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Globalization and Transnational Crime in ASEAN: A Comparative Criminological Analysis of Legal and Criminal Justice Responses

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Abstract

Globalization has accelerated regional integration and digital connectivity across ASEAN while simultaneously creating new opportunities for transnational criminal activities. As criminal networks increasingly operate through interconnected physical and digital infrastructures, conventional criminal justice systems face growing challenges in responding effectively across jurisdictions. This study aims to examine how globalization influences the evolution of transnational crime in ASEAN, how member states respond through legal and criminal justice mechanisms, and how institutional fragmentation affects the effectiveness of regional responses. The study employs a qualitative approach using document-based research and comparative criminological analysis of scholarly publications and international institutional reports. The findings reveal that globalization has transformed transnational crime into increasingly networked, adaptive, and technologically facilitated forms of criminality that transcend national boundaries. Although ASEAN member states have expanded criminalization frameworks, strengthened law enforcement capacities, and developed regional cooperation mechanisms, their effectiveness remains constrained by legal fragmentation, institutional disparities, technological asymmetries, and governance limitations. The originality of this study lies in its integrated analytical framework linking crime transformation, criminal justice responses, and regional governance within ASEAN. The study contributes to contemporary criminological scholarship by demonstrating how networked criminality and governance fragmentation collectively shape the challenges of combating transnational crime in an increasingly interconnected regional environment.

Introduction

Globalization has accelerated economic integration, digital connectivity, and cross-border mobility across Southeast Asia, transforming the Association of Southeast Asian Nations (ASEAN) into one of the most dynamic regions in the global economy. While these developments have generated substantial economic opportunities, they have also expanded the operational environment for transnational criminal organizations. Recent assessments by the United Nations Office on Drugs and Crime (UNODC) (2024b, 2024c, 2024a) indicate that organized crime groups increasingly exploit regional trade networks, technological innovations, and governance gaps to facilitate synthetic drug trafficking, cyber-enabled fraud, money laundering, and trafficking in persons across Southeast Asia. These developments demonstrate that globalization not only promotes regional development but also creates new opportunities for criminal enterprises operating beyond national borders. Consequently, transnational crime has emerged as one of the most significant security and criminal justice challenges confronting ASEAN member states.

The relationship between globalization and crime has become an important subject of contemporary criminological inquiry. Globalization reduces barriers to communication, transportation, and financial transactions, enabling criminal organizations to coordinate activities across multiple jurisdictions with increasing speed and sophistication (Aas, 2007; Castells, 2009). Technological innovations, including encrypted communication platforms, cryptocurrencies, and online marketplaces, have further transformed the structure and operation of criminal networks by facilitating anonymous transactions and transnational coordination (Ivantsov et al., 2019; Levi, 2020; Zhou et al., 2024). These developments illustrate how digitalization and economic integration increasingly blur the distinction between domestic and international crime. As a result, conventional criminal justice institutions face growing difficulties in addressing offenses that operate simultaneously across diverse legal and territorial boundaries.

ASEAN has become one of the regions most affected by the transformation of transnational crime under conditions of globalization. UNODC assessments identify Southeast Asia as a major hub for synthetic drug trafficking, cyber-enabled fraud, underground banking systems, trafficking in persons, and other forms of organized crime that increasingly operate through transnational networks. Criminal groups exploit porous borders, expanding trade connectivity, digital financial systems, and differences in national regulatory frameworks to sustain and diversify illicit activities. The emergence of large-scale online scam operations, technologically facilitated trafficking networks, and sophisticated money-laundering schemes demonstrates the growing adaptability of organized criminal actors in the region (United Nations Office on Drugs and Crime, 2024b, 2024c, 2024a, 2025). These developments position ASEAN as a particularly important setting for examining how globalization reshapes crime patterns and challenges existing legal and criminal justice responses.

The growing complexity of transnational crime has generated extensive scholarly discussion concerning the adequacy of legal and criminal justice responses. Existing studies have examined specific forms of transnational crime, including cybercrime (Zhou et al., 2024), money laundering (Levi, 2020), drug trafficking (Luong, 2022), and organized criminal networks (Sullivan, 2023). Collectively, these studies demonstrate that globalization has significantly enhanced the operational capacity, resilience, and adaptability of

criminal organizations. At the same time, they reveal persistent challenges associated with cross-border investigations, extradition procedures, information sharing, evidence gathering, and institutional coordination among states. These findings suggest that effective responses to transnational crime increasingly depend upon the capacity of legal and criminal justice institutions to cooperate beyond traditional territorial boundaries.

