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Corruption eradication after the ratification of the Indonesia-Singapore Extradition treaty 2022

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Abstract
This research discusses the eradication of corruption in Indonesia after the ratification of the Extradition Treaty between Indonesia and Singapore in 2022. This study aims to analyze the impact of the ratification of the extradition treaty on the eradication and legal process carried out by law enforcement both in the Government of the Republic of Indonesia and the Government of the Republic of Singapore in efforts to eradicate corruption and the implementation of retroactive principles to ensnare corruptors who flee to Singapore. The research method used uses a normative juridical approach method by analyzing the agreement between the government of the Republic of Indonesia and the Government of the Republic of Singapore concerning the Extradition of Fugitives contained in Law Number 5 of 2023 concerning the Ratification of the Agreement Between the Government of the Republic of Indonesia and the Government of the Republic of Singapore concerning the Extradition of Fugitives. The result of this study is that law enforcement to eradicate corruption crimes carried out conventionally has proven to experience various obstacles. For this reason, extraordinary law enforcement methods are needed through the establishment of a special agency that has broad authority, independent and free from any power in an effort to eradicate criminal acts of corruption, whose implementation is carried out optimally, intensively, effectively, professionally and continuously, and effective international cooperation is needed in forming a series of legal frameworks to overcome transnational organized corruption is expected to provide a deeper understanding of corruption eradication and legal processes after the extradition treaty between Indonesia and Singapore.

Keywords: Extradition Treaty, ratification, corruption

Introduction

Following the ratification of the Indonesia-Singapore extradition treaty on January 22, 2022, in Bintan, Riau Islands, on March 21, 2024, Indonesia and Singapore simultaneously entered into three agreements: the Re-Alignment Flight Information Region (FIR) Adjustment Agreement, Defense Cooperation Agreement (DCA), and Extradition Treaty. The DCA was ratified through Law No. 3 of 2023, and Extradition through Law No. 5 of 2023. These three agreements are crucial for enhancing bilateral cooperation between the two countries in the areas of security cooperation and the efficiency of navigation services in airspace, defense cooperation, and law enforcement through extradition [1]. As of March 21, 2024, the Indonesian Government is in effect [2].

This provision is consistent with the maximum duration specified in Article 78 of the Indonesian Criminal Code. Yasonna underscored that in addition to the retroactive clause, the treaty also specifies that the nationality of a criminal offender is determined at the time the crime is committed. This provision is aimed at preventing any potential exploitation of nationality changes by offenders attempting to avoid legal accountability. Yasonna made these statements following the signing of the treaty.

The Extradition Treaty specifies 31 categories of criminal offenses for which perpetrators can be extradited, including corruption, money laundering, bribery, banking crimes, drug-related offenses, terrorism, and financing activities associated with terrorism. Additionally, Indonesia has successfully persuaded Singapore to endorse a forward-thinking, adaptable, and proactive Extradition Treaty that takes into account present and future variations, forms, and methodologies of criminal acts. Under the Indonesia-Singapore Extradition Treaty, both countries have the authority to extradite individuals involved in criminal acts not explicitly listed in the agreement, provided that such offenses are addressed within the legal frameworks of both nations.

Yasonna elaborated on the scope of the Indonesia-Singapore Extradition Treaty, emphasizing that both nations are committed to extraditing individuals found within the territory of the requesting country who are sought by the requesting state for prosecution, trial, or enforcement of punishment for extraditable criminal offenses. He stated, "This extradition treaty will serve as a deterrent for criminal offenders in Indonesia and Singapore." Additionally, the Minister of Law and Human Rights highlighted that the Indonesia-Singapore Extradition Treaty will reduce avenues for criminal offenders in Indonesia to evade justice. This is because Indonesia has existing agreements with regional partner countries such as Malaysia, Thailand, the Philippines, Vietnam, Australia, the Republic of Korea, the People's Republic of China, and Hong Kong SAR.

