

Problems faced by ASEAN in dealing with transnational drug smuggling in Southeast Asia region

Rendi Prayuda, Tulus Warsito and Surwandono

Abstract

Purpose – *The purpose of this paper is to study the factors that caused The Association of Southeast Asian Nations (ASEAN) security regime to be ineffective in saving transnational drug smuggling, including the internalization of non-optimal values and norms of the ASEAN Drug-Free Declaration.*

Design/methodology/approach – *This study uses primary data and secondary data. Data analysis and observation are carried out simultaneously, where data are analyzed directly after it is obtained using descriptive analysis. Interactive data analysis is carried out at the initial step by collecting primary and secondary data. Data are analyzed inductively by drawing conclusions from data obtained from general views to specifics.*

Findings – *The development of ASEAN has led to the idea of “ASEAN Way,” namely, the ASEAN security forum to eliminate the use of force in maintaining relations between member countries through the dissemination of agreed values. Multilateral negotiations refer to the establishment of a negotiation regime at the ASEAN level that emphasizes the interests of ASEAN member countries in determining agreements relating to transnational drug crimes. There are several inhibiting factors in the negotiation process, namely, perception differences between ASEAN countries on the threat of drug smuggling in the Southeast Asia region and the differences of ASEAN leaders' priorities and agenda.*

Originality/value – *The originality/authenticity of research is analyzing the factors that affect the ASEAN security system in transnational protection policies by using two models, namely, the international level negotiation model and one at the national level in the form of ratification of ASEAN international relations related to drug smuggling. At present, transnational crimes, especially drug smuggling, appear and pose a threat to national and international security. The object of this research is ASEAN international organizations in cases of transnational drug smuggling.*

Keywords ASEAN, Drugs, Negotiation regimes, Ratification of the ASEAN agreement

Paper type Research paper

Rendi Prayuda, Tulus Warsito and Surwandono are all based at the Department of Islamic Politics, University of Muhammadiyah Yogyakarta, Yogyakarta, Indonesia.

1. Background

The dynamic international political constellation after the cold war has polarized the relationship among nations in the international political relationship including both issues and political actors. While during the cold war, nations rather emphasized on national and international security issues, after the cold war, the focus has shifted to low political issues such as economic, social and cultural issues. Francis Fukuyama believes in one side that the end of the cold war has brought peace to the nations as conflicts related to ideology war have stopped (Francis, 1992). However, even though the conflicts and military tension subsided, yet issues related to non-traditional security arise, especially the ones related to human security including threat and transnational crimes.

Ever since 2000, transnational crime has started to become well-organized and it has spread to not only conflict-vulnerable nations such as the middle east and Latin American

Received 19 December 2019
Revised 29 May 2020
18 August 2020
16 October 2020
23 October 2020
11 November 2020
20 November 2020
Accepted 20 November 2020

countries but also to nations that maintain favorable relationship such as European and Asian countries, especially in the Southeast Asian countries, which are well-known to share favorable and effective cooperation (Tarrow, 2005).

Southeast Asian countries hold strategic geopolitical and economic conditions. This advantage is reflected from various conflicts that involve the interest of countries after World War II such as the competition among superpower countries during the Vietnam War. This fact is also reflected from the conflict of interest among Southeast Asian countries themselves, such as the confrontation that often occurs between Indonesia and Malaysia, the territorial conflict between Malaysia and The Philippines related to the Sabah region, and the separation of Singapore from the Malaysian Federation (Sabir, 1992).

Since 1968 up to the present time, The Association of Southeast Asian Nations (ASEAN) has succeeded in developing and maintaining the peace and stability in the region, and raising the trust among the members. ASEAN has also made a significant contribution to the security and stability of the broader region in Asian Pacific through the ASEAN Regional Forum since 1994. ASEAN has agreed to form an ASEAN community, which is an intra-ASEAN cooperation in the Declaration of ASEAN Political Security Community, ASEAN Economic Community, ASEAN Socio Culture Community (Sabir, 1992).

In 1970, ASEAN countries started to experience problems related to national and international security issues, especially the ones related to the nuclear proliferation-free program in an agreement of Zone of Peace, Freedom and Neutrality [zone of peace, freedom and neutrality (ZOPFAN)]. However, the dynamicity in the diplomatic relationship among the nations started to bump into problems related to human security issues in 1990. Human security issues occur in various problems related to the environment, poverty, disease, organized transnational crime, including drug smuggling, human trafficking, terrorism and corruption.

The shift in the concept of national security to human security has affected some issues in international politics. One of the most fundamental changes caused by this international security approach is the advancement of technology, making non-military or human security become more serious issues than the military issues. This fact also changes the life style of the society, which becomes rather need-oriented lifestyle, driving more complex dependency and integration among the society.

High mobility among nations also causes the limits among the nations and limit of authority among nations fade, allowing massive interaction among societies from different nations to occur, which also triggers transnational crime. There are various types of transnational crimes that occur massively and they are able to destruct the morality of a generation through drug smuggling. Drugs are substances that can bring certain influences in the body. The effects can be in the form of anesthesia, painkiller, euphoria, hallucination and imagination. Drugs are commonly used in medical treatment such as in surgery and to relieve pain (Alifia, 2008).

Drug smuggling as transnational crime rapidly develops and threatens the national security of a country. Good coordination system among the drug mafia allows them to distribute the drugs across countries (Broome, 2000). China and Afghanistan are countries known as major drug suppliers for Asian countries including Southeast Asia, South Asia and Middle Asia with a supply rate exceeding 46% of the worldwide drug distribution.