A parallel body of literature has focused on ASEAN's efforts to strengthen regional cooperation against transnational crime. Previous studies have examined the role of ASEANAPOL, mutual legal assistance mechanisms, anti-trafficking frameworks, and regional initiatives designed to improve law enforcement cooperation and policy coordination (Sundram, 2024; Syafrinaldi et al., 2023; Wulandari & Kirana, 2023). Although these mechanisms have contributed to greater regional engagement, their effectiveness remains constrained by fragmented legal frameworks, uneven institutional capacities, inconsistent enforcement practices, and the predominantly non-binding nature of ASEAN cooperation. Comparative assessments further indicate that ASEAN member states continue to differ substantially in criminalization policies, enforcement priorities, victim protection mechanisms, and levels of international cooperation. These conditions suggest that the institutional architecture governing transnational crime in ASEAN remains insufficiently integrated to address increasingly sophisticated and rapidly evolving criminal threats.

Despite the growing literature on globalization, transnational crime, and regional cooperation, important gaps remain in existing scholarship. Current studies tend to focus either on particular categories of crime, such as cybercrime, trafficking, or drug offenses, or on individual country experiences, resulting in a fragmented understanding of how ASEAN states collectively respond to globalization-driven criminal activities. Moreover, studies frequently examine crime dynamics, legal frameworks, or policy initiatives separately, providing limited insight into the interaction between evolving crime patterns, legal responses, and criminal justice adaptation across the region. Consequently, the comparative implications of regulatory fragmentation, institutional disparities, and regional cooperation mechanisms remain insufficiently explored. This study therefore addresses three central questions: how globalization influences the evolution of transnational crime in ASEAN; how ASEAN member states respond through legal and criminal justice mechanisms; and how regulatory fragmentation, institutional disparities, and governance limitations shape the effectiveness of ASEAN's response to transnational crime.

This article contributes to the literature by providing an integrated comparative criminological analysis of globalization, transnational crime, and criminal justice responses within ASEAN. Unlike previous studies that focus primarily on individual crime categories, isolated country experiences, or descriptive accounts of regional cooperation, this study systematically connects crime transformation, legal frameworks, institutional responses, and regional governance within a single analytical framework. The originality of the study lies in its synthesis of criminological scholarship, international assessments, legal instruments, and criminal justice responses to explain how globalization reshapes transnational crime and regulatory adaptation across ASEAN. The study further contributes by identifying the institutional and legal factors that continue to hinder effective regional cooperation while highlighting opportunities for legal harmonization, institutional reform, and victim-centered justice. These contributions are expected to enrich contemporary debates in Asian criminology and support the development of more coherent and effective strategies for addressing transnational crime within an increasingly interconnected ASEAN region.

Method

This study employs a qualitative approach using a document-based research design and comparative criminological analysis. The approach was selected because the objective of the study is not to test statistical relationships between variables but to examine how globalization influences the evolution of transnational crime and how ASEAN member states respond through legal instruments, policy frameworks, and criminal justice mechanisms. Qualitative inquiry enables the exploration of the relationships among the transformation of transnational crime, institutional responses, and regional cooperation within their broader social and political contexts (Creswell & Creswell, 2023). Accordingly, the study emphasizes interpretation and contextual understanding rather than quantitative measurement.

The study relies on secondary sources consisting of scholarly publications, academic books, international institutional reports, and other publicly accessible materials. The selected sources primarily comprise publications issued between 2019 and 2026 that address globalization, transnational crime, ASEAN cooperation, and legal and criminal justice responses in Southeast Asia. Source selection was guided by three criteria: relevance to the research objectives, academic or institutional credibility, and contribution to understanding the relationship between globalization, transnational crime, and regional governance. Reports published by the

UNODC were used to provide empirical insights into recent developments in transnational crime, while academic literature served as the basis for conceptual analysis and interpretation. This approach is consistent with qualitative legal and social research that utilizes diverse secondary sources to develop a comprehensive understanding of complex social phenomena (Braun & Clarke, 2021).

Data were analyzed using thematic analysis, which facilitates the identification, organization, and interpretation of recurring patterns across multiple sources (Braun & Clarke, 2006, 2022). The analytical process began with repeated reading of the selected materials to obtain a comprehensive understanding of the issues under investigation. Subsequently, concepts related to the transformation of transnational crime, legal responses, criminal justice responses, regional cooperation, and institutional constraints were coded and categorized. These categories were then grouped into broader themes that explained the relationships among globalization, the evolution of transnational crime, and the effectiveness of ASEAN responses. The resulting themes were further employed as an analytical framework for structuring the discussion and interpreting the findings presented in the study. This process enabled the identification of both recurring patterns and contextual variations across the analyzed sources.

To strengthen the comparative dimension of the research, the study examines legal responses, policy approaches, and criminal justice mechanisms developed across ASEAN member states as reflected in academic literature and international reports. The comparison focuses on criminalization strategies, law enforcement practices, cross-border cooperation, victim protection mechanisms, and institutional capacities in addressing transnational crime. Through this comparative perspective, the study identifies similarities, differences, and challenges that shape the effectiveness of responses across national and regional contexts. The purpose of the comparison is not to rank countries according to performance but to understand the diversity of approaches adopted in responding to transnational criminal threats within ASEAN (Creswell & Creswell, 2023).

