

# Regional Police Cooperation in Combating Transnational Crime in Southeast Asian Region – ASEAN National Police (ASEANAPOL)

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## Abstract

This article examines the susceptibility of Southeast Asian countries to transnational crime, primarily due to the permeable borders resulting from their small landmass and comparatively large population. Each nation adopts a distinct approach in combating prevalent types of crime within its respective region. Moreover, the article delves into the formidable challenges faced by law enforcement agencies in this area, including language barriers, inadequate transnational coordination, limited resources, and the complex issue of cooperation among police forces in the Southeast Asian Region, particularly the ASEAN National Police or ASEANAPOL. The present study employed a qualitative approach, utilizing descriptive analysis methods to gather primary and secondary sources, including statutes, legislation, international agreements or treaties, as well as academic articles from law textbooks or legal journals. Then, the article will analyse the rise of transnationalization of crime alongside the establishment of the ASEAN Political -Security Community, which aims to eradicate transnational crime and enhance

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public safety within the region. Subsequently, it will explore the collaborative efforts among police forces at the international, regional, and bilateral levels to effectively address transnational crimes and facilitate the sharing of pertinent information. Lastly, it will assess the role of the ASEAN National Police or ASEANAPOL, a regional police conference that endeavours to develop strategies for combatting various forms of transnational crimes, in comparison with Interpol and Europol.

Keywords: ASEANAPOL, Police Cooperation, Southeast Asia, ASEAN

## 1. Introduction

Transnational crime, characterized by organized criminal activities spanning beyond national borders, has emerged as a critical global challenge necessitating urgent attention. Reports from the United Nations Office on Drugs and Crime (UNODC), particularly addressing corruption and organized crime (UNODC, 2022), have significantly highlighted the escalating gravity of this issue. These reports have prompted a collective call to action, urging law enforcement agencies and governments worldwide to bolster their efforts in combating these nefarious activities. As such, there is an immediate need for innovative strategies and heightened international cooperation among law enforcement entities to effectively tackle this multifaceted and pervasive problem.

This article delves into the intricate connection between transnational crimes and the pivotal role played by the ASEAN National Police (ASEANAPOL) within this complex landscape. While the existing body of research commendably examines the organizational structure of ASEANAPOL, this article aims to transcend surface-level analyses. Its objective is to consider deeper into the profound correlation between transnational crimes and the strategic initiatives spearheaded by ASEANAPOL.

The primary argument underpinning this article centers on the compelling necessity for robust international collaboration to counter the escalating threat of transnational crimes within the ASEAN region, emphasizing ASEANAPOL's pivotal role. To strengthen its effectiveness, ASEANAPOL could learn from the extensive databases and robust networks of Europol and Interpol. Improving information-sharing mechanisms, optimizing resource utilization, and fostering flexible protocols to adapt to emerging threats are key suggestions to bridge existing gaps and enhance ASEANAPOL's capabilities.

In today's globally interconnected landscape, characterized by intricate criminal networks operating across borders, the collaborative efforts of law enforcement agencies, especially under the umbrella of ASEANAPOL, are indispensable. This article endeavors to illuminate the complexities of this nexus, providing an insightful perspective on the interrelationship between transnational crimes and the crucial role of ASEANAPOL in proactively addressing these multifaceted challenges.

## 2. Transnational Crime and Cooperation in Criminal Matters

According to Albanese (2017), Transnational crime refers to illegal activities that transcend national borders and are planned, executed or have consequences in multiple countries. These offenses are different from other crimes due to their multinational nature, presenting specific challenges in understanding their origins, devising preventative measures, and implementing effective legal procedures. They can be categorized into three main groups: activities involving the illicit trade of goods (such as drug trafficking, trafficking of stolen items, weapons trafficking, and counterfeiting), illicit services (like commercial sex and human trafficking), and infiltration into businesses and governments (including fraud, racketeering, money laundering, and corruption) that impact many nations. Notably, transnational crimes differ from international crimes, which encompass crimes against humanity, potentially involving multiple countries. Examples of international crimes include genocide and terrorism, which are also covered in this reference guide.

Transnational crimes stem from three primary factors (Fijnaut, 2000): First, the transnational movement of goods and individuals is bolstered by the availability of convenient transportation systems within the region. Second, the internationalization of financial transactions plays a significant role in facilitating illicit activities. Lastly, the internationalization of communication has created opportunities for criminals to operate across borders. These factors hold substantial appeal for criminals seeking to exploit the region.

Transnational crimes and transnational organized crime are two different concepts. As per the United Nations (UN), transnational crimes involve offenses that originate, occur, or have direct or indirect consequences in more than one country. Conversely, transnational organized crime refers to structured groups comprising three or more individuals, existing for a period and collaborating to commit one or more serious crimes or offenses (Caparini, 2022). Despite their differences, these concepts share certain resemblances. Both transnational crimes and transnational organized crime are global occurrences, presenting substantial challenges to both national and international security. Moreover, they are frequently linked with corruption, violence, and violations of human rights.

