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Extradition as an Effort to Restore Corruption Perpetrators Who Escape Abroad

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Abstract:

Corruption is one of the transnational crimes which is still a concern of the international community, to fight corruption, the majority of countries have agreed to prevent and eradicate it by holding international cooperation in various forums. Indonesia follows the development of the prevention of corruption by joining international agencies or organizations and has signed several international anti-corruption conventions, such as the United Nations Convention Against Corruption, which is then called UNCAC and finally ratified and enacted by Law Number 7 of 2006 by Indonesia and G-20 (Working Group on Against Corruption - WGAC). One way or an effort for countries to prevent including eradicating criminal acts of corruption is by entering into an Extradition treaty or an agreement to mutually commit criminals. In Indonesian law there are several state institutions that are appointed as the Central Authority in the implementation of extradition. The writing of this law examines the issue of the extent to which the performance of the institution appointed as the Central Authority in the implementation of extradition related to corruption cases in which the perpetrators of Indonesian citizenship flee abroad.

Keywords: Extradition, Corruption, Transnational Crime..

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I. INTRODUCTION

Corruption is one of the transnational crimes that is still a concern of the world community, because more cases of corruption have been encountered in various parts of the world or almost every country must have problems about corruption case. Various strategies and efforts made by the government to eradicate it. Corruption is literally something rotten, evil and destructive. Corruption is related to moral aspects, character, and rotten conditions, positions in government agencies or apparatuses, abuse of power in office due to giving, economic and political factors and the placement of families or

groups into the service under the authority of his office. Thus, it can literally be concluded that the term corruption actually has a very broad meaning. According to Baharuddin Lopa quoting from David M. Chalmers's opinion, outlining the meaning of the term corruption in various fields, namely those concerning bribery issues, which are related to manipulation in the economy bidnag and those concerning the field of public interest [1].

In the context of Indonesian law, corruption is known through Law Number 20 of 2001 concerning Amendment to Law Number 31 of 1999 concerning Eradication of Corruption in the form of: (1). Harm the country's finances; (2). Bribes;

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(3). Gratuities; (4). Embezzlement in office; (5). Extortion, (6). Cheating; and (7) Conflicts of interest in procurement

To combat such acts of corruption in an international context, Indonesia follows the development of the prevention of corruption by joining international agencies or organizations and has signed several international anti-corruption conventions, such as the United Nations Convention Against Corruption, which then called UNCAC and finally ratified and enacted by Law Number 7 of 2006 by Indonesia and the G-20 (Working Group on Against Corruption - WGAC), the majority of countries have agreed to prevent and eradicate it by becoming part from global efforts in tackling transnational crime [2].

As one of the ways or efforts for countries to prevent including eradicating the perpetrators of crime as described above is by entering into an Extradition treaty or an agreement to mutually surrender the perpetrators of crime, because the perpetrators of that crime may consist of individuals from various nations and citizenship [3]. Within the scope of the ASEAN region to date, Indonesia has entered into extradition agreements with seven countries, five of which have ratified the agreement, namely with Malaysia, the Philippines, Thailand, Australia and Hong Kong. Meanwhile South Korea and Singapore to date, have still not ratified the Extradition treaty with Indonesia.

Extradition is closely related to the sovereignty and jurisdiction of a country. Countries that have jurisdiction over the perpetrators of corruption can not arrest directly in the territory of the country where the perpetrators of these crimes are located [4], these countries can go according to the applicable legal channels to be able to prosecute and punish the perpetrators of these crimes. If a country protects the perpetrators of corruption that did not have an extradition treaty, then indirectly makes its territory a place of escape for the perpetrators of these crimes, for example, the country of Singapore. Until now Singapore has

become a place of escape for perpetrators of corruption because it is known that Indonesia and Singapore have not ratified the extradition treaty [5].

