

# ASEAN Ministerial Meeting on Transnational Crime (AMMTC) Cooperation in Handling Transnational Crime Issues Case Study of Human Trafficking in Southeast Asia

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## Abstract

Transnational Crime or cross-border crime is a problem that has become a concern for many countries because of the threat it can have on diplomatic relations. Transnational crime continues to grow, human trafficking is one form. The crime of human trafficking is not only problematic from a human rights perspective, but when viewed from the state's perspective the impact can be quite threatening to the state. ASEAN, as one of the regional organizations of Southeast Asian countries, has acted firmly against the threat of human trafficking. One of the mechanisms that ASEAN has is through the ASEAN Ministerial Meeting on Transnational Crime (AMMTC) forum. It is felt that Southeast Asian countries need to increase regional cooperation efforts in responding to human trafficking crimes through evaluating compliance with the international regime. This cannot be separated from the hope of creating security stability in the Southeast Asia region.

**Keywords:** Transnational Crime, Human Trafficking, International Regime, AMMTC

## Introduction

Transnational crimes or commonly known as transnational crimes are defined as violations whose initiation, prevention and direct or indirect impacts involve more than one country (UNODC, 2010). There are at least three factors that underlie the emergence of transnational crime. These three factors are 1) economic globalization; 2) increasing heterogeneity of immigrants; 3) the rapid development of communication technology. Based on these three factors, it is explained that economic factors have a crucial role in causing population movement between countries. Migration which is based on economic inequality in each country stimulates the emergence of problems such as people migrating out through processes that are not in accordance with existing legal provisions.

The country's domestic problems are a strong reason why human trafficking crimes are growing in the Southeast Asia region. This is proven by the massive labor migration to Thailand starting in the 1990s, during which time Thailand experienced an "economic boom" phenomenon from 1987 to 1996, which then created a large wage gap between Thailand and its neighbors (Harskin , 2019). Cases of human trafficking in Thailand cannot be said to be small. According to data released by UNODC, during the last 5 years there have been 2,237 cases of human trafficking with all forms of sub-dimensions of human trafficking (UNODC, 2021). This figure does not represent all data on human trafficking that occurs in the Southeast Asia region. The following is data on all human trafficking cases presented by UNODC from 2017 to 2021.

ASEAN does not remain silent regarding the situation related to human trafficking. In response to this, ASEAN followed up in the form of creating an Action of Plan related to human trafficking, namely the ASEAN Convention Against Trafficking in Persons (ACTIP). ACTIP was created to provide clear steps and guidelines for ASEAN member countries in following up on human trafficking crimes in the ASEAN region. The steps contained in ACTIP's objectives are as follows: (1) Prevention of human trafficking; (2) Victim protection; (3) Law enforcement and prosecution of human trafficking crimes; and (4) Regional and international cooperation and coordination (ASEAN, 2015).

ASEAN has a mechanism that specifically discusses the issue of human trafficking and transnational crime in general, through the ASEAN Ministerial Meeting on Transnational Crime (AMMTC) forum. AMMTC acts as a discussion forum to address cross-border issues, such as formulating policies and legal frameworks in dealing with cross-border crimes in the ASEAN region. These actions include the creation of bilateral and multilateral agreements, regional regulations, as well as guidelines to combat various types of transnational crimes such as human trafficking. AMMTC also supports training programs and information exchange between law enforcement agencies in ASEAN member countries, with the aim of developing investigative skills, crime analysis, data management, use of forensic technology, and strengthening capabilities in detecting and preventing cross-border crimes. Evaluation and monitoring are carried out to evaluate policy implementation and cooperation in dealing with cross-border crime in the ASEAN region, by providing recommendations for improvements and improvements in the future (Samuel Karunia et al., 2023a).

Although Shen Yang Mok explained that ASEAN and its mechanisms are still not effective in facing the challenges of transnational crime (Shen Yang, 2020). In his research, Shen Yang Mok used a case study of the spread of narcotics in the ASEAN region. Speaking about transnational crime, Shen emphasized that multilateral efforts remain a priority (Shen Yang, 2020).