Transnational crimes involve actions that cross borders or impact the interests

of multiple states. They differ from domestic crimes occurring within a single country and international crimes recognized by international law and affecting the global community. Examples of international criminal offences include those threatening world order, crimes against humanity, violations of fundamental human rights, war crimes, and genocide. For instance, in 2001, the International Criminal Tribunal for the former Yugoslavia determined that the rape and enslavement of women and girls in eastern Bosnia and Herzegovina in 1992 constituted crimes against humanity (Lautensach & Lautensach, 2023). While transnational crimes often refer to illegal activities that transcend borders but might not necessarily violate international law, international crimes typically involve actions that breach international law, such as war crimes, crimes against humanity, genocide, etc. Nonetheless, both types of crimes share commonalities due to their cross-border nature and the challenges they pose to national and international authorities in terms of enforcement and prevention.

When examining the idea of collaboration in criminal matters, it's important to distinguish between international cooperation and transnational cooperation. International cooperation in criminal matters denotes collaboration between two or more countries in investigating, prosecuting, and penalizing criminal offenses. Typically established through bilateral or multilateral agreements, this form of collaboration manifests in various ways, including extradition, mutual legal assistance, and the transfer of legal proceedings. For instance, in traditional extradition procedures, this type of cooperation involves not only courts and prosecutors but also state representatives, often from foreign affairs ministries. Moreover, it revolves around sovereign states and embodies principles like interstate comity and reciprocity, as evident in requirements such as double criminality (Luchtman, 2020).

On the other hand, transnational cooperation in criminal matters refers to collaboration among law enforcement agencies and pertinent authorities across national borders to combat transnational crimes. The Palermo Convention, also known as the United Nations Convention against Transnational Organized Crime, offers a wide range of tools for cooperation. These include mutual assistance in enforcing coercive measures like arrests, seizures, and confiscations. The convention also outlines rules for determining jurisdiction over offenses and coordinating actions among states in this regard. Furthermore, it aims to enhance mutual assistance in gathering evidence and sharing information, setting up joint investigative

groups, reaching agreements on specialized investigative methods, and creating communication channels between competent authorities (Illuminati, 2013). This cooperation is crucial in addressing the complexities posed by crimes that transcend borders. An illustrative example of transnational cooperation in Southeast Asia is ASEANAPOL, which will be thoroughly discussed in this article.

### **3. The Transnationalization of Crime in Southeast Asia: Patterns and Challenges**

Transnational crime is a direct outcome of globalization, affecting countries worldwide, including Southeast Asia. It is undeniable that globalization facilitates the unrestricted movement of people, leading to increased convenience in traveling within the Southeast Asian region. The development of communication infrastructure has further diminished the significance of geographical distance and borders as barriers. Consequently, the region has experienced a rise in transnational crime.

Crime rates in Southeast Asia are influenced by geographic, demographic, and economic factors. The geographical characteristics of Southeast Asian countries impact the management of police efforts to ensure public safety. Smaller countries, such as Singapore and Brunei, have comparatively easier management of public security due to their smaller land areas. However, larger countries and island nations face greater challenges in maintaining public security. Similarly, countries with vast territories but limited transportation infrastructure, like Laos, Myanmar, and Vietnam, also grapple with similar issues and often rely on local leaders to maintain peace and order. Geographical factors contribute to cross-border crimes, such as vehicle thefts that are transported to neighbouring countries, drug smuggling across borders, and criminals fleeing to neighbouring countries. In maritime areas, piracy poses a threat, with pirates seizing goods and resorting to ransom demands.

As per the Global Organized Crime Index (Global Initiative Against Transnational Organized Crime, 2023), Southeast Asia showcases notably elevated levels of criminal activity, scoring 5.82 out of 10, indicating a significant presence of organized crime in the region when compared to other continents.

Given the extensive size of Asia and the wide array of criminal activities that affect the entire continent, it is beneficial to dissect the analysis into regional breakdowns to offer a more localized view of criminal patterns and their impacts. Among these regions, Southeast Asia ranks among the top 10 globally for criminality.

The assortment of criminal activities occurring in this area underscores the importance of conducting a detailed comparison between regions to discern and comprehend trends and patterns more effectively.

For instance, Southeast Asia exhibits prevalent illicit markets for counterfeit and excise goods, scoring 6.32 and 5.91, respectively. The region, including countries like Malaysia and Thailand, manufactures a wide range of counterfeit products, spanning luxury goods, pharmaceuticals, food items, and automotive parts. Myanmar stands out in synthetic drug production, earning the highest possible score of 10.0 post-military coup, making it a significant global source for methamphetamine and heroin trade, scoring 9.50.

Environmental crimes are significant, with Southeast Asia hosting high-scoring markets for fauna and flora crimes (7.23 and 6.18), trafficking endangered species like pangolins and tigers. The region also experiences less developed non-renewable resource crimes (5.50), involving illegal sand mining and illicit mineral extraction, especially gold. Financial crimes, scoring 7.18, have a strong online presence, encompassing scams from investment and job to e-commerce and romance scams, often linked with transnational human trafficking.

