

Methods for Combating Transnational Crime in Indonesia

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Submitted: 09 November 2024

Revised: 29 November 2024

Published: 09 March 2025

Abstract:

Transnational crime is a serious challenge for Indonesia, considering its strategic geographical position and its role in international trade routes. This research aims to evaluate methods for dealing with transnational crime in Indonesia and their effectiveness. The methodology used is a qualitative approach with data analysis from in-depth interviews, case studies, and official documents from law enforcement agencies. The research results show that Indonesia has implemented various strategies, such as increasing international cooperation, strengthening regulations, and training for law enforcement officers. However, challenges remain in terms of human resources, infrastructure and corruption. This research recommends the need for a holistic approach involving civil society and increased transparency in the law enforcement system to tackle transnational crime more effectively.

Keywords: Methods, Combating, Transnational Crime, Indonesia

INTRODUCTION

With its vast archipelago consisting of over 17,000 islands, Indonesia has become a focal point for transnational criminal activities, which have escalated into a significant worldwide challenge. In recent years, various forms of crime such as drug smuggling, human trafficking, and terrorism have increased significantly. According to a report by the National Narcotics Agency (BNN) in 2022, Indonesia is one of the largest markets for drugs in Southeast Asia, with around 3.6 million identified users (Badan Narkotika Nasional (BNN), 2023).

Meanwhile, a report from the International Organization for Migration (IOM) showed that Indonesia is also a country of origin, transit, and destination in human trafficking, with thousands of individuals trapped in exploitation networks. This condition is exacerbated by the limited resources of law enforcement officials as well as challenges in cross-border cooperation, which are often hampered by differences in regulations and legal systems.

Considering the complexity of this problem, tackling transnational crimes in Indonesia requires a more comprehensive approach. Efforts made thus far, such as increasing international cooperation and legal reform, have shown varying results. Therefore, it is important to evaluate the effectiveness of the applied methods and formulate recommendations that are more effective in addressing this challenge (Bunga & Bunga, 2018). This study focuses on various mitigation strategies that have been implemented and the challenges faced with the hope of providing useful insights for policymakers and practitioners in efforts to combat transnational crime in Indonesia. In recent years, the security situation in Indonesia has become increasingly complex. According to the latest report from the

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Indonesian National Police (Polri), there has been an increase in human trafficking cases by up to 50% compared to the previous year, reflecting how criminal networks are becoming increasingly sophisticated in exploiting legal loopholes and evading law enforcement. In addition, data from the Ministry of Law and Human Rights show that more than 20,000 Indonesian citizens are involved in illegal migration, many of whom are victims of human trafficking (Munawwarah, 2011).

The COVID-19 pandemic has also had a significant impact, with many individuals losing their livelihoods, making them more vulnerable to misleading job offers and exploitation (Priambudi et al., 2022). A report from the United Nations Office on Drugs and Crime (UNODC) emphasizes that this crisis has increased the risks for vulnerable groups, including women and children, who are often the main targets of transnational crime networks (Hatta, 2019). In addition, Indonesia still faces challenges in terms of corruption at various government levels, which hinders the effectiveness of law enforcement. According to Transparency International, Indonesia's corruption perception index is in a worrying position, which could worsen the security situation and strengthen criminal networks (Transparency International, 2022).

Amid these challenges, initiatives to increase international cooperation, such as participation in regional and global forums, are very important. Indonesia has sought to establish relationships with neighboring countries to share information and resources in handling transnational crimes. However, despite progress, there are still misalignments in the policies and procedures that must be addressed to achieve optimal results. In this context, this study aims to explore the effectiveness of various transnational crime prevention methods that have been implemented while identifying existing obstacles. With a better understanding of the current situation and existing responses, it is hoped that recommendations will emerge to help strengthen law enforcement efforts in Indonesia and provide better protection for the community.

