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Transnational Organised Crime: A Significant Challenge to Malaysia's National Security

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ABSTRACT

Transnational organised crime (TOC) operates across international borders and encompasses a diverse range of geographical locations, exploiting individuals' vulnerabilities while undermining global security. These illicit networks leverage their extensive reach to facilitate a variety of criminal activities that not only threaten local communities but also present significant challenges to law enforcement and governmental authorities worldwide, thereby eroding the foundations of safety and stability across nations. In Malaysia, the primary focus is directed towards a limited number of major

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crimes, including human trafficking and drug trafficking. In contrast, other forms of crime, such as migrant smuggling and arms smuggling, receive comparatively less attention. Considering the limited scholarly literature on TOC in Malaysia, this article examines various manifestations of TOC and the legal framework governing these offences within the country. Emphasis is placed on drug trafficking, human trafficking, migrant smuggling, illicit firearms trafficking, and cybercrime. Adopting a qualitative research approach, this study analyses the threat posed by these forms of TOC and the challenges encountered in addressing them. The article concludes with recommendations to strengthen the legal framework and enhance efforts to combat such activities, whilst also outlining the necessary steps to mitigate these crimes effectively.

Keywords: Transnational organised crime; Trafficking; Smuggling; Firearms; Cybercrime

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1. Introduction

Transnational organised crime (TOC) refers to structured criminal activities carried out by organised groups across multiple jurisdictions, reflecting the evolving nature of criminal enterprises within an increasingly globalised and interconnected world. It is conducted by coordinated groups that seek to exploit regulatory differences and opportunities in cross-border markets. In contrast to traditional models of organised crime characterised by strict or rigid hierarchical structures, modern or contemporary TOC groups exhibit a wide range of organisational forms. Some retain vertically integrated command structures, often rooted in kinship ties or patronage networks (Federal Bureau of Investigation, n.d.), while others operate through decentralised, network-based structures that emphasise flexibility and compartmentalisation. These organisational forms are neither fixed nor uniform; rather, they adapt and evolve in response to law enforcement strategies and shifts in the conditions of illegal or illicit markets.

From an economic perspective, TOC is a multi-billion-dollar international industry integrated into global supply chains. Criminal participants exploit governance gaps, porous borders, and inconsistent regulatory frameworks to continue the heinous activities United Nations. (n.d.). Transnational organised crime groups do not all operate the same way. In some places, criminal groups are loosely organised. They rely on technological advancement and cellular networks that operate separately from one another, which makes the network harder to detect and dismantle. In other places, these groups operate like a well-developed illegal business. They have clear, structured leadership that controls different stages of their operations, expands their activities to reduce risk, and cooperates with other criminal groups through strategic alliances. Collaborative partnerships among organised groups aid in managing high-value goods like military-grade weapons and processed narcotics (Jay S. Albanese & Philip L. Reichel, 2014). These dynamics demonstrate how illegal markets reflect, and at times intertwine with, legitimate economic systems. Such networks adapt to fluctuations in international demand while taking advantage of regulatory weaknesses and the lenient aspects of liberalised global trade policies.

2. Research Methodology

This paper adopts a doctrinal research methodology employing a qualitative approach to the analysis of TOC, with particular emphasis on drug trafficking, human trafficking, migrant smuggling, illicit firearms trafficking, and cybercrime. The study relies on primary data derived from library-based research, specifically through the systematic examination of relevant laws, legislation, and statutory frameworks governing crimes in Malaysia. In addition, secondary data were compiled and analysed through a comprehensive review of textbooks, official reports, statistical publications, and reviewed journal articles. Supplementary materials were also obtained from publicly accessible electronic platforms, including government websites and reputable organisations. Drawing on the findings from both primary and secondary materials, the paper proposes comprehensive recommendations to strengthen existing legal frameworks and enhance enforcement mechanisms.

3. Literature Review

The current body of literature on TOC in Malaysia is limited in scope. Existing research primarily focuses on key criminal activities, namely human trafficking and drug trafficking. However, there is a notable lack of scholarly references addressing other forms of TOC, particularly in the domains of migrant smuggling and illicit firearms trading. To date, the body of literature on TOC in Malaysia remains limited and relatively inaccessible, largely due to its fragmented focus, dependence on outdated data, and restrictions on open access. Scholars and the public often view TOC as a series of isolated incidents rather than as an interconnected phenomenon. Consequently, there is a significant gap in research and discourse that examines these crimes collectively within a unified criminal framework. Given their shared characteristics and operational patterns, it is imperative to analyse them in conjunction with one another.

