

## Corporate Human Rights Due Diligence in Transnational Business: Towards a Binding Normative Framework in International Private Law

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### ABSTRACT

*Transnational drug crime has emerged as one of the most pressing global challenges, fueled by the dynamics of globalization, technological advancement, and disparities in national legal systems. While previous studies have primarily focused on domestic drug policies or punitive approaches, limited attention has been given to the effectiveness of international cooperation under the United Nations Office on Drugs and Crime (UNODC) framework. This study employs a qualitative juridical-normative method, drawing on primary sources, including international conventions, as well as secondary data, such as UNODC reports and peer-reviewed literature. Through content analysis, the study finds that UNODC has played a pivotal role in facilitating legal harmonization, capacity building, and cross-border information sharing. However, implementation remains uneven due to political will, resource asymmetries, and divergent legal paradigms among states. The findings also reveal that overreliance on repressive measures has failed to reduce global drug demand, underscoring the need for a comprehensive approach that integrates criminal law enforcement with public health and socio-economic development strategies. This study contributes to the discourse on transnational criminal law by bridging the gap between international legal norms and domestic practices, while also offering practical policy recommendations to strengthen solidarity, harmonization, and multidimensional cooperation in combating drug-related transnational crime.*

**Keywords:** Criminal Law, International Cooperation, Legal Harmonization, Transnational Drug Crime, UNODC, Public Health Integration

### Introduction

The history of human civilization reveals that crime has consistently evolved in tandem with social, political, and technological developments (Alemayehu Tegegn, 2024; Massey, 2002). In the context of globalization, crime can no longer be viewed as a phenomenon bound by national territorial boundaries, but rather as a transnational reality that transcends the barriers of sovereignty (Adesina, 2019; Behr, 2008; Berman, 2004; Bowling, 2009; Stigall', 2013). Criminal law, which was initially designed to regulate behavior within a national scope, faces serious challenges when dealing with complex cross-border crimes, such as trafficking in narcotics and other addictive substances (drugs). It is at this point that a philosophical dilemma arises: to what extent can national criminal law reach global realities, and how can international law provide legitimacy and effectiveness in tackling them?

The phenomenon of Napza crime illustrates the paradox of modernity. On the one hand, globalization has brought advances in communication technology, transportation, and cross-border economic flows. Still, on the other hand, these same advances have been exploited by criminal networks to expand the black market for narcotics. This situation confirms that criminal law is not only required to take action, but must also be able to adapt and transform to remain relevant in the face of the dynamics of global crime. Thus, the discussion of narcotics concerns not only individual criminality but also touches on issues of

international justice, equality between countries, and the collective responsibility of humanity.

Within this framework, the United Nations Office on Drugs and Crime (UNODC) plays a vital role as an international forum that coordinates the efforts of countries in combating transnational drug crimes (Bewley-Taylor, 2005; De Coning & Stølsvik, 2013; Eyo & Okebugwu, 2024; Nurdiansyah & Siregar, 2025; Singer, 2008). However, the effectiveness of this role still leaves many academic questions unanswered. Are the international legal instruments facilitated by UNODC capable of bridging regulatory disparities between countries? Is international cooperation truly effective in strengthening criminal law enforcement, or is it hampered by the principle of state sovereignty and differences in legal systems? These questions form the philosophical and academic basis for this research.

These philosophical questions become even more relevant when linked to empirical data that shows the scale of the problem. According to the World Drug Report 2024 published by UNODC, more than 296 million people worldwide used drugs in 2022, an increase of about 20% compared to a decade earlier. The economic value of the global narcotics trade is estimated to reach hundreds of billions of US dollars annually, making it one of the most profitable illegal businesses that supports the activities of transnational organized crime groups. This phenomenon shows that the circulation of narcotics is not only a threat to public health but also has direct implications for global security, political stability, and economic stability. The urgency of this research is even more apparent when we consider that drug trafficking networks exploit weaknesses in the legal regulations of various countries and gaps in cross-border surveillance. Disparities in legal regulations are often exploited to avoid the law, while countries with limited resources face significant obstacles in enforcing the law. This situation highlights the need for stronger and more structured international cooperation to strengthen criminal law responses.