The issue of extradition arose when many Indonesians were suspected or accused of committing crimes in Indonesia, either before, were or were already in court, then fled abroad [6]. After they are abroad, it is as if the government is powerless to reach out to this person, so that eventually the case gradually disappears. There are several examples of cases which until now the settlement has not been satisfactory for the Indonesian side including Nunun Nurbaiti. Since her case surfaced around 2009, Nunun Nurbaiti was immediately stricken with an illness of memory forgetting, so she was allowed to seek treatment abroad (Singapore) [7]. Reportedly, the person concerned has moved countries several times, such as Malaysia, Cambodia and Vietnam. Last concerned was heard to be in Thailand. However, until the end of 2011 the relevant person never returned to Indonesia, even though she had been appropriately summoned by the KPK in collaboration with INTERPOL [8]. To repatriate Nunun Nurbaiti, the KPK through the Indonesian government submitted an extradition request for the suspect in the bribery case of the DGS BI election. The Indonesian government's request was granted by the Thai government through a decision of the Bangkok District Court in late July 2011, which means the Thai government has allowed Nunun Nurbaiti to return to Indonesia. However the problem was that there was no party that guarantees that Nunun was indeed in Thailand, therefore the KPK had not been able to capture and bring the person back to Indonesia [9].

From the illustration of the example of the case above it was illustrated that it was very difficult to carry out the extradition process if there was criminals which had fled abroad even though the requesting country has made an extradition agreement with the requested country. [10] In writing this law, the focus of the discussion is the

institution appointed as the Central Authority in the implementation of extradition related to corruption cases in which Indonesian citizens fled abroad [11].

II. METHOD

Legal research methods analyzed the extradition as a part of eradication of corruption cases by using the statute approach. An approach in legal research was as a process of discovering the rule of law, doctrinal legal principles in order to address the legal issues being raised. This approach was from legal regulation both in the aspect of international law and national law both vertically and horizontally, to study the legal rules that were parallel or hierarchical in nature. Through a conceptual approach by analyzing the case based on the doctrine and views of experts as well as conceptual and theoretical views, this aimed to solve the legal issues that raised not only by a limited statutory approach [12].

The legal field analyzed the extradition as a part of eradication of corruption was the research of public international law, particularly with regard to transnational international crime law, the pressure point of analysis used by the researchers based on international conventions can be dominant in this paper. However, the research of criminal law, especially corruption as a rule based system can also understand the function and authority of the law enforcement in cracking down on the perpetrators of these crimes. This meant that multi-dimensional discourse can be built into this legal research therefore it was expected to produce comprehensive legal research [13].

Legal materials that have been obtained from international legal conventions, national legislation, literature reviews based on related themes, as well as from several existing cases. In writing this law, it can be analyzed qualitatively by using deductive logic, which was a conclusion drawn from general to specific [13].

III. RESULT AND DISCUSSION

3.1 Extradition in International Criminal Law

In the field of international law there are several definitions of extradition, both regulated in international and national regulations, as well as those issued by scholars of international law [14], namely:

1. According to Law No. 1 of 1979 : "Extradition is the surrender by a State to a State requesting the surrender of a person suspected or convicted of committing a crime outside the territory of the surrendering State and within the jurisdiction of the State of the country requesting such surrender because it is authorized to try and convict him".
2. L. Oppenheim: "Extradition is the delivery of an accused or convicted individual to the state on whose territory he is alleged to have committed, or to have been convicted of, a crime by the State on whose territory the alleged criminal happened for the time to be. [15] "
3. I Wayan Parthiana: "Extradition is a formal surrender, either based on an extradition treaty held previously or based on mutual principles, for someone accused of a criminal offense (suspect, accused, defendant) or for someone who has been convicted of a crime he did (convicted), by the country where he escaped or was in or hiding, to the State that has jurisdiction to try or punish him, at the request of that State for the purpose of trying or carrying out his sentence "[16].

