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Implementation of the extradiction agreement in anti-corruption law enforcement (Case study of the execution of the decision of Djoko S. Tjandra)

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Abstract
Eradication of criminal acts of corruption has become an international issue. As a country that has ratified UNCAC, Indonesia is responsible for working with other countries in the fight against corruption, both in preventing and enforcing the law. One of the final stages in the enforcement of anti-corruption law is the implementation of court decisions known as execution. In the practice of cross-border executions, sometimes there are Obstacles to the existence of an extradition treaty. In its dynamics, obstacles are often encountered in the implementation of extradition, including in the case of corruption. The difference in legal substance often causes obstacles in the enforcement of anti-corruption laws in Indonesia that intersect with the jurisdictions of other countries. In the case of the execution of Djoko S. Tjandra, extradition should be carried out as a form of respect for the authority of the Republic of Indonesia and the good faith of the Malaysian Government in establishing international cooperation.

Keywords: corruption; extradition; execution of Djoko S. Tjandra

Introduction

Philosophically, corruption is declared despicable because the nature of its own behavior is despicable, whatever the reasons and motivations (Shidarta, 2013) [7]. In the Qur'an Surah An-Nur Verse 35, humans live equipped with a physical body, conscience, and mind with the parables of misykah, misbah, and zujajah. Therefore, when asked, everyone must answer both with conscience and reason that corruption is a despicable act. So that in any hemisphere corruption will always be considered a bad act. In addition, corruption is also an act that harms others, either directly or indirectly. In other words, utilitarian corruption has become a problem in society. More broadly, corruption has become a state problem in the world and the object of international law study.

Even in the foreword of the United Nations Convention Against Corruption in 2003 (UNCAC) it is stated, "Corruption is a risk epidemic that has various corrosive effects on society. Corruption undermines democracy and the rule of law, leads to human rights violations, distorts markets, and erodes the quality of life. Corruption is called a malicious phenomenon that is found in all big and small, rich and poor countries, but in developing countries, its effects are most damaging. Corruption harms the poor disproportionately by diverting funds destined for development, weakens the ability of Governments to provide primary services, feeds inequality and injustice, and discourages foreign aid and investment".

For this reason, the United Nations (UN) through UNCAC 2003 began to introduce measures to prevent and combat corruption more efficiently and effectively, especially through various international collaborations. As a member of the United Nations, Indonesia has ratified the convention with Law Number 7 of 2006 concerning Ratification of the United Nations Anti-Corruption Convention. Indonesia has also ratified the United Nations Convention Against Transnational Organized Crime (United Nations Convention Against Organized Transnational Crime) through Law No. 5 of 2009, where corruption in certain circumstances is categorized as a transnational crime.

In addition, Indonesia also contributed to the G20 Anti-Corruption Working Group Forum in the context of joint performance in preventing and eradicating corruption among these developing industrial countries. Although corruption has been considered a crime internationally, has been regulated by various international conventions, and has attempted to enforce the law with various international collaborations, its enforcement practice still encounters many obstacles. Among these obstacles are many perpetrators of corruption crimes, both those who will be processed, who are in the process of being investigated, and those who have been decided by the Court to have fled abroad. The perpetrators of these corruption crimes hide behind the sovereignty of other countries to avoid legal processes or punishment in their home countries.

One of them is in the case of Djoko S. Tjandra who is the Director of PT. Era Giat Prima was entangled in a corruption case in the transfer of receivables from Bank Bali and the National Commercial Bank in 1999. In

2000 Djoko S. Tjandra received an acquittal from the South Jakarta District Court with the consideration that the case was civil. Furthermore, in 2008 Djoko S. Tjandra on Cassation the Prosecutor was found guilty through the Supreme Court Review Decision Number 100 PK/Pid. Sus/2009. Since that decision, Djoko S. Tjandra has disappeared and in 2015 it was reported that he fled to Papua New Guinea. Until June 2020 Djoko S. Tjandra was detected in Indonesia and had time to make an E-KTP and even applied for reconsideration at the South Jakarta District Court. After causing a public uproar in the country, the Indonesian National Police finally succeeded in arresting Djoko S. Tjandra on July 30, 2020. (CNNIndonesia, 2020) [].

