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A Model for Indonesia–Thailand Cross-Border Law Enforcement Cooperation

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Abstract: Cross-border crime involving Indonesia and Thailand increasingly combines physical mobility, digital communications, financial transactions, and dispersed assets. Existing cooperation has produced arrests, extraditions, information exchanges, and victim repatriations, yet its request-based structure remains fragmented. This article examines whether the current legal architecture can support timely, rights-compliant investigations and proposes an integrated bilateral model. Using doctrinal, comparative, treaty-based, and policy approaches, it analyses legislation, treaties, official reports, institutional practices, and selected European mechanisms. The study finds that the 1976 extradition treaty, ASEAN Mutual Legal Assistance Treaty, UNTOC, UNCAC, ACTIP, sectoral agreements, and the 2023 police memorandum provide substantial authority but do not create common case management, binding service standards, coordinated prosecution, a shared digital-evidence protocol, or continuous asset recovery. The article proposes the Indonesia–Thailand Joint Investigation and Asset Recovery Mechanism (IT-JIARM), established through a bilateral treaty and domestic implementing legislation. It combines a permanent secretariat, case-specific joint investigation teams, prosecutors, financial analysts, a 24/7 urgent channel, victim referral, digital-evidence rules, and an end-to-end asset pathway. Its novelty lies in adapting selected European practices without importing supranational mutual recognition. Effectiveness should be measured through timeliness, evidentiary usability, victim protection, surrender outcomes, recovered assets, judicial safeguards, independent oversight, and transparent public accountability.

Keywords: Transnational Crime, Mutual Legal Assistance, Joint Investigation Teams, Asset Recovery, Indonesia - Thailand Cooperation.

INTRODUCTION

Indonesia and Thailand do not share a land border, yet both form part of the same Southeast Asian mobility network. Direct flights, ports and maritime routes, trade, tourism, labour migration, and digital-payment infrastructure facilitate legitimate relations while expanding the operating space available to criminal networks. In contemporary cases, victims, perpetrators, servers, accounts, assets, and witnesses may be dispersed across several States. The measure of successful law enforcement can therefore no longer be confined to an arrest in one

jurisdiction; it must encompass the capacity to obtain court-admissible evidence, interrupt financial flows, protect victims, surrender fugitives, and recover criminal proceeds (UNODC, 2025).

Official data indicate a substantial law-enforcement burden in the four fields examined in this article. The figures below do not constitute a single bilateral statistical series and must not be aggregated. They derive from different recording systems, periods, definitions, and stages of criminal proceedings (Indonesian National Police, 2024; ONCB, 2024; Royal Thai Government, 2025).

The high transnational risk is attributable to a combination of structural factors. First, proximity to synthetic-drug production centres in the Mekong region and the Golden Triangle creates supply pressure, while Indonesia's large market provides a strong economic incentive. Networks can divert routes through air, sea, postal consignments, and transit States when one route is disrupted. Second, high mobility among workers and tourists intersects with deceptive online recruitment. Indonesian nationals may be recruited to work in scam centres in third States, transit through Thailand, and then be exploited through violence or debt bondage (UNODC, 2025).

Third, economic crime moves at the speed of technology. Mule accounts, digital wallets, cryptoassets, shell companies, SIM cards, and encrypted communications can be opened or moved more quickly than an official request can be translated and legalised. Fourth, networks obtain a 'jurisdictional advantage' by dividing their conduct so that offence elements, evidence, perpetrators, and assets are never assembled in full within one State. Fifth, institutional fragmentation—among police, prosecutors, immigration, customs, narcotics agencies, financial intelligence units, and anti-corruption bodies—may produce duplicative or unsynchronised requests. Sixth, differences in legal definitions, investigators' powers, evidentiary rules, data protection, and asset-confiscation procedures prolong cooperation.

The Fredy Pratama network illustrates the problem. The Indonesian National Police linked the network to 408 police reports and 884 arrests between 2020 and 2023, while control was allegedly exercised from Thailand. In later publications, the Police reported cumulative seizures of approximately 10.2 metric tons of methamphetamine and the blocking of 406 accounts worth IDR 28.7 billion. These figures demonstrate the scale of enforcement, but also reveal an imbalance between the capacity to dismantle branches of a network in Indonesia and the capacity to secure persons, evidence, and assets located in another jurisdiction (Indonesian National Police, 2023, 2024).

The principal problem is therefore not an absence of cooperation. Indonesia and Thailand have cooperated and achieved arrests, fugitive returns, exchanges of information, and victim rescues. The question is whether a model based primarily on memoranda of understanding, police channels, mutual legal assistance requests, and traditional extradition is sufficiently rapid and integrated to confront digital-financial networks. This article proceeds from the thesis that the two States should move from parallel inter-agency cooperation towards coordination of a single case from intelligence through judgment and asset recovery.

