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Abstract

Cross-border drug trafficking is a form of transnational crime that threatens legal stability and global security. The Riau Islands as a strategic border region of Indonesia faces serious challenges in combating this crime due to limited law enforcement capacity, geographic vulnerability, and weak coordination between countries. This study aims to analyze the effectiveness of international legal regulations on cross-border drug trafficking and evaluate the challenges of its implementation in the Riau Islands region. The method used is normative juridical with a legislative and conceptual approach based on literature studies. The results of the study indicate that the weak harmonization of international norms with national laws, as well as limited capacity for legal enforcement and diplomacy, are the main obstacles. Therefore, it is necessary to strengthen the implementation of international conventions, crosscountry coordination, and develop national legal institutions to effectively address the challenges of cross-border drug crimes.

Keywords: Drug Trafficking, Cross-border, International Law, Riau Islands

INTRODUCTION

Cross-border drug trafficking is a form of transnational organized crime that has serious impacts on security stability, public health, and international legal order. This phenomenon does not only involve individuals or groups in one country, but also involves a well-structured and organized international network. The increase in the volume of illegal drug trafficking between countries has become a real threat that has eroded the international and national legal order, and has caused multidimensional losses, ranging from social, economic, to political. Therefore, the urgency of combating cross-border drug trafficking is an important agenda in the contemporary international legal system. Indonesia as a strategic archipelagic country in the Southeast Asia region, is in a vulnerable position to crossborder drug trafficking. The Riau Islands (Kepri), in particular, is one of the areas with a high level of vulnerability due to its geographical location directly bordering Singapore and Malaysia. This position makes Kepri not only a destination area, but also a major transit route for international drug trafficking. Data from the National Narcotics Agency (BNN) shows that a large number of drug smuggling enters through sea routes in this region by exploiting surveillance gaps on small islands and open waters.(King Gukguk & Jaya, 2019).

The geographical characteristics of the Riau Islands consisting of separate islands and a long coastline pose unique challenges for law enforcement officers. Law enforcement in maritime areas requires technical and logistical readiness, as well as complex cross-sector coordination. Limited access to remote areas, minimal sea patrol facilities, and limited human resources (HR) are factors that hinder the effectiveness of supervision and action against narcotics trafficking. In these conditions, transnational criminals can take advantage of weak supervision in border areas to carry out illegal activities with minimal risk. There are also jurisdictional issues in addition to the technical challenges above which often become obstacles in enforcing the law against cross-border narcotics trafficking.(Budiman & Sadat, 2024). State sovereignty limits the scope of a country's law enforcement actions against perpetrators who cross the jurisdiction of another country. For example, in the case of the arrest of a ship or perpetrator in international waters or an exclusive economic zone (EEZ), an international legal basis and cooperation mechanisms between countries are needed to take legal action. This creates a legal loophole that is often exploited by international drug networks.

Cross-border cooperation is an urgent need in dealing with cross-border drug crimes. However, this cooperation is not always effective because it is constrained by differences in legal systems, the national interests of

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each country, and the limitations of applicable bilateral or multilateral agreements. In addition, coordination between domestic agencies often experiences overlapping authority, which actually weakens integrated handling of cross-border crimes. International law plays an important role as a normative framework that regulates the procedures and mechanisms of cooperation between countries in combating cross-border drug crimes. A number of international legal instruments such as the Single Convention on Narcotic Drugs 1961, the Convention on Psychotropic Substances 1971, and the United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1988 provide a legal basis for countries to harmonize laws, exchange information, mutual legal assistance, extradition, and joint investigations. The implementation of international legal provisions at the national level still faces various obstacles, especially in terms of strengthening institutional capacity and harmonization of norms. In the context of the Riau Islands, the urgency of strengthening narcotics law enforcement through international legal instruments is very important considering the high intensity of cross-border crossings and the limitations of local authorities in tackling large-scale narcotics trafficking. Without synergy between national and international law, efforts to eradicate narcotics crimes in border areas will continue to be lopsided and ineffective.

