



# The Adaptation of Criminal Law in Addressing Transnational Organized Crime: Implementation of UNTOC at the National Level

Didi Jubaidi & Khorunnisa

## Didi Jubaidi

Affiliation : Universitas 17 Agustus 1945  
 Jakarta  
 City : Jakarta  
 Country : Indonesia  
 Email : didijubaidi@gmail.com

## Khoirunnisa

Affiliation : Universitas 17 Agustus 1945  
 Jakarta  
 City : Jakarta  
 Country : Indonesia  
 Email : Khoirunnisa@uta45jakarta.ac.id

## History

Submission : 14 July 2025  
 Review : 22 August 2025  
 Completed  
 Accepted : 24 November 2025  
 Available : 16 December 2025  
 Online

## DOI :

10.51413/jisea.Vol6.Iss2.2025.124-143

## Copyright

This is an open access article distributed under the term of the creative commons attribution 4.0 international licence

## Abstract

This study examines the implementation challenges of the United Nations Convention Against Transnational Organized Crime (UNTOC) at the national level, with a focus on legal harmonization, law enforcement capacity, and international cooperation. It aims to evaluate the effectiveness of UNTOC as an international legal instrument and its application across diverse national legal systems. Using a qualitative normative approach, it analyzes legal documents, academic literature, and international reports, with case studies from Indonesia, Italy, Canada, and Germany. The findings reveal that, despite its comprehensive framework, UNTOC's implementation remains inconsistent due to fragmented domestic legislation, limited institutional capacity, and inadequate cross-border cooperation. These challenges undermine collective efforts to effectively combat transnational organized crime. The value of this manuscript lies in its integrative analysis that bridges the gap between legal theory and practice, offering insights into how national legal reforms, strengthened law enforcement, and enhanced international collaboration can improve global responses to organized crime. This study contributes to the discourse on international criminal law by emphasizing the need for a more coordinated and holistic approach to implementing international legal standards at the domestic level.

**Key Words:** Criminal Law, Organized Crime, Transnational, UNTOC, International Cooperation.

## Cite this article :

Jubaidi, D., & Khoirunnisa. (2025). The Adaptation of Criminal Law in Addressing Transnational Organized Crime: Implementation of UNTOC at the National Level. *Journal of International Studies on Energy Affairs*, 6(2), 124–143. <https://doi.org/10.51413/jisea.Vol6.Iss2.2025.124-143>



## INTRODUCTION

Transnational organized crime is one of the most pressing threats to global legal, political, economic, and security stability (Tabiu et al., 2023). Crimes such as drug trafficking, human trafficking, money laundering, and terrorism not only affect individual states but create ripple effects that undermine the global order (A. Khoirunnisa, 2018). These crimes form complex, cross-border networks that leverage technology and globalization to expand their reach, posing serious challenges for national legal systems (Wijoyo & Hoessein, 2025).

Technological advances further complicate enforcement efforts, as they not only facilitate criminal activity but also hinder law enforcement in detection and prevention. This reveals a widening gap between the *das Sein* (reality of crime) and *das Sollen* (ideals of criminal law), where current legal frameworks fall short in addressing these evolving threats.

Bridging this gap requires legal harmonization and stronger international cooperation. Yet, processes such as extradition and mutual legal assistance often face obstacles due to differing national legal systems. This study addresses two interrelated problems. First, the limited implementation of international legal instruments such as the United Nations Convention Against Transnational Organized Crime (UNTOC) due to domestic legal and institutional constraints. Second, the lack of harmonization between national laws and international standards, which hinders effective global cooperation in combating transnational organized crime. Accordingly, this research asks how criminal law can be adapted to address these challenges through legal harmonization and enhanced international collaboration?

To support this inquiry, the article draws on case studies from Indonesia, Italy, Canada, and Germany, which offer diverse perspectives on how different jurisdictions implement and respond to international legal norms. The urgency of this issue reflects the growing complexity of transnational crime. While *das Sein* confirms the reality of the threat, the normative aspirations of *das Sollen* remain insufficient.

The urgency of this inquiry reflects the growing complexity of transnational crime. While *Dasein* affirms the reality of this threat, the normative aspirations of criminal law (*das Sollen*) remain inadequate. This article seeks to analyze the application of international legal instruments, identify gaps in their implementation, and explore relevant theories of organized crime as a foundation for more effective criminal law policies.

Using a qualitative normative approach, this study focuses on the legal assessment of international conventions and principles, as well as their application within national legal systems (Ichwan et al., 2022). The objective is to contribute both theoretically and practically to criminal law reform and policy development, while offering insights into harmonizing domestic legislation with international legal frameworks.

### ***Literature Review and Statement of Art***

Previous studies have highlighted the importance of the UN Convention on Transnational Organized Crime (UNTOC) as an international legal framework to combat organized crime. However, this study will extend the analysis by identifying gaps between theory and practice and offering recommendations to strengthen the effectiveness of criminal law in a global context. UNTOC sets out a definition of organized crime as an act by an organized group aimed at financial or material gain. This definition has been the basis for many studies in international law (Aqilah, 2024). However, it is considered too broad and does not adequately take into account the local dynamics of crime in different countries, especially in developing countries with different social and political contexts.

The study by Feronica (2024) analyzes the role of UNTOC in combating human trafficking and migrant smuggling. The study highlights the importance of additional protocols passed under UNTOC, such as the Protocol to Prevent, Suppress and Punish Trafficking in Persons. However, this approach is considered to lack concrete solutions for developing countries with limited institutional capacity. Therefore, despite its importance, this approach cannot be fully applied effectively in all countries.