Specifically for Indonesia, the enforcement of the Extradition Treaty can efficiently target offenders of past crimes and streamline the execution of the Presidential Decree of the Republic of Indonesia Number 6 of 2021 regarding the Task Force for Handling State Bill Rights of Bank Indonesia Liquidity Assistance Funds. Before its official signing, the pursuit of the Indonesia-Singapore Extradition Treaty had been ongoing by the Indonesian government since 1998 [3]. The Indonesian Government has been actively striving to establish an Extradition Treaty with Singapore since 1998, consistently raising the matter during bilateral and regional meetings with the Singaporean Government [4].

On December 16, 2002, at the Bogor Presidential Palace in West Java, Indonesian President Megawati Soekarnoputri

and Singapore Prime Minister Goh Chok Tong convened for a bilateral meeting to discuss various aspects of cooperation between their two nations. The Indonesia-Singapore Extradition Treaty was officially signed during the Indonesia-Singapore Leaders' Retreat on January 25, 2022, held in Bintan, Kepri.

As a result of the meeting, Indonesia and Singapore agreed to develop an action plan for the establishment of the Indonesia-Singapore Extradition Treaty. On April 27, 2007, at the Tampaksiring Palace in Bali, Indonesian Foreign Minister Hassan Wirajuda and Singaporean Foreign Minister George Yeo signed the Indonesia-Singapore Extradition Treaty in the presence of Indonesian President Susilo Bambang Yudhoyono and Singaporean Prime Minister Lee Hsien Loong. However, the treaty signed in 2007 has not been enforced by either country as it has not been ratified by the Governments of Indonesia and Singapore [3].

Minister of Law and Human Rights Yasonna H. Laoly described the extradition treaty between Indonesia and Singapore as progressive, citing its comprehensive articles and adaptable scope tailored for both present and future needs. "The Indonesia-Singapore extradition treaty is forward-thinking, flexible, and addresses crimes relevant to the contemporary and future landscape," Yasonna stated in a confirmed press release in Jakarta on Friday. He elaborated that the treaty comprises 19 articles outlining the mutual agreement of both nations to extradite individuals located within their respective territories and sought by the requesting country for prosecution, trial, and enforcement of penalties for extraditable criminal offenses. Within this extradition treaty, 31 criminal offenses warrant extradition, encompassing corruption, money laundering, bribery, banking crimes, narcotics, terrorism, financing of terrorist activities, and various other offenses as stipulated in the legal frameworks of both countries.

Additionally, the Indonesia-Singapore extradition treaty includes a significant provision: the determination of the perpetrator's nationality is based on the time the crime occurred. This measure aims to prevent loopholes that could arise from offenders changing their nationality to evade legal proceedings. "Furthermore," Yasonna explained, "in adherence to Article 78 of the Criminal Code, the treaty incorporates a retroactive principle spanning up to 18 years, allowing for the prosecution of crimes committed before the treaty's implementation." The Minister of Law and Human Rights expresses hope that the Indonesia-Singapore extradition treaty will be promptly utilized by law enforcement, serving as a deterrent and reducing avenues for criminal offenders to escape justice.

The agreement, signed by Yasonna on January 25, 2022, in Bintan, Riau Islands, has been ratified through Law Number 5 of 2023 concerning the Ratification of the Agreement between the Government of the Republic of Indonesia and the Government of the Republic of Singapore concerning the Extradition of Fugitives. This agreement between the two governments will come into effect on March 21, 2024, facilitating the extradition of fugitives between the Republic of Indonesia and the Republic of Singapore [4].

Indonesian criminals often seek refuge in Singapore. According to records from Indonesia Corruption Watch (ICW), there are 30 individuals identified as Indonesian corruptors who have fled to Singapore, resulting in a total state loss of 64.68 trillion [5]. In 2021, the Center for Financial Transaction Reporting and Analysis (PPATK) reported that Singapore was the primary destination for Indonesian criminals engaging in money laundering. PPATK elucidated that Singapore poses a high risk as a money laundering destination, earning the highest score of 9 out of 10 on the risk scale [5].