METHODS

This study used a qualitative approach with a focus on literature analysis and secondary sources to understand methods of dealing with transnational crime in Indonesia (R.C Bogdan & S.K Biklen, 1992). Data were collected from various official documents, government reports, publications by international institutions, and relevant academic articles (Lindlof, 2002). The analysis was carried out by identifying the main themes and patterns that emerged from these sources (Maanen, 1979). The thematic analysis process helps reveal the challenges and successes in dealing with transnational crime. Data triangulation was applied to ensure the accuracy and validity of the findings. With this approach, the research aims to provide an in-depth understanding of the effectiveness of the methods used, as well as recommendations for future policy improvements.

RESULTS

Transnational crime is one of the main challenges for global security, including that in Indonesia. With its strategic geographical position and extensive international trade network, Indonesia is often the target of various types of transnational crime, such as drug smuggling, human trafficking and terrorism (Bunga & Bunga, 2018). To address this challenge, the Indonesian government has implemented various methods and strategies to overcome transnational crime.

In recent years, Indonesia has increased international cooperation, both with neighboring countries and international organizations, to strengthen the law enforcement system and to share information (Muladi & Priyanto, 2010). Legal reform and increasing human resource capacity in law enforcement agencies are the main focus. However, the effectiveness of these strategies is often questioned, especially considering obstacles, such as corruption, lack of coordination between agencies, and budget constraints.

In recent years, Indonesia has developed various methods to tackle transnational crimes. One of the primary strategies is to increase international cooperation. Through partnerships with neighboring

countries, such as Malaysia and the Philippines, as well as participation in regional organizations, such as ASEAN and UNODC, Indonesia seeks to strengthen information networks and law enforcement coordination. For example, in the case of drug smuggling, this cooperation enables the sharing of intelligent data that is important for monitoring and preventing the movement of criminal networks across borders (Hatta, 2022).

On the regulatory side, the Indonesian government has adopted and updated various laws relating to transnational crime, such as Law No. 21 of 2007 concerning the Eradication of the Crime of Human Trafficking and Law No. 35 of 2009 concerning narcotics. With a stronger legal framework, it is hoped that law enforcement officials will act more effectively in cracking down on this crime. However, even though these laws exist, challenges in terms of implementation and enforcement still remain obstacles (Sakti, 2018).

Increasing human resource capacity is also a main focus of research. Training programs for law enforcement officers have been implemented to improve their skills and knowledge in handling transnational crime cases. However, budget constraints and corruption within law enforcement agencies often hinder the effectiveness of such efforts. According to a Transparency International Report, Indonesia still faces serious problems related to corruption, which can reduce public trust in law enforcement and affect the success of existing strategies.

Despite significant efforts, the effectiveness of the methods applied can still be questioned. Despite major arrests in drug smuggling cases, the BNN data show that the prevalence of drug use remains high, reflecting that criminal networks are adapting quickly to the strategies implemented. In terms of human trafficking, reports from IOM show that Indonesia is still the country of origin, transit and destination for many victims, indicating that countermeasures still need improvement (Endri, 2016):

- a. The methods applied by Indonesia to deal with transnational crime involve various aspects ranging from international cooperation to strengthening regulations and human resource capacity. Each method has its own advantages and challenges that influence its effectiveness.
- b. International cooperation is one of the main pillars of a strategy for overcoming transnational crime. Indonesia actively participates in regional and international forums to share information and best practices. For example, cooperation with ASEAN in establishing information-sharing mechanisms related to drug smuggling and human trafficking networks has provided positive results such as increasing arrests in transnational criminal networks. However, challenges remain, including differences in regulations and procedures in each country, which can hinder the effectiveness of this collaboration.
- c. In terms of regulations, Indonesia has developed and updated laws to address various types of transnational crimes. Apart from the Law on the Eradication of Human Trafficking Crimes and the Narcotics Law, there is also a law on terrorist crimes. With a more comprehensive legal framework, law enforcement officials should have a strong basis to take action. However, obstacles in implementation often arise, especially those related to the lack of resources, training, and legal awareness among officials.
- d. Strengthening human resource capacity is also a focus of overcoming transnational crime. The training and workshops provided to law enforcement officers aimed to improve their abilities to investigate and handle complex criminal cases. However, the results of these efforts are often not immediately visible, and many challenges remain, including budget constraints and internal problems within the institutions.
- e. In terms of effectiveness, although there has been an increase in the arrests of transnational criminals, the situation on the ground shows that this problem is far from resolved. Reports from the BNN and other agencies show that, despite significant arrests, drug networks remain active and have even adapted to existing law enforcement strategies. This reflects the need for a more innovative and adaptive approach to dealing with growing crime.

