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Addressing Law Enforcement Issues in ASEAN Mutual Legal Assistance (MLA) Regime Towards Transnational Organised Crime: Lessons from Illicit Drugs Case in ASEAN

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Abstract

Transnational organised crime in Southeast Asia, particularly illicit drug trafficking, continues to escalate despite ASEAN cooperation frameworks. Although mechanisms such as the ASEAN Ministerial Meeting on Transnational Crime and the Mutual Legal Assistance Treaty (MLAT) exist, law-enforcement coordination remains weak, resulting in ineffective cross-border investigation and prosecution. Previous studies discuss ASEAN security cooperation but have not adequately examined how institutional capacity, compliance gaps, and divergent legal systems constrain the effectiveness of MLA. Moreover, Regime Theory has not been used to evaluate MLA in illicit-drug cases, leaving an analytical gap regarding its structural and functional limitations. This article offers a novel contribution by integrating Regime Theory with regional institutionalism to evaluate ASEAN's MLA regime through the dimensions of problem structure, institutional capacity, resource availability, and compliance mechanisms. The objective of this study is to assess why ASEAN's MLA framework needs to be expanded and deepened to resolve persistent law-enforcement challenges in countering transnational organised crime, particularly illicit drugs. This research employs a qualitative method using primary ASEAN legal documents, treaty instruments, and secondary scholarly analyses. The findings show that ASEAN's MLA regime remains constrained by fragmented legal harmonisation, weak compliance enforcement, insufficient institutional capacity, and unequal resources among member states. These weaknesses hinder evidence sharing, delay cross-border investigations, and produce inconsistent prosecutorial outcomes. The study concludes that strengthening MLA requires deeper harmonisation of procedural rules, enhanced institutional coordination, capacity-building initiatives, and future development of a region-wide extradition mechanism.

Keywords: *Illicit Drugs, Regime, ASEAN Mutual Legal Assistance*



INTRODUCTION

The post–Cold War international political constellation has undergone a profound transformation, characterised not only by shifts in geopolitical alignments but also by the emergence of diverse and complex security challenges (Prayuda et al.,

2021). Contemporary threats increasingly transcend traditional military concerns and instead encompass non-traditional security challenges that directly affect populations within states. Non-traditional security, grounded in fear-free and flaw-free principles, is closely associated with transnational crimes that undermine societal stability and violate fundamental human values (Syafrinaldi et al., 2022). The manifestations of such threats vary across regions and are often shaped by differing socio-economic conditions and the evolution of criminal activities.

Southeast Asia, comprising both archipelagic and landlocked states, has become a significant hotspot for transnational crime. ASEAN categorises these crimes into several major areas, including terrorism, arms smuggling, economic crime, human trafficking, wildlife crime, and emerging cybercrime (Syafrinaldi et al., 2022). Criminal networks that operate within one member state frequently affect the sovereignty and security of others, as illustrated by the spread of radicalisation linked to ideological terrorism. In particular, narcotics trafficking and illicit drug distribution impose severe societal consequences, such as declining productivity, rising poverty, and economic instability, while simultaneously eroding public trust in state institutions (Prayuda et al., 2021). Despite the existence of national mechanisms intended to address these challenges, ASEAN member states continue to face limitations in resources, enforcement capacity, and harmonised regulatory tools (Syafrinaldi et al., 2022). These shortcomings signal the need for a more comprehensive regional cooperative framework.

Existing literature on transnational crime in ASEAN generally falls into three strands: studies on the securitisation of transnational crime, works examining ASEAN's operational cooperation particularly in illicit-drug eradication and analyses of ASEAN's legal frameworks for countering transnational crime.



Scholars note that increased cross-border mobility and economic integration since the 1990s have expanded opportunities for criminal networks, necessitating enhanced regional cooperation (Sundram, 2024).

ASEAN has responded through the establishment of the ASEAN Ministerial Meeting on Transnational Crime (AMMTC), the Senior Officials Meeting on Transnational Crime (SOMTC), and other mechanisms designed to strengthen information exchange, capacity building, and institutional collaboration (Dewi, 2019; Kusumaningrum, 2013). However, persistent challenges remain, stemming from corruption, vested political interests, limited domestic resources, and ASEAN's consensus-based decision-making structure, which often impedes institutional reform (Emmers, 2003; Sundram, 2024).

From a legal perspective, scholars widely acknowledge the importance of the ASEAN Mutual Legal Assistance Treaty (MLAT/AMLAT) as a foundational instrument for facilitating cross-border cooperation in criminal matters (Syafrinaldi et al., 2022). Although the treaty provides a formal basis for investigation, prosecution, and evidence sharing, its implementation has been inconsistent across member states. Divergent legal systems, differing levels of commitment to harmonisation, and procedural obstacles such as non-applicability clauses and rigid dual-criminality requirements continue to undermine the effectiveness of MLA (Charoenwong, 2019; Yoserwan, 2020). While prior studies recognise these challenges, there remains a limited body of research that systematically analyses ASEAN's MLA mechanism through a comprehensive theoretical framework that integrates institutional capacity, legal dynamics, resource disparities, and compliance behaviour.

