

Modernization of the Criminal Law System in Combating Transnational Crime in the Era of Globalization

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ABSTRACT

The development of globalization has driven the rise of transnational crime, which is cross-jurisdictional, organized, and exploits technological advances and the global financial system. This phenomenon poses a serious challenge to the national criminal law system, which is still fundamentally oriented towards the principle of territoriality and has not fully anticipated the dynamics of transnational crime. This study aims to analyze the criminal law regulations for transnational crime from the perspective of national and international law, and to examine the modernization of the criminal law system as an effort to strengthen the prevention of transnational crime in the era of globalization. The research method used is normative legal research with a statutory approach, a conceptual approach, and a comparative approach analyzed qualitatively. The results show that the regulation of transnational crime in the Indonesian criminal law system has been regulated through various sectoral laws such as the Narcotics Law, the Money Laundering Law, the Eradication of Terrorism Law, and the Eradication of Human Trafficking Law. These regulations represent a form of implementation of Indonesia's commitment to international legal instruments, however, there are still unclear norms, especially regarding cross-border jurisdiction, coordination between law enforcement agencies, and regulations regarding digital technology-based crimes. Modernization of the criminal law system is necessary through harmonization of national law with international standards, strengthening international legal cooperation, utilizing technology in law enforcement, and reformulating legal norms that are more adaptive to the development of transnational crime.

Keywords: Modernization of Criminal Law, Transnational Crime, Globalization, Criminal Law Policy, International Cooperation.

INTRODUCTION

Globalization has created fundamental transformations in the dynamics of social, economic, and political life, while simultaneously influencing the development patterns of modern crime. The phenomenon of globalization has not only expanded interactions between nations but also opened up new opportunities for the development of cross-border crimes that exploit advances in information technology, the global financial system, and increasing human mobility. From a modern criminal law perspective, these developments demonstrate that crime can no longer be understood solely within the

territorial framework of a state.¹ Barda Nawawi Arief stated that globalization has given rise to new forms of crime that are transnational and organized, thus requiring an adaptive and progressive legal response.² This condition shows that the national criminal law system must be able to transform so as not to be left behind by the dynamics of crime that are developing in the global space.

Transnational crime is essentially a form of crime that involves more than one national jurisdiction, whether in the planning, implementation, or consequences. In international law, this crime is often associated with the activities of organized criminal networks that operate systematically and exploit legal loopholes in various countries.³ The United Nations Convention against Transnational Organized Crime (UNTOC) defines transnational crime as a serious crime involving an organized crime group and having a cross-border element.⁴ These characteristics demonstrate that transnational crime cannot be effectively addressed by relying solely on domestic criminal law approaches. Therefore, the development of transnational crime demands a more comprehensive legal approach that integrates national and international dimensions.

The development of digital technology and global communication systems has accelerated the transformation of transnational crime patterns. Information technology enables criminals to conduct illegal activities without having to physically reside in the country where the crime occurs. This phenomenon is evident in various forms of cybercrime, money laundering through digital financial systems, and illegal trade conducted via the internet. According to modern crime theory, technological advances often create what is known as an "opportunity structure of crime," namely conditions that open up new opportunities for criminals to evade legal oversight mechanisms.⁵ From a criminal law perspective, this condition poses a serious challenge because the existing legal system is often unable to anticipate the speed of technological development.⁶

The forms of transnational crime currently developing are increasingly complex and organized. Human trafficking, drug smuggling, money laundering, and terrorism financing are clear examples of crimes that exploit international networks and the global economic system. These crimes not only cause significant economic losses but also threaten social stability, national security, and the protection of human rights.⁷ From the

¹ Situmeang, S. M. T., & Meilan, K. (2025). Evolusi kejahatan dan pemidanaan: Tantangan dalam penegakan hukum dan penologi modern: The evolution of crime and punishment: Challenges in law enforcement and modern penology. *Res Nullius Law Journal*, 7(2), 87-97. <https://doi.org/10.34010/rnlj.v7i2.15913>

² Supanto, D. R., & SH, M. (2023). *Kejahatan ekonomi global dan kebijakan hukum pidana*. Penerbit Alumni.

³ Wirandy, M. A., & Syaafi, A. (2025). Optimalisasi Fungsi Intelijen Kepolisian Dalam Penanganan Kejahata Terorganisir Transnasional. *Jurnal Kolaboratif Sains*, 8(6), 3584-3596. <https://doi.org/10.56338/jks.v8i6.7871>

⁴ Sulisty, I. (2022). KEJAHATAN TERORGANISASI LINTAS-NEGARA DI EROPA PASCABREXIT, 2016–2022. *Inovasi Pembangunan: Jurnal Kelitbangan*, 10(02), 153-153. <https://doi.org/10.35450/jip.v10i02.303>

⁵ Butarbutar, J. M. (2025). Revolusi Digital dan Tantangan Kriminologis: Analisis terhadap Tren Kriminalitas dalam Era Digitalisasi. *Media Hukum Indonesia (MHI)*, 3(2). <https://doi.org/10.5281/zenodo.15493512>

⁶ Wahyudi, B. R. (2025). Tantangan penegakan hukum terhadap kejahatan berbasis teknologi AI. *Innovative: Journal Of Social Science Research*, 5(1), 3436-3450. <https://doi.org/10.31004/innovative.v5i1.17519>

⁷ Riani, N., & Ilmih, A. A. (2024). Membangun Tembok Perlindungan Hak Asasi Manusia Di Era Kejahatan Lintas Negara. *ALADALAH: Jurnal Politik, Sosial, Hukum Dan Humaniora*, 2(4), 25-35.

perspective of social defense theory, criminal law has the main function of protecting society from the threat of crime that can damage social order.⁸ Therefore, the existence of transnational crime demands a criminal law system that is capable of providing effective legal protection to society in a global context.

