

CHAPTER 3

THEORETICAL IMPLEMENTATION AND ANALYSIS

The securitization process is open to the beauty of semantics, wordplay, and the art of diplomacy and negotiation. As previously mentioned in this academic writing, securitization is a process of politicizing an issue, and its success is determined by whether or not the audience agreed with the arguments the securitizing actors used and if relevant political-authoritative bodies implement extreme measures, sometimes even conflicting with the legal framework of it to tackle an existential threat (Rogers, 2022).

For the securitization process to be able to succeed in deterring extinction or the ‘cease of existence,’ the relevant actors involved in it must perform. The securitizing actors, in particular, must have extensive knowledge of the topic, formally and informally. This is a requirement so that they can convey these messages to the general public through journals, articles, speeches, campaigns, and more.

In this chapter, the author will analyze the overall securitization process in the 90th INTERPOL General Assembly-how the international organization succeeded in establishing a stronger and more tangible international police cooperation through several policies. This includes identifying each element of the process to understand the roles better and predict the outcome of such a process. The comprehensive analysis of the Securitization Process continues beyond there. There will also be further analysis of the possibility of legal changes within

Indonesia's law regarding foreign bodies' access to sensitive data of Indonesian citizens-in this case, the biometric data of all Indonesian descent. To close the chapter, the author will also project and analyze the possibility of holding a coordinative measure or even international cooperation in tackling the problem of identifying unidentified remains and finding missing persons among INTERPOL member states.

As mentioned in Chapter 1, the analysis will be done by breaking down presented information, then comparing it to the hypothesis. And as such, we will dive into the first of three sub-chapters in this chapter.

3.1 Securitization Process in the 90th INTERPOL General Assembly

As the world entered the 2020s decade, the age-old problem of missing person and unidentified bodies still persist for families, countries, and police agencies all over the world. Myriad of countries reported tens of thousands of cases correlating to missing individuals ranging from infants (International Centre for Missing & Exploited Children, n.d.)¹ to adults. Facing this threat, Indonesia and other countries perceive the looming threat to its societal layer of their respective civilization, therefore prompting them to take these issues seriously.

INTERPOL, being the hub of international police cooperation, through the IPSPG, understood the task at hand and determined that the issue of the increasing number of missing persons, and with it, the unidentified remains of individuals

¹ It is commonly understood among activists in search of missing children that a lack of conceptual definition of what a 'missing child' is results in very small common response of tackling such issue around the globe.

could possibly be mitigated by increasing operational tools and enhancing their strategy in facing these challenges. INTERPOL had already employed DNA-based forensics in examining unknown decedents since 2004 (INTERPOL, 2023), however, the current technology possessed could be a massive upgrade to an already-established INTERPOL DNA matching operational procedure.

As mentioned previously in graphs available in sub-chapter 2.3, NCB Jakarta and the INP as a whole are currently facing a rising number of missing persons and unidentified remains cases involving Indonesian nationals and foreigners happening both locally and internationally. Domestic collaboration within the INP from national to sectoral levels, and other governmental directorates and ministries have yet to be able to assist investigators to resolve several missing persons cases, of which many would go on for years. Facing this, the Chief of the INP, through the Deputy Chief of the INP as the Head of Delegation of Indonesia in the assembly, were determined to support international cooperation between respective national police organizations.

Through the lenses of Securitization Theory, Barry Buzan, Ole Wæver, and Jaap de Wilde would mention that in this case, as the INP functions as the audience, they are trying to 'protect' the referent object of the matter, which in the sense of Societal Security, would be the 'we'. Who is this 'we'? That subject who require protection ranges from small societies to nations (Wæver, Buzan, & de Wilde, p. 123)-in this case Indonesia as a nation. Where the failure to preserve Human Security in such a multi-faceted society as the one we have in Indonesia, especially in terms of missing persons, would increase the stigma of incapable police, possibly

increasing number of felony and crime rates in Indonesia, de-marginalizing the amount of horizontal conflict (Waeber, Buzan, & de Wilde, 1997, p. 125) among the people, as the institution trusted to protect and serve cannot perform as such.

3.1.1 Securitization prior to the Assembly

Coming to the 90th INTERPOL General Assembly, NCB Jakarta took part in a comprehensive meeting with the INTERPOL Counter Terrorism Directorate, in which a discussion regarding the enhancement of biometric collection activity took place. The meeting was conducted in South Jakarta on Monday, September 19th 2022. The representative for INTERPOL were the INTERPOL Counter-Terrorism Director, Darius Theo, and the Criminal Investigation Officer of INTERPOL, Simon Fernan III. During this meeting, Theo and Fernan occasionally mentioned the urgency of creating a more sustainable and extensive biometric database for Indonesia and the entirety of the South East Asia region. Fernan stated:

“...It is crucial for this biometric sharing and collecting database to be sustained in Southeast Asia as a new ‘battleground’ for CT (Counter-Terrorism) measures, as Asia-Pacific biometric data contribution for the entire INTERPOL database only adds up to approximately 1.1% of total data, compared to Europe’s 82.5%, Americas’ 13.1%, and on par with Africa and Middle-East’s 3.3%...” (NCB Jakarta, 2022)

Fernan also stated the ultimate goal of creating such a complex and legally intricate mechanism: to enhance the usage of already present INTERPOL’s biometric dataset and to support national authorities in countries by collecting biometric information of terrorist suspects and their possible kin. As the initiative is projected to engulf the member states of ASEAN, INTERPOL plans to hold some capacity-building training projects if relevant law enforcement agencies of respective

governments in South Asia agree to take part in it. This initiative, codenamed **PROJECT FIRST** (INTERPOL, 2023) is planned to be activated in the Philippines, Thailand, Indonesia, Malaysia, and Brunei Darussalam. Currently, the probability of this project is being mulled by Indonesia's top government officials, and if it is approved, it will train Indonesian officials on the skills of collecting biometric data and the issuance of INTERPOL notices (NCB Jakarta, 2022). During this discourse, Fernan also explained the secondary program after FIRST, which is **PROJECT HOTSPOT**, where this initiative will take the trained officials to create and maintain sustainable and integrated mechanisms through biometric data crosschecks conducted against INTERPOL databases, for the prevention and the detection of movement of terrorist and their affiliates using irregular migration routes (NCB Jakarta, 2022).