This gap in the literature is significant, as few studies offer an in-depth examination of how ASEAN's MLA framework functions or fails to function in the specific context of illicit drug trafficking, despite drug-related crimes being one of the most pervasive transnational threats in the region. Moreover, existing research does not sufficiently explain how the lack of harmonised enforcement mechanisms and limited compliance among member states impede the operationalisation of MLA in practice.

This article addresses this gap by offering a novel analytical contribution through the operationalisation of Regime Theory particularly its variables of problem structure, institutional capacity, resource availability, and compliance mechanisms to examine ASEAN's MLA as a regional legal regime. Applying Regime Theory allows a structured assessment of both the breadth ("widening")



and depth (“deepening”) of ASEAN’s law-enforcement cooperation and provides insights into why the current MLA framework remains insufficient to tackle cross-border illicit drug crimes effectively.

The objective of this study is explicitly to analyse why ASEAN’s regional security coordination mechanism under MLA must be expanded and deepened in order to effectively resolve persistent law-enforcement issues in combating transnational organised crime, with a specific focus on illicit drugs. This study argues that the core problem lies in the absence of integrated mechanisms for investigation, prosecution, and trial cooperation mechanisms which are essential to operationalising MLA beyond its formal treaty provisions. The article further examines the level of compliance of ASEAN member states with MLA obligations and discusses how the illicit-drugs case illustrates broader systemic challenges that apply to other forms of transnational crime. The subsequent sections outline the analytical foundations of Regime Theory, justify the qualitative methodology used in this research, and present a structured discussion of the four regime variables to assess the effectiveness of ASEAN’s MLA framework. The paper concludes with recommendations for strengthening regional law-enforcement cooperation, including the potential development of an ASEAN extradition mechanism.

LITERATURE REVIEW

Problem Structure in Regime Formation

The concept of *problem structure* refers to the complexity, interdependence, and nature of the issues that a regime attempts to address. Krasner (1982) and Keohane (1984) argue that regimes emerge when states identify common problems whose resolution requires shared norms, rules, and procedures. Litta (2012) explains that a well-structured understanding of the problem including its root causes and transboundary characteristics is essential for the creation of an effective regime.

In the context of ASEAN, transnational organised crime particularly illicit drug trafficking constitutes a regional collective-action problem. Previous literature notes that drug trafficking networks in Southeast Asia thrive due to porous borders, uneven regulatory systems, and diverse national drug policies (ASEAN-NARCO, 2023; Thanh-Luong, 2022). Scholars highlight that ASEAN member states often differ in how they criminalise and penalise drug-related



activities, which undermines coordinated law-enforcement actions (Syafrialdi et al., 2022; Wear, 2024). Thus, the *problem structure* variable is essential in explaining why ASEAN faces operational difficulties in implementing MLA, as legal divergences and asymmetrical threat perceptions complicate unified responses.

Institutional Capacity of Regional Regimes

Institutional capacity refers to the organisational structures, decision-making procedures, and operational mechanisms that enable a regime to function effectively. Regime scholars emphasise that institutional architecture such as clarity of mandates, procedural coherence, and coordination mechanisms directly affects regime performance (Keohane, 1984; Litta, 2012).

ASEAN's institutional capacity has been widely debated in academic literature. Rattanasevee (2014) argues that ASEAN's institutional framework remains consensus-driven and state-centric, limiting its ability to enforce collective commitments. Studies on ASEAN's security cooperation note that institutions such as AMMTC, SOMTC, and AMMD provide normative foundations but lack strong enforcement structures (Emmers, 2003; Kusumaningrum, 2013).

In the context of illicit drugs, institutional arrangements such as the ASEAN Work Plan on Securing Communities Against Illicit Drugs 2016–2025 outline strategic priorities for collaboration, but scholars find persistent gaps in operationalisation due to overlapping mandates and limited institutional coherence (Primawardana & Firdaus, 2024). Thus, *institutional capacity* literature indicates that ASEAN's MLA regime depends heavily on its institutional design, which currently limits deeper legal cooperation.

Resource Availability for Regime Implementation

Resource availability financial, human, and technological is a key determinant of whether regimes can sustain cooperation and operationalise commitments. Litta (2012) notes that adequate resources are required not only for implementation but also for monitoring, enforcement, and institutional development.

In ASEAN, resource disparities among member states significantly influence MLA effectiveness. Wealthier countries such as Singapore and Malaysia possess advanced investigative technologies and well-funded enforcement agencies, while others struggle with limited operational budgets and inadequate infrastructure (Singapore Customs, 2025; Yuhernawa & Barthos, 2021). These disparities affect



the capacity to process MLA requests, conduct joint investigations, and maintain border surveillance.

Furthermore, scholars argue that the uneven distribution of resources creates structural inequities in regional cooperation, making it difficult to establish standardised practices across the region (Wulandari & Kirana, 2023). Hence, *resource availability* is an essential variable that shapes the differing levels of MLA implementation across ASEAN.