There are obstacles in the AMMTC cooperation mechanism that have not been fully tested. Putti Ananda Hiswi in his research analyzing the cooperation of countries in Southeast Asia within the framework set by ASEAN, assumes that one of the contributions to the weak effectiveness of the AMMTC in dealing with transnational crime is due to the existence of different interests among member countries and the effectiveness of the regime depends on member countries' compliance and commitment (Hiswi, 2018). However, Putti in his research talks about case studies of the illegal trade in small arms and light weapons in the ASEAN region. From Putti's research, it can be seen that the effectiveness of the AMMTC is largely influenced by the disparity in interests and compliance patterns of ASEAN member countries towards the regime.

The disparities in interests and patterns of compliance with the AMMTC regime and effectiveness are further detailed by Smerchuar. Smerchuar specifically analyzes the development of regional cooperation policies and practices. Smerchuar argues that ASEAN countries' collaborative efforts in developing policies at the regional level have had limited success (Smerchuar & Madhyamapurush, 2020). Again, it was found that one of the causes of weak efforts to integrate cooperation through the AMMTC mechanism was hindered by the pattern of compliance and the principle of non-intervention that existed within ASEAN bodies. However, the importance of cooperation at the regional level is still highlighted in Smerchuar's research (Smerchuar & Madhyamapurush, 2020)

However, the problem of ASEAN cooperation in dealing with transnational crime is not entirely rooted in the effectiveness of the AMMTC mechanism. The root of the problem actually comes from the lack of domestic law enforcement in ASEAN countries (Syafrialdi et al., 2022). Then what is of concern is that weak domestic law enforcement causes transnational criminals to escape domestic law and flee to other countries, causing concerns about new threats in the countries where refugees flee (Syafrialdi et al., 2022). From this research, the need for ASEAN cooperation through the AMMTC mechanism is increasingly relevant. This is confirmed through recommendations from Syafrialdi's research, namely that regional agreements are the solution to eradicating transnational crime (Syafrialdi et al., 2022).

The mechanisms in AMMTC and then ACTIP and various international legal instruments enable ASEAN countries to discuss and formulate strategic steps to fight transnational crime. However, in practice there are still significant limitations due to the absence of a comprehensive regional strategy for large-scale transnational crime. It is felt that the collective steps of ASEAN member countries in ensuring comprehensive cooperation face obstacles due to gaps in capacity among member countries in responding to transnational crimes, including human trafficking. The disparity in capacity of ASEAN countries and varying determination to respond to the

threat of transnational crime allows organized criminal groups to concentrate their operations in locations (countries) that have lower capacity to implement and enforce strong countermeasures (UNODC, 2019 ).

The need for increased regional cooperation in dealing with the problem of human trafficking is increasingly relevant after knowing what factors are hampering the collective efforts of ASEAN countries in preventing human trafficking crimes. It is hoped that AMMTC's efforts can strengthen collaboration and synchronization among countries that are part of ASEAN in overcoming cross-border crime, thereby creating better security and stability in Southeast Asia.

## **Methods**

The research approach, according to Vanderstoep & Johnson, is the design of procedures and plans that start from a hypothesis and continue with data collection, analysis and conclusions (Vanderstoep & Johnston, 2009). The research uses a qualitative approach to describe, compare and evaluate existing policies.

Neuman's qualitative research method emphasizes a deep understanding of social phenomena. In the context of human trafficking in ASEAN, qualitative research can be used to understand the social, economic and political factors that influence this problem. The case study in this research focuses on efforts to optimize the AMMTC (ASEAN Ministerial Meeting on Transnational Crime) forum in dealing with human trafficking. Neuman's qualitative approach emphasizes descriptive data collection, in-depth analysis, and understanding complex social contexts (Neuman, n.d.). Through interviews, observations and document analysis, researchers can gain a deep understanding of the role of the AMMTC forum and the dynamics of human trafficking in the ASEAN region. This method makes it possible to describe the complexity of the human trafficking problem and formulate more detailed policy recommendations.

In this research the author used a qualitative-descriptive research design. This research is described by the author using analytical descriptive methods which are used to describe the current situation which focuses on the research object with the aim of identifying ideal and in-depth things.