Southeast Asia, which is located in the middle of the world trade route, has been used by drug mafias round the world as the route of their drug distribution. ASEAN Narcotics Center stated that the narcotic plants are planted in areas known as Golden Crescent, which includes Iran, Afghanistan and in "Golden Peacock" areas including Latin America, as well as "Golden Triangle" area in the borderline of Thailand, Laos and Myanmar (Su, 2015).

The Golden Triangle area in Southeast Asia becomes the place for some people to plant opium, which is the main ingredient of heroin and cocaine. The business in this area generates up to US\$160bn dollar profit per year (Othman, 2004). The development of

poppy farm in the golden triangle area has been the primary source of income for the society around the area in Myanmar as the majority of the society work as poppy farmer (Unodc, 2014).

Supply-side indicators suggest a notable decrease in heroin production in Southeast Asia. In 2014, the area of opium poppy cultivation in Myanmar amounted to under 60,000 ha, and has since shown a sharp decline. In 2017, the total area of opium poppy cultivation in Myanmar amounted to 41,000 ha, a 25% decrease from the 55,000 ha recorded in 2015. In 2018, this dropped a further 10% to 37,300 ha. The majority of opium poppy continues to be cultivated in Shan State (90%), followed by Kachin State (9%), with negligible cultivation in Chin and Kayah states (Unodc, 2019).

Issues on transnational crime including drug smuggling in Southeast Asia were also discussed in ASEAN Senior Officials on Drug Matters (ASOD) to support the 2015 ASEAN Drug-Free program. ASOD is the official forum for ASEAN members to solve problems related to the drug trade. ASOD was officially established in 1984 in Jakarta as the follow-up program of the regular meeting ASEAN Experts Group on the Prevention and Control of Drug Abuse held since 1972 under the authority of the Committee on Social Development and Narcotic Desk in the headquarter of ASEAN.

Different views on the security related to drug smuggling in Southeast Asia countries also triggers inadequacy of the coordination and attempts made by the organization to fight against drug abuse in the area. Several factors are known to relate with drug trafficking in borderline areas between Southeast Asian countries such as the fact that state officials are less professional in working and the inability to catch up with the sophisticated way in performing transnational crime among doers. Those weaknesses become the obstacles that prevent ASEAN from being able to anticipate drug trafficking in the ASEAN area (Cipto, 2007).

Another problem is also experienced by the ASEAN security regime (ASOD) in dealing with drug cartels after ASEAN was stated in an “alarming” situation related to drug trafficking by The United Nations Office on Drugs and Crime in 2013. Serious actions should be administered to prevent the level from increasing such as in Latin America (Colombia, Quebec and Mexico). The United Nations also asserted that the failure in dealing with drug trafficking occurs due to the inability of ASEAN countries in revealing the regional drug distribution path, which is the initial way to reveal the international drug trafficking path from China to the Netherland and other countries.

Another form of failure is also shown by Category 1 drug smuggling including heroin and cocaine in Indonesia, Thailand, the Philippines and Malaysia. Moreover, in Tangerang, Cakung (Jakarta), Banten and Riau Island indicated that the function of ASEAN in dealing with this problem has not yet effectively implemented. Responding to those issues, the anti-drug smuggling program has been enacted since early 1975 in an agreement attended by ministers in ASEAN on act against transnational crime and the agreement among the leader of ASEAN countries for drug abuse-free ASEAN. Unfortunately, those attempts could not yet effectively reduce the rate of drug abuse as the number of drug abuse keeps arising and more criminals have been caught distributing drugs to ASEAN countries. The modes of drug smuggling to ASEAN countries are presented before ASEAN Drug-Free Declaration in 2015 until the end of the declaration, in which it was shown that the number of drug smuggling in Southeast Asian countries kept arising. The ineffective implementation of the ASEAN declaration program as explained previously has intrigued the researcher to analyze the problems experienced by ASEAN in dealing with drug smuggling transnational crime in Southeast Asia.

2. Literature review

Drug smuggling is, perhaps, the worst transnational organized crimes (TOC) communicated by Southeast Asian countries. Although there are no definite statistics on the

transport of illegal drugs, every day, at least thousands of kilograms of narcotic drugs, international boundaries by air, sea and land, are sent to drug dealers and users in the region (Coyne, 2018; Windle, 2016).

There are things that the government cannot handle alone, such as drug cases and theorists. Therefore, cooperation is needed between countries. However, in cooperation between countries, there are also some limitations, namely, differences in rules and laws owned by each country. According to Ralf Emmers (2003), these differences become a barrier in combating transnational crime in the world, especially in Southeast Asia.

In 1972, ASEAN held a meeting for ministers to discuss the modes of drug smuggling in the ASEAN area, namely, ASOD. Drug problem is undeniably a serious issue that threatens the health, security and welfare of the society in Southeast Asia. ASEAN held the 30th ASEAN Ministerial Meeting (AMM) in Kuala Lumpur, resulting in an agreement to enhance the attempts to fight against transnational crime including terrorism, human trafficking, drug abuse, weapon trade and piracy.

The current development of information and technology certainly intensifies the interaction between individuals within local and international scope to become increasingly progressive. Communication and information exchange can be quickly carried out by any country, especially within the cooperation in dealing with drug smuggling in the Southeast Asian region. In fact, Thomas L. Friedman explained that technology encourages globalization, which involves global integration, even further according to him the world seems to be a global village that unites humanity in one space of dimensions and time even though they are physically apart (Friedman, 1999, p. 16).

