

The Direction of Indonesia's Legal Policy on the ASEAN Mutual Legal Assistance Treaty in Criminal Matters: A Path to Law Reform in Cross-Border Crime Enforcement in Southeast Asia

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Abstract

This research explores Indonesia's legal policy on the ASEAN Mutual Legal Assistance Treaty in Criminal Matters (AMLAT) and its implications for law reform in the enforcement of cross-border crime in Southeast Asia. AMLAT plays a critical role in facilitating legal cooperation among ASEAN member states in criminal matters, addressing challenges posed by transnational crimes such as human trafficking, drug smuggling, and cybercrime. Despite its significance, Indonesia faces legal and procedural gaps in aligning its domestic legal

framework with AMLAT provisions, creating obstacles in efficient criminal law enforcement across borders. The novelty of this study lies in its focus on Indonesia's unique legal challenges and reform needs in the context of AMLAT, an area that has received limited scholarly attention. While previous studies have explored AMLAT's role at a regional level, this research specifically investigates the legal and policy issues within Indonesia and how they affect broader ASEAN cooperation on cross-border crime. The urgency of this research is underscored by the increasing prevalence of transnational crimes in Southeast Asia, exacerbated by advancements in technology and globalization. A more robust legal framework is crucial for Indonesia to effectively collaborate with ASEAN members in combating these crimes. The contribution of this study is twofold. First, it provides a comprehensive analysis of the current state of Indonesia's legal policy on AMLAT, highlighting key areas for legal reform. Second, it offers practical recommendations for policymakers to strengthen Indonesia's role in regional legal cooperation, ensuring more effective cross-border crime enforcement in Southeast Asia.

Keywords *AMLAT, Mutual Legal Assistance, Politics of Law, ASEAN Frameworks, Transnational Criminal Cases*

Introduction

In an era characterized by unprecedented global interconnectedness, the enforcement of criminal justice across borders has become increasingly critical.¹ The rapid growth of international trade, travel, and communication has facilitated not only economic opportunities but also the proliferation of cross-border crime.²

¹ Wendy Laverick, *Global Injustice and Crime Control*. (London: Routledge, 2016); Emmers, Ralf. "ASEAN and the securitization of transnational crime in Southeast Asia." *The Pacific Review* 16, no. 3 (2003): 419-438.

² Roderic Broadhurst, "Developments in the global law enforcement of cyber-crime." *Policing: An International Journal of Police Strategies & Management* 29, no. 3 (2006): 408-433; Nikos Passas, "Globalization, criminogenic asymmetries and economic crime." *International Crimes*. (London: Routledge, 2017), pp. 17-42.

Southeast Asia, a region known for its dynamic economies and rich cultural diversity, faces significant challenges in addressing these complex criminal issues effectively.³

Southeast Asia's economic transformation has been remarkable. According to the Asian Development Bank, the region's economy grew by 4.2% in 2023, reflecting its robust development and integration into the global economy.⁴ However, this economic dynamism is accompanied by a rise in transnational crimes, such as human trafficking, drug smuggling, and organized crime, which have become increasingly sophisticated and pervasive. The United Nations Office on Drugs and Crime (UNODC) highlights that Southeast Asia is a major transit hub for illicit drugs, with methamphetamine production and trafficking particularly problematic.⁵

In response to these challenges, regional cooperation has become essential. The ASEAN Mutual Legal Assistance Treaty (MLAT) in Criminal Matters, adopted in 2004 and entered into force in 2006, stands as a cornerstone of this regional strategy. The treaty aims to

³ Jürgen Rüländ, "The nature of Southeast Asian security challenges." *Security Dialogue* 36, no. 4 (2005): 545-563; Desvia Dwi Aryudhanty, Lam Thong Yen, and Nai Jan Chan. "Pros and Cons of Application of Extraterritorial Jurisdiction in International Law: Various Practices in Southeast Asian Countries." *International Law Discourse in Southeast Asia* 2, no. 1 (2022): 57-74; Dewa Gede Sudika Mangku, and Ni Putu Rai Yuliartini. "Indonesia's Role in Combating Terrorism in Southeast Asia." *Unnes Law Journal* 7, no. 1 (2021): 89-114; Jamin Ginting, and Patrick Talbot. "Fundraising Aspect of International Terrorism Organization in ASEAN: Legal and Political Aspects." *Lex Scientia Law Review* 7, no. 1 (2023): 1-30; Dhezya Pandu Satesna, "Legal Analysis of Legal Personality Organization of South East Asian Countries (ASEAN) As the Subject of International Law." *Jurnal Scientia Indonesia* 5, no. 1 (2019): 49-59.

⁴ Ganeshan Wignaraja, et al. "Economic implications of deeper South Asian–Southeast Asian integration: a CGE approach." *Connecting Asia*. (Cheltenham UK: Edward Elgar Publishing, 2016), pp. 186-212; Sophie Deprez, "The strategic vision behind Vietnam's international trade integration." *Journal of Current Southeast Asian Affairs* 37, no. 2 (2018): 3-38.

⁵ Hai Thanh-Luong, "Transnational drug trafficking in Southeast Asia: identifying national limitations to look for regional changes." *Revista Criminalidad* 64, no. 1 (2022): 177-192; Roderic Broadhurst, "Transnational crime in Asia: Illicit markets and innovation." *Organized Crime and Corruption Across Borders*. (London: Routledge, 2019), pp. 73-98; Nur Rohim Yunus, et al. "Drug Abuse as an Extra-Ordinary Crime: Some Legal and Political Debates." *Jurnal Scientia Indonesia* 8, no. 1 (2022): 71-88.

facilitate mutual legal assistance among ASEAN member states in criminal matters, including the exchange of information, execution of search and seizure requests, and mutual assistance in legal proceedings.

The ASEAN MLAT was developed against a backdrop of increasing cross-border criminal activity and the need for a cohesive regional response. For instance, data from the ASEAN Secretariat reveals that over 80% of member states reported significant increases in the volume of transnational crime over the past decade. The treaty's implementation is critical for addressing these issues, yet it also presents several challenges.⁶

Indonesia, as one of the largest and most influential ASEAN member states, plays a crucial role in this framework. With its strategic location, extensive maritime borders, and diverse legal system, Indonesia faces unique hurdles in implementing the MLAT effectively. The country's expansive archipelago and substantial economic interests necessitate robust legal frameworks to combat transnational crime effectively. For example, Indonesia's National Narcotics Agency has reported that drug trafficking networks often exploit maritime routes through Indonesian waters, underscoring the need for enhanced regional cooperation.⁷

Despite the treaty's potential, several factors affect its effectiveness. Variations in legal standards, procedural practices, and national priorities among ASEAN member states can create challenges in coordinating cross-border legal actions. Moreover, the complexity of legal procedures and differing levels of capacity and resources among

⁶ Chloryne Dewi, "Combating Transnational Organized Crimes Within ASEAN Waters: Asean Way Vs. Rule of Law." *Padjadjaran Journal of International Law* 3, no. 1 (2019): 29-48; Felix Ferdin Bakker, Andhika Parama Putra, and Respati Triana Putri. "The Role of ASEAN in Tackling the Main Issues of Transnational Crime in the Southeast Asia Region." *Journal of Law and Border Protection* 2, no. 1 (2020): 47-58.