Empirically, the rise in transnational crime has become a serious concern for the international community. A report by the United Nations Office on Drugs and Crime (UNODC) shows that transnational organized crime networks generate enormous illicit profits annually, reaching hundreds of billions of dollars.⁹ These illicit profits stem from various criminal activities such as drug trafficking, human trafficking, arms smuggling, and money laundering through the international financial system. This phenomenon demonstrates that transnational crime is not merely a matter of ordinary criminal activity but has evolved into a systematic, organized global criminal industry. This situation further reinforces the urgency of reforming the criminal justice system to address the dynamics of modern crime.

Indonesia, with its strategic geographic location in Southeast Asia, is also vulnerable to the threat of transnational crime. Its location along international trade routes makes it vulnerable to being exploited as a transit route or destination for various transnational criminal activities.¹⁰ Various cases of drug smuggling, human trafficking, and money laundering demonstrate that international criminal networks actively exploit Indonesia's territory as part of the global distribution chain. From a criminological perspective, strategic geographic conditions often increase the potential for organized crime.¹¹ Therefore, the national criminal law system must be able to provide an effective response to these potential threats.

Data from the National Narcotics Agency (BNN) shows that international drug networks consistently use Indonesia as a potential market and distribution channel for global drug trafficking. This fact demonstrates that drug crimes can no longer be viewed solely as domestic crimes, but rather as part of a transnational criminal network with a complex organizational structure. From the perspective of criminal policy theory, the state has an obligation to formulate criminal law policies capable of effectively addressing crime through both penal and non-penal approaches.¹² The transnational nature of drug crimes demands integrated criminal law policies and international cooperation mechanisms. Without effective cross-border coordination, efforts to combat these crimes will face various structural obstacles.

⁸ Dudy, A. A., Ashady, S., & Ahwan, A. (2026). Penegakan Hukum terhadap Tindak Pidana Narkotika Berdasarkan UU No. 35 Tahun 2009 dan Pedoman Jaksa Agung No. 11 Tahun 2021 [Law Enforcement Against Narcotics Crimes Based on Law No. 35 of 2009 and the Attorney General's Guidelines No. 11 of 2021]. *Indonesia Berdaya*, 7(1), 279-290.

⁹ Utami, S. K. P., & Fitriyanti, R. (2023). Dinamika kerjasama Indonesia dengan United Nations Office on Drugs and Crime (UNODC) pada kasus narkoba dalam perspektif liberalisme institusionalis. *Socius: Jurnal Penelitian Ilmu-Ilmu Sosial*, 1(5). <https://doi.org/10.5281/10.5281/zenodo.10420850>

¹⁰ Hartono, R., & Bakharuddin, B. (2023). Keamanan Maritim Untuk Memerangi Peredaran Gelap Narkotika Lintas Negara Melalui Jalur Laut Di Indonesia. *Jurnal Impresi Indonesia*, 2(8), 809-820. <https://doi.org/10.58344/jii.v2i8.3497>

¹¹ Pranasita, D. A. R., Sugiarta, I. N. G., & Mulyawati, K. R. (2023). Modus Operandi Penyelundupan Narkoba Sindikat Kejahatan Transnasional Terorganisasi Dalam Perspektif Kriminologi (Studi Kasus Di Polda Bali). *Jurnal Analogi Hukum*, 5(3), 269-275.

¹² Bahri, R. A. (2025). Rekonstruksi Kebijakan Non-Penal Tindak Pidana Kesusilaan di Indonesia. *Journal of Interdisciplinary Legal Perspectives*, 2(1), 15-27. <https://doi.org/10.70837/brqc5975>

From a normative perspective, Indonesia already has various legal instruments designed to combat transnational crime. Ratification of various international conventions, including the United Nations Convention against Transnational Organized Crime, demonstrates the country's commitment to supporting efforts to eradicate transnational crime. Furthermore, various national laws have been established to regulate crimes such as narcotics, terrorism, money laundering, and human trafficking. From a legality perspective, the existence of these regulations is a crucial prerequisite for enforcing criminal law, as every act can only be punished if it is clearly stipulated in legislation.¹³ However, the existence of these regulations does not fully guarantee the effectiveness of law enforcement against transnational crimes.

Criminal law reform in Indonesia is also ongoing through updated criminal law policies aimed at adapting the legal system to societal developments. The creation of a new Criminal Code is one effort to update the criminal law system, which previously relied on colonial legal legacies. From the perspective of criminal law reform theory, criminal law modernization is a process aimed at adapting the law to the evolving needs of society.¹⁴ These reforms are expected to provide a stronger normative foundation for addressing various forms of modern crime, including transnational crime. However, the success of criminal law reform depends heavily on the legal system's ability to accommodate the increasingly complex developments in global crime.

Despite the establishment of various regulations, the effectiveness of the criminal justice system in combating transnational crime still faces numerous challenges. One major obstacle is the cross-jurisdictional nature of crime, necessitating coordination of law enforcement between countries. Differences in legal systems, judicial procedures, and national interests often hinder cooperation in law enforcement. Under the principle of state sovereignty, each country has full authority to implement its own legal system.¹⁵ However, in the context of transnational crime, this principle often creates obstacles in law enforcement efforts that require cross-national cooperation.

Another equally important issue is the lack of clarity in criminal law regulations related to transnational crimes. Some regulations do not provide clear boundaries regarding the scope of criminal jurisdiction for perpetrators who commit crimes outside the country's territory but have consequences domestically. This lack of clarity has the potential to create legal uncertainty in the criminal law enforcement process. From the perspective of Gustav Radbruch's theory of legal certainty, the law must provide clarity in norms to provide effective protection to the public.¹⁶ If legal norms are not formulated clearly, law enforcement will face various difficulties in determining the criminal responsibility of perpetrators of transnational crimes.