To enhance the credibility of the findings, interpretations were developed through source triangulation by comparing evidence derived from academic literature and international institutional reports. This process reduced dependence on a single category of sources while improving the consistency and reliability of interpretation. The relationships among data, themes, and conclusions were systematically examined to ensure that each interpretation was supported by both empirical and conceptual foundations (Miles et al., 2020; Salehijam, 2018). In addition, analytical quality was maintained through principles of transparency, interpretive consistency, and clear alignment between evidence and argumentation (Tracy, 2010). Through this approach, the study provides a comparative explanation of the relationships among globalization, transnational crime, and criminal justice responses in ASEAN.

Discussion

Globalization and the Transformation of Transnational Crime in ASEAN

Globalization has fundamentally transformed the structure, scale, and operational dynamics of transnational crime in ASEAN. The expansion of regional trade, digital connectivity, financial integration, and cross-border mobility has generated new opportunities for economic growth while simultaneously creating conditions that facilitate criminal activities across national boundaries. From a criminological perspective, globalization reduces the practical significance of territorial borders and enables illicit actors to exploit increasingly interconnected economic and social systems (Aas, 2007). As interactions among states become more intensive, criminal organizations are no longer constrained by national jurisdictions and increasingly operate through transnational networks. Consequently, the evolution of transnational crime in ASEAN cannot be understood separately from the broader processes of globalization that shape regional integration.

The transformation of transnational crime is closely associated with the emergence of network-based organizational structures. Castells (2009) argues that contemporary social and economic activities increasingly operate through interconnected networks that transcend geographical boundaries. Similar dynamics can be observed within criminal organizations, which increasingly rely on flexible, decentralized, and adaptive structures rather than rigid hierarchical arrangements. These networked forms of organization enable criminal groups to coordinate activities across multiple jurisdictions while reducing their vulnerability to enforcement interventions. As a result, transnational criminal organizations often demonstrate a greater capacity for adaptation than the state institutions responsible for controlling them (Albanese & Reichel, 2013; Sullivan, 2023).

The implications of these developments are increasingly evident across Southeast Asia. Recent UNODC assessments indicate that organized criminal groups operating in ASEAN exploit regional trade routes, digital technologies, and governance gaps to expand illicit activities across multiple jurisdictions (United Nations Office on Drugs and Crime, 2024b, 2024c). Criminal operations

increasingly integrate physical trafficking routes with digital infrastructures that facilitate communication, recruitment, financial transactions, and organizational coordination. This convergence reflects the emergence of highly interconnected criminal ecosystems that operate simultaneously in physical and virtual spaces. Consequently, contemporary transnational crime in ASEAN exhibits a level of complexity and adaptability that differs substantially from traditional forms of cross-border criminal activity.

One of the most visible manifestations of this transformation is the expansion of synthetic drug trafficking throughout Southeast Asia. UNODC assessments reveal that organized criminal groups increasingly combine land-based trafficking corridors with maritime transportation networks to distribute synthetic drugs across the region (United Nations Office on Drugs and Crime, 2024b). These developments demonstrate that drug trafficking has evolved beyond isolated national supply chains and now operates through integrated regional systems involving production, transportation, financing, and distribution activities. The regionalization of drug markets has created significant challenges for law enforcement agencies because criminal operations frequently span multiple jurisdictions simultaneously (Luong, 2022). As a result, enforcement strategies organized primarily at the national level often struggle to respond effectively to criminal networks that operate on a regional scale.

The growing sophistication of drug trafficking networks also illustrates a broader shift in the spatial organization of crime. Rather than relying on fixed routes or territorially bounded structures, contemporary criminal organizations increasingly adopt flexible operational models that allow them to relocate activities and diversify trafficking channels in response to enforcement pressures. Similar challenges have been identified in ASEAN efforts to combat transnational drug smuggling, where differences in institutional capacity and enforcement priorities continue to create opportunities for criminal exploitation (Prayuda et al., 2020). These conditions demonstrate that globalization has strengthened the ability of criminal actors to exploit regulatory asymmetries across jurisdictions. Consequently, criminal networks often adapt more rapidly than the institutions responsible for suppressing them.

Beyond drug trafficking, globalization has also contributed to the rapid growth of cyber-enabled criminal activities. UNODC reports identify Southeast Asia as one of the regions most affected by online fraud, digital scam operations, and technology-facilitated criminal enterprises that target victims across multiple countries (United Nations Office on Drugs and Crime, 2024c). Unlike conventional forms of organized crime, cyber-enabled offenses can be conducted remotely, reducing the importance of geographical proximity between offenders and victims. Zhou et al. (2024) argue that the expansion of digital technologies has created new forms of criminality that operate within virtual environments where jurisdictional authority is often fragmented and contested. These developments demonstrate that globalization has not only expanded existing criminal markets but has also generated entirely new opportunities for criminal exploitation.

