

CHAPTER TWO

CHAPTER II: LITERATURE REVIEW

2.1 Introduction

This chapter will be further explored to provide a clearer understanding of drug mule experience based on phenomenological study of Malaysian cases. This chapter will summarize the literature review, especially articles on drug mules.

2.2 Literature Review

The 1994 Human Development Report said, "People's safety from long-term risks and protection from sudden bad things became less important in the routines of daily life." Human security is more concerned with the safety of civilians than the safety of the troops. The thought comes from the fact that protecting people is more important than protecting land. Mely Caballero-Anthony (2010) says that non-traditional threats include climate change, cross-border environmental degradation and resources depletion, infectious diseases, natural disasters, irregular migration, food shortages, people smuggling, drug trafficking, and other types of transnational crime.

Consequently, non-traditional hazards do pose a risk to human safety. Indirectly, drug trafficking weakens government control, which in turn leads to violence and corruption and threatens human security (Muon Dandurand, 1999). From the perspective of the victim, severe psychiatric disturbance often arises

because of the traumatizing experiences they have while in detention. The psychological torment, sadness, and remorse experienced by the drug mules and traffickers who were apprehended would also be experienced by their loved ones. This undermines efforts to ensure the safety of all people. The drug trade has evolved into a complex problem that threatens international stability. Fighting drug trafficking has become a higher priority as the scope of the problems has grown. The drug trafficking phenomenon is not a recent crisis in Malaysia. Since the 1970s, when the subject was first given considerable attention, it has grown into a much larger, more complicated, more critical phenomenon. The decision to investigate these drug mules further is timely considering the growing focus on them by the authorities. This section provides a comprehensive overview of many types of prior research that are relevant to the current investigation. Understanding the scope of this research project will be greatly aided by these literature evaluations.

2.3 Theories and models related to study.

There are several intriguing aspects to mule compensation. To begin, it's helpful to have some context regarding the magnitudes at play in order to better grasp the kinds of people who would be engaging in this behavior. Is the salary so low that only the most destitute people would consider it, or is it high enough relative to local labor markets that it would be appealing to a wide range of potential workers? A second point is that the inner workings of a fundamentally uncontrolled and unlawful labor market can be gleaned from an examination of the factors that correlate with pay. We're curious if, like Gertler et al 's (2005) research of Mexican sex workers

and Gathmann's (2008) study of Mexican migrant smugglers, traditional models of competitive markets may be applied to such underground, illegal markets. If the labor market is competitive, then workers should be aware of the risks they face when doing a particular job, and those who take on an objectively higher risk of a negative outcome should earn a higher wage, everything else being equal, according to standard economic theory (Rosen, 1986). Since the real incarceration risk of bringing different loads across the border will depend on load features (kind of drug, quantity), the work involved (driving the automobile across) does not, the mule labor market provides a test of this argument. Based on our data, we investigate if there are indeed commensurate compensation variations between loads due to changes in sentence risk. Although economic theory predicts that such a situation would give rise to compensating pay differentials, we can identify a few reasonable reasons why this might not be the case. To begin, there is a possibility that the drug mule labor market is thin and disorganized, leading to compensation being decided on a case-by-case basis. We would not necessarily expect a strong systematic relationship between compensation and the nature of the cargo under this model, as would arise in a more competitive setting, but rather, mule pay would be determined primarily by the interactions and negotiations between a given mule and recruiter.

Theories in phenomenology have been developed to shed light on the workings of the criminal justice system. Criminal activity patterns, law making and law-breaking, illegal and deviant behavior, and other theoretical frameworks are all considered. Depending on their scope, various theories may be either macro or micro. The testability, scope, empirical validity, and practical applicability of a theory are

just a few of the metrics by which it can be utilized to guide policy implementation (Akers & Sellers, 2013). According to Hagan (2011), phenomenological theories are often misunderstood as an attempt to defend or rationalize criminal behavior, or as completely useless for guiding actual social policy. However, this is not the same as arguing for why something should happen or how it should.

This chapter employs phenomenological theories to explain why people engage in drug trafficking as drug mules for the reasons. In addition, the theories, and data from semi-structured interviews with jailed people of drug mules may help law enforcement create preventive measures for drug smuggling, which in turn may help society recognise the hazards of being recruited as a drug mule. Phenomenological theory, and more specifically feminist theory, is the theoretical framework for this research. Feminist theories are used for this research because they raise questions about the generalizability of standard theories of crime to person's offenders (Walsh, 2012). Feminist ideas, in contrast to conventional phenomenology, do not center themselves on male criminality only. Females also become drug mules. Other possible factors for criminal behavior are not discounted by this research. However, this study's goals and aims suggest that feminist theories are better suited to explaining the occurrence of people involved in drug mules. Feminist theories used within streams of critical criminology are examined to provide context for how and why people become drug mules, which is necessary for achieving the goals. Apart from that, Maslow's hierarchy of needs could also be another phenomenological theory that can be used in this study as the theory explains that individuals are motivated by unsatisfied needs. Needs are significantly satisfied as it drives and

forces the next need to emerge. Each person does not have the same need as everyone else. Different individuals may be driven by different needs at the same point of time. It is always the most powerful unsatisfied need that motivates an individual.