Foreign actors have notably prominent involvement in Southeast Asia, with countries like Myanmar (scoring 9.0), Cambodia (scoring 8.0), and Laos (scoring 8.0) significantly contributing to elevating the regional average to 6.55. Perpetrators and criminal networks have seen substantial increases in Southeast Asia, with a rise of 0.50 in their recorded activities. In comparison to the 2021 rankings, Southeast Asia observed an escalation in their average criminality scores, securing a position among the top 10 regions globally.

Among the Asian subregions, Southeast Asia witnessed the most significant upsurges in the illicit economies associated with human trafficking (an increase of 0.72) and non-renewable resource crimes (up by 0.55 points). The 2021 military coup in Myanmar served as a pivotal moment, profoundly impacting regional criminal dynamics in 2022. Myanmar's human trafficking score surged by 2.0, reaching 8.50, while the score for non-renewable resource crimes increased by 2.50, reaching 9.0. This surge is attributed to an increase in illegal rare-earth mining post-coup, indicating that opportunistic operators exploited the unrest and lack of international oversight for illicit resource extraction. Moreover, reports suggest that the jade and

gemstone industries serve as primary sources of funding for military and paramilitary groups in Myanmar. This concerning trend is alarming given that a significant portion of the world's rubies and jade originates from Myanmar, with much of it being smuggled into China (Global Initiative Against Transnational Organized Crime, 2023).

Demographic factors also play a role, particularly in countries where the majority of the population is Muslim. Religion becomes a significant factor in crime control, as police agencies must have a sufficient proportion of female police officers to handle cases involving female suspects or victims. Finally, economic factors come into play, where countries experiencing low economic growth rates may be more susceptible to crime. Economic growth disparities and unequal income distribution can contribute to an income gap between the rich and the poor, sometimes leading to crime and drug-related issues. (Uthayo, 2019)

The ASEAN region has become a distribution hub for drugs, facilitating their movement from one region to another. Furthermore, stolen vehicles are transported to countries sharing territorial borders, such as Thailand, Myanmar, Cambodia, and Malaysia, where they are sold to dealers. Terrorism in the region is interconnected with other offenses as it necessitates funding. Criminal activities are committed to facilitate movement and action for terrorist groups. For instance, kidnapping methods are employed by terrorist groups in the Philippines, while the terrorist group operating along the southern border of Thailand engages in vehicle theft to produce car bombs. Currently, terrorist groups such as Al Qaeda and ISIS are not considered highly effective in operating within ASEAN. However, experts in counterterrorism have issued warnings that these groups may gain strength and pose a more significant threat in the region in the near future. (Karnavian, 2015)

The establishment of the ASEAN community in 2015 has facilitated increased regional mobility for people within the region. However, it has also inadvertently led to challenges such as the illegal smuggling of goods and human trafficking within the region. Additionally, ASEAN has been identified as a target by terrorist groups seeking to carry out their activities in the region (UNODC, 2019). The free movement of funds within ASEAN allows for a more unrestricted flow of capital within the region compared to outward regions. Consequently, financial transaction regulations may be more lenient within ASEAN. This leniency creates

opportunities for money laundering activities and contributes to the proliferation of financial scams, such as financial information theft, credit card fraud, and hacking incidents. Furthermore, the convenience of communication plays a significant role in facilitating criminal activities. As mentioned earlier, these factors contribute to the occurrence of transnational crime within ASEAN, underscoring the importance of establishing the ASEAN Political-Security Community.

#### **4. The Formation of the ASEAN Political-Security Community**

Before the establishment of the ASEAN community in 2015, ASEAN members recognized the dangers of transnational crime as early as 1976 and initially focused primarily on combatting drug abuse and trafficking. However, by the mid-1990s, it became evident that other forms of transnational crime posed significant threats to regional development and stability beyond drug-related issues. The ASEAN countries acknowledged that transnational crime could jeopardize their political, societal, and economic security. In response, the 30th ASEAN Ministerial Meeting in July 1997 emphasized the critical need for ongoing regional cooperation to address various problems such as terrorism, narcotics, arms smuggling, piracy, and human trafficking. The ASEAN Declaration on Transnational Crime of 1997 established the ASEAN Ministerial Meeting on Transnational Crime (AMMTC), aiming to convene at least once every two years to coordinate efforts among related bodies like ASEANAPOL and ASOD (Emmers, 2003).

However, despite framing crime as a security concern, the securitization of crime has remained more of a rhetorical tool than a catalyst for concrete policy outcomes within ASEAN. The organization has struggled to implement unified actions due to various domestic factors, including corruption, vested interests, resource limitations, and internal consensus-based decision-making. ASEAN's consensus model and resistance to institutional reforms have hindered joint efforts to address transnational crime effectively. Furthermore, ASEAN faces challenges in terms of lacking the political determination, coordinated political strategies, and sufficient military capabilities to tackle transnational crime comprehensively. The region suffers from inadequate mechanisms and procedures for extraditing suspected or convicted criminals, sharing information and evidence, and ensuring effective

cooperation among law enforcement agencies (Emmers, 2003).