Based on these developments, modernizing the criminal justice system has become an unavoidable necessity in addressing the dynamics of transnational crime in

¹³ Iskandar, D., Zulbaidah, W. N., Almanda, A., Abdinur, I., Putra, D. Y., Andriani, C. Y., & Zulhazrul, Z. (2024). Perkembangan teori dan penerapan asas legalitas dalam hukum pidana Indonesia. *Jimmi: Jurnal Ilmiah Mahasiswa Multidisiplin*, 1(3), 293-305. <https://doi.org/10.71153/jimmi.v1i3.147>

¹⁴ Firdaus, A., & Koswara, I. Y. (2024). Pembaharuan hukum pidana di Indonesia: Analisis tentang pidana pengawasan dan asas keseimbangan. *Lex Renaissance*, 9(1), 1-22.

¹⁵ Febrianasari, S. A. (2022). Kebebasan Berpendapat Dalam Perspektif Kedaulatan Rakyat. *Sovereignty*, 1(2), 238-246. <https://doi.org/10.13057/sovereignty.v1i2.223>

¹⁶ Azzahra, S. N., Saragih, Y. M., Yusuf, M., & Pasaribu, U. R. (2025). Analisis yuridis tindak pidana korupsi suap berdasarkan teori kepastian hukum. *Jurnal Multidisiplin Dehasen (MUDE)*, 4(3), 593-598. <https://doi.org/10.37676/mude.v4i3.8533>

the era of globalization. Modernization is not only related to updating laws and regulations, but also encompasses shifting paradigms in law enforcement, strengthening international cooperation, and utilizing technology in the law enforcement process. From the perspective of modern criminal law policy, the legal system must be able to adapt to ongoing social changes and technological developments. Therefore, it is important to examine in depth how modernizing the criminal justice system can be formulated as an effective strategy for combating transnational crime. This study is expected to provide a conceptual contribution to the development of a criminal justice system that is more responsive to the challenges of global crime.

METHODOLOGY

The research method used in this study is normative legal research, which focuses on the analysis of legal norms governing the handling of transnational crime within the criminal law system. Normative legal research essentially positions law as a system of norms analyzed through the approach of statutory regulations, legal concepts, and legal principles relevant to the problem being studied. According to Soerjono Soekanto and Sri Mamudji, normative legal research is research conducted by examining library materials or secondary data consisting of primary legal materials, secondary legal materials, and tertiary legal materials.¹⁷ This approach is used to systematically examine how current criminal law regulations address transnational crime and the extent to which these norms provide legal certainty in law enforcement practices. Through a normative approach, the analysis focuses on identifying unclear norms and the need to modernize the criminal law system to address the development of transnational crime in the era of globalization.

The collection of legal materials in this research was conducted through a literature study that includes primary legal materials in the form of national legislation and international legal instruments related to transnational crimes, secondary legal materials in the form of scientific literature, expert opinions, and previous research results, as well as tertiary legal materials that provide explanations for both legal materials. The analysis of legal materials was conducted qualitatively using legal interpretation methods and conceptual approaches to understand the construction of norms that regulate the handling of transnational crimes in the criminal law system. Peter Mahmud Marzuki stated that normative legal research aims to find the truth based on the logic of legal science through an analysis of applicable legal norms.¹⁸ Therefore, this method is used to critically examine the effectiveness of existing criminal law regulations and to formulate a concept for modernizing the criminal law system to be more adaptive in addressing the development of transnational crime. This approach is expected to produce a comprehensive legal analysis and provide a conceptual contribution to the development of criminal law policy in Indonesia.

RESULTS AND DISCUSSION

Criminal Law Regulations on Transnational Crimes from the Perspective of National Law and International Law

From an international legal perspective, transnational crime is understood as a form of crime that transcends the jurisdiction of a single country, whether in planning,

¹⁷ Zainuddin, M., & Karina, A. D. (2023). Penggunaan metode yuridis normatif dalam membuktikan kebenaran pada penelitian hukum. *Smart Law Journal*, 2(2), 114-123. <https://e-journal.unkaha.ac.id/index.php/slj/article/view/26>

¹⁸ Masidin, S. H. (2023). *Penelitian hukum normatif: Analisis putusan hakim*. Prenada Media.

implementation, or its impact. This concept has evolved with increasing global interaction, allowing perpetrators to exploit differences in legal systems across countries to avoid criminal liability. Normatively, transnational crime relates not only to the location where the crime occurs but also to the involvement of more than one national legal system in its handling.¹⁹ This perspective demonstrates that national criminal laws, which are territorial in nature, often face limitations in addressing crimes committed through transnational networks. Therefore, international law developed the concept of transnational crime as a response to the development of global criminality, which can no longer be confined to national boundaries. This concept also emphasizes that combating modern crime requires integration between national law and international legal mechanisms.

Regulations regarding transnational crime are more systematically reflected in the United Nations Convention against Transnational Organized Crime (UNTOC) which was adopted in 2000.²⁰ This Convention provides a normative definition of crimes that can be categorized as transnational crimes if they meet certain elements related to the involvement of more than one country. Article 3 of the UNTOC stipulates that a crime is considered transnational if it is committed in more than one country, or if the planning, direction, or control of the crime takes place in another country. Furthermore, the crime can also be categorized as transnational if it is committed by an organized criminal group operating in multiple countries or has a significant impact in another country. This provision demonstrates that the UNTOC not only provides a normative definition but also establishes an international legal framework that allows member countries to cooperate in addressing transnational crime. Thus, this convention is an important instrument in establishing international standards in eradicating transnational crime.

The main characteristic of transnational crime that distinguishes it from domestic crime is its organized, systematic nature, and its orientation toward substantial economic gain. These crimes are generally committed by criminal networks with specific organizational structures and the use of modern technology to expand their operational reach. In practice, transnational criminals often exploit the global financial system to conceal or transfer the proceeds of their crimes through money laundering mechanisms.²¹ Furthermore, advances in information technology also allow criminal activity to be conducted remotely, without requiring the perpetrator's physical presence at the scene of the crime. The complexity of these modus operandi makes transnational crime a difficult form of crime to eradicate using only traditional criminal law approaches. Therefore, the characteristics of these crimes require a more adaptive law enforcement approach based on international cooperation.