According to the principle of international law, each state possesses supreme authority over individuals and assets within its territory. Consequently, a state is prohibited from exercising its sovereignty (acts of sovereignty) within the territory of another state without the consent of the latter [6]. Hence, Indonesia lacks the authority to apprehend criminal offenders residing in Singapore without a governing agreement, despite the significant losses suffered by Indonesia.

The pursuit of an extradition treaty between Indonesia and Singapore has been ongoing for a considerable period. Efforts to establish such a treaty began as early as 1998. Subsequently, on December 16, 2002, Indonesia and Singapore convened a bilateral meeting to deliberate on enhancing cooperation across various domains between the two nations. One outcome of this meeting was an agreement to develop an action plan for the establishment of an Extradition Treaty between Indonesia and Singapore. On April 27, 2007, during the leadership of Susilo Bambang Yudhoyono (SBY), efforts that have been made for an extradition treaty yielded results, namely the signing of an extradition treaty between Indonesia and Singapore. However, this treaty failed to be ratified [7].

The extradition treaty between Indonesia and Singapore is one of the most challenging bilateral agreements for Indonesia to accomplish [8]. In 2019, President Jokowi was re-elected for a second term, while concurrently, Lee Hsien Loong continued serving as the Prime Minister (PM) of Singapore. The two leaders maintain a positive relationship and agree that it is an opportune moment to address and resolve outstanding issues in a firm, open, constructive, and mutually beneficial manner [9]. Therefore, a framework was endorsed in the agenda of Leaders Retreat Indonesia – Singapore 2019. There are three agreements to be reached, namely extradition, *Realignment Flight Information Region* (FIR), and *Defence Cooperation Agreement* (DCA) (3) On January 25, 2022, after going through a process of correspondence, consultation, and negotiations between the two sides, finally, Indonesia and Singapore re-signed an extradition treaty witnessed directly by President Joko Widodo (3).

In recent years, corrupt individuals have become increasingly inventive, perpetrating acts of corruption within their home countries and subsequently fleeing to other nations, often with the ill-gotten assets they've acquired securely stashed away. Their presence in these other countries serves the purpose of evading arrest for crimes committed in their country of origin. Consequently, this escape to another jurisdiction harms the interests of that country as well, as it is unable to apprehend the individual despite their violation of the law.

The extradition treaty is substantively similar to the extradition treaty signed in 2007. The only change lies in the retroactive period (retroactive to the date of promulgation). The extradition treaty in 2007 has a retroactive period of 15 years while the current retroactive period is 18 years back. On the other hand, two agreements related to extradition caused losses for Indonesia. The extradition treaty between

Indonesia and Singapore can be interpreted by looking at the changing commitments of each country. In the past, Indonesia explicitly could not ratify the extradition treaty in 2007 because it was united with a defense treaty.

Based on the explanation above, the problems in this study are, how to eradicate corruption in Indonesia after the ratification of the Indonesian Singapore extradition treaty in 2022, and how the implementation of retroactive principles is applied to ensnare corruptors who flee to Singapore.

Methods

The research method used uses a normative juridical approach method by analyzing the agreement between the government of the Republic of Indonesia and the Government of the Republic of Singapore concerning the Extradition of Fugitives contained in Law Number 5 of 2023 concerning the Ratification of the Treaty Between The Government of The Republic of Indonesia and The Government of The Republic of Singapore For The Extradition of Fugitives). The approach taken emphasizes the search for norms contained in the provisions of existing laws and legal theories and uses a conceptual approach, which is to move from the views and doctrines that develop in legal science.

The legal materials used in this paper are (1) primary legal materials of the 1945 Constitution, (2) secondary legal materials for decision studies sourced from books related to law, as well as research methodology books, (3) tertiary legal materials in this paper using news, articles and minutes of the trial [10]. Legal material processing techniques in this study are carried out through several stages, namely: an examination of legal materials, clarifying, testing, and analyzing these legal materials both primary and secondary normatively and juridically formal with the reasons researchers to compare with each other to get a conclusion. Legal material processing techniques in this study are carried out through several stages, namely: an examination of legal materials, clarifying, testing, and analyzing these legal materials both primary and secondary normatively and juridically formal with the reasons researchers to compare with each other to get a conclusion.