Compliance Mechanisms in Regional Legal Cooperation

Compliance mechanisms refer to the rules, monitoring processes, incentives, and sanctions that encourage states to adhere to the commitments within a regime. Litta (2012) emphasises that compliance constitutes a central determinant of regime effectiveness; however, many regional arrangements, including those within ASEAN, tend to lack enforceable mechanisms. ASEAN's compliance culture is shaped by the "ASEAN Way," which prioritises consultation, non-interference, and consensusbuilding, a characteristic that scholars argue produces weak enforcement structures and creates ambiguous legal obligations (Huck, 2020). Within the context of the Mutual Legal Assistance (MLA) regime, these challenges are further compounded by the dual criminality requirement, which complicates cooperation when national legal definitions of offences diverge (Syafrinaldi et al., 2022).

Varying levels of treaty ratification and the absence of harmonised legal frameworks also contribute to inconsistencies in implementation (ASEAN, 2025). In addition, the lack of sanctions for non-cooperation diminishes incentives for states to fully comply, while the continued reliance on bilateral agreements fragments the regional approach to crossborder legal assistance (Sulistiawati et al., 2024). Taken together, these dynamics indicate that weaknesses in compliance mechanisms significantly undermine ASEAN's ability to operationalise MLA as an integrated and effective regional regime.

METHOD

This article employs a qualitative research method with a deductive approach in the case of transnational crime in the Southeast Asia Region. In definitive justification, the qualitative research method, based on Lamont (2015), is defined as



an approach to gathering and examining data that focuses on non-numerical information, employed to gain insights into how to interpret the phenomenon's surroundings, focusing on the meanings and processes, especially in international political matters. Hence, an in-depth examination of case studies is typically conducted using a qualitative research model. A deductive approach is employed in this article, as illustrated in the case study of ASEAN Law Enforcement Cooperation, which involves the comprehensive collection of specific data and the analysis of variables within the analytical framework and hypotheses discussed.

The types of data used in this study are primary data and secondary data. The primary source of data is law enforcement cooperation within ASEAN and its member countries. The primary data collection technique involves tracing official state documents, as well as official ASEAN documents, which cover meeting results and treaties. While secondary data in this article consists of report documents or research studies related to adopting data collection techniques through tracing official government or related institution report documents, online data tracing, official presentation materials, and other related studies.

Data processing in this article will be carried out by grouping primary and secondary data based on the categorisation of two dimensions of law enforcement cooperation efforts, widening and deepening (Aprila et al., 2023). Data for the categorisation of the widening dimension will be adjusted to the Regional Institutionalism approach variable. Meanwhile, data for the categorisation of the deepening dimension will be adjusted to the Regime Theory variable to identify patterns, trends, and relationships of compliance with AMLAT. In addition, the analysis method for primary and secondary data will be analysed using the triangulation method to analyse narrative content. Triangulation is the use of more than one method or data source in studying the social phenomenon being studied to gain more varied and in-depth insights related to the complexity of the case study being studied (Lamont, 2015).

RESULTS AND DISCUSSION

Problem Structure in between the Complexity of ASEAN's Illicit Drugs and Systemic Collective Issues on Law Enforcement Distracting Mutual Legal Assistance

In analysing the Mutual Legal Assistance regime as a form of regime creation, one key determinant that should be emphasised in order to determine its



effectiveness is the source of the problem structure, as well as the consequences resulting from it. As mentioned by Litta (2012), stakeholders of one nation are required to share a common understanding of the problem in a generic overview, from root causes, the dynamic situation of issues, and potential solutions. This would involve other means, whereby ASEAN member states will construct specific problems as collective issues that have a shared responsibility for eradicating them. Such a benign problem constellation requires some efforts at coordination among actors to reach a common goal (Litta, 2012). In the context of this study, the primary focus of this section will be divided into two different analyses. The first will take a look at the illicit drugs dynamic in ASEAN within different countries' stances towards drugs in general. The other analysis will elaborate on the problem of illicit drugs as one issue to learn from in order to oversee the provision of how Mutual Legal Assistance operates within the different dynamics of ASEAN countries' stances towards drugs.

In the milieu of narcotics trafficking and illicit use of drugs, the issues have been occurring in the Southeast Asia region for more than two centuries. The archipelagic conditions of the ASEAN region are one of the factors supporting the dispersion of narcotics. In this case, the Golden Triangle, encompassing northern Thailand, northeastern Myanmar, and northwestern Laos, has long been recognised as a principal global hub for opium cultivation and production (Sandi et al., 2022). This region's sustained and, in recent years, increasing output of opium has significantly contributed to the proliferation of various illicit drug forms on a worldwide scale.

Regarding the regional organisation itself, consideration of combating illicit drugs was taken into realisation just after the ASEAN Concord in 1976. At that time, the ASEAN Member States initiated the signing of the ASEAN Declaration of Principles to Combat the Abuse of Narcotic Drugs by the Foreign Ministers of the five ASEAN founding members. The core purpose of the declaration is to enhance collaboration in monitoring, implementing preventive and punitive strategies, advancing research and educational initiatives on drugs, and refining national legal frameworks to address and combat drug abuse more effectively (ASEAN, 2025). Ever since the declaration, several efforts have been taken into force, including the establishment of the ASEAN Ministerial Meeting on Drug Matters (AMMD) as a sectoral body, the Work Plan for Illicit Drugs 2016-2025, and many more. However, the trend of illicit drug use and narcotics does not seem to be diminishing as a whole.



