

## The Counteraction of Corruption in Indonesia Based On the International Agreement (Extradition) Between Indonesia and Singapore



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**ABSTRACT:** In early 2022, Indonesia signed an extradition agreement with Singapore. This extradition agreement with Singapore is crucial because Singapore has been one of the destinations for Indonesian fugitives, particularly in corruption cases. The territory of Singapore, with its direct proximity to Indonesia and the visa-free arrangement for Indonesian citizens visiting Singapore, creates an environment where criminals can potentially use Singapore as a final destination or transit point for their illegal activities. This analysis examines the counteraction of corruption in Indonesia based on the international agreement (Extradition) between Indonesia and Singapore. The research adopts a normative legal research approach. The extradition agreement between Indonesia and Singapore will facilitate law enforcement authorities in Indonesia in resolving criminal cases where the perpetrators are located in Singapore. This allows law enforcement to take action against the criminals. Extradition also makes potential wrongdoers think twice before attempting to flee to another country, knowing that the destination country has an extradition agreement in place. In the fight against corruption, the Indonesia-Singapore extradition agreement is beneficial in preventing criminals from escaping to other countries, enabling the apprehension of wrongdoers, and facilitating the recovery of assets obtained through corruption.

**KEYWORDS:** Corruption, Extradition Agreement, Indonesia, Singapore

### INTRODUCTION

Indonesia is a country governed by the rule of law, implying that all actions must be based on legal foundations. As a nation governed by the rule of law, Indonesia pursues national objectives, aiming not only to advance its own welfare but also to contribute to global order as a responsible member of the international community, as outlined in the preamble of the Constitution of the Republic of Indonesia. In its global context, Indonesia engages in relationships with other nations through various forms of regional, bilateral, or multilateral international relations. International relations with other nations are inseparable from the advancements in knowledge and technology that exist today, making it easier for countries to establish international connections without the limitations of distance and time. This facilitates the mobilization of interactions between nations. However, the increasing progress in knowledge and technology also presents negative opportunities for transnational crimes, as criminals can escape to other countries, taking advantage of the globalized and interconnected world.

This can be seen in recent times, where perpetrators of corruption have become increasingly adept at finding loopholes to escape to another country after committing corrupt acts in their home nation. In addition, these individuals also abscond with the assets acquired through corruption in the country they flee to. Perpetrators undertake these actions as a means of evading capture for their deeds. The consequence of these escapes significantly impacts their home country as it cannot apprehend the individuals who have committed corruption (Samekto, 2009). Countries affected by the escape of criminals to other nations cannot directly arrest the perpetrators of the crime or enter another country's territories without obtaining the targeted nation's approval. In international law, entering another country's territory requires the host nation's consent as a form of respecting the sovereignty and jurisdiction of each respective country.

A nation within its own territory has full jurisdiction to prosecute individuals who commit crimes within its borders. However, in practice, this can be hindered when perpetrators of legal violations have fled to another country. Consequently, the nation faces difficulties in taking action against these perpetrators in the territory of another country. To address this issue, international cooperation is undertaken in the interest of realizing order and justice (Syarifudin, 2016).

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In early 2022, Indonesia signed an extradition agreement with Singapore. The extradition agreement with Singapore is crucial because Singapore has been one of the destinations for Indonesian fugitives, particularly in corruption cases. Singapore's proximity to Indonesia, along with the visa-free travel for Indonesian citizens visiting the country, has made it possible for criminals to use Singapore as a final destination or transit point for their illegal activities.

In reality, only a few of the economic crime perpetrators who have fled to the territory of Singapore can be returned to Indonesia for trial in Indonesian courts. This situation underscores the necessity of an extradition agreement between Indonesia and Singapore as a robust legal instrument to facilitate the return of suspects to Indonesia. Conversely, Singapore can also request Indonesia to return suspects who have fled to Indonesia after committing crimes in Singapore. Moreover, the apprehension of economic crime perpetrators through this extradition agreement allows the repatriation of state funds they have taken and embezzled (Magdariza, 2023).

## Problem Formulation

1. How does the international extradition agreement between Indonesia and Singapore impact the efforts to counter corruption in Indonesia?

## RESEARCH METHODOLOGY

Research is a systematic process, a framework of steps that are carried out, planned, and systematic to obtain a solution to a particular problem or respond to a particular statement. Research is basically a search effort, not just a casual observation of an easily accessible object. Because the research aims to reveal the truth systematically, methodologically, and consistently, analysis and construction are carried out through this research process regarding the data collected and processed. To achieve the best results, the research method used is normative juridical, which consists of the main legal basis examined in depth in this research regarding the International Agreement (Extradition) between Indonesia and Singapore as well as the Law on Corruption Crimes (Undang-Undang Nomor 19 Tahun 2019).