Result and Discussion

Eradicating Corruption in Indonesia After the Ratification of the Indonesia-Singapore Extradition Treaty in 2022

In the international arena, many countries have recognized the importance of combating corruption through international cooperation. Indonesia is among those countries that have actively embraced the evolving strategies for corruption prevention by participating in international bodies or organizations and signing various international conventions against corruption. These include the United Nations Convention Against Corruption (UNCAC), ratified by Indonesia through Law No. 7 of 2006, as well as involvement in initiatives such as the G-20 [11].

The State possesses complete jurisdiction to prosecute individuals who commit illegal acts within its territory. However, this authority is often hindered when the offender flees (becomes a fugitive) to another country's jurisdiction. In such cases, the State cannot exercise sovereign actions within the territory of another State. This scenario underscores the importance of decision-makers engaging in international cooperation to uphold order and justice for the collective benefit of all involved. (11) The commitment of the international community to combat cross-border crimes through international cooperation is evident in recent international legal instruments, encompassing both hard and soft law approaches.

For instance, the 2000 Palermo Convention outlines various forms of international cooperation that can be undertaken by the international community, including extradition treaties, mutual legal assistance in criminal matters, and the transfer of prisoners. Furthermore, the United Nations has issued a Model Treaty on Extradition based on UN General Assembly Resolution No. 45/117 dated December 14, 1990, which serves as a blueprint for extradition agreements. International cooperation is also addressed in the 2003 UN Convention against Corruption, which specifically regulates the return of assets (asset recovery) acquired through corrupt practices.

Although a state may have judicial jurisdiction or authority to prosecute an individual according to principles of jurisdiction in international law, it cannot simply enforce it when the individual is located in another country. Therefore, within the framework of international relations and dynamics, an extradition request is necessary from the requesting state to the requested state [12].

Therefore, the constraints of territorial sovereignty can be overcome through collaboration with other countries in the enforcement of law. The effectiveness of such law enforcement cooperation is typically reliant on bilateral or multilateral agreements for the extradition of criminals or collaboration in investigations, prosecutions, and trials. However, the terms of these agreements are not absolute, as law enforcement cooperation can still occur based on reciprocal assistance even in the absence of formal agreements.

The oldest form of cooperation in enforcing jurisdiction or law is extradition, followed by other forms of law enforcement collaboration such as "mutual assistance in criminal matters" or "mutual legal assistance treaty" (MLATs), "transfer of sentenced persons" (TSP), "transfer of criminal proceedings" (TCP), as well as "joint investigation" and "handover" [13] In its implementation, the Indonesian government has laws governing extradition, outlined in Law Number 1 of 1979 concerning extradition. Additionally, for cooperation in investigations and prosecutions, including the freezing and confiscation of assets, Indonesia has Law Number 1 of 2006 concerning mutual assistance in criminal matters [14].

The United Nations Convention Against Corruption (UNCAC) of 2003 is a comprehensive international treaty aimed at addressing corruption crimes with specific specifications distinct from general criminal law. It focuses on deviations from procedural law and regulates materials intended to minimize occurrences of leakage and irregularities in state finances and the economy. The UNCAC establishes a framework for international cooperation in preventing and combating corruption, promoting transparency and accountability, and facilitating asset recovery. It sets out measures for preventing corruption in both the public and private sectors, including criminalizing corrupt practices such as bribery, embezzlement, and money laundering. Additionally, the UNCAC emphasizes the importance of enhancing legal frameworks, institutions, and international cooperation to

effectively combat corruption at both national and international levels [15]. The issue of corruption poses a significant threat to the stability and security of both the national and international communities. It undermines institutions, erodes democratic values and principles, jeopardizes justice, and hinders sustainable development and the rule of law [15].

According to the General Explanation of Law Number 30 of 2002 concerning the Corruption Eradication Commission, it is emphasized that the unchecked rise in corruption poses a threat not only to the national economy but also to the overall well-being of the nation and state. Widespread and systematic corruption also violates the social and economic rights of the people. Therefore, corruption is no longer considered an ordinary crime but has become an extraordinary crime [16].