From some of the definitions stated above it appears that to be called extradition must meet several elements. These elements are [16]:

1. Subject elements, namely: a. Requested State, namely the State where the offender is located or hiding; b. The Requesting State, namely the State that has jurisdiction to try the perpetrators because:
 - a. is the Locus delicti (the place where the action was carried out);

- b. The perpetrator is a citizen of the Requesting State.
2. The object element, namely the person who is the object of extradition, namely the perpetrator of the crime. Although the perpetrator is categorized as an "object," it does not mean that the perpetrator is treated like an object that is a legal object, but the object here is that the perpetrator is made as an object of agreement but by taking into account various rights and obligations of the perpetrator as an individual [17].
3. The extradition process element, which includes various procedures that must be passed to return the offender to the Requesting State. The extradition process consists of:
- a. There is a request from the Requesting State to the Requested State;
 - b. The request must be preceded by an international agreement on extradition between the two countries;
 - c. If the two countries have not made an extradition treaty, then the principle of reciprocity can be applied;
 - d. The Requested State processes the Requesting State request in accordance with the laws and regulations in force in the Requested State;
 - e. If the requested country is willing to hand over the perpetrators of these crimes, an extradition process will occur.
4. The element of purpose, namely the purpose of the request for extradition from the Requesting State to the Requested State. The purpose of extradition is to try or punish criminals who escape. If the perpetrators of the crime are not extradited, it means that the perpetrators of the crime are not accountable for their actions, therefore the goal of eradicating crime is not achieved [18].

3.2 Extradition Agreement

The international agreement defined in the Vienna Convention 1969 treaty means an international agreement concluded between the State in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation. one of the main sources of international law and plays an important role in international relations, because almost the majority of the results of relations between countries or international relations set forth in the instrument of international treaties (treaty) [19].

Treaty is a general term for an International Agreement. Other terms to refer to international agreements are Convention, Agreement, Arrangement, Declaration, Protocol, Verbal Process, Vivendi Mode, Exchange of Notes, and so on. The use of the term in making international treaties depends on the agreement of the States parties, the 1969 Vienna Convention as a source of law making international treaties does not require international treaty makers to use certain terms. Through international agreements they formulate rights and obligations. An agreement is said to be an international agreement if: (a) the agreement has an international character; (b). the agreement is made by subjects of international law; (c). the agreement is subject to the international legal regime; (d). raises rights and obligations in the field of public law. [20]

The greater and increasing interdependence between countries, can encourage international cooperation, which in many cases is formulated in the form of international treaties. The existence of differences in the state system, the form of the state, differences in life outlook, culture, religion or beliefs are not an obstacle to establishing cooperation, it can even increase the intensity of relations between countries. [21]

An extradition treaty is an international treaty that is subject to the provisions of the 1969 Vienna Convention. An international agreement is needed

in the effort to recover a suspect or convict from abroad. Or in other words, Extradition cannot be carried out before there is an agreement between the Requesting State and the Requested State [22].

Based on the theory of *aut punere aut dedere*, each State Requested must submit the perpetrators requested by the Requesting State, even though there is no extradition treaty between the two Countries, because Grotius is based on the idea that every criminal must be punished. On the other hand, some international law experts such as Von Martens are of the opinion that if there is no extradition treaty, the State is asked not to have the obligation to hand over the perpetrators of crime to the Requesting State. The extradition treaty is a legal basis for the two countries to extradite criminals [8].

In practice, there are countries that are willing to hand over the perpetrators of crimes to the requesting State even though there is no extradition treaty between the two countries. Examples are South Africa, Canada, Indonesia, and Colombia. Instead, countries that are only willing to hand over perpetrators of crimes after an extradition treaty are the Netherlands, Ethiopia, Israel and Turkey [23].

In an effort to have legal certainty and face the practice of various countries in dealing with the issue of extradition, countries generally have extradition agreements, both bilaterally and multilaterally [24]. Extradition agreements are usually made between neighboring countries because of the possibility of the escape of perpetrators of crime to neighboring countries is higher [25].