The ASEAN community, although formally established in 2015, has its roots in regional cooperation that dates back to before that time. The Association of Southeast Asian Nations (ASEAN) was officially established on August 8, 1967, in Bangkok, Thailand, following the signing of the ASEAN Declaration by Indonesia, Malaysia, Philippines, Singapore, and Thailand. Subsequently, Brunei Darussalam, Vietnam, Laos, Myanmar, and Cambodia joined ASEAN, completing the membership of the ten countries on April 30, 1999. The member states of ASEAN have focused on enhancing their capabilities in various areas, enabling them to develop their countries' potential and increase their competitiveness on the global stage. In a significant development, ASEAN was upgraded to the ASEAN Community during the 12th ASEAN Summit in January 2007 through the 'Cebu Declaration on the Acceleration of the Establishment of an ASEAN Community by 2015' (ASEAN Studies Centre, 2008). The ASEAN Community is structured around three pillars: the ASEAN Political-Security Community, the ASEAN Economic Community, and the ASEAN Socio-Cultural Community. These three pillars together form the ASEAN Community, which is aimed at achieving a united, inclusive, resilient, and dynamic region (The University of Minnesota, 2019).

While ASEANAPOL is not officially part of the ASEAN Political-Security Community, its role is significant within the ASEAN Community. ASEANAPOL, as a regional organization, shares the same responsibilities and objectives as the ASEAN Political-Security Community. It plays a crucial role in coordinating efforts among the police forces of ASEAN member countries to enhance public security within the ASEAN region (He, 2014).

## **5. Enhancing Police Cooperation in ASEAN Nations**

Police cooperation plays a crucial role in preventing and combating transnational crimes within ASEAN. Given the complex nature of these crimes, national police forces alone cannot effectively address the challenges posed by transnational criminal activities. Therefore, international cooperation is necessary to eliminate the threats associated with transnational crimes in Southeast Asia. Despite efforts to address these issues, various types of transnational crimes, including drug trafficking,

terrorism, arms trade, money laundering, illegal immigration, and intellectual property infringement, continue to persist in the region (Voice of America, 2019). To effectively address the growing number of complex crimes in the ASEAN region, cooperation among police agencies from different ASEAN countries is crucial. Recognizing the transnational nature of many crimes, collaborative efforts are needed to ensure effective law enforcement.

The police agencies of ASEAN countries engage in relationships spanning the international, regional, and bilateral spheres. Notably, all police departments within ASEAN nations maintain active membership within Interpol, an esteemed international organization focused on facilitating secure global information exchange and furnishing technical assistance to combat criminal activities. It is noteworthy that each ASEAN country dutifully participates in a wide array of Interpol activities, including seminars, training programs, and collaborative efforts dedicated to the prevention and suppression of transnational crimes. In this regard, the National Central Bureau (NCB) assumes a pivotal role as a coordinating entity, enabling effective tracking of criminals across national borders and ensuring harmonious cooperation among law enforcement agencies (Uthayo, 2019).

Another noteworthy mechanism of collaboration among regional police agencies is ASEANAPOL, an acronym for ASEAN Association of National Police. ASEANAPOL serves as a collective platform for law enforcement agencies across ASEAN countries, aiming to enhance regional cooperation in the prevention and combat of transnational crimes. It is important to note that while ASEANAPOL operates in close conjunction with ASEAN, it operates independently and does not form an official part of the ASEAN mechanism. The establishment of ASEANAPOL took place from October 21st to 23rd, 1981, in Manila, Philippines. Subsequently, the ASEAN Secretariat was inaugurated on January 1st, 2010, with the Malaysian National Police Headquarters serving as its base in Kuala Lumpur, Malaysia. The host country assumes the crucial role of hosting and operating the ASEANAPOL Secretariat (ASEANAPOL Secretariat, 2019a).

Moreover, it is noteworthy that police departments within ASEAN countries maintain bilateral relations not only among themselves but also with other countries in the ASEAN region. These bilateral partnerships serve as a vital avenue for cooperation and collaboration in various aspects of law enforcement.

Additionally, bilateral cooperation extends beyond the boundaries of ASEAN and encompasses nations such as Australia, Korea, China, the United States, and others (ASEANAPOL Secretariat, 2019b).

## 6. The Vision and Mission of ASEANAPOL

The vision of ASEANAPOL is emphasised by the phrase “together we keep this region safe.” This vision underscores the commitment and collective efforts of ASEANAPOL in ensuring the safety and security of the region. By fostering collaboration, coordination, and information sharing among its member countries, ASEANAPOL strives to effectively address transnational crime and uphold public safety within the ASEAN region. The vision serves as a guiding principle for ASEANAPOL’s endeavors in promoting regional security and safeguarding the well-being of its member nations (ASEANAPOL Secretariat, 2019c).

The organization’s vision unmistakably underscores its commitment to accentuate the significance of its existence and elevate the level of regional cooperation to uphold order and ensure public safety within the member states. The core mission of ASEANAPOL revolves around the imperative task of safeguarding against and suppressing increasingly intricate transnational crimes. By prioritizing collaborative endeavours, ASEANAPOL endeavours to effectively address the multifaceted challenges posed by these crimes and safeguard the well-being of the region’s populace. Through its resolute dedication to emphasizing the significance of its role and fostering heightened cooperation, ASEANAPOL strives to adeptly tackle the evolving complexities inherent to transnational crime within the ASEAN region (ASEANAPOL Secretariat, 2019f).