Responding to this, the representatives of INP's Indonesian Automatic Fingerprint Identifications System Centre (*PUSINAFIS POLRI*) enquired on what kind of biometric database will be subject of access for INTERPOL and its member states, to which Fernan replied:

“Only criminal database and we are currently focusing on fingerprint databases... we will also bring the device here, and we will also train relevant officials; we will also put the device in suitable positions (RUTAN); although in the future the device will have to be returned to the INTERPOL, while all data will stay with Indonesian authorities” (NCB Jakarta, 2022)

In regards of biometric data collection in Indonesia, it is known that the government of Indonesia has established 3 (three) separate flows of biometric data collection since 2009, namely through the Electronic ID Cards; Indonesian Citizenship Identity Cards (e-KTP) are equipped with electronic chips able to store

the biometric information of an individual (Gondohaninjo, 2016), through passports; new Electronic Passports contain a chip that stores biometric information of the individual who wields it in order to deter the occurrence of ‘double data’ (Samsara, 2013), and through the Certificates of Police Record (SKCK) (Paripurna, Indriani, & Widiati, 2018, pp. 122-123)

It is worth noting that prior to the 90th INTERPOL General Assembly, INTERPOL had already begun talks regarding biometric data collecting activities, more precisely in the 85th INTERPOL General Assembly in Indonesia. The 85th edition of the assembly produced the ‘Bali Resolution.’ The resolution numbered *4-AG-2016-RES-04* titled ‘Reinforcement of the Implementation of Biometric Information-Sharing among the ICPO-INTERPOL members in dealing with Terrorists’ Mobility’, in which it was stated the parameters of focus of the systemic collection of biometric data of individuals who fit these following categories (Paripurna, Indriani, & Widiati, 2018):

- a. Individuals known to have connections or have entered into conflict areas with goals of supporting terrorist groups;
- b. Deported, and Detained individuals for committing crimes related to terrorism;
- c. Individuals who received or gave training related to terror activities, and;
- d. Individuals returning from conflict areas believed to be prone of re-joining terror groups.

Retrospectively, Theo stated how the formal agreement by member states for the enactment of a more comprehensive activity of biometric data collection, as

it highly helps in assisting law enforcement in deterring cases of missing persons, unidentified remains, and also countering terrorist activities (NCB Jakarta, 2022).

The author of this paper perceives this meeting as a buffer before the actual and more comprehensive and extensive securitization process in the General Assembly commences, therefore identifying this meeting as a *posterior* speech act part preceding the actual one. The speech act in this meeting prior to the assembly is seen as very strategic, as it commenced on September 19th, 2023-approximately a month before the 90th INTERPOL General Assembly. The securitizing actors here are obviously Darius Theo and Simon Fernan III as the representatives of INTERPOL, where the audience are the Indonesian National Police, Indonesian Automatic Fingerprint Identifications System Centre, INP's Forensics Laboratory Centre, and the Indonesian Immigration Directorate. The discussion during this meeting further showed how the securitizing actor succeed in conveying the message of success rather than the expected extinction of the referent object, i.e the society. We can see it in the following exchange between the representatives of INTERPOL and one of the audiences, the Indonesian Immigration Directorate (NCB Jakarta, 2022);

Theo stated:

“We recognize that biometric information can be seen as sensitive; we try to accommodate countries in sharing this information to preferred nation(s) of the providing countries, not only this we also try in other various ways to accommodate providing countries by the way INTERPOL can share it, to which country(ies)”

In addition, Fernan stated:

“We know the immigration department also takes biometrics data; in an ideal world, every country should have a central database where each agency can crosscheck biometric information; generally, it depends on the internal structure, but the Interpol database serves as an ad hoc database, where countries can check and store information”

Where finally, the Immigration Directorate replied with:

“I think INTERPOL can keep continuing the process and invite more agencies in this initiative, though we will still have to report to the supervisors but it would be good to add more”

A vague yet positive response from the Immigration Directorate was something that showed the prospect of approval for this initiative to be implemented, although there have been no further decisions from Indonesian authorities on the implementation of **PROJECT FIRST**.

INTERPOL had already begun the campaign of showcasing the I-Familia database and the science behind it well before the 90th General Assembly. It started in mid-2021, through Twitter posts from the INTERPOL official account:

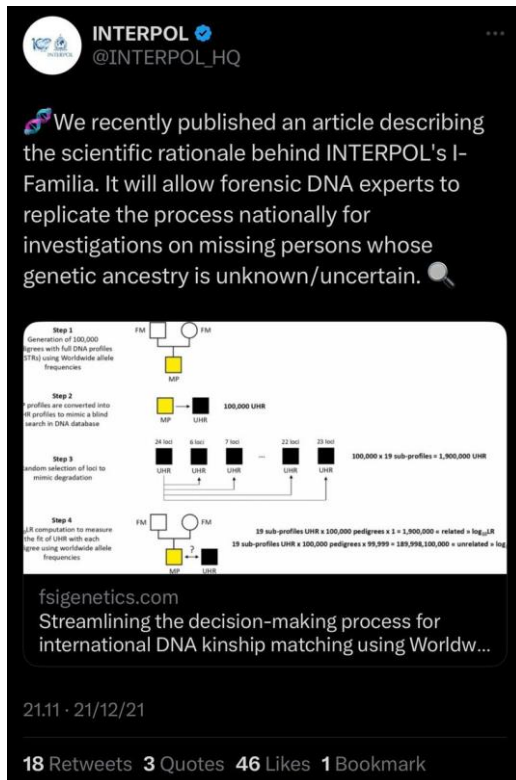


Figure 3.1.1 Collage of the first expositions of the I-Familia database by INTERPOL through their official Twitter account @INTERPOL_HQ

Source: Twitter.com

In the tweet posted at 21:11 Western Indonesian Time (UTC +7) on the 21st of December 2021, INTERPOL emphasized the role of the epistemic community in providing scientific and positivist arguments on the usage of the I-Familia database, in which scientists argue that the new method of computing, analysis, and method of kinship construction in biometric data applied in the I-Familia database can legitimately assist law enforcement agencies in disclosing cases of unidentified remains and finding missing persons (Laurent, et al., 2021). It is fascinating how the international organization employed empirical and positivist “backup” from the scientific community. According to Buzan, Waeber, and de Wilde, this occurrence is not of an accidental nature. Governments, International Organizations, and other

political entities within the 5 levels of analysis are constantly faced with the volatility and complexity of the overall international system which is outside of the control of one single individual government, this creates a sense of urgency to make sure of the effectiveness of a policy, and since most of these policies and transnational in nature, stakeholders believe that empirical evidence(s) is required to be the basis of the policy formulation process (Waever, Buzan, & de Wilde, 1997, p. 73). This view is aligned with what Peter Haas explained as the approach that assumes the actors are both pursuant of power-wealth and ‘uncertainty reducers’ (Haas, 1992).