This paper examines the shared characteristics of various forms of TOC while also recognising the complexities arising from the unique aspects of each crime and the differing legal frameworks that govern them. The discussion is designed to provide a thorough and systematic understanding of TOC in the Malaysian context, categorising it as a set of serious offences. The analysis begins with a definition of TOC to establish a conceptual foundation for the ensuing discourse. Following this, the review examines TOC from a Malaysian perspective, emphasising its national relevance and implications. The analysis then delves into the predominant types of transnational organised crime affecting Malaysia, specifically drug trafficking, human trafficking, migrant smuggling, illicit firearm trafficking, and cybercrime. Subsequently, this article assesses the key challenges Malaysia faces in addressing these TOC-led large-scale criminal activities, including border-related challenges, structured organisation, collaborative criminal intent, pursuit of financial gain, and cybersecurity challenges. The article concludes with a series of recommendations that provide strategic insights to enhance Malaysia's capacity to respond effectively to transnational organised crime.

3.1 Definition of Transnational Organised Crime

According to Yuliya Zabyelina (2013), there is no universally accepted definition of TOC, as its meaning varies significantly across national contexts. Different academic disciplines, levels of analysis, and research methodologies offer diverse interpretations of the concept. Depending on the theoretical viewpoint adopted, TOC may be understood in various ways, ranging from legal consensus to human rights. Within the broader category of transnational crimes, the expression TOC denotes a specific phenomenon (Staiano, 2022).

The United Nations members adopted the United Nations Convention Against Transnational Organised Crime (UNCTOC) on 15 November 2000 in response to the growing global threat posed by TOC. As the primary international instrument aimed at combatting such crimes, the Convention is supplemented by three Protocols, including those addressing trafficking in persons and migrant smuggling. The Convention emphasises the importance of international cooperation and obliges ratifying states to implement measures such as the criminalisation of specified conduct under domestic law, the strengthening of extradition and mutual legal assistance frameworks, and the promotion of training for national authorities.

Notably, the UNCTOC does not provide a comprehensive definition of TOC or organised crime. Instead, it defines the term 'organised criminal group' to guide policies, practices, and enforcement efforts in preventing and combating these crimes. The lack of a consensus definition for organised crime is attributed to its varying elements and evolving nature (Hassan, 2024).

Among the key terms related to TOC are defined in Article 2 of the United Nations Convention against Transnational Organized Crime (UNCTOC),[1] which include:

> (a) 'Organized criminal group' shall mean a structured group of three or more persons, existing for a period of time and acting in concert with the aim of committing one or more serious crimes or offences established in accordance with this Convention, in order to obtain, directly or indirectly, a financial or other material benefit;
>
> (b) 'Serious crime' shall mean conduct constituting an offence punishable by a maximum deprivation of liberty of at least four years or a more serious penalty;

[1] *United Nations Convention against Transnational Organized Crime* (adopted 15 November 2000, entered into force 29 September 2003), Art. 2.

(c) 'Structured group' shall mean a group that is not randomly formed for the immediate commission of an offence and that does not need to have formally defined roles for its members, continuity of its membership or a developed structure.

Criminal organisations have a distinctive characteristic where offenders form a collective group aimed at achieving personal financial gain through unlawful means. Siegel (2002, as cited in Hafiz, 2024) defined organised crime as:

> 'The ongoing criminal enterprise groups whose ultimate purpose is personal economic gain through illegitimate means. Here a structured enterprise system is set up continually supply consumers with merchandise and services banned by criminal law but for which a ready market exists: prostitution, pornography, gambling and narcotics. The system may resemble a legitimate business run by an ambitious chief executive officer, his or her assistants, staff attorney, and accountants, with thorough, efficient accounts receivable and complaint department.'

The definition highlights several key characteristics of TOC:

(i) It operates as a continuous criminal enterprise, rather than engaging in opportunistic or ad hoc criminal activities.

(ii) Its ultimate goal is personal economic gain.

(iii) It exhibits a high level of organisation and hierarchy, often resembling the structure of legitimate corporate entities.

(iv) It consistently produces, provides and distributes illegal goods and services.

(v) It employs specialised roles, including legal expertise, to ensure operational efficiency, continuity, and effective risk management.

In summary, the TOC is distinguished by its operation as a rational and professional business enterprise that systematically exploits illegal markets to generate sustained profits.

3.2 TOC from Malaysia's Perspective

No country in the world is entirely immune to the pervasive threat of TOC, including Malaysia. Various forms of criminal enterprises, such as drug trafficking, human smuggling, and money laundering, operate across borders, affecting nations regardless of their economic or political stability. Malaysia, with its strategic geographical location and robust trade routes, has become a notable hub for these illicit activities. The complexity of organised crime networks poses significant challenges for law enforcement agencies, as collaboration and coordination across international borders are essential to effectively combat these ongoing threats.

Hafiz Hassan (2024) explains that in Malaysia, TOC is regulated through various legislative Acts, depending on the nature of each crime. One of the fundamental pieces of legislation is the Penal Code, which was amended in 2012 to include a new Chapter VIB specifically addressing organised crime. While this chapter does not provide a definition of 'organised crime', the Penal Code does define the term 'organised criminal group'.