An annual conference aimed at addressing challenges and finding effective solutions serves as an optimal approach. In its initial stage, the organization primarily focused on convening conferences. However, in the present context, coordination entails much more than mere meetings. It encompasses the establishment of contact points, liaison officers, and the operationalization of a secretariat office. These developments underscore the organization’s intention to transcend its role as a mere conference platform and demonstrate a steadfast commitment to its enduring establishment. This commitment is further rein-

forced through the sharing of mutual resources and expertise, as evidenced by the establishment of electronic database systems, collaborative efforts in criminal matters, personnel exchanges, and training programs among ASEAN police departments and forensic science networks (ASEANPOL, 2018). Nevertheless, it is important to note that ASEANAPOL does not hold a formal status within the ASEAN community akin to the relationship between EUROPOL and the European Union. Consequently, this might be perceived as a mitigating factor that has somewhat diminished the prominence of ASEANAPOL. Additionally, the joint communique arising from the conference does not possess binding force in international law, thereby limiting its impact on the member states' governments. It should be noted that ASEANAPOL consists solely of the chief of police from each member country.

When comparing the International Criminal Police Organization, commonly known as Interpol, with other policing entities, certain distinctions become evident. Interpol, founded in Vienna in 1923, serves as an international police organization that seeks to foster collaboration and mutual assistance among police agencies worldwide. It is important to note that Interpol lacks the jurisdiction to independently conduct investigations or enforce laws, as it operates distinctively from the United Nations. Instead, Interpol functions as a facilitator of coordination between participating countries through its network of National Central Bureaus (NCBs) (Durmaz et al., 2007).

In contrast, the European Union Agency for Law Enforcement Cooperation, widely recognized as Europol, was established on 7 February 1992 under the framework of the Maastricht Treaty. Notably, Europol derives its authority to initiate criminal investigations from political and legislative bodies. As an organization established by these entities, Europol possesses the power to investigate criminal cases. However, it is essential to acknowledge that Europol operates under the supervision of representatives from its member countries, thereby limiting its autonomy in launching specific policing and counter-terrorism programs.

In terms of crime areas, ASEANAPOL (2008) directs its focus towards ten specific domains of transnational crime. These encompass illicit drug trafficking, terrorism, arms smuggling, human trafficking, wildlife crime, maritime fraud, commercial crime, bank offenses, credit card fraud, cybercrime, fraudulent travel

documents, transnational fraud, and it also addresses emerging forms of transnational crime, such as product counterfeiting and piracy (ASEAN, 2009).

In comparison, Interpol (2019a) tackles a broader spectrum of criminal activities, spanning CBRNE (chemical, biological, radiological, nuclear, and explosives) incidents, corruption, crimes against children, crimes in sports, cybercrime, drug-related offenses, environmental crime, financial crime, firearms trafficking, maritime piracy, organized crime, pharmaceutical crime, terrorism, human trafficking, trafficking of illicit goods and counterfeiting, vehicle crime, war crimes, and theft of artworks. Conversely, EUROPOL's crime areas exhibit a narrower scope, focusing primarily on terrorism, international drug trafficking, money laundering, organized fraud, euro counterfeiting, and trafficking in human beings (EUROPOL, 2019a).

It becomes apparent that certain significant crime types, such as war crimes or corruption, do not feature prominently in ASEANAPOL's agenda. These categories of offenses hold considerable importance, given their prevalence across several ASEAN countries, such as the Rohingya genocide in Myanmar (Dhaka Tribune, 2019) and instances of corruption within the region (Nonthasoot, 2019). However, these topics are often approached cautiously due to ASEAN's adherence to the principle of non-interference and the preservation of equity and exclusive sovereignty in international relations—an established tradition within ASEAN (Ramcharan, 2000). This limitation in police cooperation is further compounded by the fact that most police organizations in ASEAN operate under governmental oversight. Consequently, when transnational crimes intersect with political dimensions, the likelihood of a thorough investigation by the police diminishes.

## 7. The Role of Cooperative Conferences in Addressing Transnational Crime Challenges

The administration of ASEANAPOL primarily centres around its annual conference, during which policies and objectives are established to guide the organization's efforts in combating transnational crimes each year. The conference is held annually, with member countries taking turns hosting and facilitating the attendance of representatives from their respective police departments. Typically, senior officers from each country's police agency participate, along with leaders of

police departments and the Executive Directors of ASEANAPOL. The Executive Committee, responsible for conference preparation, provides support to attendees, and presents a comprehensive report summarizing the progress of various projects, including operations, budgeting, expenses, procurement, and contracting. Additionally, the Committee records the minutes of each meeting. The position of Executive Director of the Secretariat is held by a senior police officer with the rank of Colonel or above. Assisting the Executive Director are the Director of Police Services and the Director of the Plan and Program (ASEANAPOL Secretariat, 2019d).