In the study of international law, it is important to distinguish between transnational crimes and international crimes. International crimes generally refer to serious violations of international law that directly threaten the interests of the

¹⁹ Himawan, B. (2026, January). Kajian Normatif terhadap Tantangan Penegakan Hukum atas Tindak Pidana Scam Lintas Negara di Era Globalisasi. In *Prosiding Seminar Nasional Pendidikan, Ilmu-Ilmu Sosial, dan Hukum (SENPISSHUM)* (Vol. 1, No. 1). <https://journal.unj.ac.id/unj/index.php/senpishum/article/view/62473>

²⁰ Lie, G. (2024). Upaya Penegakan Hukum dalam Menangani Kasus Perdagangan Manusia. *Jurnal Hukum Lex Generalis*, 5(12). <https://www.ojs.rewangrencang.com/index.php/JHLG/article/view/1446>

²¹ Puanandini, D. A., Syidiq, M. S., & Noevera, J. P. (2023). Efektivitas Undang-Undang Nomor 8 Tahun 2010 Tentang Pencegahan Dan Pemberantasan Tindak Pidana Pencucian Uang. *Public Sphere: Jurnal Sosial Politik, Pemerintahan dan Hukum*, 2(2). <https://doi.org/10.59818/jps.v3i3.1048>

international community as a whole, such as genocide, war crimes, and crimes against humanity.²² In contrast, transnational crimes are essentially crimes regulated by national law, but their implementation has a transnational dimension. This distinction has important implications for law enforcement mechanisms, as international crimes typically fall under the jurisdiction of international judicial institutions such as the International Criminal Court. Meanwhile, law enforcement against transnational crimes remains within the authority of the state, although it requires coordination and cooperation with other countries. Therefore, understanding these conceptual differences is crucial in formulating appropriate legal strategies for combating transnational crimes.

The development of transnational crime is also inseparable from modern crime theory, which places globalization as a primary factor in transforming crime patterns. Globalization has created increasingly integrated economic, communication, and human mobility networks, while simultaneously opening up opportunities for the development of transnational criminal networks.²³ From a modern criminological perspective, this phenomenon is often referred to as the globalization of crime, a condition in which crime evolves in line with the dynamics of the global economic and technological system. Crime is no longer local or isolated, but rather interconnected within complex and organized international networks. This demonstrates that the development of modern crime is influenced not only by domestic social factors but also by global dynamics that influence the structure of opportunities for perpetrators. Therefore, the criminal justice system must be able to adapt to these changes to avoid being left behind by the increasingly complex development of crime.

In criminal law enforcement, the principle of state jurisdiction is a fundamental aspect in determining a state's authority to prosecute perpetrators of crimes. The most fundamental principle in criminal law is the principle of territoriality, which grants the state the authority to enforce the law against any crime occurring within its territory. This principle reflects state sovereignty in implementing its own legal system without interference from other states. In practice, the principle of territoriality has also developed into two main forms: subjective territoriality and objective territoriality.²⁴ Subjective territoriality refers to the place where a crime begins, while objective territoriality relates to the place where the consequences of the crime arise. This development demonstrates that the territorial principle remains a primary basis for enforcing criminal law, despite facing various challenges in the context of transnational crime.

As transnational crime has grown, international law has also developed various additional jurisdictional principles to complement the principle of territoriality. One important principle is the active nationality principle, which grants states the authority to prosecute their citizens who commit crimes outside their territory.²⁵ Furthermore, there is

²² Satria, N. D., Lestari, D. P., & Sary, W. E. (2025). Efektivitas Mahkamah Pidana Internasional Dalam Menangani Kejahatan Terorisme Dan Implikasinya Terhadap Penegakan Hukum Internasional. *Jurnal Kajian Hukum dan Pendidikan Kewarganegaraan*, 1(3), 212-219. <http://jurnal.globalscients.com/index.php/jkhp/article/view/402>

²³ Affan, A. M. A., & Rahmah, A. (2024). Evolusi Hukum Pidana dalam Konteks Globalisasi: Tinjauan Literatur. *Jurnal Hukum Ius Publicum*, 5(2), 121-135. <https://doi.org/10.55551/jip.v5i2.163>

²⁴ Rifi, S. M., Septanti, D., & Defiana, I. Dinamika Fungsi Teritorial Manusia pada Ruang Publik di Kampung Nelayan Sejahtera Kota Bengkulu. *Arsitektura: Jurnal Ilmiah Arsitektur dan Lingkungan Binaan*, 23(1), 29-40.

²⁵ Utami, K., & Puspita, N. Y. (2024). RATIO DECIDENDI PENERAPAN PRINSIP YURISDIKSI TERITORIAL OBJEKTIF DAN PERLINDUNGAN DALAM EXTRADISI MARIA

the passive nationality principle, which allows a state to prosecute perpetrators of crimes that harm its citizens, even if the crime occurred outside the state's territory. Another principle that has also developed is the protective principle, which authorizes a state to take action against crimes that threaten its vital interests. More broadly, international law also recognizes the concept of universal jurisdiction, which authorizes each state to take action against perpetrators of certain crimes deemed to pose a threat to the international community. The existence of these various jurisdictional principles demonstrates international law's efforts to close legal loopholes that can be exploited by transnational criminals.

The international legal framework for combating transnational crime is essentially established through various international conventions aimed at harmonizing criminal law policies across countries. International conventions such as the UNTOC serve as legal instruments that encourage member states to adopt uniform legal standards for combating transnational crime.²⁶ This harmonization is crucial to prevent legal loopholes that allow criminals to exploit differences in legal systems between countries as safe havens. Furthermore, international conventions provide concrete cooperation mechanisms, such as mutual legal assistance, extradition, and joint investigations, in the investigation and prosecution of transnational crimes. Through these mechanisms, countries can assist each other in gathering evidence, apprehending perpetrators, and recovering assets obtained from crime. However, the effectiveness of these international legal instruments still depends heavily on the commitment of member states to implement international norms into their national laws. Therefore, harmonization between national and international law is a key factor in creating an effective transnational crime prevention system in the era of globalization.

