

CHAPTER V

CONCLUSION

Transnational crime is a kind of crime that happen transborderly in term of actors of crime, victims and also place. Transnational crime is also called as a part of sophisticated crime because shape and characteristics of transnational crime action are more complex than the conventional ones. A case occurred in a state could spread its effects into other states; therefore, transnational crime is an inter-related crime.

There are many types of transnational crime. United Nation acknowledge more than seven transnational crimes, but ASEAN acknowledge five crimes which include in transnational crime, such as arms smuggling, narcotics and drugs smuggling, money laundering, piracy and terrorism. Those crimes can not be solved by a state but it needs regional cooperation.

The impacts of transnational crimes are crippling the law system of states, influencing economic system of states, bothering socio-cultural system if transnational crime occurred in a society, destroying governmental order, political life because transnational organized crime will always try to influence any decision in

Arms smuggling includes in those transnational crime. By arms smuggling, many intra conflicts happened like terrorism, ethnic conflicts, separatist movement, even crime actions like robbery and the like. Many facts show that weapon has killed more than 500,000 people per year and around 1.300 people died every day. This is the reason why weapon or SALW called real mass destructions.

Arms can be divided into two types that are small arms and light weapons. Small arm is defined as weapons designed for personal use and capable of being carried by an individual. Light weapon is defined as weapon which is portable but usually weight too much for one person to carry and requires a team to operate them. Examples of small arms are pistols, rifles, sub-machine guns, assault rifles, self-loading rim-fire rifles, self-loading shotguns, self-loading centre-fire rifles, single shot & repeating centre-fire rifles, pump action repeating shotguns, rim-fire rifles, air rifles, muzzle-loading firearms, single- & double-barrelled shotguns, hand guns (pistols & revolvers), break action rifle/shotgun combinations, submachine guns, machine guns, repeating shotguns (bolt or lever action), and parts, accessories, magazines and replicas of the above.

Moreover the example of light weapons such as heavy machine guns, rocket propelled grenade launchers, anti-aircraft guns, mortars of less than 100 mm caliber, recoilless rifles and light anti-aircraft missile systems, hand-held under-barrel, mounted grenade launchers, portable anti-tank and anti-aircraft guns, portable

Arms smuggling also happened in Southeast Asia. Many facts show that the spread of SALW in Southeast Asia is in worrying conditions. Many intrastate conflicts happened in Southeast Asia. For example, separatist movements in Indonesia which are Free Aceh Movement (FAM) and Papua Freedom Organization. In the Philippine, there are separatist movements like Moro National Liberation Front (MNLF), New People Army (NPA) and Moro Islamic Liberation Front (MILF).

Arms smuggling is difficult crime to be solved. It is related to the characteristics of SALW itself. Those characteristics of SALW are lethal, portable, durable, easy on operation, easy on transfer, and difficult to be detected. Other characteristics which are not related to the characteristics of SALW are many states become producer and supplier of SALW, using of SALW legally and illegally, and also difference of norms and law about SALW in ASEAN members.

Arms smuggling is acknowledged as part of transnational crime and it needs cooperation from all states, to solve it ASEAN realizes and has discussed arms smuggling. Related to concept which applied by ASEAN namely ASEAN way, which has many attempts to solve arms smuggling in Southeast Asia. Firstly, related to meetings done by ASEAN are first declaration related with transnational crimes was Declaration of ASEAN Concord of February 24th, 1976, First informal ASEAN Meeting was in November 1996 in Jakarta, 29th AMM, Second Informal ASEAN Summit was in December 1997 in Kuala Lumpur Malaysia, 30th AMM, Manila's and

31st AMM, 1998, 31st AMM, 1999, ASEAN discussed about arms smuggling as

specific term for first time was in 1997. The term about small arms and light weapons raised in AMM when it was held in Malaysia. In the same year, ASEAN Ministers of Interior and Home Affairs adopted ASEAN Declaration on Transnational Crime. Sixth ASEAN Summit in December 1998 was held in Hanoi.

ASEAN also established many forums to discuss arena related with transnational crime in Southeast Asia. They are ARF (ASEAN Regional Forum), AMMTC (ASEAN Ministerial Meeting on Transnational Crime), ACTC (ASEAN Centre for Combating Transnational Crime), ASEAN Finance Ministers Meeting (AFMM) and ASEAN Chiefs of National Police (ASEANAPOL).

In discussing case, ASEAN also engage academics and also Track II actors. In ASEAN, the role of Track II actors are integrated into an institution called ASEAN-ISIS (ASEAN Institutes for Strategic and International Studies). ASEAN-ISIS constitutes the core of the Track II activities in Southeast Asia and the Asia-Pacific region at large. All ASEAN members have representative institutions in ASEAN-ISIS. Those representatives include all members of ASEAN. They are CSIS (Centre for Strategic and International Studies) from Indonesia, ISIS (Institute for Strategic and International Studies) from Malaysia, SIIA (Singapore Institute for International Affairs) from Singapore, ISDS (Center for Integrative and Development Studies) from Philippines, ISIS (Institute of Security and International Studies) from Thailand, BDIPSS (Brunei Darussalam Institute of Policy and Strategic Studies) from Brunei,

IFSD (Cambodia Institute for Governance and Peace) from Cambodia, IEA

(Institute of Foreign Affairs) from Laos, and IIR (Institute for International Relations) from Vietnam.

Suggestions for ASEAN and also ASEAN members in attempt to solve arms smuggling in Southeast Asia, such as:

1) Create stricter regulations in all aspects of arms smuggling.

ASEAN states can undertake a legislative review with a goal towards reforming laws to include stricter regulations not only on possession and transfer but also on misuse, export policy and being broker/arms dealers. The lessons learned from Cambodia can provide some leads to other states in the region on how to proceed in this aspect.

2) Enforced the law properly

Thus, institutional and capacity building of relevant government agencies and justice sector, including police and the court system, must be simultaneously pursued. When power abusers are stripped of their impunity and laws are impartially enforced, there is less desire among the people to see guns as a security blanket. Hence, the entrenched gun culture could be gradually altered.

3) Cooperation on information and intelligence sharing

Along with this intelligence sharing, a regional coordination should be

particularly among law enforcement

agencies and intelligence community, such as those in AMMTC and ASEANAPOL. The effective intelligence sharing and coordination are crucial for ASEAN countries to combat this menace.

4) Strengthening law enforcement

Law enforcement is significant for combating the illicit arms smuggling and trade that they are among contributing factors to sustain this activity in South East Asia. Thus, law enforcement needs to be strengthened. The weak law enforcement may originate from the minim of experiences and supporting tools. Therefore, each country should develop its laws and regulations on small arms control. In addition, an anti-corruption and transparency mechanism should be strongly developed to prevent the abuse of power of state officials which contributes to the ease of arms smuggling and transfer.

5) Harmonization of small arms legislation

Due to the differences between each country's domestic laws and standards on controlling small arms and light weapons, difficulties exist between countries to execute joint collaboration which are not allowed or feasible in some countries. Moreover, without similar procedures among countries law enforcement officers may face problems in comprehending the right channel to

their efforts in actualizing their goals on harmonizing their laws and standards set in the ASEAN Plan of Action to Combat Transnational Crime and its Work Programme, particularly on arms smuggling. This effort will also be beneficial to strengthening regional body and its roles in coordinating among its member to