3.1.2 During the Assembly

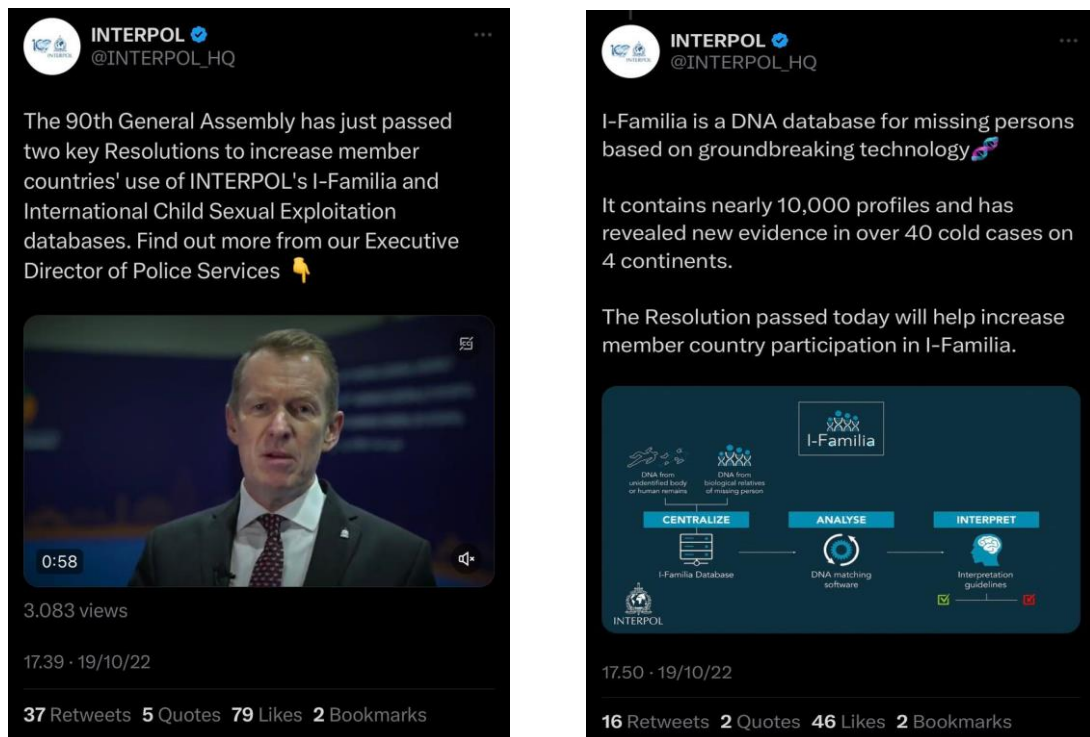


Figure 3.1.2 Tweets posted when the resolution GA-2022-90-DRES-05 was agreed upon through their official Twitter account @INTERPOL_HQ

Source: Twitter.com

Before we dive deeper into the securitization process during the 90th INTERPOL General Assembly, we have to understand fully what the next part of the process actually is. The Speech Act itself can be determined as part of the Securitization Process if (1) contains *hermeneutic artifacts* such as metaphors, repertoires of images, analogies, etc., (2) is done by established actor/actors, (3) the actor's capability to project the existential threat the referent object is facing, and (4) the urgency of the matter requiring it to be addressed immediately (Balzacq, 2009). Initiating the discussion and therefore the Speech Acts of the I-Familia database during the second day of the General Assembly, the session on Operational and Strategic Partnerships commenced with the speech of Ilana de Wild from the INTERPOL General Secretariat on the topic of Supporting countries in their efforts to identify and investigate online child sexual exploitation. During her speech,



Figure 3.1.3 Ilana de Wild preparing for her speech during the second day of the Assembly

Source: Indonesian National Police

de Wild put an emphasis on how there are instances where member states assembled their own special regiment within the police forces to help tackle and identify cases related to online child sexual abuse. Furthermore, she stated how the INTERPOL had already engaged in several bipartite partnerships with several member states in providing technical assistance and consultation.

The INTERPOL recognizes the issue of all kinds of abuses against children, including sexual abuse as a critical problem. INTERPOL issues Yellow Notices² to coordinate thorough coordination and communication between member states, and even to coordinate assistance from the Secretary-General if necessary, and in 2021 alone, INTERPOL issued 2622 Yellow Notices, a 3% decrease from 2020 (INTERPOL, 2023).

More on the issue of crimes against children, according to the report by the Youth Endowment Fund on the vulnerability of children, from approximately 2000 respondents, about 1,4% of boys, and 8,3% of girls were victims of sexual assaults, where the perpetrators are dominated by acquaintances, followed with strangers, and family members with a 3:1:1 ratio (Youth Endowment Fund, 2022, pp. 19-20). de Wilde stated in her speech:

‘..INTERPOL units stand ready to partner with law enforcement in any member country to help set up and support such a unit and to connect to the INTERPOL child exploitation database..’

² INTERPOL Yellow Notices are issued among NCBs to assist in locating missing persons, where it is most frequently used to identify minors or persons who do not have the capacity to self-identify (INTERPOL, 2023).

after finishing her speech, the President of INTERPOL further commented on the issue to the audience by stating:

‘who is more important than your children in this society? I don’t think there is anyone that we should care about and protect more’.

as the securitizing actor, the INTERPOL General Secretariat, through Ilana de Wild and al-Raisi as the president used terms, phrases, and semantics to show the readiness and the capability INTERPOL has as a communication hub. This is to add to the fact that prior to the meeting, NCBs are given documents explaining the background and the importance of discussing such agenda(s), as in this session the agenda is coded *GA-2022-90-REP-13*. How this agenda connects to the succeeding I-Familia topic is related to how the specialized task forces from several member states, often communicate, engage in discourses and analyze data available in the ICSE (INTERPOL Child Sexual Exploitation) Database, as it integrates image, video, and metadata processing technologies, case management, and communication functions, where these functions serve authorities to share data, expertise, and engage in a joint investigation (INTERPOL Executive Directorate for Police Services, 2022). This showcase and part of the speech act are unequivocally and indubitably crucial, as this presents evidence that INTERPOL and a longer-established platform with similar qualities as the I-Familia database can be sustainable and valuable in providing relevant information. As the resolution passed, the forum shifted to the I-Familia database.