Indonesia has entered into several extradition treaties with countries in the ASEAN region, namely:

1. The extradition treaty between Indonesia and Malaysia 1974, which has been ratified and promulgated by the Indonesian government through Law number 9 of 1974;
2. An extradition treaty between Indonesia and the Philippines in 1976, which had been

ratified and promulgated by Indonesia through Law Number 10 of 1976;

3. An extradition treaty between Indonesia and Thailand 1978, which has been ratified and enacted through Law Number 2 of 1978;
4. Extradition treaty between Indonesia and Australia
5. was signed 22 April 1992, which was ratified and promulgated by the Indonesian government through Law No. 8 of 1994;
6. An extradition treaty between Indonesia and Hong Kong signed on May 5, 1997, and has been ratified and promulgated by Indonesia through Law number 1 of 2001.

Apart from bilateral agreements, extradition agreements can also be carried out on a multilateral basis. The condition of countries that are in close geographical position triggers these countries to make multilateral extradition treaties, as has been done by Arab States (The Arab League Extradition Agreement) 1952, Convention on Extradition of European Countries 1957, and the Extradition Convention of the Benelux Countries (Netherlands, Belgium and Luxembourg) 1962 (The Benelux Extradition Convention) [16]. Extradition agreements that have been made by States, both bilaterally and multilaterally, are generally then ratified by the States concerned to be enforced on a national scope. This is necessary, bearing in mind that the process of handing over perpetrators of crimes from the Requested State to the Requesting State must be in accordance with the laws and requirements of the Requested State, although not all Requested States already have National Laws on Extradition. Aside from the ratification process which takes a lot of time and money, making extradition agreements is also a long process. In accordance with the process of international treaties generally regulated in the 1969 Vienna Convention [26].

3.3 The Central Authority Related to the Implementation of Extradition and Mutual Legal Assistance

Indeed, international cooperation is a diplomatic process between two or more countries, which have the same basic interests [27]. In connection with a common interest in fostering orderliness in law and justice, countries undertake international cooperation to hand over perpetrators of crimes to the countries where the crimes occur [28], this has been reflected in state practices to return someone accused or convicted for committing a crime where he came from [29]. International cooperation must be carried out with due regard to the principle of equality based on mutual respect and sovereignty of the countries involved in such cooperation. International cooperation contained in an agreement can apply and be binding politically and legally to the countries that make it [30].

In Indonesia, the legal basis for the appointment of a Ministry that acts as the Central Authority in both the Extradition and MLA mechanisms is [31]:

1. Extradition, contained in Article 22 paragraph (2) in conjunction with Article 44 of Law Number 1 of 1979 concerning Extradition, namely.
2. Article 22 Paragraph 2: This request for extradition must be submitted in writing through diplomatic channels to the Minister of Justice of the Republic of Indonesia to be forwarded to the President.
3. Article 44: If a person is suspected of committing a crime or must undergo criminal for committing an crime that can be extradited within the jurisdiction of the Republic of Indonesia and is suspected to be in a foreign country, then at the request of the Attorney General of the Republic of Indonesia or the National Police Chief, Minister of Justice RI on behalf of the President can request the extradition of the person he proposes through diplomatic channels.
4. MLA (Mutual Legal Assistance in Criminal Matters), contained in Article 1 number 10 of Law Number 1 of 2006 concerning Reciprocal Assistance in Criminal Matters, namely "what is meant by the Minister in this law is the

minister responsible in in the field of law and human rights. "

Law enforcement cooperation in international relations has proven to be crucial in the success of national law enforcement against transnational crime [32]. The success of these law enforcers cannot become a reality generally if there are no bilateral or multilateral agreements in the handover of perpetrators of crime or cooperation in investigation, prosecution and justice [33]. The prerequisite of the agreement is not absolute because without the agreement even then the cooperation of law enforcement can be done based on the principle of reciprocity (the principle of reciprocity). The law enforcement agencies or central authorities shown in the implementation of Extradition and Mutual Legal Assistance (MLA) are [34]:

1. Indonesian National Police (POLRI)

Indonesian National Police (abbreviated as POLRI) is a law enforcement institution that aims to realize domestic security that is directly responsible under the President. Article 1 number (1) of the Criminal Procedure Code states that:

Investigators are officials of the Republic of Indonesia state police or certain civil servants who are given special authority by the law to conduct investigations.