In particular, based on the ASEAN Drug Monitoring Report 2023, there were 672,117 criminal drug cases in the region, with a high increasing trend in Lao PDR, Thailand, Cambodia, Brunei, Malaysia, Indonesia, and Singapore (ASEAN-NARCO, 2023). At the same time, declines have been experienced in Myanmar, Vietnam, and the Philippines. Apart from that, based on related data from the ASEAN Drug Monitoring Report 2023, the rates of illicit drug seizures have reached a peak in 2022 compared to previous years (ASEAN-NARCO, 2023). The increase in drug users in Southeast Asian countries has created complex drug patterns and trends in recent years, with more dispersion of the synthetic drug market in Southeast Asia, which has changed rapidly as the substances are much easier to transport and can be more easily hidden (ASEAN-NARCO, 2023). Illicit Drugs in Southeast Asia is characterised by its rapidly evolving and complex organisational structures. Over recent decades, certain syndicates-often composed of small groups or armed organisations in Myanmar-have collaborated with partners to oversee domestic opium cultivation and heroin distribution, subsequently facilitating the transfer of these substances to other countries (Thanh-Luong, 2022). However, shifts in both international and regional enforcement efforts, alongside government initiatives to reduce poppy cultivation and changing consumer preferences from opiates to synthetic drugs such as amphetaminetype stimulants (ATS), have driven significant transformations in the region's illicit drug markets. As a result, organised crime groups have adapted their operations, increasingly focusing on the production and trafficking of synthetic drugs, which now represent the most lucrative segment of the regional drug trade (Thanh-Luong, 2022).

The changing dynamic pattern of illicit drugs perpetrator patterns has led to the inability of law enforcement apparatus to investigate, prosecute, and bring the perpetrators to trial. This is due to the weak implementation of border controls, where the customs service often faces challenges in monitoring the high volume of people and vehicles crossing certain land boundaries (Luong, 2021). As most Southeast Asian countries have porous, inaccessible, mountainous areas, some have extensive waterways and coastlines where traffickers took these advantages to transport the illegal drug from this country to others with diverse modus operandi, particularly in the period of Covid-19 (Luong, 2021). Additionally, structured problems related to illicit drugs and their connection with MLA in ASEAN lie in the different stances towards drugs. In this regard, the majority of ASEAN countries truly prohibit the illegal use of drugs and narcotics, especially



for lifestyle purposes. Only one nation, Thailand, has an exception towards cannabis use, which is categorised as legal, especially for medical purposes, since 2022. The rest are still considered illegal, with varying approaches to regulation and punishment. The difference can be seen through a comparison between the legal regulations in force in Indonesia and Malaysia regarding the imposition of sanctions and the minimum amount of drug possession that can be punished by death. There is also a disharmony that can be seen through the differences in the imposition of death penalty sanctions, where some countries, such as Cambodia, have removed the existence of the death penalty in their state regulations, as well as Laos and Brunei Darussalam, which have not carried out executions for years (Wear, 2024).

Considering the dynamic changes in illicit drug activity, an important principle to be addressed is the approach that should be more systemic in transitioning into a more criminal sphere, rather than solely relying on the security sector. Hence, what is more important is to regulate law-centric enforcement, in addition to eradicating the operational activities of illicit drug actors through cooperation (Prayuda et al., 2021). One type of cooperation emerged in the form of agreements and laws called Mutual Legal Assistance in Criminal Matters (MLA). The systemic approach of the MLA conception emphasises the mechanism for conducting investigations, prosecutions, and examinations at court hearings based on the provisions of the regulations and laws of the requested country. With regards to ASEAN, the case of Illicit drugs as criminal acts, whether directly or indirectly, could result in legal problems among ASEAN Member states. However, there is a considerable disparity between ASEAN member states in their views on the illegality level of drugs. At the same time, different approaches are taken for punishment, which consequently poses a significant challenge to the deficiency of harmonised MLA protocols (Wear, 2024). Therefore, the best way to overcome it is to carry out close diplomatic cooperation between members of ASEAN in order to assist in the resolution of cross-border criminal problems based on the laws of each country itself, to be harmonised, but only in critical matters of illicit drugs eradication problems (Prayuda et al., 2021). This is also achieved by addressing the shared norms and rules among ASEAN member states to develop a comprehensive MLA that is applicable throughout ASEAN as a whole.

Accordingly, this analysis demonstrates that the illicit drugs problem in Southeast Asia constitutes a complex and fragmented problem structure, shaped



by divergent national legal stances and enforcement priorities, which directly explains why ASEAN's Mutual Legal Assistance framework remains insufficient to address transnational drug crimes effectively. ASEAN Institutional Capacity on Law Enforcement of Illicit Drugs as a Path for Wider Mutual Legal Assistance Applying to the context of institutional capacity for Mutual Legal Assistance (MLA), the structure of ASEAN in general, as the most well-known, is fundamentally shaped by the region's established shared norms, rules, and frameworks, decisionmaking procedures, and the varying capacities of its member states (Rattanaseeve, 2014). Central to ASEAN's approach is the Agreement on Mutual Legal Assistance in Criminal Matters (2004), which provides a formal legal basis for cooperation in criminal investigations, prosecutions, and cross-border evidence sharing (ASEAN, 2023). The Agreement reflects ASEAN's commitment to balancing respect for national sovereignty with the need for regional collaboration, embedding the principles of reciprocity and compliance with domestic law (Prayuda et al., 2021).