These meetings between ASEAN police departments prove highly beneficial in problem-solving, as transnational crimes cannot be effectively addressed by individual countries alone. Through information exchange, sharing of experiences, and collaborative problem-solving, significant issues such as human trafficking have been addressed. For instance, the 25th ASEANAPOL meeting in May 2005 addressed human trafficking by sharing information on the movements and activities of transnational criminal organizations involved in this illicit trade. Contact points were established for enhanced communication and information sharing, and members agreed to implement bilateral and multilateral measures, including border control, to combat human trafficking (Emmers et al., 2006). It is evident that these conferences drive substantial changes in crime policies across member countries and establish best practices for crime resolution.

However, the principle of non-interference poses challenges to the effectiveness of crime prevention efforts. With ASEAN comprising diverse political systems and some countries grappling with internal political issues, the principle of non-interference occasionally hampers sustainable solutions. Terrorism, for instance, may be viewed as a matter of domestic politics, undermining collective action (Borelli, 2017).

Collaborative efforts to combat transnational crimes extend beyond the boundaries of the ASEAN region, as countries and international organizations have the opportunity to participate as observers or dialogue partners with ASEANAPOL. The Policy Guidelines for Accepting Observers and Dialogue Partners with ASEANAPOL outline the criteria for these roles. An observer refers to a country or organization that receives an invitation to attend the annual ASEANAPOL Contact Person Meeting (ACPM) and observe the proceedings of the annual ASEANAPOL Conference without

active participation. On the other hand, a dialogue partner refers to a country or organization that enjoys a consultative relationship with ASEANAPOL in agreed areas of common interest and is allowed to actively participate in the annual ACPM and ASEANAPOL Conference (ASEANAPOL Secretariat, 2019e).

ASEANAPOL has accepted Interpol as a dialogue partner, enhancing the effectiveness of solving transnational problems, particularly through information sharing (Roberts, 2012, p. 151-168). This collaboration expands the database of the organization, encompassing not only criminals residing in the ASEAN region but also those outside it (INTERPOL, 2019b). As a result of this cooperation, the prevention of crime becomes more effective in the region, and Interpol benefits from the incorporation of ASEANAPOL's database in global crime prevention efforts. EUROPOL also expresses interest in enhancing cooperation with ASEANAPOL in counter-terrorism, combating transnational crime, addressing human trafficking, and tackling migrant smuggling (EUROPOL, 2019b).

Moreover, ASEANAPOL engages in cooperation with various international organizations, such as the International Association of Police Academies (INTERPA), FREELAND, The Asia Pacific Medico-Legal Agencies (APMLA), The World Border Organization, Canada (Borderpol), Central ASEAN Regional Information and Coordination Centre for Combating The Illicit Drug Trafficking (CARICC), Secretariat of the Convention on International Trade in Endangered Species of Fauna and Flora (CITES), United Nations Counter-Terrorism Committee Executive Directorate (UNITED), Southeast European Law Enforcement Centre (SELEC), Pacific Islands Chiefs of Police Secretariat (PICP), European Association for Secure Transactions, United Nations Office on Drugs and Crime, Regional Anti-Terrorism Structure of the Shanghai Cooperation Organization (RATS-SCO), and Gulf Cooperation Council (GCCPOL). These collaborations further strengthen ASEANAPOL's efforts in addressing transnational crimes and fostering international cooperation in law enforcement (ASEANAPOL, 2019).

## **8. Financial Management and Budgeting in ASEANAPOL**

In terms of financial management, the operational expenses of the ASEANAPOL Secretariat are divided equally among the 10 member countries, with

each country contributing a shared amount for the three main positions (Indonesia, Singapore, and Malaysia). According to the most recent ASEANPOL meeting, the budget expenditure for the Secretariat in the fiscal year 2019 totalled 189,952,000 USD, resulting in a contribution of 18,995.20 USD per country.

However, the income of ASEANAPOL is not solely derived from member country contributions. Other funding sources also contribute to the organization's financial resources. At the 35th ASEAN Meeting in Jakarta, Indonesia, in 2015, ASEANAPOL issued "Guidelines for Accepting Donations and Sponsorships." These guidelines outline the procedures for accepting donations and sponsorships, subject to approval by the ASEANAPOL Conference or by consensus among the ASEAN Chiefs of Police. Donations encompass all forms of subsidies, grants, gifts, and bequests, whether monetary or in-kind. Sponsorships may take the form of cash offerings, property, services, or any other benefit provided with the expectation of recognition or affiliation with ASEANAPOL. The guidelines also establish procedures to ensure due diligence in accepting such funds, including an assessment of the donor.<sup>1</sup>

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1 Guidelines for Accepting Donations and Sponsorships

## 6. PROCEDURES

6.1. The individuals, companies, organisation or countries may offer donations and sponsorships  
6.2. The Secretariat shall then make the necessary inquiries on the integrity and reputation of the donors and sponsors.

6.3. Before acceptance or consideration taken, the Secretariat shall obtain prior approval of the ASEANAPOL Conference or consensus of all ASEANAPOL Chiefs of Police by way of circulation.

6.4. When approval is obtained or otherwise, the Secretariat shall inform the donors/sponsors in writing.

6.5. Upon approval, the Secretariat and the qualified donors or sponsors shall enter into an agreement. The agreement shall contain the proposed use of donation and the conditions placed on its use, statement authorizing the ASEANAPOL to use the gifts, bequests, subsidies, grants, donations and sponsorships.