In this regard, it is important to conduct a normative study of the role and challenges of implementing international law in overcoming cross-border drug trafficking, especially in vulnerable areas such as the Riau Islands. This study is expected to provide theoretical and practical contributions in strengthening the national legal system through a more integrated and responsive international cooperation approach to the dynamics of transnational crime. Based on the above background, it can be concluded that cross-border drug trafficking is a serious problem that requires a comprehensive and implementable international legal approach. The strategic position of the Riau Islands, which borders several neighboring countries, makes it a vulnerable area to cross-border drug smuggling, while challenges in terms of jurisdiction, limited resources, and cross-border coordination complicate law enforcement efforts. Therefore, this study aims to answer three main problems, namely: (1) how is the international legal regulation of cross-border drug trafficking, (2) what are the challenges of law enforcement against cross-border drug trafficking in the Riau Islands region based on an international legal perspective, and (3) what normative strategies can be proposed to increase the effectiveness of cross-border drug law enforcement in border areas. By answering these three problem formulations, it is hoped that solutions can be formulated that are not only theoretical, but also practical and applicable for law enforcement in Indonesia's border areas.

LITERATURE REVIEW

1. Cross-border Narcotics Crimes

Cross-border drug crimes are part of transnational organized crime that is recognized by international law as a serious threat to global security and stability. According to the United Nations Office on Drugs and Crime (UNODC), transnational drug crimes are defined as "illicit activities involving the cultivation, manufacture, distribution and trafficking of narcotic drugs and psychotropic substances across international borders, often conducted by organized criminal groups" (United Nations Office on Drugs and Crime (UNODC), 2023). In the context of Indonesian national law, Article 1 number 1 of Law Number 35 of 2009 concerning Narcotics defines narcotics as substances or drugs derived from plants or non-plants, either synthetic or semi-synthetic, which can cause a decrease or change in consciousness, loss of feeling, reduce to eliminate pain, and can cause dependence. Cross-border narcotics crimes are becoming increasingly complex because they are cross-jurisdictional, involve perpetrators from various countries, and often use dark channels that are difficult for law enforcement to track. (Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics. State Gazette of the Republic of Indonesia 2009 Number 143., nd).

The main characteristic of this crime is the existence of a sophisticated modus operandi and a structured transnational network. The modus operandi that is often used includes smuggling narcotics through sea routes using small boats or fishing boats, utilizing international trade routes (export-import containers), to the use of human couriers or body packing. In border areas such as the Riau Islands, perpetrators utilize small islands as stopover or transit points before goods are sent to the destination country. This crime network is hierarchical and often connected to international organized criminal groups that have sophisticated logistics capabilities, communication technology, and financial systems. (Madinger, 2011). Thus, combating transnational drug crimes requires a legal approach that is not only national, but also international and collaborative across jurisdictions.

2. International Law Governing the Distribution of Narcotics

One of the main instruments in international law that regulates the circulation of narcotics is the Single Convention on Narcotic Drugs 1961, which was the first milestone in uniting various previous international

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agreements on narcotics control. This convention regulates the classification of narcotic substances, the international control system, and the obligation of countries to limit the production, distribution, and use of narcotics to medical and scientific purposes only. This convention also established the International Narcotics Control Board (INCB) as a supervisory body for the implementation of the provisions of the convention by the participating countries. (United Nations Office on Drugs and Crime (UNODC), 2023). Indonesia ratified this convention through Presidential Decree No. 39 of 1961, which became the legal basis for forming a national narcotics control policy. (Presidential Decree of the Republic of Indonesia Number 39 of 1961 Concerning Ratification of the Single Convention on Narcotic Drugs 1961, nd).