The increasing integration of digital technologies with financial systems has further transformed the operational capacity of transnational criminal organizations. Digital payment platforms, cryptocurrencies, and online financial services have facilitated legitimate economic transactions while simultaneously creating new mechanisms for concealing and transferring illicit proceeds. The globalization of financial systems has significantly increased the complexity of detecting and tracing criminal transactions that move across multiple jurisdictions (Levi, 2020). Criminal organizations increasingly exploit technological innovations to obscure financial trails and maintain operational continuity despite enforcement interventions (Dupuis & Gleason, 2020). These developments illustrate how technological innovation and financial integration have become important enablers of contemporary transnational crime.

The challenges associated with illicit financial flows are further compounded by jurisdictional fragmentation. Although criminal activities frequently operate across borders, legal authority and enforcement powers remain largely organized within national jurisdictions. Nguyen (2020) notes that transnational financial crimes often expose significant limitations in the ability of individual states to exercise effective criminal jurisdiction over cross-border activities. This mismatch between increasingly transnational criminal operations and predominantly territorial legal systems creates opportunities for criminal actors to exploit differences in national regulations and enforcement capacities. Consequently, globalization has amplified the governance challenges associated with combating financial and organized crime in ASEAN.

To summarize the major transformations associated with globalization, Table 1 presents the principal forms of transnational crime in ASEAN, the globalization processes that facilitate their expansion, and the corresponding criminal justice challenges.

Table 1
Globalization and the Transformation of Transnational Crime in ASEAN

Transnational Crime	ASEAN Evidence	Globalization Driver	Criminal Justice Challenge
Synthetic drug trafficking	Expansion of regional land and maritime trafficking networks	Trade connectivity and regional logistics	Coordinated cross-border investigation and enforcement
Cyber-enabled fraud	Growth of transnational scam operations targeting multiple jurisdictions	Digitalization and online communication technologies	Jurisdictional complexity and digital evidence collection
Money laundering	Increased use of digital financial systems and cross-border transactions	Financial integration and technological innovation	Monitoring and tracing illicit financial flows
Trafficking in persons	Expansion of cross-border recruitment and exploitation networks	Human mobility and migration networks	Victim identification and transnational protection mechanisms
Organized criminal networks	Convergence of physical and digital criminal infrastructures	Regional connectivity and institutional fragmentation	Intelligence sharing and multi-agency coordination

Source

Compiled by the authors based on United Nations Office on Drugs and Crime (2024a, 2024b, 2024c*).*

Table 1 demonstrates that the transformation of transnational crime in ASEAN is driven by interconnected processes of globalization rather than by isolated criminal developments. Trade integration, technological innovation, financial connectivity, and cross-border mobility simultaneously facilitate economic growth and create opportunities for criminal exploitation. The significance of these developments extends beyond individual crime categories because they reveal broader structural conditions that strengthen the resilience and adaptability of criminal organizations. Consequently, effective responses require not only crime-specific interventions but also institutional strategies capable of addressing the transnational environments in which these crimes operate (Aas, 2007; Castells, 2009).

Although globalization affects all ASEAN member states, its consequences are not experienced uniformly across the region. Countries such as Myanmar continue to occupy strategic positions within regional drug production and trafficking networks (Luong, 2022; UNODC, 2024a), whereas Singapore and Malaysia face greater challenges associated with financial crimes and money laundering (Nguyen, 2020). Indonesia and the Philippines encounter a broader combination of trafficking, cybercrime, maritime criminality, and illicit financial activities (Khan et al., 2022; Zhou et al., 2024). These variations suggest that while globalization generates common pressures across ASEAN, the specific manifestations of transnational crime remain shaped by national institutional capacities, geographical conditions, and regulatory environments. Understanding these differences is essential for explaining why responses to transnational crime vary across the region.

Taken together, these developments demonstrate that globalization has fundamentally altered both the opportunities available to criminal actors and the challenges confronting criminal justice institutions in ASEAN. Criminal organizations increasingly operate through flexible transnational networks that combine physical and digital infrastructures, enabling them to adapt rapidly to changing enforcement environments. At the same time, legal and criminal justice systems remain largely organized around territorial jurisdictions that often struggle to respond effectively to crimes operating across multiple borders. This growing mismatch between transnational criminal networks and predominantly national enforcement structures represents one of the central challenges facing ASEAN today. The following section therefore examines how ASEAN member states have responded to these evolving threats through various legal, policy, and criminal justice mechanisms.

