



## Legal Readiness in Timor-Leste To Face Transnational Crime In The Asean Economic Community (Aec)

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### Abstract

*The existence of the ASEAN community and the global community, which has played an active role in the development of unstoppable, has brought various influences, both positive and negative. The people of Timor-Leste will certainly not be spared and will experience the impact of globalization. Therefore there are 2 important points that must be prepared by the government and parliament. First, the government must take anticipatory steps against transnational crimes in the era of the ASEAN Economic Community (AEC). Second, the Government and parliament must prepare adequate legal products to anticipate transnational crimes that will arise, and also carry out international cooperation to harmonization the law with ASEAN member States. In this study using a normative type of research reciting laws regarding transnational crimes. With the problems that have been explained from the beginning, it is concluded as follows: The responsibility of the government to increase the capacity of law enforcement officials, especially the police, to conduct continuous training to become professionals to combat and anticipate transnational crimes that will arise. Provide supporting facilities for police officers in carrying out their duties. conduct international cooperation among ASEAN member states to strengthen the rules of international law to combat transnational crime.*

**Keywords:** AEC. Transnational Crime. Timor-Leste.

### A. Introduction

The existence of the ASEAN community and the global community has played a fairly active role in developments in various fields of life, it is unstoppable, has brought various influences, both positive and negative. But as a whole, it has changed the attitudes and behaviors and mindsets of people in the ASEAN region including the people of Timor-Leste to be ready to welcome the free market and free trade, which has occurred in parts of the world, so that the mobility of people, goods and services, capital and investment from one country to another has increased very rapidly, as if removing

boundaries between countries towards global economic integration.<sup>1</sup> Of course it also happened to the people of East Timor.

The people of Timor-Leste will certainly experience the impact of globalization, both positive and negative. This is both an opportunity and a challenge. in the face of competition that occurs from the global community. Therefore, the government and parliament in Timor-Leste must anticipate and at the same time create adequate legal instruments, especially in the field of transnational crime law, because Timor-Leste's position has the potential to

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<sup>1</sup> Arief Barda Nawawi, *Beberapa Aspek Kebijakan Penegakan dan Pengembangan hukum Pidana* PT Citra Aditya Bakti, Bandung, 2011 h. [37].

become a young country to enter, because there are still minimal human resources and equipment to detect transnational crimes.

Timor-Leste has just been accepted as the 11th ASEAN member although it is still not officially a permanent ASEAN member, but in the future, Timor-Leste will not shy away from the ASEAN Economic Community (AEC) is agreement of ASEAN countries in enhancing cooperation in the economic field.

This form of cooperation aims to create a free flow of goods and only and skilled labor, as well as a freer flow of investment within the ASEAN community.

The integration of ASEAN member states in the AEC not only provides opportunities for all members to progress and develop together. But such progress will trigger new problems that will disrupt the economic growth of each member. The freedom possessed by each ASEAN member in the concept of economic unification is feared to give rise to crimes that are integrated into transnational crimes.<sup>2</sup>

The ASEAN Economic Community enacted in 2015 has provided

opportunities for member states to advance the common economy. But on the other hand, it will attract business people from outside the region, it must be a promising dream for business people in each member country. Given the resilience and sustainability of development in the region, it is a priority to achieve the expected goals, namely focusing on economic cooperation and improving the quality of each main commodity of each member country. Every commodity that will be transacted in the AEC will bring up criminals such as young people entering other countries, will open opportunities for transnational criminals to access and control crime in ASEAN. This is important as transnational crime increases.

All ASEAN member states are committed to realizing trade between ASEAN member states. This provides an opportunity for Timor-Leste to improve its national

economy. and encourage the investment climate, accelerate trade volume, to create

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<sup>2</sup> Irdayanti, *Transnasional* Vol. 5 . No. 1, h, {916}

economic organizations in the developed Southeast Asian region.<sup>3</sup> Especially for the people of Timor-Leste, however, there is a negative impact in the form of the emergence of transnational crime will create vulnerability to crime and crime that is transnational in nature, because the impact of human mobility from one country to another, goods and services, and investment between countries that are members of the ASEAN economic community will increase. Thus, inevitably there will emerge a new, sophisticated and modern modus operandi, of transnational crime. Barrier-free policies on various goods and services, capital investment to the movement of skilled labor between ASEAN countries provide opportunities and opportunities for mafias, and networks of criminal groups and organized crime between countries to commit various transnational crimes.