As elaborated by Litta (2012) on the regime's variables, which emphasise decision-making rules and the capacity of actors and the whole organisation, an agreement based on consensus is commonly used as the default decision-making procedure. This aims to achieve arrangements that will not have a detrimental effect on combating collective problems among ASEAN members (Litta, 2012). This mutual assistance must also be based on the same spirit to combat criminal crimes, even those that occur in other countries, by providing various kinds of assistance requested by that country. The elevation of the Agreement to a binding ASEAN instrument in 2019 further underscores its importance as a fundamental tool in the collective fight against transnational crime. In addition, the ASEAN Plan of Action in Combating Transnational Crime as a Cooperation in Criminal Matters (2016–2025) promotes the harmonisation of national laws and the establishment of a special task force, strengthening the normative framework guiding MLA efforts (Sandi et al, 2022). Hence, an analysis of the existing work plan of ASEAN on Securing Communities Against Illicit Drugs (2016-2025) is warranted, specifically to understand better the institutional capacity focused on Law Enforcement for wider Mutual Legal Assistance.

As it refers to the real document of the ASEAN Work Plan for Illicit Drugs 2016-2025, this arrangement was principally formed as part of the continuation of the previous 2009-2015 work plan that produced insignificant effective measures for the decline of illicit drugs (Primawardana & Firdaus, 2024). This is due to the



overlapping scope of institutional roles between domestic countries for drug eradication, especially law enforcement. Concerning the current 2016-2025 work plan, the result of the previous arrangement evaluation was applied in order to create more effective institutional capacity for achieving the ASEAN Drug-Free vision. To be more specific in law enforcement matters, the 2016-2025 work plan provides several measures for ASEAN and its member states to enhance their capacity to be obeyed. The components include: drug-related operations, reduction in diversion of pharmaceuticals based on narcotics or drugs, improvement of access to equitable justice for all individuals in the ASEAN region while respecting the sovereignty, national legislation and policies of each country, transparent approach in the enforcement of drug laws, and anticorruption strategies within the drug enforcement agencies.

Strengthen and expand existing arrangements, such as the provision of mutual legal assistance (MLA) and cross-border liaison offices (BLOs). Intelligence in countering drugs, precursors and essential chemicals (ASEAN, 2016). Based on these components, ASEAN, as a regional body, has provided guidance to be followed and practically implemented by law enforcement agencies. This is also the requirement for better Mutual Legal Assistance. However, constraints faced include the dynamic nature of country stances and approaches, which lie in the decline of restrictions in one country against drugs and narcotics, such as Thailand, and the provision of MLA and justice law enforcement that is hindered by difficulty in harmonisation (Wear, 2024).

Apart from institutional capacity performance based on the ASEAN Work Plan for Illicit Drugs 2016-2025, decision-making in ASEAN's MLA mechanisms is still characterised by a consensus-driven process that respects the sovereignty and legal autonomy of each member state (Huck, 2022). A designated Central Authority manages requests for assistance in each country, which serves as a key actor in facilitating communication and cooperation. This decentralised yet coordinated system indeed allows for flexibility, as stipulated in the treaty provisions, enabling requested parties to apply their domestic legal procedures when responding to MLA requests. The establishment of regional bodies such as the ASEAN Ministerial/Attorney-General Meeting on Mutual Legal Assistance in Criminal Matters (AMAG-MLAT) in 2023 has enhanced strategic oversight and policy alignment, ensuring that MLA practices evolve in response to emerging criminal trends (ASEAN, 2023). Through these institutional arrangements, ASEAN has been able to gradually adopt sophisticated investigative tools,



including controlled delivery and electronic surveillance, thereby strengthening its operational effectiveness (Primawardana & Firdaus, 2024). Despite those potential advantages, some countries in ASEAN still face challenges in fully operationalising treaty commitments due to differences in legal systems, administrative resources, and technical expertise that need to be harmonised.

These findings indicate that while ASEAN has developed a formal institutional framework for Mutual Legal Assistance, limitations arising from consensus-based decision-making, uneven administrative capacity, and legal diversity continue to constrain the deepening of regional law-enforcement cooperation. Availability Resources of ASEAN within its Member States Toward Mutual Legal Assistance Operationalisation in Countering Illicit Drugs

Aside from the institutional framework capacity for ASEAN within its member states in dealing with law enforcement issues for more comprehensive illicit drugs eradication, targeting the root of "cartel" producers and distributors, the operational mechanism related to resource availability needs to be prioritised on the one hand. Reflecting from Litta (2012), regime theory variables in achieving success for regime effectiveness, resources that are dedicated to the regime and the fulfilment of its provisions are supposed to be empowered and available in a complex manner. This will determine whether the practical operation of the regime is obeyed in an efficient and output-oriented way as possible (Litta, 2012). The terms' resources' in the context of ASEAN do not only rely on the various apparatus being deployed for law enforcement as an effort to eradicate illicit drugs. Instead, it also implies that other resources depart from the budgetary aspect.