The regulation of transnational crime in the Indonesian criminal law system is essentially realized through various laws and regulations that specifically regulate certain forms of crime with a transnational dimension. The formation of these regulations is part of the national criminal law policy, which aims to provide a normative basis for law enforcement against increasingly complex and organized crimes. Within this framework, Indonesian criminal law functions not only as a repressive instrument to punish perpetrators but also as a means of protecting the interests of society and the state from the threat of global crime. These specific regulations reflect a sectoral approach in criminal policy that regulates specific types of crimes through separate laws. This approach is considered important because the nature of transnational crime often has a complexity that cannot be fully accommodated by general provisions in the Criminal Code. Therefore, the formation of special laws is a legislative strategy to strengthen the legal response to the development of transnational crime.

One of the key regulations in combating transnational crime in Indonesia is the Narcotics Law, which regulates various forms of criminal offenses related to the illegal production, distribution, and distribution of narcotics. Narcotics crime is essentially one of the most complex forms of transnational crime because it involves organized international criminal networks. The provisions in this law not only contain provisions regarding prohibitions and criminal sanctions, but also regulate the mechanisms for

PAULINE LUMOWA. *TANJUNGPURA LAW JOURNAL*, 8(2), 219-238.
<https://doi.org/10.26418/tlj.v8i2.75641>

²⁶ Lubis, A., Lestari, D. P., & Sari, W. E. (2025). Evaluasi kolaborasi antarnegara dan kebijakan kriminal dalam penindakan perdagangan orang sebagai kejahatan terorganisir lintas negara. *Jurnal Kajian Hukum Dan Kebijakan Publik* | E-ISSN: 3031-8882, 2(2), 1067-1074. <https://doi.org/10.62379/0g2vrtf82>

enforcement against narcotics distribution networks involving more than one country. From a criminal law policy perspective, this regulation demonstrates the state's efforts to expand the scope of law enforcement against crimes with global dimensions. Furthermore, provisions regarding the confiscation of assets obtained from crime and the eradication of criminal networks demonstrate that the criminal law approach focuses not only on individual perpetrators but also on the structure of criminal organizations. Thus, the narcotics law is a national legal instrument that plays a crucial role in combating transnational crime.

In addition to drug crimes, regulations regarding money laundering also play a strategic role in Indonesia's criminal justice system in addressing transnational crime. Money laundering is essentially a secondary crime aimed at concealing or disguising the origins of wealth obtained through criminal activity. In transnational crimes, money laundering is often conducted through the international financial system, thus involving multiple national jurisdictions.²⁷ Therefore, the Anti-Money Laundering Law is designed to strengthen the state's ability to trace the flow of illicit funds and confiscate assets derived from crime. This approach aligns with the "follow the money" principle, which has developed in the practice of combating organized crime. By tracing the flow of proceeds of crime, law enforcement can uncover broader criminal networks. This demonstrates the strategic role of money laundering regulations in breaking the economic chain of transnational crime.

Regulations on criminal acts of terrorism are also a crucial part of Indonesia's criminal law policy in addressing the threat of transnational crime. Terrorism is fundamentally a crime that impacts not only a country's national security but also has broad international implications. The Anti-Terrorism Law grants law enforcement officers broader authority to carry out preventive measures, investigate, and prosecute terrorist networks. This regulation also accommodates a more comprehensive criminal law approach by regulating various forms of activities related to terrorist financing, illegal military training, and recruitment of members of terrorist networks. From an international legal perspective, this regulation demonstrates Indonesia's commitment to supporting global efforts to eradicate terrorism.²⁸ Therefore, regulations regarding terrorism have a strategic role in strengthening the national criminal law system in facing the threat of transnational crime.

Furthermore, regulations regarding the crime of human trafficking are also part of national legal efforts to combat transnational crimes related to human exploitation. Human trafficking often involves criminal networks operating in various countries, exploiting the social and economic vulnerabilities of communities. The Law on the Eradication of the Crime of Human Trafficking provides the legal basis for the state to protect victims and prosecute perpetrators involved in these exploitative practices. This regulation emphasizes not only the criminalization of perpetrators but also focuses on the protection and rehabilitation of victims. From a modern criminal law perspective, this approach reflects a paradigm shift from simply prosecuting perpetrators to protecting

²⁷ Akxa, A., Hadiyanto, A., & Ciptono, C. (2024). Upaya Pemberantasan Tindak Pidana Pencucian Uang Oleh Pusat Pelaporan Dan Analisis Transaksi Keuangan Melalui Kerjasama Internasional. *Jurnal USM Law Review*, 7(2), 586-602. <https://doi.org/10.26623/julr.v7i2.8896>

²⁸ Darma, S. (2025). PERAN INDONESIA DALAM KERJA SAMA INTERNASIONAL MELAWAN TERORISME MELALUI GLOBAL COUNTERTERRORISM FORUM PADA TAHUN 2023-2024. *Diplomacy and Global Security Journal: Jurnal Mahasiswa Magister Hubungan Internasional*, 1(2), 60-70. <https://doi.org/10.36859/dgsj.v2i1.3491>

victims.²⁹ This shows that the national criminal law system is trying to adapt to developments in international legal standards in handling transnational crimes.