⁷ Beni Puspito, and Ali Masyhar. "Dynamics of Legality Principles in Indonesian National Criminal Law Reform." *Journal of Law and Legal Reform* 4, no. 1 (2023): 109-122; Yingyos Leechaianan, and Dennis R. Longmire. "The use of the death penalty for drug trafficking in the United States, Singapore, Malaysia, Indonesia and Thailand: A comparative legal analysis." *Laws* 2, no. 2 (2013): 115-149; Felicity Gerry Qc, et al. "Is the law an ass when it comes to mules? How Indonesia can lead a new global approach to treating drug traffickers as human trafficked victims." *Asian Journal of International Law* 8, no. 1 (2018): 166-188.

member states can hinder the prompt and efficient handling of mutual assistance requests. These issues underscore the broader difficulties faced by the ASEAN Mutual Legal Assistance Treaty (MLAT) in achieving its objectives.

The ASEAN MLAT is designed to enhance law enforcement cooperation and streamline processes among member states. However, its practical implementation often encounters significant hurdles due to differences in legal systems and the principle of sovereignty, which complicates the coordination of cross-border legal actions.⁸ Indonesia's experience illustrates these challenges. While Indonesia has ratified MLA agreements with various countries, such as Switzerland, to combat transnational crimes, the effectiveness of these agreements in specific areas, such as asset recovery from corruption cases, remains suboptimal.⁹

Recent research on ASEAN's Mutual Legal Assistance Treaty (MLAT) and regional cooperation highlights both challenges and opportunities. Despite strong political commitment, ASEAN states have struggled to effectively combat money laundering, with insufficient law enforcement capacity and disparities in national criminal laws being major barriers to mutual legal assistance (Nguyen, 2012). The need for enhanced regional cooperation extends beyond financial crimes to public health crises, as evidenced by the COVID-19 pandemic. ASEAN's pre-existing cooperative frameworks, including regional health security measures, were tested during the pandemic, revealing gaps in coordinated responses.¹⁰ Scholars emphasize the importance of cross-border and multi-sector cooperation in addressing

⁸ Robert C. Beckman, and J. Ashley Roach. "The way forward: enhancing legal cooperation between ASEAN member states." *Piracy and International Maritime Crimes in ASEAN*. (Cheltenham UK: Edward Elgar Publishing, 2012), pp. 233-241.

⁹ Andika Jinaratana, Yofi Permatasari, and Jean Claudia. "Mutual Legal Assistance International Agreement in Eradicating Transnational Crime." *Asian Journal of Social and Humanities* 1, no. 8 (2023): 343-350; Satria Unggul Wicaksana Prakasa, "Garuda Indonesia-Rolls Royce Corruption, Transnational Crime, and Eradication Measures." *Lentera Hukum* 6, no. 3 (2019): 409-426; Ridwan Arifin, Sigit Riyanto, and Akbar Kurnia Putra. "Collaborative efforts in ASEAN for global asset recovery frameworks to combat corruption in the digital era." *Legality: Jurnal Ilmiah Hukum* 31, no. 2 (2023): 329-343.

¹⁰ Riyanti Djalante, et al. "COVID-19 and ASEAN responses: Comparative policy analysis." *Progress in Disaster Science* 8 (2020): 100129.

transnational issues.¹¹ While ASEAN has made efforts towards regional integration and mutual assistance in various fields¹², the effectiveness of these initiatives in practice remains a subject of ongoing analysis and improvement.

To address these shortcomings, Indonesia must consider implementing a more comprehensive regulatory framework that aligns with international conventions. For instance, detailed technical formats and optimized roles for law enforcement agencies are essential to improve the effectiveness of mutual legal assistance. The adoption of the Non-Conviction Based Asset Forfeiture concept could also enhance asset recovery efforts.¹³ Additionally, addressing the challenges associated with obtaining foreign witness statements is crucial for strengthening the efficacy of criminal law enforcement through the MLAT.¹⁴ By tackling these issues, Indonesia can improve its utilization of the MLAT and contribute to more effective cross-border crime enforcement in Southeast Asia.

This paper aims to explore the trajectory of Indonesia's legal policy concerning the ASEAN MLAT, focusing on how the treaty's provisions are integrated into national law and practice. It will examine the ways in which Indonesia has adapted its legal frameworks and procedures to enhance cross-border crime enforcement, and the broader implications for regional cooperation. By analyzing Indonesia's experiences, challenges, and reforms, this study seeks to provide insights into optimizing regional legal instruments and strengthening collective

¹¹ Allison Peters, and Amy Jordan. "Countering the Cyber Enforcement Gap: Strengthening Global Capacity on Cybercrime." *Journal of National Security Law and Policy* 10, no. 3 (2019): 487-524; Matteo E. Bonfanti, and Lukas Meyer-Daetsch. "Tackling the nexus at the supranational level." *Organized Crime and Terrorist Networks*. (London: Routledge, 2019), pp. 156-180.

¹² Tommy Koh, Sharon Li-lian Seah, and Li Lin Chang, eds. *50 Years of ASEAN and Singapore*. (Singapore: World Scientific, 2017); Amitav Acharya, "Ideas, identity, and institution-building: From the 'ASEAN way' to the 'Asia-Pacific way'?" *The Pacific Review* 10, no. 3 (1997): 319-346.

¹³ Khoirur Rizal Lutfi, and Retno Anggoro Putri. "Optimalisasi peran bantuan hukum timbal balik dalam pengembalian aset hasil tindak pidana korupsi." *Undang: Jurnal Hukum* 3, no. 1 (2020): 33-57.