The study seeks to map the existing legal bases and practices, identify operational gaps, compare them with models tested in other jurisdictions, and formulate an implementable policy design. Theoretically, the article treats sovereignty not as a reason to avoid cooperation but as the basis for a clear allocation of authority. Practically, the proposed design may inform foreign ministries, mutual legal assistance central authorities, police, prosecutors, BNN–ONCB, PPATK–AMLO, KPK–NACC, immigration, customs, and legislators.

METHODS

This study uses doctrinal legal research integrated with comparative, conceptual, case-based, and policy approaches. The doctrinal component identifies the authority, scope, conditions, and limits of the bilateral extradition treaty, the ASEAN mutual legal assistance

regime, United Nations conventions, ACTIP, national implementing legislation, and the 2023 police memorandum. The comparative component examines selected European Union and Benelux arrangements only as functional comparators for recurring problems: parallel investigations, electronic evidence, fugitive surrender, jurisdictional conflict, victim protection, and cross-border freezing and confiscation. It does not assume that institutions based on mutual recognition can be transplanted into ASEAN without modification (Furger, 2024; Riehle, 2023). Primary legal materials comprise treaties, statutes, constitutional provisions, regulations, and official institutional documents. Secondary materials include peer-reviewed scholarship and reports issued by ASEAN, UNODC, FATF, Eurojust, INTERPOL, and competent Indonesian and Thai authorities. Materials were selected for authority, relevance to the Indonesia–Thailand relationship, transparency of methodology, and currency up to 31 July 2026. Official operational cases were used illustratively rather than as a statistically representative sample. The analysis follows a functional sequence—intelligence, preservation, evidence acquisition, arrest or surrender, prosecution, victim protection, confiscation, and return—so that legal rules can be evaluated against the life cycle of a transnational case.

The study applies qualitative content analysis. Each instrument was coded according to competent authority, available measure, dual-criminality requirement, urgency mechanism, evidentiary use, data safeguards, victim provisions, asset powers, refusal grounds, and oversight. A gap was recorded where substantive authority existed but no common procedure, deadline, responsible officer, standard form, or review mechanism connected the two systems. Comparative institutions were evaluated according to functional suitability, compatibility with territorial sovereignty, domestic implementability, and rights protection. This produces a normative institutional design rather than an empirical claim that one model will automatically reduce crime. Several limitations qualify the findings. Indonesian and Thai statistics use different definitions, periods, procedural stages, and counting units; they cannot be aggregated into one bilateral crime series. Detection data do not establish actual incidence, and suspects, cases, prosecutions, and final judgments are not interchangeable. Special operations may overlap with annual reporting, while public data rarely identify bilateral mutual-assistance processing times or the value of assets frozen and returned between the two countries. The article therefore distinguishes outputs, such as requests and arrests, from outcomes, such as admissible evidence, final judgments, protected victims, and returned assets, and from longer-term impacts on criminal markets (Levi et al., 2018).

RESULTS AND DISCUSSION

Existing Legal and Institutional Architecture

The oldest foundation that remains important is the Treaty between the Government of the Republic of Indonesia and the Government of the Kingdom of Thailand Relating to Extradition, signed on 29 June 1976 and ratified by Indonesia through Law No. 2 of 1978. The Treaty permits the surrender of persons sought for prosecution or enforcement of a sentence, subject to the stipulated conditions and grounds for refusal. Its age demonstrates continuity in the relationship, but also means that it predates cloud evidence, cryptoassets, online scam centres, and the architecture of modern crime (Republic of Indonesia & Kingdom of Thailand, 1976).

For evidentiary assistance, both States are parties to the Treaty on Mutual Legal Assistance in Criminal Matters among Like-Minded ASEAN Member Countries, which subsequently became an ASEAN instrument. It requires the widest possible measure of assistance in accordance with domestic law, including the taking of evidence and statements, service of documents, search and seizure, identification or tracing of criminal proceeds, and other agreed forms of assistance. Indonesia implements it in conjunction with Law No. 1 of 2006 on Mutual Legal Assistance in Criminal Matters and ratified the Treaty through Law No. 15 of 2008. In Thailand, treaty-based requests may be submitted directly to the Central

Authority; in the absence of a treaty basis, diplomatic channels and reciprocity become more important (ASEAN, 2004; Republic of Indonesia, 2006, 2008).