Comparative Legal and Criminal Justice Responses in ASEAN

The growing complexity of transnational crime in ASEAN has compelled states to develop legal and criminal justice responses that extend beyond conventional domestic frameworks. As criminal organizations increasingly operate across multiple jurisdictions, criminal justice institutions face challenges that cannot be effectively addressed through purely territorial approaches. ASEAN

member states have consequently introduced various legal reforms, institutional mechanisms, and cooperative arrangements designed to strengthen their capacity to combat transnational crime. These developments reflect broader efforts to adapt legal and criminal justice systems to the realities of globalization and increasingly interconnected criminal activities. Nevertheless, the effectiveness of these responses varies considerably across the region.

One of the most significant developments has been the expansion of criminalization frameworks targeting transnational offenses. ASEAN member states have progressively strengthened legal provisions addressing human trafficking, cybercrime, money laundering, drug trafficking, and organized crime. While these reforms demonstrate increasing recognition of emerging criminal threats, substantial differences remain regarding legal definitions, evidentiary standards, and enforcement procedures (Baç, 2023; Nguyen, 2020). Such differences complicate cross-border investigations and create opportunities for criminal actors to exploit inconsistencies between national legal systems. Consequently, the existence of legal frameworks alone does not necessarily translate into effective regional responses.

Although ASEAN member states face broadly similar transnational crime threats, their criminal justice responses often reflect differences in institutional capacity, regulatory priorities, and dominant crime challenges. Existing studies indicate that some countries place greater emphasis on financial crime control and regulatory monitoring, while others focus more intensively on trafficking, cybercrime, maritime criminality, or drug-related offenses depending on their national contexts (Khan et al., 2022; Luong, 2022; Nguyen, 2020). These variations suggest that globalization generates common pressures across ASEAN while simultaneously producing different criminal justice priorities among member states. Consequently, the diversity of national responses constitutes an important dimension of comparative criminological analysis within the region.

The evolution of transnational crime has also stimulated the modernization of law enforcement practices across ASEAN. Specialized cybercrime units, digital forensic capabilities, intelligence-led policing, and technology-assisted investigative techniques have become increasingly important components of contemporary criminal justice responses. The growing reliance on these mechanisms reflects efforts by law enforcement agencies to adapt to forms of organized crime that operate through flexible and interconnected cross-border networks (Sullivan, 2023). The expansion of digital criminality has further increased the demand for technical expertise capable of addressing offenses that occur within virtual environments and frequently involve multiple jurisdictions simultaneously (Zhou et al., 2024). Similar developments have been reported in various jurisdictions where criminal justice institutions increasingly integrate digital technologies into investigative and judicial processes, although substantial disparities remain in institutional capacity and operational readiness.

Recognizing the limitations of purely national responses, ASEAN has established a range of regional cooperation mechanisms to facilitate collective action against transnational crime. Institutions such as the ASEAN Ministerial Meeting on Transnational Crime (AMMTC) and ASEANAPOL provide platforms for policy coordination, intelligence exchange, and operational cooperation among member states. These mechanisms have contributed to greater regional awareness of shared security challenges and have encouraged coordinated strategies targeting trafficking, cybercrime, terrorism, and drug-related offenses (Sundram, 2024). At the same time, their effectiveness remains heavily dependent upon the willingness and capacity of individual states to implement collective commitments. Consequently, regional cooperation often develops unevenly despite shared recognition of common threats.

Cross-border law enforcement increasingly depends upon mechanisms that facilitate cooperation among national legal systems. Mutual legal assistance agreements, extradition arrangements, and police-to-police cooperation have become essential tools for investigating and prosecuting crimes involving multiple jurisdictions. The ASEAN Mutual Legal Assistance framework represents an important step toward strengthening legal cooperation within the region, particularly in cases involving organized crime and complex transnational offenses (Syafrinaldi et al., 2023). Likewise, collaboration with international organizations such as INTERPOL has enhanced information exchange and operational coordination in addressing trafficking networks and other forms of transnational crime (Aulya et al., 2024). Despite these advances, procedural differences and jurisdictional constraints continue to impede the effectiveness of cross-border enforcement.

Among the various forms of transnational crime, human trafficking has generated some of the most extensive legal and criminal justice responses in ASEAN. Governments have introduced legal reforms, victim protection measures, and enforcement initiatives aimed at disrupting trafficking networks while improving support for victims. Recent UNODC assessments indicate that trafficking operations increasingly involve multi-country recruitment, transportation, and exploitation chains that span several Southeast Asian

jurisdictions (United Nations Office on Drugs and Crime, 2024c). Research consistently demonstrates that effective anti-trafficking strategies require not only criminal prosecution but also victim identification, rehabilitation, and long-term protection mechanisms (Barrick et al., 2023; Khan et al., 2022). Experiences from several ASEAN countries further suggest that victim-centered approaches can strengthen both criminal justice outcomes and broader human rights protections (Saffanah et al., 2024; Tsai et al., 2022).