¹⁴ Itok Dwi Kurniawan, and Vincentius Setyawan. "Opportunities to Implement Mutual Legal Assistance in Criminal Law Enforcement in Indonesia." *Fundamental: Jurnal Ilmiah Hukum* 11, no. 1 (2022): 1-13.

efforts to address transnational crime in Southeast Asia. Through this detailed examination, we aim to contribute to a deeper understanding of the ASEAN MLAT's impact and offer recommendations for improving the effectiveness of cross-border criminal justice cooperation in the region.

Indonesia's Legal Policy on ASEAN MLAT

The ASEAN Mutual Legal Assistance Treaty (MLAT) is a pivotal instrument for combating transnational crime in the ASEAN region, including money laundering and economic offenses.¹⁵ Despite its critical role, the treaty's implementation is hindered by several challenges, primarily due to the diverse legal systems and the principle of sovereignty among member states.¹⁶ These complexities affect how effectively the treaty can be utilized to address cross-border criminal activities.

Indonesia's approach to the MLAT reflects its broader legal policy and international cooperation strategy. The country's legal system has been evolving to better align with international standards, particularly in the context of transnational crime. However, as highlighted by experts such as Wang & Wang¹⁷, Jinaratana, et.al.¹⁸, and Lüth¹⁹ that the implementation of the MLAT in Indonesia faces specific challenges. The principle of dual criminality, which requires that the act in question must be criminalized in both the requesting and requested states, limits

¹⁵ Chat Le Nguyen, "Towards the effective ASEAN mutual legal assistance in combating money laundering," *Journal of Money Laundering Control* 15, no. 4 (2012): 383-395; Efendi Lod Simanjuntak, Yuris T. Naili, and F. X. Adji Samekto, "Free movement of judgments in cross-border money laundering crimes: A legal stance toward the ASEAN legal integration," *ASEAN International Law*. (Singapore: Springer Nature Singapore, 2021), pp. 217-228.

¹⁶ Shireen Bangash, "Sovereignty and Jus Cogens Laws," *Political Science Undergraduate Review* 1, no. 2 (2016): 91-97.

¹⁷ Peng Wang, and Jingyi Wang, "Transnational crime: its containment through international cooperation," *Asian Social Science* 5.11 (2009): 25-33.

¹⁸ Andika Jinaratana, Yofi Permatasari, and Jean Claudia, "Mutual Legal Assistance International Agreement in Eradicating Transnational Crime," *Asian Journal of Social and Humanities* 1, no. 8 (2023): 343-350.

¹⁹ Felix Lüth, "Corporate non-prosecution agreements as transnational human problems: transnational law and the study of domestic criminal justice reforms in a globalised world," *Transnational Legal Theory* 12, no. 2 (2021): 315-333.

the treaty's effectiveness. Furthermore, escape clauses that allow countries to refuse assistance under certain conditions complicate the practical application of the treaty.

From a theoretical perspective, the effectiveness of international treaties like the MLAT can be analyzed through the lens of international legal harmonization theory. This theory suggests that for international legal instruments to be effective, member states must harmonize their domestic laws and practices. The discrepancy in legal systems and procedural standards among ASEAN countries creates a barrier to achieving this harmonization. Indonesia's efforts to address these issues include its focus on improving legal frameworks and enhancing cooperation through bilateral agreements, such as those with Switzerland, which aim to bridge gaps left by the MLAT.²⁰

International Legal Harmonization Theory provides a framework for understanding the effectiveness of international treaties like the ASEAN Mutual Legal Assistance Treaty (MLAT). This theory posits that for international legal instruments to achieve their intended goals, member states must harmonize their domestic laws and practices. In essence, it suggests that a high degree of consistency and alignment among the legal systems of participating states is crucial for the successful implementation of international agreements. When countries align their domestic laws with international standards, they can more effectively collaborate, share information, and provide mutual assistance, thus making international treaties more effective in achieving their objectives.²¹

International legal harmonization theory addresses the convergence of legal systems in response to globalization. Economic integration has driven the need for shared rules and norms across

²⁰ Muhammad Yudha Prawira, and Fatra Alamsyah. "The Implementation of Mutual Legal Assistance between Indonesia and Switzerland Regarding Asset Recovery." *Indonesian Comparative Law Review* 5, no. 2 (2023): 58-74.

²¹ Emanuela Carbonara, and Francesco Parisi. "The paradox of legal harmonization." *Public Choice* 132 (2007): 367-400. See also Boodman, Martin. "The myth of harmonization of laws." *The American Journal of Comparative Law* 39, no. 4 (1991): 699-724; Geoffrey Swenson, "Legal pluralism in theory and practice." *International Studies Review* 20, no. 3 (2018): 438-462.

jurisdictions.²² This process occurs through various mechanisms, including structured harmonization in the EU, voluntary models like UNCITRAL, and human rights treaties.²³ Harmonization efforts span diverse areas such as financial regulation, commercial law, and competition policy.²⁴ The phenomenon involves complex interactions between domestic, international, public, and private legal systems.²⁵ These interactions can be horizontal (between equal authorities) or vertical (hierarchical) and may result in new legal orders affecting states, private entities, and individuals.²⁶ Economic globalization is driving legal globalization, necessitating a redefinition of international law to account for emerging transnational norm-creation processes.²⁷ Understanding harmonization is crucial for addressing the opportunities and challenges of global governance.²⁸

International Legal Harmonization Theory revolves around the idea of aligning and standardizing legal systems and practices across countries to create a more coherent global legal framework. This theory addresses the complexities and inefficiencies that arise from disparate legal systems interacting on the international stage. By harmonizing laws, regulations, and standards, the theory aims to reduce conflicts and inconsistencies that can hinder international cooperation and trade.

The primary goal of international legal harmonization is to foster smoother international interactions by creating common legal ground. For example, harmonizing trade laws helps to lower barriers and

²² Toby S. Goldbach, "Why legal transplants?," *Annual Review of Law and Social Science* 15, no. 1 (2019): 583-601.

²³ Roman Goldbach, "Asymmetric influence in global banking regulation: Transnational harmonization, the competition state, and the roots of regulatory failure," *Review of International Political Economy* 22, no. 6 (2015): 1087-1127.

²⁴ Junji Nakagawa, *International Harmonization of Economic Regulation*. (Oxford: Oxford University Press, 2011).

²⁵ Larry Cata Backer (ed). *Harmonizing Law in an Era of Globalization: Convergence, Divergence, and Resistance*. (Durham, North Carolina: Carolina Academic Press, 2007).

²⁶ Backer.

²⁷ James D. Wilets, "Unified Theory of International Law, the State, and the Individual: Transnational Legal Harmonization in the Context of Economic and Legal Globalization," *University of Pennsylvania Journal of International Law* 31, no. 3 (2010): 753-825.