Similarly, in the endeavor to eradicate corruption, conventional methods are no longer sufficient, and extraordinary measures are necessary. Traditional law enforcement approaches to combat corruption have encountered numerous obstacles. Hence, the establishment of a specialized agency with extensive authority, independence, and immunity from undue influence is essential to effectively combat corruption crimes. This agency must operate optimally, intensively, effectively, professionally, and continuously to achieve its objectives [12].

The Republic of Indonesia Law Number 7 of 2006 concerning the Ratification of the United Nations Convention Against Corruption, 2003 (United Nations Convention Against Corruption, 2003) explains its key points.

1. In the preamble, it states that the drafting of the United Nations Convention began in 2000, prompted by Resolution Number 55/61 of the United Nations General Assembly during its 55th session on December 6, 2000. The resolution highlighted the necessity of formulating global international legal instruments to combat corruption. These instruments are essential to harmonize disparate legal systems and facilitate effective efforts to eradicate corruption.
2. Chapter IV of the Convention, titled "International Cooperation," outlines various forms of international cooperation aimed at combating corruption:

a. Extradition
b. Transfer of Prisoners
c. Mutual Legal Assistance
d. Transfer of Criminal Proceedings
e. Law Enforcement Cooperation
f. Joint Investigation
g. Special Investigation Techniques [16].

To combat corruption in Indonesia, the Corruption Eradication Commission (KPK) was established as a state auxiliary institution under the mandate of Law No. 30 of 2002 concerning the Corruption Eradication Commission. The KPK operates independently and is not influenced by any external powers, as stipulated in Article 3 of the aforementioned law. In its efforts to eradicate corruption, the KPK is endowed with greater authority compared to the Prosecutor's Office and the Police, enabling it to carry out law enforcement against corruption crimes with greater freedom and effectiveness [12].

To arrest transnational or interstate scale crimes, especially in corruption crimes involving international institutions, namely the International Crime Police Organization-Interpol (ICPO-Interpol) or what we often call Interpol. ICPO-Interpol has two functions, international crime eradication, and international cooperation. In carrying out its functions, ICPO-Interpol will carry out extradition between countries concerned with combating transnational crime. ICPO-Interpol plays a role in the implementation of extradition, as outlined in extradition treaties between countries such as the Republic of Indonesia and Australia. Article 10, paragraph (1) of the Australia-Indonesia Extradition Treaty states that in emergency situations, a contracting state may utilize ICPO-Interpol facilities to temporarily detain an individual targeted for arrest by the requesting state, while awaiting an extradition request from the requesting state to the requested state through diplomatic channels. ICPO-Interpol's role in extradition extends beyond disseminating fugitive information and facilitating extradition for countries without an existing treaty. It also serves as an additional contingency plan in extradition treaties for situations where the diplomatic route is not feasible internationally [17].

International diplomacy has been carried out not only in the scope of between two countries (bilateral) but regionally and between many countries (multilateral) to systematically and systematically eliminate the financial power of the perpetrators of criminal acts accumulated in widespread organized crime so that it can be classified as an extraordinary criminal case. Indonesia's anti-corruption law has not identified criminal acts of corruption that have violated people's economic and social rights, which are systematic and pervasive, so they are categorized as extraordinary crimes [18].

In an effort to arrest transnational or interstate scale crimes, especially in corruption crimes involving international institutions, namely the International Crime Police Organization-Interpol (ICPO-Interpol) or what we often call Interpol. ICPO-Interpol has two functions, international crime eradication, and international cooperation. In carrying out its functions, ICPO-Interpol will carry out extradition between countries concerned in combating transnational crime. ICPO-Interpol has a role in the implementation of extradition which can be found in extradition treaties between countries such as in extradition treaties between the Republic of Indonesia and Australia. It is stated in Article 10 paragraph (1) of the Autralia-Indonesia Extradition Treaty that in emergency conditions, a contracting state may utilize ICPO-Interpol facilities to carry out temporary detention by the requested state of a person who is the target of arrest by the requesting state, while awaiting an extradition request by the requesting state to the requested state through diplomatic channels. So that ICPO-Interpol has a role in extradition not only limited to the dissemination of fugitive information and extradition carried out by requesting countries that do not yet have an extradition treaty with the requested country, but can also be categorized as another backup plan by countries in their extradition treaties if the diplomatic path cannot be pursued transnationally [19].

