

Reconstruction of Legal Policy through Strengthening Cross-Border Cooperation and Joint Intelligence in Efforts to Stem the Circulation of Narcotics from Abroad to Indonesia

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Abstract: Transnational narcotics trafficking is a form of transnational organized crime that continues to grow and exploits weaknesses in border surveillance and limited coordination between countries in the law enforcement system. This study aims to analyze the effectiveness of legal regulations on cross-border cooperation and joint intelligence in stemming the circulation of narcotics from abroad to Indonesia and to formulate an ideal legal policy reconstruction in strengthening the transnational narcotics law enforcement system. This study employs a normative juridical method with a legislative approach and a conceptual approach through a study of Law Number 35 of 2009 concerning Narcotics, Law Number 17 of 2011 concerning State Intelligence, Law Number 1 of 2006 concerning Mutual Assistance in Criminal Matters, as well as the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1988, and various other international legal instruments. The research concludes that legal regulations governing cross-border cooperation and joint intelligence are already in place, yet their implementation remains ineffective due to regulatory fragmentation, weak inter-agency coordination, limited intelligence-sharing systems, sectorial interests, and inadequate border surveillance. Therefore, legal policy reconstruction is needed through harmonization of national and international regulations, strengthening cross-sectorial institutions and coordination, establishing a technology-based integrated intelligence

system, and enhancing cross-border operational cooperation to create a more effective, adaptive, and responsive narcotics law enforcement system to address developments in transnational narcotics crime.

Keywords: Cross-Border Cooperation, Joint Intelligence, Transnational Narcotics.

Introduction

Transnational drug crime is currently developing as part of transnational organized crime, which is complex, adaptive, and based on global networks. From an international legal perspective, this crime falls under the transnational organized crime regime as stipulated in the United Nations Convention against Transnational Organized Crime, which emphasizes group structure, continuity of activities, and the goal of economic gain (Rajagukguk, R. G., & Jaya, 2019). Narcotics trafficking patterns are no longer conventional, but instead utilize digital technologies such as the dark web, crypto payment systems, and difficult-to-trace global logistics networks. In this regard, Indonesia functions not only as a

destination country but also as a transit hub, given its strategic geographic position along international trade routes. It is reinforced by the provisions of the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, which recognizes the importance of international cooperation in combating transnational drug trafficking (Suhartanto, 2023).

Indonesia's vulnerability to drug trafficking increases when viewed from a geographic perspective and through border surveillance. Indonesia has a very long coastline and scattered land and maritime borders, making optimal surveillance difficult. Vulnerable routes such as the Kalimantan border with Malaysia, the Strait of Malacca, and the eastern border are often exploited as entry points for illegal narcotics (Miardi, Runturambi, A. J., & Badri, 2024). Normatively, border security is regulated by Law Number 17 of 2006 concerning Customs, specifically Article 102, which regulates smuggling crimes, and Law Number 35 of 2009 concerning Narcotics, which provides the legal basis for narcotics eradication (Siregar, C. N., Rahmansyah, S., & Saepudin, 2019). However, limited surveillance infrastructure, detection technology, and coordination between law enforcement agencies mean that border security remains less than optimal.

Cross-border cooperation is essential in combating transnational narcotics crime. The principle of international cooperation has been recognized in various legal instruments, both bilateral, regional, and multilateral, including within the ASEAN framework through mechanisms such as the ASEAN Ministerial Meeting on Transnational Crime. (Kurniawan, J., & Dibah, 2021) This cooperation includes joint operations, extradition of suspects, and law enforcement techniques such as controlled delivery, as accommodated in Article 11 of the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances. At the national level, this cooperation is also supported by Law Number 1 of 2006 concerning Mutual Assistance in Criminal Matters, which regulates mutual legal assistance mechanisms. (Kareth, N. V., & Shintasari, 2020) However, the implementation of cross-border cooperation often faces jurisdictional obstacles, differences in legal systems, and the national interests of each country.

On the other hand, joint intelligence plays a strategic role in detecting, preventing, and prosecuting international narcotics networks more effectively. Within the national legal framework, intelligence functions are regulated by Law Number 17 of 2011 concerning State Intelligence, which emphasizes the importance of collecting, processing, and disseminating information as a basis for policymaking. (Handika, 2021) However, the mechanism for intelligence exchange between countries still faces various obstacles, such as data confidentiality issues, low levels of trust (trust deficit), and the lack of integrated operational standards. It impacts the suboptimal use of intelligence as an early prevention tool against transnational drug trafficking (Harefa, 2018).