The increasing rate of transnational drug smuggling crimes has caused ASEAN member countries being unable to optimally fulfill individual security, economic growth, social protection, even the rights of individuals themselves. This means that the human security of a community also becomes threatened due to less optimal protection efforts provided by the country. Therefore, maintaining the security for the ASEAN community in dealing with drug smuggling requires good coordination and cooperation from member countries.

The major world transnational drug transaction network, before reaching ASEAN countries, were originated from China, Hong Kong and Laos. These countries also play a role in supplying narcotics in several countries in the Middle East region, while raw narcotics products are mostly produced from the Soviet territory and Asian regions. Thus, it can be inferred that transnational drug trafficking in the world is carried out with a fast and neat path.

Heroin (Putaw) is often packaged and hidden in congratulatory cards, bath soap packs, powder milk boxes, trash cans, the back of the refrigerator as found in several drug crime cases in Indonesia, Thailand, Vietnam and Malaysia. Meanwhile, ecstasy pills are often hidden in candy wrappers, beverage wrappers, bread cans, matches, helmets as happened in several cases in Indonesia, the Philippines, Thailand, Laos and Malaysia.

In addition, one of the most common types of narcotics in the Southeast Asia region is methamphetamine and putau, which are stored in boxes containing piles of fish to avoid the detection of sniffer dogs and stored in clothes or slippers/shoes that have been modified to avoid being detected by detection devices at pioneer class airports as happened in several disclosures in Indonesia, the Philippines, Thailand, Laos, the Philippines and Malaysia (www.unodc.org/documents/southeastasiaandpacific/Publications/ASEAN_2015).

Drug smuggling does not only threaten a state security, but it also appears as a threat for human security. Hence, a comprehensive anticipation from all parties are necessary including the ones from the government, the public and the private sector. In dealing with drug smuggling in the Southeast Asia region, each ASEAN country has agreed to fight against this crime including Indonesia, Malaysia, Singapore, Thailand, Brunei Darussalam, Philippines, Vietnam, Laos, Cambodia and Myanmar.

Based on research conducted by [Luong \(2020\)](#), several things that must be improved to minimize the possibility of transnational drug smuggling in Southeast Asia, especially Vietnam, are inadequate law enforcement agencies (LEA) to identify and prosecute TOC operations, lack of international framework and regional law, particularly bilateral agreements on mutual legal assistance and extradition between Vietnam and its neighbors, the data-sharing approach between Vietnam and its regional partners is outdated, with a number of practical limitations. In fact, the TOC's *modus operandi* changes frequently to avoid detection.

However, within the implementation of this idea in the ASEAN cooperation forum there, different perceptions occurred. Seen from the distribution chain, the illegal drug business in Southeast Asia starts from the production, distribution and consumption. Up to this present time, Southeast Asia is still notoriously-known major drug producers for the Asian region.

Myanmar is tops the rank of drug production in the Southeast Asia region. This is due to the poverty chain and cultural history of the people in Myanmar. Since the ancient time, the people of Myanmar have been planting poppy plants, which flowers are extracted to produce opium, the raw material for heroin production. The opium is sold to Taiwan and China to be extracted back into semi-finished narcotics or ready-to-use narcotics.

This increase in the number of opium farms is obviously influenced by various factors. One of the most influential factors toward this significant increase is the law enforcement in the business field and the high rate of drug abuse, resulting in the rapid development of opium farms. After Myanmar, Laos and Thailand are also known to have opium farms ([Kramer, 2015](#), p. 44).

Myanmar, Laos and Thailand regard the farm beneficial for the economic development of the community, as the community have been planting these poppy plants since the ancient time. They regard massive prohibition policy will lead to conflicts within the community, which will result in a higher rate of. While for other member countries such as Indonesia, the Philippines, Malaysia and Singapore, which are the market of narcotics products, regard the business as a major threat for their society. Those countries then started to establish internal supervision and transnational cooperation to break the chain of drug smuggling crime in their countries.

Indonesia and the Philippines are among the countries with the highest consumption of narcotics. Therefore, the governments of those countries are very aggressive in fighting against drug smuggling crime by enforcing harsh legal sanctions up to the death penalty for the drug cartel mafia.

