



Trans Boundary Crimes and the Jurisdictional Issues and International Cooperation in Dealing with Such Crimes

By

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Abstract

This paper analyses about the trans boundary crimes and the impact they pose on national interests, while accentuating their interdependence with organised crimes like hawala. Considering the variance in legal frameworks and de facto legal proceedings along with the distinct nature of the crime committed, the paper points out the existing disparities and evaluates how substantial the justice is. The research paper also take up the need to analyse the evolution of international cooperation between states in curbing trans-boundary crimes and the ways in which the efforts have strengthened. It proceeds to concentrate on the main hotspots of trans-boundary criminal activities depending on the crime carried out and measures the impact they have on the government and society. It scrutinises how these crimes push the governments to take critical counter measures where many people might be dissatisfied with the decisions taken. Furthermore, the study examines the role and effectiveness of International Criminal Court and its provision i.e the international criminal law in tackling international crimes and whether it has the same effect on the trans-boundary crimes which have been the most significant threat to the everyday life of ordinary societies highlighting the hardships faced.

Keywords

Trans boundary crimes, Organised crimes, Hawala, Terrorism, Golden Crescent, Golden Triangle, Drugs, Human Trafficking.



1. Introduction

The trans-boundary crimes has been a part of geo politics and has been considered as one of the most dangerous threat of current society especially after tech revolution and globalisation. The department of state states that, “It can undermine democracy, disrupt free markets, drain national assets, and inhibit the development of stable societies. In doing so, national and international criminal groups threaten the security of all nations”. According to the United Nations (UN), the threat posed by transnational organised crime to the political, economic, and social fabric of societies appeared in the mid-1990s.¹ Some of the aggravating factors include globalisation as mentioned above, lowered business networks, lowered trade barriers, technological advances and anarchy created by the end of cold war. The trans-boundary crimes or transnational crimes incorporate heinous crimes like drug trafficking, human trafficking, arms and wildlife trafficking, money laundering, counterfeiting, terrorism etc.,

All transnational crimes falls directly or indirectly under organised crimes, however, not all organised crimes are subsumed under transnational crimes. The organised crimes might be perpetrated within or across regions, states or in under certain circumstances, nations whereas trans national crimes are characterised by perpetration carried out between the borders of two or more nations involving jurisdictions of multiple sovereign states. The organised criminal activities emanating within a particular region of a nation, might facilitate or provide back bone for transnational crimes involving two or more countries. Consequently, it is of paramount importance to curb the regional crimes that may help crimes with a broader national and international implications. India’s security situation is complex, with traditional and transnational threats overlapping in many instances. India faces terrorist activity emanating from Islamic radical groups based in Pakistan and insurgent activity stemming from maoist and separatist groups inside India.²

To critically analyse the key factors enabling trans national crimes and their network proliferate even in countries with stringent legal frameworks, it is essential to examine the interdependence between organised and trans national crime and the manner in which both facilitate criminal activities directly or indirectly causing disparities on people’s safety, markets, a country’s law and order, secularism etc., For instance, let’s consider money laundering often operated through informal transfer systems like hawala. Money laundering often isn’t readily identifiable per se unless it is linked with a predicate offence. Serious crimes like terrorism requires incomprehensible amount of money for the overt execution considering there isn’t any explicit monetary gain in conducting the act. In this context, this is where hawala comes into play by enabling criminals transfer and launder the money the official surveillance of authorities, thereby evading taxes and regulatory controls while generating significant illicit profits. Therefore, the interlinkage between various forms of crimes must not be overlooked, as the disentangling of such criminal network may assist in unravelling many criminal offences concealed in plain sight.

2. Statement of problem

Trans boundary crimes pose a significant threat to the jurisdiction of national legal systems. The root cause of these criminal activities, i.e., the organised crimes within a country’s premises, should be uprooted, or else the transnational offences will not be withheld, spreading like cancer across the world. So, it is important to identify the pattern of linking happening between these crimes and disrupt it so as to curb the extensive harm caused by trans boundary crimes. It is also important to address the jurisdictional issues, such as trans boundary evidence, the nature of perpetrators, and variations in legal frameworks, resulting in delayed justice or non-substantive justice. It is also important to examine the international cooperation that has been evolving to strengthen the interdiction of the said crimes. The paper slightly focuses on India’s jurisdiction and the challenges faced by India.

¹ Department of State, “Victims of Trafficking and Violence Protection Act of 2000.

² Rollie Lal, Transnational Security Challenges in India, Asia Pacific Centre for Security Studies, 2010, p 128



3. Review of literature

National Criminal Jurisdiction over Transnational Financial Crimes (2020): This paper examines how national legal systems assert jurisdiction over transnational financial offences like money laundering and bribery. It highlights jurisdictional concurrence, legal bases for national jurisdiction, and challenges in harmonising domestic laws with international norms.³

Ishii (2025): Ishii's work explores jurisdictional conflicts in transnational criminal law and how they converge through international cooperation. It discusses mutual legal assistance, extraterritorial law enforcement, and private sector engagement, illustrating that shared legal frameworks can reduce jurisdictional disputes and facilitate cross-border prosecutions.⁴

Akhavan (2019): Akhavan analyses the Rohingya case to show limits and possibilities of territorial jurisdiction in prosecuting trans boundary crimes under the ICC Statute. The article highlights how cross-border atrocities strain traditional jurisdictional concepts and underscore the need for international judicial cooperation mechanisms.⁵

Badar & Higgins (2022): Badar and Higgins review challenges in international legal cooperation against maritime transnational organised crimes. Focusing on the Gulf of Aden, they argue that gaps in mutual legal assistance and extradition networks weaken enforcement efforts and that stronger judicial cooperation networks are needed.⁶

Boister (2018): In this book chapter, Boister examines jurisdiction over transnational crime, detailing principles like territoriality, nationality, passive personality, and universality. Crucially, he highlights limitations and conflicts in national jurisdictions and the role of suppression conventions in facilitating cooperation.⁷

