



The role of the international criminal police organization in the extradition arrest of drug lord Richard Warkeling in Thailand

Dimas Adyaksa Mulya Pratama, Joko Setiyono

Faculty of Law, Universitas Diponegoro Jl. Antonius Suroyo, Tembalang, Kota Semarang, Jawa Tengah, Indonesia

Abstract

Drug trafficking is a problem for every government in a country. The impact of drug trafficking can damage the next generation of the nation because the addictive substances it contains can damage the nerves of the brain. If this is not immediately followed up, it will result in the loss of a nation's generation in the future. The state must be responsible for protecting its citizens from drug trafficking and abuse. In dealing with international drug trafficking, the state must cooperate with Interpol to fight international crime. One is by arresting drug kingpins in distributing narcotics in every country. An international drug dealer named a suspect in a country can be arrested by extradition. In this writing, the method used in research is a normative juridical method and uses a qualitative approach. The results of this study indicate that the British and Thai Governments cooperated with Interpol to arrest fugitive drug lords through extradition.

Keywords: The role of the international criminal police organization, drug lords, extradition

Introduction

In the development of increasingly advanced times, causing the emergence of crime. Crimes that arise in society are increasingly of various types. The type of crime that develops with the times is crime against drugs. The history of the development of drugs in the early 2000s BC as a tool for ritual ceremonies and treatment. The type of drug that was first used in the world was called opium or commonly referred to as opium. The opium trade experienced rapid development in Egypt, Greece, and several areas in the Middle East, Asia, and South Africa (Atmasasmita, 1997)^[1]. Crime against drug trafficking has become a world problem and a transnational crime. Law enforcement officials in several countries have the same duty to fight and eradicate drug trafficking in their country's territory. Law enforcement officials in every country have the difficult task of eradicating drug trafficking in their country. One of the reasons is that drug trafficking is carried out in a neat and organized manner that has gone global.

Crimes against cross-country drug trafficking can threaten security and order in every country. Crimes against drug trafficking should be suspected to have been funded by the mafia or international drug kingpins, organized, and have professional human resources to coordinate the distribution. The drug business is very promising for the mafia or drug kingpins because it has huge profits, and this has the potential to hinder the pace of development of the country. The impact of drug trafficking is that it can damage the generation of a country. The negative effects on its users are that it will decrease physical endurance and mental health, and mental health become disturbed. In addition, drug abuse can harm other people, such as committing acts of violence, damaging public facilities, and increasing the crime rate. The increase in drug use worldwide is caused by drug trafficking in every country by dealers. The network or syndicate of drug dealers which are well known in the world, namely:

a. Pablo Escobar

He is a world-famous international drug lord and founder of the Medellín cartel and was one of the wealthiest criminals during his lifetime. At the end of his life, Pablo Escobar was killed in a raid in 1993.

b. Armando Carrillo Fuentes

He is a very famous drug lord in Mexico. Armando managed to coup the Juárez cartel after killing its leader Rafael Aguilar Guajardo with his own hands. After the leader of the Juárez cartel died, Armando Carrillo Fuentes succeeded in becoming the leader of the Cartel.

c. Dawood Ibrahim Kaskar

Dawood is a Drug Mafia Boss and criminal who has a scary face. Dawood became the leader of the D-Company cartel syndicate, which is known to be very sadistic by the people of India. The D-Company cartel is in charge of drug trafficking and murder.

d. Joaquin "El Chapo" Guzman Loera

A drug lord who is the leader of the Sinaloa Cartel is considered the most powerful and famous drug kingpin today. Joaquin is originally from Mexico. He owns the Sinaloa Cartel, which distributes drugs, including cocaine, methamphetamines, heroin, and ecstasy, most of which are sent to the United States. El Capo's arrest occurred in 2014 in Mazatlan, Mexico. After being in custody, El Chapo escaped and was arrested again in 2016, and then El Chapo was extradited to the United States in 2017.