Reflecting on the data we derived from the International Crime Section of the International Relations Division of the INP, we can come to a conclusion, that

the number of cases regarding abuses against children, be it online or physical is still at a high level. The securitization process here to convince delegations of INP and other police institutions that the integration of the ICSE and national database(s) will be beneficial for domestic, national, regional, and international police force to tackle and stop cases of child abuse. Currently, there are only 68 INTERPOL member states that are connected through the ICSE which enables information sharing and more flexible communication. If Indonesia and remaining member states are to join this database fully, it would create a cohesive joint-force in combatting any form of child exploitation.

Speech Act during the agenda ‘the Identification of Missing Persons Through Optimal Use of INTERPOL’s I-Familia Database’ was led by Cyril Gout, the Director of INTERPOL General Secretariat Operational Support and Analysis Directorate.



Figure 3.1.4 Cyril Gout during his report and speech on the optimalization of the use of the I-Familia Database

Source: Indonesian National Police

In his speech, Gout emphasized the responsibility that the worldwide police community has in minimizing, and countering the occurrences of missing persons and unidentified bodies. He stated that although general forensics analysis methods of today, which is to compare post-mortem and ante-mortem information from their families (Smithsonian National Museum of Natural History, 2023), the INTERPOL can enhance the effectivity and efficiency of this analysis through the latest technology.

‘INTERPOL has developed an innovative method..this is a suitable method when the person’s DNA is not available and it is based on the genetics of the relatives of the missing persons. INTERPOL with its recognized-DNA specialists, have found that this method is applicable, apart from its high complexity.’

he also underlined the data protection of such sensitive database. Gout further explained on the success the I-Familia database has had during its 1-year lifespan, one of them being the success of linking the biometric information of missing children with a body found over 16 years prior, enabling a smoother investigation process and communication with relatives.

‘I-Familia is your solution to obtain key information to bring answers to these families, to give a name to these unidentified bodies and a family to all the missing persons...it is an important police mission, to support and help victims, to the families of the victims..’

that is what Cyril Gout said during the closing part of his report.

As what the author is analyzing in this sense is relatively novel there still needs to be more evidence or reports assembled for the author to analyze the effectiveness of the I-Familia database. Although, strictly from the securitization aspect of it, the speech act conducted by Cyril Gout on the database received

positive responses from the audience of this entire process-the law enforcement agencies-. The resolution gained absolute endorsement from the forum, which can be seen with a 109 (99,1%) – 1 (0,9%) turnout in the voting, in favor of accepting the resolution.

It is quite a rather timely topic, that the police were discussing during the General Assembly, it is the gratification of privileges and immunities of INTERPOL on the territory of The Federal Republic of Nigeria and The United Kingdom respectively. The presence of INTERPOL staff and officials in several member states may help local, and national officials in conducting law enforcement efforts (INTERPOL Executive Directorate of Legal Affairs, 2022).

The Indonesian delegation for the second day of the assembly, Police Brigadier General Winston Tommy Watuliu, and Police Senior Superintendent Tommy Aria Dwianto did not give any remarks during the session as the Indonesian delegates agreed on the motion proposed motions by INTERPOL.

Looking at the data derived from the International Crime Section of the INP International Relations Division, the INP has been facing a substantial increase in the number of unidentified remains and missing person cases. Although most of the cases are solved, some are still in progress, and these cases are not only of recent nature which can be seen in the graph above, older and more notorious cases of missing persons can also hopefully be solved; cases of Wiji Thukul, and missing activists during the 1998 Indonesian Revolution could also be unearthed, cracked, and therefore bringing peace to their families, where this database can finally be the

catalyst to all of the legal procedures (Agustina, Kurniawan, & Elvandari, 2011) and ending the horrors their families have been through all those years.

Deeper analysis in the process of securitization we are required to dive deeper to the concept of human security. As mentioned in the first chapter of this writing, per the UNDP, Human Security itself can be defined as safety from chronic threats such as hunger, disease, and repression and protection from sudden and harmful disruptions in the patterns of daily lives. Although the concept of Human or Societal Security is relatively straightforward, Buzan, Waever and de Wilde put an emphasis on `how the term is fundamentally different from that of ‘Social Security’ where the former focuses on the phenomenon relating to a subject, therefore indicating activities which influence the everyday existence of the “we” individuals or identity, where the latter focuses on local collective identity and economic variables and end goal(s) (Waever, Buzan, & de Wilde, 1997, p. 120).

As one of the concepts employed in the formulation of this paper, it is a mandatory condition to find relevant causality between the enactment of the I-Familia database and the preservation and improvement of general Societal Security in Indonesia. However, although the concept of Human Security have offered new perspectives of security, it has also garnered a handful of criticisms. Several scholars deemed the idea as ‘too vague’ and offers minimum research agenda to prove further tangible points it claims to possess (Booth, 2007, p. 323). Nevertheless, the concept still have intriguing values, that entices political scholars to continue utilising it as one of the parameters of undertaking policies correlating

to public and national security. Such case can be seen within the securitization of issues many police organizations-including the INP-are currently facing.

According to Buzan, the condition of absolute security is something that is virtually unattainable, as there is an abundance of subjectivity when it comes to determining the ontology of security itself (Buzan, 1983)-although the definition of 'ideal' security would be the low tendency of damage propagated to acquired values (Baldwin, 1997, p. 13), in which these values are things, be it tangible or intangible, that requires protection, in other words, the referent object; for example, this could be in the form of power, wealth and inter-state relations (Wolfers, 1952). In the context of cases of Unidentified Remains and Missing Persons, the values which the securitizing actor(s) trying to achieve is the general societal safety and security from criminal activities. along with the order of society. Derived from Caroline Thomas' perception of Human Security (Thomas & Wilkin, 1997, p. 3), where states must gradually shift to the more intrinsic parts of the everyday activities and probabilities of harm that society may encounter³, we can deduct the correlation of law enforcement and the preservation of Societal/Human Security. Criminal activities are also part of the lexicon of threats that may and can disrupt societal peace. However, the relationship and connection between it and Societal or Human Security are much more complex than what one may imagine. It has been empirically shown that fear of being a target of criminal activity may lead or relate

³ Caroline Thomas explained the term 'Human Security' as a concept where the state transitions beyond the negative conception of the 'protection from' to 'participation in'. This concept portrays a more positive dimension of 'partaking' by the government in guaranteeing even the most basic of human needs.

to societal and economic unrest and insecurity (Vieno, Roccato, & Russo, 2015), while another research indicates that an individual's general perception of security includes whether the criminal activity level is high or low (Socha, 2022). Aligned with what Buzan and Co., Mentioned, the occurrence of vast illegal activities comprises one of the three contemporary and most common issues viewed as threats to Human Security, which is impending Horizontal Competition. It is empirically proven that kidnappings are usually done for several obvious reasons, including economic survival and political strategies (Osumah & Aghedo, 2011). As the number of incoming letters on the case of missing persons and unidentified remains increased exponentially in 2022, the Indonesian National Police is prompted to be able to work efficiently in facing missing person cases as there are possibilities of gatekeeping and even homicide. Nonetheless, with the addition of the I-Familia database to the INP's arsenal of identification in investigation efforts, the possibility of the biometric database influencing the course of investigation is fundamentally limitless. This database relies on the coordination of intergovernmental ministries and organizations as well as the consensual participation of the general public.