Provisions regarding the National Police that can act as investigators are also regulated based on Article 1 number (10) of Law Number 2 of 2002 concerning the Indonesian National Police. According to Andi Hamzah, the parts of criminal procedure law concerning investigation, namely [35]:

- a. Provisions on investigative instruments;
- b. provisions regarding known offense;
- c. inspection at the scene;
- d. summons of the suspect or defendant;
- e. temporary detention;
- f. search;
- g. examination or interrogation;

- h. minutes (search, interrogation, and on-site inspection);
- i. confiscation;
- j. case overlay; and
- k. case transfer to the public prosecutor and his return to the investigator to be perfected.

Based on the description of investigation activities, which can be requested Mutual Legal Assistance is only limited to requests for assistance in conducting searches and seizures as regulated in Article 3 paragraph (2) letter (f) of Law Number 1 of 2006 concerning Reciprocal Assistance in Problems Criminal stating that: Reciprocal assistance can be in the form of carrying out a search and seizure request. In addition to the authority of the investigation by the National Police as regulated in the Criminal Procedure Code [1], based on Article 15 paragraph (2) letter (h) of Law Number 2 of 2002 concerning the Indonesian National Police also gives authority to the Police to cooperate with the state police others in investigating and combating international crime and can represent the government of the Republic of Indonesia in international police organizations [36].

Based on Article 1 number 12 of the Regulation of the Head of the Republic of Indonesia National Police Number 21 of 2010 concerning the Organizational Structure and Work Procedure of Organizational Units at the Headquarters of the Republic Indonesia National Police, regulates the International Relations Division of the National Police (abbreviated as POLRI) which is an element of supervisors and assistants head of international relations at the National Police Headquarters level under the National Police Chief. The abbreviation of POLRI is tasked with organizing National Central Bureau (NCB) -INTERPOL activities in the effort to tackle international / transnational crimes, carry out international mission tasks in peace and humanitarian missions, develop human resource capacity (capacity building) as well as assist the implementation of legal protection against Indonesian citizens (Indonesian citizen) abroad [37]. The scope of MLA includes legal actions in

the process of investigation, prosecution and trial. In accordance with their role, in requesting Mutual Legal Assistance to other countries, NCB-Interpol Indonesia can only play a role in the investigation process such as examination / summons of witnesses, search and seizure [38]. Examination / summons of witnesses is an action that can be done to seek the presence of people to identify and search for people or to provide information or assist the investigation referred to in Article 3 paragraph 2 letters (a) and (d) of Law Number 1 of 2006 concerning Lead Assistance Back in Criminal Issues. It also depends on the rule of law of the Requested State, NCB-Interpol can fulfill it and some require that requests for assistance be submitted by the Minister of Justice and Human Rights through diplomatic channels.

2. The Attorney General's Office in the Republic of Indonesia

The implementation of Mutual Legal Assistance cooperation within the Prosecutor's Office is carried out by the Bureau of Law and Foreign Relations, under the authority of the Attorney General for Guidance based on Presidential Regulation No. 38 of 2010 concerning the Organization and Work Procedures of the Republic of Indonesia Attorney's Office and Regulations Attorney General of the Republic of Indonesia Number PER-009 / A / JA / 01/2011 concerning the Organization and Work Procedures of the Attorney General's Office of the Republic of Indonesia. The scope of submission of requests for Mutual Legal Assistance by the Indonesian Attorney General's Office to other countries as stipulated in Law Number 1 of 2006 concerning Reciprocal Assistance in Criminal Matters includes:

- a. The Attorney General can submit requests for assistance through the Minister of Justice and Human Rights (Article 9 Paragraph (2))
- b. The Attorney General can provide information to the Minister of Law and Human Rights in requests for assistance in finding or identifying persons suspected of

having a relationship with a case, including information about people who can provide statements or other assistance related to the case being investigated, prosecution or trial (Article 11)

