would benefit significantly from the production. This effort to enlarge and expand Myanmar is also due to the split from the Burmese Communist Party, which later also split the army's ranks (Ralf, 2003).

As an intraregional organization handling the case, ASEAN cooperates with the United Nations Office for Drug and Crime Prevention (UNDCP) and China by establishing ASEAN and China Cooperative Operations in Response to Dangerous Drugs (ACCORD). They have four pillars of cooperation. The pillars are: (1) proactively advocating for the public about the dangers of narcotics; (2) building consensus to share what policy steps are appropriate in reducing narcotics use; (3) strengthening international law in controlling narcotics; (4) eliminating the supply of illicit narcotics trafficking by forming a particular unit (Ralf, 2003).

The second case is human trafficking. This issue has become the most critical issue of transnational crimes that occur globally, including in Southeast Asia. The migration problem is unresolved, especially regarding legal immigrants who are increasingly coming to new countries. However, the problem is that these immigrants do not have legal documents. The host countries also have to implement a relatively high policy for legal immigrants. This inability to pay work for specific organizations that require soft skills, such as workers in the sex industry and other violent crimes. The problem then is that many women and children are victims of the exploitation of illegal workers by turning them into prostitution workers. These women and children are then sent abroad with the initial promise of getting a big paycheck as sexually enslaved people rather than working domestically as labourers (Ralf, 2003).

The United Nations records that around 200,000 women in Southeast Asia are victims of human trafficking because the profits from criminals who become the leading distributors are enormous. So, this crime continues to spread and takes many victims. The distribution pattern noted by the United Nations was then that thousands of women from China, Laos, and Myanmar were distributed to work in Thai prostitution, while Vietnamese women were distributed to Cambodia and the Philippines (Ralf, 2003).

ASEAN, in this case, cooperates with the United Nations Commissioner for Refugees (UNHCR) and the domestic policy of ASEAN countries such as Indonesia, ASEAN, and UNHCR in collaboration with INTERPOL. The third case is maritime piracy. Piracy is ASEAN's main concern due to the strategic position of Southeast Asian countries and has a significant sea route that plays a role in world trade. So piracy is quite risky because it can threaten the economic security of Southeast Asia REGION. Piracy also indicates the loss of export and import goods and ships, which deepens the loss of a country. The number of piracies in the seas of Southeast Asia is increasing from year to year, especially in recent years. This sea piracy is carried out by several parties starting from fishers to acts of terrorism (Ralf, 2003).

In March 2016, ten Indonesian fishermen were taken hostage by the Islamic militant group Abu Sayyaf operating in the Sulu archipelago in the southern Philippines. These ten fishermen loaded cargo containing 7,000 tons of coal from South Kalimantan to Batangas port near the Sulu sea (Soeriaatmadja, n.d.). In this case of piracy, ASEAN cannot do much because ASEAN, with the ASEAN Way, refused to intervene and prioritizes diplomacy in solving problems. As much as possible, ASEAN countries form bilateral/multilateral cooperation in building the confidence of each country's military. The effort in question is cooperation in exchanging information, cross-border agreements, and military training (Ralf, 2003).

The last is the issue of terrorism. This terrorism case is a transnational crime that is the hottest and most important issue regarding the potential for regional crimes. Several Southeast Asian countries, such as Indonesia, Malaysia, and the Philippines, are prone to terrorism cases. This situation also does not reduce the possibility that other Southeast Asian countries are trapped in terrorism cases. Cases of terrorism in Southeast Asia are increasing along with the increasing number of Islamic militant groups in various countries in Southeast Asia to form an Independent Islamic State covering areas including Indonesia, Malaysia, Singapore, the southern Philippines, and Thailand. This situation began with the support given by Southeast Asian countries, especially Indonesia, Singapore, Malaysia, and the Philippines, which supported George W. Bush's war on terror policy (Vaughn, 2009).