To illustrate the diversity of legal and criminal justice responses across ASEAN, Table 2 summarizes the principal areas of intervention, representative regional initiatives, institutional strengths, and persistent challenges identified in the literature.

Table 2
Comparative Legal and Criminal Justice Responses to Transnational Crime in ASEAN

Response Area	ASEAN Example	Main Strength	Persistent Challenge
Criminalization	National laws addressing trafficking, cybercrime, money laundering, and drug trafficking	Expanding legal coverage of transnational offenses	Divergent legal definitions and procedures
Law enforcement	Specialized cybercrime units and digital investigations	Improved investigative capacity	Uneven technological and human resources
Regional cooperation	ASEANAPOL and AMMTC	Enhanced communication and policy coordination	Dependence on national implementation
Mutual legal assistance	ASEAN MLA framework and extradition cooperation	Improved cross-border legal cooperation	Jurisdictional and procedural barriers
Victim protection	Anti-trafficking initiatives and victim support programs	Greater victim-centered orientation	Resource limitations and implementation gaps

Source

Compiled by the authors based on Sundram (2024*)*, Syafrinaldi et al. (2023), Baç (2023*)*, Sullivan (2023*)*, Zhou et al. (2024), *and related literature.*

Table 2 demonstrates that ASEAN has developed a relatively comprehensive framework of legal and criminal justice responses to transnational crime. Significant progress can be observed in the expansion of legal instruments, the strengthening of law enforcement capacities, and the institutionalization of regional cooperation mechanisms designed to facilitate cross-border coordination and collective action (Sundram, 2024; Syafrinaldi et al., 2023). Nevertheless, the effectiveness of these measures continues to vary across member states due to disparities in institutional capacity, technological resources, and levels of political commitment to implementation. These conditions suggest that the principal challenge confronting ASEAN lies not in the absence of legal and institutional mechanisms, but in ensuring their consistent, effective, and sustainable implementation throughout the region (Sundram, 2024).

Despite these developments, substantial limitations continue to constrain the effectiveness of regional responses. Differences in legal systems, enforcement priorities, institutional capacities, and political commitment frequently hinder cooperation and reduce the effectiveness of collective action (Baç, 2023; Sundram, 2024). These constraints are particularly evident in information sharing, cross-border investigations, and the implementation of regional agreements. As a result, criminal organizations often retain significant operational advantages by exploiting disparities among national legal and institutional frameworks. The persistence of these challenges suggests that strengthening criminal justice responses requires more than expanding legal instruments alone.

From a comparative criminological perspective, the central challenge facing ASEAN lies in the growing mismatch between increasingly transnational criminal networks and predominantly territorial criminal justice systems. While criminal organizations operate through flexible and adaptive cross-border networks, legal authority and enforcement powers remain largely confined within national jurisdictions (Sullivan, 2023). This asymmetry enables criminal actors to exploit regulatory inconsistencies, jurisdictional fragmentation, and institutional disparities across the region. Consequently, the effectiveness of criminal justice responses depends not only on national reforms but also on the ability of ASEAN to develop more coherent and coordinated regional governance mechanisms.

The analysis presented in this section demonstrates that ASEAN member states have made significant progress in strengthening legal and criminal justice responses to transnational crime. Nevertheless, persistent challenges remain regarding legal harmonization, institutional capacity, implementation consistency, and cross-border coordination. These limitations are not merely operational problems but reflect deeper structural constraints embedded within regional governance arrangements. Understanding these constraints is essential for explaining why transnational crime continues to evolve despite expanding legal and institutional responses. The next section therefore examines the institutional fragmentation and governance limitations that continue to shape the effectiveness of ASEAN's response to transnational crime.

Institutional Fragmentation and the Future of Regional Criminal Justice Governance in ASEAN

Despite the expansion of legal and criminal justice responses to transnational crime across ASEAN, the effectiveness of these efforts continues to be constrained by a range of structural limitations. The development of legal instruments, regional cooperation mechanisms, and law enforcement capacities has undoubtedly strengthened the region's ability to address transnational criminal threats. Nevertheless, the outcomes of these initiatives often remain disproportionate to the speed, adaptability, and scale of contemporary criminal networks. This situation suggests that the principal challenge facing ASEAN lies not only in the existence of transnational crime itself but also in the ability of regional and national institutions to respond in a coordinated and sustainable manner. Understanding the sources of these limitations is therefore essential for explaining the continuing resilience of transnational criminal activities throughout the region.

One of the most significant constraints arises from legal fragmentation among ASEAN member states. Although most countries have criminalized human trafficking, cybercrime, money laundering, and drug trafficking, substantial differences remain in legal definitions, evidentiary standards, procedural rules, and enforcement practices (Baç, 2023; Nguyen, 2020). These differences complicate joint investigations, extradition procedures, and the exchange of evidence across jurisdictions. In practice, criminal organizations are often able to exploit these regulatory inconsistencies by relocating activities to jurisdictions perceived as offering lower risks of detection or prosecution. Consequently, the effectiveness of regional cooperation is frequently constrained by legal systems that continue to prioritize national sovereignty and jurisdictional autonomy over regulatory harmonization (Baç, 2023; Nguyen, 2020; Syafrinaldi et al., 2023).