- c. Provide information related to evidence needed in investigations, prosecutions or hearings and take statements in foreign countries or accept submission of documents or other evidence that are abroad;
- d. Conduct cross-examination of persons which gives a statement or shows a document and other evidence related to requests for assistance through direct meetings or with the help of teleconferences or live broadcasts through communication or other electronic means whether in the investigation, prosecution or hearing with investigators, public prosecutors, or judges, or suspects, defendants, or attorneys the law;
- e. To present people in Indonesia to provide information, documents, other evidence or provide other assistance in the investigation, prosecution or trial hearings, and to place the person in temporary custody while in Indonesia; Provide information related to sufficient preliminary evidence for submitting requests for assistance to foreign countries to issue block orders, search, confiscation or other necessary according to laws relating to examining criminal cases in Indonesia;
- f. Provide information about the letter required in the case of requests for assistance in delivering letters;
- g. The Attorney General can submit requests for assistance following up on court decisions through the Minister of Justice and Human Rights. The court's decision was in the form of seizure of confiscated goods, criminal fines, or payment of replacement money. The Prosecutor's Office has a role in

every stage of MLA, where the Prosecutor's Office acts as an investigator, public prosecutor, and executor. The Prosecutors' Office is the only institution that has the authority to carry out court decisions. The court decision which has legal force is still executed by the prosecutor including the assets that have been decided by the court. Just as the prosecution is under the authority of the Prosecutor's Office, the implementation of court decisions that have legal force is also the authority of the Prosecutor's Office. This provision is legitimacy for the prosecutor's office to act as a public prosecutor and as an executor who carries out of the court's decision.

10 3. Corruption Eradication Commission Law No. 30/2002 concerning the Corruption Eradication Commission gives the authority to conduct investigations and prosecutions. This authority is the same authority as the authority of the Police at the investigation level, and the Prosecutor's authority at the prosecution stage, especially in corruption cases. Prosecutors at the Corruption Eradication Commission are the Public Prosecutors at the Corruption Eradication Commission who are appointed and dismissed by the Corruption Eradication Commission (Komisi Pemberantasan Korupsi/KPK) who carry out the prosecution of corruption. The prosecutor of Corruption Eradication Commission is the Public Prosecutor. Then, based on Article 1 number (6) letter (a) of the Criminal Procedure Code, besides acting as a public prosecutor, the Prosecutor also functions to carry out court decisions that have obtained permanent legal force. Given that the seizure of assets resulting from criminal acts of corruption abroad must be based on a court decision, the Corruption Eradication Commission as a law enforcement institution that has the authority to carry out court decisions can submit a Mutual Legal Assistance application for asset confiscation.

4. Ministry of Law and Human Rights

Ministry of Law and Human Rights, based on Minister of Law and Human Rights Decree No. M.HH.04.AH.08.02 of 2009 concerning the Implementation of Duties in the Field of Extradition and Reciprocity in Criminal Issues in the Ministry of Law and Human Rights, has the role of coordinator in submitting MLA requests to foreign countries as well as handling MLD assistance requests from foreign countries to Indonesia based on Article 1 number (10) of Law Number 1 of 2006 concerning Reciprocal Assistance in Criminal Matters which states that: The Minister is the minister responsible in the field of law and human rights. Based on the Decree of the Minister of Law and Human Rights Number M.HH.04. AH.08.02 of 2009 concerning Executing Tasks in the Field of Extradition and Reciprocal Assistance in Criminal Matters at the Ministry of Law and Human Rights, the Directorate General of Public Law Administration Unit, specifically the Directorate of International Law and the Central Authority, is assigned as the executing unit of the authority of the Minister of Law and Human Rights as central authority holder. Submission of requests for assistance to foreign countries can be done either directly or through diplomatic channels. If the request for assistance is not through diplomatic channels, it is necessary to coordinate with relevant agencies [39]. Submission of requests for assistance to foreign countries is based on a request from the Head of the Indonesian National Police or Attorney General or the Corruption Eradication Commission.