The impact of this terrorism is felt by Indonesian and Malaysian. Furthermore, in Indonesia and Malaysia, most of the population is Muslim. In Indonesia, the first terrorist attack was carried out on October 12, 2002, in Bali (Bali Bombing I). The second terrorist attack also occurred in Bali on October 1, 2005 (Bali Bombing II). The two terrorist attacks were also carried out, but another attack was also in the Indonesian capital, Jakarta, in 2009 and 2016. The terrorist attacks that occurred in Indonesia from 2002-to 2009

were carried out by the Jamaah Islamiyah (JI) organization which was allegedly an extension of the Al-Qaeda organization. In 2016, the mastermind of the terrorism case was not apparent, but many people speculate that ISIS carried out the terror. On the other hand, there has never been a history of bombings in Malaysia, but Malaysia is often used as a particular spot for terrorist groups, as evidenced by the involvement of two Malaysians, dr. Azzhari Husein and Noerdin M. Top in the JI network founded by Abu Bakar Ba'asyir. Malaysia is currently receiving travel warnings from countries globally, along with the increasing terror of ISIS. Furthermore, in the Philippines, the terrorist group that threatens is the Abu Sayyaf group. This group is recorded as carrying out cases of kidnapping and confiscation of residents on small islands, such as residents on the islands of Sipadan and Ligitan (Vaughn, 2009).

This terrorism prevention effort has been carried out on a national scale, namely the trilateral cooperation of Indonesia, Malaysia, and the Philippines in tightening and strengthening security. Meanwhile, on a regional scale, ASEAN cannot deny that terrorism can come at any time, especially now that ISIS has succeeded in strengthening its terror in developed countries. So, more efforts are needed from ASEAN to strengthen anti-terrorism laws further and facilitate military cooperation among ASEAN countries as a form of the ASEAN Security Community (ASEAN Today, 2016). Thus, it can be concluded that transnational crime is a great crime committed beyond national borders. Transnational crime is a form of crime caused by economic globalization, increased migration, and advances in communication technology. Transnational crime has a vital role in national and regional stability because it can trigger conflicts between countries. As a regional organization in Southeast Asia, ASEAN plays an essential role in overcoming transnational crime. ASEAN does this problem by holding a meeting to discuss transnational crime, called the ASEAN Ministerial Meeting on Transnational Crime (AMMTC).

Transnational crimes such as illicit drug trafficking, human trafficking, sea piracy, and even terrorism have become a particular focus for ASEAN. The author then argues that ASEAN and the ASEAN Way reject all forms of intervention in solving national crime problems. In some cases, this brings its benefits; for example, in the case of taking Indonesian citizens hostage by Abu Sayyaf terrorists who asked for ransom as a prerequisite for the release of Indonesian citizens. This condition is rejected by Indonesia because there has been no different response regarding the prevention of Abu Sayyaf terrorism by ASEAN or the United Nations. This variable is a positive step for ASEAN countries considering the military capacity of each country is different from one another.

#### 5. Conclusion

The most significant criminal crimes in ASEAN are drug trafficking, human trafficking, maritime piracy, and terrorism. All of these problems are essentially related to each other.

These problems must also be viewed in the right way so as not to be wrong in finding and applying the solution. For example, in the case of terrorism, funding through drugs is a force for terrorists to carry out their mission. These terrorists also appear to be here to perpetuate the drug business they run. Similar problems also arise in the case of human trafficking, piracy, and other cases that turn out to be related to one another.

ASEAN countries must have synergistic and sustainable programs to deal with these problems. Each country must overcome differences in perceptions between each other so that they can cooperate optimally to find the most effective and efficient strategies, tactics, and models for this issue.

Transnational crimes such as drug trafficking, human trafficking, maritime piracy, and even terrorism are a particular focus for ASEAN. The author then argues that ASEAN and the ASEAN Way reject all forms of intervention in solving national crime problems. In some cases, this brings benefits; for example, in the case of taking Indonesian citizens hostage by Abu Sayyaf terrorists who demanded ransom as a prerequisite for the release of Indonesian citizens. This condition was rejected by Indonesia because there has been no different response regarding the prevention of Abu Sayyaf terrorism by ASEAN or the United Nations. This variable is a positive step for ASEAN countries considering the military capacity of each country is different from one another.

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