Section 130 of the Penal Code defines 'organized criminal group' as:

> 'a group of two or more persons, acting in concert with the aim of committing one or more serious offences, in order to obtain, directly or indirectly, a material benefit, power or influence'

Within the Penal Code, there is a limited yet significant range of offences that specifically address the intricate issues surrounding TOC. Among these offences, the legal framework meticulously delineates several key infractions explicitly articulated in the Penal Code, underscoring the seriousness with which such crimes are treated.

(i) Section 130W. Assisting an organized criminal group

(ii) Section 130X. Harbouring member of an organized criminal group

(iii) Section 130Y. Consorting with an organized criminal group

(iv) Section 130Z. Recruiting persons to be members of an organized criminal group

(v) Section 130ZA. Participation in an organized criminal group

(vi) Section 130ZB. Accepting gratification to facilitate or enable organized criminal activity

(vii) Section 130ZC. Enhanced penalties for offences committed by an organized criminal group or member of an organized criminal group

The penalties for individuals convicted of TOC offences in Malaysia are severe, ranging from a minimum of 5 years to a maximum of 30 years of imprisonment, depending on the severity and nature of the offence. In addition to incarceration (imprisonment), offenders may face substantial fines, serving as a further deterrent. Additionally, certain sentences may include corporal punishment, such as whipping, reflecting the government's strict approach to combating TOC. This multi-faceted punitive system highlights the seriousness with which these offences are treated and underscores the government's commitment to maintaining law and order.

3.3 Types of Transnational Organised Crime

The Asia-Pacific region faces significant challenges from organised crime. Common criminal activities in the area include drug offences, human trafficking, the trade of counterfeit goods and medicines, and illegal trading of wildlife. Unlike regular crime, organised crime benefits from supply and demand—the production and trafficking of illegal goods, services, and people continue if there is strong demand both within and beyond the region. For example, migrant smuggling and human trafficking often involve people known to the victims and are frequently linked to drug-related crimes (Obokata, 2017). At the same time, these networks are often linked to other criminal activities, such as illicit firearm trafficking.

Georges Picca (2001) asserts that transnational criminal organisations operate across every continent. They range from illegal companies to local branches, and their structures can vary from informal groups to organised hierarchies. Some groups specialise in a single criminal activity, such as drug trafficking, while others engage in multiple illegal enterprises. Organised crime generates substantial profits. It is estimated that these groups earn between $250 billion and $500 billion annually. Approximately half of these proceeds must be laundered and integrated into the legal economy. This laundering of illegal profits into legal assets is one of the biggest challenges for these organisations and for the authorities attempting to combat them.

TOC groups primarily seek to generate revenue through various illicit activities (Federal Bureau of Investigation, n.d.), including drug trafficking, migrant smuggling, human trafficking, and cybercrime. Among the major TOC offences that have persisted for decades and attracted global attention are drug trafficking, human trafficking, smuggling of migrants, illicit firearm trafficking, and cybercrime.

3.3.1 Drugs Trafficking

The illicit drug trade has become increasingly profitable for TOC groups due to a rise in global drug consumption in recent years. Drug trafficking, as defined by the UNODC and Malaysian law, involves the illegal cultivation, manufacture, distribution, and sale of prohibited substances. This includes acts like manufacturing, importing, exporting, and distributing drugs without legal authority (United Nations Office on Drugs and Crime, n.d.). UNODC is continuously monitoring and researching global illicit drug markets to gain a more comprehensive understanding of their dynamics.

The World Drug Report 2025 highlights the strong link between drug trafficking and other serious crimes. Key findings include that nearly half of money-laundering operations in Europe arise from drug offences, while one-third originates from fraud. Additionally, drug trafficking groups may engage in human trafficking, often forcing victims to help with drug-related activities. There is also a noted correlation between illicit firearms and drug trafficking, indicative of a bidirectional trade (United Nations Office on Drugs and Crime, 2025).

In Malaysia, the regulation of drug trafficking offences falls under the Dangerous Drugs Act of 1952. This legislation prescribes a range of severe penalties that reflect the serious nature of these crimes, including substantial fines, lengthy imprisonment, corporal punishment in the form of strokes, and, in the gravest cases, the death penalty. The Act emphasises the country's stringent stance on drug-related activities, aiming to deter offenders and protect public health and safety.