²⁸ Nakagawa, *International Harmonization of Economic Regulation*.

simplify transactions between countries, promoting more efficient global commerce. Similarly, consistent legal rules enhance predictability for businesses and individuals operating across borders, making it easier to navigate different legal environments. Beyond trade, harmonization efforts extend to various areas such as criminal justice, environmental protection, and human rights, where consistent standards can improve international cooperation and address global challenges more effectively.

The mechanisms for achieving legal harmonization are diverse. International treaties and conventions are foundational, as they set out agreed-upon legal standards and frameworks that member countries commit to. For instance, the Vienna Convention on Contracts for the International Sale of Goods (CISG) standardizes commercial contract rules to facilitate international trade. International organizations like the United Nations and the World Trade Organization play a crucial role by promoting and overseeing the implementation of these standards. Additionally, model laws and guidelines developed by bodies such as the UN Commission on International Trade Law (UNCITRAL) provide frameworks for countries to align their domestic laws with international norms. Judicial decisions from international courts, such as the International Court of Justice (ICJ), also contribute by interpreting and shaping international legal principles.

In this context, the MLAT, which seeks to facilitate cooperation among ASEAN countries in combating transnational crime, faces challenges primarily due to the diversity in legal systems and procedural standards among member states. Each ASEAN country has its own set of legal traditions, rules, and practices, creating significant barriers to seamless cooperation.²⁹ For instance, differences in how evidence is collected, how legal procedures are conducted, and how criminal offenses are defined can impede the effective functioning of the MLAT. This legal discrepancy can make it difficult for member states to process mutual assistance requests efficiently and consistently.

²⁹ Anja Jetschke, and Jürgen Rüland. "Decoupling rhetoric and practice: The cultural limits of ASEAN cooperation." *The Pacific Review* 22, no. 2 (2009): 179-203; Joseph Ching Velasco, "Southeast Asian Regionalism: An Examination of the Progress and Priorities of ASEAN through its Joint Communiqués." *JAS (Journal of ASEAN Studies)* 11, no. 2 (2023): 245-265.

In response to these challenges, Indonesia has been actively working to improve its legal frameworks to better align with international standards.³⁰ Recognizing the need for legal harmonization, Indonesia has engaged in bilateral agreements, such as those with Switzerland, to address gaps and inconsistencies that the MLAT might not fully cover. These bilateral agreements serve as a means to bridge the differences in legal systems and enhance cross-border cooperation. By focusing on aligning its domestic laws with international norms, Indonesia aims to create a more cohesive legal environment that supports the effective implementation of international treaties like the MLAT.

The significance of legal harmonization is evident in how it contributes to the effectiveness of international treaties. When ASEAN member states harmonize their laws, they operate under a unified set of legal norms, which facilitates smoother collaboration and mutual assistance. This alignment is essential for addressing transnational crime, as it allows countries to work together more effectively and address legal challenges that span multiple jurisdictions. Indonesia's efforts to update its laws and improve procedural coordination reflect practical steps toward overcoming the barriers posed by diverse legal systems and enhancing the overall effectiveness of the MLAT in the ASEAN region.

Moreover, sovereignty theory plays a crucial role in understanding the limitations of the MLAT. Sovereignty theory posits that states prioritize their own legal and policy interests, which can lead to reluctance in fully committing to international agreements that might undermine their autonomy.³¹ This theoretical perspective helps explain

³⁰ See Alifa Salsabila, and Prasetyo Hadi Purwandoko. "Penanganan Pengungsi Internasional dalam Kerangka Implementasi Tujuan Pembangunan Berkelanjutan (TPB) di Indonesia." *BELLI AC PACIS (Jurnal Hukum Internasional)* 5, no. 1 (2019): 9-17; Simon Butt, "The Position of International Law Within the Indonesian Legal System." *Emory International Law Review* 28, no. 1 (2014): 1-28.

³¹ Winston P. Nagan, and Aitza M. Haddad. "Sovereignty in Theory and Practice." *San Diego International Law Journal* 13, no. 2 (2012): 429-520. Furthermore, it is emphasized that according to John Austin's Theory of Sovereignty articulates a framework for understanding legal authority, centering on the concept of the sovereign as the ultimate power within a society. He defines the sovereign as a person or group that issues commands, which are laws, and

why some ASEAN member states might be hesitant to fully implement the MLAT or comply with its requests.

Sovereignty theory provides valuable insights into the challenges faced by international treaties like the ASEAN Mutual Legal Assistance Treaty (MLAT). At its core, sovereignty theory asserts that states prioritize their own legal and policy interests above international obligations, which can influence their commitment to international agreements. This theory highlights how the desire to preserve national autonomy and control can create reluctance among states to fully embrace and implement treaties that might encroach on their sovereignty.

In the context of the MLAT, sovereignty theory helps explain why some ASEAN member states might hesitate to fully commit to the treaty. The MLAT is designed to facilitate cooperation in addressing transnational crime by providing a structured framework for mutual legal assistance among member countries. However, the principle of sovereignty means that states are concerned about maintaining control over their own legal systems and national policies. As a result, they may be cautious about engaging in extensive cooperation that could be perceived as undermining their sovereignty or affecting their domestic legal processes.

One manifestation of this reluctance is the inclusion of escape clauses in the MLAT. These clauses allow states to refuse assistance if it conflicts with their national interests or legal standards. Such provisions reflect the underlying tension between the desire to uphold national sovereignty and the need for international cooperation. Additionally,

whose authority is recognized and followed by the populace. According to Austin, these laws are not derived from moral principles but are positive laws, grounded in the commands of the sovereign and enforced through the threat of sanctions. This perspective leads to the foundation of legal positivism, which emphasizes the distinction between law and morality, asserting that the validity of law is determined by its source rather than its ethical implications. Ultimately, the effectiveness of the sovereign's authority hinges on the habitual obedience of the people, underscoring the importance of social acceptance in maintaining legal order. See John Dewey, "Austin's Theory of Sovereignty." *Political Science Quarterly* 9, no. 1 (1894): 31-52; Kirchheimer, Otto. "In quest of sovereignty." *The Journal of Politics* 6, no. 2 (1944): 139-176. In the broader context, also see Ayon Diniyanto, and Heris Suhendar. "How Law Responds to Technological Development?." *Unnes Law Journal* 6, no. 2 (2020): 405-426.

the principle of dual criminality, which requires that an act be a crime in both the requesting and requested states, illustrates the balancing act between adhering to international norms and respecting domestic legal frameworks.