5. Ministry of Foreign Affairs

The Ministry of Foreign Affairs plays an important role in efforts to recover assets resulting from criminal acts of corruption that are abroad, especially those relating to:

- a. Establishment of MLA agreements at bilateral, regional and international levels;
- b. As a negotiator in MLA;
- c. Diplomatic channel to facilitate all communication and implementation of MLA;

- d. Compilation and submission of MLA requests, and
- e. The role of monitoring MLA requests.

Even though the Ministry of Foreign Affairs is not related to law enforcement, but in the process of implementing MLA the Ministry of Foreign Affairs acts as an institution that can represent the Government of Indonesia with foreign countries.

The exchange of information between Indonesian law enforcement and colleagues in foreign countries can later be developed to establish Agency to Agency relations. Furthermore, the Agency to Agency relations can be formalized and strengthened into cooperation made in the form of international agreements [40]. Relationships can be established with the information and data/ documents needed in various crime cases that are handled immediately prepared by the requested institution [41]. Great opportunity to accelerate getting help at the same time cut the bureaucracy in the Directorate of International Law and the Central Authority as Central Authority. The Directorate of International Law and the Central Authority only need to submit a request for assistance to the requested country and hand over the perpetrators of crimes through Extradition and MLA so that they can be used as evidence in a trial, and the crime cases handled can be resolved.

IV. CONCLUSION

Countries that have jurisdiction over the perpetrators of corruption can not arrest directly in the territory of the country where the perpetrators of these crimes are located, these countries can take in accordance with applicable legal channels to be able to prosecute and punish the perpetrators of these crimes. The institution appointed as the Central Authority in the implementation of extradition related to criminal acts of corruption in which the perpetrators of Indonesian citizens fleeing abroad need to assert their authority therefore they can pursue corruption criminals who have fled abroad.

REFERENCES

- [1] E. Hartanti, Tindak Pidana Korupsi, Jakarta: Sinar Grafika, 2014.
- [2] PR & J. Albanese, The Handbook of Transnational Crime and Justice, London: Sage Publishing, 2014.
- [3] AC Kalalo, "Eksistensi Pelaksanaan Ekstradisi Pelaku Kejahatan Narkoba Yang Berdampak Internasional," Jurnal Lex et Societatis, vol. 1, no. 2, pp. 84-96, 2013.
- [4] e. Robert & Johnson, The Struggle Against Corruption, Basingstoke: Palgrave Macmillan, 2004.
- [5] JS Marinka, Ekstradisi Dalam Sistem Peradilan Pidana, Jakarta: Sinar Grafika, 2018.
- [6] Hosein, ""The Sources of Laws: Policy Dynamics in a Digital and Terrorized World," The Information Society, vol. 20, no. 3, pp. 187-199, 2004.
- [7] [7] A. HARDING, "Multi-Level, Recursive Law and Development: Singapore's Legal Role in ASEAN," Asian Journal of Law and Society, vol. 5, no. 2, pp. 251-269, 2018.
- [8] D. Waryenti, "Ekstradisi dan Beberapa Permasalahannya," Fiat Justitia Jurnal Ilmu Hukum, vol. 5, no. 2, pp. -, 2012.
- [9] KPK, Identification Gap Analysis Between Laws/Regulations of The Republic of Indonesia and United Nations Convention Against Corruption, Jakarta : KPK Publisher, 2006.
- [10] L. d. S. e. al, "Lost in transaction. Ensuring the deliverables in development aid," Crime, Law and Social Change, vol. 58, no. 5, pp. 483-494, 2012.
- [11] A. Lucas, "Elite Capture and Corruption in two Villages in Bengkulu Province, Sumatra," Human Ecology, vol. 44, no. 3, pp. 287-300, 2016.
- [12] SE & S. Levinkind, Legal Research How to Find & Understand the Law (12th Edition), Berkeley: NOLO, 2004.
- [13] PM Marzuki, Penelitian hukum, Jakarta: Kencana Prenada Group, 2005.
- [14] S. Rose-Ackerman, International Handbook on the Economics of Corruption, Cheltenham: Edward Elgar, 2006.
- [15] L. Oppenheim, International Law, a treatise (8th edition), Frankfurt: Outlook Verlag, 1960.
- [16] I. Wayan Parthiana, Ekstradisi dalam Hukum Internasional dan Hukum Nasional Indonesia, Bandung: CV MandarMaju, 1990.
- [17] PB & ML Mitchell Congham, Policing Transnational Organized Crime and Corruption: Exploring the Role of Communication Interception Technology, London: Palgrave Macmillan, 2013.
- [18] AE & P. Gill, Transnational organized Crime: Perspectives on Global Security, London: Routledge, 2003.
- [19] DD Agusman, Hukum Perjanjian Internasional: Kajian Teori dan Praktik Indonesia (2nd Ed), Bandung: Refika Aditama, 2014.
- [20] L. Liu, The Global Collaboration against Transnational Corruption, Singapore: PalgraveMacmillan, 2019.
- [21] MNShaw, International Law (6th edition), Edinburgh: Cambridge University Press, 2008.
- [22] A. Anghie, Imperialism, Sovereignty, and the Making of International Law, Massachusetts: Cambridge University Press, 2005.
- [23] IA Shearer, Extradition in International Law, Manchester: Manchester University Press, 1971.
- [24] E. Piotrowska-Oberda, "Extradition Discourse In The Legal Translation," International Journal of Arts & Sciences, vol. 12, no. 1, pp. 25-41, 2019.
- [25] D. Berg-Schlosser, "The Emergence of Democracy: Forces and Counter-forces," Government and Opposition, , vol. 50, no. 3, pp. 336-363, 2015.
- [26] PR (ed), The Handbook of Transnational Organized Crimes and Justice (2nd edition), Sage Publishing Inc.: London, 2014.
- [27] RH a. H. Mathisen, "Understanding success and failure of anti-corruption initiatives," Crime, Law and Social Change, vol. 58, no. 5, pp. 533-549, 2012.
- [28] SUW Prakasa, "Garuda Indonesia-Rolls Royce Corruption, Transnational Crime, and Eradication Measures," Lentera Hukum, vol. 6, no. 3, p. 407 424, 2019.
- [29] CG Fenwick, International Law, New York: Appleton Century Croft, 1965.