In addition, corruption in law enforcement agencies also has a major influence on the effectiveness of the methods applied. Corruption can damage the integrity of the law enforcement system and reduce

public trust, which in turn affects public participation in crime reporting. Therefore, efforts to eradicate corruption and increase transparency in law enforcement agencies are very important for increasing the effectiveness of combating transnational crime.

Overall, although Indonesia has implemented various methods to tackle transnational crime, its effectiveness is hampered by a number of challenges. International cooperation, strong regulations, and strengthening human resource capacity are important steps but must be accompanied by efforts to tackle corruption and improve coordination between institutions. Continuous evaluation and adaptation of strategies are needed to ensure that law enforcement efforts can be more effective in facing the ever-growing challenges in the world of transnational crime.

DISCUSSION

The place and role of the International Criminal Court (ICC) in resolving international crimes are crucial and complex. Established through the Rome Statute in 1998 and in 2002, the ICC serves as a permanent court to try individuals accused of international crimes such as genocide, war crimes, and crimes against humanity. As a permanent court, the ICC provides a stable legal structure for the administration of justice, ensuring that perpetrators of serious crimes cannot escape responsibility simply because they are abroad.

One purpose of the ICC is to stop international crimes by demonstrating that atrocities will be prosecuted. In addition, ICC is a place where countries can cooperate to enforce international law. Countries that ratify the Rome Statute are required to assist the investigation and prosecution of perpetrators. Through its rulings and legal proceedings, the ICC also helps raise awareness of international crimes and human rights. The ICC provides additional protection for victims of international crimes by enabling them to take action when states are unable or unwilling to prosecute serious crimes. The ICC seeks to promote a more efficient and transparent global justice system and helps build foundations for international peace and security (Suandita, 2021). The position of the International Criminal Court (ICC) in relation to the UN is important because it was established without permission from the UN General Assembly and International Law Commission.

The ICC is not under the UN and is not included in the UN structure as a principal, subsidiary, or special entity. Therefore, the ICC can be considered outside the UN structure but with a position that is parallel or equal to the UN, as stated in Article 2 of the Rome Statute of 1998, which regulates the relationship between the ICC and the UN. Although the ICC operates independently, the goals of protecting human rights and upholding international law are still held by both organizations (Charles Frera Sumilat, 2021).

The position of the International Criminal Court (ICC) in relation to the UN is important because it was established without permission from the UN General Assembly and International Law Commission (Bassiouni, 2006). The ICC is not under the UN and is not included in the UN structure as a main, subsidiary, or special entity. Therefore, the ICC can be considered outside the UN system but with the same or equal status as the UN. This is indicated by Article 2 of the Rome Statute of 1998, which regulates the relationship between the ICC and UN. Although the ICC and UN work independently, their goals are the same: enforcement of international law and protection of human rights. National laws of the concerned country (Article 26) of the Rome Statute of 1998 (Miftahuddini Ashar, 2014).

a. Territorial Jurisdiction

Territorial jurisdiction is a legal principle that states that a country or territory has power to regulate and enforce laws within its geographical boundaries. This means that the laws of a country are binding on all persons and entities within that territory, regardless of their nationality. This principle ensures that a country has the right to deal with violations of laws that occur within its territory. For example, if someone commits a crime in a country, that country has the right to try the case under its own laws, even if the perpetrator is a foreign nation. Territorial jurisdiction is important for maintaining order and justice in a country and for ensuring that the law can be

applied consistently throughout the territory. As such, this principle serves to protect the public and ensure that the law is effectively enforced.