Implementation challenges are a direct outcome of these sovereignty concerns. Member states might only partially implement the MLAT or apply it inconsistently due to fears that comprehensive cooperation could lead to external interference in their legal systems. This hesitation can result in delays or refusals to fulfill mutual assistance requests, diminishing the treaty's effectiveness. As Le Nguyen³², Vũ³³, Smith³⁴, and Kadir³⁵ noted that these issues are significant barriers to achieving the MLAT's goals of efficient and effective regional cooperation.

Sovereignty theory also affects compliance with MLAT requests. If a member state perceives that complying with a request could compromise its legal authority or national interests, it may be reluctant to fulfill the request. This reluctance further exacerbates the challenges in implementing the MLAT and achieving its intended outcomes.³⁶

Sovereignty theory plays a crucial role in understanding the limitations of Mutual Legal Assistance Treaties (MLATs) in cross-border data access for law enforcement. MLATs, while essential for transnational criminal investigations, are constrained by national

³² Le Nguyen, "Towards the effective ASEAN mutual legal assistance in combating money laundering."

³³ Hải Anh Vũ, "Practices of Mutual Legal Assistance in Criminal Matters between Vietnam and Southeast Asia Countries." *International Journal of Criminal Justice Sciences* 18, no. 1 (2023): 64-78.

³⁴ Robert Brian Smith, "Cybercrime in ASEAN: Anti-Child Pornography Legislation." Smith, *Journal of Indonesian Legal Studies* 5, no. 2 (2020): 277-294.

³⁵ M. Ya'kub Aiyub Kadir, "Reconstructing Economic Self-Determination from the Third World Approach to International Law." *Journal of Law and Legal Reform* 4, no. 4 (2023): 549-576.

³⁶ See also Kael Loewenstein, "Sovereignty and international co-operation." *American Journal of International Law* 48, no. 2 (1954): 222-244; Ronald A. Brand, "Sovereignty: The State, the Individual, and the International Legal System in the Twenty First Century." *Hastings International and Comparative Law Review* 25 (2002): 279-295.

sovereignty and international law.³⁷ The current MLAT system is inadequate for meeting the increasing demand for digital evidence in cloud computing, leading to significant delays. Sovereignty concerns often arise when international organizations attempt to solve multinational tax problems, affecting revenue collection and fiscal policy. Recent cases in Egypt demonstrate attempts to limit the theory of acts of sovereignty, potentially expanding judicial review, though these efforts may not establish lasting limitations. As digital evidence becomes increasingly important, new reforms are emerging to address MLAT deficiencies, such as the US CLOUD Act and EU E-Evidence Proposal, which aim to balance law enforcement needs, service provider certainty, and individual privacy rights.³⁸

Furthermore, Indonesia's foreign policy and extradition efforts are integral to enhancing the MLAT's effectiveness within ASEAN. According to Mathovani³⁹, Indonesia's strategic initiatives to bolster regional legal frameworks and engage in international agreements are essential for strengthening legal immunity systems. This approach is consistent with regional integration theory, which emphasizes the importance of cooperation and legal alignment among neighboring states to achieve collective goals.

The establishment of the ASEAN Economic Community (AEC) has further impacted the region's legal landscape. The AEC has led to significant economic policy changes that align with neoliberal principles and international economic regimes, such as those set by the IMF and WTO.⁴⁰ These changes necessitate a corresponding evolution in legal and regulatory frameworks to address new challenges and opportunities

³⁷ T. Markus Funk, "Understanding the Development (and Surprising Deficiencies) of England's Storied Self-Defense Law." *Columbia Journal of European Law* 29 (2023): 1-50.

³⁸ United States of America. *The Clarifying Lawful Overseas Use of Data Act (CLOUD Act)* Pub.L. 115-141 (2018).

³⁹ Salma Amriya Mathovani, "Pelaksanaan Kerjasama Ekstradisi Politik Luar Negeri Indonesia dalam Meningkatkan Sistem Kekebalan Hukum di Kawasan ASEAN: Implementation of Cooperation in Extradition of Indonesian Foreign Policy in Improving the Immune System in the ASEAN Region." *Constitution Journal* 1, no. 1 (2022): 79-106.

⁴⁰ Sonia E. Rolland, and David M. Trubek. *Emerging powers in the international economic order: cooperation, competition and transformation*. (Cambridge UK: Cambridge University Press, 2019).

for regional cooperation. Harmonizing legal standards across ASEAN member states is crucial for the effective implementation of the MLAT, as economic integration increases cross-border interactions and legal complexities.

To address these challenges and optimize the eradication of transnational crime, it is imperative for ASEAN member countries, including Indonesia, to focus on improving legal harmonization and diplomatic measures. According to Bayer⁴¹, enhancing coordination among law enforcement agencies and aligning national laws with international standards are essential steps for more effective MLAT implementation. By adopting these strategies, ASEAN can strengthen its collective capacity to combat transnational crime and uphold regional security.

Indonesian Law Reform on AMLAT: How We Combat Cross-Border Crimes?

The ASEAN Mutual Legal Assistance Treaty (MLA) serves as a pivotal framework for fostering cooperation among Southeast Asian nations in the fight against transnational crime. Established to streamline and enhance the exchange of legal assistance across borders, the MLA is crucial in addressing complex criminal activities such as drug trafficking, human trafficking, and organized crime that operate beyond national boundaries. This treaty facilitates the sharing of evidence, obtaining witness testimony, and executing various legal requests, thus enabling member states to coordinate their efforts more effectively in combating these pervasive threats.

However, the implementation of the MLA faces significant hurdles. The diverse legal systems among ASEAN member states present a major challenge. Each country operates under its own legal framework, which can complicate the alignment of procedures and create barriers to effective cooperation. Additionally, the principle of sovereignty remains a concern, as countries may be reluctant to fully embrace external legal assistance due to fears of compromising their national jurisdiction and interests. These challenges can impede the

⁴¹ Mike Bayer, "Making International Law Enforcement Networks More Efficient: Time to Reposition the Liaison Officer." *Liaison Officers: Essential Actors in Transnational Policing* (2013): 119-136.

seamless operation of the MLA and limit its effectiveness in addressing transnational crimes.

In response to these challenges, Indonesia has proactively aligned its legal framework with international standards by enacting Law No. 1 of 2006 on Mutual Legal Assistance in Criminal Matters. This law is particularly significant in addressing narcotics trafficking, a critical issue in the region.⁴² By integrating this law into its legal system, Indonesia demonstrates its commitment to combating drug-related crimes through enhanced international cooperation. The MLA process in Indonesia and other member states can be executed through diplomatic channels, central authorities, or direct cooperation between law enforcement agencies, each offering different levels of efficiency and complexity in handling mutual legal assistance requests.

