Private Authority: INTERPOL Involvement in Malaysia's Political Case

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Abstract
This paper elaborates on the private authority which is focused on INTERPOL. Private authority is when nonstate actors create laws or norms that other important actors in international politics accept. There are three sources of authority which are market, moral and illicit authority. The aim of INTERPOL’s establishment is to combat international crimes and facilitates international police collaboration and communication. The writer would like to discuss about “does INTERPOL exacerbate or ameliorate interstate conflict?”. The thesis statement is INTERPOL ameliorate interstate conflict through the cooperation between its member states. INTERPOL usually acts as the middleman that provides information needed by the member states and also assists member states in arresting suspects. Through this paper, the writer will also state the case in which INTERPOL involve in Malaysia. This study will focus on the year 2006 until 2017. The year 2006 was chosen as it was the start of the Altantuya Shariibuu’s case and the year 2017 was chosen as it was the latest year the case of 1MDB was discussed. These two cases were high-profile political case in Malaysia as it is said to involve Najib Razak, the former prime minister of Malaysia. Malaysia was chosen because through these two cases we can see the active involvement of INTERPOL as the private authority that helps its member state in solving the crime by offering a hand.

Keywords: international political economy, INTERPOL, Malaysia, member states, private authority.

Abstract

Kata Kunci: ekonomi politik internasional, INTERPOL, Malaysia, negara anggota, otoritas swasta.
Introduction

Private authority is when nonstate actors create laws or norms that other important actors in international politics accept (Green 2014). There are two types of private authority, delegated authority and entrepreneurial authority. A conditional grant of power allowing an agent to act on behalf of a principal is known as a delegated authority (Hawkins et al. 2006). Meanwhile, entrepreneurial authority is understood as a procedural system that controls the behavior of actors in international politics without direct formal assignment of power. Non-state actors fall under the residual category of private authority. This includes international criminal and terrorist networks, non-governmental organizations (NGOs), transnational networks of government officials, public opinion, international professional bodies and organizations and also commercial lobby group (Buthe 2004).

It is difficult to describe the idea of private authority. The authors present a rather straightforward methodology. First, authority exists when a person or group has the ability to make decisions about a given problem and is seen as acting legally in doing so. Second, authors assert that such power need not be connected to governmental organizations. The analytical aspect of authority’s structure, operation, and recognition as distinct from other forms of influence can be thought of as one element, and the more normative aspects, such as how authority is justified, who or what grants legitimacy, and why someone’s authority is accepted as such, can be thought of as the other (Cutler et al. 1999). Civil authorities are beginning to exert more and more influence over various issues in the modern environment. Authoritarian private actors play an important role in governing other important areas of social and political life and are also important actors in the international political economy. They are involved in setting standards, providing social care, maintaining safety, and enforcing agreements (Biersteker and Hall 2002).

Most authors firmly agree that the expansion of private authority has altered what it means for states to be sovereign. In the context of market authority, Stephen J. Kobrin (2002) and Saskia Sassen (2002) each place a different emphasis. However, they both claim that, as stated by Sassen, globalization creates a “set of practices that destabilize another set of practices, i.e., some of the practices that constitute national sovereignty”. This represents the transition from a modern to a post-modern organizational paradigm, according to Kobrin (2002). With the “end of geography” that comes with global financial integration, he claims that “the meaning of sovereignty will evolve”, he uses the ancient past as an analogy, where “borders are diffuse and fluid”.

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Market (private) authority does not just replace sovereign (public) authority. Instead, sovereign authority adapts to the growing need for market authority by changing itself. Stephen J. Kobrin (2002) and Saskia Sassen (2002) say that globalization makes some state capabilities worse, while Louis W. Pauly (2002) says that it makes others better. Ronnie D. Lipschutz and Cathleen Fogel (2002) say that the state will be an important player for a long time to come. However, this does not mean that the state will stay the same institution that it was in the past. They say that states are giving “substantial” amounts of regulatory power to transnational regulatory regimes. When an actor internalizes a rule because they believe it to be valid, the rule has the status of being superior to the actor. As a result, the rule is in some ways hierarchically superior to the actor and helps shape how the actor defines its own interests, which in turn influences some of the actor’s behavior (Hurd 1999).

Private authority offers lower transaction costs, better commitment credibility, first mover advantage, and improved reputation. It can reduce transaction costs by helping with coordination, increase commitment credibility, and set expectations. It also has a first-mover advantage when actors have coordination challenges (Green 2014). The structure of this paper is as follows. Following the introduction, it will then discuss about the International Criminal Police Organization (INTERPOL), the working principles of INTERPOL, and also briefed about the case study in which INTERPOL involved in Malaysia in order to answer the question of “does the INTERPOL exacerbate or ameliorate interstate conflict?”. The argument is the INTERPOL ameliorate interstate conflict through the cooperation between its member states. INTERPOL usually acts as the middleman that provides information needed by the member states and also assists member states in arresting suspects.