Based on the background in the introduction, it turns out that there are several problems in the implementation of the extradition agreement in the practice of anti-corruption law enforcement.

The arrested of Djoko S. Tjandra was executed in the territory of the State of Malaysia in cooperation with the Indonesian National Police and the Royal Malaysian Police. What then becomes a juridical question is how later the arrest of the convict Djoko S. Tjandra was carried out by the Police, not by the Prosecutor's Office. That was not the case he was experiencing a corruption case that had been decided based on the Judicial Review Decision. The execution of the decision should be carried out by the Prosecutor in accordance with the provisions of the Criminal Procedure Code and the Law of the Prosecutor's Office of the Republic of Indonesia. If the issue is jurisdictional or related to the sovereignty of other countries, isn't there already a legal instrument in the form of an extradition treaty between Indonesia and Malaysia.

Based on the background in the introduction, it turns out that there are problems in the implementation of the extradition treaty in the practice of anti-corruption law enforcement. In this regard, it is necessary to discuss how to enforce anti-corruption law in Indonesia from the perspective of international law, the dynamics of the extradition treaty in anti-corruption law enforcement, and the implementation of the extradition treaty: a case study of the execution of Djoko S. Tjandra. These three things will be discussed in this paper entitled "Effectiveness of the Extradition Treaty in Enforcement of Anti-Corruption Law (Case Study of the Execution of Djoko S. Tjandra)".

Research Method

This research is a legal study which is category as normative or doctrinal legal study. Peter (Mahmud Marzuki. 2014) Conducted with a review of the literature “Research Library” is a process for discovering the rules of law, principles of law, and legal doctrine to solve the legal issues faced by examining the literature materials that focus on conducting analysis and studying primary and secondary legal materials so that legal research will be able to produce theoretical arguments or new concepts as an attempt at resolving legal issues. This legal research uses both primary and secondary legal materials regarding the case of Implementation of The Extradiction Agreement In Anti-Corruption Law Enforcement (Case Study of The Execution of The Decision of Djoko S. Tjandra)

Research Result

1. Eradication of Corruption in Indonesia from the Perspective of International Law

Before the ratification of the 2003 United Nations Convention Against Corruption (UNCAC) with Law Number 7 of 2006, Indonesia already has a law to eradicate corruption, namely Law Number 31 of 1999 and its amendment to Law Number 20 of 2001. Even before that, Indonesia had Law Number 3 of 1971 concerning the Crime of Corruption which replaced Law Number 24 Prp. 1960 concerning the Investigation, Prosecution, and Examination of Criminal Acts of Corruption. Departing from the anti-corruption provisions in Law Number 31 of 1999 as amended by Law Number 20 of 2001 concerning the Eradication of Criminal Acts of Corruption and several laws and regulations that previously existed in Indonesia, then there are typical characteristics of corruption that are regulated in Indonesia, namely the criminal acts of corruption Article 2 and Article 3.

Article 2 Paragraph (1) of Law Number 31 of 1999 as amended by Law Number 20 of 2001 states, "Every person who unlawfully commits an act of enriching himself or another person or a corporation that can harm the state finances or the state economy...". While Article 3 of the law states, "Every person who intending to benefit himself or another person or a corporation, abuses the authority, opportunities or facilities available to himself because of his position or position that can harm the state finances or the state economy...". From the two articles, there are two elements in common, namely the element "which can harm state finances or the state economy". From the provisions of the two articles, it called that the characteristic of anti-corruption law in Indonesia is corruption which is detrimental to the state.

The characteristics of the regulation have implications for law enforcement. Law enforcement carried out by Police Investigators and the Prosecutor's Office is dominated by the application of Article 2 and Article 3, which conventionally seek to enter administrative problems. The cases handled by the Police and the Prosecutor's Office are quantitatively larger than the cases handled by the KPK. Thus, the characteristic of anti-corruption law enforcement in Indonesia is law enforcement against corruption that is detrimental to state finances. However, such a conception of corruption is not commonly found in anti-corruption law enforcement in other countries, especially the conception of corruption by UNCAC.