Furthermore, research by Nurfiqra et al. (2024) highlights the challenges in implementing international law in Southeast Asia, noting that complex conflicts, extensive territorial claims, and geopolitical tensions among countries in the region can impede the enforcement of international legal frameworks. The study reveals the challenges of applying uniform legal standards across the globe. However, this study does not discuss in depth regional cooperation mechanisms that could be an alternative solution to overcome these obstacles.

While existing scholarship has extensively examined the normative foundations and structural limitations of UNTOC, there remains a lack of focused analysis on the interplay between international legal standards and regional legal-political realities, particularly in the Global South. This study contributes to the current literature by positioning itself at the intersection of international and regional legal

governance. It aims to fill the gap by further examining the effectiveness of regional cooperation mechanisms, such as ASEAN, and evaluating the implementation of UNTOC in developing countries. This is expected to provide new insights into improving the effectiveness of international criminal law enforcement, especially in addressing transnational organized crime in contexts where institutional and legal harmonization remains a challenge.

### ***Theoretical Framework***

The theoretical framework in this research includes three main theories relevant to the analysis of organized crime and its countermeasures, namely:

#### *Organized Crime Theory*

Organized crime theory explains how criminal groups operate in structured and coordinated networks, exploiting the weaknesses of laws and institutions in different countries to carry out illegal activities, such as drug trafficking, human smuggling and other cross-border crimes. According to Albanese (2014), these groups often operate outside of state surveillance and use highly sophisticated methods to evade law enforcement. They take advantage of existing legal loopholes, such as differences in legal systems between countries, to carry out their activities unconstrained. Therefore, the definition of organized crime must be expanded to accommodate transnational complexities involving actors across national borders. Moreover, in the Indonesian context, Venita Sary (2022) highlighted the growing role of organized crime in Southeast Asia, including Indonesia, which capitalizes on the region's law enforcement vulnerabilities.

#### *Criminal Law Theory*

Criminal law theory provides the necessary foundation to understand the role of law in tackling crime. In the context of transnational organized crime, this theory emphasizes the importance of the principle of universal jurisdiction and the principle of international cooperation that allows states to prosecute crimes that occur outside their territory. According to Fournet (2008), universal jurisdiction is an important basis in international criminal law because it allows states to prosecute perpetrators of international crimes, even if the crime did not occur in their territory. In addition, the principle of transnational cooperation as stated in UNTOC is also a key element in addressing organized crime that does not recognize national borders (Rustam et al., 2022). In Indonesian criminal law must be more adaptive to the development of organized crime that is increasingly transnational

and prioritize cooperation between countries through international legal mechanisms (Muhammad et al., 2024).

### *Theory of International Cooperation*

International cooperation theory emphasizes the importance of collaboration between countries to tackle cross-border crime. Organized crime often involves several countries, both as places where crimes take place and as havens for criminals. Therefore, international cooperation is needed in the form of information exchange, extradition of perpetrators, and harmonization of laws between countries. According to Bassiouni (2014), this cooperation can be facilitated through international treaties that strengthen legal mechanisms, such as UN conventions and other international instruments that provide the basis for joint prosecution. In the Indonesian context, Burhanuddin (2023) explains that international cooperation in tackling transnational crimes is needed to address transnational problems, such as human and drug trafficking, which have become serious threats in Southeast Asia.

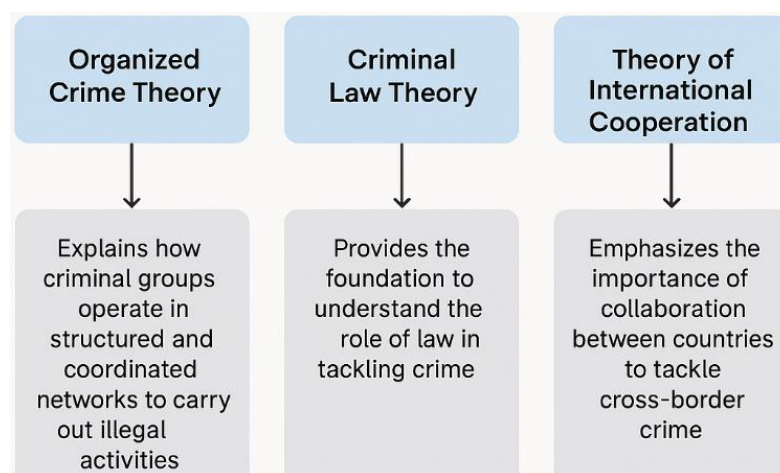


Figure 1. Theoretical Framework Underpinning Transnational Crime Analysis

The theoretical framework illustrated in the diagram integrates three key perspectives: Organized Crime Theory, Criminal Law Theory, and the Theory of International Cooperation. Organized Crime Theory explains how criminal networks operate in structured and coordinated ways to exploit legal loopholes across borders. Criminal Law Theory provides the normative foundation to understand and evaluate the role of law in tackling transnational crime. Meanwhile, the Theory of International Cooperation highlights the need for cross-border collaboration, including information exchange and legal harmonization, to effectively combat transnational organized crime. Together, these theories offer a

comprehensive lens to analyze and address the complexities of global criminal activity.

## METHOD

This study employs a qualitative method with a normative juridical approach, which is appropriate for analyzing legal norms, principles of international law, and their application in the context of combating transnational organized crime. The normative approach is used to examine the coherence, adequacy, and implementation of existing legal frameworks, particularly in addressing challenges posed by transnational criminal networks (Khoirunnisa, 2023).

Data were collected through a documentary (desk) study, drawing on primary and secondary legal materials, including statutory regulations, international conventions, jurisprudence, scholarly articles, and institutional reports. Key documents analysed include the United Nations Convention against Transnational Organised Crime (UNTOC), its supplementary protocols, and publications by relevant international bodies such as the United Nations Office on Drugs and Crime (UNODC).