## DISCUSSION

Currently, countries with criminal jurisdiction face challenges in the process of prosecuting criminals due to perpetrators fleeing to other countries to evade charges in their home countries. This prevents law enforcement officials from carrying out their duties to apprehend the perpetrators. The term "extradition" refers to the formal surrender under a mutual extradition agreement of a suspect or convicted individual for a criminal offense by the accusing or sentencing state, which has the authority to prosecute or penalize upon the request of the concerned state (Sahati, 2020).

Extradition is an international agreement involving two or more countries, with its specific content solely related to extradition matters. Typically, the implementation of such agreements occurs through ratification. Extradition agreements fall under the category of written international agreements. International agreements can be either written or unwritten. In this context, based on Article 38 of the Statute of the International Court of Justice, a written international agreement is recognized as one of the sources of international law. Additionally, written international agreements, as mentioned above, can further be distinguished from different perspectives, as outlined by I Wayan Parthiana (2002):

1. International agreements can be categorized based on the number of participating countries:
  - a. Bilateral international agreements involve only two parties or countries bound by the agreement.
  - b. Multilateral international agreements involve more than two countries as participants in the agreement.
2. International agreements can be categorized based on the opportunities given to countries to become parties or participants:
  - a. Specific or closed international agreements.
  - b. Open international agreements.
3. International agreements can be categorized based on their legal principles:
  - a. International agreements that establish legal principles specifically applicable to the involved parties.
  - b. International agreements that establish legal principles applicable in a specific region.
  - c. International agreements that establish legal principles applicable universally
4. International agreements can be categorized based on their language:
  - a. International agreements are formulated in a single language.
  - b. International agreements are formulated in two or more languages, but only the version in a specific language is considered valid and binding for the parties.

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- c. International agreements are formulated in more than two languages; all versions are valid, authentic, and have the same binding force.
5. International agreements can be categorized based on the legal substance they contain:
  - a. International agreements where all articles are formulations of customary international law principles in the relevant field.
  - b. International agreements that formulate or create entirely new principles of international law.
  - c. International agreements, whose substance is a combination of principles from customary international law and entirely new principles of international law.
6. International agreements can be categorized based on their initiators:
  - a. International agreements whose inception or formation is initiated by one or more countries.
  - b. International agreements whose inception or formation is initiated by an international organization.
7. International agreements can be categorized based on the scope of their application:
  - a. Specific international agreements.
  - b. Regional or area-specific international agreements.
  - c. General or universal international agreements.

The procedure for making an extradition agreement is similar to the creation of an international agreement, and the sequence is as follows (Eddy, 2021):

1. The original participating countries in an International Conference are prepared by the International Law Commission (commonly referred to as 'Original Members') as the initial step to carry out an action known as Article 9 of the Convention, the adoption of the text. The acceptance of the treaty text was initially a draft convention resulting from negotiations during the conference. According to the Convention's provisions, the adoption of the text, meaning the acceptance of the treaty's content, is done with the agreement of all participating countries in the conference or two-thirds of the attending participants, or it can also be done with the majority vote.
2. After the adoption of the text is done, the participating countries, according to Article 10 of the Convention, take an action known as Authentication of the Text. The significance of this action is the formal confirmation by the participating countries in the conference that the international conference has successfully formulated an international agreement that cannot be altered. The authentication of the text, an official act by the participating countries in the conference, signifies that the conference has accepted the agreement's text by including signatures or initials on the agreement sheets. Including signatures/initials does not yet bind the participating countries to the international agreement.
3. Suppose an international agreement stipulates that, by signing a participating country in the conference, the country is legally bound by the agreement. In that case, since the signing was done by the authorized representative of the country, the agreement has been accepted by the concerned country to be legally bound by the treaty, except when the agreement specifies the need for ratification.
4. If participating countries in the conference desire that, through the exchange of documents or instruments essentially constituting an international agreement, they express their agreement to be bound by the treaty (usually referred to as the Exchange of Letters/Notes, Agreed Minutes, Summary Record, Modus Vivendi, Memorandum of Understanding, and the like), then from the exchange of these types of agreements, the countries have declared their commitment to the treaty.
5. If, after the signing, the participating countries in an international conference wish for Ratification or Acceptance (Approval) performed by the competent authority of the participating country, then the signature is not a way to provide consent to be bound by a treaty. Instead, ratification signifies the agreement to be bound by an international agreement. According to international law, ratification is entirely left to the prospective treaty-participating country. Therefore, its regulation is based on the national legislation applicable within that country. International law only governs what kind of consent a country provides for a treaty that requires ratification.

I Wayan Parthiana explains that extradition is the formal surrender, either through a prior extradition agreement or based on the principle of reciprocity, of individuals accused of committing criminal offenses, such as suspects or those who have been sentenced (Wayan, 1990). The benefit of extradition is that criminals cannot escape accountability for their crimes. Without extradition, criminals could freely escape to countries that do not have extradition agreements, avoiding punishment for their actions, which would violate the principles of justice. Extradition also makes criminals think twice about fleeing to another country because they know the country has an extradition agreement (Waryenti, 2022).

