

Impact of Extradition Agreement Policy on the State of Indonesia

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Abstract

This research investigates the impact of extradition treaties on Indonesia's national interests in the context of increasingly complex cross-border law enforcement. As a country based on the rule of law, Indonesia faces major challenges in addressing transnational crimes, especially when offenders escape abroad to avoid legal accountability. Criminals involved in corruption, drug trafficking, money laundering, and international fraud often exploit weak legal cooperation and the absence of extradition treaties between states. The study uses Law No. 1 of 1979 as the legal framework governing extradition in Indonesia, highlighting key principles such as dual criminality and *lex situs*. Employing a quantitative approach and case study analysis—specifically the Djoko Tjandra case—this research evaluates the effectiveness of extradition treaties in supporting Indonesia's law enforcement and protecting its national interests. Findings reveal that extradition contributes significantly to accelerating legal processes, reducing financial losses, and recovering criminal assets, while also promoting stronger legal cooperation among countries. Nevertheless, the study also identifies several obstacles, including limited bilateral agreements, divergent legal systems, and inconsistent international cooperation. To address these challenges, the study recommends expanding bilateral treaties, harmonizing national laws with international standards, enhancing legal diplomacy, and leveraging technology to track transnational crimes. These strategic measures are essential for optimizing the benefits of extradition and reinforcing Indonesia's legal sovereignty and national interests.

Keywords

Cooperation; Bilateral; Extradition; State

Introduction

A country cannot stand alone without the help of other countries (Srilaksmi, 2020). In the era of globalization and rapid development, many problems of a country are increasing. For that, a country needs the help of other countries to achieve Indonesia's national goals. To achieve the goals of the Indonesian national as stated in the opening of the 1945 Constitution, namely the welfare of the people, cooperation with other countries is needed. As we all know,

in addition to the agreements between regions that apply in Indonesia, there are also international agreements between countries that regulate relations between countries in the world, this is regulated in Law no. 24 of 2000, concerning international agreements, such as bilateral relations. Bilateral relations can be carried out in various sectors, such as education, economy, research and technology, and law enforcement. The existence of bilateral relations between countries is an interesting thing to discuss. In the field of law enforcement, international agreements are also called extradition.

Before the extradition agreement, there were many problems and shortcomings in our country, such as for the progress of Indonesian education, the arrest of Indonesian DPOs who are abroad and others (Hasim, 2019). Therefore, cooperation with other countries is needed. This is regulated in Law No. 1 of 1979. Indonesia is a country that has bilateral relations with various countries in the world. One of the factors of bilateral relations is to achieve mutually beneficial cooperation between countries. The order of this writing is that Indonesia is a large country that has potential in various sectors, to develop this potential requires cooperation with other countries. The purpose of writing is so that readers know the importance of bilateral relations between countries, their impact on the country of Indonesia, and make it easier for countries to carry out law enforcement actions outside the territory of Indonesia, develop the progress of the country of Indonesia, and what is the legal basis for cooperating with other countries.

A country cannot stand alone without the help of other countries (Nasution, 2018). Bilateral agreements are a solution for a country to develop and make it easier for a country to solve its problems, such as law enforcement against citizens who are DPOs who have fled to other countries, extradition cooperation between countries is needed. In this study, the author took several relevant and supporting summaries from previous research, in addition the author also took references from regulations or laws that regulate. According to the Diplomatic Library of the Ministry of Foreign Affairs, extradition is an international legal practice involving the surrender of a person accused or convicted of a crime to the country requesting the surrender. According to Law No. 1 of 1979, extradition is the process of surrendering a person by one country to another country at the request of the requesting country for the purpose of undergoing legal proceedings or implementing criminal law for a crime committed in the territory of the requesting country or which has an impact on that country.

Extradition is a process of surrendering a suspect or convict for committing a crime that is formally committed by a country to another country that has the authority to examine and try the perpetrator of the crime (Hanin et al., 2020). According to Dr. Jan S Maringka, in 'Extradition in the Criminal Justice System', extradition is a form of international cooperation to arrest and surrender suspects, defendants or convicts who are under the jurisdiction of another country to the country that has the right to try them.