At the police level, the Indonesian National Police and the Royal Thai Police signed a Memorandum of Understanding on 21 August 2023. Its scope encompasses organised crime, narcotics, terrorism, trafficking in persons and migrant smuggling, cybercrime, money laundering, corruption, and transnational economic crime. The instrument provides for information exchange, capacity-building, confidentiality, and contact points within the International Relations Division of the Indonesian National Police and the foreign-affairs unit of the Royal Thai Police. The text nevertheless states that it creates no rights or obligations under international law. It remains in force for five years, and further technical arrangements may be concluded (Indonesian National Police & Royal Thai Police, 2023).

Sectoral relations supplement that foundation. The Indonesian Ministry of Foreign Affairs' official profile records renewal of BNN–Office of the Narcotics Control Board (ONCB) cooperation through 2026; Indonesia–Thailand Security Dialogues on 5 September 2024 and 17 July 2025; exchanges concerning narcotics, trafficking in persons, and cybersecurity; and the repatriation of Indonesian victims transiting through Thailand. INTERPOL, ASEANAPOL, immigration and customs networks, and financial intelligence units also provide informal or administrative channels. Such channels are useful for generating leads and initial action, but the use of evidence in court, coercive seizure, and confiscation of assets continue to require a legal basis and domestic authorisation (Ministry of Foreign Affairs of Indonesia, 2025).

Sectoral Cooperation and Operational Experience

Cooperation on Narcotics Offences

BNN–ONCB cooperation encompasses information exchange, policy learning, and capacity-building. At the operational level, the Fredy Pratama case prompted information exchange between the Indonesian National Police and the Royal Thai Police, coordination concerning the location of the fugitive and assets, and use of INTERPOL mechanisms. A Red Notice must be understood accurately: according to INTERPOL, it is a request to law-enforcement authorities worldwide to locate and provisionally arrest a person pending extradition or similar legal action; it is not a self-executing international arrest warrant (INTERPOL, n.d.).

Accordingly, rapidly exchanged police information must promptly be 'converted' into action under Thai law, a request for provisional arrest, and complete extradition documentation. If that conversion is slow, the intelligence loses value: the fugitive may move, accounts may be emptied, or digital devices may be erased. Existing cooperation has established communication; its weakness is the absence of a single framework specifying who leads the investigation, what evidence is to be collected to prove the requesting State's offence elements, and the time limit for each measure.

Cooperation on Trafficking in Persons and Victim Protection

Indonesia and Thailand are parties to the ASEAN Convention Against Trafficking in Persons, Especially Women and Children (ACTIP). The Convention entered into force on 8 March 2017 and combines prevention, criminalisation, law-enforcement cooperation, protection, and victim repatriation. In practice, Thailand frequently serves as a destination or transit State, or a location where victims originating from or travelling towards scam centres in the Mekong region are screened. Indonesian representatives, police, immigration authorities, and social agencies work with Thai authorities to identify and repatriate Indonesian nationals (ASEAN, 2015).

Recent cooperation is moving towards a transnational referral mechanism (TRM), linking the two States' national referral mechanisms so that information concerning a victim,

protection needs, the status of criminal proceedings, travel documents, and reintegration services is not interrupted at repatriation. This direction is consistent with the 2025 ASEAN Guideline on the non-punishment principle for unlawful acts that are a direct consequence of trafficking. The principal challenge is to harmonise victim-indicator standards, consent to the sharing of sensitive data, non-repetitive interviewing, witness protection, and the accurate distinction among victims of trafficking, workers who have violated immigration rules, and active perpetrators of fraud (ASEAN, 2025a).

Economic Crime, Money Laundering, and Assets

PPATK and Thailand's Anti-Money Laundering Office (AMLO) are essential gateways to a follow-the-money approach. Financial-intelligence exchange may proceed more rapidly than formal legal assistance and assist in identifying mule accounts, beneficial owners, and transfer patterns. Intelligence reports, however, are not automatically admissible evidence and do not themselves confer authority to freeze property in another State. Freezing, seizure, confiscation, and return require an order from a competent authority, a nexus with the offence, an applicable standard of proof, and procedures protecting bona fide third parties.

FATF's 2023 evaluation found that Indonesia possessed a strong framework for international cooperation and asset recovery, including the Attorney General's Office Asset Recovery Centre and a case-management system for legal assistance. The same assessment nevertheless emphasised that effectiveness must be judged by actual use, timeliness, request quality, and asset outcomes. For the Indonesia–Thailand relationship, no public statistics were found that isolate the number of PPATK–AMLO exchanges, the value of bilateral cross-border freezes, or assets returned. This data gap is itself a governance weakness and should be addressed through aggregate reporting that does not compromise investigative confidentiality (FATF, 2023).

Corruption and Anti-Corruption Enforcement

KPK and NACC were both established as specialised institutions, but their case pathways differ. KPK has powers of preliminary inquiry, investigation, and prosecution in cases falling within its statutory remit. Thailand's NACC conducts examinations and specialised investigations and takes institutional decisions, after which it refers many case files to the Attorney-General for prosecution before the competent court. This difference affects which authorities must be involved from the outset. A request made only between anti-corruption agencies may be insufficient where the requested measure falls within the competence of a prosecutor, court, AMLO, or the police.