2.3.1 Feminist Theories

Most criminological studies exclusively include information about male offenders, and this has limited the field's ability to expand beyond its current emphasis. Reasons were proposed to explain why males broke the law (Cullen & Agnew, 2006). For a long time, women's criminality was considered irrelevant to the larger crime problem, unworthy of serious study, and without bearing on the general public's opinion of men's ineligibility. More importantly, criminologists were virtually entirely males; hence, men were studying and writing about men (Cullen & Agnew, 2006). The disproportionate number of men involved in crime, especially violent crime, and the overwhelming maleness of the prison population contributed to the general contempt for women (Cullen & Agnew, 2006). According to (Cullen & Agnew, 2006). Within the realm of critical criminology, feminist theory provides a framework that accounts for the unique social role and personal experiences of women (Van Gundy, 2014). As a result of social inequality and economic dependency on males or the state assistance system, feminist theories that crimes committed by or involving women are to blame (White, Haines & Asquith, 2017). According to Van Gundy (2014), there is a double standard of power and morality in the CJS when it comes to women.

Gender stereotypes lead to discrimination and unfair treatment of women who come forward as victims or offenders in the criminal justice system. According to White et al. (2017), empowering women socially can reduce the number of crimes committed by or against women. The negative and limiting effects of male dominance on women must be addressed, and they must be given greater economic, social, and political equality. Furthermore, while feminist theory encompasses a wide range of concepts, it is most understood as a set of principles concerning social organization and human nature that emerged from the experiences of feminist theorists (Lengermann & Niebrugge-Brantley, 2000). As stated by Cote (2002), feminists disagree with current criminological theories because they believe these models privilege and ignore male perspectives at the expense of female ones. One of the major tenets of feminism is an interpretation of female criminality from a feminist perspective; this has led to changes in the law that improve women's rights in some countries and, more generally, to evolutionary gains in the economic, social, and political spheres (Cote, 2002).

Several theories, including the economic marginalization theory, have been used to explain the attribution of women's liberation to criminal activity. The extent to which men dictate the terms of women's labor and sexuality is highlighted by this viewpoint (Walsh, 2012). Furthermore, the rates of poverty and crime among women have increased, as has been pointed out by Hunnicutt and Broidy (2004). This theory proposes that rising rates of divorce and illegitimate births can be traced back to a decline in men's respect for women (Hunnicutt & Broidy, 2004). As a result, many women turned to "economically connected crimes" including drug trafficking,

stealing, and prostitution to make ends meet (Reckdenwald & Parker, 2008), which contributed to the "feminization of poverty." The sexualization thesis defines how the CJS views women as victims and perpetrators because of the concept that the CJS and its agents engage with women (in whatever capacity) based on certain gender parameters.

2.3.2 Maslow's Hierarchy of Needs

One of the most well-known theories of motivation is the hierarchy of needs proposed by Abraham Maslow (Hale et al., 2019). According to Maslow's hierarchy of needs, which evolve from basic to sophisticated, certain physiological and psychological needs drive human behavior.

Maslow was a humanist who thought that everyone has the innate drive to realize their full potential and become themselves. However, a number of more fundamental demands must be satisfied in order to reach this ultimate goal. Among them are the requirements for food, safety, love, and self-worth.

Maslow asserts that our needs can be divided into five categories: physiology, safety, love, esteem, and self-actualization (Cui et al., 2021). The base of Maslow's hierarchy of needs is physiological needs. They are the things a person needs the most to survive. They include the need for food, clothing, warmth, rest, and health. At this level, a person's motivation comes from their innate will to survive. Safety demands are found on Maslow's second level of the hierarchy of needs. A person's need to feel comfortable and safe in their life and surroundings is referred to as their

safety or security requirements. The desire for law, order, and protection from uncontrollable and hazardous circumstances serves as motivation.

Love and belonging requirements fall on Maslow's hierarchy of needs' third level. Humans are sociable beings who need social interaction. The requirements for love, family, intimacy, and friendship are described at this level of the hierarchy. Humans have a need for love—both giving and receiving it—and for a sense of community. When these demands aren't met, people could feel lonely or depressed. Maslow's hierarchy of requirements places esteem needs at level four. Esteem demands are associated with a person's desire for respect, prestige, and acknowledgment. When someone's desires for love and belonging have been met, they turn to esteem needs. The need for respect from others and the need for respect from oneself are the two categories that Maslow divided esteem needs into. Acquiring renown, status, and recognition is related to being respected by others. Respect for oneself is associated with self-respect, self-assurance, competence, independence, and freedom.