However, a research gap needs to be addressed. Previous studies have focused more on national policies, such as regulatory reform, the imposition of severe penalties, or health-based rehabilitation policies (Kammersgaard, 2023; et al., 2024; Yang & Giummarra, 2021). In contrast, studies that specifically analyze how the UNODC framework bridges legal differences between countries and strengthens criminal law instruments are still relatively limited. Furthermore, the effectiveness of extradition mechanisms, mutual legal assistance (MLA), and capacity-building programs initiated by the UNODC has not been critically explored. Based on this background, this study aims to provide a more comprehensive understanding of transnational drug crimes by examining the dynamics and global challenges that accompany them. This study also critically evaluates the role of the UNODC in promoting international cooperation to strengthen criminal law responses, while identifying strategies for enhancing criminal law that align with international standards. Thus, this study is expected to make a scientific contribution to filling the gap in the literature on the effectiveness of the UNODC framework, while offering relevant practical recommendations for policymakers and the international community. The main objective of this study is to deepen the understanding of the complexity of transnational crimes related to drugs and to outline the relevant criminal law responses under the international framework. This study aims to examine the dynamics of increasingly organized and globally networked transnational crime, thereby providing a clearer picture of the challenges faced in combating it.

In addition, this study also aims to critically evaluate the role of the United Nations Office on Drugs and Crime (UNODC) as a central actor in promoting international cooperation. This evaluation covers the extent to which the UNODC has succeeded in facilitating regulatory harmonization, strengthening extradition and mutual legal assistance mechanisms, and enhancing the capacity of law enforcement agencies in various

jurisdictions. Furthermore, this study aims to identify strategies that can strengthen the criminal justice system to align it with international standards better. This includes not only the repressive aspects of law enforcement, but also preventive approaches that emphasize the integration of legal policy, public health, and social development. Thus, this study is expected to make a scientific contribution by filling the gap in the literature on the effectiveness of the UNODC framework and offering relevant practical recommendations for policymakers and the international community.

## Research Methods

This study employs a qualitative juridical-normative approach (Negara, 2023), focusing on the analysis of international legal instruments, public policy, and relevant academic literature. This approach was chosen because the issue of transnational drug crimes is closely related to legal norms derived from international agreements and global institutional frameworks, so that normative analysis is considered the most appropriate for interpreting the consistency and differences between legal rules.

Research data were obtained through a literature study by examining primary documents, including the Single Convention on Narcotic Drugs (1961), the Convention on Psychotropic Substances (1971), the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (1988), and the United Nations Convention against Transnational Organized Crime. The data were then supplemented with secondary sources, including official UNODC reports, the World Drug Report, international journal articles, and policy publications from various countries. Sources were selected based on relevance, credibility, and timeliness of information.

All data were analyzed using content analysis techniques carried out in stages, starting from information reduction, grouping based on central themes, and in-depth interpretation using transnational criminal law theory and international cooperation theory. To maintain the validity of the research results, cross-source comparisons were made using international legal documents, global organization reports, and published academic findings. This process was designed to be replicated by other researchers, following the same procedures and referencing the same sources.

With this methodology, this study is expected not only to provide a description of the international legal framework for combating drug crimes but also to offer a critical analysis that can enrich academic discourse while providing practical contributions to policymakers at both national and international levels.

## Results and Discussion

### The Dynamics of Transnational Drug Crime

Research shows that transnational drug crime has not only increased quantitatively, but has also undergone a qualitative transformation in its *modus operandi* (Pansters, 2018; Toth & Mitchell, 2018). Data from the World Drug Report 2024 shows a significant increase in methamphetamine production in Southeast Asia, which is then distributed to North America and Oceania. Meanwhile, the transatlantic cocaine trade route from Latin America to Europe has become increasingly organized through the use of maritime routes and container systems that are difficult to monitor. These findings confirm that the cross-border nature of drug crime requires a legal response that goes beyond the capacity of domestic law.

Moreover, this convergence represents a paradigm shift in constitutional sovereignty, moving from a closed and rigid system to one that is dynamic and responsive (Belov, 2022; Benz, 2013; Suratno, 2025). The process of adopting international norms is not merely an act of subordination, but rather a smart dialogical strategy in which constitutional courts play an

active role as gatekeepers. They do not simply accept them, but rather select, interpret, and creatively adapt them to enrich the domestic legal discourse without eroding constitutional authority. Thus, this interaction creates a feedback loop in which national court decisions that have been “enriched” by international norms ultimately contribute to shaping and maturing international legal jurisprudence itself.

Therefore, normative convergence ultimately functions as a strategic bridge connecting the authenticity of domestic constitutional values with the universality of global human rights standards (Benhabib, 2009; González, 2016; Jackson, 2010; Pegram, 2015; Peters, 2006). In the context of contemporary challenges, such as cross-border cybercrime and data protection, this model enables constitutions to remain relevant and practical. Open constitutions gain additional legitimacy – both nationally and internationally – because they are seen as living instruments that are relevant and progressive. In other words, affiliation with universal norms is not a reduction, but rather a strengthening of sovereignty in its most modern and civilized form.