Table 1: Number of drug cases and arrests in Malaysia from 2020 to 2024

Year	Drug Supply		Drug Possession	
	Case	Arrest	Case	Arrest
2024	20477	27818	60613	74383
2023	19580	26814	53760	67985
2022	19621	27283	52398	67273
2021	16629	25277	38775	51637
2020	14823	23536	40687	56271

Table 1 outlines trends in drug-related crimes in Malaysia from 2020 to 2024, categorised into drug supply and possession, with data on both reported cases and arrests. The analysis indicates a steady increase in cases for both categories across most years (Hamid et al., 2025). Addressing the supply and possession of drugs becomes even more challenging when it involves different jurisdictions. For instance, Malaysia's close borders with Thailand, have made it a key destination for drugs trafficked from the Golden Triangle, with southern Thailand serving as the main route for smuggling drugs into Malaysia. This cross-border dynamic complicates efforts to combat the illegal drug trade (Rahimin & Wong, 2025). This situation suggests a growing incidence of drug offences nationwide and underscores the need for stronger policy measures and better allocation of enforcement resources

3.3.2 Human Trafficking

Human trafficking is a contemporary form of slavery that represents a serious infringement on human rights. Traffickers exploit at-risk groups, including individuals in poverty, those affected by conflict or displacement, and people without social support systems. The Trafficking Victims Protection Act of 2000 (TVPA) defines 'severe forms of trafficking in persons' as:

> 'The recruitment, harboring, transportation, provision, or obtaining of a person for labor or services, through the use of force, fraud, or coercion for the purpose of subjection to involuntary servitude, peonage, debt bondage, or slavery'[2]

Malaysia, strategically nestled in the heart of Southeast Asia, has become a magnet for human trafficking due to its desirable geographic position. The main Act governing human trafficking offences in Malaysia is the Anti-Trafficking in Persons and Anti-Smuggling of Migrant Act 2007 (ATIPSOM 2007), which was later amended by the Anti-Trafficking in Persons and Anti-Smuggling of Migrants (Amendment) Act 2022 (ATIPSOM (Amendment)

[2] Trafficking Victims Protection Act, 22 United State Code s. 7102 (2000).

Act 2022). Section 2 of the ATIPSOM 2007 further defines of the phrase ‘trafficking in persons’ as:

> ‘Trafficking in persons’ means all actions involved in acquiring or maintaining the labour or services of a person through coercion, and includes the act of recruiting, conveying, transferring, harbouring, providing or receiving of a person for the purpose of this Act.

Zuraini Ab Hamid et al., (2025) observe that Malaysia’s strong economic stability, coupled with its strategic geographic location, draws individuals from across the globe, inadvertently fuelling both human trafficking and smuggling activities. Unfortunately, those who are lured into Malaysia through smuggling routes often find themselves ensnared in the web of trafficking, a harsh reality recognised under Malaysian law. These covert operations have serious repercussions, threatening national security, harming the economy, and disrupting communities and social cohesion.

The Trafficking in Persons Report (TIP), prepared by the U.S. Department of State, serves as the primary assessment tool that evaluates and ranks the performance of United Nations member countries in their efforts to meet the ‘minimum standards for the elimination of trafficking’, as mandated by Section 108 of the Trafficking Victims Protection Act (TVPA). Trafficking in Persons Report June 2024 reported an estimated 27 million people are exploited for labour, services, and commercial sex around the globe. Trafficking is carried out using force, fraud, or coercion, with victims often forced to work in factories, fields, restaurants, or private homes or residences. The TIP report was first introduced in 2001 and established a tiered system for categorising countries: Tier 1 represents the highest level of compliance, followed by Tier 2, Tier 2 Watch List, and Tier 3. The table below illustrates Malaysia’s rankings in the TIP report:

Table 2: Malaysia’s Position in TIP Report 2021-2025

Year of Assessment	**Position**
2021	Tier 3
2022	Tier 3
2023	Tier 2 Watch List
2024	Tier 2
2025	Tier 2

Source: Trafficking in Persons Report in Years 2021, 2022, 2023, 2024, 2025

Since its inception in 2001, Malaysia has not attained Tier 1 status, as it has yet to fully meet the minimum standards set forth by the Trafficking Victims Protection Act (TVPA). However, Malaysia’s position in Tier 2 in 2024 and 2025 reflects noteworthy improvements in its efforts to combat this heinous crime.

3.3.3 Smuggling of Migrants

Migrant smuggling can be defined as the secretive transportation of individuals across national borders, often encompassing the illegal movement of migrants seeking better living conditions or fleeing dangerous situations. The inaugural UNODC Global Study on Smuggling of Migrants, published in 2018, stands as the only comprehensive report on this pressing issue to date. It reveals that networks of migrant smuggling extend their reach to every corner of the globe, highlighting the pervasive nature of this illicit activity (United Nations Office on Drugs and Crime, 2018). Smugglers exploit vulnerable migrants by guiding them through perilous journeys that can involve land, air, and sea routes, subjecting them to numerous risks, including exploitation and even death.