## **Results and Discussion**

### **Implementation of Regionalism in ASEAN Policy on the issue of human trafficking.**

Regionalism, as an approach that emphasizes cooperation between countries in a region, has become an important basis in ASEAN policy, especially in overcoming the problem of human trafficking. The principles of regionalism, such as non-intervention, consultation, and

deliberation for consensus, have been implemented in various ASEAN policies to combat human trafficking.

**Application of the Principle of Non-Intervention.** ASEAN's approach to the issue of human trafficking is based on the principle of non-intervention and respect for the sovereignty of member states. Instead of encouraging voluntary cooperation between member countries, ASEAN does not impose solutions. The Bali Process is a regional forum founded by Indonesia and Australia to combat human smuggling, human trafficking and other transnational crimes. These procedures encourage participating countries to share information, increase their capabilities, and work together to combat human trafficking without violating their own countries' sovereignty (Jones, 2018).

**Application of the Principles of Consultation and Deliberation to Consensus.** Various legal and policy instruments related to human trafficking were created based on the principles of consultation and deliberation for consensus. For example, all ASEAN member countries participated in the consultation process prior to the creation of the ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP). The Convention sets minimum standards that member states must meet to stop and combat human trafficking and protect victims. All member countries have a say in forming the convention through a consensus deliberation process. This increases shared ownership and commitment to implementation (Caballero-Anthony, 2013).

**Implementation of the ASEAN Centrality Principle.** ASEAN's role in coordinating efforts to combat human trafficking in the region shows its centrality principle, which places ASEAN as the main driver of regional cooperation. To combat human trafficking, the ASEAN Plan of Action Against Trafficking in Persons, Especially Women and Children (2016-2020) is one of many regional plans and action plans created by member countries to do concrete things to prevent and combat human trafficking and protecting and assisting victims (UNODOC, 2016).

### **Defense Diplomacy Against Human Trafficking**

Defense diplomacy is the peaceful use of military and defense tools to achieve foreign policy goals (Cotter, 2004). This includes various activities, such as dialogue and consultations between military and defense officials, courtesy visits, joint exercises, personnel exchanges, as well as cooperation in the field of military education and training. Defense diplomacy does not only involve the military, but also non-military actors such as diplomats, academics and non-governmental organizations (D. F. Anwar, 2014). In the context of international relations, defense diplomacy plays an important role in maintaining security stability, preventing conflict, fostering trust, and strengthening cooperation between countries. Defense diplomacy is a

complex and multidimensional foreign policy instrument that involves the use of defense resources and capabilities to achieve a country's political and strategic objectives.

### **Defense Structure Adopted by ASEAN Member States**

ASEAN as a regional organization has unique characteristics in adopting defense diplomacy. The structure of ASEAN defense diplomacy reflects ASEAN's basic principles, such as non-intervention, deliberation and consensus, and ASEAN centrality. This has resulted in a form of defense diplomacy that places greater emphasis on cooperation, dialogue, and confidence building, rather than a confrontational or competitive approach.

In general, ASEAN countries still rely on conventional military as the backbone of their defense structure. The land, sea and air forces are the main components responsible for regional defense, maritime security and power projection. However, there are variations in the size, strength and modernization of each country's military. Singapore and Indonesia, for example, have larger and more modern militaries compared to other member countries.

Although traditional threats such as interstate conflict are still relevant, ASEAN countries are increasingly focusing on non-traditional threats such as terrorism, transnational crime, natural disasters and maritime security. This encourages the development of defense structures that are more adaptive and able to respond to various types of threats. For example, the formation of a special force for counter-terrorism, increasing the capacity of the coast guard for maritime security, and developing an early warning system for natural disasters.

Regional defense cooperation is becoming increasingly important in the defense structure of ASEAN countries. The ASEAN Defense Ministers' Meeting (ADMM) and ADMM-Plus are the main forums for discussing regional security issues and increasing military interoperability (Acharya, 2014). Joint exercises, exchange of intelligence information, and development of joint military doctrine are some examples of regional defense cooperation carried out by ASEAN countries.