Data analysis was conducted through a descriptive-analytical method. The descriptive element outlines the normative content and structure of the applicable legal instruments, while the analytical element evaluates their effectiveness, identifies normative gaps, and proposes potential improvements. This approach enables a comprehensive understanding of how international legal norms function in practice and how they might be strengthened in response to the evolving nature of transnational crime.



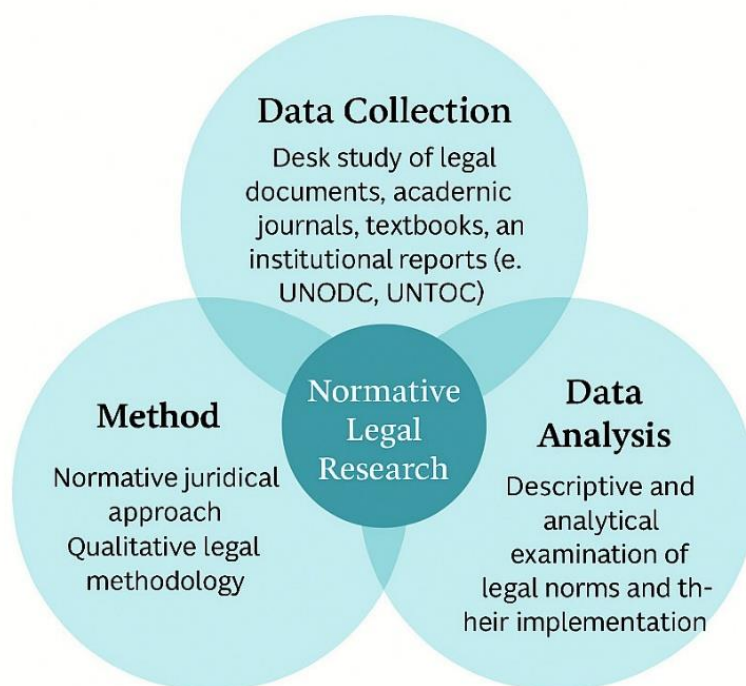


Figure 2. Conceptual Framework of Normative Legal Research Methodology

Figure 2 illustrates the conceptual intersection between methodology, data collection, and legal analysis. This diagram highlights how the normative qualitative framework integrates these elements to critically examine and assess the international legal regime governing transnational organized crime.

## DISCUSSION

### *UNTOC's Role in Combating Organized Crime*

The United Nations Convention against Transnational Organized Crime (UNTOC), adopted in 2000, represents a milestone in the global effort to combat organized crime that transcends national boundaries. It addresses a wide spectrum of criminal activities, including human trafficking, migrant smuggling, drug trafficking, and money laundering (Ma'rifah et al., 2021; Arindrayani & Anabarja, 2024). Beyond its legal architecture, UNTOC reflects an evolving consensus within the international community on the urgency of harmonizing legal frameworks, enhancing cooperation, and building institutional capacity to address shared threats (Feronica, 2024).

UNTOC operates on four fundamental pillars: (1) criminalization of core offenses, (2) mechanisms for international cooperation, (3) institutional capacity-building, and (4) protection of victims (Zayzda et al., 2020). These pillars articulate a coherent global strategy; however, their domestic application reveals significant variance.

While many countries have ratified the Convention, its operationalization remains uneven. Legal pluralism combined with diverging political will, economic capacity, and institutional integrity, creates substantial implementation asymmetries (Fitriah & Yusuf, 2024; Aqilah, 2024).

The normative strength of UNTOC lies in its comprehensive scope. It does not merely criminalize organized crime but requires states to restructure aspects of their legal systems, particularly regarding extradition procedures, asset recovery mechanisms, and cross-border investigations. Nonetheless, in practice, aligning domestic legal frameworks with the Convention's requirements often encounters obstacles such as constitutional constraints, fragmented legislation, or resource shortages. As such, the Convention's transformative potential is frequently mediated by the realities of national governance structures and legal traditions.

The role of the United Nations Office on Drugs and Crime (UNODC) becomes critical in this context. Through training programs, technical assistance, and coordination platforms, UNODC seeks to bridge capacity gaps and enhance inter-state cooperation (Sahetapy et al., 2022). These efforts while indispensable are not sufficient on their own. For instance, while Joint Investigation Teams and INTERPOL channels have improved information flow, they are still contingent upon mutual trust, compatible procedures, and sustained political support.

Victim protection under UNTOC further demonstrates the Convention's multidimensional character. Its rights-based approach, particularly evident in the Trafficking Protocol, signals a shift from offender-centric models toward frameworks that recognize the vulnerability of trafficked individuals (Alfian, 2015; Zayzda et al., 2020). However, the practical realization of these protections remains contested. Many countries lack adequate victim identification systems or re-integration programs, leading to gaps between legal commitments and lived realities.

The following indicators highlight progress made in measurable areas:

**Table 1. Measurable Indicators of UNTOC Effectiveness**

Indicator	Data	Source
Convictions for human trafficking (2010–2020)	47% increase in countries implementing UNTOC-aligned laws	UNODC, 2022
Adoption of anti-trafficking and smuggling laws	Over 90% of State Parties	UNODC, 2020
Increase in mutual legal assistance (MLA) activity	60% rise in international cooperation	UNODC, 2018



While these figures illustrate tangible improvements, they also mask persisting asymmetries. The extent to which such advancements translate into reduced crime rates or improved victim outcomes varies significantly across regions. In some cases, the mere formal adoption of laws does not equate to effective enforcement or systemic reform.

UNTOC's accompanying protocols on trafficking in persons, smuggling of migrants, and trafficking in firearms—add specificity to the broader convention. They allow states to tailor implementation efforts to their primary crime threats. However, even this flexibility does not immunize the Convention from fragmentation risks. Differing interpretations of terms such as “organized criminal group” or “exploitation” create inconsistencies in application and enforcement across jurisdictions.