UNCAC provides a basis for cooperation concerning mutual legal assistance, extradition, joint investigations, law-enforcement cooperation, asset tracing, and asset return. Nevertheless, no published KPK–NACC-specific bilateral agreement was identified that also confers coercive powers across national territories. In bribery or procurement cases involving companies, accounts, or evidence in both States, an effective pathway must bring together anti-corruption bodies, prosecutors, financial intelligence units, and central authorities rather than preserve four independently operating channels (United Nations, 2003).

Examples of Operational Results and Their Limits

Legal and Institutional Gaps

The term 'transnational crime' does not necessarily denote a single offence bearing that name. UNTOC treats an offence as transnational when it is committed in more than one State; committed in one State but a substantial part of its preparation, planning, direction, or control takes place in another State; involves an organised criminal group active in more than one State; or produces substantial effects in another State. Under this approach, transnationality

constitutes a jurisdictional and cooperation nexus, while the elements of the offence continue to derive from national law (United Nations, 2000).

Indonesia is also undergoing a transition following the entry into force in 2026 of Law No. 1 of 2023 on the Criminal Code. The new Code relocates or reorganises a number of norms previously found in special legislation, while procedure and institutional competence remain dependent on special statutes and procedural law. At this stage, a cross-border request must identify the offence elements and authority applicable at the time of the conduct, rather than merely cite an old provision. Incorrect mapping may raise questions of dual criminality, limitation, or legality.

Differences in Law Enforcement Models

Differences in models are not inherently a weakness. They become problematic when no mechanism exists for 'institutional translation'. One State may transmit a request through an agency that is substantively relevant but lacks standing under the other State's law. Alternatively, evidence may have been collected lawfully in the executing State yet fail to satisfy the requesting State's court because required questions were not asked, metadata were not preserved, or a witness did not receive an appropriate caution.

International Legal Instruments and the Status of Both States

The list demonstrates two points. First, the cooperation problem is not an overall absence of international norms. Second, dispersed norms do not automatically create a single operational pathway. UNTOC and UNCAC permit joint investigations but do not constitute a particular team without the agreement of both States. The ASEAN MLAT requires broad assistance, but measures are executed under the law of the requested State. ACTIP regulates victims, but exchanges of health or identity data still require security protocols. The ASEAN Treaty on Extradition offers regional modernisation, but it had not entered into force by the cut-off date and still requires ratification and implementation.

Differences in Ratification and Domestic Implementation

In Indonesia, Article 11 of the 1945 Constitution vests treaty-making authority in the President, subject to approval by the House of Representatives for categories of treaties that have extensive and fundamental consequences for the people, impose a financial burden on the State, or require the enactment or amendment of legislation. Law No. 24 of 2000 distinguishes ratification by statute from ratification by presidential regulation. The Constitutional Court subsequently confirmed that the list in Article 10 must not be treated as exhaustive or as limiting legislative approval to those six categories. In practice, treaty ratification does not always create every necessary procedural power; implementing legislation remains necessary where authorities must search, seize, process data, or restrict liberty (Constitutional Court of Indonesia, 2018; Republic of Indonesia, 2000).

Thailand vests treaty-making authority in the King acting on executive advice. Section 178 of the 2017 Constitution requires National Assembly approval for treaties that alter territory or jurisdiction, require implementing legislation, or have wide-ranging effects on economic or social security, trade, or investment. The provision also governs the disclosure of information and public participation and permits constitutional review of treaty classification. Not every Thai treaty is therefore ratified by statute, but a treaty that creates coercive powers or requires changes to national law will engage parliamentary approval and implementing legislation (Kingdom of Thailand, 2017).

The difference cannot accurately be reduced to the proposition that 'Indonesia is monist and Thailand dualist', or vice versa. The more operational questions are: (a) who has authority to express the State's consent to be bound; (b) whether a treaty provision is directly applicable;

(c) whether the requested measure has a domestic legal basis; and (d) how courts assess foreign evidence or orders. For the proposed model, both States should undertake article-by-article legal mapping before signature so that they do not conclude an ambitious treaty incapable of implementation.