These various national regulations are fundamentally inseparable from Indonesia's international obligations as a member of the international community. Ratification of various international conventions, such as the United Nations Convention against Transnational Organized Crime, requires countries to align their national laws with the standards set forth in these international legal instruments.³⁰ This process is known as legal harmonization, which is the effort to align national legal norms with agreed-upon international obligations. This harmonization is crucial to ensuring that national legal systems can operate effectively within the framework of international cooperation. Without alignment between national and international law, efforts to eradicate transnational crime will face various obstacles in law enforcement practices. Therefore, the relationship between national regulations and international obligations is a crucial aspect in building a criminal justice system that is responsive to transnational crime.

Despite the enactment of various specific laws, the Criminal Code (KUHP) remains fundamental to the Indonesian criminal law system. The Criminal Code serves as a basic framework that regulates general principles regarding criminal liability, types of punishment, and generally applicable criminal law principles. In transnational crimes, the Criminal Code remains the normative foundation that determines how an act can be criminally accounted for. The principle of legality embodied in the Criminal Code affirms that no act can be punished except based on pre-existing legal provisions. Furthermore, the Criminal Code also regulates the principle of criminal jurisdiction, which forms the basis of the state's authority to enforce the law against perpetrators of crimes. Therefore, despite the existence of various specific laws, the Criminal Code remains a crucial foundation for the national criminal law system.

Criminal law regulations for transnational crime in Indonesia still face various normative issues related to unclear norms and limited legal arrangements. One major issue is the lack of clarity regarding the application of criminal jurisdiction to crimes involving perpetrators, victims, and locations located in various countries. Furthermore, the development of digital technology-based crime also presents new challenges because many regulations are not yet fully able to accommodate the cross-border nature of cybercrime. In some cases, there is also the potential for overlapping regulations between various laws governing transnational crime. This situation has the potential to create legal uncertainty in law enforcement practices. From the perspective of legal certainty theory, legal norms must be formulated clearly to provide definitive guidance for law enforcement officials and the public. Therefore, analyzing unclear norms is crucial to ensure that the criminal law system can provide an effective response to the development of transnational crime in the era of globalization.

Modernization of the Criminal Law System as an Effort to Strengthen Transnational Crime Prevention in the Era of Globalization

²⁹ Amiruddin, M., Mulyono, A., & Bonggoibo, A. A. (2025). Reformulasi Kebijakan Hukum Pidana dalam Menjamin Keadilan Substantif dan Perlindungan Hak Asasi Manusia. *Jurnal Paradoks Hukum*, 1(2), 235-257. <https://doi.org/10.64147/dokhum.v1i2.14>

³⁰ Qushoyyi, N., Sari, W. E., & Lestari, D. P. (2025). PENGARUH KONVENSI INTERNASIONAL TERHADAP PENEGAKAN HUKUM PIDANA TRANSNASIONAL. *Causa: Jurnal Hukum dan Kewarganegaraan*, 12(5), 11-20. <https://cibangsa.com/index.php/causa/article/view/14>

Modernization of the criminal justice system is essentially part of the legal reform process aimed at adapting the legal system to increasingly complex societal developments and crime dynamics. From the perspective of penal reform theory, criminal law modernization is not only defined as changes to formal legal norms but also encompasses updates to paradigms, institutional structures, and criminal law enforcement mechanisms. Criminal law reform theory emphasizes that the legal system must be able to adapt to social, economic, and technological changes to remain relevant in protecting public interests.³¹ In this context, criminal law modernization is seen as a systematic effort to address the weaknesses of the existing legal system to enable it to face the challenges of modern crime. These changes concern not only the substance of criminal law but also aspects of legal structure and culture that influence the effectiveness of law enforcement. Therefore, criminal law modernization is a comprehensive and ongoing process aimed at creating a legal system that is more responsive to contemporary criminal developments.

In criminal law thinking in Indonesia, the idea of criminal law reform is greatly influenced by the thinking of Barda Nawawi Arief who emphasizes the importance of criminal law reform as part of national criminal policy.³² According to this view, criminal law reform must be carried out comprehensively, taking into account the philosophical, juridical, and sociological aspects of the existing legal system. Criminal law reform cannot be carried out partially or sectorally because the criminal law system is a unified whole consisting of various interrelated elements. Therefore, changes to one aspect of criminal law must be accompanied by adjustments to other aspects to create a consistent and effective legal system. This thinking emphasizes that criminal law reform aims not only to replace outdated legal norms but also to build a legal system that is better able to meet the needs of modern society. In the context of transnational crime, this thinking is relevant because the development of transnational crime demands a more adaptive and progressive criminal law system.

Modernization of the criminal justice system must also be understood as part of criminal policy, which aims to effectively control and combat crime. Criminal law policy is a state strategy for determining how criminal law is used as an instrument to protect public interests and maintain social order.³³ Within this framework, criminal law modernization is a strategic step to strengthen the state's capacity to address increasingly complex crime. Criminal law policy focuses not only on establishing criminal sanctions but also encompasses the formulation of broader policies regarding crime prevention and victim protection. Therefore, criminal law modernization must be carried out while maintaining a balance between law enforcement and human rights protection. This approach demonstrates that a modern criminal law system must be able to integrate various aspects of criminal policy within a unified framework.

The relationship between developments in global society and reforms to the criminal justice system has become increasingly important in the era of globalization, marked by increased interaction between countries. Globalization has created numerous opportunities for economic and technological development, but at the same time, it has

³¹ Prameswari, R. S. (2026). Tinjauan Undang-Undang Nomor 1 Tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana (Kuhp) Baru. *Jurnal Sosial Teknologi*, 6(2), 546-553. <https://doi.org/10.59188/jurnalsostech.v6i2.32706>

³² Alzagladi, H., & Azis, A. (2026). Kebijakan Kekuasaan Legislatif Dalam Pembaharuan Hukum Pidana Nasional. *Al-Zayn: Jurnal Ilmu Sosial & Hukum*, 4(1), 4558-4568. <https://doi.org/10.61104/alz.v4i1.3931>

³³ Winatasya, M., & Rahayuningsih, C. D. (2025). Hukum Pidana: Kajian Literature Review. *Journal of Literature Review*, 1(1), 154-160. <https://doi.org/10.63822/nrtk1447>

also opened up space for the emergence of new forms of transnational crime. Transnational crimes such as human trafficking, money laundering, and cybercrime are clear examples of the impact of globalization on the development of crime patterns. This situation requires the criminal justice system to adapt to respond to the dynamics of crime that are no longer limited to the jurisdiction of a single country. Reforming the criminal justice system is crucial to ensure that national laws remain relevant in facing these global challenges. Without criminal law modernization, the legal system has the potential to lag behind the increasingly complex and organized developments in crime.