4. Research gap of the study

The former literature has analysed and explained what transnational crime is, how transnational crimes work and operate around the world, and the branches that support and uphold these criminal activities. While there are several transnational crimes making breaking news almost every day, there is no unified legal framework or a supranational supreme court to curb transnational crimes, penalise the criminals, and provide substantive justice. This is mainly due to the right reserved by each state to remain sovereign, creating its own definitions of crime, evidentiary standards, legal proceedings, statutes, etc. Other factors include differences of opinion between nations and the lack of jurisdiction of the International Criminal Court over crimes such as human trafficking, drug trafficking, money laundering, etc., known as suppression convention crimes. Additionally, there appears to be a need for international cooperation to be strengthened so that the issue of lack of jurisdiction over transnational crimes can be addressed, especially with the growing trans boundary cybercrimes, where individuals from different countries manage to scam people from other parts of the world. This study seeks to address the lack of jurisdictional cooperation between sovereign states and examine how such challenges can be tackled to effectively curb transnational crimes.

³ "National Criminal Jurisdiction over Transnational Financial Crimes," *Journal of Financial Crime*, 27(4), pp. 1361–1377 (2020).

⁴ "Jurisdictional Conflicts and Their Convergence," in *International Law and the Investigation of Transnational Crimes*, Chap. 4, pp. 84–98.

⁵ Akhavan, P. (2019). *The Radically Routine Rohingya Case*, *Journal of International Criminal Justice* 17(2), pp. 325–350.

⁶ Badar, M. E., & Higgins, N. (2022). "Challenges of Addressing Transnational Organized Maritime Crimes," *Transnational Criminal Law Review* 1(2), pp. 139–174.

⁷ Boister, N. (2018). "Jurisdiction over Transnational Crime," in *An Introduction to Transnational Criminal Law*, pp. 245–279.



5. Objectives of the study

1. To find out the reason for the lack of jurisdiction over transnational crime, though it is an imposing threat to modern society.
2. To analyse the pattern of transnational crimes and the optimal actions to prevent criminal activities from taking place or causing damage to society or governments' assets.
3. To evaluate the extent of transnational criminal activities by noting down the concentrated hotspots, and to evaluate how the crimes are handled in that particular region.
4. To examine the direct and indirect impacts of transnational crimes on Indian society, specifically focusing on the loss of human capital.
5. To understand the urgent need for a structured and separate legal framework to prevent the fast spread of trans boundary criminal activities and its branches.
6. To suggest where law as a weapon should be sharpened to eliminate the criminal branches around the globe, and how countries can come to a better agreement regarding this.

6. Methodology

This research is based on both doctrinal and non-doctrinal research. The source data collected from different newspapers, journals, all India reports, magazines and e-resources. This research is used sum of the statistical tools such as percentage method and average method. The sample size of the respondents is 108. the duration of the research is three months.

7. Significance of this study

Trans boundary crimes and the jurisdictional issues linked to them are of immense significance in the modern global order, as such crimes transcend national borders and exploit gaps in legal and enforcement systems. Criminal networks operate with increasing sophistication, taking advantage of disparities in domestic laws, weak regulatory mechanisms, and limited cross-border surveillance. Crimes such as human trafficking, cybercrime, drug smuggling, and financial offences are no longer confined within one nation's territory, but function through interconnected international operations, thereby threatening national security, governance, and societal stability. Additionally, this study is significant because it highlights the urgent need for effective international cooperation in combating trans boundary crimes. Jurisdictional conflicts, delays in extradition, and inadequate mutual legal assistance often allow offenders to evade prosecution and continue their activities with impunity. By examining these barriers, the research underscores the importance of strengthening cooperative frameworks such as extradition treaties, intelligence-sharing systems, and harmonised legal standards. Ultimately, the study contributes towards identifying reforms that can enhance global coordination and ensure a more structured and efficient response to trans boundary criminal activities.

8. Hypothesis of the study

This research is based on the hypothesis

1. A new supranational supreme court and an effectively structured legal framework should emerge with all countries' agreement and it should specifically deal with transnational crimes and their outcomes as well penalising the perpetrators and restoring a substantive law and order in almost all countries.
2. Though the international cooperation have strengthened overtime due to its evolution and the diplomats backing, it is not optimal. An effective international cooperation would arise an effective solution for the criminal activities



9. Limitations of the study

This research may be constrained by certain factors that play a major role in the study of trans boundary crimes. The first limitation is the difference in the definition and classification of crimes among sovereign states. Such disparities may enable criminal syndicates to exploit legal loopholes and evade prosecution. The second limitation is the diplomatic relationship between countries. If two nations share strong diplomatic ties, cooperation in investigation, extradition, and intelligence sharing becomes easier, thereby strengthening efforts to curb criminal activities. However, when diplomatic relations deteriorate due to political disagreements or friction, the lack of cooperation may provide an opportunity for criminal syndicates to operate with minimal interference from both governments. The third limitation concerns the reporting and documentation of trans boundary crimes. Many trans boundary crimes are under reported or deliberately concealed, and official data is often incomplete due to secrecy in investigations, political sensitivity, and national security concerns. People often confuse them with international crimes or organised crimes, which has contributed to inadequate legal reforms addressing jurisdictional issues. Furthermore, there is no unified global mechanism to counter such crimes, particularly terrorism, as certain terrorist groups are allegedly supported by some states, making international enforcement and cooperation more complex. The study may focus primarily on India and selected regions, which may not fully represent the global nature and patterns of trans boundary crimes.