While taking a deeper examination of practical availability resources in ASEAN, especially related to law enforcement resource mobilisation, differences in the pattern across ASEAN countries have been observed. The distinction exists due to the different approaches taken, which strictly consider the needs and priorities of domestic states, as well as the varying capacities of different agencies. As an example from Indonesia's perspective, in order to establish integrated enforcement networks along its vast archipelagic borders, Indonesia's police forces collaborate with customs authorities, naval forces, and specialised border apparatus (Yuhernawa & Barthos, 2021). This approach is an example of a multi-agency model for mobilising resources to address the issue. Analogically, it can be referred to as a total war against the dispersion of narcotics in the territory. This pattern enables the Indonesian National Police (Polri) to operate highly advanced drug



interdiction units, ensuring thorough maritime and land border coverage through cooperation with the Indonesian Navy and customs officials (Yuhernawa & Barthos, 2021). This Indonesian model, which reflects the country's geographic challenges as the world's largest archipelagic state with vast coastlines susceptible to trafficking operations, places a strong emphasis on internal security integration and territorial defence (Yuhernawa & Barthos, 2021). Other ASEAN members, on the other hand, use distinct law enforcement systems according to their unique institutional, threat, and geographic contexts (Wulandari & Kirana, 2023).

On the other hand, Thailand prioritises resource mobilisation in terms of border police coordination with specialised narcotics suppression units that operate both domestically and in coordination with neighbouring countries. At the same time, Singapore places a strong emphasis on port security and financial intelligence, using its status as a central financial hub to track money laundering linked to drug trafficking (Singapore Customs, 2025). In the context of budgetary resource availability, the diversification of economic capacity across ASEAN countries, particularly within institutional development and technological utilisation, has created an imbalanced landscape for resource mobilisation in counter-narcotics operations.

Even some countries, such as Indonesia, have human resource availability across their law enforcement apparatus; however, the national budget is relatively fragile, making it difficult to conduct more comprehensive and routine operations (Yuhernawa & Barthos, 2021). Meanwhile, in more developed economies, conditions differ significantly, which could provide more advanced law enforcement. As an example, consider the cases of Singapore and Malaysia, which have sophisticated financial intelligence units with surveillance technologies and well-equipped maritime enforcement capabilities (Singapore Customs, 2025). Despite common normative commitments, the difficulty of guaranteeing equitable resource contribution while preserving operational effectiveness is similar to issues found in other ASEAN cooperation frameworks, where disparate national capabilities can impede collective action. Therefore, it is also necessary for ASEAN member states to pursue collaborative investments in specialised equipment, training, and coordination mechanisms to overcome the disparity in the budget-to-operations ratio.

Thus, the analysis highlights that disparities in financial, technological, and human resources among ASEAN member states significantly hinder the effective operationalisation of Mutual Legal Assistance, reinforcing the need for more



coordinated and equitable resource mobilisation at the regional level. Compliance Mechanism of Mutual Legal Assistance in ASEAN and its Member States with relation for Countering Illicit Drugs Apart from understanding the institutional capacity, regarding regime effectiveness, the compliance mechanism also becomes a determinant of treaty effectiveness. Based on Litta (2012), Compliance means that actors' behaviour conforms to an explicit rule of a treaty. The important thing is related to the compliance mechanisms themselves, whether a regime needs to strengthen Compliance (Litta, 2012). Well-established compliance mechanisms can enforce implementation, monitoring and thus effectiveness.

In the scope of ASEAN, the compliance mechanisms underpinning Mutual Legal Assistance (MLA) are genuinely shaped by the region's unique institutional history and its commitment to the so-called "ASEAN Way," which privileges consensus and consultation over binding enforcement. ASEAN's approach to Compliance has been cautious, favouring general declarations and flexible commitments over detailed, enforceable rules. This has resulted in a culture of Compliance that places a premium on broad acceptance and political momentum; however, vague agreement language often makes it difficult to assess and enforce the actual behaviour of member states. In the context of MLA, this approach means that while ASEAN has established formal treaties and frameworks, such as the Treaty on Mutual Legal Assistance in Criminal Matters, the mechanisms for ensuring that states fulfil their obligations remain relatively weak and underdeveloped (Syafrinaldi et al, 2022).

In the capacity of ASEAN member states to comply with MLA obligations, there are unevenness and gaps in legal infrastructure, resource availability, and political will. While countries such as Singapore, Thailand, and Indonesia have developed stronger mechanisms to address MLA requests, others, including Cambodia, have demonstrated limited ratification and implementation of MLA protocols, thereby undermining regional coherence (ASEAN, 2025). This gap is exacerbated by the lack of sanctions for non-compliance, which reduces the incentive for lagging states to engage with the MLA process fully. Furthermore, ASEAN's reliance on bilateral agreements for comprehensive regional standards further fractures cooperation, as bilateral pacts often operate with different scopes and procedural rules, complicating multilateral efforts to combat transnational crime (Sulistiawati et al, 2024). Practical challenges in MLA implementation in ASEAN are particularly evident in the context of drug trafficking, a major transnational crime in Southeast Asia. The region's efforts to combat drug



syndicates through MLA have been hampered by delays of evidence-based model that supposedly have dual criminality requirements (Syafrinaldi, Prayuda, & Harto, 2022). This have an interpretative means that when legal definitions of drug-related offences differ between nations, the dual criminality requirement, which states that assistance must involve conduct that is considered criminal in both the requesting and requested jurisdictions (Syafrinaldi et al, 2022). This approach may present challenges due to systems that are not legally harmonised. It is then that the operational difficulties reflect broader institutional weaknesses in enforcing Compliance and ensuring timely, effective mutual assistance. As it is meant to address Compliance, a vast diplomatic coordination, especially that related to law-based substance, needs to be fortified in order to optimise the MLA implementation in law enforcement efforts to counter illicit drug trafficking.