There are no provisions in the 2003 UNCAC provisions that include state financial losses as an element of the corruption article. The UNCAC provisions are in line with Transparency International Indonesia (TII), an institution concerned with the corruption perception index, which defines corruption as “abusing public power and trust for personal gain” (J. Pope, 2003). In UNCAC some acts that are considered corruption are “bribery of

national public officials" (Article 15), "bribery of foreign public officials and officials of international public organizations" (Article 16), "embezzlement, misappropriation or other diversions of property by public officials" (Article 17), "trafficking in influence" (Article 18), "misuse of function" (Article 19), illegal enrichment (Article 20), "bribery in the private sector" (Article 21), "the embezzlement of property in the private sector" (Article 22), "laundering proceeds of crime" (Article 23), "concealment" (Article 24), "obstruction of justice" (Article 25). Of the types of corruption in the UNCAC, none of them regulates corruption that is detrimental to state finances as stipulated in Indonesian legislation.

In other words, what is in Indonesia categorized as corruption may not be corruption according to other Countries. Certainly, Article 2 and Article 3 corruption is not corruption according to the UN as UNCAC is. The implication is that other countries are not obliged to support the enforcement of anti-corruption laws in Indonesia. This is related to the provisions of Article 46 Paragraph (1) of UNCAC which states that states parties must provide the widest measure for mutual legal assistance in investigations, prosecutions, and judicial processes concerning crimes covered by this Convention. With the words "this Convention", there may be countries that allow perpetrators of corruption in certain countries to hide in their country because they think that what that person is doing is not corruption. This is related to one of the principles in extradition, namely the principle of double crime where the act must be declared a crime in both countries. Thus, the existence of differences in the conception of corruption can have implications for the difficulty of international cooperation, including extradition.

This is further complicated by the collapse of the economies of western countries, including the United States, which has resulted in the world's economy being oriented toward China. In China, the issue of anti-corruption law enforcement is number two under the issue of increasing economic growth through investment. In other words, the economy becomes a priority scale compared to law enforcement. A study by Bingyong Zheng and Junji Xiao entitled Corruption and Investment: Theory and Evidence from China seems to adequately represent the correlation between anti-corruption law enforcement and investment. One of the analyzes is, "By controlling the wage in the administrative sectors, this variable measures the corruption intensity, and thus, our result suggests that infrastructure investment decrease with anticorruption intensity; in other words, when corruption cost is lower, there will be more corruption and, simultaneously more infrastructure investment. However. as we have explained above, anticorruption at also confounded by political factors and is not a very good instrument for anticorruption intensity".

(The anti-corruption coefficient is negative and significant in all model specifications, supporting our theoretical prediction. By controlling for wages in the administrative sector, this variable measures the intensity of corruption, and thus, our results show that infrastructure investment decreases with anti-corruption intensity; in other words, when the cost of corruption is lower, corruption will increase and, at the same time, more infrastructure investment. However, as we explained above, anti-corruption is also confounded by political factors and is not a very good instrument for anti-corruption intensity). Thus, differences in legal systems and legal orientations between countries become obstacles to the enforcement of anti-corruption laws.

2. Dynamics of Extradition Agreements in Enforcement of Anti-Corruption Laws

The 1969 Vienna Convention states, "An international agreement is an agreement entered into by two or more countries with the aim of bringing about certain legal consequences". Article 38 Paragraph (1) of the Charter of the International Court of Justice states, "International agreements, both general and specific in nature, which contain legal provisions that are expressly recognized by the countries concerned". Meanwhile, Article 1 Number 1 of Law Number 24 of 2000 concerning International Agreements states. "International agreement is an agreement, in a certain form and name, which is regulated in international law which is made in writing and gives rise to rights and obligations in the field of public law". In the practice of relations between countries, there are several terms used to refer to international agreements including "treaty" (narrow meaning), conventions, protocols, and declarations (F. Sugeng Istanto, 2014) [11].