- [30] E. Collins, *International Law in Changing Word*, New York: Random House, 1969.
- [31] Darmono, "Ekstradisi Terpidana Kasus Korupsi Dalam Rangka Penegakan Hukum Tindak Pidana Korupsi," *Lex Jurnalica*, vol. 9, no. 3, pp. 139-140, 2012.
- [32] GC a. NPY Dandurand, "Measures and mechanisms to strengthen international cooperation among prosecution services," *Crime, Law and Social Change*, vol. 47, no. 4, pp. 261-289, 2007.
- [33] K. v. Lampe, "Transnational organized crime challenges for future research," *Crime Law Soc Change*, vol. 58, no. 1, pp. -, 2012.
- [34] J. Hönke, "Transnational Clientelism, Global (Resource) Governance, and the Disciplining of Dissent," *International Political Sociology*; Oxford, vol. 12, no. 2, pp. 109 - 124, 2018.
- [35] A. Hamzah, *Hukum Acara Pidana Indonesia* (2nd ed), Jakarta: Sinar Grafika, 2008.
- [36] EE a. JM Parent, "Central Authority and Order," *Sociological Theory*, vol. 25, no. 3, pp. 245-267, 2007.
- [37] SP & J. McCulloch, "Beyond Transnational Crime," *Social Justice*, vol. 34, no. 2, pp. 1-3, 2007.
- [38] PH & SP (ed), *International Law and Transnational Organized Crime*, Oxfordshire: Oxford University Press, 2016.
- [39] N. Lord, *Regulating transnational corporate bribery: Anti-bribery and corruption in the UK and Germany*, New York: Springer, 2013, p. 127-145.
- [40] PR (ed), *The Handbook of Transnational Organized Crimes and Justice* (2nd edition), London: Sage Publishing Inc., 2014.
- [41] A.W, et.al, *Access to Justice and Labor Law Reform in Asia*, Rechside, vol.3, no.1, pp.17-26

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