Not only in identifying missing bodies and persons alike, the I-Familia database can also be utilised to assist police officers in identifying biological clues relating to the identification of sexual crimes done against children, albeit with the current I-Familia capability, it might only be applicable to physical crimes where trails of DNA could be used to track down perpetrators. With the capacity to decode and match DNA fragments left on crime scenes, which may lead to the formulation of possible list of suspects.

The ICSE is a database serves as a central hub for videos and images portraying many forms of child abuse and exploitation, in general the documents that may prove to be advantageous as Child Sexual Abuse Materials (CSAMs) and Child Sexual Exploitation Material (CSEMs) (ECPAT International, 2018, p. 1). By using the ICSE database, it is hoped that the police institution of INTERPOL member states can analyse and decrypt critical information to profile and identify children depicted in the data pool.

One question that may linger is just how does this I-Familia database work? Initially, INTERPOL and the forensics team analyzing samples of DNA utilize the genome/DNA matching software, the BONAPARTE developed by Smart Research (Laurent, et al., 2021, p. 1). Each member states-if in agreement to use the database-may provide sufficient biometric data for additional reference. As previously mentioned, the comparison between antemortem and post-mortem information is required, therefore biometric data must be adequate enough to support the matching of these two variables. About the I-Familia database itself, it is made up of three components (INTERPOL, 2023); **Dedicated Global Database**, a secure and confidential database containing DNA profiles provided by member states from relatives and is kept separately from any criminal data; **BONAPARTE**, the DNA-matching software, and **Interpretation Guideline**, a thorough guideline prepared by the INTERPOL to efficiently identify and report potential matches.

The biometric database is a very touchy-a sensitive subject as it contains the genetic information of the citizens of a country. Of course, the mistreatment of such sensitive information can and will jeopardize an entire country. This is evident in

how the Ambassador Extraordinary and Plenipotentiary of the Republic of Indonesia to the Federation of Malaysia, Mr. Hermono, explained in a Class Session in the International Relations Department of Diponegoro University about how the biometric database of Indonesian diaspora is an embassy-exclusive information, and how there has been minimal, yet adequate regional coordination with the ASEANAPOL and NCB Jakarta (Hermono, 2023).

In processing the information supplied by INTERPOL member states, the INTERPOL has a strict, yet flexible set of rules on the processing of data. A strict set of rules called the Rules on the Processing of Data governs what member states, and the INTERPOL General Secretariat's responsibilities and privileges when it comes to the management of data uploaded to the INTERPOL databases. Firstly, the information available within various INTERPOL databases-in this case the I-Familia database- is only available for use if it is required to assist in the searching of a fugitive or person, assessing information that may help investigation efforts on specific crimes, identifying unidentified remains and missing persons (in accordance to the I-Familia database), and in acknowledging the tendencies of threat, criminal activities and criminal networks⁴. As the information supplied by member states are sometimes confidential, and is of high risk, it is crucial for each member states which supply information make sure of the purpose of usage of the information they are providing⁵. This is to add to the fact on the data quality the INTERPOL requests upon each member state, as it is imperative that each piece of

⁴ INTERPOL Rules on the Processing of Data. Title I, Chapter II, Article 10, Point 2.

⁵ *Ibid.* Title I. Chapter II, Article 11, Point 2.

data to be relevant, accurate, and is updated⁶. The confidentiality of such updated information are determined by uploading NCBs, and other accessing NCBs, international organizations and third-parties in general must adhere to and treat said information to the said level of confidentiality approved by the uploading NCBs⁷. Additionally, while each NCBs are required to determine specific levels of confidentiality to protect the information they have provided, from the IPSG's end, the General Secretariat is responsible to create and develop a compatible information security management mechanism, where in the process of constructing this device/system, the General Secretariat will consult NCBs and other relevant advisory bodies⁸.

In addition to the Rules on the Processing of Data that governs most of the files that is under the jurisdiction of INTERPOL, the ICSE data also has a special clause that is different from the I-Familia database. It is stated on the report published by ECPAT International, that the information submitted by INTERPOL member states within the ICSE database are engaged in a data sharing and handling agreement from INTERPOL and a third party, which is ECPAT International itself, and in this activity, ECPAT International is also overseen by another party appointed by the INTERPOL, an international technical working group to validate the process and analysis done by ECPAT (ECPAT International, 2018, p. 2).

⁶ *Ibid.* Title I. Chapter II, Article 12. Point 1.

⁷ *Ibid.* Title I. Chapter II, Article 14.

⁸ *Ibid.* Title I. Chapter II, Article 15.

In compiling the data, each NCB is responsible in coordinating other national ministries and organizations. In addition to this, to compensate in providing abundant information which may hold high-level information and value, each NCBs are entitled to grant access to various INTERPOL databases to these ministries and organizations, although in giving this privilege, each NCBs need to ensure the background of such organizations, and whether or not their reasoning to access the databases is in line with INTERPOL vision and mission and the relevance of access. Each NCBs are prompted to report to the INTERPOL General Secretariat if they grant access to third parties in accessing various INTERPOL databases, they also take responsibility in every third-party access towards the INTERPOL databases.

From the myriad of mechanisms incorporated by the INTERPOL in the processing of data and in making sure of the quality and safety of such fragile and sensitive information, Indonesia, as a member state, should face moderate concerns when it comes to the protection of biometric information sent to be stored within INTERPOL databases, including the I-Familia. Alas, what could be in store for the INP and its future efforts in identifying missing persons and unidentified remains correlating to Indonesian nationals and foreigners in Indonesia, as the adapted resolution of the INTERPOL General Assembly does not undermine the possibility of construing with Indonesian law and regulations.