The International Criminal Police Organization (INTERPOL)

The initiative to establish INTERPOL was launched following the failure of prior attempts, specifically the First Congress of International Criminal Police in Monaco in 1914 and the International Police Conference in New York in 1922. Politicians and legal professionals, particularly from France, predominated the Monaco Congress in 1914, yet they were no longer able to tell the police how to carry out their duties. International crime was not a practical problem on the North American continent at the time of the New York Conference in 1922, which is why it failed (Deflem 2016).

INTERPOL (International Police) was established in Vienna, Austria in 1923 and is currently headquartered in Lyon, France. It is also known as the International Criminal Police Organization, and it is an international organization that encourages collaboration among the criminal police
forces of its 194 member nations. One of its primary tasks is to seek down fugitives from justice by issuing Red Notices. INTERPOL is not a police force but an organization that facilitates international police collaboration and communication. INTERPOL maintains secure communication links with all countries. As of today, the agency administers 19 police databases and provides aid in locating of fugitives from justice. It is a membership-based organization, and the General-Secretariat oversees the organization’s policies and administrative activities. INTERPOL employs 1,000 people. Although its headquarters is in France, in accordance with its constitution, the focus of its activities concerning cybercrime, research and development, and its Asian base is the INTERPOL Global Complex for Innovation, which is situated in Singapore. The goal of INTERPOL, according to its constitution, is to provide mutual assistance between criminal police agencies and to build organizations that would aid in the prevention and repression of ordinary crimes. It is forbidden for the organization to engage in or participate in any action with a political, military, religious, racial, or color basis (Hofilena 2022).

In addition to tackling crimes that it had previously shield away from in its early years, such as terrorism and war crimes, INTERPOL has adopted more broad interpretations of its constitutional mission to combat common crimes. As part of the fulfillment of its duty, the organization manages a global communications network, manages a number of police databases, and distributes a number of police “alerts” or notices. Additionally, it arranges training sessions and sends out Incident Response Teams to support its members in security or disaster-related issues (Ling 2010).

To achieve its goal, INTERPOL requires the active participation of its members, and each member must select a body known as the National Central Bureau (NCB), which functions as a liaison office between the organization’s General Secretariat and the different departments in the member state’s bureaucracy (Hofilena 2022). The foundation of INTERPOL and its operation are NCBs. They provide criminal data and intelligent to aid another country and seek the information they require from other NCBs to help them investigate crime or criminals in their own nation. NCBs collaborate with local law enforcement authorities, NCBs and Sub-Bureaus all around the world, as well as General Secretariat offices all over the world as part of their involvement in international investigations. In order to educate their national police on INTERPOL’s activities, services, and databases, NCBs also can organize training programs for them (INTERPOL 2021).

Through INTERPOL’s assistance, we can track down the fugitive and find him as well as securing his capture and extradition. Additionally, each INTERPOL member state’s police departments’ tools and infrastructure
may be used to obtain any necessary data and proof. INTERPOL is essentially a cooperative multinational organization that lets the police of member nations to directly share information and get assistance on criminal situations without having to wait around for diplomatic channels to open. An international police communications network that spans the globe is centered and controlled by its Secretariat in Paris. Over 150,000 known international offenders are included in its central files, which serve as a hub for INTERPOL nations’ criminal intelligence and information sharing (Sagalyn 1966).

The answer to the question of INTERPOL’s international legal subjectivity can be found in international practice. INTERPOL can sign treaties. This right is one of the most important elements of international entities, but it may be more appropriate to say that it is one reason international organisms have international legal personality. INTERPOL has treaties and accords with several jurisdictions, including its own. INTERPOL signed the 1986 Vienna Convention on the Law of Treaties between States and International Organizations. Besides countries, INTERPOL has relationships with international organizations. INTERPOL’s ius legationis is active. The agreement between INTERPOL and France on the Headquarters of INTERPOL offers INTERPOL and its officials rights and immunities equal to those enjoyed by diplomatic missions of states and their diplomatic representatives under the 1961 Vienna Convention on Diplomatic Relations (Runjic 2017).

The formal organization of the International Criminal Police Commission (ICPC) was also updated to resemble a contemporary international organization (IO). However, this modernizing trend may have undermined the International Criminal Police Organization’s (ICPO) independence and nonpolitical image since it might have increased the influence of states in its operations and discussions. In talks about its treaty status, membership, mandate, centralization, control, and flexibility, the ICPC’s aim to legally modernize without sacrificing autonomy was clear. They abandoned the idea of autonomy throughout, resisting any change that may give countries additional authority (Barnett & Coleman 2005).