The use of illegal drugs such as narcotics has become a matter of great concern. Today's use of narcotics has spread throughout the country. Drug use covers all walks of life, from people who are uneducated to people who have received higher education, even elementary and high school children who are already using drugs. This is because the government in that country is not too serious about dealing

with drug trafficking. As a result of weak supervision by law enforcement officials or the government, dealers can freely distribute narcotics to gain quite high profits. The United Kingdom is one of the countries on the trajectory of drug trafficking by dealers; now, its status has changed to that of a country used as a destination for drug trafficking by mafia or international drug kingpins. The factor caused by very high drug trafficking in the UK is caused by the International Drug Network, which works with citizens in the UK by providing bonuses from the profits from the sale of these drugs. In situations like this, it is necessary to take action from the Thai government and police to increase further efforts to take action against drug dealers more seriously.

In 2023 in Thailand, there was an arrest of a very famous drug lord in England named Richard Warkeling by the Thai police. A fugitive drug lord in England named a suspect by the British police in 2018 has fled to Thailand. Interpol must coordinate to arrest fugitive drug lords in the UK. Interpol has the function of eradicating international crimes and conducting international cooperation. In carrying out the eradication of International Crime, Interpol functions to handle arrests such as Drug Trafficking, Corruption Crimes, and so on. Meanwhile, Interpol's function in International Cooperation is to focus on issuing notifications containing requests from a country regarding cooperation or warnings that allow police in member countries to share important information related to crime. There are 8 types of notifications issued by the Secretariat General of Interpol, namely: *Red Notice*, *Yellow Notice*, *Blue Notice*, *Black Notice*, *Green Notice*, *Orange Notice*, *Purple Notice* and *UN Security Council Special Notice*.

Several studies discuss the Role of the International Criminal Police Organization in the Extradition Arrest of Drug Lord Richard Warkeling in Thailand, including The Effectiveness of Extradition Agreements As a Means of Prevention, eradication, and Punishment of Perpetrators of international crimes (Kalalo, 2016) ^[13]; Extradition Agreements Between Countries in Relation to Crime Control (Sipasulta, 2017) ^[12]; Position of Extradition Agreement in International Law and National Criminal Law (Rotinsulu, 2021) ^[14]

Based on the various descriptions that have been described, this scientific article will discuss: How can extradition agreements prevent perpetrators of drug trafficking? And what is the role of the International Criminal Police Organization in the extradition process for drug lord Richard Warkeling in Thailand?

Research methods

The approach method in this research is using the normative juridical method. According to Soerjono Soekanto, the normative juridical approach is legal research conducted by examining literature or secondary data as the basis for research by searching for regulations and literature related to the problem under study (Soekanto, 2001) ^[2]. The research specifications used are analytical descriptive. The analytical descriptive method is problem research used to investigate and describe the state of the research object based on the facts found (Asikin, 2004) ^[3]. When conducting research, researchers have obtained an overview regarding the initial data of the problems to be studied (Waluyo, 1991) ^[4]. Analytical descriptive research was carried out to get an explicit, detailed, systematic, and

comprehensive picture regarding the resolution of the problem under study, namely the role of Interpol in the extradition arrest of drug lord Richard Warkeling in Thailand.

Furthermore, this study used qualitative methods consisting of primary and secondary data. Primary data is in the form of data obtained from research directly by observation or observation. Secondary data is in the form of data obtained from literature studies to obtain data from legal materials such as books, journals, and so on (Suteki & Taufani, 2017) ^[5]. Then the data is associated with theories and sources of international law obtained from literature studies to obtain answers to the problems to be studied.

Results and discussion

1. Extradition agreements can prevent drug traffickers

According to the Large Dictionary of Indonesian Language, protection is the method, process, and act of protecting. Various regulations and laws realize legal protection. The forms of protection or types are very diverse, including protection for children, protection for consumers, protection for trade unions, protection for civil law, protection for the state for its citizens, and so on. One of the state's protections for its citizens is protection against drug abuse by the public. The government and law enforcement officials must cooperate in criminal acts against drug trafficking. In addition, the prevention of drug trafficking must involve the community and community leaders, with legal counseling and the harmful effects of drugs on society, so that the number of abuse and distribution of drugs can be reduced. If preventive or repressive efforts are not made, it will destroy the nation's next generation because it is caused by drug trafficking, which is still very high.