3. Research framework

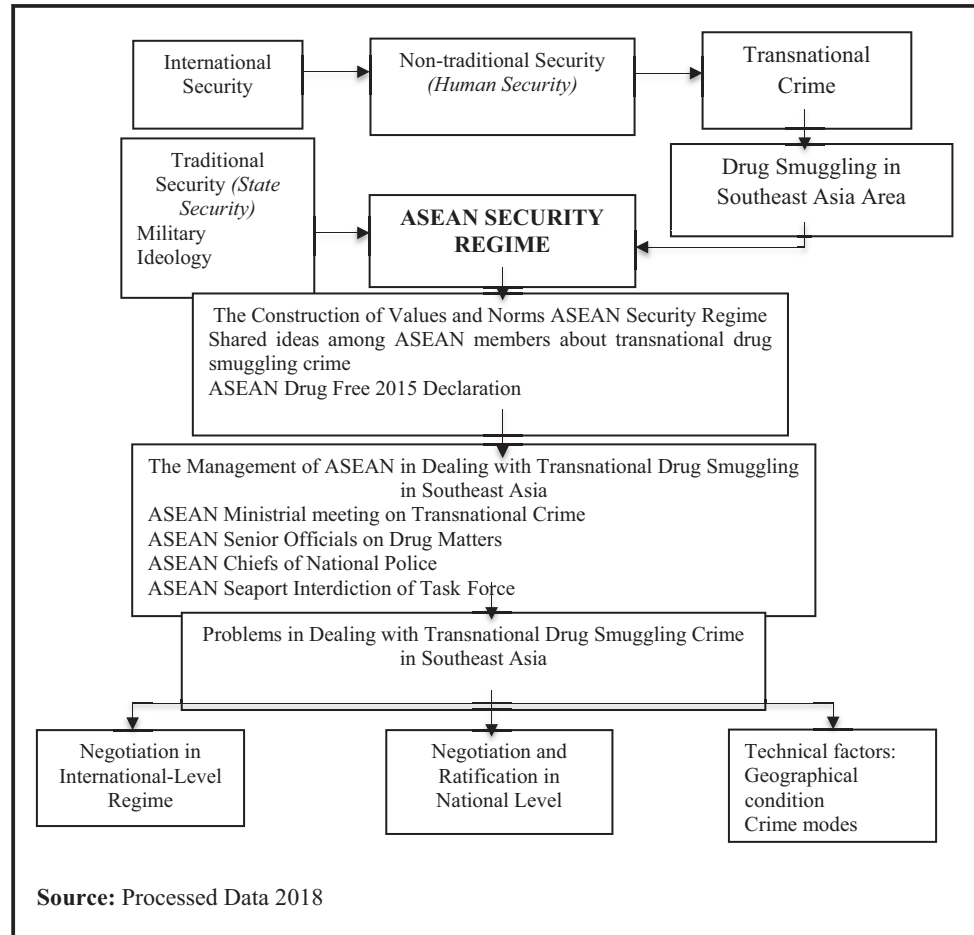
The framework of this research on the problems faced by ASEAN in dealing with transnational drug smuggling crime in Southeast Asia is presented as follows ([Figure 1](#)).

Regarding those problems, the hypothesis of this research was formulated as “the factors that caused ineffective ASEAN security regime in dealing with transnational drug smuggling include the non-optimal internalization of values and norms of ASEAN Drug-Free Declaration among member countries, which can be analyzed based on regional negotiation among Southeast Asian countries, as well as national negotiation within ratification process in the member countries”.

4. Methodology

This research used a qualitative approach and case study method that investigated certain events, subject or documentation of certain events in detail ([Moleong, 2000](#)). The object of this research is ASEAN international organization in dealing with transnational drug smuggling crime.

Figure 1 Research framework



Primary data and secondary data were analyzed in this research to explain the phenomena. Primary data were the data obtained from interviews done to informants from ASEAN headquarter in Jakarta, ASEAN-Narcotics Cooperation (NARCO), *Badan Narkotika Nasional Direktorat Reserse dan Narkoba*. Meanwhile, secondary data included annual reports of the *Direktorat Reserse Narkoba* on drug trafficking cases, report of *Setnas* ASEAN, report of ASEAN NARCO and journals related to transnational crime activities and other relevant sources.

This research is a field research and library research. Therefore, in carrying out the study of this paper, this was done with several data collection techniques, namely, in-depth interviews and documentation studies.

In conducting this research, the data analysis can be carried out simultaneously with the research observation process. So during the research process, the data obtained can be directly analyzed. In accordance with the research methods and data collection techniques used in this study, then to analyze the data that has been collected from the field, the analysis technique used is descriptive analysis. Through this technique, all data or facts obtained will be described by developing categories relevant to the purpose of research and interpretation of the results of descriptive analysis based on appropriate theories.

An interactive data analysis was administered in the early step by collecting both primary and secondary data. Data reduction, presentation and verification were also administered

to obtain comprehensive conclusions. After that, the data were inductively analyzed by drawing a conclusion of the obtained data from the general view to the specific ones. In the other words, conclusions were drawn by involving all of the research elements that could not be analyzed related to the regional organizational dynamicity, which was used by the international regime in anticipating drug trafficking.

5. Recommendation and implication

Based on the conclusion of ASEAN problems, which are still not able to optimally deal with transnational crime of narcotics smuggling in the Southeast Asian region, the following recommendations in this study are:

- It is necessary to internalize the values and norms of the joint ASEAN declaration related to narcotics by all ASEAN heads of state and to be lowered in the form of concrete policies in the same form throughout ASEAN member countries so that the declaration is not only limited to ceremonial agreement activities.
- There is a need for a humanitarian approach undertaken by the ASEAN security regime through campaign activities, socialization and persuasive approaches, especially among the younger generation so that a future understanding among ASEAN young children toward the dangers of narcotics can be developed. Some forms of policy that can be carried out are ASEAN youth exchanges, camps with school representatives of ASEAN member countries' children related to the dangers of narcotics so that these children have been equipped with an understanding and knowledge of the dangers of narcotics.
- It is necessary to establish an "ASEAN Narcotics Agency (ANA) Institution," which focuses on having the main duties and functions as an LEA and has the same rights as the National Narcotics Agency in each ASEAN member country and the members of the ANA can come from representatives of the Agency National Narcotics of all ASEAN member countries so that with a special institution that handles narcotics problems at the regional level it is hoped that they will be able to carry out their functions in anticipating narcotics smuggling at the ASEAN regional level so that in the recommendation of this issue the author provides a concept of "institutionalization of regional integration," which is able to become a container and bridges in the implementation of negotiations at the national and regional levels.

The findings in this study indicate that the development of ASEAN has led to the idea of the "ASEAN Way," namely, the ASEAN security forum to eliminate the use of force in maintaining relations between member countries through the dissemination of agreed values. Multilateral negotiation refers to the establishment of a negotiation regime at the ASEAN level that emphasizes the interests of ASEAN member countries in determining agreements relating to transnational drug crime. Thus, the research findings have more comprehensive theoretical implications for scientific development and practical implications for government and related stakeholders.