10. Result and discussion

Part-I: Doctrinal research

The Impact of Trans boundary Crimes and the Burden on Governments

According to Mueller, “transnational crime” is a criminological rather than a juridical term, coined by the United Nations Crime Prevention and Criminal Justice Branch “in order to identify certain criminal phenomena transcending international borders, transgressing the laws of several states or having an impact on another country.”⁸ The most severe impact of trans boundary crimes lies in the disruption they cause to law and order, particularly due to the jurisdictional complications that arise when offences span across multiple sovereign territories. Such crimes often expose the legal disparities between nations, allowing offenders to exploit procedural loopholes and evade prosecution.

Transnational Terrorism as an Uprising Threat in India

Terrorism is often understood as an act of defiance against the authority of a state, carried out in a highly overt and violent manner to create fear, instability, and insecurity. It is frequently motivated or supported by extremist ideologies, religious radicalism, political agendas, and systematic indoctrination. Terrorist acts cause widespread disruption within a country by targeting civilians, public institutions, and security forces, thereby undermining national integrity and public confidence in governance.

India has long been a victim of both internal and transnational terrorism, with civilians frequently becoming scapegoats in conflicts rooted in geopolitical tensions and extremist agendas. Attacks such as the Bombay (Mumbai) Serial Bomb Blasts (1993), the Indian Parliament Attack (2001), and the Mumbai 26/11 Attacks (2008) reflect how transnational terrorism has left permanent scars on India’s social fabric and security environment. Such incidents also highlight the urgent necessity for strengthened counter-terrorism strategies, intelligence coordination, and international legal collaboration.

⁸ Mueller, ‘Transnational crime: Definitions and Concepts’, in P. Williams and D. Vlassis (eds), *Combating Transnational Crime* (2001) 13. Bassiouni cites Mueller as the author of the term. See Bassiouni and Vetere, ‘Towards Understanding Organized Crime and Its Transnational Manifestations’, in M. C. Bassiouni and E. Vetere (eds), *Organized Crime: A Compilation of UN Documents, 1975–1998* (1998) 31.



Transnational Radical Groups

Lashkar-e-Taiba (LeT), Jaish-e-Mohammed (JeM), Hizbul Mujahideen, Al-Qaeda (including Al-Qaeda in the Indian Subcontinent – AQIS), Islamic State (ISIS/ISIL) (including ISIS-linked modules in India), Tehrik-i-Taliban Pakistan (TTP) (indirect links and regional influence), Harkat-ul-Mujahideen (HuM), Harkat-ul-Jihad-al-Islami (HuJI).

Infamous Attacks Conducted:

Mumbai Serial Train Blasts (2006), Mumbai 26/11 Attacks (2008), Red Fort Attack (2000), Indian Parliament Attack (2001), Pathankot Airbase Attack (2016), Pulwama Suicide Bombing (2019), Uri Army Base Attack (2016), Delhi High Court Bombing (2011), Varanasi Bomb Blasts (2006), Hyderabad Mecca Masjid Blast (2007), Coimbatore Bomb Blasts (1998), Akshardham Temple Attack (2002), IC-814 Hijacking (1999), Attack on CRPF Camp at Lethpora (2017), Assassination of Rajiv Gandhi (1991), Bombing of Indian Peace Keeping Force Personnel in Sri Lanka (late 1980s), ISIS-inspired Coimbatore Suicide Blast Case (2022), Bodh Gaya Bomb Blasts (2013), Gurdaspur Attack (2015), Nagrota Army Camp Attack (2016).

Internal Terrorism in India

While transnational terrorism has significantly affected India, several internal terrorist organisations continue to operate within the country. These groups often function covertly and attempt to eliminate individuals who oppose their ideology or threaten their operations. In many cases, civilians are coerced into sheltering or assisting such groups out of fear, making it difficult for law enforcement agencies to trace and dismantle their networks. Additionally, some civilians who sympathise with these groups may willingly provide protection despite being aware of the long-term consequences. These internal organisations often operate in a manner similar to organised criminal syndicates and may indirectly support transnational criminal networks by facilitating the illegal movement of arms, funds, and personnel.

Internal Terrorist Organisations:

Communist Party of India (Maoist) / CPI (Maoist), United Liberation Front of Asom (ULFA), National Socialist Council of Nagaland (NSCN-IM/NSCN-K), People's Liberation Army (PLA-Manipur), United National Liberation Front (UNLF), National Democratic Front of Bodoland (NDFB), People's Revolutionary Party of Kangleipak (PREPAK), Kangleipak Communist Party (KCP), Liberation Tigers of Tamil Eelam (LTTE), Students' Islamic Movement of India (SIMI), Indian Mujahideen (IM), Jamaat-ul-Mujahideen Bangladesh (JMB), Khalistan Liberation Force (KLF), Babbar Khalsa International (BKI), Khalistan Commando Force (KCF), All Tripura Tiger Force (ATTF), National Liberation Front of Tripura (NLFT), Dima Halam Daogah (DHD), People's Democratic Front of Bodoland (PDVB), Garo National Liberation Army (GNLA).

Infamous Attacks Conducted:

Dantewada Massacre (2010), Sukma Attack on CRPF Personnel (2017), Chintalnar Attack (2012), Jeeram Ghati Attack (2013), Jnaneswari Express Derailment (2010), Assam Serial Blasts (2008), Dhemaji Bomb Blast (2004), Indian Parliament Attack Attempt in Guwahati (2007), Mumbai Suburban Train Blasts (2006), Delhi Serial Blasts (2008), Ahmedabad Serial Blasts (2008), Jaipur Serial Blasts (2008), Pune German Bakery Blast (2010), Hyderabad Dilsukhnagar Blasts (2013), Bodh Gaya Blasts (2013), Bengaluru Blast (2014), Coimbatore Bomb Blasts (1998), Lajpat Nagar Market Blast (1996), Rajiv Gandhi Assassination (1991), Colombo Central Bank Bombing (1996), Chittisinghpura Massacre (2000), Nadimarg Massacre (2003), Kaluchak Massacre (2002), Akshardham Temple Attack (2002), Red Fort Attack (2000), Gurdaspur Attack (2015), Burdwan Blast (2014), Silchar Bomb Blast (2008), Tripura Ambush Attacks (1990s), Manipur IED Attacks on Security Forces (2000s), Srinagar Lal Chowk Grenade Attacks (1990s).