One form of international agreement according to the 2001 Palermo Convention is an extradition treaty. According to Romli Atmasasmita (library. Supreme Court, 2011) extradition is the Latin term "extradere" which means to surrender. It can also be interpreted as "extra" and "tradition" namely the legal conception outside the tradition of relations between nations that have been passed down from generation to generation, namely the tradition for each country to protect anyone who comes to ask for protection. With extradition, if those who come are perpetrators of crimes, the state is obliged to hand it over to the state. The extradition concept is based on the principle of reciprocity, respect, and mutual respect between countries. According to Hugo Grotius, the emergence of the concept of extradition from the roots of "au dedere au punere". As mentioned above, trials of crimes can be carried out by the country where the crime occurred or extradited to a country of jurisdiction to try the perpetrator (Syarifuddin, 2016). In the development of this principle, it emerged later as "aut dedere aut judicare" (Novalinda, 2016). The principle of aut dedere aut judicare was put forward by Cherif Bassiouni which means that every country is obliged to prosecute and prosecute perpetrators of international crimes and is obliged to cooperate with other countries to detain, prosecute and prosecute perpetrators of international crimes (Neji & Nyong, 2018).

In Indonesia, the provisions of Article 1 of Law Number 1 of 1979 concerning Extradition, states. What is meant by extradition is the surrender by a state to a state requesting the surrender of a person who is suspected or convicted of committing a crime outside the territory of the surrendering country and within the jurisdiction of

the territory of the country requesting the surrender, because it is authorized to try and convict him. This principle is also adhered to in Law Number 1 of 1979 concerning Extradition which is referred to as the principle of a double crime, namely that acts committed by both the requesting country and by the requested country are considered crimes. This principle is also referred to as the double criminality principle, which means that the crime that is used as a reason to request extradition must be a crime both according to the law of the requesting country and the law of the requested country (I Wayan Parthiana, 2003) [12].

In addition, there is also a principle that states that extradited criminals will not be punished for crimes other than those for which extradition is requested. This principle is known as the principle of specificity or "rule of specialty" which in the explanation of the Extradition Law is interpreted, as "that the person requested will only be tried for the crime for which extradition is requested unless otherwise determined by the requested country". So that a person is not allowed to be tried or punished for crimes other than those for which extradition is requested. In Indonesia, Article 15 of the Extradition Law states, "A request for extradition is rejected if the person requested for extradition will be prosecuted, convicted, or detained for committing a crime other than the crime for which he is requested for extradition, except with the permission of the President".

In addition to these two principles, there are several principles related to the refusal of an extradition request. The most important thing is if the crime for which extradition is requested is political in nature or known as the "non-extradition of political criminal" principle. In Indonesia, this is regulated in Article 5 Paragraph (1) of the Extradition Law which states. Extradition is not carried out for political crimes. And Article 14. which states. "A request for extradition is rejected if, according to the competent authority, there is a sufficiently strong suspicion that the person whose extradition is requested will be prosecuted, convicted, or subject to other actions for reasons related to his religion, political belief, or nationality, or because he belongs to an ethnic group or ethnic group. certain population groups. In the elucidation of this article it is stated that this principle guarantees the rights of human freedom to adhere to religion and politics, besides that it also eliminates differences in citizenship, ethnicity, and population groups.

Requests for extradition can also be refused on the principle of “nonextradition of nationals”. This principle is an embodiment of state protection for its citizens, both as perpetrators and as victims of crime. This principle is described in several articles in the Extradition Law, including Article 7 related to requests for extradition of Indonesian citizens, Article 8 related to crimes partially or wholly committed in Indonesia, and Article 9 related to crimes that are being processed in Indonesia. Extradition requests can also be refused due to the “ne bis in idem” principle which guarantees that a person will not be tried a second time for the same crime. This is as Article 10 regarding crimes that have been decided by the Inkracht by the Indonesian Court and Article 11 regarding crimes that have been legally accounted for in other countries. In addition, an extradition request can also be rejected if the authority to demand and implement a decision has expired as stipulated in Article 12.

Departing from the definition and arrangement of extradition in the description above, the extradition agreement is very important in the context of enforcing anti-corruption law. Especially after the collapse of the new order where eradicating corruption became an issue in law enforcement. However, the problem is that corruptors with fantastic state financial losses can easily escape the law by fleeing abroad. Apart from the fact that these corruptors have strong networks in various lines of government, they also have lobbying power so that they can easily enjoy the results of their corruption abroad. In this context, the state must not lose and must continue to try to bring back the perpetrators of corruption. And the extradition treaty is one of the important instruments of the whole system of eradicating corruption in Indonesia. In the attachment to the Extradition Law, serial number 30, corruption is one of the lists of crimes whose perpetrators can be extradited. However, the renewal of the substance of the extradition law in law must continue to be reviewed to be adapted to international developments.