The issue becomes more complex when viewed from the perspective of the applicable legal framework, which is characterized by fragmented and overlapping regulations governing cross-border cooperation and intelligence activities. Various national regulations have not been fully integrated with international legal instruments, creating a gap between legal norms (*das sollen*) and field practices (*das sein*). The limited legal framework for intelligence exchange, weak coordination among institutions such as the

police, narcotics agencies, and other relevant bodies, and the suboptimal implementation of international agreements indicate the ineffectiveness of the current regulatory framework. The condition indicates an urgent need to conduct a comprehensive legal evaluation and update (Pranasita, D. A., Sugiarta, I. N., & Mulyawati, 2023).

Legal policy reconstruction is an unavoidable necessity to increase the effectiveness of transnational drug countermeasures. This reconstruction must include harmonizing national regulations with international law, strengthening the legal basis for joint intelligence cooperation, and integrating a cross-border cooperation system that is more responsive to developments in modern crime. Theoretically, legal reform should be directed at establishing a legal system that is adaptive, progressive, and based on effective law enforcement. Therefore, this research urgently seeks to formulate an ideal model for cross-border cooperation and joint intelligence as part of national legal reform to stem the flow of narcotics from abroad into Indonesia.

Methodology

The research employs a normative juridical approach that focuses on the examination of legal norms as an autonomous system, utilizing both a statutory approach and a conceptual approach. The statutory approach involves a comprehensive analysis of various pertinent laws and regulations at both national and international levels, including Law Number 35 of 2009 on Narcotics, Law Number 1 of 2006 on Mutual Assistance in Criminal Matters, and Law Number 17 of 2011 concerning State Intelligence. Additionally, it considers international instruments such as the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988) and the United Nations Convention against Transnational Organized Crime. This analysis aims to identify synchronization, harmonization, and potential disharmony among legal norms related to cross-border cooperation and joint intelligence efforts.

Within this normative juridical framework, the effectiveness of the existing legal arrangements is not measured through empirical indicators such as the number of narcotics cases, the frequency of smuggling incidents, or statistical performance of law enforcement institutions. Instead, legal effectiveness is assessed normatively through several analytical indicators, namely the clarity of legal authority, consistency and harmonization between legal instruments, completeness of regulatory arrangements, certainty of coordination mechanisms, procedural clarity in the implementation of cross-border cooperation and intelligence exchange, and the availability of legal safeguards and accountability mechanisms. These indicators are used to examine whether the existing legal framework provides a sufficiently integrated and operational normative basis for addressing transnational narcotics trafficking.

The research further applies a systematic regulatory mapping to identify the distribution of authority, potential overlaps, regulatory gaps, and normative fragmentation among the legal instruments governing narcotics control, state intelligence, mutual legal assistance, extradition, customs supervision, and international cooperation. Through this mapping, each legal instrument is examined based on its regulated authority, cooperation mechanism, scope of application, relationship with other legal instruments, and the extent to which it provides specific procedures for cross-border intelligence sharing, joint

operations, controlled delivery, and inter-agency coordination. The regulatory mapping therefore serves as the basis for determining whether the existing legal framework forms an integrated system or remains fragmented across different institutions and legal regimes.

Likewise, a conceptual approach is employed to explore legal doctrines, principles, and concepts developed in scholarly literature, such as legal effectiveness, international cooperation, intelligence in law enforcement, legal harmonization, institutional coordination, and accountability, to construct legal arguments and propose ideal frameworks for legal policy reform. The legal materials utilized in this research include primary, secondary, and tertiary sources, which are analyzed qualitatively through legal interpretation and deductive reasoning. The analysis results in legal prescriptions that are systematic, logical, and academically sound, particularly concerning the reconstruction of cross-border cooperation, joint intelligence mechanisms, institutional coordination, and normative safeguards in addressing transnational narcotics crime.