Drug Trafficking and its Impact on the Societal Fabric

Narcotic drugs have long posed a serious threat both domestically and internationally. The use of drugs has existed since ancient times, but the smuggling of narcotics—particularly rare and high-value substances across borders—intensified significantly with the rise of opium cultivation and production. During the 19th century, opium gained legal recognition due to its medical applications such as pain relief, cough suppression, treatment of diarrhoea, and the pharmaceutical extraction of morphine and codeine.

India remains one of the largest legal producers of opium for pharmaceutical purposes. However, despite legitimate production, illicit diversion continues to take place through organised networks. Certain criminal syndicates and intermediaries engage in the smuggling of opium and other narcotics for the accumulation of black money. Drug trafficking is not merely a profit-driven offence;

The most concentrated hotspots for drug trafficking have traditionally been located in developing and politically unstable regions, particularly in two major geographical zones known as the Golden Crescent and the Golden Triangle.

Table 1: Annual report of drug trafficking

INTERNATIONAL DRUG TRAFFICKING		
TO INDIA	FROM INDIA	TRANSIT
Afghan Heroin via Pakistan	Meth to India, S.E Asia, Oz	Afghan Heroin to S.E Asia
Cannabis from Nepal	Mandrax to US, RSA, Oz	
Opium and ATS from Burma	Ephedrine to Cent. America	
DOMESTIC DRUG TRAFFICKING		
Opium: Rajasthan, Uttar Pradesh, and Madhya Pradesh to Rest of India		
Cannabis: Northeast India to East India		
Pharmaceutical Products: Via unregulated Online dealers, local stores		
Amphetamine Type Substances (ATS): Maharashtra and Gujrat to Rest of India		

Golden Crescent and Golden triangle

The Golden Crescent refers to one of Asia’s primary hubs of illicit opium production, with Afghanistan historically being the largest producer. Situated at the crossroads of Central, South, and West Asia, it includes the mountainous regions of Afghanistan and Pakistan, extending into eastern Iran. This region remains notorious for large-scale opium cultivation and heroin trafficking networks.

The Golden Triangle is a vast mountainous region in Southeast Asia where Myanmar, Thailand, and Laos converge near the Mekong and Ruak rivers. It has long been infamous for opium and heroin production.

Money Laundering and the Infamous Hawala System

Money laundering is one of the most critical facilitators of transnational crime, as it enables criminals to disguise the origin of illegally obtained funds and reintroduce them into the legal economy. Money laundering not only strengthens transnational criminal networks but also undermines the stability of national economies.

Furthermore, money laundering significantly contributes to corruption and institutional decay. Criminal organisations often bribe public officials, law enforcement authorities, and political actors to ensure uninterrupted operations and protection from prosecution. This weakens governance, erodes public trust in state institutions, and reduces the effectiveness of justice delivery mechanisms. The laundering of proceeds from crimes such as drug trafficking, arms



smuggling, and cyber fraud often enables criminals to operate with impunity, as financial concealment becomes a shield against legal accountability.

Since white money is traceable through banking systems and government surveillance mechanisms, criminal organisations heavily rely on laundering to conceal their financial trails. As a result, money laundering has become an indispensable tool for organised crime groups, drug cartels, and terrorist organisations, allowing them to sustain and expand their illegal operations without detection.

Hawala system

Hawala is a traditional system of transferring money commonly used in parts of the Arab world and South Asia. Under this mechanism, money is paid to an agent, who then instructs an associate in another country or region to deliver the equivalent amount to the recipient. These transactions are often carried out without written documentation, making them extremely difficult to trace. In India, hawala transactions are considered illegal under laws such as the Foreign Exchange Management Act (FEMA) and the Prevention of Money Laundering Act (PMLA), as this system enables tax evasion, movement of black money, and the funding of illegal activities such as terrorism.

Human Trafficking and the Increasing Vulnerability of Women and Minors

Human trafficking has emerged as one of the most disturbing and profit-driven trans boundary crimes, operating as a clandestine global industry that thrives on exploitation, coercion, and the systemic abuse of vulnerable populations. Unlike conventional crimes, trafficking is not limited to a single jurisdiction; it is facilitated through cross-border movement, fraudulent documentation, illegal migration networks, and the complicity of organised syndicates. Trafficking networks often exploit legal loopholes and weak inter-state coordination, making prosecution extremely complex. Furthermore, the clandestine nature of the crime results in under reporting, delayed identification of victims, and the frequent disappearance of individuals into illegal labour markets or sexual exploitation rings. The trafficking is intrinsically linked with forced labour, prostitution, organ trade, and child exploitation.

Women and minors as the major victims for sexual exploitation due to human trafficking

Women and minors remain the most vulnerable targets of trafficking networks due to their social and economic marginalisation, lack of access to protection mechanisms, and dependence on external support systems. In many cases, traffickers prey upon poverty-stricken families by offering fraudulent employment opportunities, false promises of marriage, or education abroad, which ultimately leads victims into forced prostitution, domestic servitude, or bonded labour.

Minors are particularly exposed due to their limited ability to resist manipulation, their dependence on adults, and the ease with which traffickers can psychologically condition them. Many children are trafficked through adoption rackets, child labour markets, forced begging networks, and sexual exploitation syndicates. The situation becomes even more alarming when missing children cases rise drastically, as untraced minors become easy prey for transnational criminal enterprises.