### **The Role of UNODC in Facilitating International Cooperation**

This study also found that the UNODC plays an active role in strengthening the capacity of member states through capacity-building programs, the provision of model laws, and the development of cross-border information systems. Through the Drugs Monitoring System platform, UNODC assists countries in sharing data, mapping trends in drug trafficking, and strengthening regional coordination mechanisms (Adeyanju, 2020; Shapovalov et al., 2024; Steegstra & Dandurand, 2024). However, the resource gap between developed and developing countries remains an obstacle. Criminal networks often exploit weaknesses in certain jurisdictions as transit points, revealing asymmetries in the effectiveness of international cooperation.

Nevertheless, UNODC's active role must be understood in a more critical framework. Facilitating cooperation through capacity building and model laws often faces dead ends when it conflicts with the political interests and domestic fiscal capacity of member states. This means that technical and operational efforts must be accompanied by a political approach that can bridge the structural gap between developed and developing countries. Therefore, the effectiveness of UNODC is not only measured by the number of programs implemented, but also by its ability to encourage transformative political commitment and equitable resource allocation, so that developing countries are not merely passive participants, but equal partners in designing and implementing global policies.

Furthermore, the asymmetry in effectiveness that has been created reveals a fundamental weakness in the architecture of global governance. The success of criminal networks in exploiting certain jurisdictional loopholes shows that international cooperation is still reactive and fragmented (Elliott, 2017). As a result, UNODC needs to transform its role from that of a mere technical facilitator to a catalyst for policy integration capable of promoting regulatory harmonization and standardization of operational procedures at the regional level. Without this strategic breakthrough, international cooperation will only remain at a symbolic level. At the same time, criminal actors continue to consolidate their power in the face of a fragmented and unequal global response.

### **Limitations of Criminal Law Mechanisms**

Additionally, research findings indicate that international mechanisms, such as extradition and mutual legal assistance (MLA), continue to face significant challenges (Beqiraj & Scott, 2022; Booi, 2025; Moodrick-Even Khen, 2025). Differences in legal systems, human rights issues, and the principle of sovereignty often hinder requests for cooperation. This



points to an inherent tension between the need for global solidarity and the attachment of countries to their respective national interests.

Moreover, these obstacles to extradition and MLA are not merely procedural issues, but symptoms of structural failures in the governance of international criminal law. The principle of sovereignty is often used as a shield to justify political unwillingness rather than as a protection of legitimate constitutional values. As a result, mechanisms that should be the backbone of transnational law enforcement are trapped in a legalism paradox: legal cooperation is needed precisely when national interests collide, but the rules of the game are designed to prioritize those national interests. This condition creates a haven for transnational criminals who carefully choose their base of operations in jurisdictions with the most significant legal loopholes.

Therefore, overcoming these limitations requires a paradigmatic breakthrough that boldly goes beyond the framework of ad-hoc cooperation. Rather than relying on reactive mechanisms such as MLA, which are often hindered by bureaucracy, it is necessary to develop an integrative legal regime that harmonizes substantive and procedural standards across jurisdictions, without neglecting the principle of due process. This approach requires states to delegate limited sovereignty to a special multilateral arbitration body, so that extradition decisions and requests for legal assistance are no longer subject to the political veto of a single country. Without this fundamental restructuring, international law enforcement will continue to lose the race against organized crime, which has exploited globalization more effectively.

## Discussion

Based on the results of this study, it appears that transnational drug crimes are a clear manifestation of the complexity of globalization (Boister, 2003; Hall, 2013; Rotman, 2000). Cross-continental trade involving methamphetamine from Southeast Asia and cocaine from Latin America shows how communication technology, transportation, and the open economy are not only used for legal purposes but also to strengthen transnational criminal networks.

These findings are in line with the transnational criminal law theory, which asserts that conventional criminal law is often unable to reach crimes that cross national jurisdictional boundaries. Therefore, criminal law needs to be understood not only as a national instrument but also as part of a global legal architecture that requires cross-border cooperation.

The role of UNODC in this context is important because the agency not only provides normative instruments through international conventions, but also functions as a mediator and facilitator of cooperation between countries. The development of model laws, the provision of monitoring systems, and capacity-building programs have made a significant contribution to reducing capacity gaps between countries. However, as Boister (2018) points out, the effectiveness of international instruments is highly dependent on the political will of each country to adopt and implement these global standards (Boister, 2025). This means that while UNODC can play a guiding role, the success of implementation remains determined by the internal readiness of member states, in terms of regulations, resources, and legal culture.