Result and Discussion

Effectiveness of Legal Arrangements for Cross-Border Cooperation in Combating the Circulation of Narcotics from Abroad to Indonesia

The existing legal framework governing the prevention and eradication of transnational narcotics trafficking in Indonesia is dispersed across several legal regimes with different institutional orientations and regulatory functions. Law Number 35 of 2009 concerning Narcotics provides the primary basis for narcotics investigation and international cooperation, including cooperation with foreign law enforcement authorities, while Law Number 17 of 2011 concerning State Intelligence regulates intelligence functions, coordination, and the protection of intelligence secrecy. Law Number 1 of 2006 concerning Mutual Assistance in Criminal Matters provides mechanisms for obtaining evidence, exchanging information, and tracing assets for criminal proceedings, whereas Law Number 1 of 1979 concerning Extradition regulates the surrender of offenders across jurisdictions. In addition, customs regulations govern the supervision of goods crossing national borders, while international instruments such as the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances and other international cooperation mechanisms establish a broader framework for cross-border cooperation. However, these legal instruments regulate their respective areas separately and do not yet provide a single integrated normative mechanism governing the relationship between narcotics law enforcement, intelligence exchange, border supervision, joint operations, and cross-border accountability.

From a normative perspective, the effectiveness of this legal framework is therefore assessed not merely by the existence of legal authority, but by examining the clarity of authority, consistency and harmonization between legal instruments, completeness of regulatory arrangements, certainty of coordination mechanisms, procedural clarity, and the availability of safeguards and accountability mechanisms. Through this analysis, the principal normative problem lies in the fragmentation of regulatory arrangements: Law Number 35 of 2009 recognizes international cooperation but does not comprehensively regulate joint intelligence mechanisms; Law Number 17 of 2011 establishes intelligence

coordination and confidentiality but does not specifically provide procedures for cross-border intelligence sharing; and Law Number 1 of 2006 facilitates mutual legal assistance but is primarily oriented toward cooperation in criminal proceedings rather than real-time intelligence integration. Similarly, existing international and regional cooperation mechanisms provide important channels for cooperation but do not eliminate the need for a more integrated national framework capable of clearly regulating information sharing, joint operations, institutional coordination, data protection, and accountability. This normative fragmentation forms the basis for the legal policy reconstruction proposed in this study.

Legal regulations regarding cross-border cooperation in combating the circulation of narcotics from abroad to Indonesia are a consequence of the transnational and organized character of narcotics crime, which involves cross-country networks, international distribution systems, and continuously evolving *modus operandi*. The legal effectiveness of cross-border cooperation is therefore assessed in this study through normative indicators, particularly the clarity of legal authority, the consistency and harmonization of legal instruments, the completeness of regulatory arrangements, and the availability of clear procedural mechanisms for cooperation. From the perspective of international law, the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988) forms the primary legal basis for this cooperation. Indonesia ratified the Convention through Law Number 7 of 1997 concerning the Ratification of the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances 1988 (Ahmad, 2024). The Convention establishes a general framework for international cooperation through Article 9 concerning cooperation and training in law enforcement, Article 11 concerning controlled delivery, and Article 6 concerning the extradition of perpetrators of narcotics crimes. These provisions demonstrate that counter-narcotics efforts require cooperation beyond a single national jurisdiction and provide an international normative basis for cross-border coordination (Kareth, N. V., & Shintasari, 2020). However, the existence of this international framework does not automatically establish detailed and integrated procedures within the national legal system regarding the distribution of authority, intelligence exchange, joint operations, and accountability among the institutions involved.

Within the national legal system, regulations regarding narcotics eradication are specifically stipulated in Law Number 35 of 2009 concerning Narcotics, which provides the legal basis for law enforcement officials to engage in international cooperation. Article 74 grants the Indonesian National Police and the National Narcotics Agency (BNN) the authority to investigate narcotics crimes. Article 75 (l) and (p) authorize cooperation with law enforcement agencies from other countries and the use of specific investigative techniques against international narcotics networks. Furthermore, Article 90 affirms that the government can engage in bilateral, regional, and international cooperation in efforts to prevent and eradicate the abuse and illicit trafficking of narcotics and narcotic precursors (Hariyanto, 2018). Normatively, these provisions demonstrate that the Indonesian legal system recognizes international cooperation as an important instrument in addressing

transnational narcotics crime. Nevertheless, when assessed based on the completeness and procedural clarity of the regulatory framework, Law Number 35 of 2009 primarily establishes the authority to cooperate without comprehensively regulating the institutional coordination mechanism, the procedure for cross-border intelligence sharing, the distribution of operational responsibility, or an integrated framework for joint narcotics operations. Consequently, the normative issue does not primarily concern the absence of authority to cooperate, but the limited specificity and integration of the legal mechanisms required to operationalize such cooperation in a coordinated manner (Gabriella, 2019).