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organized crime so that it can be classified as an extraordinary criminal case. Indonesia's anti-corruption law has not identified criminal acts of corruption that have violated people's economic and social rights, which are systematic and spreading, so they are categorized as extra ordinary crimes) [20].

As an independent institution that functions as the most important part in eradicating corruption, the KPK has tried its best in carrying out various international cooperations. There are two international cooperations, namely in the form of international assistance and international cooperation carried out by the KPK as follows:

1. International Assistance is international cooperation that acts as a bridge between domestic and overseas investigations. This form of cooperation is in the form of exchanging information, participating in investigations, arrest and detention of perpetrators, exchange of evidence and witnesses, requests for mutual legal assistance, extradition, return and seizure of assets resulting from corruption crimes. International Cooperation is international cooperation carried out in the "Law Enfocement Network" on an international scale. Indonesia as a country requesting or responding to assistance, the KPK has experience and netted with various networks to eradicate corruption transnationally, such as the USA, UK, Australia, Singapore, and other countries. [21].

In carrying out extradition there are three main stages that are passed so that extradition can be carried out which has been regulated in Law Number 1 of 1979 concerning Extradition, namely:

1. Stages of receipt of the extradition request; receipt of extradition requests from the state through the diplomatic channels of the chief Minister of Justice, who then researches the completeness of documents and extradition requirements by the Minister of Justice.
2. Stages of Examination of Extradition Cases; This stage is an examination carried out by the police on the object of extradition based on a written file received from the requesting State, submission of minutes of examination results to the prosecutor's office, examination before the court based on a written request from the prosecutor and the issuance of a court determination regarding whether or not extradition can be carried out.

Stages of Presidential Approval; The acceptance of the court's determination by the Minister of Justice and the entry of consideration from various relevant institutions, namely the Minister of Foreign Affairs, the Chief of Police, the Attorney General, accompanied by the Minister of Justice himself who is then submitted to the President to obtain a decision on whether an extradition request can be submitted or rejected [22].

Effective international cooperation in establishing a set of legal frameworks to tackle transnational organized corruption. With this, Indonesia in eradicating corruption on a transnational scale gets easy access to process a case through extradition. When dissected, the criminal act of corruption has a different concept from the general criminal law. The 2003 United Nations Convention Against Corruption (UNCAC) underscores that corruption has evolved into a grave threat to the stability and security of the international community. It has eroded institutions, human values, and justice while undermining the rule of law [23].

Authority of the Corruption Eradication Commission in the Implementation of Retroactive Principles to Entrap Corruptors Who Flee to Singapore.

The idea of retroactive implementation of the principle of corruption crime is an innovative and progressive legal breakthrough, but in practical and academic discourse it can raise pros and cons because the implementation of the retroactive principle is considered to violate a very principled principle in criminal law, namely the principle of legality or in Latin known as "*nullum delictum nulla poena sine praevia lege*" or no act is prohibited and threatened with a crime if it is not specified in advance in the laws and regulations [24]. In positive criminal law, the retroactive principle is a criminal law rule that is made and prepared and applied to acts that before the criminal law rules existed, the act were not prohibited and there was no criminal threat. [25].

If examined in depth, the KPK is authorized to handle cases before the KPK Law and the Criminal Law are formed, as long as they do not pass the expiration date of criminal prosecution. The expiration period referred to here is:

1. If charged with a criminal threat of more than 3 years, the expiration period after 12 years; and,
2. If charged with the threat of death penalty or life imprisonment (Article 28 article 1 paragraph (1) Law 3/1971) or life imprisonment, the period of expiration after 18 years [26].

The arguments that can justify this are Article 68 of the KPK Law which reads: All acts of investigation, Investigations and prosecutions of corruption crimes that have not concluded their legal processes at the time of the Corruption Eradication Commission's establishment can be transferred to the Commission in accordance with the provisions outlined in Article 9.