ASEAN countries are actively modernizing and increasing their military capabilities. Acquisition of modern defense equipment, development of the domestic defense industry, and increasing the professionalism of military personnel are some of the efforts made to strengthen defense capabilities. However, there are significant gaps in the level of modernization and military capabilities between ASEAN member countries.

Despite efforts to strengthen defense independence, ASEAN countries still depend on external partners such as the United States, China and European countries in terms of providing defense equipment, training and technological support. This creates a dilemma for ASEAN

countries, because dependence on external partners can limit autonomy and flexibility in defense policy.

### **The Role of AMMTC in Defense Diplomacy**

Human trafficking has emerged as a significant transnational criminal problem on a global scale, especially in the Southeast Asia region. There is no solution to the migration dilemma, especially regarding the increasing flow of legal migrants moving to foreign countries. However, a further problem lies in the lack of authentic documentation among these migrants, which requires host countries to enforce rather strict financial policies for such legitimate migrants. Due to their financial inadequacy, these legal migrants then exert considerable effort in securing employment. The problem then is that many women and children are victims of exploitation by illegal workers. Then these women and children were sent abroad with the promise that they would earn high wages as sexual slaves rather than work as laborers at home (Emmers, 2003a).

The UN records that around 200,000 women are victims of human trafficking in Southeast Asia. Due to the large profits of criminals who are the main distributors, this crime continues and there are many victims. Furthermore, the United Nations organization noted that thousands of women from China, Laos, and Myanmar were sent to Thailand to work in prostitution, while Vietnamese women were sent to Cambodia and the Philippines (Emmers, 2003b). ASEAN collaborates with the United Nations High Commissioner for Refugees (UNHCR) and national law enforcement agencies of ASEAN member countries, including Indonesia. ASEAN, UNHCR, and INTERPOL are involved in collaborative efforts.

### **The Role of AMMTC in Human Trafficking Problems**

International law defines human trafficking comprehensively in the Palermo Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, which is a supplement to the UN Convention Against Transnational Organized Crime. This definition includes three key elements:

1. Action: Recruitment, transportation, transfer, harboring, or reception of persons.
2. Means: Through the threat or use of force, coercion, kidnapping, fraud, fraud, abuse of power or a position of vulnerability, or the giving or receiving of payments or benefits to obtain the consent of a person who has control over another person.
3. Purpose: Exploitation, which includes, at a minimum, the exploitation of another person's prostitution or other forms of sexual exploitation, forced labor or services, slavery or practices similar to slavery, servitude, or the removal of bodily organs. (UNODC, 2004)

This definition emphasizes that human trafficking is a complex crime, involving exploitation and serious human rights violations. This is not just a criminal problem, but also a deep social, economic and political problem. According to Gajic Veljanoski, buying and selling humans is an act that clearly violates Human Rights, with a focus on the rights to freedom, protection, integrity and freedom of movement. Human trafficking, the majority of victims of which are women, is a form of violence that takes away women's rights. Although women's rights are also included in human rights, the crime of human trafficking does not consider humans as part of humans (Gajic-Veljanoski & Stewart, 2007). The forms of human trafficking at the global level are according to the destination of delivery, according to the victim, and according to the form of exploitation (Syamsudin, 2020):

1. According to shipping destination

Human trafficking is categorized based on the destination of shipment into two different forms: internal trafficking, which involves the movement of individuals within a country from villages to districts or cities, and international trade, which involves the movement of people between different countries. Cross-border trafficking in persons is often linked to issues of immigration or illegal migration, usually carried out through official channels, although some individuals choose unofficial or illegal routes.

2. According to the Victim

According to those affected, human trafficking is segmented into trafficking of women, children and men. Many factors play a role in a woman's likelihood of becoming a victim of human trafficking, with one significant factor being the demand element, where women are sought for commercial sex work. Women are often deceived under false pretenses, such as promises of work as domestic workers, artists, models, or in other professions. Additionally, women are coerced, intimidated, and ultimately trafficked. Women are often seen only as objects that can generate income and support the family, contrary to the patriarchal system that applies in Indonesia and other developing countries. The perception of women as weak and their limited access to education makes them very vulnerable to falling prey to human trafficking crimes.