As also reported by (United Nations Office on Drugs and Crime, 2018), the financial gains for smugglers arise from the fees they impose on migrants for their often-dangerous services. These fees are influenced by various factors, such as the length of the smuggling route, the number of borders crossed, geographic challenges, the modes of transportation used, the necessity for identity documents, and the likelihood of getting caught by authorities. Notably, in 2016, it is estimated that approximately 2.5 million migrants were smuggled, generating an economic return estimated between US$5.5 and 7 billion for these criminal enterprises.

In Malaysia, the porous characteristics of the Malaysian–Thai border enable undocumented migrants and smugglers to evade law enforcement quite easily. Whenever the police conduct operations, existing smuggling routes are closed, but traffickers quickly establish new pathways. However, new pathways are established (The Malay Mail, 2024).

3.3.4 Illicit Firearms Trafficking

The United Nations Firearms Protocol considers firearms illicit if they are manufactured without a licence or authorisation from a competent authority of the State, or if they are manufactured or assembled without markings that comply with the Protocol requirements (United Nations Office on Drugs and Crime, 2019). The growing illicit trade in firearms is fuelling conflicts and driving a significant rise in criminal activity across many regions of the world. In 2021 alone, 260,000 people were killed by small arms (firearms intended for individual use), amounting to 45 per cent of all violent deaths, that is more than 700 people a day.

As described in the Malay Mail (2024), the Malaysian–Thai border creates a conducive environment for undocumented migrants and smugglers to move with relative ease, often evading law enforcement. This border, characterised by numerous hidden footpaths and poorly monitored areas, becomes a vital conduit for those engaged in illicit activities. Smugglers and traffickers exploit these routes to transport not only undocumented individuals but also dangerous contraband such as drugs and firearms into the country, taking advantage of the challenges in surveillance and enforcement in this region.

3.3.5 Cybercrime

Cybercrime is defined as crimes committed on the internet, using a computer as either a tool or a target (Joseph, 2006). According to a UN report on Financial Integrity, around $1.6 trillion or 2.7 per cent of the global GDP is estimated to be laundered yearly, distorting economies, hindering development, and eroding trust in the financial system. However, pinpointing the exact amount laundered remains a challenge.

In Malaysia, cybercrime resulted in a loss of approximately RM1 billion in 2013. This further placed the country in sixth place on the list of countries vulnerable to cybercrime based on the Sophos Security Threat Report 2013. Every year, cybercrime activity increases, and according to a report by the Royal Malaysian Police, total losses recorded in 2019 rose to RM5.8 billion (Mohd Daud & Mohd Yusof, 2022). As contended by Afida Mastura Muhammad Arif et al. (2024), among the commonly reported scams in Malaysia are love scams, online shopping scams, investment scams, identity theft, and inheritance scams.

4. Legal Framework Governing TOC

In response to the escalating threats posed by TOC, UN Member States convened to address the critical challenges associated with these criminal networks. The threat has led to the adoption of the United Nations Convention Against Transnational Organised Crime (UNCTOC) by the General Assembly on November 15, 2000 (Resolution 55/25), which came into force in September 2003. Article 2(a) describes an organised criminal group as containing the following criteria:

(i) It is a structured group of three or more persons

(ii) It exists for a period of time

(iii) It acts in concert to commit at least one serious crime

(iv) It aims to obtain, directly or indirectly, financial or other material benefits[3]

The organised criminal group is linked with TOC in the event where they committed 'serious crime'. Article 2(b) defines the term as an offence punishable by a maximum penalty of at least four years' imprisonment. Each TOC is governed by different and various legislation, depending on the nature and elements of the crime.[4]

Table 3: International and National Legal Framework Governing TOC

Crime	International Law	National Law
Human Trafficking	• Protocol To Prevent, Suppress, and Punish	• Anti-Trafficking in Person and Anti-

[3] *United Nations Convention against Transnational Organized Crime* (adopted 15 November 2000, entered into force 29 September 2003), Art. 2(a).

[4] *United Nations Convention against Transnational Organized Crime* (adopted 15 November 2000, entered into force 29 September 2003), Art. 2(b).

	Trafficking in Persons Especially Women and Children	Smuggling of Migrant Act 2007 (ATIPSOM 2007) • ATIPSOM (Amendment) Act 2022
Smuggling of Migrants	• UN Convention Against • Transnational Organized Crime • Protocol Against the Smuggling of Migrants by Land, Sea and Air in 2002	• Anti-Trafficking in Person and Anti-Smuggling of Migrant Act 2007 (ATIPSOM 2007) • ATIPSOM (Amendment) Act 2022
Drug Trafficking	• Single Convention on Narcotic Drugs of 1961 (as amended in 1972) • Convention on Psychotropic Substances of 1971 • United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988	• Dangerous Drugs Act 1952 • Poisons Act 1952
Illicit Firearms Trafficking	• United Nations' Protocol Against the Illicit Manufacturing of and Trafficking in Firearms Their Parts and Components and • Ammunition (Firearms Protocol)	• Arms Act 1960 • Firearms (Increased Penalties) Act 1971 •
Cybercrime	• United Nations Convention against Cybercrime	• Computer Crimes Act 1997 • Cyber Security Act 2024 • Personal Data Protection Act 2010