One of the Convention's notable strengths is the mechanism of the *Conference of the Parties (COP)*. This platform enables periodic review of implementation, knowledge exchange, and norm diffusion. However, its effectiveness depends heavily on the quality of reporting, availability of disaggregated data, and states' willingness to undergo peer scrutiny. The persistent absence of a strong compliance mechanism limits the COP's capacity to ensure accountability.

UNTOC encourages institutional strengthening and modernization, including the use of technology and inter-agency coordination. Yet these prescriptions often confront entrenched bureaucratic inertia, politicization of law enforcement, or inadequate infrastructure. Capacity-building, therefore, must be contextualized not only in technical terms but also within broader political and governance frameworks.

Ultimately, while UNTOC provides a vital legal and institutional scaffold, its efficacy hinges on deeper structural transformations at the domestic level. Its success should not be measured solely by the number of ratifications or laws enacted, but by the extent to which it catalyzes enduring shifts in how states perceive, prevent, and prosecute organized crime. This underscores the importance of moving beyond formalistic compliance toward critical engagement with the normative and operational challenges inherent in transnational legal governance.

### ***Law Enforcement Challenges at the National Level***

The implementation of the United Nations Convention against Transnational Organized Crime (UNTOC) at the national level reveals a constellation of structural, legal, and socio-political obstacles that differ markedly across jurisdictions. While the Convention serves as a universal framework, its operationalization hinges on domestic institutions that may lack the cohesion, capacity, or political independence required for effective enforcement. This challenge is especially acute in developing countries, where legal pluralism, governance deficits, and fragmented law enforcement often dilute international legal obligations into symbolic commitments.

Bassiouni (2014) underscores the importance of legal tradition, particularly the divergence between common law and civil law systems in shaping how international norms are integrated into domestic legal regimes. Civil law countries with codified

legal frameworks, such as Germany or Italy, may find it easier to harmonize new international obligations by updating statutory provisions. In contrast, common law systems, which rely on judicial precedent and interpretive flexibility, may experience slower or more uneven integration. These structural differences have direct consequences on how legal actors prosecutors, judges, and law enforcement agencies interpret and apply UNTOC's provisions.

However, beyond legal architecture, political economy factors exert a profound influence on law enforcement efficacy. As Utami & Fitriyanti (2023) note, states often prioritize issues like terrorism, narcotics, or political stability over transnational organized crime, especially when criminal networks are informally embedded in political or economic structures. In such contexts, law enforcement becomes selective, instrumentalized for regime maintenance rather than objective rule-of-law enforcement.

In Indonesia, for instance, systemic corruption within law enforcement bodies is both a cause and symptom of weak institutionalization. Bribery, case manipulation, and selective prosecution not only erode public trust but also reinforce impunity among criminal actors with political connections. According to the Indonesian Corruption Eradication Commission (KPK, 2024), this dynamic creates a vicious cycle in which corruption shields organized criminal activity from legal scrutiny, particularly in sectors such as illegal logging, drug trafficking, and human smuggling.

Furthermore, the principle of access to justice central to both national constitutional guarantees and international legal standards is unevenly realized across Indonesia's archipelagic geography. Structural inequality, limited legal literacy, and a lack of legal aid services disproportionately affect marginalized communities, including women, Indigenous peoples, and residents of remote regions. Findings by the Legal Aid Institute (LBH) reveal that high procedural costs and the urban-centric design of legal services exclude large segments of the population from the justice system (Makmur et al., 2024).

Institutional capacity constraints compound these problems. Law enforcement agencies often lack the technical knowledge and investigative tools required to address sophisticated transnational networks. Outdated surveillance systems, limited digital forensics infrastructure, and overlapping jurisdictions between police, customs, and immigration authorities create bureaucratic bottlenecks and operational inefficiencies. In many cases, legal frameworks themselves are outdated or contradictory resulting in inconsistent implementation and judicial confusion. As documented by the Badan Pembinaan Hukum Nasional (2019), such fragmentation obstructs the uniform application of UNTOC provisions, particularly in cases involving complex financial crimes or cross-border smuggling.

The problem is further exacerbated by political interference. High-profile cases involving politically connected individuals or powerful economic actors often result in selective enforcement or procedural delays. Mahfuz (2020) argues that the instrumentalization of legal processes for political expediency undermines judicial independence and deters international cooperation. Where courts are perceived as

extensions of the executive or political class, mutual legal assistance and extradition under UNTOC frameworks become diplomatically and legally fraught.

In response to these systemic issues, a reform-oriented approach must go beyond normative alignment with UNTOC. Institutional reforms should emphasize merit-based recruitment in law enforcement, continuous capacity-building, and insulation of judicial bodies from political pressures. Technological innovation such as the adoption of artificial intelligence, blockchain for evidence tracking, and data analytics can also enhance investigative precision and transparency. UNTOC itself calls for capacity-building and technical assistance (Article 30), but national commitment to these reforms remains uneven.

Legal education plays an indispensable role in transforming institutional cultures. Ethics, human rights, and international legal obligations should be integrated into the training curricula of police academies, judicial schools, and law faculties. Such interventions can foster a new generation of legal professionals who understand transnational crime not merely as a legal issue, but as a threat to national and human security.

Lastly, civil society must be positioned as a central actor in legal oversight. Independent monitoring bodies, legal aid organizations, investigative journalists, and academia contribute to accountability by tracking patterns of abuse, highlighting gaps in enforcement, and providing critical input on policy reform. Empowered citizens with legal literacy and access to grievance mechanisms are indispensable to transforming law enforcement from an extractive apparatus into a protective public service.

In sum, effective implementation of UNTOC at the national level cannot be reduced to legal ratification or institutional nominalism. It requires a systemic reconfiguration of law enforcement ecosystems grounded in democratic accountability, technological modernization, and ethical professionalism. Only by addressing these foundational challenges can states hope to translate international legal obligations into meaningful deterrents against organized crime.