Despite these mechanisms, practical challenges persist, particularly in obtaining testimony from foreign witnesses. Witnesses may encounter legal and logistical obstacles that hinder their ability to provide testimony across borders, complicating the prosecution and investigation processes. The MLA's effectiveness is further supported by extradition agreements, which facilitate the transfer of accused individuals between countries, thereby reinforcing the treaty's objectives in preventing and prosecuting transnational crimes.

In the broader Southeast Asian context, the ASEAN MLA is instrumental in addressing regional issues such as drug trafficking and human trafficking. The Golden Triangle, spanning parts of Thailand, Laos, and Myanmar, is notorious for its drug production and trafficking activities.⁴³ The MLA enables member states to collaborate more closely in disrupting these criminal networks. Similarly, human trafficking is a pressing issue in the region, with countries like Thailand, Malaysia, and Indonesia serving as both source and destination points for trafficking. The MLA assists in coordinating legal actions and investigations against traffickers, contributing to regional efforts to combat this serious crime.

⁴² Itok Dwi Kurniawan, and Vincentius Setyawan. "Opportunities to Implement Mutual Legal Assistance in Criminal Law Enforcement in Indonesia." *Fundamental: Jurnal Ilmiah Hukum* 11, no. 1 (2022): 1-13.

⁴³ Ko-Lin Chin, *The golden triangle: Inside Southeast Asia's drug trade*. (New York: Cornell University Press, 2017); Sankar Sen, "Heroin trafficking in the Golden Triangle." *The Police Journal* 64, no. 3 (1991): 241-248.

Regional initiatives complement the MLA, such as the ASEAN Declaration Against Trafficking in Persons, Particularly Women and Children, and the ASEAN Plan of Action to Combat Transnational Crime. These initiatives underscore the commitment of ASEAN member states to work together in enhancing security and stability in the region. By improving legal frameworks and cooperation mechanisms, the MLA and related efforts contribute to creating a safer and more secure economic environment within the ASEAN Economic Community, ultimately promoting investment and economic growth while mitigating the risks posed by transnational crime.

The ASEAN Mutual Legal Assistance Treaty (MLA) is a cornerstone of Southeast Asia's strategy to combat transnational crime, and it is complemented by several significant regional initiatives aimed at reinforcing security and stability across the region. Among these, the ASEAN Declaration Against Trafficking in Persons, Particularly Women and Children, and the ASEAN Plan of Action to Combat Transnational Crime stand out as pivotal measures.

The ASEAN Declaration Against Trafficking in Persons, Particularly Women and Children, adopted in 2004, marks a crucial commitment by member states to tackle the severe issue of human trafficking.⁴⁴ This declaration outlines a collaborative approach, urging ASEAN countries to strengthen their legal frameworks, enhance victim protection, and improve law enforcement cooperation. By emphasizing a unified effort, the declaration aims to disrupt trafficking networks and safeguard vulnerable populations. This regional agreement underscores the importance of shared responsibility and coordinated actions in addressing one of the most pressing human rights challenges in Southeast Asia.

In addition, The ASEAN Plan of Action to Combat Transnational Crime, first established in 1999 and regularly updated, is a comprehensive framework designed to address a wide range of serious criminal activities that transcend national borders. This strategic

⁴⁴ Attilio Pisanò, "Towards an ASEAN human rights mechanism: the ASEAN Commission on the Promotion and Protection of the Rights of Women and Children." *The International Journal of Human Rights* 20, no. 3 (2016): 321-342; Attilio Pisanò, "The ASEAN Commission on the Promotion and Protection of the Rights of Women and Children." *International Human Rights of Women* (2019): 155-171.

blueprint lays out a detailed approach for combating various forms of transnational crime, including drug trafficking, human trafficking, terrorism, and other grave offenses. By setting forth specific actions and priorities, the Plan of Action serves as a guide for ASEAN member states to align their national efforts with regional objectives, thereby promoting a unified and effective response to these complex challenges.⁴⁵

At its core, the ASEAN Plan of Action emphasizes the importance of developing and implementing national action plans tailored to the unique circumstances and needs of each member state. These national plans are intended to be synchronized with the overarching regional strategy, ensuring that individual countries' efforts contribute to a cohesive collective approach. This alignment helps prevent gaps and inconsistencies that could be exploited by criminals operating across borders.

A key component of the Plan of Action is the focus on enhanced cross-border cooperation. Transnational crime often involves complex networks that span multiple countries, making it essential for member states to work together seamlessly. The Plan of Action facilitates this by promoting the sharing of intelligence, coordinating joint operations, and establishing protocols for mutual legal assistance. By improving communication and collaboration among law enforcement agencies and other relevant authorities, the Plan of Action helps to ensure that criminal activities are addressed more effectively and efficiently.

Capacity building is another critical aspect of the Plan of Action. Recognizing that different countries may have varying levels of resources and expertise, the plan calls for targeted support to strengthen the capabilities of member states. This includes providing training for law enforcement personnel, enhancing technical resources, and developing best practices for tackling transnational crime. By building the capacity of individual countries, the Plan of Action aims to create a more robust and resilient regional response to crime.

The ASEAN Plan of Action is complemented by other regional initiatives, such as the ASEAN Mutual Legal Assistance Treaty (MLA)

⁴⁵ Ani Khoirunnisa, "Implementasi ASEAN Plan of Action to Combat Transnational Crimes (Studi Kasus Human Trafficking di Thailand Pada Tahun 2006-2010)." *Global Insight Journal* 3, no. 2 (2018).

and the ASEAN Declaration Against Trafficking in Persons. These initiatives work together to create a comprehensive framework for addressing transnational crime.⁴⁶ For instance, the MLA facilitates the exchange of legal assistance and evidence among member states, while the Declaration focuses on specific issues like human trafficking. By harmonizing legal standards and procedures across the region, these initiatives ensure that member states can respond more effectively to criminal activities that span multiple borders.