Operational Conversion Failures and Measurement

The principal operational deficit can be understood as a sequence of legal conversion failures. Intelligence exchanged through police or financial-intelligence channels must be converted into evidence that can be disclosed, tested, and admitted in court. A shared offence label must be converted into a fact-based explanation capable of satisfying dual criminality despite differences in statutory elements and corporate liability. A request received by the central authority must then be converted into a lawful search, production order, interview, or restraint measure by the competent domestic body. Finally, an interim freeze must be converted into confiscation, management, victim restitution, or transparent asset sharing. Delay or ambiguity at any stage enables offenders to relocate, delete data, dissipate value, or exploit disagreement over forum. Scholarship on ASEAN mutual assistance similarly shows that formal legal availability does not by itself ensure effective implementation when domestic variation, coordination costs, and request quality remain unresolved (Le Nguyen, 2012).

This diagnosis also changes how performance should be measured. Counts of meetings, memoranda, suspects, or outgoing requests reveal activity but not whether cooperation produced legally usable evidence or durable disruption. A bilateral system should therefore record the median time for acknowledging and executing requests, the proportion returned for correction, evidence admitted without recollection, time from provisional arrest to surrender, assets traced through return, and victims who receive protection and compensation. Safeguard indicators are equally necessary: unlawful disclosures, successful challenges, data breaches, complaints, and remedies should be reported in aggregate. Better indicators will not eliminate evidentiary uncertainty, but they will allow both governments to identify whether delay arises from translation, incomplete facts, institutional routing, judicial authorisation, or lack of resources. Without such data, reform risks rewarding visible operational events while ignoring failed prosecutions, dissipated proceeds, or repeated victimisation (Levi et al., 2018).

Comparative Lessons and Their Limits

A joint investigation team (JIT) is established by agreement among the competent authorities of two or more States for a specific purpose and a limited period. Its initial legal basis appears in Article 13 of the 2000 Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union and is reinforced by Council Framework Decision 2002/465/JHA. The team operates under the law of the State in which a measure is carried out; its leader is drawn from an authority of the State of operation; and seconded members may be present and, where authorised, perform particular tasks. Information lawfully obtained by a member may be used for the purposes of the team's investigation, to prevent a serious threat, or for another purpose with the supplying State's consent (European Union, 2000, 2002a).

JITs address several obstacles inherent in traditional mutual legal assistance. Investigators and prosecutors formulate a common case hypothesis, allocate measures, plan simultaneous action days, and anticipate the admissibility of evidence from the outset. A team does not create a supranational police force or displace the law of the State in which a measure is carried out. This is the feature relevant to Indonesia and Thailand: joint work can occur without transferring sovereignty, provided that mandate, leadership, tasks, data, costs, and evidentiary use are specified in the team agreement (Furger, 2024; Riehle, 2023).

Eurojust provides judicial support, coordination meetings, resolution of jurisdictional conflicts, funding for travel, translation, and experts, and coordination centres on action days.

Europol supplies analysis and operational support within its mandate. In 2024, Eurojust handled 12,972 cross-border cases, convened 640 coordination meetings and 32 coordination centres, and supported 361 JITs—25% more than the previous year. Eurojust also associated its overall casework with more than 1,200 arrests, the freezing or seizure of assets exceeding EUR 1 billion, and narcotics seizures valued at almost EUR 20 billion. These overall outcome figures must not all be attributed to JITs, but they demonstrate the capacity of the coordinating ecosystem (Eurojust, 2025a).

The fifth JIT evaluation, based on 67 practitioner evaluations conducted from 2022 to 2024, concluded that the establishment phase is decisive. Eurojust's early involvement helped clarify objectives, allocate jurisdiction, and resolve procedural differences. The evaluation also identified challenges concerning electronic evidence, relations with States outside the JIT, victim protection, and platform security. The principal lesson is that a 'joint team' is more than a meeting: it requires a detailed case agreement, prosecutorial involvement from the outset, funding, and a closing evaluation (Eurojust, 2025b; Furger, 2024).

The European Investigation Order (EIO), established by Directive 2014/41/EU, permits a judicial authority in one State to request one or more investigative measures in another State under the principle of mutual recognition. As a rule, the executing authority decides on recognition within 30 days and carries out the measure within 90 days after the decision, subject to the instrument's exceptions and adaptations. The EIO employs a standard form, direct communication, limited grounds for refusal, and safeguards for proportionality and rights. In 2024, Eurojust assisted with 2,668 EIOs (European Union, 2014; Eurojust, 2025a).

For fugitives, the European Arrest Warrant (EAW) replaced traditional political extradition among Member States with surrender between judicial authorities. Framework Decision 2002/584/JHA regulates sentencing thresholds, forms, grounds for refusal, and time limits. For 32 categories of offences punishable by a maximum term of at least three years in the issuing State, dual criminality is not examined. Rights to a lawyer, an interpreter, and legal aid, together with *ne bis in idem*, proportionality, and grounds for refusal, nevertheless remain applicable. In 2023, the 26 reporting States issued 14,071 EAWs. The average period between arrest and surrender was 19.93 days where the requested person consented and 60.12 days where that person did not consent (European Commission, 2025; European Union, 2002b).