		• Communications And Multimedia Act 1998, Copyright Act 1987 Digital Signature Act 1997 • Sedition Act 1948 • Defamation Act 1957 • Official Secrets Act 1972 • Communication And Multimedia Act 1998 • Optical Disc Act 2000 • Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act 2001 • Copyright Act 1987 • Electronic Commerce Act 2007 • Electronic Government Activities Act 2007 • Security Offences (Special Measures) Act 2012

Malaysia's legal framework addressing TOC aligns with the international standards. For example, the ATIPSOM 2007 corresponds with the UN Protocol to Prevent, Suppress and Punish Trafficking in Persons, Particularly Women and Children. The UN through its Recommended Principles and Guidelines on Human Rights and Human Trafficking emphasises that member states to enact legislation addressing trafficking offences, with appropriate sentencing and punishment for perpetrators. In response, Malaysia has enacted the ATIPSOM 2007 as its primary legislation, establishing penalties that include imprisonment of 3 to 20 years, along with suitably severe fines (Office of the United Nations High Commissioner for Human Rights, n.d.). Based on the 2025 Trafficking in Persons Report: Malaysia (2025), in the year 2025, the Malaysian government initiated 188 investigations into trafficking cases involving various forms of exploitation, prosecuted 72 alleged traffickers, and secured convictions for 26 traffickers, with sentences ranging from seven to ten years' imprisonment under the ATIPSOM 2007 and nine to twelve years' imprisonment under other non-trafficking-related laws.

To date, Malaysia has not yet ratified the Protocol against the Smuggling of Migrants by Land, Sea, and Air. Nevertheless, the ATIPSOM 2007 reflects the Protocol's objectives to combat migrant smuggling. This includes protecting victims and imposing severe penalties on perpetrators, as outlined in the Act.[5] The Malaysian government's commitment to this issue is evidenced in several landmark cases. In *Public Prosecutor v. Zali Bin Saad & Ors* [2024] MLJU 1543, the appellant pleaded guilty to charges under Section 26A of the ATIPSOM 2007. Despite the accused's voluntary guilty plea, the High Court Judge upheld the Session Court's decision, sentencing the accused to 8 years' imprisonment from the date of arrest. In another case, *PP v. Andis bin Abbas and five others* [2023] MLJU, 6 individuals were separately charged with migrant smuggling under Section 26A of the ATIPSOM 2007 at the High Court of Tawau. Ultimately, the Court sentenced the first accused to 8 years and 6 months' imprisonment, while the remaining 5 accused persons were each sentenced to 8 years' imprisonment. These cases demonstrate Malaysia's commitment to enforcing anti-smuggling laws and deterring TOC.

For drug-related crimes, international control measures are found in several key conventions. The Single Convention on Narcotic Drugs of 1961 and the Convention on Psychotropic Substances of 1971 aim to ensure that the availability of narcotic and psychotropic substances is available exclusively for medical and scientific purposes, while preventing their diversion into illegal channels. These conventions also include general provisions addressing illicit drug trafficking and substance abuse (Diwan, 2023). Additionally, the United Nations Convention against Trafficking in Narcotic Drugs and Psychotropic Substances of 1988 extends the control framework to encompass precursor substances and emphasises the establishment of measures to combat illicit drug trafficking. The criteria established in international documents are reflected in the Malaysian Dangerous Drugs Act of 1952, which provides a comprehensive definition of drug trafficking, classifies various categories of controlled substances, and specifies offences that may carry a maximum penalty of death. For example, in the appeal case of *Seyedmohsen Namazivaj Seyedreza v. Public Prosecutor and other appeals* [2024] 2 MLJ 950, the appellant was convicted and sentenced to death for the trafficking of methamphetamine under Section 39B (1) (a) of the Dangerous Drugs Act 1952. This demonstrates Malaysia's alignment with international drug control conventions and its stringent legal approach in combating drug trafficking.

In the realm of illicit firearms trafficking, Article 2 of the United Nations Protocol Against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition (known as the Firearms Protocol) is the key international framework addressing this concern. The Protocol seeks to encourage, facilitate, and bolster cooperation among States Parties to prevent, tackle, and eradicate the illicit production of

[5] *United Nations Convention against Transnational Organized Crime* (adopted 15 November 2000, entered into force 29 September 2003).

and trade in firearms, along with their parts, components, and ammunition.[6] It is important to note that Malaysia is not a signatory or State Party to the Firearms Protocol; however, it has incorporated the Protocol's goals into its national laws through the Arms Act of 1960 and the Firearms (Increased Penalties) Act of 1971 (FIPA). The Arms Act of 1960 regulates firearm possession and licensing, while the FIPA outlines the offences and penalties for firearms-related crimes, including trafficking offences. For example, Section 7(1) of the Firearms (Increased Penalties) Act 1971 specifies a sentence of imprisonment ranging from 30 years to 40 years, with a mandatory minimum of 6 lashes for individuals found guilty of firearms trafficking.