Cross-border cooperation in countering narcotics is also strengthened through the mutual assistance mechanism in criminal matters, as stipulated in Law Number 1 of 2006 concerning Mutual Assistance in Criminal Matters. Article 2 of the law stipulates that mutual assistance is provided for the investigation, prosecution, and trial of transnational crimes. This assistance includes gathering evidence, summoning witnesses, confiscating proceeds of crime, tracing assets, and exchanging information (Nainggolan, 2024). Within the existing legal framework, the mutual legal assistance mechanism therefore provides an important procedural basis for cooperation in criminal matters involving transnational narcotics networks, particularly where evidence, assets, witnesses, or other relevant information are located across different jurisdictions. Indonesia has also developed bilateral and regional cooperation with other countries through mechanisms involving intelligence exchange, operational coordination, and border-related cooperation. However, the normative scope of mutual legal assistance remains primarily oriented toward assistance in criminal proceedings and does not by itself establish a comprehensive real-time joint intelligence mechanism or an integrated operational command structure between the institutions responsible for narcotics enforcement, intelligence, and border supervision. This distinction demonstrates the need to differentiate between existing legal assistance mechanisms and the broader integrated cooperation model proposed in this study (Ramadhani, N., & Farabi, 2018).

In the legal framework governing transnational narcotics enforcement, joint operations and controlled delivery constitute important instruments for identifying and dismantling cross-border narcotics networks. The controlled delivery technique, stipulated in Article 11 of the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, allows narcotics shipments to continue under authorized surveillance for the purpose of identifying the main perpetrators and their distribution networks. In Indonesia, the recognition of international cooperation and specific investigative techniques provides a general legal basis for cooperation against transnational narcotics networks (Sulastri, 2024). However, when examined from the perspective of regulatory completeness and procedural certainty, the national legal framework does not yet comprehensively establish detailed provisions governing the authorization of controlled delivery operations, the allocation of authority among participating institutions, procedures for cross-border coordination, the legal status and handling of evidence, safeguards for individual rights, and mechanisms of accountability when an operation involves more than one jurisdiction. Consequently, while controlled delivery is recognized within the broader

international and national framework, a more specific normative arrangement is required to ensure that its implementation is supported by clear procedures, institutional responsibility, legal certainty, and accountability.

On the other hand, the extradition of narcotics offenders constitutes another component of cross-border cooperation. Regulations regarding extradition in Indonesia are contained in Law Number 1 of 1979 concerning Extradition, which provides the legal basis for the surrender of criminals to the requesting country based on an agreement or reciprocal relationship. The operation of this mechanism is nevertheless subject to legal requirements and limitations, including the existence of applicable agreements or reciprocal arrangements, the principle of double criminality, and restrictions relating to the extradition of certain persons. These legal conditions demonstrate that extradition primarily functions as a mechanism for the transfer of offenders after a jurisdictional process has been initiated and is therefore conceptually different from preventive intelligence cooperation and real-time cross-border information exchange. The existence of an extradition framework consequently does not eliminate the need for a separate and integrated normative mechanism governing the early detection of transnational narcotics networks, intelligence coordination, and information sharing across institutions and jurisdictions (Yolandi, 2020).

Based on the foregoing normative analysis, the effectiveness of legal arrangements governing cross-border cooperation in combating the circulation of narcotics from abroad to Indonesia must be understood in relation to the coherence and operational completeness of the legal framework. Indonesia already possesses a range of national and international legal instruments that establish authority for narcotics enforcement, international cooperation, mutual legal assistance, controlled delivery, and extradition. However, these instruments operate through different legal regimes and institutional functions and do not yet form a fully integrated normative framework governing the relationship between intelligence exchange, border supervision, joint operations, institutional coordination, and cross-border accountability. The principal normative weakness therefore lies not in the complete absence of legal authority, but in the fragmentation and limited procedural integration of the existing arrangements. Accordingly, the required legal policy reconstruction should not merely reproduce existing cooperation mechanisms, but should provide clearer rules concerning the coordination of institutional authority, cross-border intelligence sharing, joint operational procedures, controlled delivery, information protection, and accountability. Such reconstruction is necessary to develop a more integrated legal framework capable of responding to the increasingly complex character of transnational narcotics crime.