TABLE 1A.4
IPC Crimes (Crime Head-wise & State/UT-wise) - 2022 (Continued)

SL	State/UT	Offences affecting the Human Body								
		Kidnapping and Abduction						Human Trafficking (Sec 370 IPC)		
		Importation of Girls from Foreign Country (Sec.366-B IPC)			Other Kidnapping & Abduction (Sec.365, 367, 368, 369 IPC)					
		I	V	R	I	V	R	I	V	R
[1]	[2]	[156]	[157]	[158]	[159]	[160]	[161]	[162]	[163]	[164]
STATES:										
1	Andhra Pradesh	0	0	0.0	96	99	0.2	28	38	0.1
2	Arunachal Pradesh	0	0	0.0	18	19	1.2	2	2	0.1
3	Assam	0	0	0.0	1005	1166	2.8	108	204	0.3
4	Bihar	0	0	0.0	2184	2184	1.7	88	366	0.1
5	Chhattisgarh	0	0	0.0	69	70	0.2	23	27	0.1
6	Goa	0	0	0.0	18	18	1.1	6	13	0.4
7	Gujarat	0	0	0.0	190	197	0.3	4	5	0.0
8	Haryana	0	0	0.0	1410	1432	4.7	10	15	0.0
9	Himachal Pradesh	0	0	0.0	10	10	0.1	0	0	0.0
10	Jharkhand	0	0	0.0	159	160	0.4	94	149	0.2
11	Karnataka	0	0	0.0	148	152	0.2	18	67	0.0
12	Kerala	0	0	0.0	60	61	0.2	35	80	0.1
13	Madhya Pradesh	0	0	0.0	155	158	0.2	46	93	0.1
14	Maharashtra	0	0	0.0	202	208	0.2	239	361	0.2
15	Manipur	0	0	0.0	28	31	0.9	0	0	0.0
16	Meghalaya	0	0	0.0	19	20	0.6	2	2	0.1
17	Mizoram	0	0	0.0	1	1	0.1	1	1	0.1
18	Nagaland	0	0	0.0	4	4	0.2	0	0	0.0
19	Odisha	0	0	0.0	43	43	0.1	114	118	0.2
20	Punjab	0	0	0.0	159	164	0.5	12	15	0.0
21	Rajasthan	0	0	0.0	2786	2850	3.5	10	10	0.0
22	Sikkim	0	0	0.0	1	1	0.1	0	0	0.0
23	Tamil Nadu	0	0	0.0	86	86	0.1	3	7	0.0
24	Telangana	0	0	0.0	275	280	0.7	171	233	0.5
25	Tripura	0	0	0.0	9	9	0.2	1	1	0.0
26	Uttar Pradesh	0	0	0.0	80	84	0.0	19	26	0.0
27	Uttarakhand	0	0	0.0	716	732	6.2	13	24	0.1
28	West Bengal	1	1	0.0	2477	2528	2.5	35	60	0.0
	TOTAL STATE(S)	1	1	0.0	12408	12767	0.9	1082	1917	0.1
UNION TERRITORIES:										
29	A&N Islands	0	0	0.0	1	1	0.2	0	0	0.0
30	Chandigarh	0	0	0.0	2	2	0.2	0	0	0.0
31	D&N Haveli and Daman & Diu	0	0	0.0	1	1	0.1	0	0	0.0
32	Delhi	0	0	0.0	253	259	1.2	87	559	0.4
33	Jammu & Kashmir	0	0	0.0	150	150	1.1	8	15	0.1
34	Ladakh	0	0	0.0	0	0	0.0	0	0	0.0
35	Lakshadweep	0	0	0.0	0	0	0.0	0	0	0.0
36	Puducherry	0	0	0.0	0	0	0.0	23	56	1.4
	TOTAL UT(S)	0	0	0.0	407	413	1.0	118	630	0.3
	TOTAL ALL INDIA	1	1	0.0	12815	13180	0.9	1200	2547	0.1

• As per Data provided by States/UTs

Clarifications are pending from Nagaland

TABLE 1A.4 Page 18 of 46

• States/UTs may not be compared purely on the basis of crime figures

¹⁰Table 2

The Jeffrey Epstein Case and the Epstein Files

The Jeffrey Epstein case is one of the most infamous modern examples of human trafficking and sexual exploitation involving minors. Epstein, an American financier and convicted sex offender, was arrested in July 2019 on federal charges of sex trafficking of minors and conspiracy, based on allegations that he ran a long-term network for the recruitment and abuse of underage girls. However, his death in custody in August 2019 prevented a full trial and limited the scope of judicial accountability.

¹⁰National Crime Records Bureau (Ministry of Home Affairs) Government of India, Crimes in India, 2022



Steps taken against certain transnational crimes by various international organisations

1. United Nations (UN / UNODC)¹¹
 - Adopted the United Nations Convention against Transnational Organized Crime (UNTOC), 2000.
 - Introduced 3 Protocols:
 - Human Trafficking Protocol
 - Migrant Smuggling Protocol
 - Firearms Trafficking Protocol
 - Publishes global reports like the World Drug Report and Global Report on Trafficking in Persons.
2. Financial Action Task Force (FATF)
 - Established global anti-money laundering and counter-terror financing standards.
 - Uses Grey List and Black List mechanisms to pressure non-compliant states.
 - Monitors terror-financing channels like hawala, shell companies, and crypto laundering.
3. INTERPOL¹²
 - Issues Red Notices for fugitives wanted internationally.
 - Runs operations against drug trafficking, cybercrime, human trafficking, and terrorism.
 - Maintains global criminal databases for fingerprints, passports, DNA, and stolen property.
4. Europol (European Union Agency)¹³
 - Coordinates intelligence sharing among EU states.
 - Runs task forces against organised crime groups, narcotics trade, cybercrime, and trafficking.
 - Publishes the SOCTA report (Serious and Organised Crime Threat Assessment).
5. World Customs Organization (WCO)
 - Conducts international customs operations against drug smuggling, arms trafficking, and counterfeit goods.
 - Promotes customs cooperation through information-sharing networks.
 - Implements global frameworks like the SAFE Framework of Standards.
6. International Maritime Organization (IMO)
 - Strengthens maritime security laws to curb sea-based trafficking and piracy.
 - Supports port security measures through the ISPS Code (International Ship and Port Facility Security).
7. International Organization for Migration (IOM)
 - Supports victims of trafficking and illegal migration.
 - Helps in rehabilitation, reintegration, and safe repatriation.
 - Conducts awareness campaigns to prevent migrant exploitation.
8. WHO and International Health Bodies
 - Works against illegal trade in human organs, pharmaceuticals, and medical trafficking.
 - Supports cross-border cooperation against health-related exploitation crimes.
9. Global Counterterrorism Bodies
 - UN Counter-Terrorism Committee (CTC) strengthens legal frameworks and compliance.
 - UN Security Council sanctions against terrorist organisations like ISIS, Al-Qaeda, Taliban, including travel bans and asset freezing.
10. Regional Organisations (SAARC, ASEAN, AU)
 - SAARC conventions against terrorism and narcotics trafficking.
 - ASEAN initiatives to tackle human trafficking and cybercrime.
 - African Union frameworks against illegal arms trade and terrorism.