Nevertheless, the conventional criminal law system currently in place in many countries, including Indonesia, still has various limitations in addressing transnational crime. One major limitation lies in criminal law's adherence to the principle of territoriality, which places a state's territory as the primary boundary of law enforcement jurisdiction. This principle is fundamentally designed to guarantee state sovereignty in enforcing the law within its territory. However, in the context of transnational crimes involving perpetrators, victims, and locations located across multiple countries, the application of the territoriality principle often presents difficulties in the law enforcement process. This situation indicates that the conventional criminal law system is not yet fully capable of accommodating the increasingly complex characteristics of transnational crime. Therefore, a more flexible legal approach is needed so that the criminal law system can address crimes with an international dimension.

In addition to jurisdictional limitations, conventional criminal justice systems also face challenges in regulating technology-based crimes, which are rapidly evolving in the digital age. Advances in information technology have given rise to various new forms of crime, such as computer hacking, online fraud, and the illegal distribution of data, which can be carried out across borders in a very short time.³⁴ Existing criminal law regulations often fail to keep pace with the rapid development of technology. This regulatory lag creates a gap between prevailing legal norms and the reality of crimes occurring in society. Consequently, law enforcement officials face difficulties in applying relevant legal provisions to crimes involving digital technology. This situation demonstrates the need for reform in the criminal justice system to more effectively respond to the development of technology-based crimes.

The slow adaptation of the law to evolving global crime patterns is also a major problem affecting the effectiveness of the current criminal justice system. The process of formulating and amending laws and regulations often takes a relatively long time due to the need to go through various legislative stages. Meanwhile, the development of transnational crime is occurring very rapidly in line with technological advances and increasing global mobility. This imbalance between the speed of crime development and the law's ability to adapt can result in the legal system being less effective in responding to modern criminal threats. From a criminal law policy perspective, this situation demonstrates the need for a more responsive and adaptive legal reform mechanism. Without sustainable legal reform, the criminal justice system has the potential to lose its relevance in addressing the dynamics of global crime.

In the face of these limitations, reforming criminal law policy is a crucial step in strengthening the state's capacity to combat transnational crime. This reform must be carried out through the integration of penal and non-penal policies, encompassing law

³⁴ Firdaus, R. A. (2024). Perlindungan hukum dan pencegahan kejahatan siber di era digital dalam sistem hukum di Indonesia. *STAATSRECHT: Jurnal Hukum Kenegaraan dan Politik Islam*, 4(1), 79-104. <https://doi.org/10.14421/cf582q68>

enforcement strategies, crime prevention, and international cooperation. Harmonizing national law with international legal standards is also crucial for the Indonesian criminal law system to function effectively within a global cooperation framework. Furthermore, strengthening the criminal accountability system for organized crime perpetrators is necessary to ensure that criminal law can address the complex structures of criminal organizations. Reforming legal norms that are more adaptive to developments in transnational crime is a strategic step to ensure that criminal law remains relevant in facing the challenges of globalization. Thus, modernizing the criminal law system is not only a normative necessity but also a crucial prerequisite for the effective prevention of transnational crime in the global era.

Strengthening international cooperation mechanisms in criminal law enforcement is an unavoidable necessity in addressing the increasingly complex transnational crimes of the global era. Transnational crimes inherently involve networks of perpetrators, financial flows, and criminal activities spread across various national jurisdictions, making them impossible to address effectively through a national legal approach alone. In such circumstances, international cooperation is a crucial instrument to ensure that perpetrators cannot exploit differences in legal systems across countries as a loophole to avoid criminal accountability. This cooperation encompasses various forms of coordination in law enforcement, information exchange, and international legal assistance during investigations and prosecutions. Without effective cooperation mechanisms, law enforcement against transnational crimes will face significant obstacles, particularly in gathering evidence and apprehending perpetrators located outside of a single country's jurisdiction. Therefore, strengthening international cooperation is a crucial element in modernizing the criminal justice system, aimed at increasing the effectiveness of global crime prevention.

One of the main instruments of international cooperation in the field of criminal law enforcement is the extradition mechanism, which allows one country to hand over criminals to another country for legal proceedings. Extradition is essentially a form of cooperation between countries based on the principle of mutual respect for each country's legal sovereignty. In transnational crime, the extradition mechanism plays a strategic role in preventing criminals from exploiting differences in legal jurisdiction as a means to evade the judicial process. However, the conventional extradition system often faces various obstacles, such as differences in legal systems, provisions regarding dual criminality, and political considerations between countries. This situation indicates that modernizing the extradition system is crucial for it to function more effectively in addressing transnational crime. Renewal of the extradition mechanism must also be accompanied by a strengthening of the legal framework that can accommodate the dynamics of international relations in the field of criminal law enforcement.

International cooperation in criminal law enforcement is also realized through mutual legal assistance mechanisms.³⁵ This mechanism allows countries to provide mutual assistance in the investigation, prosecution, and examination of criminal cases involving cross-border elements. Mutual legal assistance can encompass various forms of cooperation, such as gathering evidence, summoning witnesses, tracing the proceeds of crime, and confiscating assets related to the crime. In practice, this mechanism is crucial because many transnational crimes involve activities spread across multiple

³⁵ Apriansyah, M. I., Lestari, M. M., & Deliana, E. (2024). Efektivitas Asean Treaty On Mutual Legal Assistance (Amlat) Dalam Menghadapi Kejahatan Transnasional Di Negara Indonesia. *Jurnal Pro Justitia (JPJ)*, 5(1). <https://doi.org/10.57084/jpj.v5i1.1483>

countries. Without mutual legal assistance, law enforcement officials would have difficulty obtaining evidence located within the jurisdiction of another country. Therefore, strengthening the mutual legal assistance system is a strategic step to increase the effectiveness of law enforcement against transnational crime.