6.6. The written agreement shall be disseminated to all ASEANAPOL Chiefs of Police and to be reported to the Executive Committee of the ASEANAPOL Conference.

Acceptance of donations or sponsorship requires alignment with the funding source, adherence to objectives, and the absence of conflicts of interest. The source of funds must be legitimate and credible, free from legal obligations, tax liabilities, mortgages, rights, or other encumbrances. The purpose of the donation or sponsorship should align with ASEANAPOL's objectives and mission. Moreover, donations or financial support must not be provided by individuals or companies that have a conflict of interest with the Secretary-General, the Executive Committee, or technical staff, as it could lead to personal gain from such contributions. If there is a financial interest between a donor or financial sponsor and the Secretary-General, a written agreement signed by both parties is required and must be audited by the internal auditor.

Similarly, Interpol operates with a comparable financial structure to ASEANAPOL, receiving budget contributions directly from member countries. Previously, member states made contributions based on population, which favoured major countries and resulted in inequalities and imbalances within the organization. However, in the late 1950s, the system was revised to adopt an equal payment model. Interpol also accepts donations and sponsorships, subject to approval by the Executive Committee (Barnett and Coleman, 2005).

EUROPOL's budget follows a similar pattern, primarily relying on contributions from member countries. Before 2010, the payment proportions were determined based on gross national income (GNI), leading to disparities in bargaining power. Superpower countries within the European Union had to contribute more than less prosperous countries, giving them a greater advantage and influence. In 2010, EUROPOL became an organization within the European Union under the EUROPOL Convention, receiving direct funding from the general estimates of the European Union (Official Journal of the European Union, 2019).

In contrast, ASEANAPOL, not being a member of the ASEAN community, does not receive a budget from ASEAN. Therefore, ASEANAPOL heavily relies on support from member countries, donations, and sponsorships.

## 9. Information Exchange Mechanisms

ASEANAPOL established a secure online database in 2006. In 2017,

they launched an upgraded version called the Electronic-ASEANAPOL Database System (e-ADS 2.0). This enhanced system incorporates various new features, including an announcement portal, an e-library containing multimedia content, a discussion forum, and an events calendar. This advancement signifies a significant step towards expediting connectivity among security forces to exchange best practices and statistical data. Additionally, it underscores the recognition of the essential role of technology and innovation in law enforcement (Parameswaran, 2017). This platform facilitates the sharing of information concerning forensic technology for investigations and details regarding criminal activities. Furthermore, ASEANAPOL has been granted immediate access to Interpol's I-24/7 information sharing platform. This platform allows law enforcement officers in the ASEAN region to access information on wanted and missing individuals, stolen motor vehicles, lost travel documents, and terrorism activities (BorneoPost Online, 2019).

Interpol, on the other hand, possesses the most comprehensive database system among international police cooperation organizations. It has made significant investments in the development of the I-24/7 database, established in 2003. This database is continuously updated with new criminal records as they become available (Yapsan, 2019). Interpol has significantly expanded its database through collaborations with various international organizations, including ASEANAPOL, fostering the exchange of information. Key elements contained within this database include terrorist arrest warrants, stolen or lost travel documents, fingerprints, and weapons. For example, Interpol recently issued a red notice for Bahraini refugees traveling to Thailand. The Thai authorities arrested the individual in question and considered the extradition request from Bahrain (Davidson, 2019). It is important to note that the issuance of a red notice is carried out at the request of member states, and it does not constitute an international warrant. The primary purpose of a red notice is to alert Interpol member countries of the individual's status (INTERPOL, 2019c).

EUROPOL employs four channels for information exchange, which include electronic information systems, liaison bureau exchanges, the Heads of the EUROPOL National Units group, and the Counter-Terrorism Task Force (CTTF). In comparison to ASEANAPOL, the ASEANAPOL liaison officer has a specific role dedicated to facilitating mutual legal assistance sharing.

Regarding the distinctive features of ASEANAPOL in comparison to Interpol and Europol, as previously mentioned, the effectiveness and reliability of the e-ADS heavily relies on the collective commitment of all ASEANAPOL Member Countries to actively utilize this system (Anas, 2023). Incomplete commitment from all members may result in inefficiencies and limitations in leveraging the e-ADS for intelligence-led policing. Real-time information sharing requires an uninterrupted flow of updated data, which can only happen if all member countries actively participate. Therefore, it's crucial for ASEANAPOL to promote an environment that encourages complete involvement and dedicated utilization of the e-ADS system by all member countries. This collective commitment ensures a robust foundation for real-time information sharing, strengthening efforts to combat transnational crimes within the ASEAN region.

## 10. Limitations and Potential Enhancements for ASEANAPOL

When comparing ASEANAPOL to Interpol and Europol, it becomes evident that ASEANAPOL faces certain limitations that stem from its non-binding nature and narrower scope of focus. While Interpol and Europol operate on a global and European scale, respectively, ASEANAPOL is specific to the ASEAN region. This regional limitation restricts ASEANAPOL's reach and hampers its ability to address transnational crimes beyond Southeast Asia.