Retrospectively, Indonesia has not been able to drastically ‘puncture’ and create new law within its legal system in accordance to agreements and treaties it retrospectively agreed upon. Indeed, this is due to the sometimes-conflicting

domestic and international political interest of Indonesia in such international forums. Although, through recent history we can see how Indonesia tend to be more ‘vicious’ in creating legal breakthroughs in international treaties concerning human rights. This is due to government’s tendency to prioritize national values, norms, and agenda rather than its international counterpart-this forces the latter to be put aside in a discourse (Prihatinah, 2021). Other reason states that this practice of difficulty in adopting international treaties domestically is due to Indonesia’s implementation of Dualism and Monism, where although the legal status of international law is as a source of the National Law either through incorporation or adaptation (Farida & Prabandari, 2019).

In consideration, what the I-Familia database consider as biometric information required for it to function correctly are the identifications of biometric information from their kin, while these are not specified, it is safe to assume that essential data on citizenship may be put in danger if mistreated by officials, even though it is stated through the Rules on the Processing of Data that exposition of such data would only be authorised if the requesting party has a legitimate claim of utilisation of these sensitive information on the identification of unidentified remains or missing persons. In this case, Indonesian authorities must be sure to follow the SOP of such data transfer (i.e. the RPD) and also to have thorough coordination among ministries-this possible outcome would prompt policymakers and legal-drafters to urgently formulate feasible legal instrument to make sure of the confidentiality and safety of such information.

It is quite a quizzical discourse when talking INTERPOL, as many countries and in many instances as well perceive it as a non-binding intergovernmental organization, which we will delve into deeper in the next sub-chapter. Where intergovernmental organizations have a non-binding nature, INTERPOL still made it clear that the information used and supplied into the INTERPOL database with mechanisms as mentioned earlier in this sub-chapter must be adhered to by official member states, of which almost every member states are. As mentioned in Title 1 Chapter 1 Article (17) of the INTERPOL Rules of the Processing of Data script regarding the effective implementation of the RPD itself⁹, where the General Assembly is positioned by the INTERPOL General Secretariat as the forum to ‘announce’ to every member states on the improvements and perhaps even the worsening of the adaptation and implementation of the rules and is not limited to the resolutions agreed upon in the previous assemblies.

This condition-to some extent-puts a direct force, a legitimate clause for member states within the organization to adhere to decisions agreed in forums, and in this case, the General Assembly. Although as we have acknowledged, on the nature of intergovernmental organizations where it is more flexible and relaxed than that of the supranational organizations, it still has limited reach and force of its coherence and relevance for the ratifying states.

⁹ INTERPOL Rules on the Processing of Data. Title I, Chapter I, Article 17. Here INTERPOL puts an emphasis in how the INTERPOL General Secretariat works as an overseer in the implementation, work, and compliance of NCBs, and corresponding Ministries or other national organizations of respective member states.

As the 90th session of the INTERPOL General Assembly elapsed, the INP team consisted of several personnels in the International Crime Section would formulate a report on the entirety of the Assembly which then would be given to the Chief of the INP for considerations and insights on the policies undertaken in the conference, which will be reported to the Indonesian President.

However, other INTERPOL member states are also facing what is perceived as a lengthy and possibly labyrinthine process of constructing several new legal tools to complement the intended access to respective countries' biometric database to aid investigation through the I-Familia. This problem was conveyed by the Head of Delegation for the Kingdom of Norway and the Deputy Commissioner of Norwegian Police, Hakon Skulstad. He stated that although a handful of countries have provided biometric information, more are expected from other members as well, especially after the General Assembly commenced. He also acknowledged the possible barriers in drafting and adopting new domestic law in regards to the provisions of such data, and encourages every member states to consider the possibility of addressing such issue. (Indonesian National Police, 2022). As the same is currently happening in Indonesia, as since the 90th INTERPOL General Assembly, there has been no published and publicly accessible sources stating legal changes in the sense of the access of biometric information by international organization.

3.2 The Dynamics of the Indonesian Delegation Before, During and In-Between the 90th INTERPOL General Assembly

I, as the researcher of this writing who was present during and through the entirety of the 90th INTERPOL General Assembly along with personnels from the Indonesian National Police, the Supreme Court and the Indonesian Intelligence Agency, was engulfed in a first-hand experience of how national delegates actually operate before, during, and in-between the sessions of an INTERPOL General Assembly.

The researcher took part as an intern of the International Crime Section of the International Relations' Division of the Indonesian National Police from September – November 2022, and was subsequently assigned to the General Crime sub-section. The preparation for the national delegates' departure had already started since August. Initially, the preparation was solely focused in formulating the position paper for the delegations. This position paper served as the guideline for what the delegations must say, what they must vote for or against, and if they are required to speak in the forum. Throughout September, the researcher and other interns were directed to finish the composition for the position papers. Regarding the decisions on voting mechanisms during the Assembly, the delegation of the INP met with several representatives of the Indonesian Ministry of Foreign Affairs, in order to gain the MoFA's perspective on what decisions and policies proposed by the INTERPOL we should agree with, we must disagree with, and those that we should just abstain from the vote. For example, on the 2nd day of the Assembly during the 7th Agenda, the first draft proposal discussed within the forum was the

Proposal by Ukraine for a Resolution Tasking the Working Group on Governance, in which the Ukrainian representatives asked the forum to support its scheme to task the Working Group on Governance in the revision of Article 4 of the INTERPOL Constitution regarding member suspension or expulsion of other member state(s). Informed on this matter, the Indonesian MoFA suggested for the Indonesian delegation to ‘ABSTAIN’ during the voting mechanism in order to deter possible conflict of interest between both Indonesia and Ukraine, and Indonesia and Russia. Not only preparing the position paper and related documents, the interns also took part during the onset of a pre-departure meeting between Indonesian delegates from the International Relations’ Division of the INP and other delegates from various ministries and relevant organizational bodies.

After arriving in India, the Indonesian delegation had already been prompted pertaining to the requests of multiple INTERPOL member states to hold a bilateral meeting to discuss a myriad of issues and related topics. The first bilateral meeting for the Indonesian delegates was with the delegates the People’s Republic of China, and this meeting was held in the Le Meridien Hotel in New Delhi. In this meeting, China and Indonesia agreed to bring forth the issue of the long procedure of uploading INTERPOL Red Notices during the General Assembly, and also intel exchange to ensure the safety of the G20 High Level Summit in Bali. The next bilateral meeting was with the representative of the Indian Police Force, more precisely the Intelligence Bureau of the Indian Ministry of Home Affairs. In this meeting both parties agreed to increase the amount of joint-capacity building activities between national police forces. Subsequently, this meeting is followed