**INTERPOL’s Working Principles**

All operational activity managed by INTERPOL is built around the analysis of criminal data and global information sharing. I-24/7, a secure international police communications system, is provided by INTERPOL. It links police forces from all INTERPOL member states, allowing authorized users to securely exchange important and sensitive police information. It is also available in the four working languages of INTERPOL which are Arabic, English, French, and Spanish. To improve multilingual communication,
which is essential for police collaboration, INTERPOL provides an innovative all-in-one translation solution called “Translation as a Service” (TAAS) accessible to all member countries via the INTERPOL Secure Cloud. In addition, I-24/7 gives investigators access to INTERPOL’s 19 international police databases, which collectively include over 110 million records and can be searched and cross-checked in real-time. Over 3.9 billion times were these databases searched by law enforcement in 2020 alone (INTERPOL 2021).

INTERPOL gave member countries a new way to monitor ports of entry and borders at the end of 2005. The Fixed INTERPOL Network Database (FIND) and the Mobile INTERPOL Network Database (MIND) provide a technical solution for law enforcement officials in member countries to remotely access INTERPOL databases as a “fixed” access point that can be integrated into an existing national database system or as a “mobile” access point that allows autonomous queries on offline copies of INTERPOL databases. MIND updates INTERPOL databases every 48 hours. FIND can track INTERPOL’s database searches and “Hits”, search matches. MIND’s activity log informs INTERPOL to all searches and Hits since the last update when it connects to I-24/7. By 2009, 53 states used FIND or MIND. Portugal, Romania, Russia, and the U.S. embraced both technologies. Switzerland deployed MIND/FIND on December 13, 2005. Bahamas, Belgium, France, Grenada, Lithuania, and Spain joined MIND/FIND in 2006. MIND/FIND provides countries several benefits. In seconds, national and INTERPOL databases can check a scanned passport. Without MIND/FIND, border officers must leave their duty station to check the nearest I-24/7 gateway, which may be at the border crossing station or at the NCBs’ country. Suspicious conduct or look might warrant such random searches (Enders and Sandler 2011).

The INTERPOL Strategic Platform describes the Organization’s strategic orientation for 2022–2025 and serves as a reporting structure. It guides INTERPOL’s actions and programs. Member states formulated the new Strategic Framework to identify critical strategic areas, possible hazards, and lessons learned from the last Strategic Framework 2017-2020 and earlier Strategic Frameworks. Environmental scanning, hazard assessments, and foresight studies were used to create the Strategic Framework 2022–2025. Strategic Framework 2022–2025 is more focused, flexible, and motivating, highlighting the Organization’s growth. The four Strategic Goals represent INTERPOL’s values, vision, and purpose based on prior Strategic Frameworks. The Strategic Framework 2022–2025 was approved by the General Assembly at its 89th session in November 2021. Cross-organizational focus on INTERPOL’s capacities and service delivery to 195 member states. The Strategic Framework 2022–2025 outlines the Organization’s goals for 2025 with four goals and 17 targets. First, gather
actionable data. It is possible if the steps below are done in order. It can strengthen law enforcement’s ability to access and use information systems through interoperability, network extensions, and secure exchange options. To support member nations’ operational and investigative needs, boost threat-driven and criminal intelligence analysis. Respect INTERPOL’s privacy and data security policies and technology to meet international data protection laws. Information management should be upgraded in accordance with the Universal Declaration of Human Rights and other relevant international agreements to increase confidence in INTERPOL’s information systems (INTERPOL 2021).

Second, coalitions will improve policing. Be the global leader in sharing information, responding to incidents, and coordinating operations to combat transnational crime. Develop collaborations to improve INTERPOL services to member nations, cultivate and develop talent, and best utilize it. Increase law enforcement’s capability, knowledge, and skills globally. Engage national administrations and international groups to gain support and highlight INTERPOL’s security impact. Third, enhanced policing. Use digital transformation to enhance process efficiency, as well as INTERPOL’s skill level and speed, and foster worldwide dialogue on cutting-edge technology and solutions with corporate and public partners to build novel police services. Offer member countries cutting-edge police solutions using cutting-edge technology. Creative thinking and diverse teamwork can encourage innovation and forward-looking planning. Fourth, improve organizational performance and delivery. Excellent leadership and modern HR may make the organization more competitive,
efficient, and agile. Decentralizing governance and modernizing financial management will improve INTERPOL's adaptability to a changing environment. Risk management, performance management, and business continuity strategies provide organizational resilience. Promote a moral, multicultural, and inclusive culture. Expand efforts, strengthen the legal base, and align corporate policies and procedures (INTERPOL 2021).