Theoretical implications found that cooperation between countries is needed in efforts to prevent the occurrence of transnational crime, especially drug smuggling. Where this will pose a threat to national and international security. If one country cooperates with one another, then the crime of drug smuggling can be minimized. In addition, security between countries will also be increasingly stringent.

The practical implications based on the findings in this study are that prevention of the transnational crime of narcotics smuggling can be done through a humanitarian approach carried out by the ASEAN security regime, such as holding campaign activities, socialization and persuasive approaches. This is especially done among the younger

generation so that the children of the younger generation of ASEAN understand the dangers of the narcotics threat.

6. Results and discussions

Illegal drug business in Southeast Asia keeps increasing every year including from the crime modes and the production of new drug types. This illegal business has been started since the early of 1900. Some Southeast Asian countries are known as the major producer, as well as transit places in the distribution of drugs to North America, Europe and other parts of Asia. The Golden Triangle area, which consists of Northern and Eastern Thailand, West Myanmar and Laos are known as a major drug producer in the world.

Myanmar and Laos have a wide area that produce opium flowers, which are the main ingredient of heroin. It can be assumed that the majority of drugs distributed in Southeast Asia comes from those areas. To anticipate the crime, cooperation among the nations must be enhanced. ASEAN is a place for Southeast Asian countries to communicate their interest in a formal forum to anticipate the transnational drug smuggling crime in Southeast Asia. The products of the organization include the strengthening of the collaboration among national and regional organizations, the government and international actors to effectively collect valid information related to the changes in the trade mode, vulnerability and identification of opportunities that contribute to the mutual trust in fighting against well-organized drug crime (Emmers, 2003, p. 12).

The development of ASEAN has delivered an idea of "ASEAN Way." The ASEAN security forum dreams of abolishing the use of force in maintaining the relationship among the member countries through socialization of the agreed values. The socialization of the ASEAN role can be carried out by dominant actors in the community who are able to get the members used to the appropriateness and the expected behavior among the members. This process constructs the identity of the community through the regional security community.

Based on the Drug-Free 2015 scheme, the ASEAN area is projected to be free from drug production and distribution. In a meeting held in Bangkok in 2000, on the realization of the Declaration of ASEAN Drug-Free program, the deadline was shortened to 2015. This agreement is explained in 56 points of the Joint Communique of the 33rd AMM 2000 as follows.

The Foreign Ministers took note of the threat from drug abuse and drug trafficking on the security and stability of the ASEAN region, particularly its relations with transnational crime. They urged member countries to enhance joints efforts among all affected states in combating the drug menace, especially the newly emerging drugs such as methamphetamine or amphetamine type stimulants. In this regard, they agreed to advance the target year for realizing a drug-free ASEAN from 2020 to 2015 (www.asean.org/communities/asean-political-security-community/item/joint-communique-of-the-33rd-asean-ministerial-meeting-bangkok-thailand-24-25-july-2000, accessed on 15 March 2013).

Policies to support the acceleration and implementation of the mutual agreement on drug matters have been implemented by member countries by focusing on the implementation of law supremacy in every nation. This allows every nation to have a single law procedure in dealing with drug trafficking in the ASEAN area. The framework of the regional ASEAN to the Drug-Free 2015 was categorized into ASEAN and China Cooperative Operation in Response to Dangerous Drugs (ACCORD) (ASEAN – China Cooperative Operation in Response to Dangerous Drugs), ASOD and memorandum of understanding on the control of narcotics and illegal drugs. The ACCORD resulted from the cooperation between ASEAN and China shows that ASEAN recognizes the role of China in fighting against drug trafficking and abuse. The cooperation between ASEAN and China has produced the ACCORD Plan of Action.

Even though preventive, preemptive and repressive actions have been taken to deal with drug smugglings, they could not yet completely solve the problems. The data released by ASEAN Narco Center shows that from 2015 to 2017, the distribution and smuggling of drug increased in terms of types and crime modes.

Based on the concept of negotiation in the international regime proposed by Bertram I. Spencer and I William Zartman, analysis on illegal drug trafficking can be seen from the bargaining activities in multilateral level and national domestic level. Multilateral negotiation rather refers to the establishment of a negotiation regime in the ASEAN level, which emphasizes more on the interests of ASEAN member countries in determining an agreement related to transnational drug crime.

The bargaining in the domestic level rather refers to the ratification of international law products among ASEAN countries to comply with the international agreed law in dealing with transnational drug trafficking, which is used as the framework of law enforcement in ASEAN. In this research, factors that influence the failure of the ASEAN security regime in dealing with transnational drug smuggling crime were analyzed using two models as mentioned; international-level negotiation regime and the one in national level in the form of ASEAN international agreement ratification related to drug smuggling as a transnational crime, which threatens human security. Factors that influence the effectiveness of regional organizations in dealing with drug trafficking are explained as follows.

6.1 Negotiation process in ASEAN security regime level

The negotiation in the ASEAN security regime level will be more effective if conflict management is dominated by the principle of openness from all of the member countries. Regarding to the negotiation related to transnational drug smuggling crime in Southeast Asia, ASEAN security regime has administered several methods in carrying out the mutual agreement in international level even though the implementation still faced obstacles especially during the lobbying process. The existence of ASEAN security regime will be able to solve various problems related to mutual security including drug smuggling crime. There are some factors that hinder the effectiveness of the negotiation process in the regional ASEAN level including.