United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1988, also known as the Vienna Convention, strengthens the international legal framework by regulating the prosecution of illicit trafficking in narcotic drugs and psychotropic substances. The convention emphasizes international cooperation in the form of extradition, freezing and confiscation of assets derived from narcotics crimes, and the exchange of intelligence information between countries. The convention also provides legitimacy for extra-territorial jurisdictional actions in eradicating transnational narcotics crime networks. (Boister, 2021). This provision is very relevant to be applied in areas such as the Riau Islands, which is a strategic sea crossing between Southeast Asian countries. The role of international and regional cooperation institutions and mechanisms is also very important in addition to formal law. UNODC acts as a technical agency of the United Nations that coordinates drug prevention and eradication programs and supports countries in policy harmonization. At the operational level, INTERPOL facilitates cross-border law enforcement cooperation in the form of an international database and early warning system for the movement of global drug networks.(INTERPOL, 2022). In the Southeast Asia region, ASEAN through the ASEAN Narcotics Cooperation Center (ASEAN-NARCO) encourages regional policy synergy and strategic data exchange between member countries in combating cross-border drug crimes. This collaboration is crucial to address the challenges of drug trafficking in maritime border areas such as the Riau Islands which directly border Malaysia and Singapore.

3. Principles and Mechanisms of International Law Enforcement

Law enforcement against transnational crimes in the international legal system, such as drug trafficking, is based on the principle of state jurisdiction, especially the territorial principle and the extraterritorial principle. The territorial principle gives a country the authority to enforce the law against violations that occur within its sovereign territory. Meanwhile, the extraterritorial principle allows a country to take action against perpetrators who commit crimes outside its territory if the crime has a significant impact on the national interests of the country, or if the perpetrator or victim is a citizen of the country. (Shaw, 2017). In the context of cross-border drug trafficking, these two principles are often used simultaneously to justify legal action against perpetrators who cross the jurisdiction of more than one country.

The increasing complexity of transnational crimes, cooperation mechanisms between countries such as Mutual Legal Assistance (MLA), extradition, and joint investigations are very important. MLA is a legal instrument that allows a country to request legal assistance from another country, such as obtaining evidence, summoning witnesses, or tracking assets resulting from crime. The extradition mechanism is used to hand over perpetrators of crimes from one country to another country that has jurisdiction to prosecute, as long as there is an agreement or principle of reciprocity. In addition, joint investigations are increasingly being used in the context of handling complex international narcotics networks that are spread across various countries. (United Nations Office on Drugs and Crime (UNODC), 2023). These mechanisms strengthen coordination and effectiveness of law enforcement between countries, especially in border areas such as the Riau Islands.

International law recognizes the obligation of states within the framework of international cooperation to prevent and eradicate cross-border drug trafficking. Based on the 1988 Vienna Convention and UNODC documents, each state party is obliged to establish the illegal trafficking of narcotics as a serious crime in its national law, and to actively cooperate with other states in the investigation, prosecution, and prevention of drug crimes. States are also required to build legal and institutional systems that support the exchange of information, supervision of ports and sea lanes, and strengthening the capacity of law enforcement agencies. (United Nations, 2023). Failure to fulfill this obligation not only weakens domestic law enforcement, but also contributes to the weakening of the global security system in dealing with transnational crime.

4. State Sovereignty Theory

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The State Sovereignty Theory is a fundamental principle in international law which states that every country has the highest authority over its territory and internal affairs without interference from outside parties. In the context of law enforcement against cross-border drug trafficking, this theory explains why countries have full authority to establish laws, take action, and control activities in their jurisdiction, including border areas such as the Riau Islands. However, this theory also creates limitations in handling cross-border crimes, because a country's jurisdiction cannot be immediately applied to perpetrators outside its territory, even though their crimes have an impact domestically.(Cassese, 2005). Therefore, this article uses the theory of state sovereignty to highlight the limitations of unilateral action in combating cross-border drug trafficking and the need for a more collaborative approach.

5. Extraterritorial Jurisdiction Theory

The Extraterritorial Jurisdiction Theory complements the principle of state sovereignty by opening up space for a state to enforce the law against criminal acts committed outside its territory, under certain conditions. This jurisdiction can be based on the principle of active nationality, protective principle, or effects doctrine, especially if the act threatens national security or order.(Brownley, 1980). The theory of extraterritorial jurisdiction becomes relevant because cross-border drug trafficking is generally carried out by international networks that move between countries. Countries such as Indonesia can apply jurisdiction to perpetrators outside their territory as long as there is a significant impact on national security. However, the implementation of this jurisdiction must still respect the principle of sovereignty of other countries and be implemented through international cooperation mechanisms.