Regarding cybercrime, the Convention on Cybercrime, also known as the Budapest Convention, is the first international treaty specifically developed to address crimes committed via the internet and computer networks. Its purpose is to harmonise national laws, enhance investigative techniques, and promote international cooperation. The Convention outlines procedures for liability, sanctions, and investigative measures to establish a unified criminal policy that protects society from cybercrime through effective legislation and international collaboration. In Malaysia, laws pertaining to cybercrime are diverse, varying based on the nature of the offence. For instance, cases involving reputational damage due to libel on social media can be pursued under the Defamation Act 1957. In instances of cyber fraud and online scams, the Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act 2001 (AMLATFA) applies. An example of an offence under this Act includes Section 4(1) of Anti-Money Laundering, Anti-Terrorism Financing and Proceeds of Unlawful Activities Act 2001 (AMLATFA), which addresses transactions related to proceeds from illegal acts, carrying a maximum penalty of 15 years' imprisonment and a fine of not less than five times the value of the proceeds or Ringgit Malaysia 5 million whichever is higher.

5. Challenges in Fighting the Transnational Organised Crime in Malaysia

The distinctive characteristics of TOC groups create significant challenges in crime prevention, rendering them highly complex adversaries for law enforcement and policymakers. These groups possess specific features that contribute to their resilience and efficacy:

5.1 Border Challenges

Malaysia, as a newly industrialised nation characterised by rapid economic growth and strong political stability, has emerged as an attractive destination for individuals from other ASEAN countries seeking better opportunities. The promise of better job prospects and quality of life has drawn a considerable influx of migrants from neighbouring nations such as Thailand and Indonesia, all seeking to build brighter futures in this dynamic and

[6] *United Nations Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition* (adopted 31 May 2001, entered into force 3 July 2005), Art. 2.

evolving country. This influx poses a growing threat of transnational crime. Weak border control, compounded by integrity issues within enforcement agencies and a lack of advanced technology, further aggravates this problem. Malaysia's land borders are largely underdeveloped and heavily forested, conditions that are frequently exploited by criminal groups. The maritime border is also prone to piracy due to its extensive area. One example of such an underdeveloped area is Sungai Golok, which lies along the Malaysia-Thailand border and has been identified as a high-risk zone for cross-border crime (Zainol et al., 2019).

Furthermore, the effects of global interconnectedness and globalisation have contributed to the increase of TOC such as cybercrime, smuggling, piracy, human trafficking, and migration. In this context, the current boundaries have become more systemic and less defined by territory or ideology. Ignoring domestic priorities can undermine the government's political agenda, threaten economic progress, and create community uncertainty, potentially leading to internal threats.

Pushpanathan Sundram (2024) argues that limited cooperation among ASEAN member states in addressing TOC has further undermined regional efforts to combat the crimes. Differences in border management systems between countries, combined with limited resources and enforcement capabilities, can weaken overall control measures and create opportunities for criminal networks to exploit these gaps. The existence of small islands and multiple border entry points further complicates law enforcement and poses challenges for authorities seeking to crack down on these crimes. At the same time, Interpol's support has improved the operational outcomes by allowing authorities with direct access to its global databases, thereby strengthening information sharing and cross-border coordination.

5.2 Structured Composition

These organisations are not temporary; they persist over long durations. This durability enables them to develop extensive networks and establish deep connections across different regions. TOC groups typically consist of three or more individuals who come together to form a sophisticated and well-structured organisation. This collaborative framework allows for the careful distribution of tasks among members, each assigned specific roles tailored to their skills and expertise, such as strategic planning, operational execution, and oversight. The hierarchical structure of these organisations facilitates their operation with notable efficiency and cohesion, thereby posing substantial challenges for law enforcement agencies tasked with investigating their activities. Such organisations are increasingly employed by organised crime to facilitate illicit activities. The organisational framework often proves essential for the execution of specific criminal acts (Shehdula & Karamuco, 2024). Various offences involving corporate entities are subject to established regulatory frameworks. Moreover, the transnational nature of these criminal networks further complicates efforts to disrupt their operations, as members can coordinate activities across international borders, strategically evading detection and capture with remarkable precision.