### *Case Studies of UNTOC Implementation*

To assess the practical effectiveness of the United Nations Convention against Transnational Organized Crime (UNTOC), it is essential to examine its implementation in various national contexts. This section presents case studies from Indonesia, Germany, Italy, and Canada, highlighting contrasting challenges and successes, and demonstrating how legal, institutional, and cultural factors affect the localization of international norms.

### **a. Indonesia: Structural Challenges and Institutional Limitations**

Indonesia ratified UNTOC in 2009 and has also adopted key protocols such as the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (UNODC, 2010). However, the country continues to face significant hurdles in effective implementation. Structural weaknesses such as corruption, legal fragmentation, and inadequate institutional capacity limit the enforcement of transnational crime laws.

Table 2. Key Implementation Challenges in Indonesia

Challenge Factor	Description
Corruption	As reported by the Corruption Eradication Commission (KPK, 2022), corruption within law enforcement and public administration erodes judicial integrity.
Institutional Capacity	Limited resources, insufficiently trained personnel, and outdated investigative tools weaken law enforcement.
Access to Justice	A report by the Legal Aid Institute (LBH) reveals that rural and disadvantaged communities face difficulties accessing affordable legal services.
Legal Fragmentation	Conflicting and overlapping laws complicate the adoption of UNTOC provisions across sectors (BPHN, 2019).

While Indonesia has formed national task forces and engaged in regional cooperation, deeper reforms—particularly in oversight, legal training, and technological modernization—are needed to bridge the implementation gap.

### **b. Germany: Legal Harmonization and Institutional Strength**

Germany exemplifies a robust implementation model. As a civil law country with strong bureaucratic infrastructure, Germany swiftly harmonized its domestic legislation with UNTOC after ratifying it in 2003 (UNODC, 2020).

Table 3. UNTOC Implementation Highlights – Germany

Success Indicator	Description
Legal Harmonization	National laws clearly criminalize human trafficking, smuggling, and money laundering, aligned with UNTOC standards.
Inter-Agency Cooperation	Law enforcement, customs, financial regulators, and intelligence services coordinate seamlessly (UNODC, 2023).
Mutual Legal Assistance (MLA)	Germany actively engages in MLA requests and legal information sharing.

Public Trust	Transparent, rights-based enforcement sustains high public confidence in legal institutions.
--------------	--

Germany also provides international legal assistance and hosts training under the UNODC framework, reinforcing global legal cooperation.

### c. Italy: Combating Mafia Networks with Specialized Tools

Italy represents a landmark case in the fight against transnational organized crime, particularly through its aggressive approach to dismantling mafia networks United Nations Interregional Crime and Justice Research Institute (2016). Italy was one of the earliest adopters of UNTOC, and its domestic legal system has long been engaged in combating criminal organizations such as the Cosa Nostra, 'Ndrangheta, and Camorra.

Table 4. Italy's Implementation Successes

Success Factor	Description
Anti-Mafia Legislation	Legal frameworks support aggressive prosecution and asset seizure.
Specialized Agencies	The Direzione Nazionale Antimafia (DNA) leads national anti-mafia efforts.
Use of UNTOC Tools	Italy utilizes MLA, extradition, and joint investigations with Interpol and Europol.
Global Role	As the home of the UNTOC Secretariat in Palermo, Italy leads capacity-building efforts globally.

Italy's model highlights the effectiveness of combining domestic legal traditions with international cooperation to dismantle powerful organized crime networks.

### d. Canada: Financial Crime and AML Focus

Canada has focused its implementation of UNTOC on anti-money laundering (AML) and financial intelligence. Through the Proceeds of Crime (Money Laundering) and Terrorist Financing Act, Canada aligns its laws with UNTOC's financial crime mandates (FINTRAC, 2019).

Table 5. Canada's AML-Oriented Implementation

Implementation Focus	Description
AML Legislation	Provides the legal basis for monitoring and prosecuting financial crimes.

FINTRAC	The Financial Transactions and Reports Analysis Centre supports investigations by tracking suspicious transactions.
International Cooperation	Canada is an active member of the Financial Action Task Force (FATF) and collaborates with UNODC and Interpol.
Real Estate Oversight	In response to the “Vancouver model,” Canada tightened regulations on property and gambling sectors vulnerable to money laundering.

Canada’s AML efforts have resulted in increased suspicious transaction reporting and successful prosecutions of cross-border financial crimes

### Comparative Analysis

Table 6. Cross-Country Comparison of UNTOC Implementation

Aspect	Indonesia	Germany	Italy	Canada
UNTOC Ratification	2009	2003	2000	2002
Legal Alignment	Partial	Comprehensive	Strong (pre-existing)	Comprehensive (AML focus)
Key Focus	Human trafficking, judicial reform	Legal harmonization, MLA	Mafia dismantling, international leadership	Financial intelligence, AML
Key Challenges	Corruption, low access	Bureaucratic complexity	Regional disparities	Enforcement consistency
Tools Used	Task forces, limited MLA	MLA, inter-agency units	Extradition, joint ops	STRs, FATF cooperati

The implementation of UNTOC varies widely across countries due to differences in legal traditions, institutional capacity, and criminal threats. While countries like Germany and Canada exhibit strong institutional alignment with UNTOC, others such as Indonesia face systemic enforcement obstacles. Italy’s experience demonstrates the value of integrating long-standing national legal tools with UNTOC protocols, especially in tackling entrenched criminal organizations. A comparative lens reveals that tailored strategies, combined with international collaboration and robust national institutions, are essential for the successful application of UNTOC across jurisdictions.