Joint Intelligence Problems in the Law Enforcement System against Transnational Narcotics Crimes

Joint intelligence occupies a strategic position in the law enforcement system against transnational narcotics crimes because such crimes involve organized and cross-border networks that require information to be collected, analyzed, and communicated across institutional and jurisdictional boundaries. Within the context of national law, the function of intelligence is regulated by Law Number 17 of 2011 concerning State Intelligence, which,

in Article 1 point 1, defines intelligence as knowledge, organization, and activities related to the formulation of national policies, strategies, and decision-making based on the analysis of information and facts gathered through specific work methods. Furthermore, Article 6 emphasizes that the function of state intelligence encompasses investigation, security, and mobilization to detect and prevent threats to national interests and security. In the context of transnational narcotics trafficking, these provisions provide a general normative basis for intelligence activities as an instrument of early detection and prevention. At the international level, Article 9 paragraph (1) of the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances requires participating countries to cooperate closely within their respective legal and administrative systems to improve the effectiveness of law enforcement actions against narcotics crimes, while Article 9 paragraph (2) letter b recognizes the importance of exchanging information regarding the identities of perpetrators, smuggling methods, and the movement of narcotics proceeds. Indonesia has also developed intelligence cooperation through bilateral and regional mechanisms such as ASEANAPOL and cooperation between the National Narcotics Agency and law enforcement agencies of other countries. Nevertheless, the existence of these instruments and mechanisms does not yet establish a comprehensive national normative framework specifically governing how joint intelligence should be coordinated, classified, exchanged, protected, and integrated across the institutions responsible for narcotics enforcement and border security.

A fundamental issue in the normative structure of joint intelligence concerns the distribution and coordination of authority among institutions. In the Indonesian legal system, functions related to intelligence, narcotics enforcement, border supervision, and national security are distributed among several institutions, including the State Intelligence Agency (BIN), the Indonesian National Police (Polri), the National Narcotics Agency (BNN), the Directorate General of Customs and Excise (DGCE), Immigration, and the Indonesian National Armed Forces (TNI) within their respective statutory mandates. Although Article 7 of Law Number 17 of 2011 concerning State Intelligence stipulates that state intelligence must be conducted in a coordinated and integrated manner, the provision does not by itself establish a detailed operational mechanism governing how intelligence relating specifically to transnational narcotics should be integrated with narcotics investigation, customs supervision, immigration control, and border security functions. The relevant legal instruments therefore distribute substantive authority among different institutions without comprehensively regulating a unified command or coordination structure for joint intelligence operations. This condition creates a normative risk of fragmented information management and uncertainty regarding the institutional procedures for determining operational priorities, sharing intelligence, coordinating responses, and allocating responsibility when a transnational narcotics operation involves multiple institutions.

In addition to institutional coordination, the protection of intelligence secrecy constitutes an important normative issue in the development of cross-border intelligence sharing. Article 26 of Law Number 17 of 2011 concerning State Intelligence stipulates that state intelligence secrets must be safeguarded and protected. At the same time, transnational

narcotics enforcement requires the exchange of relevant information across institutional and jurisdictional boundaries. These two objectives should not be understood as mutually exclusive. The protection of intelligence secrecy does not necessarily prohibit information sharing, but requires a clear legal mechanism for determining what information may be shared, with whom, for what purpose, and under what level of security and classification. The current legal framework, however, does not comprehensively establish specific procedures for the classification, authorization, selective disclosure, use limitation, or protection of intelligence information exchanged for the purpose of cross-border narcotics cooperation. Consequently, the legal challenge lies in reconciling the obligation to protect state intelligence secrets with the operational necessity of exchanging relevant intelligence through a controlled, proportionate, and accountable mechanism. Such a mechanism should therefore distinguish between information that must remain strictly confidential and information that may be shared subject to classification, authorization, purpose limitation, and confidentiality obligations imposed on the receiving institution or foreign counterpart.