Together, these regional efforts contribute significantly to enhancing security and stability within Southeast Asia. The coordinated approach fostered by the Plan of Action and its complementary initiatives helps to create a safer environment for economic development and investment. By addressing transnational crime in a unified manner, ASEAN member states are better equipped to protect their economies and communities from the disruptive effects of serious criminal activities. This collaborative framework not only strengthens regional security but also supports sustained economic growth and stability throughout the ASEAN Economic Community.⁴⁷

Recent opinions from regional experts and policymakers reflect an increasing recognition of the need for ongoing adaptation of these frameworks. The rise of new threats, such as cybercrime, has prompted calls for updates to existing regional strategies. Experts emphasize that while treaties like the MLA and initiatives such as the ASEAN Declaration and Plan of Action have laid a solid foundation, they must evolve to address emerging challenges. The COVID-19 pandemic, in particular, has highlighted the vulnerabilities in existing systems and the need for enhanced regional cooperation to manage crises that impact multiple countries simultaneously.

Moreover, the effective implementation of these initiatives has a direct impact on the economic stability of the ASEAN Economic

⁴⁶ Ranyta Yusran, "The ASEAN convention against trafficking in persons: A preliminary assessment." *Asian Journal of International Law* 8, no. 1 (2018): 258-292; Guangyu Qiao-Franco, "Negotiating the ASEAN Convention Against Trafficking in Persons: Towards a broader understanding of trafficking." *UN-ASEAN Coordination*. (Cheltenham UK: Edward Elgar Publishing, 2023), pp. 125-148.

⁴⁷ Amitav Acharya, *Constructing a security community in Southeast Asia: ASEAN and the problem of regional order*. (London: Routledge, 2009).

Community (AEC). A secure and stable regional environment is crucial for attracting and retaining foreign investment. Transnational crime, including drug trafficking and human trafficking, poses significant risks to economic stability by disrupting trade and undermining investor confidence. By addressing these threats through coordinated efforts, the MLA and related initiatives contribute to creating a safer economic environment that fosters investment and growth. Recent data indicate that improvements in regional security and legal frameworks have positively influenced foreign direct investment (FDI) flows into ASEAN, underscoring the economic benefits of effective regional cooperation.

Mutual Legal Assistance (MLA) as a Method to Respond to Cross-Border Crimes: Case of Southeast Asia

Mutual Legal Assistance (MLA) is an essential mechanism for addressing the evolving nature of crime, particularly in the context of transnational criminal activities. As globalization and advancements in technology have accelerated, crime has shifted from a primarily local phenomenon to one that often spans multiple countries. Crimes that once had purely national implications, such as drug trafficking, human trafficking, cybercrime, and terrorism, now frequently involve individuals, networks, and evidence located across several jurisdictions. This shift presents significant challenges to national law enforcement agencies, as traditional legal methods are often insufficient to investigate and prosecute crimes that cross borders.

MLA serves as a legal framework for countries to cooperate in criminal investigations and prosecutions.⁴⁸ Through MLA agreements, countries can request and provide assistance in gathering evidence, obtaining witness testimonies, enforcing court orders, and executing other legal actions that are necessary for effective law enforcement. This

⁴⁸ Ahmad Sobari, "MLA in Criminal Matters as Asset Recovery's Tool." *Mimbar Hukum* 26, no. 2 (2014): 297-307; Ridwan Arifin, Indah Sri Utari, and Herry Subondo. "Upaya Pengembalian Aset Korupsi Yang Berada di Luar Negeri (Asset Recovery) dalam Penegakan Hukum Pemberantasan Korupsi di Indonesia." *Indonesian Journal of Criminal Law Studies* 1, no. 1 (2016): 105-137; Rudi Hendra Pakpahan, and Aras Firdaus. "Pembaharuan Kebijakan Hukum Asset Recovery: Antara Ius Constitutum dan Ius Constituendum." *Jurnal Legislasi Indonesia* 16, no. 3 (2019): 369-378.

cooperation is especially important when evidence or witnesses are located in foreign countries, and the requesting country does not have the jurisdiction to compel their cooperation.

The effectiveness of MLA lies in its ability to bridge gaps between different legal systems, enabling law enforcement agencies to respond to the increasingly sophisticated and internationalized nature of crime. By facilitating the sharing of information and legal resources across borders, MLA helps to ensure that criminals cannot evade justice simply by moving or hiding evidence in another country. It is a key tool in the fight against transnational crime, offering a formalized, legally binding process for international cooperation.

However, the success of MLA depends heavily on the willingness and legal frameworks of the countries involved. It operates on the principle of reciprocity, meaning that countries are expected to assist each other in criminal matters on a mutual basis. This collaborative approach is crucial for maintaining effective global law enforcement, especially as crimes continue to transcend national boundaries and evolve in complexity.

Mutual Legal Assistance (MLA) relies heavily on the cooperation between countries, which is often influenced by their respective legal frameworks, political will, and diplomatic relationships. The success of MLA is predicated on the principle of reciprocity, meaning that countries agree to assist each other in criminal matters based on mutual interest. This principle ensures that the cooperation is balanced, as each country expects to receive assistance if they provide it. However, challenges arise when legal systems differ, when national sovereignty concerns are at play, or when countries have differing political or diplomatic priorities.

Challenges in Implementing AMLAT in Southeast Asia

Countries may have varying legal systems that influence how, and to what extent, they can participate in MLA requests. For example, countries with strict privacy laws or a strong emphasis on human rights may have legal barriers that prevent them from easily sharing certain types of evidence or compelling testimony from their citizens. Additionally, countries may refuse to cooperate in certain cases if they

perceive that doing so would violate their sovereignty or legal principles, such as cases involving the death penalty or political offenses.

The willingness to cooperate can also be influenced by geopolitical factors.⁴⁹ For instance, if two countries have strained diplomatic relations, one might be less inclined to assist the other in a criminal investigation. Moreover, some countries might prioritize their own national security interests over international cooperation, thereby limiting their engagement in MLA processes.

Southeast Asia provides several notable examples of how MLA operates in practice, particularly in the fight against transnational crimes such as drug trafficking, human trafficking, corruption, and terrorism. Regional cooperation in Southeast Asia is guided by multilateral agreements such as the ASEAN Mutual Legal Assistance Treaty (AMLAT), which has significantly improved collaboration among member states. However, challenges still persist, such as:

1. **Human Trafficking and Cross-Border Prosecution:** In Southeast Asia, human trafficking is a persistent issue, with victims often being transported across multiple countries. For example, Thailand, Malaysia, and Indonesia are major source, transit, and destination countries for trafficked persons. In such cases, MLA is crucial for obtaining evidence, such as witness statements and documents, from across borders. However, cooperation is not always smooth. Countries may be hesitant to allow the extradition of their citizens or may struggle with differences in legal standards regarding the prosecution of traffickers. In one case, the cooperation between Thailand and Malaysia was critical in dismantling a human trafficking ring, but the differing legal frameworks and bureaucratic hurdles delayed the prosecution of key traffickers.⁵⁰

⁴⁹ Sheldon Simon, "ASEAN and multilateralism: The long, bumpy road to community." *Contemporary Southeast Asia: A Journal of International and Strategic Affairs* 30, no. 2 (2008): 264-292.