¹¹United Nations Office on Drugs and Crime (UNODC), *United Nations Convention against Transnational Organized Crime and the Protocols Thereto (UNTOC)*, UNODC Official Website.

¹²INTERPOL, *Cooperation with United Nations Entities (INTERPOL and the United Nations)*, INTERPOL Official Website

¹³Council of Europe, *Partnerships with Other International Organisations (Anti-Human Trafficking Division)*, Council of Europe Official Website.



Jurisdictional Issues in Dealing with Trans boundary Crimes

Jurisdictional issues remain one of the most critical obstacles in combating trans-boundary crimes, as such offences frequently transcend territorial borders and involve multiple sovereign states. Since every nation operates under its own criminal laws, procedural rules, and evidentiary standards, determining which country has the legal authority to investigate, prosecute, and punish offenders becomes highly complicated. This legal fragmentation often creates gaps in accountability, allowing offenders to exploit conflicts of jurisdiction, delay proceedings, or even escape prosecution entirely. In many cases, crimes such as terrorism financing, drug trafficking, cybercrime, and human trafficking are planned in one country, executed in another, and produce consequences across several jurisdictions, thereby challenging the traditional concept of territorial sovereignty.

Additionally, trans-boundary crimes often involve practical difficulties such as cross-border evidence collection, extradition delays, diplomatic constraints, and lack of uniform cooperation mechanisms. Evidence located in foreign territories cannot be accessed freely without mutual legal assistance treaties (MLATs), and even when such agreements exist, bureaucratic delays weaken the efficiency of investigations. Differences in political interests and diplomatic relations further complicate cooperation, as states may refuse extradition or deny assistance due to strategic considerations. Moreover, the absence of a unified supranational criminal court exclusively dealing with transnational crimes results in inconsistent enforcement and fragmented justice delivery. Therefore, jurisdictional issues not only hinder the legal process but also strengthen criminal networks by enabling them to operate across borders with reduced fear of swift legal consequences.

The suboptimal effects of these steps

Even though international organisations such as the UNODC, INTERPOL, FATF, and regional bodies have adopted conventions, protocols, and cooperative mechanisms to combat transnational crimes, these steps have not been fully effective in eliminating such offences. This is primarily because most international frameworks operate on the basis of voluntary compliance, meaning sovereign states are not legally compelled to enforce uniform standards. Since countries differ widely in criminal laws, investigation procedures, and sentencing structures, offenders exploit these legal inconsistencies to escape prosecution. For instance, a criminal may commit an offence in one country, flee to another with weak extradition cooperation, and continue operations under a new identity, thereby frustrating justice delivery.

International Cooperation in Dealing with Trans boundary Crimes

International cooperation plays a crucial role in addressing trans boundary crimes, as such offences often extend beyond the jurisdictional reach of a single sovereign state. Crimes such as terrorism, drug trafficking, human trafficking, cybercrime, and money laundering operate through cross-border networks, making domestic enforcement mechanisms insufficient. Therefore, cooperation between states becomes essential for intelligence-sharing, extradition of offenders, mutual legal assistance, and coordinated investigation strategies. International instruments such as UNTOC, along with agencies like INTERPOL and UNODC, have strengthened collaborative frameworks by promoting joint operations and harmonisation of legal standards.

However, despite the increasing evolution of global cooperation, its effectiveness remains limited due to political conflicts, diplomatic tensions, and variations in national legal systems. Many states hesitate to share sensitive intelligence due to concerns of sovereignty and national security. Additionally, delays in extradition procedures, lack of uniform evidentiary standards, and weak enforcement of international treaties allow criminal syndicates to exploit legal loopholes. As a result, although international cooperation is a necessary tool in curbing transboundary crimes, it often remains fragmented and inconsistent, thereby enabling organised criminal networks to continue flourishing across borders.



Famous International cooperation

INTERPOL Red Notices, UNTOC (2000), FATF Grey List and Black List mechanism, MLATs (Mutual Legal Assistance Treaties), Extradition Treaties, EUROPOL Joint Investigation Teams (JITs), Five Eyes Intelligence Alliance, UN Security Council Sanctions against terrorist organisations, SAARC Convention on Suppression of Terrorism, ASEAN Convention Against Trafficking in Persons (ACTIP).

Case Law

S v. Ebrahim (1991)

The Appellate Division of the Supreme Court of South Africa ruled that South African courts lacked jurisdiction to try a defendant who had been abducted from another country by South African agents. This case clarified that courts cannot exercise criminal jurisdiction over individuals brought into the state through unlawful extraterritorial abduction, reinforcing the principle that due process and territorial jurisdiction must be respected in international criminal proceedings.