Overall, this discussion reveals that weak compliance mechanisms, the absence of enforcement sanctions, and divergent legal interpretations undermine the effectiveness of ASEAN's Mutual Legal Assistance regime, particularly in addressing complex transnational drug trafficking cases.

CONCLUSION

This study set out to analyse why ASEAN's regional security coordination mechanism under the Mutual Legal Assistance (MLA) framework must be expanded and deepened in order to effectively address transnational organised crime, with a specific focus on illicit drugs. By operationalising Regime Theory through its core variables problem structure, institutional capacity, resource availability, and compliance mechanisms this article offers a novel analytical contribution to the study of ASEAN's legal cooperation regime, moving beyond normative assessments toward a structured evaluation of MLA's practical effectiveness.

The findings demonstrate that despite ASEAN's long-standing commitment to combating transnational organised crime, significant structural and procedural challenges persist. These challenges include inconsistent compliance among member states, uneven institutional capacity, disparities in resource availability, and the absence of legal harmonisation. Collectively, these factors weaken investigative cooperation, evidence sharing, and cross-border prosecution of illicit drug offenders, thereby limiting the effectiveness of ASEAN's MLA framework in practice.



While ASEAN's law enforcement cooperation has expanded substantively, practical obstacles remain due to divergent legal systems, fragmented regulatory frameworks, and differing levels of political will. Importantly, strengthening MLA does not entail diminishing state sovereignty; rather, legal harmonisation and procedural alignment aim to resolve critical law enforcement bottlenecks that undermine regional security. In the context of increasingly complex and adaptive illicit drug networks, ASEAN requires a more structured regional approach characterised by clearer procedural standards, enhanced information exchange, and more coordinated operational practices.

One key pathway for strengthening MLA is the development of a comprehensive ASEAN extradition treaty. Although discussions on extradition date back to the 1976 ASEAN Concord Declaration, progress has remained slow and uneven. The renewed efforts of the ASEAN Senior Law Officials Meeting Working Group on an ASEAN Extradition Treaty (ASLOM WG on AET) reflect growing recognition of the need for a unified legal framework capable of expediting the surrender of fugitives, reducing procedural delays, and reinforcing judicial cooperation. Such a treaty would complement MLA by closing existing legal loopholes and enhancing the overall coherence of ASEAN's regional legal cooperation regime.

Several supporting measures are necessary to ensure the effectiveness of an expanded MLA and extradition framework. First, greater technological integration including electronic case management systems, secure digital evidence-sharing platforms, and real-time communication channels would significantly improve the efficiency and reliability of cross-border cooperation. Second, sustained investment in institutional capacity-building is essential to enhance trust, operational readiness, and procedural standardisation among member states through joint training programs, secondments, and coordinated legal education. Finally, robust monitoring, evaluation, and adaptive governance mechanisms are required to ensure that ASEAN's legal cooperation frameworks remain responsive to evolving transnational crime patterns, particularly in the illicit drug domain.

Overall, this study underscores the importance of a more cohesive, well-resourced, and institutionally integrated Mutual Legal Assistance regime within ASEAN. By addressing compliance gaps, strengthening institutional capacity, and advancing region-wide extradition arrangements, ASEAN can move



toward a more effective and resilient system of regional legal cooperation capable of confronting the growing complexity of transnational organised crime.

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REFERENCES

- Aprila, D., Andriani, W., & Ananto, R. P. (2023). Financial Management of Nagari Owned Enterprises (BUMNAG) and Its Impact on Community Welfare. *Jurnal Akuntansi Bisnis*, 16(2), 210–225. <https://doi.org/10.30813/jab.v16i2.4461>
- ASEAN-NARCO. (2023). *Drug Monitoring Report 2023*. <https://asean.org/wpcontent/uploads/2025/07/ADM-Report-2023.pdf>
- ASEAN. (2023). *Inaugural ASEAN Ministers, Attorneys General Meeting of the Central Authorities on Mutual Legal Assistance in Criminal Matters Convenes*. <https://asean.org/inaugural-asean-ministers-attorneys-general-meeting-of-the-central-authorities-on-mutual-legal-assistance-in-criminal-matters-convenes/>
- ASEAN. (2025). *Treaty on Mutual Legal Assistance in Criminal Matters*. <https://asean.org/our-communities/asean-political-security-community/rulesbased-people-oriented-people-centred/treaty-on-mutual-legal-assistance-incriminal-matters/>
- Charoenwong, M. (2019). The relationship between the regional cooperative models on extradition and the human rights of the requested person in human trafficking cases. *Social Science Asia*, 5(2), 13–32. <https://doi.org/10.14456/ssa.2019.10>
- Dewi, C. (2019). Combating transnational organized crimes within ASEAN waters: ASEAN way vs. rule of law. *Padjadjaran Journal of International Law*, 3(1), 29–48. <https://doi.org/10.23920/pjil.v3i1.334>



Emmers, R. (2003). ASEAN and the securitization of transnational crime in Southeast

Asia. *The Pacific Review*, 16(3), 419–438.