The update considers several extradition developments in the United Nations Convention Against Transnational Organized Crime and UNCAC. In its dynamics, some extradition provisions can be excluded to make it easier for a perpetrator of a corruption crime to be brought to justice (Dadang Siswanto, 2013). Article 44 Paragraph (2) of the UNCAC, for example, has made it possible to deviate from the principle of double crime by stipulating, "A party whose law permits it may grant the extradition of a person for any of the crimes covered by this Convention which are not punishable under domestic law alone." Or deviations from the expiration principle contained in Article 44 Paragraph (3), “If the request for extradition includes several separate offenses, at least: one of them can be extradited under this article and some of them cannot be extradited because of their imprisonment but related to offenses established by this Convention, the requested State Party may apply this article also concerning those offences.”

3. Implementation of the Extradition Treaty: Study on the Execution of Djoko S. Tjandra

In the case of the execution of Djoko S. Tjandra, the arrest was made by the Royal Malaysian Police and then handed over to the Indonesian National Police. This mechanism is known as Police to Police or P to P. Mahfud MD as the Minister of Defense (rri.go.id., 2020) explaining the chronology of ten days before the arrest, Kabareskrim convinced an operation to arrest Djoko S. Tjandra in a P to P and not need to be done through Government to Government or G to G. And the operating mechanism proved to be very effective in repatriating Djoko S. Tjandra to Indonesia. As soon as he arrives in his homeland, the convict is immediately handed over to the Deputy Attorney General for Special Crimes as the executor for execution in the form of imprisonment.

In other words, in the cross-border execution of the Djoko S. Djandra case extradition was not used. The Malaysian government also did not officially submit a press release on the surrender of the convicts. Supposedly if extradition is carried out, the Prosecutor's Office through the Executing Prosecutor will pick them up with facilitation from the Malaysian Government. This is in view of the provisions of Article 270 of the Criminal Procedure Code which states, "The implementation of a court decision that has obtained legal force is still carried out by the prosecutor, for which the clerk sends a copy of the decision letter to him." In addition, it is also regulated in Article 30 Paragraph (1) letter b of Law Number 16 of 2004 as amended by Law Number 11 of 2021 concerning the Prosecutor's Office of the Republic of Indonesia which states, "In the criminal field, the prosecutor's office has the duty and authority to carry out judges' decisions and court decisions that have permanent legal force."

The granting of authority to the Attorney General in the international world is not a new thing. In America, the International Crime Control Act of 1996 (ICCA), for example, has given the Attorney General the authority to refuse entry to a person in America to avoid punishment in other countries and give the Attorney General discretionary authority to extradite. In Indonesia, the Attorney General's Office has the authority to carry out executions of convicts who are abroad, such as in the case of Adelis Lis who was arrested in Singapore. In carrying out the execution, the Prosecutor becomes a representation of state power because of the laws and regulations that provide such authority.

However, in the case of Djoko S. Tjandra, it can be said that the police are also a representative of state power in the field of investigation. Considering that when he was arrested, Djoko S. Tjandra was also involved in a new problem and was named a bribery suspect related to the abolition of red notices and related to fake travel documents (Kompas, 2020). This is in accordance with the provisions of Article 1 Number 1 of the Criminal Procedure Code that states, "Investigators are Indonesian National Police Officers or certain Civil Service Officers who are given special authority by law to conduct investigations". In the investigation process, the police are authorized to make forced efforts in the form of arrests based on the provisions of Article 16 of the Criminal Procedure Code. If so, then the P-to-P mechanism feels like G-to-G.