That speed is attractive, but the EAW rests on a level of integration, rights standards, regional adjudication, and mutual trust not yet present in ASEAN. Indonesia and Thailand should therefore not immediately abolish dual criminality or executive and judicial controls. Elements that can first be adapted include standard forms, direct channels between competent authorities, time limits, provisional arrest, simplified surrender based on valid consent, access to a lawyer and interpreter, and the recording of reasons for delay.

Regulation (EU) 2018/1805 governs the mutual recognition of freezing and confiscation orders. The issuing authority transmits a standard certificate; the executing State treats the request with the speed and priority accorded to domestic cases; grounds for refusal and postponement are limited; the rights of victims and third parties are protected; and the management and disposal of assets are regulated. The value of this model lies in its connection between the investigative stage and the final judgment. An asset does not remain merely an 'account identified', but proceeds through preservation, freezing, value management, confiscation, and restitution or sharing (European Union, 2018).

Indonesia and Thailand are not yet prepared to implement full automatic recognition. They could, however, use a bilateral freezing certificate, a minimum-document checklist, a consultation channel for deficiencies, urgent time limits, and asset-management provisions. That approach is more realistic than expecting every investigator to understand the whole of the other State's confiscation law from the outset.

Belgium, the Netherlands, and Luxembourg have developed deeper police cooperation through Benelux treaties and Schengen instruments. The model includes police and customs

cooperation centres, joint patrols, forms of cross-border surveillance and pursuit, information exchange, and integrated operations. The 2024 State of Schengen Report identifies the new Benelux police treaty as an example of deeper regional cooperation (European Commission, 2024).

The field-operation elements of Benelux cannot be transferred directly because Indonesia and Thailand do not share a land border and are not part of an area without internal border controls. Nevertheless, joint coordination centres, liaison officers, interoperable secure communications, and on-call units are relevant to airports, ports, narcotics operations, and regional scam centres. The core principle remains the same: foreign officers do not acquire general powers, and any measure taken in the other State's territory is subject to host-State law and command.

Multinational operations in Europe demonstrate a mission-based model: a threat is jointly defined, central analysis identifies targets, national authorities carry out simultaneous domestic measures, and a coordination centre resolves issues during the operation. In one coordinated action in 2024 involving European authorities and partners, Europol announced 796 arrests, 316 new investigations, and the seizure of 442 weapons. Such operations do not establish a long-term reduction in crime, but they demonstrate the capacity to convert multinational intelligence into simultaneous results.

Malaysia's experience in recovering 1MDB assets is also relevant in Asia. FATF/APG's 2025 evaluation recorded the establishment of the 1MDB Asset Recovery Task Force in 2023 to coordinate the confiscation and repatriation of funds through foreign cooperation, civil proceedings, criminal proceedings, settlements, and repatriation. The model demonstrates that a complex case requires a dedicated inter-agency team with a single mandate and asset tracing through to completion, not merely an exchange of correspondence (FATF & APG, 2025).

The Proposed IT-JIARM Model

This article proposes an Indonesia–Thailand Joint Investigation and Asset Recovery Mechanism (IT-JIARM). The model lies between two extremes. It is more robust than a non-binding memorandum of understanding, yet does not replicate the European Union's automatic-recognition system. It preserves territorial sovereignty and national judicial control while creating procedural obligations to act rapidly and jointly. The objectives of IT-JIARM are to: (a) convert intelligence into evidence through advance planning; (b) integrate investigation of perpetrators and assets; (c) prevent duplication and jurisdictional conflict; (d) accelerate data preservation, account freezing, and provisional arrest; (e) protect victims and witnesses from identification through reintegration; and (f) generate auditable bilateral performance data.

A JIT is not required for every case. A team should be established where at least two of the following circumstances are present: a principal perpetrator or controller is in the other State; core acts occurred in both States; material assets or digital evidence are in the other State; there are multiple cross-border victims; simultaneous operations are necessary; a jurisdictional conflict may arise; or separate mutual legal assistance requests would cause substantial delay.

Initial facts, provisional legal characterisation, objectives, scope, and duration; the leader in each territory, members, and officers authorised to receive instructions; allocation of tasks and timetable, including plans for simultaneous arrest and search measures; the law applicable to each measure and a prohibition on foreign officers independently exercising powers; standards governing interviews, translation, forensics, metadata, chain of custody, and authentication; rules on the use of information, classification, retention, deletion, disclosure to the accused, and security incidents; a prosecution strategy, choice of forum, transfer of proceedings where available, and prevention of *ne bis in idem*; an asset plan from identification through return; protection of victims, witnesses, reporting persons, children, and vulnerable persons; costs, officers' liability, resolution of operational disputes, and a closing evaluation.