6. International Cooperation Theory

The International Cooperation Theory is a normative basis that explains that in dealing with transnational crimes such as cross-border drug trafficking, cooperation is needed between the countries involved. This theory emphasizes the importance of international solidarity, equality, and mutual trust to form a collective legal regime in dealing with cross-border crimes.(Slaughter, 2005). The theory of international cooperation is key to addressing the challenges of implementing international law in regions such as the Riau Islands. By analyzing the role of Mutual Legal Assistance, extradition, and joint investigation, this article shows that the success of law enforcement against cross-border narcotics is highly dependent on the willingness of countries to collaborate and build an integrated legal system.

METHOD

This study uses a type of normative legal research, namely legal research that focuses on the study of applicable positive legal norms by emphasizing legal materials as the main source. Normative legal research is conducted through a theoretical and conceptual approach to laws and regulations, international documents, and relevant legal doctrines. This method is appropriate for use in this article because the issues studied relate to international legal regulations and the challenges of law enforcement against cross-border narcotics crimes in border areas, without the need for direct field observations. (Soekanto, 2021). The approaches used in this research are the statute approach and the conceptual approach. (Marzuki, 2016). The legislative approach is used to examine international legal provisions governing narcotics, such as the Single Convention on Narcotic Drugs 1961, the Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1988, as well as national provisions such as Law Number 35 of 2009 concerning Narcotics. Meanwhile, the conceptual approach is used to understand the legal theories underlying state jurisdiction, the principles of international cooperation, and the implementation of cross-border law. The use of these two approaches aims to deepen the normative analysis of the complexity of law enforcement in a cross-border context.

The types and sources of legal materials used include primary legal materials. (Riza, 2023), namely national laws and international legal instruments that have been ratified by Indonesia, such as the UN convention on narcotics and extradition treaties; and secondary legal materials, in the form of legal literature, scientific journal articles, policy documents from UNODC, and performance reports of law enforcement agencies such as the BNN, POLRI, and Customs. The technique of collecting legal materials is carried out through literature studies by tracing authoritative legal sources from libraries, online legal databases, and publications of international institutions. The analysis technique used is qualitative analysis of legal materials, by describing, interpreting and constructing legal norms that are relevant to the issues being researched. (Parameshwara & Riza, 2023). This analysis is conducted systematically to evaluate the suitability between international legal regulations and the factual conditions of law enforcement challenges in the Riau Islands region. With this approach, this article is expected to provide significant contributions

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to academic and practical understanding of the effectiveness of the international legal system in overcoming cross-border narcotics trafficking.

RESULTS AND DISCUSSION

Profile of Riau Islands as a Border Region

The Riau Islands (Kepri) have a very strategic geographical position between international shipping lanes such as the Malacca Strait, Natuna Sea, and South China Sea. Its area reaches ±96% waters and only about 4% land, with more than 2,400 islands scattered around it. This condition makes Kepri a maritime gateway for Indonesia to neighboring countries such as Singapore, Malaysia, Vietnam, and even China. (Yolandi, nd). In terms of maritime law, the Riau Islands are located in the Indonesian maritime zoning area of sovereign territory, coastal zone, and exclusive economic zone (EEZ) which gives rise to complex jurisdiction and supervision in the waters. The characteristics of Riau Islands maritime law are related to the implementation of UNCLOS rules, where the state is authorized to supervise activities in all its sea zones. However, the long coastline and remote islands create technical and logistical challenges for surveillance agencies such as Polair, Customs, and BNN. In addition, coordination between the central and regional governments in maritime governance adds layers of regulation that must be harmonized. (Hadiyanto et al., nd).