3. According to the Form of Exploitation

Human trafficking is divided into different categories based on the type of exploitation involved. The main category is sexual exploitation, including forced adultery, forced marriage, and marriages arranged through intermediaries; a secondary category is nonsexual exploitation, which includes forced labor and organ trafficking. Sexual exploitation, although increasingly prevalent, is difficult to detect because it operates like an iceberg phenomenon. Notably, this phenomenon has affected individuals in all strata of society, including perpetrators and victims.



ASEAN's response to eradicating human trafficking was to form ACTIP and spread internal and international standards. Normal diffusion goes through three stages: framing, grafting, and pruning, according to norm diffusion theory (J. Rüländ, 2018). To give meaning to events and phenomena that have been observed, framing is the first step in communication. Actors seek ways to demonstrate that their normative agenda is more important than old ideas or other concepts through framing. The transnational crime frame is used by ASEAN as a basis for determining ASEAN security standards regarding the eradication of human trafficking. This shows how important it is for ASEAN to implement standards against human trafficking. Overall, ASEAN realizes that regional cooperation in fighting transnational crime in the ASEAN region is not enough just with law enforcement cooperation. It is very important to form a multisectoral working institution that involves representatives of AMMTC and other related ministries, such as the ministries of justice and foreign affairs (Asy et al., 2024). This step will ensure that ASEAN can develop a comprehensive approach to dealing with transnational crime, which includes political, legal and law enforcement cooperation (Sovannasam, n.d.).

In the 6th AMMTC meeting, ASEAN recognized the increasing trend of human trafficking in the region. ASEAN reached an agreement to create ACTIP and provided SOMTC and the Human Trafficking Working Group to study the potential of the convention if implemented by ASEAN (AMMTC, 2007). Progress in the formation of ACTIP can be seen in the 9th AMMTC which stated that AMMTC appreciated the achievements of the SOMTC Human Trafficking Working Group and assigned SOMTC to complete ACTIP and the Regional Plan of Action to Combat Trafficking in Persons (RPA). AMMTC also reiterated its support for ACTIP and the ASEAN Plan of Action Against Trafficking in Persons, Especially Women and Children (APA), which were discussed at the 10th AMMTC (Pradityo, 2021).

### **Policy Implementation and Effectiveness**

ASEAN institutions and mechanisms such as AMMTC, ASEANAPOL, ACMW, and AICHR play an important role in dealing with migration and transnational crime issues in the ASEAN region. Through cooperation and coordination among member countries, these institutions help develop policies, increase capacity, and facilitate the exchange of information on how to prevent and stop illegal migration and transnational crime. Collaborative efforts carried out by ASEAN are in the form of (Samuel Karunia et al., 2023c):

1. Information Exchange: ASEAN member countries are committed to sharing information related to transnational crime through mechanisms such as ASEANAPOL and AMMTC.

This exchange of information allows member states to detect, identify and act on crimes more effectively.

2. **Capacity Building:** ASEAN encourages member countries to increase their national capacity in fighting transnational crime. This includes technical assistance to build strong law enforcement agencies, law enforcement training, and exchange of experiences.
3. **Regional and International Cooperation:** ASEAN also collaborates with regional and international partners in efforts to prevent transnational crime. ASEAN holds high-level meetings and discussion forums with partners such as the United States, the European Union and countries in East Asia to strengthen cooperation in this field.

Implementation of ASEAN and AMMTC policies against transnational crimes of human trafficking is a complex and multi-faceted process. Implementation of policies against transnational crimes of human trafficking by ASEAN and the ASEAN Ministerial Meeting on Transnational Crime (AMMTC) is a complex process because it involves many parties and variables. This complexity can be explained scientifically using a multi-level management approach. ASEAN created regional frameworks such as the ASEAN Convention Against Trafficking in Persons (ACTIP) and the ASEAN Plan of Action on Combating Trafficking in Persons. However, the capabilities and commitment of each member country determine how this policy is implemented at the national level. In addition, prosecution and law enforcement are increasingly difficult because the network of criminals is organized and spread throughout the world. According to data collected by the United Nations Office on Drugs and Crime (UNODC), human trafficking remains a significant problem in the ASEAN region, despite progress in policy implementation. This shows that existing approaches need to be continuously evaluated and improved, and that closer cooperation between member states, international organizations and civil society is necessary to combat the root causes and combat transnational crime. The complex nature of human trafficking crimes involves multiple economic, social, and political aspects, and driving factors such as poverty, gender inequality, and armed conflict are interrelated and require comprehensive solutions. A number of factors contribute to the effective implementation of this policy, including:

1. **Legal and Policy Framework:** ASEAN and AMMTC have developed a comprehensive legal and policy framework to combat human trafficking. However, implementation of this framework at the national level is often uneven, with some member states having stronger laws and enforcement mechanisms than others.
2. **Coordination and Cooperation:** Coordination and cooperation between ASEAN member countries and the AMMTC is essential to combat human trafficking, given the transnational

nature of this crime. However, challenges remain in terms of sharing information, intelligence and resources.

3. **Law Enforcement Capacity:** Law enforcement capacity in several ASEAN member countries is still limited, especially in terms of investigating, prosecuting and punishing human traffickers. A lack of training, resources, and awareness of this issue hinders law enforcement efforts.
4. **Victim Protection and Assistance:** Victim protection and assistance is an important element in combating human trafficking. However, victims' access to support services is often limited, especially for vulnerable groups such as women and children.
5. **Social and Economic Factors:** Social and economic factors, such as poverty, gender inequality, and lack of opportunity, contribute to vulnerability to human trafficking. Addressing the root of this problem is critical to effective prevention of human trafficking.

### **Effectiveness of Regional Cooperation: Evaluation of the effectiveness of ASEAN regional cooperation in dealing with human trafficking**

ASEAN regional cooperation in dealing with human trafficking, especially through the ASEAN Ministerial Meeting on Transnational Crime (AMMTC), has shown significant progress but still faces challenges. AMMTC has facilitated the development of strong legal and policy frameworks, such as the ASEAN Declaration Against Trafficking in Persons (ACTIP) and the ASEAN Action Plan Against Trafficking in Persons (APAHT). In addition, AMMTC has encouraged increased law enforcement capacity, information exchange, and cross-border joint operations.

However, implementation of policies and laws is still uneven among ASEAN member countries. Differences in capacity, resources and political will are the main obstacles. Apart from that, protection and support for victims of human trafficking still needs to be improved, especially in terms of access to comprehensive recovery services and social reintegration. Cross-border cooperation also needs to be strengthened, especially in terms of harmonizing legal procedures and overcoming challenges related to national sovereignty. To increase effectiveness, AMMTC needs to encourage more consistent implementation of existing legal and policy instruments, improve victim protection, and strengthen cross-border cooperation. Increasing the involvement of civil society and international organizations can also strengthen regional efforts to combat human trafficking.

## Conclusion

Human trafficking is a serious threat to the security and stability of the Southeast Asian region. ASEAN, as a regional organization, has played an important role in addressing this problem through various mechanisms and initiatives. This research has examined ASEAN's role in combating human trafficking in Southeast Asia, with a focus on the implementation of regionalism and defense diplomacy. Regionalism has become an important basis in ASEAN policy, especially in overcoming the problem of human trafficking. Defense diplomacy also plays an important role in ASEAN's efforts to combat human trafficking. Based on the results of the discussion, it can be concluded that ASEAN cooperation through AMMTC (ASEAN Ministerial Meeting on Transnational Crime) has made a significant contribution to efforts to deal with transnational crime, especially human trafficking in Southeast Asia. The establishment of a comprehensive legal and policy framework, increased law enforcement capacity, and cross-border exchange of information and joint operations have been important steps in strengthening the regional response to this threat. However, uneven implementation of policies and laws among member countries, differences in capacity, as well as challenges in protection and support for victims, are still obstacles that need to be overcome. To achieve higher effectiveness, more consistent implementation, increased cross-border cooperation, and strengthened involvement of civil society and international organizations are needed.

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