Prosecutors should be involved when the team is established, not after investigators have completed the case file. The purpose is not to take over the investigation, but to ensure that measures in Thailand address the elements of the Indonesian offence and vice versa, and that evidence can be adduced in the selected forum.

Urgent Cooperation and Service Standards

Urgent preservation must be distinguished from the formal acquisition of evidence. A 24/7 channel may request a service provider to preserve data, flag an account, locate a person, or initiate provisional arrest to the extent permitted by domestic law. The request must then be followed by formal documentation within, for example, 48–72 hours for preservation and within an agreed period for freezing or mutual legal assistance. If the documents are not received, the interim measure expires in accordance with the law of the executing State (James & Gladyshev, 2016; Sachoulidou, 2024).

The treaty may establish service standards rather than guaranteed outcomes: acknowledgement of an urgent request within two hours; designation of the responsible officer within six hours; notification of deficiencies in a mutual legal assistance request within five working days; a preliminary decision on an ordinary request within 30 days; and periodic status updates. Time limits may be extended because of complexity or a judicial order, but the reason and revised timetable must be communicated. This system reduces 'administrative silence' without interfering with judicial independence.

Transnational Victim Referral

A bilateral TRM must connect national referral mechanisms, not merely move persons across a border. Its procedures should encompass joint screening, an independent interpreter, separation from alleged offenders, a recovery period, risk assessment, consent to data sharing, a single interview usable in both proceedings, consular support, witness protection, voluntary and safe repatriation, and handover to reintegration services. The non-punishment principle must apply where unlawful conduct—such as immigration violations or activity in a scam centre—is a direct consequence of exploitation. The principle is not automatic immunity. A multidisciplinary team should assess the degree of control, threats, benefit, freedom to leave, and the person's role. For children, the best interests of the child and the rule that consent cannot justify exploitation must predominate.

Treaty Design, Domestic Implementation, and Safeguards

The new treaty need not terminate the 1976 Extradition Treaty. It can modernise the procedural layer through authenticated electronic documents, pre-request consultation, provisional arrest, time limits, simplified surrender based on consent freely given after legal advice, transit, and coordination of parallel proceedings. Once the 2025 ASEAN Treaty on Extradition has entered into force for both States, an instrument-relationship clause should determine which rules most facilitate cooperation without diminishing the rights of the person sought. The EAW model is not yet suitable for full implementation. Abolishing dual criminality for a list of offences and introducing automatic judicial surrender require trust, standardisation of rights, and stronger regional review mechanisms. A realistic initial stage is mutual confidence with verification: standard forms, direct communication, limited and reasoned grounds for refusal, and time limits, while retaining judicial review and domestic law.

The international foundations of the model include UNTOC—particularly law-enforcement cooperation, mutual legal assistance, extradition, and the possibility of joint investigations—UNCAC for cooperation and asset return, the 1988 Drug Convention, the Trafficking in Persons Protocol, the ASEAN MLAT, ACTIP, and the bilateral Extradition Treaty. The 2023 Indonesian National Police–Royal Thai Police Memorandum of

Understanding may serve as an operational bridge during negotiations, but not as a substitute for a treaty (ASEAN, 2004, 2015; United Nations, 1988, 2000, 2003).

In Indonesia, the treaty would affect investigative powers, evidence, data, restrictions on liberty, and assets; approval by the House of Representatives through legislation would therefore provide the strongest constitutional and democratic route. The implementing package should review the mutual legal assistance and extradition statutes, the Criminal Procedure Code and Criminal Code, the Personal Data Protection Law, trafficking-in-persons legislation, narcotics legislation, anti-money-laundering legislation, the KPK Law, and asset law. In Thailand, classification under Section 178 of the Constitution must occur from the outset; because the treaty would require powers and perhaps amendments to legislation, National Assembly approval and implementing legislation should be prepared in parallel.

Legal Philosophy

Cooperative sovereignty. A State does not lose sovereignty by agreeing on joint procedures; sovereignty is expressed through consent, allocation of authority, and control over measures taken in its territory. Legality and due process. Speed cannot displace legal authority, proportionality, access to a lawyer, the right to challenge evidence, or remedies. Equal reciprocity. Cooperation is not a transactional exchange of fugitives but a reciprocal obligation applied according to consistent standards.

Human dignity and victim-centred justice. Victims are not merely sources of evidence; their safety, recovery, compensation, and choices must form part of the case design. Crime must not pay. Asset recovery reduces the network's capacity, supports victim recovery, and restores public trust. Evidence-based accountability. The model is assessed by quality and impact, not merely the number of meetings, memoranda, suspects, or press conferences.