Economically and demographically, Kepri has experienced rapid growth, with high GRDP per capita and great maritime potential. Meanwhile, the capacity of surveillance at sea continues to be strengthened, including the development of the BNN laboratory for the analysis of narcotics distribution channels. This situation shows an increase in awareness and structural efforts in strengthening maritime security in border areas. Secondary data from the BNN in 2024 showed strengthening of prevention and eradication strategies (P4GN) in coastal and border areas, including the Riau Islands, through collaboration between local and international stakeholders. (National Narcotics Agency, 2024). The anti-drug declaration program and coordination between officers from neighboring countries are an important part of combating cross-border narcotics trafficking, especially through sea routes. According to data from the Riau Islands Regional Police, as many as 51 drug cases were successfully uncovered in January 2024, including crystal methamphetamine and ecstasy, with the destruction of evidence by the National Police and BNN.(POLRI Media Hub, 2024). This figure reflects the intensity and frequency of drug trafficking in the waters of the Riau Islands which is quite high, as well as the importance of strengthening patrols and information links between countries. Previous research also noted that Kepri became the preferred route for transnational networks for smuggling from Malaysia and its surroundings. This means that the cross-border pattern of narcotics is more complex, not only targeting one country but also involving synchronization of sea transportation modes, local logistics, and criminal network structures that exploit the vulnerability of maritime borders.

Law Enforcement Challenges in Border Areas

Maritime border areas such as the Riau Islands face significant limitations in law enforcement capacity. Polair, Customs, and BNN often lack patrol equipment such as speedboats and coastal radars, as well as trained human resources for long-range maritime operations. Minimal infrastructure and high operational costs make border areas vulnerable to penetration by narcotics-carrying vessels, which often manage to escape due to slow response times. Coordination between institutions within the country is also a major obstacle. Fragmentation of tasks between the National Police, BNN, TNI AL, Bakamla, and Customs causes overlapping authority and weak synergy in field operations. This is exacerbated by the suboptimal integrated maritime command management system, which results in intelligence information often not being distributed in a timely and complete manner.

Geographically, the Riau Islands have thousands of small islands that are difficult to reach and difficult to monitor. Criminals use "shadow routes" or "rat trails" to smuggle narcotics through islands without official checkpoints. (Myers & Kelly, 2006). This tactic exploits the lack of rules and minimal oversight in the transition zone, making it difficult for authorities to identify and arrest perpetrators. Obstacles to cooperation between countries, especially between Indonesia, Malaysia, and Singapore, is the next challenge. These countries have different legal systems, languages, and enforcement procedures. Regulatory disharmony hinders intelligence exchange and direct operational coordination. Information sharing is often hampered by domestic administrative and political procedures that maintain the legal sovereignty of each country. (Hidayat, 2021). The issue of jurisdiction is also very complex. The arrest of narcotics vessels often occurs in the Indonesian EEZ, an area that is legally still under the limited sovereignty of the state, thus requiring a special boarding agreement from the country that owns the ship's flag. Without an extraterritorial agreement, authorities cannot immediately prosecute foreign perpetrators who flee to the waters of their home country.

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Jurisdictional violations are often exploited by perpetrators by exploiting flags of convenience of ships flying flags of weak countries that are not easily processed legally. This results in authorities being overwhelmed because they have to involve external parties who are slow to respond to law enforcement requests. Another challenge is the technology and intelligence system that is still limited. Currently, sea monitoring still relies on coastal radar and patrol ships only, while perpetrators have used AIS off, spoofing, and fake satellites. The unpreparedness of this sophisticated technology opens up a great opportunity for smuggling networks to operate with high anonymity.

The limited human resources expert in cross-country investigation and digital analysis makes joint investigation activities difficult to implement effectively. Local officials still have minimal training on digital issues and international law, so collaboration with foreign institutions is often slow and not optimal. Finally, domestic political and bureaucratic conditions such as institutional resistance, corruption, and orientation to local interests also contribute to the weakening. Although there is a framework for cooperation such as ASEAN-NARCO, its implementation has not been consistent due to the lack of political will of each country in conducting joint operations on the border.