## B. Research Methods

Specifically, according to the type, nature and objectives, legal research was divided into two types of research, namely normative juridical and empirical juridical. This research conducted by normative or

juridical normative research is currently used.

The research method used by the author in this paper was normative legal research, namely doctrinal legal research, also known as library research or document study. It is called doctrinal legal research, this research was carried out or aimed only at written regulations or other legal materials, because this research is mostly carried out on secondary data in libraries. In relation to the normative juridical type of research, the approach used was the legal approach applicable in Indonesia (positive law). An analysis essentially emphasizes the deductive method as the main guideline, and inductive method as a supporting work procedure. Normative analysis uses library materials as a source of research data.

## C. Discussion

### Anticipating Transnational Crime in Timor-Leste.

Steps must be taken to anticipate the possibility of transnational crime. To face these challenges and threats, the government is required to make a strategic breakthrough, considering that transnational crime is a modern and

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<sup>3</sup> [http://Kompasiana.com/Masyarakat Ekonomi ASEAN dan permasalahannya untuk Indonesia](http://Kompasiana.com/Masyarakat-Ekonomi-ASEAN-dan-permasalahannya-untuk-Indonesia) diakses pada Tanggal 20 Juni 2023.

organized crime, the government must provide legal protection for Business actors involved in cooperation for economic improvement in Timor-Leste, especially foreign and local investors, to feel safe and comfortable in running their business. The rapid development of science and technology and the increasing flow of globalization cause the territory of one country with the territory of another country seems to be without borders, so that the movement of people and goods from one country to another is carried out easily and quickly.

Advances in science and technology, have a positive impact on human life. However, it also brings negative impacts that can harm individuals as well as society and the State, because there are parties who use the opportunity to lead themselves and harm others. This could lead to even greater crimes such as transnational organized crime with increasingly sophisticated modus operandi. Therefore, the actions of the government and law enforcement officials in Timor-Leste must be more anticipatory to improve the professionalism of law enforcement officials such as police and immigration, must be given adequate

briefing and also supported by facilities, to detect the movement of crime that will arise.

Data obtained from the UN Convention on Transnational Organized Crime in 2000 crime is transnational in nature.<sup>4</sup> First, more than one State is carried out, second, planning and supervision preparations are carried out in other States. Third, it involves organized criminal groups where crimes are committed more than one country. Fourth. Serious impact on other countries. International crimes that need to be anticipated by governments and law enforcement officials, in the era of the ASEAN economic community are illicit trafficking, drugs, human trafficking, arms smuggling, money laundering, terrorism, and international economic crime.

### **Timor-Leste's Legal Readiness to Confront Transnational Crime**

The Government and Parliament of Timor-Leste as State institutions competent to make laws must be sensitive to crimes that will arise after Timor-Leste enters ASEAN. At the same time Timor-Leste will be involved in the ASEAN

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<sup>4</sup> Hagan, John, Modern, *Criminology: Crime, Criminal Behaviour, and its Control*, New York: McGraw Hill Book Company 1987

Economic Community (AEC), of course, there will be narcotics trafficking crimes, because Timor-Leste is a potential transit place for mafias to send drugs into Indonesian territory, it is necessary to create a narcotics law in Timor-Leste so that transnational criminals in the field of narcotics can be charged with Timor-Leste's own laws.

Human trafficking crimes, particularly trafficking in women and children, involve multiple perpetrators from more than one country, with a very modern modus operandi across borders between countries, and many victims from abroad, certainly adding to the complexity of the trafficking problem. Timor-Leste enters the free market by the ASEAN economic community and the number of human traffickers will increase due to the easy traffic between people country. Therefore, it is necessary to create a human trafficking law so that the time comes for Timor-Leste to join the ASEAN economic community (AEC) Our country has prepared legal aspects against transnational crime.<sup>5</sup>