with another bilateral meeting with the representatives of the United States of America held in Pragati Maidan Convention Center. In this meeting, the US restated on the success of the **Project TERMINUS**, where joint efforts of the US, Indonesia, and 9 other countries have culminated in a massive success. In this opportunity, the US also advocated for an increased collaboration with Indonesia by sending out invitation to attend a conference in Bali fully funded by the American government. The next bilateral meeting is with NCB Moscow in The Royal Plaza Hotel. Due to the warm relations between Indonesia and Russia, the Russian representatives asked Indonesia to think through the agenda proposed to amend the 4th Article of the INTERPOL Constitution, as the Russians felt that if it were to be changed, it would disrupt the already-established continuum of the organization. They also asked for the support of the candidacy of Mr. Pyotr Gorodov as a member of the *Executive Committee* INTERPOL. Following the bilateral meeting with the US, the next day, another bilateral meeting was held with the representatives of Turkey. Respective delegates of Turkey and Indonesia agreed to commit in increasing strategic collaboration in law enforcement efforts. The Turks also encouraged Indonesia to promptly review the MoU draft between their respective police forces. On the 19th of October Indonesia only had 2 bilateral meetings, on the 20th we also had 2. The first one was with Belgium. The meeting with Belgium was requested by NCB Brussels as the Belgians asked for both the Indonesians support of the proposed MoU between the INP and Belgian Police and the candidacy of Mr. Peter De Busscher's candidacy for the seat of the Vice President of the Europe Region. The second meeting was with NCB Nay Pyi Taw, Myanmar. The impromptu meeting

saw both delegates discuss the possibilities of establishing a tangible police-to-police cooperation in tackling forms of human trafficking and drug trafficking related to Indonesian diasporas in Myanmar. And the final bilateral meeting of the assembly, was held with INTERPOL's Project Stadia. Project Stadia is an interesting project, as it aims to create and enhance collaboration with the law enforcement to secure major-scale events. The representatives of Project Stadia asked Indonesia to be willing to share intel on possible threats regarding to the FIFA World Cup 2022 event in Qatar. Project Stadia would've been incorporated in INP's plans had the U-17 FIFA World Cup were to continue in Indonesia (Indonesian National Police, 2022, pp. 40-45).

By engaging in these activities, both before and in-between the General Assembly, Indonesia managed to gain friends and even achieve opportunities which previously were not even considered. The now-available options to enhance cooperation with other INTERPOL member states bilaterally with Indonesia such as the MoU between police forces, the establishment of police-to-police cooperation, and the option to conduct more capacity-building activities in the future may be the keys to further improve the quality and capability of Indonesian Police Force. Not to mention, with the implementation of various mechanism and technical assistance the INTERPOL members had agreed upon during the 90th INTERPOL General Assembly. This has proven that the participation in this activity is key in improving our relationship with other countries' police forces, but also to open up new opportunities to enhance and build upon the current efforts that

we have in improving the service INP provides to the general public in upholding societal security.

3.3 Possible Cooperation in identifying Unidentified Remains and Missing Persons with other INTERPOL Member States?

Normatively, countries would want to implement and adapt agreed resolutions from an international treaty, as it may prove to be fruitful for its international imagery-however, it is only sometimes the case.

Compliance means the '*act or process of complying to a desire, demand, proposal, or regimen or to coercion*' (Merriam-Webster Dictionary, 2023), or it can also be understood as the urgent need to abide an official requirement. And in the international environment, some countries tend to disobey the pre-determined target or rules or the status quo, and there are several types. According to Ronald B. Mitchell in his publication '*Compliance Theory: Compliance, Effectiveness, and Behavior Change in International Environmental Law*' (Mitchell, 2007, p. 897):

- a. Treaty-induced compliance
- b. Non-compliance due to inadvertence;
- c. Unintended Compliance;
- d. Unintended Non-compliance.

All of these forms of compliance and non-compliance stem from reasons such as conformity due to the positive outcomes the treaty or decision trigger, inability to execute proposed plans due to lack of resources, and just plain ignorance to the treaty itself.

Tendency-wise, Indonesia has proven to be inconsistent in 'holding up to their end of the bargain' in its accession to international treaties (Latipulhayat & Dwi Harijanti, 2022). We can see this form of inconsistency in Indonesia's non-compliance in the Kyoto Protocol (Pratama & Windiani, 2020). Nevertheless, Indonesia is still a very active party in the international environment, especially in relation to international organizations and communities. In the context of security, however, Indonesia has never been an active party-in the context of traditional security at least. In the context of police cooperation, internationally and regionally, Indonesia has been acting as a very active component of said organizations, respectively. The INP and other ministries are active in giving the platform for other countries which already have extradition agreements with Indonesia in extraditing persons of interest (Kholisoh, 2022), while also having very active Police Attaches in several countries, abroad-although several types of research have indicated the need for a revamp in the recruitment process of these Attaches (Tlonaen, Asropi, & Giyanto, 2022). Academic research on the correlation between state compliance to treaties and the desirability of such states has shown that compliance and position of authority in international agreements and treaties may invigorate other states to collaborate (Voeten, 2013).

In the case of INTERPOL and how nation-states, through its NCBs, enact and put into action the changes and decisions confirmed through the assembly, it varies. For Indonesia, while the outcome of cooperating with the INTERPOL General Secretariat might yield more practical uses in assisting police forces in facing such cases, the bargaining chip they are submitting in exchange for the very

platform enabling the prementioned assistance may be deemed as too valuable, as the importance of the biometric database of Indonesians, and even diasporas all over the world cannot be overstated. Now, as the INP had agreed on the access of information for the purposes of investigation for the INTERPOL and its uses in the I-Familia database spectrum, we are still in the infancy step of the overall initiative and its implementation in Indonesia. We are still waiting to see how the INP and the investigation they are undertaking, along with the assistance of biometric information in assessing remains.

As an international organization which is also a regime in its right and capabilities, INTERPOL unequivocally was established to hone a better coordinated response from worldwide police agencies. Krasner argues that international regimes can prevail and survive as long as it reciprocally yield positive benefit(s) for every involved parties (Krasner, 1983, p. 372). In the scope of victim identification, the INP and INTERPOL have conducted several activities with the hopes of building personnel quality and response in facing possible cases in the realms of abuse against children, missing persons and unidentified decedents. Some of these cases include a July 2022 activity between the INP and the INTERPOL CAC (*Crimes Against Children*) Unit regarding '*Children Victim Identification*' and the September 2022 Operational Meeting of the INTERPOL Specialists Group on Crimes Against Children (BAGJATINTER NCB JAKARTA, 2022). As the INTERPOL and its tools, have proven to be of significant assistance for investigators in Jakarta, and with other projects following suit, especially the INTERPOL Vision 2030 which aims to modernise and revolutionize the way police

work and communicate in the modern world, it would be crucial for the INP to continue participating and contributing in the communicational hub that the INTERPOL is. The addition and further integration of the I-Familia database is another critical step in modernising police investigation. The leeway that had been given to the INTERPOL and its officials while on duty in member states-Nigeria and the United Kingdom-could prove to be significant in investigations and operations relating to major criminal syndicates all over the world, with the immunities and special rights granted by the trailblazing nations during the 90th INTERPOL General Assembly, other member states can analyze whether the eased movement of INTERPOL officials can help in finishing cases to determine the future of privilege-granting for INTERPOL officials.