The success of ASEANAPOL was exemplified in the collaborative operation between the police forces of Singapore and Malaysia in 2021. This joint effort successfully dismantled two transnational job scam syndicates that had been targeting individuals from Singapore and Malaysia. These syndicates, which laundered their ill-gotten gains in Malaysia, were allegedly responsible for defrauding over 390 people, resulting in losses of \$5 million (Anas, 2021a). Also in 2021, effective information sharing between Singapore's Central Narcotics Bureau (CNB) and the Royal Malaysian Police's (RMP) Narcotics Crime Investigation Department led to a notable outcome. Acting on information provided by CNB, the RMP arrested five individuals suspected of involvement in drug trafficking. The operation resulted in the seizure of nearly 55 kilograms of controlled drugs valued at RM4.9 million (approximately S\$1.6 million) (Anas, 2021b). Another exemplary instance

of cooperation occurred in 2017 with Operation Sunbird III, a joint effort involving ASEAN countries, ASEANAPOL, INTERPOL, the United Nations, and Canada as a dialogue partner. During this operation, over eight million searches were conducted. This collaborative effort resulted in 17 arrests and the identification of 110 instances of passports recorded in INTERPOL's Stolen and Lost Travel Documents (SLTD) database (INTERPOL, 2017).

Despite its objectives, ASEANAPOL faces certain limitations that affect its effectiveness in combating transnational crime. Firstly, the joint communique of ASEANAPOL lacks binding force in international law, limiting its direct impact on member states' governments. As a result, enforcement capabilities may be limited, and member states may not be obligated to comply with recommendations or take necessary actions. Moreover, the current focus areas of ASEANAPOL may not cover all significant transnational crime types. Certain crimes, such as war crimes and corruption, may fall outside ASEANAPOL's operations, limiting its ability to address the full spectrum of transnational crimes affecting the region. Additionally, the traditional principle of non-interference in ASEAN can constrain investigations into transnational crimes with political dimensions. While promoting non-intervention in member states' internal affairs, this principle may limit ASEANAPOL's scope and hinder its effectiveness in addressing crimes involving politics.

To overcome these limitations, several potential enhancements can be considered. Firstly, establishing a legal framework that provides ASEANAPOL with enforceable powers and authority to initiate investigations and cooperate with member countries would strengthen its capabilities. This would allow ASEANAPOL to take concrete actions against transnational criminals and ensure member states' compliance with its initiatives.

Expanding the focus areas of ASEANAPOL is another important enhancement. By including all major transnational crime types, such as war crimes and corruption, ASEANAPOL can address the diverse challenges faced by the region. This comprehensive approach would contribute to combating transnational crime and promoting regional stability and security.

Strengthening cooperation mechanisms among member states is crucial for enhancing ASEANAPOL's effectiveness. Improving information sharing protocols, developing standardized procedures, and utilizing technology for data exchange

can enhance collaboration and coordination. Regular training programs for law enforcement officials within ASEANAPOL can also facilitate better cooperation among member states.

Furthermore, allocating sufficient resources and investing in specialized training programs would enhance ASEANAPOL's technical capabilities and expertise. Establishing dedicated units or task forces to address specific transnational crime areas and forging partnerships with external organizations can leverage knowledge and resources. These measures would contribute to the overall effectiveness of ASEANAPOL in combating transnational crime.

## 11. Conclusion

In conclusion, crime within the ASEAN region possesses unique characteristics, influenced by diverse geographic, demographic, and economic factors not commonly observed in other parts of the world. The management of such varied transnational crimes necessitates concrete measures. Consequently, the ASEAN Political-Security Community was established to foster collaboration in combating the recurrent occurrence of transnational crimes. Moreover, effective law enforcement within the ASEAN community requires the collective efforts of member countries to address transnational crime, leading to the formation of ASEANAPOL as a platform for discussing preventive and suppressive strategies, sharing experiences, knowledge, and a criminal activity database among its members. This collaboration extends beyond the region, with international police organizations such as Interpol and Europol seeking cooperation with ASEANAPOL.

However, despite its alignment with the ASEAN Political-Security Community's mission to combat transnational crime, ASEANAPOL operates independently and is not officially integrated into ASEAN's institutional framework. Analysing ASEANAPOL's organizational structure, it becomes evident that policy and operational arrangements are determined through conferences. The primary limitation faced by ASEANAPOL lies in the principle of non-interference and its status as a separate entity from ASEAN.

Financially, ASEANAPOL relies primarily on contributions from member countries and receives additional financial support from donations, sponsorship,

as well as collaborations with Interpol and Europol. Notably, ASEANAPOL has implemented its database system known as e-ADS 2.0, containing criminal activity data and forensic information. Both ASEANAPOL and Interpol have mutually agreed to share this database to enhance the completeness and effectiveness of their respective datasets.

In light of the foregoing reasons, ASEANAPOL plays an indispensable role in addressing transnational crimes both at the regional and international levels. The organization's effectiveness is bolstered by a well-equipped and competent workforce, robust information-sharing mechanisms, and adequate resources, all of which contribute to the efficient resolution of transnational crime challenges.

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