Self-actualization wants are found at level five, the top of Maslow's hierarchy of needs. A person's ability to reach their full potential is referred to as self-actualization. People aim to improve themselves to the highest degree possible at this stage. The drive for self-actualization can show out in a variety of forms, including developing skills (e.g., financial modeling skills), continual learning (e.g., online training courses), improving one's abilities, knowledge, and capabilities, living out one's dreams and aiming towards happiness. One person could aspire to be the best friend to everyone and the finest father. Another person might want to accumulate

wealth and engage in philanthropy. Others might strive to become well-known athletes. Self-actualization is, in general, the goal of personal development.

Drug mules deliver illegal drugs across borders or within a country. Drug mules' motivations, traits, and behaviours have been studied using many theories and models. Some major drug mule theories and models. Rational choice theory states that people choose illicit acts like drug trafficking based on costs and rewards. Drug mules may adopt this path if the financial advantages outweigh the risks of arrest and incarceration. Routine activity theory states that crime arises when a motivated criminal, a suitable target, and insufficient guardianship combine. Motivated drug mules may take advantage of favourable situations to convey drugs. Criminal behaviour is learned through social interactions and aberrant behaviour reinforcement, according to social learning theory. Peers, family, and criminal networks may compel drug mules into smuggling. Strain theory states that people commit crimes when society's goals are not met by existing ways. Drug mules may sell drugs to make money due to financial issues. Deviant values and norms lead to criminal behaviour, according to differential association theory. Drug mules may become drug traffickers through partnerships with drug dealers.

2.4 Review of the related study

Smuggling illegal drugs across international borders is extremely dangerous and is punishable by death in many countries, including Malaysia. However, the reality remains that, if successful, this criminal enterprise can yield substantial

profits, and for some, the associated risks are justified (Huang et al., 2012). A wide variety of personal and impersonal smuggling techniques are used to sneak drugs past law enforcement and remain undetected.

In the first, the smugglers carry the drugs in or on their bodies and use various instruments to get them past the border or detecting system. The latter scenario is one in which drug couriers and traffickers aren't directly involved in bringing their wares across the border.

The illegal drug trade in Malaysia is now a major national concern. Since its first outbreak in the 1970s, this threat has shown no signs of abating. Despite this, Malaysia is resolute in its efforts to tighten its laws and ordinances to considerably reduce or eradicate its drug trafficking problem. Still, it's pointless to try because the result has nothing to do with the beginning. Crime patterns around the world are changing at an accelerated rate, rendering conventional methods of law enforcement ineffective. To combat drug production and trafficking, efforts have failed, as Chouvy (2013) argues, because of a lack of resources and weak domestic institutions. Nevertheless, Fordham (2018), Ann Fordham agrees with Pierre-Arnaud Chouvy.

Malaysia must be brave to solve this issue domestically. Despite the pace at which modern drug trafficking organizations work, this may be difficult. The drug cartels choose Malaysia because of its pivotal location in South and Southeast Asia. Malaysia is mainly a transit centre. But things changed when criminal syndicates corrupted indigenous Malaysians to attain their goals. Corrupt practises hurt the economy. Ralf (2004) agrees and adds, "if a state has failed to strengthen its hold on

the drug trafficking problem, then, there will be a catastrophic social, economic, and political disaster. (p.??)" Citing entire sentences from an article like this... You must mention the article page. This will promote drug use, addiction, and violent crime. Intravenous use of these substances also spreads HIV/Aids. Addiction kills grownups, a tragedy because they lose potential. Umavathi Ramayah (2006) agrees with Ralf (2004) that drug trafficking gangs might target anyone. She said criminal gangs target college kids as easy prey. Azizah (2008) researched student drug abuse and found that these syndicates exploit students for profit.

According to Maslow's theory of needs, drug ring members became drug mules to get cheaper pricing (Hswen et al., 2020; Legarde & Blaauw, 2022). Other than that, drug mules operate despite legal penalties relating to their necessities. Due to financial pressure (Pearl, 2020), becoming a drug mule is the easiest option to earn more money to assist children and family (Castillo-Alagra & Ruiz-garcia, 2022).

2.5 Conclusion

Overall, this chapter explains the drug mule theory. Based on the investigation, it defined concepts and variables and related them to their dimensions and elements. The information will be useful during data collection and analysis to suit the study's goal. This section summarizes drug mule research. Drug mules in transnational organized crime were researched first. Research shows that drug mules are driven by economic and social variables. Second, offender traits, demographic

data, and airport behavior patterns were used to create a drug mule profile. In Chapter 3, the researcher describes our research plan and methods.