<https://doi.org/10.1080/0951274032000085653>

Huck, W. (2020). Informal International Law-Making in ASEAN: Consensus,

Informality and Accountability. *Zeitschrift Für Ausländisches Öffentliches Recht Und Völkerrecht*, 101–138.

Keohane, R. O. (1984). *After Hegemony: Cooperation and Discord in the World Political Economy*. Princeton University Press. <https://doi.org/10.1515/9781400820264>

Krasner, S. D. (1982). Structural causes and regime consequences: Regimes as intervening variables. *International Organization*, 36(2), 185–205.

Kusumaningrum, A. (2013). The ASEAN political-security community: ASEAN security cooperation on combating transnational crimes and transboundary challenges.

Indonesian Journal of International Law, 11(1), 89–105.

<https://doi.org/10.17304/ijil.vol11.1.268>

Lamont, C. (2015). *Research Methods in International Relations*. SAGE Publications.

Litta, H. (2012). Regime Theory. In *Regimes in Southeast Asia* (pp. 51–73). VS Verlag für Sozialwissenschaften. https://doi.org/10.1007/978-3-531-94276-6_3

Luong, T. H. (2021). *Examining the challenges of controlling illicit drug trafficking across the Mekong since the start of the pandemic*. <https://theiacs.org/...>

Prayuda, R., Warsito, T., & Surwandono. (2021). Problems faced by ASEAN in dealing with transnational drug smuggling in Southeast Asia region. *Foresight*, 23(3), 353–366. <https://doi.org/10.1108/FS-12-2019-0106>

Primawardana, R. P. P., & Firdaus, N. P. (2024). Analisis upaya ASEAN dalam memberantas distribusi narkotika di wilayah Asia Tenggara. *SIYAR Journal*, 4(2),

118–134. <https://doi.org/10.15642/siyar.2024.4.2.118-134>

Rattanasevee, P. (2014). Towards institutionalised regionalism: The role of institutions and prospects for institutionalisation in ASEAN. *SpringerPlus*, 3, 556. <https://doi.org/10.1186/2193-1801-3-556>



Sandi, R. K., Patriani, I., & Fahriansyah, O. (2022). Drug-free ASEAN 2025 Work Plan:

Kebijakan ASEAN dalam menanggulangi drug trafficking. *Sovereign*, 4(1).

Singapore Customs. (2025). *Trade Security in Singapore*.
<https://www.customs.gov.sg/businesses/trade-security-in-singapore/>

Sulistiawati, R., Afriani, A., & Permata, I. M. (2024). The concept of reciprocity in international agreements: The case of Indonesia and Singapore extradition treaty.

Journal of Law and Social Transformation, 2(1), 50–67.
<https://doi.org/10.62527/jlast.2.1.31>

Sundram, P. (2024). ASEAN cooperation to combat transnational crime: Progress, perils, and prospects. *Frontiers in Political Science*, 6, 1304828.
<https://doi.org/10.3389/fpos.2024.1304828>

Syafrinaldi, Prayuda, R., & Harto, S. (2022). Toward effective ASEAN mutual legal assistance in combating non-traditional security threats in Southeast Asia region. *AUSTRAL: Brazilian Journal of Strategy & International Relations*, 11(22). <https://doi.org/10.22456/2238-6912.119595>

Thanh-Luong, H. (2022). Transnational drug trafficking in Southeast Asia: Identifying national limitations to look for regional changes. *Revista Criminalidad*, 64(1), 177–192. <https://doi.org/10.47741/17943108.338>

Wear, E. A. (2024). Kondisi dan dampak perbedaan regulasi penanganan narkoba di beberapa negara ASEAN. *BALOBE Law Journal*, 4(1), 1–10.
<https://doi.org/10.47268/balobe.v4i1.1944>

Wulandari, S. A., & Kirana, P. (2023). ASEAN states cooperation in the control and prevention of illicit drugs trafficking. *Yuridika*, 38(3), 665–684.
<https://doi.org/10.20473/ydk.v38i3.44872>

Yoserwan. (2020). Harmonization of law on mutual legal assistance by Indonesia in eradicating transnational economic crime in ASEAN Economic Community. *Advances in Social Science, Education and Humanities Research*, 549, 24–31.
<https://doi.org/10.2991/assehr.k.210506.005>

Yuhernawa, Y., & Barthos, M. (2021). Law enforcement in treating the dark circulation of narcotics in the border area of Indonesia. *Proceedings of the 1st*



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International Conference on Law, Social Science, Economics, and Education
(ICLSSEE 2021). <https://doi.org/10.4108/eai.6-3-2021.2306452>