6.1.1 Different perception among ASEAN countries on the threat of drug smuggling in Southeast Asia region. Drug smuggling narcotics in the Southeast Asia region threatens the countries. The increasing number of drug smuggling cases in the Southeast Asia region is because of the influence of globalization, which erodes the norms among the community.

This difference in perceptions of the threat of narcotics in the Southeast Asian region causes ASEAN organization being unable to implement optimal efforts in resolving various problems related to drug smuggling in the Southeast Asia region.

Therefore, a single agreed perception can be obtained only if ASEAN member countries are willing to communicate this matter in a joint integrity pact even though in the 1970s, ASEAN has begun to discuss this transnational drug smuggling crime in formal forum or dialogues process with other major countries. Forums were held to support the formulation of the political and security agenda in the ASEAN blueprint based on 50 years of ASEAN experience.

This different perception on policy priority scale in carrying out ratification, implementation and law enforcement was analyzed from the constructivism point of view, resulting in an insight that the structures, which unite the humanity are rather determined by the shared ideas instead of material resources. In fact, ASEAN countries agree to declare drug trafficking a common threat, yet each country has its own priority scale in dealing with this crime. For instance, Indonesia and the Philippines apply the death penalty for drug mafia while some other ASEAN countries still apply conventional law of imprisonment in dealing with the crime. This difference in the law supremacy has resulted varied ways of resolving

the problem of transnational drug smuggling. In addition, every action made by a country will be taken based on their perception of the interactions with other ASEAN member countries. The cooperation or conflict in dealing with transnational drug smuggling crime are also influenced by the country's shared understanding of the interaction of international political maps.

Seen from a constructivism perspective, the state policies in Southeast Asia in dealing with transnational drug trafficking have certain influences on the state, especially in analyzing the behavior of other countries or other international political actors. Meanwhile, seen from the implementation of the handling of drugs in the Southeast Asia region, the different perceptions among ASEAN member countries are formed based on collective meanings understood by each ASEAN head of state. Every ASEAN country does have the desire to stop drug smuggling despite the existence of various inhibiting factors, especially the ones related to the production of drugs in Laos, Myanmar and Thailand and the high market demand upon the products in the Southeast Asia region, especially Malaysia and Indonesia.

Therefore, within the context of drug matters in Southeast Asia region, different perceptions arise from each ASEAN country regarding the threat of narcotics. For Indonesia and the Philippines, drug smuggling is highly dangerous and it is considered a massive threat as Indonesia and the Philippines are the destination countries of drug trafficking. The Chairperson of the Indonesian Representative Team at the ASEAN Narcho Center stated that:

Malaysia, Thailand and Singapore often become the transit countries and according to Myanmar, Laos and Thailand, drug is indeed a real threat but keep in mind that mostly, narcotics products are distributed in three countries' border areas (Results interview with ASEAN Narcho Center on May 12, 2018).

Based on the explanation above, different perceptions of ASEAN member countries against the threat of narcotics will affect their responses and policies, especially the ones that relate to law and regulation on drug smuggling crimes in the Southeast Asia region.

6.1.2 The differentiation of interest priority and ASEAN leaders' agenda. Since the establishment of ASEAN in 1968, ASEAN member countries have always been committed to apply the values and principles of ASEAN membership. On one hand, this appears as a good condition, which strengthens the existence of ASEAN organizations. However, the understanding of the shared values, such as respect for national sovereignty, non-intervention and peaceful conflict resolution, these values cannot automatically integrate the communities with distinctive characteristics the way the communities of regional institutions integrate.

The cooperation among ASEAN member countries has been able to engage member countries to comply with international norms in the field of security, for example, on conflict prevention and resolution and non-proliferation of mass destructive weapons, fostering cooperation in law enforcement between member countries and links communication with powerful countries with intersecting interests in the Southeast Asia region. Overall, big countries play a role in shaping the identity of ASEAN member countries.

Different priority scale of the interests among ASEAN countries ever since the establishment of ASEAN ranges from the field of economy, cultural sociology, up to the ASEAN political and security community. It can be inferred that agreement has been taken, yet the implementation is not yet optimal, especially related to ASEAN political and security community issues.

The enhancement of the security sector among ASEAN countries has not been well-institutionalized. This can be seen from the way of problem-solving in ASEAN, especially related to transnational crime in Southeast Asia. Political leaders in ASEAN countries are still

focusing on various challenges in the country of each member country rarely discussed regional issues.

Looking back at the history, the golden age of ASEAN in the 1980s to the 1990s occurred because ASEAN had strong political leaders who held strong control such as Lee Kuan Yew, Mahathir Muhammad and Suharto. Those leaders had strong political control, time and political resources to discuss regional cooperation, as quoted by Henri Kisingger, saying that foreign policy will be well-established as domestic politics gets more stable.

Unfortunately, in the present time, ASEAN leaders are rather busy with their respective domestic problems such as President Jokowi, Prime Minister Najib and President Rodrigo Duterte who do not prioritize regional issues discussions including the issue of the ASEAN community security, which is no longer considered as an internal state issue. Prime Minister Lee Hsien Long stated that:

Domestic agendas must be well-managed, but if it becomes very time consuming and you do not have time to take care of ASEAN cooperation or you cannot make ASEAN cooperation matters as important, for example, in terms of investment guarantees, trade, economic cooperation or problems human resources and human security, ASEAN will become a place that has no role (Mahbubani and Sng, 2017).