### ***International Cooperation in Combating Organized Crime***

Effectively combating organized crime requires strong international cooperation, as these crimes often span multiple countries—both as locations where crimes occur and as havens for perpetrators (Mahadewi, 2023). Transnational organized crime poses a threat not only to the directly affected states but also to global security. Therefore, cross-border collaboration becomes essential, with several mechanisms proving critical in this endeavor.

One such mechanism is Mutual Legal Assistance (MLA), which enables countries to assist one another in investigations and prosecutions related to organized crime (Manurung & Prasetyo, 2024). This assistance includes evidence collection, information exchange, and witness protection—key elements when criminals operate across jurisdictions. Bassiouni (2014) emphasizes that MLA enhances investigative depth and facilitates coordinated prosecutions, especially in complex networks like drug trafficking.

Extradition is another core tool that supports international cooperation. Through extradition agreements, countries can request the transfer of suspects or convicted individuals hiding abroad. The UN Convention against Transnational Organized Crime (UNTOC) provides legal foundations for extradition, easing barriers to cross-border legal enforcement. This is particularly relevant when criminals exploit jurisdictional gaps by relocating to states with weak legal structures or without active extradition treaties.

In addition to legal instruments, joint operations organized by international bodies such as INTERPOL and Europol are central to dismantling criminal networks (User, 2023). These operations bring together resources, intelligence, and coordination from multiple countries to target human trafficking, drug smuggling, and money laundering. INTERPOL's secure communication networks facilitate real-time intelligence sharing, while Europol plays a leading role in planning and executing multilateral operations. As noted by Khoirunnisa (2018), such coordinated efforts are vital due to the sophisticated and dispersed nature of organized crime networks.

Despite the progress, implementation challenges persist. Differences in legal systems, procedural delays, and political sensitivities can hinder extradition and MLA processes. Diplomatic tensions may also stall cooperation, especially when legal requests involve sensitive political cases or differing judicial standards.

To address these gaps, countries must strengthen their bilateral and multilateral treaties, especially regarding extradition. In Southeast Asia, for instance, the ASEAN Extradition Treaty could streamline cooperation among member states, promoting legal harmonization and facilitating quicker prosecution of transnational criminals.

Furthermore, joint operations must evolve by improving coordination frameworks and command systems. Success depends on seamless communication, shared protocols, and integrated intelligence systems. Involving organizations like UNODC and Interpol is essential not only for training and policy guidance but also for providing cutting-edge technology and tools that can support investigations.

Finally, partnerships with the private sector, particularly in banking and technology, are increasingly important. Financial institutions can help detect money laundering, while tech companies can assist in tracking illegal online activities. A multilateral, holistic approach combining national, regional, and global efforts is crucial to not only reactively dismantle organized crime networks but also to prevent their growth.

In conclusion, effective international cooperation grounded in legal mechanisms like MLA and extradition, supported by operational tools like joint enforcement efforts, and strengthened by public-private partnerships is key to creating a safer and more just global legal environment.

## CONCLUSION

Criminal law plays a crucial role in the fight against transnational organized crime, which is growing and involves many countries. Despite significant progress made through international instruments such as the UN Convention on Transnational Organized Crime (UNTOC), implementation challenges at the national level remain a major obstacle. These include legislative discrepancies between countries, limited law enforcement capacity, and differences in legal systems and policy priorities across countries. In addition, another key challenge is the need for more intensive and efficient international cooperation to deal with increasingly complex transnational crimes.

To increase effectiveness in tackling organized crime, efforts are needed to harmonize laws between national regulations and existing international instruments, strengthen the capacity of law enforcement institutions, and develop cross-border cooperation mechanisms that are more inclusive and based on interdependence. More structured international cooperation, whether through bilateral, multilateral, or regional organizations such as ASEAN, can strengthen law enforcement and accelerate responses to transnational organized crime.

Furthermore, addressing key challenges such as discrepancies in legal frameworks, gaps in intelligence-sharing, and differences in prosecution processes is essential. Case studies on cybercrime networks and human trafficking illustrate the necessity for unified legal approaches. Strengthening collaboration with global institutions like INTERPOL and UNODC can facilitate better coordination and data exchange.

Incorporating technological innovations, such as AI-powered threat detection and blockchain for financial monitoring, can further enhance enforcement capabilities. Given the rapid evolution of transnational crime, immediate action is crucial to prevent criminal networks from exploiting legal loopholes and jurisdictional inconsistencies. Through strengthened legal harmonization, enhanced institutional capacity, and advanced technological integration, the international community can establish a more effective legal framework to combat transnational organized crime.