Arrest Warrant of 11 April 2000 (DRC v. Belgium)

The International Court of Justice held that Belgium's universal jurisdiction warrant against a sitting Congolese foreign minister violated immunities under international law, highlighting the tension between universal jurisdiction and diplomatic/state immunity in prosecuting transnational crimes.

UNTOC Case (Cabo Verde – Organised Crime Convention Application)

Under the United Nations Convention against Transnational Organized Crime, Spain successfully extradited eight drug traffickers from Cabo Verde despite the absence of a bilateral extradition treaty, demonstrating UNTOC's role in overcoming juridical gaps in state cooperation.

Government of Hong Kong SAR v. Juan Antonio Muñoz (Philippines)

The Philippine Supreme Court addressed compliance with extradition treaty requirements (including double criminality) when extraditing a national to Hong Kong, illustrating how procedural safeguards and jurisdictional prerequisites operate in cross-border criminal cooperation.

Ahmad Zia Alizadah People Smuggling Extradition (Indonesia -Australia)

An alleged people smuggler accused of transporting more than 200 asylum seekers to Australia was extradited from Indonesia after years of cooperation, showcasing practical international coordination in prosecuting transboundary smuggling under shared legal frameworks.

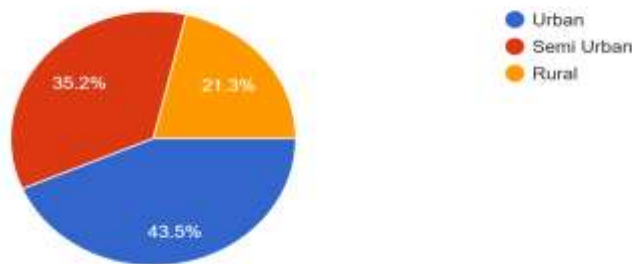


Part-II: Non doctrinal research

Table 3

Location type	Male	Female	Others
Urban	20(44.5)	27(43.6)	0(0.00)
Semi-Urban	19(42.2)	19(30.6)	0(0.00)
Rural	6(13.3)	16(25.8)	1(100)
Total	45	62	1

Native of the respondent
 108 responses



Comparatively Dominant Urban and semi urban Representation: The urban respondents have a relative dominance in the survey sample, with 43.5 percentage(47 out of 108)of the overall responses coming from urban respondents, followed by semi urban respondents, by 35.2 percentage(38 out of 108) of the overall responses coming from semi urban respondents. This indicates that opinion expressed in the overall survey are mostly representing urban and semi urban communities.

Less dominant representation of rural communities: The rest of the respondents come from the rural societies, with 21.3 percentage (23 out of 108) out of overall responses coming from rural respondents. This indicates that the opinion expressed by rural respondents are less dominating.

Implications for data context: The large proportion of urban and semi urban respondents when compared to the rural respondents indicates that there might be a possible bias towards the opinions, experiences and problems of those residing in highly urbanised or semi urbanised areas at the expense of respondents from rural areas.



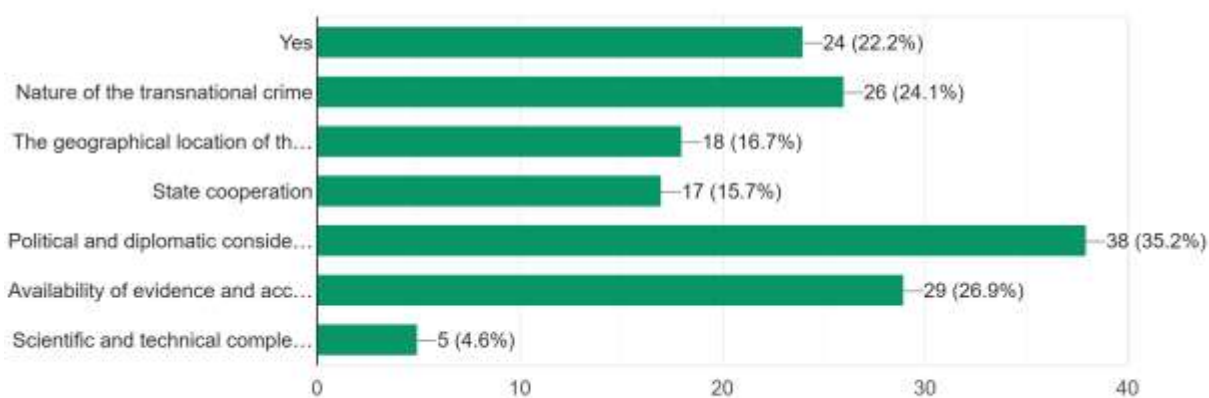
Table 4

Hypothesis 1: A new supranational supreme court and an effectively structured legal framework should emerge with all countries' agreement and it should specifically deal with transnational crimes and their outcomes as well penalising the perpetrators and restoring a substantive law and order in almost all countries.

Factors	No. of responses	No. of percentage
Yes	24	22.2
Nature of the transnational crime	26	24.1
The geographical location of the crime	18	16.7
State cooperation	17	15.7
Political and diplomatic consideration	38	35.2
Availability of evidence and accessibility of trans boundary evidence	29	36.9
Scientific and technical complexity of the claim	5	4.6

Do you think international courts can deliver judgments without any influencing factors, thereby reaching an optimal conclusion for such crimes? If not, which factor do you think plays a major role?

108 responses



Based on the responses collected from 108 participants, only 24 participants(22.2percentage) have expressed that international courts can deliver judgements without any influencing factors, thereby reaching an optimal conclusion of such crimes. This shows that only 1/5th of the respondents find no jurisdictional issues in providing a substantive justice. The rest of the percentage of participants(77.8) think that there is an external factor



that hinders the restoring of justice causing a jurisdictional issue. The factor that plays a major role in causing jurisdictional issues according to the participants is, 'The political and diplomatic consideration between states' with 38 out of 108 participants voting for it(35.2). The factor that is least considered is 'Scientific and technical complexity of the claim' with only 5 participants considering it. Overall the findings highlights that the jurisdictional issues in dealing with transnational crimes depends mostly on the political and diplomatic consideration between states with other factors shaping it up. This makes us come to the decision that the sovereign states have to stand on a common ground to form a supranational supreme court to take legal actions against the transnational crimes.