In International Law, a state's jurisdiction is an area officially owned by a state within its territorial scope. Therefore, the state has full jurisdiction to punish the perpetrators of crimes and violate the law in the country's territory. In a situation like this, the NCA (police in a country) may not enter the territory of another country to search directly. However, in searching for and arresting suspects through Interpol or extradition agreements with other countries. By not having police authority in one country to enter the territory of another country, the police realize the advantages of joining Interpol. Because if the police of one country is already part of Interpol, then they can coordinate with the police of other countries to chase and arrest the wanted list of people who have been named suspects.

The international community has a concern about the conditions that occur. This then gave birth to various types of international cooperation, especially in the form of international agreements. International agreements are agreements made between parts of the country that intend to cause a separate impact (Kusumaatmaja, 1999) ^[6]. Agreements can be the basis for determining cooperation rules between countries, regulating various affairs, and resolving concurrency problems that apply between countries. So that many countries enter into international agreements with other countries, both bilateral and multilateral international agreements. One form of crime is the distribution of narcotics in the world. International countries jointly stipulate drug trafficking as a crime that must be prevented, eradicated, and despised together. Because if left unchecked, it will have an impact on workers

for people around the world who will become drug addicts, which will harm the next generation of the nation (Effendi, 2019) ^[7]. In order to eradicate transnational or international drug trafficking, it is necessary to regulate the legal system in a country's territory. In applying legal regulations, international law must be harmonized with national law, which intersects with the regulation of drug trafficking. In suppressing the number of drug trafficking in a country, the country needs to enter into extradition treaties and diplomatic relations with other countries. The purpose of carrying out extradition and diplomacy agreements by other countries is so that the handling of transnational and international drug crimes can be resolved and close the loopholes for drug dealers to distribute their goods.

An extradition is a form of surrender by a country against the perpetrator of a crime for committing a crime outside the territory of the surrendering country and within the jurisdiction of the territory of the country wishing to request surrender. Someone who has committed a crime in his country and has been named a suspect then flees to avoid serving his sentence. Then extradition can be requested by the country that is the destination of a suspect who has become a fugitive based on an Extradition Agreement that has been carried out by the country concerned, in the extradition agreement already regulated in International Law and National Law of each country (Parthiana, 2021) ^[8]. In international criminal law, several international crimes have been regulated within the jurisdiction of the international criminal court, where these crimes are included in the criteria of international crimes, including violations of peace and security of humanity, contrary to fundamental humanitarian values, and products of state action or state policy. The purpose of the extradition agreement is an agreement made and agreed upon by two or more countries to arrest fugitives or perpetrators of crimes who have fled to other countries. Crimes that fall under these criteria are part of international criminal law because international crimes have been regulated within the international court's jurisdiction. Some crimes are outside the jurisdiction of the international criminal court; the crimes in question are crimes that are national in nature but have crossed national borders; these crimes are transnational crimes.

Many countries have now ratified the Model Treaty of the United Nations, which regulates extradition, which is used as the applicable law in each country, so extradition has become domestic law in resolving a criminal case that crosses national borders by using national law, which regulates extradition at hand by a country. In essence, the substance of national laws and regulations on extradition is not much different from the outline substance of an international treaty on extradition, which contains principles that transform the legal principles of extradition itself. Ideally, each country has its national legal regulations. The regulation of national law regarding extradition is part of the rules of extradition law, which is classified as procedural because it is a regulation that bridges an international agreement between countries in the world in carrying out extradition. Extradition relates to people and the crimes they commit, where a criminal act has been regulated in the national laws of each country; this is what makes extradition contain national dimensions. People who commit a transnational crime will be related to their nationality, where this nationality is the basis for a country to make national legal regulations regarding extradition.

International agreements include the UN Charter, Treaty, Protocol, Covenant, Statute, Extradition, and Convention. The definition of a convention, in general, is an international regulation that is unwritten but is obeyed by countries that recognize it. According to the 1969 Vienna Convention Article 27, it is explained that a country may not reject the application of international agreements because it is contrary to national law. The International Criminal Law system explains that extradition is divided into two, namely extradition with good relations between two countries (non-treaty) and by entering into an extradition agreement. International cooperation is a form of effort to protect against transnational and international crimes (Husein, 2006). One of the international treaties governing instruments in international law enforcement is the Convention against Extradition, namely the United Nations Convention against Transnational Organized Crime (UNTOC). UNTOC is a UN Convention that regulates Transnational Crime. Arrangements regarding extradition are regulated in Article 16 of the UNTOC Convention.