Legal Policy

The required legal policy is a shift from symbolic and sectoral cooperation to a regime that is operational, measurable, and subject to oversight. This shift should be situated within the Indonesia–Thailand Strategic Partnership and ASEAN's 2026–2035 agenda against transnational crime. High-level political support is important to resolve inter-agency competition, fund interpreters, forensics, and platforms, and secure ratification. Decisions in individual cases must nevertheless remain protected from political bargaining or diplomatic pressure (ASEAN, 2025b).

To preserve legitimacy, negotiations should involve the House of Representatives and National Assembly, the judiciary, advocates, data-protection authorities, victim organisations, and academics. The treaty text and its impact assessment should be published before ratification, except for genuinely confidential operational annexes. Parliamentary oversight should be exercised through aggregate annual reports that do not disclose identities or operational techniques.

A Fredy Pratama-type narcotics case. After information is obtained concerning a location in Thailand and financial flows in Indonesia, the 24/7 channel preserves data and accounts. The JIT designates Thailand to lead territorial measures concerning persons and premises, while Indonesia consolidates the distribution network and predicate-offence evidence. Prosecutors from both States agree on the elements to be proved, the choice of forum, and the documents needed for provisional arrest and extradition. The financial cell maps assets and transmits a freezing certificate before simultaneous operations.

Scam centres and trafficking in persons. Indonesian nationals found in or transiting through Thailand are screened by a multidisciplinary team. Digital devices are imaged once under a common protocol; victim interviews are recorded with consent and support; relevant data are shared for investigations into recruiters in Indonesia and controllers in other

jurisdictions. The TRM ensures repatriation and follow-up, while mule accounts and recruiters' payments are traced.

CONCLUSIONS AND RECOMMENDATIONS

Conclusion

Indonesia–Thailand transnational crime develops in the space created by legal and technological connectivity. Official data reveal a substantial burden in narcotics, trafficking in persons, fraud/money laundering, and corruption, but those data are not harmonised and do not constitute a bilateral series. Increased detection must therefore not automatically be treated as increased prevalence, and the number of suspects must not be equated with convictions.

Existing cooperation rests on a broad foundation: the bilateral Extradition Treaty, ASEAN MLAT, UNTOC, the Trafficking in Persons Protocol, UNCAC, the 1988 Drug Convention, ACTIP, BNN–ONCB cooperation, the 2023 Indonesian National Police–Royal Thai Police Memorandum of Understanding, INTERPOL, security dialogues, financial-intelligence channels, and victim repatriation. The successful arrest and surrender of Chaowalit demonstrates that these channels can work. The Fredy Pratama case and scam-centre patterns reveal the other side: disruption of a network's branches can proceed more rapidly than obtaining custody of fugitives, evidence, and assets abroad.

The principal gap is fragmentation. Differences in offence elements, victim classification, central authorities, the respective roles of investigators and prosecutors, evidence, and asset confiscation require each request to be translated in legal and institutional terms. International instruments establish general obligations but do not constitute a single case team. The asymmetrical ratification of the Migrant Smuggling Protocol, the fact that the 2025 ASEAN Treaty on Extradition had not entered into force by the cut-off date, and the non-binding nature of the police memorandum reinforce the need for an operational bilateral arrangement. The European Union model demonstrates that JITs, Eurojust coordination, EIOs, EAWs, and recognition of asset orders can accelerate outcomes when supported by forms, time limits, secure platforms, funding, prosecutors, and rights safeguards. Automatic recognition in the European Union cannot, however, be transplanted to ASEAN in the absence of a comparable foundation of trust and regional institutions. Adaptable elements are time-limited case teams, host-State command, prosecutorial involvement from the outset, an urgent channel, asset certificates, a TRM, and evaluation.

IT-JIARM offers an incremental route: a permanent secretariat, an intelligence and financial-analysis cell, case-specific JITs, a 24/7 channel, common digital-evidence rules, end-to-end asset recovery, and victim referral. It must be established through a binding bilateral treaty and implementing legislation, not solely through a memorandum of understanding. Sovereignty remains protected because coercive measures are subject to the law and courts of the State in which they are taken. The rights of suspects, victims, witnesses, third parties, and data subjects are conditions of effectiveness, not additional obstacles. An ideal model is not one that eliminates every legal difference. It is one that identifies differences early, determines who does what, imposes time limits, safeguards rights, and follows perpetrators, evidence, victims, and assets until the case is genuinely concluded.

Recommendations

Future studies should broaden the scope of research objects, increase the sample size, use a longer observation period, and include other relevant variables to develop a more comprehensive research model. Different analytical methods, such as Structural Equation Modeling (SEM), System Dynamics, Artificial Intelligence, or a longitudinal approach, may also provide a deeper understanding of the phenomenon under study.

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