However, if one looks at the fact that after the arrest in Malaysia, Djoko S. Tjandra was then handed over to the Prosecutor's Office, it can be said that the arrest was for execution. In addition to the fact that the Malaysian government has never officially handed over the convicts, this is actually still a P to P. Even if Djoko S. Tjandra was not the status of a suspect and only the status of a single convict, the arrests made by the Police were based on the close relationship with the Royal Malaysian Police based on the principle of reciprocity. This means that in the past and in the future the two institutions have been bound by good intense cooperation. Even with good cooperation, Interpol allows extradition to be carried out without prior ratification of the Interpol ICPO international cooperation agreement (Dio Poliando, 2019).

Based on the provisions of Law Number 9 of 1974 concerning Ratification of the Agreement between the Government of the Republic of Indonesia and the Government of Malaysia concerning Extradition which was ratified on December 26, 1974. On January 7, 1974, the agreement was signed. In the explanation of this law, 3 (three) principles are mentioned, namely the principle of double criminality, the principle of not surrendering political crimes, and the principle of not surrendering their own citizens. Of the three principles, the principle of double criminality is an obstacle to extradition. Article 3 Paragraph (1) states, "Any person who can be extradited is anyone who is requested by an authorized official from a foreign country on the basis that the person concerned is suspected of committing a crime or for serving a sentence or a detention order". Regarding the principle of a double crime, it can be seen in Article 4 Paragraph (1) which states, "Extradition is carried out for the crimes mentioned in the list of crimes attached as a text that is not separated from this law". Thus, based on the Extradition Law, it is not carried out for all crimes but is limited to crimes whose list is attached to the law.

In the appendix to the Extradition Law, corruption is indeed one of the lists of crimes whose perpetrators can be extradited. However, as discussed earlier, corruption with state financial losses in Indonesia as stated in Article 2, Article 3 of the Corruption Eradication Law, is not corruption according to the United Nations as is UNCAC. The implication is that other countries, including Malaysia, may argue that Djoko S. Tjandra's actions are not a crime of corruption in Malaysia. So that Malaysia is not obliged to hand over the convict. In this case, the principle of double crime is interpreted in more detail in the approach to the actions committed by a person requested for extradition.

According to Prof. Hikmahanto Juwana in the case of Djoko S. Tjandra, the mechanism for surrendering the convicts by extradition is not difficult to implement because of 3 (three) things. First, Malaysia is a country with a large area, the search is quite difficult, and requires a large amount of money. Second, the principle of non-extradition of political criminals can be used by Djoko S. Tjandra to construct the law that the crime he is accused of is a political crime. Third, the status factor, the power of money, and Djoko Tjandra's relationship as it is known that there are rumors of his close relationship with Najib Tun Razaq, the former Prime Minister of Malaysia, who is not active (Ida Kurnia, 2021). The three things mentioned above made it difficult to repatriate the corruption convict Djoko S. Tjandra with an extradition mechanism.

Another factor that affects the implementation of an extradition treaty is the bargaining value of a country in international relations. This bargaining position is related to many things including economic strength, military power, and foreign lobbying. The countries that dominate the world's economy

Such as the United States, Russia, and China will certainly be heard more by the other countries. Extradition agreements often do not have power, because developing countries such as Indonesia do not have a good bargaining position (Weryenti, 2012). In addition, the background and historical factors between the countries that have entered into the extradition treaty are also decisive. The countries of Indonesia and Malaysia with a similar family history should be able to do better in carrying out international cooperation, including extradition treaties.

Reflecting on the case of the execution of Djoko S. Tjandra, the extradition agreement between Indonesia and Malaysia should be able to become an international legal umbrella for the Attorney General's Office to carry out direct executions in Malaysia. So, what is done is G to G and not P to P. Even though in the end the goal is the same, if what happens is G to G then this shows the authority of the Republic of Indonesia. And the Malaysian government in good faith shows respect for the rule of law in Indonesia. So that the good faith (Fauzin, 2021) of the Malaysian government is also needed as the basis for carrying out the extradition of perpetrators of corruption.

Conclusion

There are several differences between the regulation of corruption crimes in Indonesia and the anti-corruption law in international law. Among them are related types of corruption that harm state finances which are not included in the UNCAC formulation. The difference in legal substance often causes obstacles in the enforcement of anti-corruption laws in Indonesia which intersect with the jurisdictions of other countries.