Beyond legal differences, ASEAN also faces significant institutional fragmentation that affects the implementation of regional commitments. Law enforcement capacities, resource availability, and levels of professional expertise vary considerably among member states. While some countries have developed relatively advanced investigative and coordination mechanisms, others continue to face limitations in infrastructure, human resources, and institutional support. These disparities contribute to uneven implementation of regional agreements and often create gaps between policy commitments and practical enforcement outcomes (Sundram, 2024). As a result, ASEAN's challenge extends beyond policy harmonization to encompass broader questions of institutional capacity and implementation effectiveness.

The transformation of transnational crime through digital technologies has further exposed disparities in technological readiness across the region. The growth of cybercrime, online fraud, digital financial crimes, and technology-enabled criminal activities requires increasingly sophisticated investigative capabilities. However, access to digital forensic technologies, cyber intelligence systems, and advanced investigative tools remains uneven among ASEAN member states (Zhou et al., 2024). Such disparities limit the ability of some jurisdictions to detect, trace, and disrupt technologically sophisticated criminal operations. Consequently, transnational criminal actors are often able to exploit asymmetries in technological capacity to expand their activities and avoid detection across multiple jurisdictions (Zhou et al., 2024).

These various forms of fragmentation collectively generate a broader governance gap between the evolving nature of transnational crime and the institutional responses designed to address it. Globalization has enabled criminal organizations to operate through highly flexible and interconnected networks that integrate physical and digital infrastructures across multiple jurisdictions (United Nations Office on Drugs and Crime, 2024c). In contrast, legal and criminal justice institutions remain largely organized around territorially bounded systems of authority and enforcement. Under these conditions, criminal organizations frequently demonstrate greater adaptability than the institutions responsible for regulating and controlling them (Elteren et al., 2024; Sullivan, 2023). This

asymmetry represents a central explanation for the persistence and continued evolution of transnational crime despite the expansion of legal and institutional countermeasures throughout ASEAN.

The governance gap is equally evident in the protection of victims affected by transnational crime. Human trafficking, migrant smuggling, and other forms of cross-border exploitation disproportionately affect socially and economically vulnerable populations (United Nations Office on Drugs and Crime, 2025). Although ASEAN member states have introduced various victim protection mechanisms, substantial differences remain in implementation quality, institutional support, and access to services (Barrick et al., 2023; Tsai et al., 2022). In many cases, victims continue to encounter barriers in accessing legal assistance, rehabilitation programs, and long-term protection measures. These conditions demonstrate that the effectiveness of criminal justice responses depends not only on the successful prosecution of offenders but also on the capacity of institutions to provide meaningful protection and support for victims (Saffanah et al., 2024).

To better understand the sources of these limitations, Table 3 summarizes the principal dimensions of fragmentation that continue to shape criminal justice governance in ASEAN. The table demonstrates that the challenges confronting ASEAN extend beyond legal issues alone and encompass institutional, technological, and victim protection dimensions. Examining these dimensions collectively highlights the interconnected nature of the obstacles that constrain effective regional responses. Consequently, understanding the sources of fragmentation is essential for explaining both the achievements and limitations of ASEAN's efforts to combat transnational crime.

Table 3
Sources of Institutional Fragmentation in ASEAN Criminal Justice Governance

Dimension of Fragmentation	**Manifestation**	**Consequence for Criminal Justice Responses**
Legal Fragmentation	Divergent crime definitions, evidentiary standards, and procedural rules	Difficulties in joint investigations, extradition, and cross-border prosecutions
Institutional Fragmentation	Uneven law enforcement capacity and resource availability	Inconsistent implementation of regional commitments
Technological Fragmentation	Unequal access to digital forensics, cyber intelligence, and investigative technologies	Reduced effectiveness in addressing cyber-enabled and technology-facilitated crimes
Victim Protection Fragmentation	Variations in victim support mechanisms and protection services	Obstacles to victim identification, participation, and cooperation in criminal proceedings

Source

Compiled by the authors based on Baç (2023*)*, Nguyen (2020*)*, Sundram (2024*)*, Zhou et al. (2024), Sullivan (2023*), and related literature*.

Table 3 illustrates that the different forms of fragmentation affecting ASEAN's criminal justice governance are deeply interconnected and cannot be understood in isolation. Legal fragmentation may weaken cross-border cooperation, while institutional and technological disparities limit the capacity to implement regional commitments effectively. At the same time, deficiencies in victim protection can undermine investigative and prosecutorial efforts by reducing victims' willingness and ability to cooperate with authorities. These interrelated weaknesses create systemic barriers that reduce the overall effectiveness of regional criminal justice responses (Baç, 2023; Sundram, 2024). The persistence of such barriers suggests that the principal challenge confronting ASEAN is fundamentally one of governance rather than merely one of legal regulation or operational capacity.