On the other hand, this study also confirms the limitations of a repressive approach in dealing with drug-related crimes. The imposition of severe penalties, including the death penalty in some jurisdictions, does not necessarily reduce the demand for narcotics. On the contrary, criminal networks adapt by creating new distribution channels or switching to other types of commodities. This phenomenon supports Kleemans' (2020) findings, which show that repressive policies tend to produce substitution effects and are only temporary (Kleemans, 2007; Van Ooyen-Houben & Kleemans, 2015). Thus, combating narcotics requires a more comprehensive approach, in which criminal law instruments are combined with rehabilitation strategies, demand prevention, and socio-economic development. This integrative approach

not only narrows the space for criminal networks to operate but also addresses the structural factors that trigger social vulnerability to drugs.

This discussion also underlines the importance of addressing disparities in legal paradigms between countries. The fundamental differences between Southeast Asian countries, which still emphasize harsh criminalization, and European countries, which place greater emphasis on rehabilitation, demonstrate the fragmentation of the global legal regime (Huneus, 2013; Obokata, 2017; Widiartana et al., 2025). This fragmentation, as argued in the literature on international cooperation, can weaken global solidarity and provide loopholes for criminal networks to exploit weak jurisdictions. Therefore, UNODC needs to develop more adaptive legal mediation mechanisms, for example, by encouraging the establishment of binding minimum standards, while also taking into account the domestic social and political context of each country.

The implications of these findings are broad, both theoretically and practically. Theoretically, this research supports the argument that criminal law cannot be viewed within a state-centric framework, but must be situated within a transnational legal framework that necessitates global coordination and cooperation. In practical terms, this study emphasizes the need to expand the mandate of the UNODC not only as a legal facilitator but also as a driver of cross-sectoral integration, particularly between law, public health, and social development. Thus, the international response to drug-related crime should not only be oriented towards enforcement, but also towards more equitable prevention and recovery.

Overall, this discussion shows that successfully combating transnational drug-related crime cannot be achieved through unilateral efforts or a partial criminal law approach. What is needed is a combination of strong international legal instruments, the political will of member states, and integration with social and health policies. With this reflective and integrative approach, UNODC has the potential to strengthen international solidarity and create a law enforcement system that is more adaptive to global challenges.

### **Scientific Novelty and Research Contribution**

The scientific novelty of this research lies in its integrative approach to examining transnational drug crimes through the perspective of transnational criminal law, combined with a critical evaluation of the role of the UNODC. Previous studies have tended to focus on domestic policy or repressive aspects alone. In contrast, this study fills the gap by examining how international instruments and multilateral cooperation can bridge legal disparities between countries and strengthen the effectiveness of global law enforcement.

The contribution of this research is twofold. Theoretically, this research expands the discourse on transnational criminal law by demonstrating that the integration of global norms and domestic practices has a significant influence on the effectiveness of international instruments. In practical terms, this research offers policy recommendations that emphasize the importance of legal harmonization, capacity building in developing countries, and the integration of legal approaches with public health and social development strategies. Thus, this research not only enriches the academic literature but also offers strategic directions for policymakers and international institutions in formulating a more comprehensive response to transnational drug-related crime.

### **Conclusion**

This study confirms that transnational drug crime is a multidimensional challenge that cannot be addressed unilaterally by any single country. Instead, it requires a more robust framework for international cooperation. The findings show that globalization has expanded transcontinental criminal networks, while regulatory disparities between countries have

provided loopholes for perpetrators to exploit weaknesses in the legal system. In this context, UNODC has proven to play an essential role by facilitating regulatory harmonization, providing model laws, and capacity-building programs, although differences in legal systems and resource constraints still limit its effectiveness.

Reflection on the research results shows that a repressive approach alone is insufficient to curb drug trafficking. An effective criminal law response must be comprehensive, integrating law enforcement with prevention strategies based on public health and socio-economic development. This aligns with the transnational criminal law paradigm, which emphasizes cross-sectoral and cross-jurisdictional collaboration.

Thus, the contribution of this research lies in mapping the relationship between international norms and domestic practices within the UNODC framework, while offering a more integrative and equitable policy direction. In the future, strengthening international solidarity, harmonizing regulations, and integrating multidimensional policies are key prerequisites for creating an adaptive and effective global response to transnational drug crimes.

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