Methodology

This research is a legal analysis, aimed at analyzing the impact of bilateral relations between Indonesia and other countries, especially on extradition agreements. Related to the arrest and law enforcement of criminals who flee abroad. This research is a type of normative research. In normative legal research, a theory and documents related to the current are examined to analyze written legal norms or regulations or other legal materials. This research focuses on laws that are formulated as norms of community behavior that are considered appropriate so that they become guidelines for individuals and society. According to Terry Hutchinson as quoted by Marzuki, doctrinal research is research that provides a systematic exposition of the rules that govern certain legal categories, analyzes the relationship between

rules, explains difficult and possible areas, predicts future developments. The purpose of normative legal research is to explain how relevant laws are. The research methodology used by the author is qualitative. The data that the author collects indirectly, namely through the library method which takes sources from scientific publications of previously studied research, laws and regulations related to the discussion of this research.

Discussion

The findings of this study indicate that extradition treaties play a crucial role in reinforcing Indonesia's efforts to combat transnational crime and protect national interests. The analysis of various extradition cases, particularly the high-profile case of Djoko Tjandra, reveals that the existence of formal agreements between Indonesia and other countries significantly improves the state's ability to apprehend fugitives and bring them to justice. In the Djoko Tjandra case, the absence of a comprehensive extradition mechanism with the country where he initially fled delayed the legal process, showing how essential it is for Indonesia to build and maintain robust bilateral and multilateral treaties.

Quantitative data collected from legal and governmental reports also show a direct correlation between the existence of extradition treaties and the number of successful extraditions carried out (Prayuda, Purba, et al., 2024). Countries that have long-standing extradition agreements with Indonesia, such as Australia and Malaysia, tend to respond more positively and cooperatively to extradition requests, demonstrating the strategic value of such diplomatic tools. This cooperation not only facilitates law enforcement but also helps recover state assets lost due to corruption and financial crimes. Therefore, extradition treaties directly contribute to national economic resilience and the credibility of the justice system.

However, despite the clear benefits, the study also finds that several obstacles persist in the implementation of extradition in Indonesia. These include the limited scope of Indonesia's extradition agreements, which currently cover only a fraction of the countries where fugitives frequently flee. In addition, differences in legal standards, criminal definitions, and procedural rules across jurisdictions often hinder effective cooperation. Some countries, citing concerns about political interference or human rights standards, are reluctant to approve extradition requests, even in cases where Indonesia provides substantial evidence (Prayuda, Gultom, et al., 2024). These challenges highlight the fragmentation of international criminal law and the need for harmonization of legal frameworks.

The discussion also emphasizes the importance of enhancing Indonesia's legal diplomacy and international legal cooperation. Indonesia must not only expand the number of bilateral extradition agreements but also actively engage in regional and global legal forums to push for the standardization of transnational legal practices. Diplomatic negotiation, supported by strong legal justification and mutual legal assistance treaties (MLATs), should be prioritized as tools for overcoming resistance from partner countries. Further, Indonesia should focus on building trust and demonstrating transparency in its legal processes to strengthen its position in the international legal arena.

To address enforcement inefficiencies, the integration of digital technology in tracking and monitoring fugitives is essential. The development of a centralized international criminal database, in cooperation with agencies such as INTERPOL, would allow for faster identification and arrest of fugitives. Furthermore, digital case management systems could reduce bureaucratic delays and improve the transparency and accountability of the extradition process. Legal professionals and diplomats must also be trained continuously to keep pace with technological and procedural advancements in international law.

In conclusion, while extradition treaties have proven beneficial for Indonesia's national interests, especially in dealing with transnational crime, several institutional and legal gaps remain. A more coordinated, legally robust, and technologically supported strategy is required to make extradition more effective and fairer. Strengthening extradition frameworks will not only bolster Indonesia's legal sovereignty but also reinforce public trust in law enforcement and governance as a whole. By addressing these challenges and leveraging opportunities, Indonesia can establish itself as a resilient state in the global legal order.

Conclusion

The findings of this study indicate that extradition treaties play a crucial role in reinforcing Indonesia's efforts to combat transnational crime and protect national interests. The analysis of various extradition cases, particularly the high-profile case of Djoko Tjandra, reveals that the existence of formal agreements between Indonesia and other countries significantly improves the state's ability to apprehend fugitives and bring them to justice. In the Djoko Tjandra case, the absence of a comprehensive extradition mechanism with the country where he initially fled delayed the legal process, showing how essential it is for Indonesia to build and maintain robust bilateral and multilateral treaties (Sudanto, 2017).

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