b. Temporal Jurisdiction

Temporal jurisdiction is a legal principle relating to the time within which a law can be applied or within which a case can be tried. This means that the law only applies to events or actions that occur within a certain period of time in accordance with the provisions set out in the law. Temporal jurisdiction is important in determining when an act is considered unlawful and when a case can be brought in court. For example, in criminal law, there is a certain time limit after a crime is committed, during which a prosecution can still be carried out; after that time limit has expired, the perpetrator can no longer be tried, even if they have committed a crime. This principle can also be applied in the context of civil law, where claims or demands may have a deadline for being filed. Temporal jurisdiction thus helps create legal certainty and protect the rights of individuals by providing a time limit for the prosecution or filing of cases.

c. Criminal Jurisdiction

Criminal jurisdiction refers to the power of a court or legal body to try cases related to criminal acts. This principle states that the court has the authority to handle criminal cases based on laws in force in a particular area. Criminal jurisdiction is typically divided into several categories, including jurisdictions based on location.

where the crime was committed, the type of crime, and the nationality of the perpetrator. For example, if someone commits a crime in a country, that country has the right to try the perpetrator under the laws in force there, regardless of nationality. Criminal jurisdiction also includes aspects such as the principle of *ne bis in idem*, which prohibits someone from being tried twice for the same crime, and the principle of legality, which states that no one can be punished without a clear law regulating the crime. Overall, criminal jurisdiction serves to ensure that justice is served in criminal cases and that perpetrators of crimes are tried in accordance with laws in force in the area.

CONCLUSION

Indonesia faces serious challenges in dealing with transnational crimes, such as drug smuggling and human trafficking, which are becoming increasingly complex and growing. Although the government has implemented various methods, such as international cooperation, strengthening regulations, and increasing human resource capacity, the effectiveness of these strategies remains questionable.

International cooperation is an important pillar in tackling transnational crime. Through partnerships with neighboring countries and international organizations, Indonesia seeks to strengthen law enforcement. Although the results include increased arrests, challenges such as regulatory differences between countries often hinder the effectiveness of this collaboration. On the regulatory side, the government has enacted more comprehensive laws, but obstacles in implementing and enforcing the law remain a significant problem. Increasing human resource capacity is also a main focus. Training programmes for law enforcement officers aim to improve their skills and knowledge. However, budget constraints and corruption within law enforcement agencies often reduce the impact of these efforts.

The main obstacles faced by law enforcement officials include a lack of resources, where limited budgets result in a lack of the training and equipment necessary to deal with complex crimes. Additionally, a lack of coordination between law enforcement agencies leads to poor communication, which hinders unified operations. Corruption is also detrimental, damaging the integrity of institutions and reducing public trust in the legal system. Legal uncertainty and inconsistencies in the application of the law result in differences in interpretations among officials, which has the potential to reduce their willingness to act.

Limited technology and information make the monitoring of criminal networks difficult. On the other hand, high crime rates with criminal networks that adapt quickly make law enforcement strategies less

effective. The stigma and negative public perceptions of law enforcement officers due to corruption and injustice can also hinder public participation in reporting crimes. Overall, although Indonesia has made various efforts to combat transnational crime, existing challenges affect the strategy's effectiveness. More innovative approaches, ongoing evaluations, and efforts to increase transparency are needed so that law enforcement can be more effective in dealing with growing transnational crimes.

Conflict of Interest

All the authors declare that there are no conflicts of interest.

Funding

This study received no external funding.

How to Cite:

Liana, N, Oktafemi, A. I., Rosiwa, R., Mulya, R. (2025). Methods For Combating Transnational Crime In Indonesia. *International Journal of Law, Social Science, and Humanities (IJLSH)*, 2(1), 117–123. <https://doi.org/10.70193/ijlsh.v2i1.162>.

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