A country submitting a request for the return of a suspect outside its territory must go through international legal procedures. With an extradition treaty, arresting the perpetrators of international crimes is easy. Extradition agreements must be based on bilateral agreements and not arise from international customs. If a country does not have an extradition treaty, it will be difficult to catch criminals when arrested. Against someone who is extradited, starting from the existence of an extradition agreement by two or more countries, then the fugitive suspect is determined, and his status becomes an international fugitive. Then the police from that country work together with Interpol to catch suspects who have fled to other countries.

2. Role of the international criminal police organization in the extradition process of the perpetrator of drug lord Richard Warkeling in Thailand

The International Criminal Police Organization is the largest international police organization in the world, with 190 member countries. Interpol has the main function in carrying out its duties, namely, as an information network regarding transnational and international crimes. Interpol's goals are stated in the Constitution of the International Criminal Police Organization, namely working together to catch perpetrators of international crimes and ensuring good relations between the police in one country and the police in other countries based on the Universal Declaration of Human Rights. In addition, the goal of Interpol is to develop all institutions that contribute effectively to prevention and narrow the space for crime. There are not a few police in several countries in tracing and finding a person who has been designated as a suspect or fugitive who is hiding abroad for further extradition efforts.

If there is no previous extradition agreement, the requesting country can submit a request for arrest through the international criminal police organization (Siswoyo, 2011) ^[15]. Interpol requested an arrest via Red Notices and Diffusion, sent to the Interpol General Secretariat, and forwarded to the NCA (Police) in the country where the perpetrator is located. The role of the International Criminal Police Organization in extradition is not only limited to sending Red Notices to the destination country, but Interpol's role can also be as a medium of diplomacy for countries that do not have such an agreement. In this case,

the International Criminal Police Organization is obliged to provide its capacity as a law enforcement agency by acting as a diplomatic mediator. So that the role of the International Criminal Police Organization can be felt by every country that is already a part of it.

In 2018 a British drug lord named Richard Warkeling was tried in a court in England. A British court ruled that the leader of a crime against drug trafficking organization was declared a suspect and sentenced to 11 years in 2018. However, Richard Warkeling did not appear at trial and is suspected of having fled abroad. The arrest of Richard Warkeling was caused by trying to export liquid amphetamines worth £ 8 million (around Rp. 150 billion) in April 2016. Finally, the British government named Richard Warkeling on the Wanted List (DPO) by the National Crime Agency (NCA). The NCA then issued a Red Notice so that other countries would help track down the drug dealer mafia. On Friday, February 10, 2023, Officers from the Royal Thai Police arrested Fugitive Richard Warkeling in a garage in Bangkok. It is learned that Richard Warkeling lives in the seaside town of Hua Hin and has a passport under another identity. Quoted from The Guardian, on Saturday, February 11, 2023, the arrest occurred when Richard Warkeling picked up his car, which had been repaired. Then, after knowing the location point, the Thai security authorities immediately arrested and detained Richard Warkeling. The NCA Regional Manager for Thailand said that the arrest of Richard Warkeling was proof that the Thai NCA had been working non-stop and very optimally to find criminals and had collaborated with police in other countries and Interpol. NCA's Head of British Investigations, Jacque Beer, gave a public response to the information that had been provided so that the NCA felt helped by the discovery of fugitive Richard Warkeling.

The current extradition process is Thailand as the arresting country, i.e.:

- a. NCA Thailand has received arrest and detention warrants from the International Criminal Police Organization
- b. The NCA of Thailand carried out the arrest and temporary detention of drug lord Richard Warkeling;
- c. If the time limit has been exceeded as instructed by the International Criminal Police Organization, the NCA Thailand will extend the period of arrest and detention;
- d. Request for Extradition through Diplomacy between the British Government and the Government of Thailand bridged by the International Criminal Police Organization
- e. The process of examining the suspected drug lord at the Thai Court;
- f. Decision-making process After it was proven that the person was Richard Warkeling, the Thai Court decided to return the suspected drug lord to the British NCA through the International Criminal Police Organization.
- g. After the two countries agree on a diplomatic path, the extradition will be carried out after receiving directions from the International Criminal Police Organization (Maringka, 2018) ^[10].