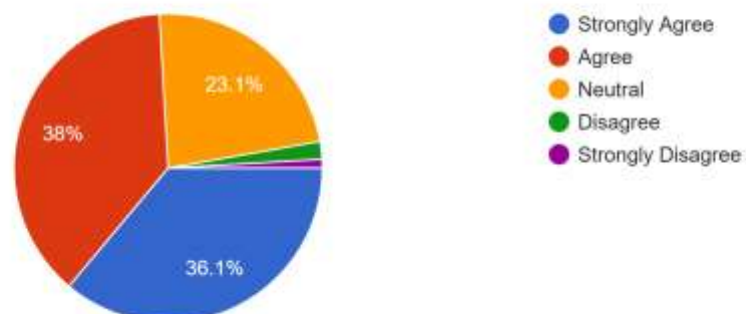
Table 5:

Hypothesis 2: Though the international cooperation have strengthened overtime due to its evolution and the diplomats backing, it is not optimal. An effective international cooperation would arise an effective solution for the criminal activities

Factors	Male	Female	Others
Strongly agree	21(46.67)	18(29.03)	0(0.00)
Agree	15(33.33)	26(41.93)	0(0.00)
Neutral	9(20)	16(25.81)	0(0.00)
Disagree	0(0.00)	2(0.03)	0(0.00)
Strongly Disagree	0(0.00)	0(0.00)	1(100.0)

Limitations in cross-border evidence sharing and witness cooperation affect the successful prosecution of trans boundary crimes. How do you support this statement?

108 responses



Based on the responses collected from 108 participants, almost 80 out of 108(74.1percentage) seem to stand on a common ground that the limitations of the cross-border evidence sharing and witness corporation affect the successful prosecution of trans boundary crimes. 25 out of 108 participants have chosen to take a neutral stand while only 3 participants seem to disagree this statement. Overall the findings highlights that though the international cooperation seem to have strengthened over time, the acquirement of the crux of any criminal case i.e the evidences and witnesses are not acquired properly due to many reasons including the factors mentioned in the above hypothesis. The improper



international cooperation have caused disparities in legal actions against the perpetrated. Hence, optimal measures should be taken to strengthen the international cooperation among states.

Testing of hypothesis

Hypothesis H1: A new supranational supreme court and an effectively structured legal framework should emerge with all countries' agreement and it should specifically deal with transnational crimes and their outcomes as well penalising the perpetrators and restoring a substantive law and order in almost all countries.

Based on the data provided in table 4 regarding the influencing factors that affect the substantial justice that is to be provided by the international court, very few respondents have felt that there's no influence on the international courts. Also, from the research above, the international court does not have the provisions to trial and convict trans-boundary criminals. Hence, with the various factors that the respondents have chosen, it is clear that a supranational supreme court should be established with a clear provision that addresses the trans-boundary crimes and isn't influenced by any factors mentioned above. Hence the hypothesis obtained is null hypothesis.

Hypothesis H2: Though the international cooperation have strengthened overtime due to its evolution and the diplomats backing, it is not optimal. An effective international cooperation would arise an effective solution for the criminal activities.

Based on the data provided in the table 5 regarding the difficulties in obtaining trans-boundary evidences and limitations in witness cooperation to convict the culprits, it is clear that the respondents mostly don't feel like there's no limitations in doing so. This is because of the absence of international cooperation in dealing with trans-boundary crimes in an effective manner. Though the international cooperation between countries have improved, it is mostly with their allies. So, when there is a need of obtaining evidences from countries with whom a country does not have a diplomatic relation with, the process becomes complex and the outcomes are often not desirable. Hence, the need for an effective international cooperation is needed and the hypothesis hence obtained is a null hypothesis.

11. Conclusion

Trans boundary crimes have emerged as a serious challenge to modern legal systems, as they operate beyond national borders and exploit jurisdictional loopholes, weak enforcement mechanisms, and inconsistent legal frameworks across countries. Crimes such as terrorism, drug trafficking, human trafficking, and money laundering not only threaten public safety but also destabilise governance and economic stability by strengthening organised criminal networks. Although international organisations and treaties have introduced cooperative mechanisms to curb these offences, the absence of a unified global authority and the lack of effective jurisdictional coordination continue to hinder successful prevention and prosecution. Therefore, strengthening international cooperation, harmonising legal standards, and developing a more structured legal framework remains essential to ensure substantive justice and long-term global security.

12. Suggestions

1. To strengthen jurisdictional clarity, states should adopt harmonised definitions of transnational crimes to avoid legal ambiguity.
2. To improve international cooperation, countries should expand the scope and speed of Mutual Legal Assistance Treaties (MLATs).
3. To ensure faster extradition, states must simplify extradition procedures and reduce political interference in extradition decisions.



4. To curb safe-haven practices, nations should deny asylum or residency to individuals credibly linked with organised transnational crime.
5. To enhance intelligence-sharing, a real-time cross-border criminal intelligence database should be developed among cooperating states.
6. To prevent jurisdictional conflicts, specialised transnational crime tribunals or joint investigation mechanisms should be established regionally.
7. To address evidentiary challenges, states should standardise rules for admissibility of digital and foreign evidence in domestic courts.
8. To combat money laundering effectively, financial surveillance must be strengthened by regulating informal transfer systems such as hawala.
9. To reduce corruption enabling transnational crime, independent anti-corruption agencies should be empowered with prosecutorial authority.
10. To strengthen border management, countries should integrate advanced surveillance technologies and coordinated border policing systems.

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