The extradition agreement should be an instrument in law enforcement and facilitate every law enforcement officer in carrying out his main duties. However, in its dynamics, obstacles are often encountered in the implementation of extradition, including in corruption cases. In Indonesia, the law on extradition, which was issued in 1979, is far behind the provisions of international law.

In the case of the execution of Djoko S. Tjandra, the Police to Police mechanism was used so that the extradition agreement was not sufficient for the Prosecutor as the domain owner to implement the court's decision to be able to carry out the execution immediately. Extradition should be carried out with the Government to Government mechanism as a form of the authority of the Republic of Indonesia and the good faith of the Malaysian Government in establishing respectful international cooperation.

Reference

1. Bingyong Zheng, Junji Xiao. *Corruption and Investment: Theory and Evidence from China*, Journal of Economic Behaviour and Organization, 2020, 75.
2. Fauzin. Peran Perjanjian Ekstradisi Dalam Penegakan Hukum Tindak Pidana Korupsi di Indonesia, Jurnal RechtIdee, 2021, 16(1).
3. Kurnia Ida. Analisis Yuridis Perjanjian Ekstradisi Antara Pemerintah Republik Indonesia Dengan Pemerintah Diraja Malaysia (Studi Kasus: Djoko Soegiarto Tjandra), Jurnal Hukum Adigama, 2021, 4(1).
4. Neji Ndifon, Felix Nyong. Rethinking Civil Society Participation in the Implementation of the UN Convention against Corruption in Nigeria. Journal of Economics and Sustainable Development, 2018, 9(16).
5. Panggabean Dio Poliando. Ekstradisi Pelaku Tindak Pidana Korupsi yang Melarikan Diri Keluar Negeri oleh Kepolisian Negara Republik Indonesia berdasarkan Ketentuan Hukum International Criminal Police Organization (ICPO/Interpol), USU Law Journal, 2019, 7(6).
6. Putri Novalinda Nadya. Penerapan Prinsip Aut Dedere Aut Judicare Dalam Penegakan Hukum Pidana Internasional, Jurnal Ilmu Hukm, 2020, 6(1).
7. Shidarta Konsep. “Ma’lum In See” dan “Ma’lum Prohibitum” dalam Filosofi Pemberantasan Korupsi, Jurnal MMH Jilid, 2013, 42(1).
8. Siswanto Dadang. Korupsi sebagai Kejahatan Terorganisir, Jurnal MMH Jilid, 421.
9. Syarifuddin. Relevansi Undang-Undang No. 1 Tahun 1979 tentang Ekstradisi dengan Perkembangan Hukum Ekstradisi Internasional (Studi Kasus: Perjanjian Ekstradisi Indonesia-Singapura), Jurnal Komunikasi Hukum, 2016, 2(1).
10. Weryanti Deli, Ekstradisi dan Beberapa Permasalahannya, Fiat Justitia Jurnal Ilmu Hukum Volume 5 Nomor, 2012, 2.
11. Istanto F Sugeng. Hukum Internasional Cetakan Ke-05, Yogyakarta: Universitas Atma Jaya, 2014.
12. Parthiana I Wayan. Hukum Pidana Internasional dan Ekstradisi, Bandung: Yrama Widya, 2003.
13. Peter Mahmud Marzuki. *Penelitian Hukum, Edisi Revisi.* Jakarta: Kencana Prenada Media Group, 2014.
14. Pope Jeremy. Strategi Memberantas Korupsi, Jakarta: Yayasan Obor Indonesia, 2003.
15. https://cnnindonesia.com/nasional/20200731090542-12-530910/kronologi-11-tahun-berliku-perburuan-djoko-tjandra, diakses 01 April 2022.
16. https://nasional.kompas.com/read/2020/08/14/18165711/bareskrim-polri-tetapkan-djoko-tjandra-sebagai-tersangka-di-2-kasus?page=all, diakses tanggal 02 April 2022.
17. https://perpustakaan.mahkamahagung.go.id/slims/pn-jakartaselatan/index.php?p=show_detail&id=1896, diakses 02 April 2022.
18. Https://rri.co.id/nasional/hukum/876969/kronologi-penangkapan-djoko-tjandra-versi-mahfud-md.,diakses 03 April 2020.