5.3 Collaborative Criminal Intent

Members of TOC groups collaborate to reach their goals, with a focus on engaging in serious offences such as drug trafficking, human smuggling, money laundering, and other significant crimes. This cohesive strategy not only increases the scale of their operations but also heightens the challenges for law enforcement agencies. They might work alongside organised crime groups and employ comparable techniques. Most unauthorised migrants enter a country through legitimate points of entry, whether by land, sea, or air and subsequently overstay. Nasreen Nasrijal and Ekmil Krisnawati Erlen Joni (2016) indicate that their movements and activities are often coordinated; effectively disrupting them requires comprehensive intelligence and close cooperation among multiple agencies. Thus, this task becomes particularly challenging when involving different jurisdictions.

When networks form alliances with organised crime groups and use tactics such as document forgery and encrypted communications, investigations become more complex and require greater resources, with a focus on intelligence rather than merely compliance. Furthermore, since the majority of unauthorised migrants enter through legitimate entry points and then overstay their visas, conventional border control methods fall short, placing the enforcement responsibility on post-entry monitoring, tracking visa compliance, and conducting workplace inspections. This mix of demands for cross-border collaboration, the merging of organised crime activities, and the challenge of detecting administrative overstays significantly limits enforcement agencies' ability to effectively identify, disrupt, and prosecute these activities.

5.4 Pursuit of Financial Gain

TOC groups mainly aim to gain money or resources, either directly through crimes or by exploiting weaknesses in legal systems and economies. Their constant drive for profit enables them to acquire advanced technology, engage in corrupt practices, and establish extensive networks of influence. The financial power accumulated by these groups enables them to fund more criminal activities, allowing them to evade law enforcement and manipulate corrupt officials. Moreover, corrupt practices between countries hinder effective efforts to combat human trafficking. As crime continues to thrive, new cases emerge because those involved often prioritise personal gain over the truth. In some instances, State officials collaborate with criminal groups by issuing fake documents or providing protection for trafficking locations (Stanslas, 2010).

5.5 Cybersecurity Challenge

Cybersecurity concerns are growing due to weaknesses in law enforcement and insufficient public awareness. Enhancing collaboration between the public and private sectors could bolster security and improve the effectiveness of initiatives. While sharing cyber-related information is generally permissible, it mostly involves firms or companies from other nations. There are difficulties in coordinating between agencies that vie for roles and responsibilities (Rahim et al., 2024). Furthermore, Mirseda Shehdula and Ervin Karamuco (2024) highlight that agencies need to improve vigilance and coordination, particularly given that the public often struggles to distinguish among the functions of different organisations. In addition, the rapid pace of technological advancement, combined with the sophisticated tools available to organised criminal groups, creates significant challenges for monitoring and apprehending those involved in illicit networks. The intricate methods and digital innovations employed by these individuals often outpace traditional law enforcement techniques, making it increasingly difficult to trace their activities and bring them to justice. Cybersecurity threats are sometimes politicised, drawing attention from both the government and the public. The frequency of cybersecurity incidents has escalated dramatically, resulting in substantial annual losses. In response, the government has implemented multiple initiatives to address these threats, including collaborating with the private sector. Although several joint initiatives and partnerships have been established, gaps and weaknesses remain in the coordination efforts.

6. Conclusion

The multifaceted challenges posed by TOC include its cross-border operational capabilities, organisational sophistication, and aggressive pursuit of profit. These attributes complicate both the legal and operational frameworks for combating such activities, necessitating an integrated and adaptive strategy that incorporates international cooperation, intelligence sharing, and a comprehensive understanding of the socio-economic factors that allow TOC to thrive. Effective engagement and prevention efforts are essential to countering these complex criminal organisations and mitigating their impact on global security and stability.

To effectively address TOC in Malaysia, it is essential to adopt a comprehensive approach that not only strengthens existing legal frameworks but also enhances enforcement capabilities. This requires a thorough review and, where necessary, amendment of current legislation to adequately address the evolving strategies of organised crime syndicates, ensuring that the laws are sufficiently robust to deter criminal activity. Furthermore, allocating additional resources and providing specialised training for law enforcement agencies is crucial to improving operational effectiveness, thereby enabling more efficient investigation and resolution of these crimes. Collaborative efforts with international partners are also vital for facilitating intelligence sharing and the exchange of best practices, thereby establishing a coordinated and unified response to this pressing challenge.

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Author 1 contributed to the writing-original draft, methodology, formal analysis, review and editing. Author 2 contributed to the writing, review, editing and data curation. Author 3 contributed to the formal analysis and methodology. Author 4 contributed to the writing, review, editing, data curation and formatting.

Conflict of Interest Declaration

The authors declare that they have no conflict of interest in this study.

Ethics Approval

Ethical approval was not required for this study as it did not involve human or animal subjects or personal data.

AI Usage Declaration

The authors declare that Artificial Intelligence (AI) tools were used solely to assist with the research or editing of this article (Grammarly), but not to write, partly or wholly, the article.

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