The limited normative framework for cross-border intelligence integration constitutes a fundamental issue in the law enforcement system against transnational narcotics crimes. Although Indonesia has various regulations relating to narcotics eradication, state intelligence, international cooperation, and criminal assistance, there is no specific and comprehensive legal arrangement that integrates joint intelligence mechanisms for the prevention and detection of transnational narcotics trafficking. Law Number 35 of 2009 concerning Narcotics grants law enforcement authorities the power to investigate narcotics crimes and to engage in international cooperation, but it does not specifically regulate the structure and procedure of joint intelligence coordination. Law Number 17 of 2011 establishes the functions, coordination principles, and confidentiality obligations of state intelligence, but it does not provide a detailed framework for cross-border intelligence sharing in narcotics cases. Likewise, Law Number 1 of 2006 concerning Mutual Assistance in Criminal Matters provides a mechanism for cooperation in criminal matters but does not establish an integrated system for real-time intelligence exchange and joint operational coordination. As a result, the existing regulatory framework does not comprehensively regulate essential aspects such as access to intelligence information, data classification, authorization procedures, information retention, cybersecurity standards, audit mechanisms, inter-agency information sharing, and institutional accountability. The absence of an integrated normative framework concerning these matters distinguishes the proposed reconstruction from existing cooperation mechanisms and forms the principal legal basis for the development of an Integrated Transnational Narcotics Intelligence System.

Based on the foregoing normative analysis, the principal weakness of the existing joint intelligence framework lies in the absence of a sufficiently integrated legal structure governing the relationship between institutional authority, intelligence secrecy, cross-border information exchange, and operational coordination. The existing legal instruments provide separate foundations for narcotics enforcement, intelligence activities, international cooperation, mutual legal assistance, and border-related functions, but they do not yet

establish a comprehensive mechanism through which these authorities can be integrated for the specific purpose of addressing transnational narcotics networks. The required legal reconstruction should therefore not be understood as the creation of a new institution possessing independent narcotics enforcement powers that duplicate the statutory authority of BNN, Polri, BIN, Customs and Excise, Immigration, or the Indonesian National Armed Forces. Rather, the reconstruction should establish an integrated coordination and information-sharing mechanism in which each institution retains its original statutory authority while participating in a clearly regulated joint framework. Such a framework should regulate the allocation of functions, access to information, intelligence classification, authorization procedures, secure data exchange, operational coordination, human oversight, and institutional accountability. On this basis, the proposed Integrated Transnational Narcotics Intelligence System and cross-sectoral coordination mechanism are intended to complement, rather than replace or duplicate, the existing legal and institutional framework.

Reconstruction of Legal Policy through Strengthening Cross-Border Cooperation and Joint Intelligence in Combating Transnational Narcotics

The reconstruction of legal policy in strengthening cross-border cooperation and joint intelligence should be directed not toward the replacement of the existing legal mechanisms, but toward the integration and specification of authorities and procedures that are currently regulated separately. The existing legal framework has already provided a basis for international cooperation through Law Number 35 of 2009 concerning Narcotics, mutual legal assistance through Law Number 1 of 2006, intelligence functions and coordination through Law Number 17 of 2011, extradition through Law Number 1 of 1979, as well as regional and international cooperation mechanisms under ASEANAPOL, bilateral agreements, and the 1988 United Nations Convention. However, these mechanisms operate within different legal and institutional frameworks and do not comprehensively regulate joint intelligence, integrated cross-border operations, information governance, or cross-sectoral accountability. The reconstruction proposed in this study therefore focuses on filling these normative gaps through clearer procedural rules, integrated coordination mechanisms, and specific safeguards without duplicating the substantive authority that has already been granted to existing institutions.