## REFERENCES

- Alfian, A. (2015). Upaya Perlindungan huku terhadap korban tindak pidana perdagangan orang Legal protection against crime victims of human trading. *Fiat Justisia Jurnal Ilmu Hukum*, 9(3), 331–339. <https://jurnal.fh.unila.ac.id/index.php/fiat/article/view/603/542>
- Aqilah, D. Z. (2024). Peran United Nations Office on Drugs and Crime ( Unodc ) Dalam Menangani Perdagangan Gelap Narkoba di Indonesia Pada Tahun 2021-2023. *Global Insights Journal*, 01(01). <https://doi.org/10.36859/gij.v1i1.2467>
- Badan Pembinaan Hukum Nasional. (2019). *Laporan Kinerja Badan Pembinaan Hukum Nasional*. BPHN RI. [https://bphn.go.id/data/documents/buku\\_dphn\\_final\\_2019\\_watermark\\_rev.pdf](https://bphn.go.id/data/documents/buku_dphn_final_2019_watermark_rev.pdf)
- Burhanuddin, A. (2023). Perdagangan Manusia (Human Trafficking) Transnasional Sebagai Ancaman Keamanan Maritim di Selat Malaka. *Jurnal Ilmu Hukum Dan Sosial*, 1(4), 101–112. <https://doi.org/https://doi.org/10.51903/hakim.v1i4.1448>
- Feronica, P. (2024). Peran United Nations Office on Drugs and Crime Dalam Menangani Kasus Kejahatan Perdagangan Manusia Menurut Hukum Internasional. *Jurnal Fakultas Hukum UNSRAT*, 13(5), 1–11. <https://ejournal.unsrat.ac.id/v3/index.php/lexprivatum/article/view/57071>
- FINTRAC. (2019). Annual Report. In *Fresenius.Com* (Issue December). <https://fintrac-canafe.canada.ca/publications/ar/2023/ar2023-eng.pdf>
- Fitriah, R., & Yusuf, H. (2024). Indonesia Implications Of International Law On Handling Of Money. *Jiic: Jurnal Intelek Insan Cendikia*, 1(9), 5340–5356. <https://jicnusanantara.com/index.php/jiic/article/view/1452>
- Fournet, C. (2008). International Criminal Law Review: Editorial. *International Criminal Law Review*, 8(3), 389–390. <https://doi.org/10.1163/157181208X308718>
- Ichwan, A. D. A., Rebala, L. T. S., & Farida, E. (2022). Peran Unodc Dalam Memberantas Perdagangan Narkotika Global yang Melalui Akses Laut. *Diponegoro Law Journal*, 11(4). <https://doi.org/10.14710/dlj.2022.34690>
- International Monetary Fund. (2007). *Mutual Evaluation Report On Anti-Money L Aundering And Combating The Financing Of Terrorism* (Issue February). [https://www.fatf-gafi.org/content/dam/fatf-gafi/mer/MER\\_Italy\\_full.pdf.coredownload.pdf](https://www.fatf-gafi.org/content/dam/fatf-gafi/mer/MER_Italy_full.pdf.coredownload.pdf)
- Ismaidar, Sembiring, T. B., & Saragih, E. (2024). Pengaruh Politik Hukum Dalam Pembentukan Dan Penegakan Hukum Di Indonesia. *Media Hukum Indonesia*, 2(4), 347–352. <https://doi.org/10.5281/zenodo.14194959>

- Jay Albanese. (2014). *Organized Crime in Our Times* (6th Editio). Routledge. <https://doi.org/10.4324/9781315721460>
- Khoirunnisa, A. (2018). Implementasi Asean Plan Of Action To Combat Transnational Crimes (Studi Kasus Human Trafficking Di Thailand Pada Tahun 2006-2010). *Global Insight Journal*, 3(2), 56–65. <https://doi.org/10.52447/gij.v3i2.1673>
- Khoirunnisa, K. (2023). Toward a Political-Security Community in Southeast Asia: Progress, Pitfalls, and Prospects. *China Quarterly of International Strategic Studies*, o(December 2023), 1–26. <https://doi.org/10.1142/S2377740023500136>
- Khoirunnisa, K., & Jubaidi, D. (2023). Political Configuration of Law in Law Enforcement in Indonesia. *Ilomata International Journal of Social Science*, 4(4), 560–576. <https://doi.org/10.52728/ijss.v4i4.880>
- KPK. (2022). *Laporan Tahunan KPK 2022*. Komisi Pemberantasan Korupsi (KPK). <https://kpk.go.id/id/publikasi-data/laporan/laporan-tahunan>
- KPK RI. (2024). *Kinerja KPK 2020-2024: Tangani 2.730 Perkara Korupsi, Lima Sektor Jadi Fokus Utama*. KPK. <https://www.kpk.go.id/id/ruang-informasi/berita/kinerja-kpk-2020-2024-tangani-2730-perkara-korupsi-lima-sektor-jadi-fokus-utama>
- M Cherif Bassiouni. (2014). *International Extradition: United States Law and Practice* (6th ed.). Oxford University Press. <https://doi.org/https://doi.org/10.1093/law/9780199917891.001.0001>
- Ma'rifah, A., Parmono, B., & Hidayati, R. (2021). Penanganan Kejahatan Lintas Negara Melalui Perjanjian Ekstradisi. *Dinamika Hukum*, 27(8). <https://jim.unisma.ac.id/index.php/jdh/article/view/9513>
- Mahadewi, K. J. (2023). Human Trafficking , Kejahatan Transnasional Dalam Prespektif Prinsip Nasional Aktif Di Indonesia. *Fundamental: Jurnal Ilmiah Hukum*, 12(1), 244–260. <https://doi.org/10.34304/jf.v12i1.107>
- Mahfuz, A. L. (2020). Faktor Yang Mempengaruhi Politik Hukum Dalam Suatu Pembentukan Undang-Undang. *Jurnal Kepastian Hukum Dan Keadilan*, 1(1), 43. <https://doi.org/10.32502/khdk.v1i1.2442>
- Makmur, A., Amalia, M., & Mulyana, A. (2024). Tantangan Hukum dalam Mengatasi Kesenjangan Sosial. *Jurnal Kepastian Hukum Dan Keadilan*, 6(1), 1–17. <https://doi.org/https://doi.org/10.32502/khdk.v4i1.2499>
- Manurung, K. H., & Prasetyo, H. (2024). Peran Mutual Legal Assistance Dalam Memerangi Kejahatan Transnasional Penangkapan Ikan Secara Ilegal di Indonesia. *Socius: Jurnal Penelitian Ilmu-Ilmu Sosial*, 1(July), 93–99. <https://doi.org/https://doi.org/10.5281/zenodo.12179181>
- Muhammad, A., Affan, A., & Rahmah, A. (2024). Evolusi Hukum Pidana Dalam Konteks Globalisasi : Tinjauan Literatur. *Jurnal Hukum Ius Publicum*, 5(2),