Apart from the intangible prospect of future collaboration with other INTERPOL member states, what can be expected from the General Secretariat itself, we can predict. As mentioned in the previous chapter, regarding the '*New Statutory Contributions Scale*' and its usage to increase INTERPOL's already-existing tools and features. Indonesia, through the INP, is also the subject of this increase, with the same amount of increase as other members, 0,032% to a standard 0,549% through 2025 (Indonesian National Police, 2022). A budget increase means an improved and revised function of the INTERPOL, not only on notices and diffuses but also in capacity-building activities, which can be done under the INTERPOL flag but is inclusive to Indonesian staff and other member states. What is interesting about these activities is that countries participating in them tend to use these occasions as a platform to conduct side diplomacy by high-ranking police

officials with their peers from other countries. Side diplomacy is a highly favored form of diplomacy as it is conducted in a more private manner, wherein such conditions the actors-in this case, they are most likely the heads of respective national police forces-can 'rigorously' negotiate with one another, magnifying the chances of pragmatic discourse with the hopes of synthesizing a mutually advantageous agreement (Lindsey, 2017) in order to conduct pieces of training or other capacity building activities. One such example of this side diplomacy can also be seen during the 90th INTERPOL General Assembly, where the INP got into a spontaneous meeting with the representatives of Qatar, also the Senior Manager of Project Stadia for the 2022 FIFA World Cup, in which both delegations engaged in a discourse on possible intel exchange and personnel training not only for the World Cup in late 2022 but also for future occasions and grandeur events (Indonesian National Police, 2022, p. 45).

Presently, even though the I-Familia database is a very young tool in the scope of means of identifying unidentified remains and missing persons, we can take the small sample size it has produced to get a picture of how the database itself and the possible international coordination through INTERPOL may ensue in the coming years. In the first two years of its existence, the I-Familia database has shown compelling results, as it has been valuable and crucial in assisting authorities in the identification of unidentified remains of missing persons, where several of these decedents were found on other continents, as stated by Cyril Gout during the Speech Act of the issue on the second day of the assembly. One of these cases is the successful identification of a male body found by the Croatian Police in 2004,

where the I-Familia database successfully identified his identity through family DNA identification (INTERPOL, 2021).

ICSE, on the other hand, having already existed for longer than the I-Familia database, have shown much proof in favor of its potential to assist law enforcement. Since 2017, it has successfully identified clusters of classifications in the scope of crimes against children. It has mapped the gender parity of unidentified victims¹⁰, the ethnicity of the victims¹¹, the age of the victims¹², the gender of offenders¹³, ethnicity of offenders¹⁴, status of visible victims and many more aspects¹⁵. Through the years, the ICSE have assisted law enforcement institutions in pinpointing the exact location where abuses happened. This happened in approximately 45% of identified cases, which involves 65.506 images and videos compiled within the database. This is principal in the establishment of an independent coordination of the most frequent countries tagged in identified cases as the producer of CSAMs and CSEMs, although generally it does not mean that in that particular country cases of child abuse is high, it serves as a ‘cautionary’ measure (ECPAT International, 2018, p. 10).

¹⁰ ECPAT International. (2018). *Towards a Global Indicator on Unidentified Victims in Child Sexual Exploitation Material*. Bangkok. INTERPOL. Pp. 3.

¹¹ *Ibid.* Pp. 4.

¹² *Ibid.* Pp. 5,

¹³ *Ibid.* Pp. 6,

¹⁴ *Ibid.* Pp. 7,

¹⁵ *Ibid.* Pp. 8.

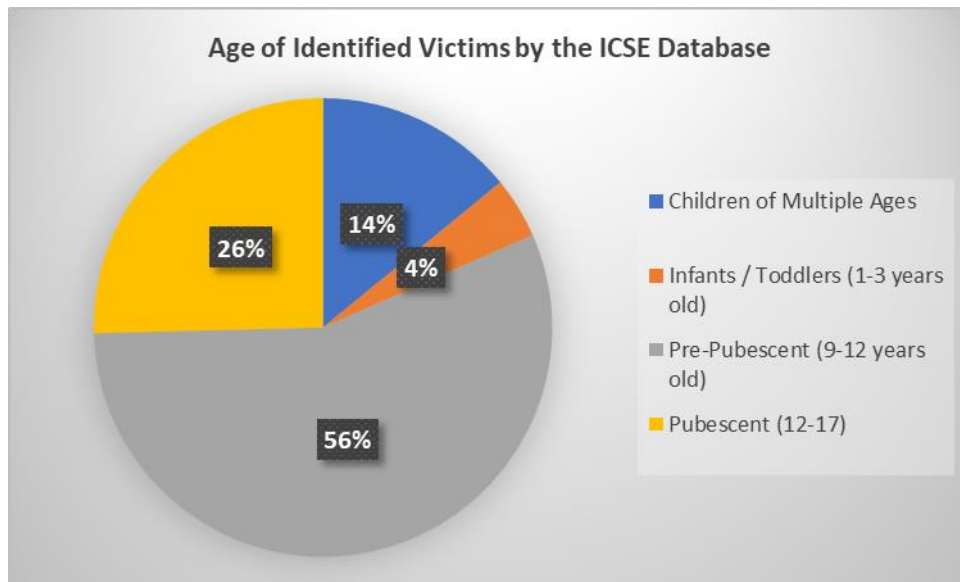


Figure 3.3.1 Graph on the identified victims' age range according to the ICSE Database.

Source: ECPAT International (2018)

Such untapped potential in a device could play a key role in countering more complex and complicated forms of crime, especially those concerning children, homicides, intentional expulsion of individuals, and so on. Bilateral cooperation is a tangible outcome of the future implementation of the I-Familia database; more intense cooperation between countries will result in a more established database which would help investigators decode pending cases. Under the watchful eye of the IPSPG and the INTERPOL CCF, along with the RPD on secrecy and confidentiality of information, the use of a biometric database will be able to crack a multitude of dilemmatic cases.