The crime of weapons smuggling Timor-Leste is very strategic and also the surveillance of the entrance to the territory

is still very weak and also the lack of surveillance and patrol facilities from the police and army is still limited. This is a factor to encourage arms smuggling into Timor-Leste's territory, with the implementation of free markets in the ASEAN economic community increasingly providing space for perpetrators of arms smuggling crimes to commit crimes in the territory of the State of Timor-Leste, with the need for the government and parliament with the authority to make legal instruments in the field of arms smuggling so that there are such crimes we can entangle with our own laws. Money laundering crimes.<sup>6</sup> The redaction will increase to anticipate money laundering from East Timorese residents to other countries and also to anticipate money laundering by foreign nationals entering Timor-Leste. prone to occurrence, capital flight, from various other financial crimes such as the results of domestic and foreign corruption. Money laundering crimes will inevitably occur if there is trade liberalization, ease of investment, and an increasingly long stock exchange that is free of barriers, with these various problems Timor-Leste needs to

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<sup>5</sup> Friedman, Lawrence M. *The Legal System : A Social Science Perspective*, New York, Russell Sage Foundation 197

<sup>6</sup> Crime, *Jurnal Kriminologi Indonesia* Vol. 4, No. 1 September 2005 h. [20]

harmonize money laundering laws with other ASEAN member states.

The crime of terrorism is a transnational crime that has been frequent occurs in our neighboring country Indonesia and perpetrators are often arrested by police officers and dismantle terrorism headquarters and early detection of terrorism networks. who are in the middle of society. It is possible that in the future Timor-Leste will face such a situation. So our law enforcement apparatus, especially the police are ready to detect the movements of terrorism perpetrators, therefore, it is necessary to improve the ability of our police in the field of intelligence that has early detection capabilities, so that terrorism movements have no place in our country.

addition to the UN Resolution affirming the need to strengthen the rules of international law to support national interests, Intensify joint efforts to combat transnational crime in all its aspects and dimensions. Law enforcement cooperation in international relations has proven successful and successful against transnational crime.

The success of law enforcement cooperation will generally not be possible if there is no bilateral or multilateral

agreement for the transfer of perpetrators of crimes in cooperation with prosecution and prosecution. Terms of agreement not absolute, without an agreement on law enforcement cooperation can be implemented based on the principle of reciprocity (reciprocal relations). Law enforcers must actualize to prioritize honesty and sincerity in law enforcement, having empathy and concern for the suffering experienced by society and the country, happiness and welfare must be the main goal.<sup>7</sup>

International cooperation is a diplomatic responsibility between two or more States that have the same basic interests. International cooperation must be carried out with due regard to the principle of equality based on mutual respect for the sovereignty of each country involved. The international cooperation contained in the treaty will be valid and politically and legally binding on the countries that make it. For this reason, regarding competition in law enforcement, each time the change no longer refers to regulations. However, on the creativity of law enforcement who actualize the law in place, space and time correctly and progressively. To make changes to laws and regulations. This is done as an effort

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<sup>7</sup> Mcleod, Ian, *Legal Theory*, New York, Palgrave MacMillan. 2007

to build trust as well as an anticipatory step as a consequence of globalization, especially in the face of the ASEAN Economic Community (AEC).

The concept of crime reduction policy which is used as a basis for consideration for law enforcement of the possibility of transnational crime must be addressed,

especially by policy makers and lawmakers to become an anticipatory handle both by law enforcement and business actors.

Description The concept of crime reduction policy requires a concrete understanding of the various behaviors or actions that qualify as transnational forms of crime.

#### **D. Closing**

The government must take anticipatory steps to deal with transnational crime in the era of the ASEAN Economic Community (AEC) must increase the capacity of law enforcement officials, especially the police, and provide facilities and training so that they are professional in tackling national crime, because transnational crime is a systematic crime and uses modern facilities and technology.

Providing understanding to the government that in the current era of globalization, especially facing the ASEAM (AEC) economic community,

there is certainly an opportunity to improve the economy by developing the potential of existing resources. However, it faces challenges and threats from transnational crime, which can disrupt the smooth running of free markets in the era of the ASEAN economic community. Therefore, the government and parliament as law-making institutions to make adequate legal products to answer the challenges of transnational crime in the era of the ASEAN Economic Community (AEC). Such as laws against transnational crime. Drug trafficking, human trafficking, arms smuggling, money laundering, and terrorism crimes.

Anticipatory steps that can be taken by implementing international cooperation between countries, to strengthen the rules of international law, support Timor-Leste's national interests in order to intensify joint efforts to combat transnational crime in all aspects. So that its implementation is realized by revitalizing law enforcement in accordance with the development of society without waiting for changes..

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