Normative Analysis of the Effectiveness of International Law

One of the most striking weaknesses in the implementation of the International Convention on Narcotics (Single Convention 1961, Vienna Convention 1988) is the lack of full compliance by the states parties in making the provisions of the convention part of national law. Many countries have not translated conventional obligations into a clear and comprehensive domestic legislative framework. This disharmony is evident from the disharmony in the determination of sanctions, the definition of narcotics, to the production monitoring system, so that the effectiveness of international law enforcement is weakened. The monitoring mechanism by the International Narcotics Control Board (INCB) tends to be limited to the "naming and shaming" method without direct punitive powers when countries do not comply with the convention.(Nursafitri & Ramadhan, 2022). This makes state compliance voluntary and dependent on political consensus; when states ignore INCB recommendations, the impact on the international legal system is still weak. This condition provides opportunities for transnational drug traffickers to exploit regulatory loopholes.

This condition reflects the lack of harmonization of national regulations with international norms, both in terms of definitions, criminal sanctions, and law enforcement procedures. This can be seen from the various implementations of the Narcotics Law in various countries, which are not yet uniform despite ratifying the same convention. When one country has a fast extradition procedure, but neighboring countries are slow to respond, then criminals can move countries to avoid the legal process. Drug trafficking prevention strategies are often exploratory and inconsistent. BewleyTaylor's (2010) article shows that the flexibility of the convention provides room for interpretation of various national policies, but is often not accompanied by internal institutional reform. This inconsistency in law enforcement has the potential to create a gray zone where countries with weak capacity become the main route for transnational networks.

Structural harmonization is needed to improve the condition, at least at the level of criminal definition, Mutual Legal Assistance mechanism, and extradition parameters. Through closer coordination, countries, including Indonesia, can synchronize domestic laws according to the minimum limits required by the convention. This approach requires strong legal support and the readiness of national institutions to implement reforms. Expanding diplomatic negotiation space in international forums such as UNODC and ASEAN can strengthen the framework of cooperation. Countries can pioneer sub-regional mechanisms that are more responsive than global conventions, for example through special extradition treaties or joint sea patrol agreements in maritime border areas. This model has been applied in the context of maritime security by multilateral institutions such as IORA.

Institutionally, strengthening the role of legal diplomacy is very necessary. Countries must facilitate training for diplomats and law enforcement officers on international legal cooperation mechanisms, such as MLA and joint investigation so that they are more competent in collaborating across countries. The establishment of a special legal unit between neighboring countries such as Indonesia–Malaysia–Singapore can speed up operational response. This unit can serve as a daily coordination center for sharing intelligence and developing action strategies. This model has proven effective in counterterrorism cases in Europe. Finally, to ensure the sustainability of implementation, countries need to establish a joint monitoring and evaluation system. For example, through regular progress reports followed up by technical evaluations by UNODC involving local stakeholders. Such a system will create high accountability and reduce the chances of weakening national commitment to the convention.

CONCLUSION

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Based on the results of the discussion in this article, it can be concluded that cross-border drug trafficking is a serious threat that requires a law enforcement approach that is not only national, but also based on a strong and effective international legal framework. The complexity of border areas such as the Riau Islands, with unique geographic and jurisdictional challenges, shows the importance of strengthening the implementation of ratified international conventions, such as the 1961 Single Convention and the 1988 Convention, so that they can be optimally internalized in the national legal system. Without strong implementation and consistent harmonization of norms, international provisions will be difficult to apply effectively in the field. Therefore, closer coordination is needed between countries, especially neighboring countries such as Malaysia and Singapore, in the form of concrete legal cooperation such as extradition, Mutual Legal Assistance, and joint investigations. In addition, strengthening national law enforcement capacity, including in terms of maritime technology, personnel, and intelligence systems, must be a priority. No less important is increasing the role of legal diplomacy and cross-country institutions that are able to bridge the disparity of the legal system and strengthen the collective response to cross-border drug networks in border areas such as the Riau Islands.

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