The above discussion indicates the importance of ASEAN cooperation that can be more effective if ASEAN leaders finish their domestic problems and have good political electability. In fact, Indonesia as one of the founding countries of ASEAN still faces internal problems (economic inflation, political dynamics and corruption, collusion and nepotism) and Malaysia, which also faces chaotic internal politics that result in ASEAN inability to convey its national interests due to the distracted focus of ASEAN member countries on their own national domestic internal problems.

In addition, the issue of institutionalization of ASEAN institutions keeps growing but with a relatively weak condition, resulting in non-optimal function. This is reflected in the ASEAN-EU collaboration in the program for regional integration support that there was criticism of ASEAN from EU leaders, namely, "ASEAN personnel and resources are inadequate, its mandate is weak, the organization has no executive power and staffs travel too often" (Allison, 2015).

National interests are important elements in the achievement of a nation's goals and they are the transformation of the founding fathers' ideals. Especially related to the security sector, countries involved in a consensus will find it difficult to achieve common goals. This is certainly different from bilateral cooperation, international or tripartite organizations where countries that embark on cooperation have one agenda.

Regional cooperation in the field of security has turned out to be vulnerable to conflicts of interest for several reasons. First, every country has a different priority in maintaining the security sector. Second, the relationship between countries is not always favorable. Third, the regional security constellation is regarded as volatile that it will be difficult to be accommodated by regional organization policies due to varied problems faced by each country. Then, related to the clash of national interests among ASEAN countries as a factor inhibiting the handling of regional drug trafficking, it was also shown on the agenda of the Summit in which drug trafficking was not specifically discussed (Krause, 2012).

Therefore, the less optimal function of ASEAN becomes the limit of the organizational function. The ASEAN Political and Security Community must determine what security functions must be enhanced to be recognized as a community both internally and externally. Problems with other institutions must be avoided and recognized by the legitimacy of other institutions, such as the United Nations.

In regard to this functional limitation, ASEAN should be able to enhance the internal potentials and leadership model to comply with the principles of ASEAN that leadership should be

administered from the bottom up (bottom up). In addition, Non-Governmental Organizations are allowed to make contributions to suggestions to ASEAN to maintain mutual trust and confidence in the region.

In addition, ASEAN also needs to be careful not to involve issues that have the potential to cause member disunity or undermine perceptions of ASEAN integrity. Often, media that is taken to resolve disputes between member countries involves external actors instead of internal actors. This triggers debates that divide the commitment and resources in taking certain action on certain issues. In other words, ASEAN should use the most appropriate institution to determine and implement the resolution of an issue, rather than throwing all issues that are fragmentary to external actors. ASEAN can also learn and build its internal coherence while external actors are involved in conflict resolution (Haacke, 2012, p. 49). For instance, ASEAN receives international praise for being able to give Vietnam pressure to withdraw from Cambodia, even though in fact, it was ASEAN that coordinated with China to put pressure on the UN Security Council. Through this process, ASEAN moves the fragmented issue out of the community and learns as a community in constructing its own norms, values and logic.

Conflict that requires peace intervention is not considered as ASEAN's "competency areas," although efforts have been made, for example, by the establishment of the ASEAN Peacekeeping Center. In fact, ASEAN delegates the issue of peacekeeping to other institutions. Moreover, the software (integrated doctrine) and hardware (integrated forces) for peacekeeping needs are not yet adequate. As the consequence, the agenda for peacekeeping can be an agenda that breaks down or fragmented for ASEAN. Hence, a good mechanism should be built to strengthen the mutual trust in ASEAN member countries.

One way that can be done is to strengthen the concept of confidence building measures. The term confidence building measures were first introduced in the 1950s when the US and the Soviet Union submitted a proposal in front of the UN on the use of space and supervision of the placement of troops in Europe. The attempt failed, but it had a great influence on the academic and political movements. Along with the findings of the two superpowers, in the end, a similar idea reappeared and was officially adopted in Helsinki 1975 (The Commission on Security and Cooperation in Europe) as a politically binding agreement.

Therefore, confidence building measures are every effort to avoid tensions and the possibility of inter-state conflict carried out formally and informally through unilateral, bilateral and multilateral relationships. The process includes both military and non-military aspects that can be carried out in three forms. First, declaratory measures, such as statements not to make the first attack in any form and/or agreement not to use certain types of weapons if certain armed conflicts if the conflict cannot be avoided. History shows that these agreements have been effective in resolving prolonged conflicts and for constructing common principles to be recognized and adhered in a region or sub-region. The Treaty of Amity and Cooperation in Southeast Asia is one of the ASEAN declaratory agreements.

The second model is transparency measures, both in the form of information exchange, communication enhancement, military activities notification and permission to conduct observation and inspection in activities related to joint security. The next is constraint measures, such as risk reduction regimes, prohibition on the existence of certain weapons in an area (exclusion/separation zone) or generally it is a restriction on the number/type of personnel, equipment and operational activities. Agreements or statements about nuclear-free areas, such as ZOPFAN, can be categorized in that effort. The principles and implementation of confidence building measures in the Southeast Asian region include:

- Confidence building measures will not be carried out without a mutual idea to cooperate. Coordinated border management (CBM) is a partnership/security

relationship with a win-win pattern, not a win-lose one. Hence, each party will enjoy the benefits of the collaboration. Therefore, CBM should be real, pragmatic and have clearly-defined goals.

- Confidence building measures will be effective if it is enforced above regional and global foundations and norms. It must go accordingly with the strategic situation, culture and demands for economic development in a region. It is very unlikely that a general approach can apply in any area, although at the same time, interdependence exists between security in a sub (sub) region and another (sub) region.
- Confidence building measures are an initial step or building bloc, not an institution. It is often said that CBM is a way to achieve goals. Therefore, CBM also refers to the process that must be gradually applied. Processes are often more important than results, at least in the initial stages. Nevertheless, there must be progress in substantive issues.