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The increasing issue of criminals fleeing is not only faced by Indonesia but also by other countries. Therefore, extradition is a link in international cooperation to address this problem. One approach to preventing and countering international crimes is to utilize the extradition mechanism in international relations (Dwi Melia, 2020). Transnational crimes essentially involve acts that are criminal and cross national borders. However, the definition of transnational crimes varies among experts based on backgrounds, education, experience, and interests. Transnational crimes are criminal acts that occur between or across countries (Irwan Septa, 2022).

Extradition agreements have long been practiced internationally, either through bilateral or multilateral treaties, that are still used by various countries today and are considered the legal basis for creating such agreements in international law (Valentino, 2021). The surrender by one country to another, either as a suspect or a convicted individual, due to committing a criminal act outside the territory of the surrendering country and within the jurisdiction of the requesting country, constitutes extradition. The prosecution of the perpetrator can be carried out by the country where the crime occurred, or the individual can be extradited to the requesting country that has jurisdiction to prosecute, representing the implementation of international legal principles (Satria, Gholib, 2022).

The requirement for the requesting country is that there should be an existing agreement with the requested country, or at least it is advisable to be a matter of concern in extradition requests and acceptances (Sumual, 2019). In 1998, initial efforts were made towards an extradition agreement between Indonesia and Singapore. Subsequently, in 2002, discussions on cooperation in various fields took place, and both parties agreed to formulate an action plan to establish an extradition agreement. This continued in 2007 with the signing of the Defence Cooperation Agreement (DCA) between Indonesia and Singapore, serving as the starting point for the Indonesia-Singapore extradition agreement. In 2019, discussions on the Adjustment of the Boundaries of Flight Information Regions and the Security Cooperation Agreement were revisited by both countries. Finally, in 2022, Indonesia and Singapore signed an extradition agreement on January 25, 2022, with a retroactive period of 18 years.

Extradition, in its mechanism, is based on national legislation, extradition agreements, convention expansions, and international norms related to the formal legal provisions between Indonesia and Singapore, forming the basis for the extradition mechanism (Maringka, 2018). Various crimes such as corruption, money laundering, bribery, banking offenses, narcotics, terrorism, and funding activities related to terrorism are included in the 31 types of crimes that can be subject to extradition. Additionally, preventive measures against changing citizenship to evade legal proceedings are taken into account, and the perpetrator's citizenship is determined when the criminal act occurs.

Examples of transnational crimes include terrorism, narcotics, and corruption. Transnational crimes between countries can usually be eradicated through diplomatic means involving international relations between countries, one of which is through extradition. Corruption is a form of gaining profit or enriching oneself, others, or corporations that results in losses for the country committed by state officials, employees, or private individuals (Zulfikar, 2022).

Having a lack of moral integrity, living a consumptive lifestyle beyond one's means, and following orders from superiors that violate regulations are causes that can lead to the occurrence of corruption (Hamzah, 2004). In the "United Nations Convention Against Corruption" (UNCAC) of 2003, ratified by Law Number 7 of 2006, 18 categories of transnational crimes, including corruption, are categorized (Jimmy, Khoirur, 2021).

Corruption is an act that has harmful consequences for destroying life within society as it obstructs development. Therefore, corruption must be eradicated with the support of all components of the nation. The causes of corruption can be attributed to human factors such as needs, human behavior, or coercion. External factors can also influence the occurrence of corruption, such as the political and legal system in the state administration, weak supervision systems, and ineffective leadership. With the existence of extradition mechanisms, perpetrators can be brought back, including the assets obtained from corruption. The extradition mechanism is regulated by Law Number 1 of 1979 concerning Extradition (Darmono, 2012)

One of the crimes listed for extradition is corruption, regulated under number 30 in the Attachment to the Extradition Law. Extradition is carried out in accordance with ratified international agreements (Sompotan, 2016). In the efforts to counter corruption, the extradition agreement between Indonesia and Singapore proves beneficial in preventing perpetrators from escaping responsibility for their actions by fleeing to another country. It allows for the capture of criminals and the return of assets obtained through corruption. The existence of such an agreement provides assurance and serves as the foundation for cooperation between countries in addressing corruption (Fitri, Azam, 2019).

### **CONCLUSION**

The extradition agreement between Indonesia and Singapore will facilitate law enforcement authorities in Indonesia in resolving criminal cases involving perpetrators located in Singapore, enabling them to take action against the perpetrators. Extradition also

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prompts criminals to reconsider fleeing to another country, knowing that the destination country has entered into an extradition agreement. In the fight against corruption, the extradition agreement between Indonesia and Singapore provides benefits in preventing criminals from escaping to other countries, allowing for the apprehension of criminals and the return of assets acquired through corruption.

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