From a comparative criminological perspective, these forms of fragmentation reveal a growing mismatch between territorially organized governance structures and increasingly transnational forms of criminal activity. Contemporary criminal networks no longer operate through fixed and geographically bounded structures but through adaptive systems capable of responding rapidly to changes in regulatory and enforcement environments. By contrast, criminal justice responses continue to be shaped by national jurisdictions, uneven institutional capacities, and fragmented regulatory frameworks. This imbalance provides criminal organizations with strategic opportunities to exploit differences in legal systems, enforcement priorities, and governance arrangements across the region. Consequently, the challenge facing ASEAN extends beyond suppressing transnational crime to adapting criminal justice governance to the realities of globalization and networked criminality.

Looking forward, the future of regional criminal justice governance depends less on the creation of additional legal instruments than on the capacity to strengthen coordination among existing legal and institutional frameworks. Enhancing institutional capacity, improving technological interoperability, harmonizing legal procedures, and strengthening victim protection should be understood as mutually reinforcing components of a broader governance strategy. In this context, the effectiveness of ASEAN's response will depend largely upon its ability to reduce the various forms of fragmentation that continue to constrain regional cooperation. The future of criminal justice governance in ASEAN therefore rests not only on normative commitments but also on the practical transformation of regional cooperation into a more coordinated, adaptive, and responsive system capable of addressing the evolving realities of transnational crime.

Conclusion

Globalization has fundamentally transformed the nature of transnational crime in ASEAN by facilitating the expansion of criminal activities through increasingly interconnected economic, technological, and social networks. The study demonstrates that transnational crime in the region has evolved from predominantly territorially based activities into more flexible and networked forms of criminality that operate across multiple jurisdictions and combine physical and digital infrastructures. ASEAN member states have responded through the expansion of criminalization frameworks, modernization of law enforcement practices, strengthened victim protection measures, and the development of regional cooperation mechanisms. However, the effectiveness of these responses continues to be constrained by legal fragmentation, institutional disparities, uneven technological capacities, and governance limitations that hinder coordinated action across the region. The findings indicate that the principal challenge facing ASEAN is not the absence of legal and criminal justice mechanisms, but the persistent mismatch between increasingly transnational criminal networks and still-fragmented governance structures designed to address them.

This study contributes to the literature by providing an integrated comparative criminological analysis that connects the transformation of transnational crime, legal and criminal justice responses, and regional governance within a single analytical framework. The findings highlight the importance of understanding transnational crime not merely as a security issue but as a governance challenge that requires greater coordination among legal systems, law enforcement institutions, and regional cooperation mechanisms. The study also contributes to ongoing debates in Asian criminology by demonstrating how globalization simultaneously reshapes criminal opportunities and exposes structural weaknesses in regional criminal justice governance. These insights may assist policymakers and criminal justice institutions in developing more coherent and adaptive responses to emerging transnational criminal threats within ASEAN.

Several limitations should be acknowledged. First, the study relies primarily on secondary sources, including academic publications and international institutional reports, and therefore does not incorporate primary empirical data obtained directly from law enforcement agencies, policymakers, victims, or criminal justice practitioners. Second, the comparative analysis focuses on regional patterns and institutional dynamics rather than conducting detailed country-specific examinations of individual ASEAN member states. Third, the rapidly evolving nature of cybercrime, digital financial crime, and technology-enabled criminal activities means that some developments may change more quickly than the available literature and institutional reports can capture.

Future research could expand this analysis through empirical investigations involving interviews with criminal justice actors, policymakers, and regional cooperation institutions. Comparative studies examining specific ASEAN member states would also provide a more detailed understanding of how legal, institutional, and technological factors influence the effectiveness of criminal justice responses. In addition, further research is needed to explore emerging forms of cyber-enabled crime, digital financial crime, and technology-facilitated criminal networks, as well as the implications of these developments for the future of regional criminal justice governance in ASEAN. Such studies would enrich contemporary criminological scholarship while providing practical insights for strengthening ASEAN's capacity to address increasingly complex transnational criminal challenges.

Declarations

Competing Interests

The author declares that there are no competing interests, whether financial or non-financial, directly or indirectly related to the work submitted for publication.

Ethical Approval

This study does not involve human participants or animals. Therefore, ethical approval was not required.

Consent to Participate

Not applicable.

Consent for Publication

Not applicable.

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Author Contribution

The author solely conceived, designed, conducted, and wrote this study.

Data Availability

This study is based exclusively on publicly available documents and published sources. No new primary data were collected. All materials analyzed in this study are accessible through their original published sources.

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