Strengthening regional and global law enforcement networks is also a crucial aspect in building an effective international cooperation system. In this context, various international cooperation organizations and forums play a strategic role in facilitating coordination between countries in addressing transnational crime. These networks enable law enforcement officials from various countries to exchange information quickly and in a coordinated manner. The existence of international law enforcement networks also facilitates the process of tracking criminals who move from one country to another. Furthermore, regional cooperation often provides more flexible space for countries with geographical proximity and shared interests to develop more effective law enforcement mechanisms. Therefore, strengthening regional and global law enforcement networks is a crucial part of the strategy to modernize the criminal justice system in addressing transnational crime.

In addition to formal legal mechanisms, legal diplomacy also plays a crucial role in strengthening international cooperation in combating transnational crime. Legal diplomacy is a process of negotiation and coordination between countries aimed at building mutual understanding on the application of international law in the field of criminal law enforcement.³⁶ Through legal diplomacy, countries can establish various bilateral and multilateral agreements governing cooperation in handling transnational crimes. Legal diplomacy also plays a role in resolving the various differences of interest that often arise in the process of international cooperation. Without effective legal diplomacy, various international cooperation instruments have the potential to encounter obstacles in their implementation. Therefore, legal diplomacy must be viewed as an integral part of a country's strategy to strengthen the law enforcement system against transnational crime.

The modernization of the criminal law enforcement system is also inseparable from the rapid development of digital technology in the era of globalization. Information technology has become a crucial instrument in the investigation and law enforcement process, enabling law enforcement officials to access and analyze data more quickly and accurately. The use of digital technology can assist law enforcement officials in identifying crime patterns, tracking perpetrators' activities, and collecting electronic evidence relevant to a criminal case. In transnational crime, digital technology also enables more effective coordination between law enforcement officials from various countries.³⁷ The use of technology in criminal law enforcement is fundamentally part of an effort to improve the efficiency and effectiveness of the criminal justice system. Therefore, the integration of technology into the law enforcement system is a crucial aspect of criminal law modernization.

Beyond investigations, technology also plays a crucial role in establishing an international data exchange system that can be used to address transnational crime. This

³⁶ Zhafirah, P. D. (2024). Optimalisasi Diplomasi Internasional dalam Rangka Penanganan Kejahatan Transnasional Melalui Penguatan Atase. *Innovative: Journal Of Social Science Research*, 4(3), 14910-14920. <https://doi.org/10.31004/innovative.v4i3.12348>

³⁷ Riani, N., & Ilmih, A. A. (2024). Membangun Tembok Perlindungan Hak Asasi Manusia Di Era Kejahatan Lintas Negara. *ALADALAH: Jurnal Politik, Sosial, Hukum Dan Humaniora*, 2(4), 25-35. <https://doi.org/10.59246/aladalah.v2i4.930>

data exchange system allows countries to share information on perpetrators, suspicious financial transactions, and various criminal activities with international dimensions. Strengthening the global financial transaction oversight system is also crucial in combating crimes such as money laundering and terrorism financing. Through the use of data analysis technology, law enforcement officials can identify illicit financial flows across multiple countries. However, the use of technology in law enforcement also poses various challenges related to personal data protection and respect for human rights. Therefore, the use of technology must be carried out proportionally while still adhering to legal principles that guarantee the protection of individual rights.

From the perspective of criminal law reform, the ideal model for modernizing the criminal law system to combat transnational crime must be developed through an integrative and systemic approach. Integration between national law, international law, and regional cooperation is crucial for creating an effective law enforcement system to address transnational crime. The development of regulations that adapt to global crime developments is also necessary to ensure criminal law is able to respond to the ever-evolving dynamics of crime. Furthermore, strengthening coordination between law enforcement agencies at the national and international levels is crucial for increasing the effectiveness of law enforcement. A systemic approach to criminal law policy must integrate various crime prevention strategies, both through penal and non-penal mechanisms. Therefore, modernizing the criminal law system aims not only to improve existing legal norms but also to build a law enforcement system capable of addressing the challenges of transnational crime in a comprehensive and sustainable manner.

CONCLUSION

The development of transnational crime in the era of globalization has posed serious challenges to the national criminal law system, which is fundamentally rooted in a conventional, territorial paradigm and is poorly adapted to the dynamics of transnational crime. Indonesian criminal law has accommodated various forms of transnational crime through several sectoral regulations, such as laws on narcotics, money laundering, terrorism, and human trafficking. However, these regulations remain partial and have not been fully integrated into a comprehensive criminal law system. This situation has led to unclear norms, particularly regarding cross-border criminal jurisdiction, coordination between law enforcement agencies, and regulations regarding new forms of crime that utilize digital technology and global financial networks. Modernization of the criminal law system is an urgent need as part of a criminal law policy that is oriented not only toward normative reform but also toward strengthening international cooperation mechanisms, integrating penal and non-penal approaches, and utilizing technology in the law enforcement process. This modernization must be directed toward harmonizing national law with international legal standards so that Indonesia can respond more effectively to developments in global crime and achieve stronger legal certainty. Strengthening coordination between law enforcement agencies, reformulating more adaptive norms, and enhancing international cooperation are crucial elements in building a modern criminal justice system that is responsive to the complexities of transnational crime. Therefore, reforming the criminal justice system is not simply defined as regulatory changes, but rather as developing a legal system that is integrative, adaptive, and oriented toward effectively combating transnational crime amidst the dynamics of globalization.

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