The proposed National Border Security and Narcotics Intelligence Task Force should not be constructed as a new independent law enforcement institution with authority overlapping that of the National Narcotics Agency, the Indonesian National Police, the State Intelligence Agency, Customs and Excise, Immigration, or the Indonesian National Armed Forces. Instead, it should function as a permanent coordination and integrated command mechanism for cases involving transnational narcotics threats that require the participation of more than one institution. Each participating institution should retain its original statutory authority: BNN and Polri remain responsible for narcotics investigation and law enforcement within their respective mandates; BIN retains its intelligence functions; Customs and Excise remains responsible for the supervision of goods crossing national borders; Immigration retains authority over the movement and supervision of persons; and

the Indonesian National Armed Forces performs functions within the scope of its statutory mandate. The Task Force should therefore possess coordinating rather than substitutive authority, including the authority to establish joint operational priorities, facilitate the integration of relevant intelligence, activate inter-agency coordination, formulate joint operational procedures, and evaluate accountability following coordinated operations. Its legal basis should expressly provide that participation in the Task Force does not transfer or eliminate the statutory authority of any participating institution.

The development of an Integrated Transnational Narcotics Intelligence System should be accompanied by a specific legal framework governing the collection, management, access, exchange, protection, and accountability of intelligence information. The legal framework should, at a minimum, regulate: first, differentiated access rights based on institutional function and the principles of necessity and need-to-know; second, a classification system that determines the level of confidentiality and the conditions under which intelligence may be shared; third, authorization procedures for accessing and transferring classified information; fourth, data retention and deletion rules to prevent the indefinite storage of information without legal necessity; fifth, cybersecurity standards, including secure authentication, access logging, and protection against unauthorized access; sixth, audit mechanisms capable of tracing the use and dissemination of intelligence information; and seventh, institutional accountability for unauthorized access, misuse, disclosure, or failure to protect information. Through these provisions, the proposed system would function not merely as a technological platform, but as a legally governed mechanism for controlled and accountable intelligence integration.

The use of big data analytics, artificial intelligence, and real-time surveillance technology within the Integrated Transnational Narcotics Intelligence System must be subject to clear legal safeguards in order to prevent technological efficiency from undermining fundamental rights and procedural guarantees. The use of such technologies should therefore be governed by the principles of legality, necessity, proportionality, purpose limitation, data minimization, and accountability. Intelligence collection and processing should be limited to information that is relevant and necessary for the prevention and investigation of transnational narcotics crimes, while access and further use of the information should remain connected to the legally defined purpose for which it was obtained. Artificial intelligence should function as an analytical and decision-support instrument and should not independently determine law enforcement action or produce binding legal consequences without meaningful human oversight. The legal framework should also provide mechanisms for auditability, access logging, internal supervision, and accountability in cases of misuse, unlawful surveillance, unauthorized profiling, or improper disclosure of information. These safeguards are essential to ensure that technological innovation strengthens, rather than weakens, privacy protection, due process, and the rule of law.

The reconstruction of cross-border intelligence sharing must also reconcile the operational need for information exchange with the obligation to protect state intelligence secrets under Article 26 of Law Number 17 of 2011 concerning State Intelligence.

Accordingly, the proposed mechanism should not treat intelligence secrecy as an absolute prohibition on information sharing, nor should it permit unrestricted disclosure in the name of international cooperation. Information sharing should instead be conducted through a classified and controlled disclosure mechanism based on the level of sensitivity of the information, the purpose of the request, the authority of the recipient, and the necessity and proportionality of disclosure. Sensitive information may therefore be subject to selective disclosure, redaction, anonymization, prior authorization, and specific confidentiality obligations imposed upon the receiving institution or foreign counterpart. The framework should also prohibit secondary disclosure or use of the information for purposes outside the scope of the original authorization. In this manner, the protection of intelligence secrecy and the need for cross-border cooperation can operate as complementary legal principles rather than conflicting obligations.

At the regional level, the strengthening of cooperation may be pursued through the development of a legally binding ASEAN instrument or protocol specifically concerning narcotics intelligence exchange. Such an instrument should be developed within the existing ASEAN framework and remain subject to the constitutional and legal procedures applicable in each Member State. Rather than creating a supranational intelligence authority, the proposed arrangement should establish a coordinated framework based on designated national focal points, secure communication channels, common principles for intelligence classification, standardized procedures for information requests and responses, and rules governing the use and protection of shared information. Respect for state sovereignty should remain a fundamental principle, meaning that each Member State retains authority to determine the information that may lawfully be disclosed in accordance with its national security and intelligence laws. Compliance should therefore not rely on supranational coercive enforcement, but may be supported through periodic reporting, peer review, joint evaluation, consultation mechanisms, and institutional review within the ASEAN cooperation framework. Such an arrangement would provide a more structured and predictable basis for narcotics intelligence exchange while respecting the diversity of national legal systems among ASEAN Member States.