**Case Study: INTERPOL in Malaysia’s Political Case**

Malaysia is one of the member states of INTERPOL. Malaysia has become a member since 1961 with its National Central Bureau (NCB) located at Kuala Lumpur. The Inspector-General of Police has direct control over the Malaysian INTERPOL NCB. INTERPOL has assisted Malaysia in solving many cases. In Malaysia, INTERPOL works directly with the Royal Police Malaysia. In this paper, it will state some cases where the Malaysian government asks for INTERPOL such as the assassination of Altantuya Shariibuu and the 1MDB case in which these cases are considered as high-profile cases as they involved Najib Razak, the former prime minister of Malaysia.

Altantuya Shariibuu’s murder is INTERPOL’s case in Malaysia. In 2006, Malaysia’s most politically charged murder case was the assassination of Mongolian national Altantuya Shariibuu. Former chief inspector and co-convicted killer Azilah Hadri said ex-prime minister Najib Razak ordered Altantuya’s murder in 2019. According to court testimony, defense analyst Abdul Razak Baginda appointed Altantuya, 28 as a translator. Razak confessed he dated Altantuya in 2004. Altantuya and her cousin visited Malaysia in October 2006. She was arrested in front of Razak’s house on October 19, 2006, and never seen again. Three weeks later, her remains were located near Puncak Alam. She appeared to have been blown up. Malaysian police detained Chief Inspector Azilah Hadri and Corporal Sirul Azhar Umar. Sirul was arrested in Islamabad, Pakistan, while on Abdullah Ahmad Badawi’s security detail. Razak, a well-connected political and defense professional with ties to then-Deputy Prime Minister Najib Abdul Razak, was imprisoned. Azilah and Sirul were charged with murder on 15 November 2006. Razak was accused of planning with them at his Kuala Lumpur office and enabling the crime. They are wanted for murdering Altantuya Shariibuu by INTERPOL. A Red Notice asks INTERPOL to find and hold an extradition suspect. When a member country or international court requests it based on a valid national arrest warrant, the General Secretariat issues it. No worldwide arrest warrant. National governments want those involved punished or sentenced based on an arrest warrant or court order (Kiniguide 2019).
Another case in which Malaysia seeks INTERPOL’s assistance is with the 1MDB crisis. Malaysia has ordered INTERPOL to find a Malaysian financier in connection with 1MDB’s multibillion-dollar scandal. The US Justice Department had filed hundreds of civil cases to confiscate $1.7 billion in assets bought with 1MDB funds. Allegedly, Jho Low bought a private jet, a hotel, and New York real estate, as well as a $107 million holding in EMI Music Publishing. Low is still missing and uncharged. US authorities say they are investigating 1MDB criminally. Deputy Prime Minister of Malaysia at that time, Ahmad Zahid Hamidi said, “We are confident INTERPOL will act”. Authorities do not even know where Low is. Low’s representative could not comment. Low has maintained his innocence, calling the US Justice Department’s actions “another example of worldwide overreach”. INTERPOL did not respond immediately to a request for comment. Najib Razak, who started 1MDB as prime minister at that time, is under investigation for money laundering in at least six jurisdictions, including the US, Switzerland, and Singapore. According to US accusations, 1MDB personnel and affiliates stole $4.5 billion. Low is accused of using 1MDB money to buy a Picasso picture for Leonardo DiCaprio and diamonds for Miranda Kerr. DiCaprio and Kerr have also vowed to help with the 1MDB investigation. US and Malaysian officials have named Najib as the recipient of $681 million from 1MDB. A government investigation freed Najib of any wrongdoing. The Malaysian police are currently looking into IMDB (Latiff et al. 2017).

**Conclusion**

All INTERPOL activities focus on the National Central Bureau (NCB), which is located in each member state. The NCB then asks other NCBs for the information required to assist in investigating crimes or criminals within their own nation and to share criminal data and intelligence to aid another nation. Through this, we can observe how the member states’ NCBs work together to strengthen interstate relations. Moreover, INTERPOL’s availability of criminal data in all of its member states allow the other member states to assess to the information easily. The information gathered also available in multilingual such as Arabic, English, French, and Spanish.

The cooperation between private authority and its member states ameliorates interstate conflict as we can see through the exposure of Altantuya Shariibuu and 1MDB cases. The information given by private authority then benefits member states in combating crimes. Moreover, there are regulations made by private authority for their member states to obey. However, we can see that the sovereignty of the states still exists. In this case, INTERPOL agents did not arrest the suspects by themselves instead they send out the notices in their member states’ countries.
For example, in the case of 1MDB which Malaysia’s government seek helps from INTERPOL, it then strengthens the relationship between two countries, which are Malaysia and United States. It is because United States help Malaysia’s government in tracking the cash flow from 1MDB. Moreover, through the help from INTERPOL, the job of tracking the criminals becomes easier as they have the databases in almost every country in the world.
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Books


Journal Articles


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