⁵⁰ Gemy Lito L. Festin, and James Gregory A. Villasis. "The Dual Criminality Principle in the Association of Southeast Asian Nations-Mutual Legal Assistance Treaty in Criminal Matters (ASEAN-MLAT): Prosecuting Transnational 'Cyber-Human Trafficking' in the Southeast Asian Region." *Asia Pacific Journal of Multidisciplinary Research* 7, no. 2 (2019): 88-95; Marija Jovanovic, "International Law and Regional Norm Smuggling: How the EU and ASEAN Redefined the

2. Drug Trafficking and the Golden Triangle: The Golden Triangle, located between Thailand, Laos, and Myanmar, is notorious for drug production and trafficking, particularly heroin and methamphetamine. Law enforcement agencies from Thailand and Malaysia often collaborate with Myanmar and Laos through MLA to investigate and dismantle these networks. For example, the arrest and prosecution of a major drug kingpin operating in Thailand required MLA requests to Laos to access key financial records and witness testimonies. However, cooperation can sometimes be hampered by Myanmar's internal legal issues and reluctance to participate in some MLA requests, given the political situation and its approach to sovereignty.⁵¹
3. Corruption and Asset Recovery: Corruption cases often involve the movement of illicit funds across borders, making MLA essential for tracing assets and gathering evidence from foreign banks and institutions. An example of successful MLA in Southeast Asia is the case of former Philippine president Ferdinand Marcos. After his ousting, the Philippine government used MLA requests to recover stolen assets hidden in Swiss bank accounts. The case illustrated how critical MLA can be for countries dealing with cross-border corruption, but also highlighted the legal complexities and delays that often arise, as Switzerland's legal framework required extensive documentation and justifications for asset recovery.⁵²
4. Terrorism and the Bali Bombings: The 2002 Bali bombings in Indonesia, which killed over 200 people, led to a major international investigation. MLA was crucial in gathering evidence

Global Regime on Human Trafficking." *The American Journal of Comparative Law* 68, no. 4 (2020): 801-835.

⁵¹ Sinar Aju Wulandari, and Putri Kirana. "ASEAN States Cooperation in the Control and Prevention of Illicit Drugs Trafficking." *Yuridika* 38, no. 3 (2023): 665-684; Rendi Prayuda, and Tulus Warsito. "Problems faced by ASEAN in dealing with transnational drug smuggling in Southeast Asia region." *Foresight* 23, no. 3 (2021): 353-366.

⁵² Chat Le Nguyen, "Towards the effective ASEAN mutual legal assistance in combating money laundering." *Journal of Money Laundering Control* 15, no. 4 (2012): 383-395; Ridwan Arifin, Sigit Riyanto, and Akbar Kurnia Putra. "Collaborative efforts in ASEAN for global asset recovery frameworks to combat corruption in the digital era." *Legality: Jurnal Ilmiah Hukum* 31, no. 2 (2023): 329-343.

from Australia, the United States, and other countries. Australian law enforcement shared intelligence and forensics through MLA agreements, which helped Indonesian authorities arrest and prosecute key members of the Jemaah Islamiyah terrorist group. This case demonstrated the importance of effective MLA in counter-terrorism efforts, but it also highlighted challenges such as differing evidentiary standards and the need for fast response times, which are often delayed by bureaucratic processes in MLA requests.⁵³

Furthermore, the principle of reciprocity in MLA is essential for ensuring cooperation between countries in criminal matters.⁵⁴ However, this collaboration is often complicated by differences in legal systems, political factors, and varying levels of willingness to assist. In Southeast Asia, while regional agreements like the ASEAN Mutual Legal Assistance Treaty have enhanced cooperation, challenges remain, particularly in complex cases involving transnational crime. Successful MLA requires not only strong legal frameworks but also sustained diplomatic engagement and a commitment to mutual cooperation. In an increasingly globalized world where crimes transcend borders, the role of MLA will only grow in importance.

⁵³ See Seng Tan, and Hitoshi Nasu. "ASEAN and the development of counter-terrorism law and policy in Southeast Asia." *The University of New South Wales Law Journal*, 39, no. 3 (2016): 1219-1238; Rohan Gunaratna, and Gloria Cheung. "Regional legal responses to terrorism in Asia and the Pacific." *Research Handbook on International Law and Terrorism*. (Cheltenham UK: Edward Elgar Publishing, 2020), pp. 669-685; Ridho Dwiki Tastama, "The Urgency of Completing Revision of Indonesia's Anti-Terrorism Law." *Indonesian Journal of Counter Terrorism and National Security* 1, no. 1 (2022): 1-20.

⁵⁴ Helex Wirawan, and Ismet Ismet. "Application of Reciprocal Law in Returning Assets Resulting from Corruption." *The Journal of Contemporary Issues in Business and Government* 27, no. 5 (2021): 492-516; Kenan Febrian Ganda Permana, Olga Amelia Ayu Anggreini, and Pavlo Zenaida. "International Cooperation Between Indonesia and Russia in The Eradication of Corruption (Transnational Crime)." *Jurnal Scientia Indonesia* 8, no. 2 (2022): 223-250; Ali Masyhar, et al. "Legal challenges of combating international cyberterrorism: the NCB Interpol Indonesia and global cooperation." *Legality: Jurnal Ilmiah Hukum* 31, no. 2 (2023): 344-366.

Conclusion

In conclusion, Indonesia's legal policy regarding the ASEAN Mutual Legal Assistance Treaty (MLAT) in Criminal Matters represents a crucial step toward enhancing cross-border crime enforcement in Southeast Asia. As regional challenges continue to evolve, Indonesia's commitment to reforming its legal framework not only aligns with ASEAN's collaborative goals but also addresses the pressing need for effective cooperation among member states. By strengthening legal mechanisms and fostering greater interoperability, Indonesia is poised to play a pivotal role in combating transnational crime, ensuring that justice transcends national borders. This proactive approach not only enhances national security but also promotes regional stability and trust among ASEAN nations, setting a precedent for future legal reforms in the region. Ultimately, Indonesia's engagement with the ASEAN MLAT signifies a broader commitment to addressing the complexities of cross-border crime through cooperation, innovation, and a shared legal ethos.

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Transnational organized
crime does not recognize
any borders.

Patricia Espinosa
Mexican Politician

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