Legal policy reform must also be directed at strengthening human resource capacity and border surveillance infrastructure, which have historically been weak points in Indonesia's border security system. Empirically, many Indonesian border areas still lack surveillance radar, patrol vessels, narcotics detection technology, and personnel familiar with modern transnational crime patterns. Therefore, concrete steps that must be taken include increasing the dedicated budget for border surveillance, modernizing maritime detection and surveillance equipment, and providing integrated training for law enforcement and intelligence officers on transnational narcotics investigation techniques. The government also needs to establish a cross-border narcotics intelligence training center in collaboration with partner countries and international organizations so that Indonesian authorities have the capabilities to match the criminal networks they face. From a legal perspective, this capacity building is part of the state's obligation to protect national security

and the public from the threat of narcotics, as mandated in the preamble to the 1945 Constitution of the Republic of Indonesia.

Accordingly, the proposed legal policy reconstruction should be translated into specific normative provisions rather than remaining at the level of general institutional reform. The reconstructed framework should expressly regulate at least five principal areas. First, a provision on joint intelligence should define the participating institutions, the scope of information exchange, coordination procedures, and the limits of institutional authority. Second, provisions on controlled delivery and joint operations should regulate authorization, operational coordination, the allocation of responsibility, evidence handling, and accountability where activities involve more than one jurisdiction. Third, provisions governing the Integrated Transnational Narcotics Intelligence System should establish rules concerning data access, classification, authorization, retention, cybersecurity, audit trails, and sanctions for misuse. Fourth, the legal framework should establish a coordinated command mechanism that allows institutions to act jointly without transferring or duplicating their original statutory authority. Fifth, cross-border accountability provisions should regulate institutional responsibility, the protection of individual rights, the handling of complaints or violations, and procedures for reviewing operations involving foreign counterparts. Through these normative specifications, the proposed reconstruction moves beyond a general call for stronger cooperation and provides a more concrete legal framework for integrating intelligence, enforcement, technology, and accountability in addressing transnational narcotics trafficking.

Conclusion

Based on the discussion results, it can be concluded that the effectiveness of legal regulations for cross-border cooperation and joint intelligence in combating transnational narcotics in Indonesia still faces various normative and empirical issues. Although Indonesia has a sufficient legal basis through Law Number 35 of 2009 concerning Narcotics, Law Number 17 of 2011 concerning State Intelligence, Law Number 1 of 2006 concerning Mutual Assistance in Criminal Matters, and various international instruments such as the 1988 United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances, the implementation of cross-border cooperation and intelligence exchange has not been optimal due to regulatory fragmentation, overlapping authority between institutions, weak institutional coordination, and the lack of integration of cross-border intelligence systems. Empirically, this condition is evident in the still high rate of narcotics smuggling through Indonesia's maritime and land borders, limited border security surveillance, and the low effectiveness of real-time intelligence information exchange. Thus, it is clear that the primary problem lies not in the absence of regulations, but rather in the suboptimal harmonization of laws, institutional coordination, and implementation of law enforcement policies in addressing the increasingly complex and modern developments in transnational drug crime.

Based on this conclusion, a comprehensive reconstruction of legal policy is needed through harmonization of national regulations with international legal instruments, strengthening the legal basis for cross-border intelligence exchange, and establishing an

integrated coordination system between law enforcement and intelligence agencies. The government needs to establish an integrated command center and a technology-based national narcotics intelligence system capable of integrating data from the National Narcotics Agency, the Indonesian National Police, the State Intelligence Agency, the Directorate General of Customs and Excise, Immigration, and the Indonesian National Armed Forces into a single surveillance system connected to regional and international networks. Furthermore, Indonesia needs to strengthen bilateral and regional cooperation through joint operations, cross-border patrols, and the establishment of a legally binding ASEAN protocol on narcotics intelligence exchange. Strengthening human resource capacity, modernizing border surveillance technology, and developing specific regulations regarding joint intelligence mechanisms are also strategic steps that must be taken immediately so that Indonesia's narcotics law enforcement system can work effectively, adaptively, and responsively to future transnational narcotics threats.

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