While the Extradition Process when England as a country requested the arrest of the suspect Richard Warkeling, namely:

- a. The British NCA submitted a request to International Criminal Police Organization which was then submitted

to the Thai NCA for a search, arrest, and detention process;

- b. The British government is preparing documents for a request for the return of suspected drug lord Richard Warkeling
- c. The document requesting the return of Richard Warkeling was investigated by the British government to the Thai government through the International Criminal Police Organization because England and Thailand do not have an Extradition Agreement.
- d. Examination of Richard Warkeling by a Thai Court.
- e. After the Thai government approved the letter requesting the return of the suspect Richard Warkeling, a decision was made to return Richard Warkeling by the Thai court. The results of the decision were notified to the International Criminal Police Organization and sent to the Minister of Justice in England for the extradition.
- f. During the extradition process for Richard Warkeling, the International Criminal Police Organization, accompanied by representatives from the Thai NCA, returned Richard Warkeling to England (Sunarso, 2009) ^[11].

In the arrest of Drug Lord Richard Warkeling by the Thai Police, International Criminal Police Organization had a unique role in the arrest process until the extradition was carried out because Thailand and England did not have a prior extradition agreement. If there is no previous extradition agreement, the British NCA submits a search request to Interpol as the country where the suspected drug kingpin committed the crime. After being approved by International Criminal Police Organization, an arrest request is sent to the Interpol General Secretariat then Interpol sends it to the Thai NCA. After the NCA Thailand received an arrest warrant or Red Notice, the NCA Thailand immediately rushed to find fugitive drug lord Richard Warkeling. After Richard Warkeling was arrested, NCA Thailand placed temporary detention to contact Interpol if the drug lord had been found. Then Interpol contacted the British NCA to be connected to the court or the British government for the extradition process or the return of Drug Lord Richard Warkeling, who had been named a suspect by the English court. After the administrative and diplomatic processes have been completed, the extradition process for the return of the fugitive drug lord Richard Warkeling is carried out by Interpol and accompanied by NCA Thailand. Then submit it to the British NCA to be submitted to the court for further legal proceedings. During the extradition process, the return of drug lord Richard Warkeling was successfully carried out because the Thai police and the British police joined the International Criminal Police Organization.

Conclusions and suggestion

The existence of an extradition treaty makes arresting perpetrators of international crimes easier. The extradition agreement is based on a bilateral agreement. If a country does not have an extradition treaty, it will be difficult to catch criminals when arrested. The suspect is determined in the country where he committed the crime against someone who is extradited, starting from the existence of an extradition agreement by two or more countries. The person flees abroad until his status is determined as a fugitive. Then

the police from that country work with Interpol to catch suspects who fled to other countries. In the effort to arrest Narcotics King Richard Warkeling by the Thai Police, International Criminal Police Organization has a special role in the arrest process until the extradition is carried out because Thailand and England did not have an extradition agreement beforehand. The role of the International Criminal Police Organization in carrying out the extradition process for drug kingpins includes issuing Red Notices to criminals, working together with giving instructions to the Thai NCA to search and arrest drug lords in their territory, coordinating with the Thai NCA and the UK NCA regarding the technical process of returning drug lords. Richard Warkeling has been named as a suspect. Carry out the handover of the Drug Kingpin to the British NCA.

I suggest that every country have an extradition treaty with other countries. If you do not have an Extradition Agreement, you should carry out diplomatic relations that are mutually beneficial to the two countries so that if one day the country is harmed by perpetrators of transnational or international crimes, the process of arresting and returning suspects will be easier. Then in carrying out the process of extradition of suspects, arrangements should be made in Conventions and Treaties related to the return of suspects by the extradition process carried out by the NCA from the jurisdiction of the disadvantaged area so that they can come directly to pick them up to the country that found or arrested the suspect accompanied by Interpol. So that the relationship between the NCA and the Governments of the two countries will become more solid.

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