Based on the elaboration of the concept, considering that ASEAN still faces quite difficult problems, especially the issue of geopolitics in the region and the busyness of ASEAN leaders in resolving domestic problems, the second version of the eminent person group is considered necessary. This allows them to have enough and intense time to improve the understanding of political will among ASEAN countries such as former President SBY in Indonesia, PM Goh Cok Tong from Singapore, PM Anand Panyarchun from Thailand and President Ramos from the Philippines. These leaders knew each other well and they were not too much focusing on only domestic affairs of their own country, allowing them to also focus on ASEAN issues.

7. Summary and conclusions

Ineffective efforts made by ASEAN occurred because leaders tend to focus on the partial and domestic nature of each country. Consequently, only several countries apply strict and strong regulation during operations against drug smuggling, making them able to deal with transnational drug smuggling crime in Southeast Asia region. The non-institutionalization of values and norms against joint threats related to narcotics has resulted in this handling kept focusing on determining which countries have the most negative impact from narcotics threats. This implementation of joint handling efforts in dealing with transnational drug smuggling crimes are still partially done. It has not yet been able to optimally touch the role of ASEAN as a joint community in dealing with transnational drug smuggling crimes in the Southeast Asia region.

Contradictions that occur within the vision and mission of ASEAN member countries to eradicate narcotics trigger various obstacles, especially in bargaining at the Southeast Asian regional level and bargaining at the domestic level in the form of implementation and rule of law in every ASEAN member countries. The gap between idealism and reality in handling the crime by the ASEAN security regime is the theoretical finding, namely, "Paradox of International Organizations." The implementation of the cooperation to handle transnational drug smuggling in still faces various contradictions or gaps between the ideality and reality of international organizations. Ideally, all ASEAN member countries agree on the shared values and norms in the ASEAN security regime. However, they show a great difference in perceptions of the drug threat. They also have different national interests, which are difficult to unite. As the result, the agreement has not yet being optimally implemented.

References

- Alifia, U. (2008), *What Are Narcotics and Drugs*, PT Bengawan Ilmu, Semarang.
- Allison, L. (2015), *The EU, ASEAN and Inter Regionalism: Regionalism Support and Norm Diffusion between the EU and ASEAN*, Springer.

- Broome, J. (2000), "Cost-benefit analysis and population", *The Journal of Legal Studies*, Vol. 29 No. 2, pp. 953-970, doi: [10.1086/468101](https://doi.org/10.1086/468101).
- Cipto, B. (2007), *International Relations in Southeast Asia*, Pustaka Pelajar, Yogyakarta.
- Coyne, J. (2018), "Drug production in Laos and Myanmar still a major threat", *The Strategist*, Australian Strategic Policy Institute.
- Emmers, R. (2003), "The threat of transnational crime in Southeast Asia: drug trafficking, human smuggling and trafficking and sea piracy", UNISCI Discussion Papers, No. 2.
- Francis, F. (1992), "The end of history and the last man", *Op. cit.*
- Friedman, T.L. (1999), "DOS capital", *Foreign Policy*, No. 116.
- Haacke, J. (2012), "Myanmar: now a site for sino – US geopolitical competition?".
- Kramer, T. (2015), "The current state of counter narcotics policy and drug reform debates in Myanmar", *Journal of Drug Policy Analysis*, Vol. 10 No. 1, doi: [10.1515/jdpa-2015-0017](https://doi.org/10.1515/jdpa-2015-0017).
- Krause, K.R. (2012), *Culture and Security: Multilateralism, Arms Control and Security Building*, Routledge.
- Luong, H.T. (2020), "Transnational crime and its trends in South-East Asia: a detailed narrative in Vietnam", *International Journal for Crime, Justice & Social Democracy*, Vol. 9 No. 2, doi: [10.5204/ijcjsd.v9i2.1147](https://doi.org/10.5204/ijcjsd.v9i2.1147).
- Mahbubani, K. and Sng, J. (2017), *The ASEAN Miracle: A Catalyst for Peace*, NUS Press.
- Moleong, L.J. (2000), "Metode penelitian hukum".
- Othman, Z. (2004), "Myanmar, illicit drug trafficking and security implications", *Akademika*, Vol. 65 No. 1.
- Sabir, M. (1992), *ASEAN: Hopes and Reality*, Pustaka Sinar Harapan, Jakarta.
- Su, X. (2015), "Nontraditional security and China's transnational narcotics control in Northern Laos and Myanmar", *Political Geography*, Vol. 48, pp. 72-82, doi: [10.1016/j.polgeo.2015.06.005](https://doi.org/10.1016/j.polgeo.2015.06.005).
- Tarrow, S. (2005), *The New Transnational Activism*, Cambridge university press.
- Unodc, U. (2014), *Global Study on Homicide 2013*, United Nations Publication, Viena.
- Unodc, U. (2019), *Transnational Organized Crime in Southeast Asia: Evolution, Growth and Impact 2019*, United Nations Building, Southeast Asia and the Pacific.
- Windle, J. (2016), *Suppressing Illicit Opium Production: Successful Intervention in Asia and the Middle East*, IB Tauris, London.

Corresponding author

Rendi Prayuda can be contacted at: rendi.unri@gmail.com

For instructions on how to order reprints of this article, please visit our website:
www.emeraldgrouppublishing.com/licensing/reprints.htm
Or contact us for further details: permissions@emeraldinsight.com