121–135. <https://doi.org/10.55551/jip.v5i2.163>

- Mutual Evaluation Report. (2022). *Anti-money laundering and counter-terrorist financing measures* (Issue August). <https://www.fatf-gafi.org/content/dam/fatf-gafi/mer/Mutual-Evaluation-Report-Germany-2022.pdf>
- Nurfiqua, T., Puandita, D. C., Debora, E., & ... (2024). Tantangan Dan Peluang Implementasi Hukum Internasional Di Asia Tenggara. *Causa Jurnal Hukum Dan Kewarganegaraan*, 4(10), 1–8. <https://doi.org/10.3783/causa.v2i9.2461>
- Nurul Azizah Zayzda, Agus Haryanto, & Arief Bakhtiar Darmawan. (2020). *Tindak Pidana Transnasional Terorganisasi di Asia Tenggara*. Soedirman Center for Global Studies. [http://hi.fisip.unsoed.ac.id/wp-content/uploads/2021/02/Tindak-Pidana\\_-Revisi\\_cetak-compressed.pdf](http://hi.fisip.unsoed.ac.id/wp-content/uploads/2021/02/Tindak-Pidana_-Revisi_cetak-compressed.pdf)
- Rustam, I., Sabilla, K. R., Rizki, K., & Estriani, H. N. (2022). Kejahatan Lintas Negara Perdagangan Orang: Studi Kasus Pekerja Migran Asal Nusa Tenggara Barat. *Indonesian Perspective*, 7(1), 102–107. <https://doi.org/10.14710/ip.v7i1.48597>
- Sahetapy, G. V. P., Baadila, E., & Wattimena, J. A. Y. (2022). Pertanggung Jawaban Hukum Pelaku Trafficking In Person Berdasarkan Hukum Internasional Di Indonesia. *Jurnal Lreativitas Mahasiswa Hukum*, 2(1), 32–43. <https://fhukum.unpatti.ac.id/jurnal/sanisa/article/view/997>
- Sary, D. V. (2022). Motivasi ASEAN dalam Upaya Penanganan Kejahatan Transnasional (Studi Kasus: Implementasi MLA (Mutual Legal Assistance) di Wilayah Asia Tenggara). *Journal of Diplomacy and International Studies*, 5(01), 16–22. <https://journal.uir.ac.id/index.php/jdis/article/view/14463%0Ahttps://journal.uir.ac.id/index.php/jdis/article/download/14463/5690>
- Syifa Kinanthi Puji Utami, & Rahmi Fitriyanti. (2023). Dinamika Kerjasama Indonesia dengan United Nations Office on Drugs and Crime (UNODC) Pada Kasus Narkoba Dalam Perspektif Liberalisme Institusionalis. *Jurnal Penelitian Ilmu-Ilmu Sosial*, 1 NO 5(December), 361–370. <https://ojs.daarulhuda.or.id/index.php/Socius/article/view/110/0%0Ahttps://ojs.daarulhuda.or.id/index.php/Socius/article/download/110/99>
- Tabiu, R., Heryanti, Intan, N., & Safiuddin, S. (2023). Globalisasi dan Kejahatan Transnasional Terorganisasi Globalization and Organized Transnational Crime. *Halu Oleo Law Review*, 7(1), 99–110. <https://doi.org/10.33561/holrev.v7i1.11>
- UNICRI (United Nations Interregional Crime and Justice Research Institute). (2016). *Organized Crime and the Legal Economy*. [https://unicri.org/sites/default/files/2021-06/UNICRI\\_Organized\\_Crime\\_and\\_Legal\\_Economy\\_report.pdf](https://unicri.org/sites/default/files/2021-06/UNICRI_Organized_Crime_and_Legal_Economy_report.pdf)
- United Nations Office on Drugs and Crime (UNODC). (n.d.). *Report of the Tenth*



- Session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, 2022*. Vienna: United Nations Office on Drugs and Crime. Retrieved April 8, 2025, from <https://www.unodc.org/unodc/en/human-trafficking/publications.html>
- United Nations Office on Drugs and Crime (UNODC). (2010). *Indonesia to participate in reviewing implementation of the Organized Crime Convention*. <https://www.unodc.org/indonesia/2010/08/untoc/story.html?utm>
- United Nations Office on Drugs and Crime (UNODC). (2018). *UNODC Annual Report 2018*. Vienna: United Nations Office on Drugs and Crime. <https://www.unodc.org/unodc/en/resources/index.html>.
- United Nations Office on Drugs and Crime (UNODC). (2020). *Report of the Tenth Session of the Conference of the Parties to the United Nations Convention against Transnational Organized Crime*. Vienna: United Nations Office on Drugs and Crime. <https://www.unodc.org/unodc/en/treaties/CTOC/session10.html>
- UNODC. (2020). *Implementation of the UNTOC Review Mechanism*. Vienna: UNODC. <https://www.unodc.org/unodc/en/organized-crime/intro/review-mechanism-untoc/home.html>
- UNODC. (2023). *Combating Organised Crime*. Federal Ministry of Justice, Germany. <https://www.bmj.de/EN>.
- User, S. (2023). *Penanggulangan Kejahatan Lintas Batas Negara*. NCB-Interpol Indonesia. <https://interpol.go.id/kegiatan2.php#>
- Wear, E. A. (2024). Kondisi dan Dampak Perbedaan Regulasi Penanganan Narkoba di Beberapa Negara ASEAN. *Balobe Law Journal*, 4(1), 1. <https://doi.org/10.47268/balobe.v4i1.1944>
- Wijoyo, S., & Hoessein, Z. A. (2025). Modernisasi Sistem Hukum Pidana Dalam Menanggapi Perkembangan Kejahatan Siber Global. *Jurnal Hukum Terapan Dan Inovasi Hukum*, 7(1), 69–89. <https://journalpedia.com/1/index.php/jhtih/article/view/4308>