Article 39 paragraph (1) of the KPK Law states that: Investigation, investigation, and prosecution of Tipikor shall be conducted under the applicable Criminal Procedure Code and based on Law 31/1999 as amended by Law 20/2001, unless otherwise provided in this Law.

So this article is not interpreted as deviant, namely that the KPK is only authorized to conduct investigations, investigations, and prosecutions of Tipikor within the scope of Law No. 31 of 1999, or only after August 16, 1999. It is necessary to review the precise definition of each word: investigation, investigation, and prosecution. We can refer to Article 1 of Law No. 8 Year 1981 (Code of Criminal Procedure/Code of Criminal Procedure). The definition of "investigation, investigation, and prosecution" according to the Criminal Procedure Code, the authority to take over the KPK as stipulated in Article 68 of the KPK Law is the authority to carry out actions or a series of actions. This means that the KPK can take action (investigation, investigation, and prosecution) based on the KPK Law and the Criminal Procedure Code, even though the case occurred before Law 31/1999. So in this case the KPK only carried out a "series of actions" based on the KPK Law that existed before the KPK's "series of actions" were carried out [26].

A series of actions (investigations, investigations, and prosecutions) carried out by the KPK is in the formal jurisdiction of law, which must be distinguished from the

basis of prosecution which is in the realm of material law. The formal law referred to here is the Criminal Procedure Code itself which existed before investigation, investigation, and prosecution efforts were carried out by the KPK. Article 68 of the KPK Law authorizes the KPK to take over all investigations, investigations, and prosecutions of corruption crimes whose legal processes had not been completed when the KPK was formed under Article 9.

In essence, the provisions of Article 68 of the KPK Law must be seen as part of the legal construction of the BLBI takeover case contained in Article 9 and Article 8 of the KPK Law. Thus, the legal construction of expropriation departs from Article 68, referring to the reasons for Article 9 which further explains Article 8 paragraph (2), and Article 6 point b concerning the KPK's supervision duties [26].

Article 9 states that the takeover of investigations and prosecutions as referred to in Article 8 is carried out by the KPK on the grounds of:

a. community reports on trafficking were not followed up;
b. the process of handling the process of handling corruption crimes in a protracted or delayed manner without justifiable reasons;
c. handling corruption crimes is aimed at protecting the real perpetrators of corruption crimes;
d. handling of corruption crimes contains elements of corruption;
e. obstacles in handling corruption crimes due to interference from the executive, judiciary, or legislature;
f. Other circumstances that according to the consideration of the police or the prosecutor's office, the handling of corruption crimes are difficult to carry out properly and can be accounted for.

Article 1 point (1) of the KPK Law states that: "Corruption is a criminal act as referred to in Law Number 31 of 1999 concerning the Eradication of Corruption as amended by Law Number 20 of 2001 concerning Amendments to Law Number 31 of 1999 concerning the Eradication of Corruption Crimes". This provision essentially refers to Law No. 31 of 1999 as amended by Law No. 20 in the Year 2001 although somewhat dismembered, or not comprehensive. If viewed carefully, there is a relationship between Article 1 point (1) of the KPK Law and the Corruption Law systematically and comprehensively, so that it can be understood that the KPK has the authority to take actions over a wider period. The key to this "relationship" is contained in Article 43A paragraph (1) of Law 20/2001 jo Law 31/1999 (Law of Tipikor). The section located in Chapter VI A, this Transitional Provision states: "Corruption crimes that occurred before Law Number 31 of 1999 concerning the Eradication of Corruption Criminal Acts were promulgated, examined and decided based on the provisions of Law Number 3 of 1971 concerning the Eradication of Corruption Crimes, with the maximum provision that the prison sentence favorable to the accused is imposed by the provisions in Article 5, Article 6, Article 7, Article 8, Article 9, and Article 10 of this Law and Article 13 of Law Number 31 of 1999 concerning the Eradication of Criminal Acts of Corruption".

Based on these provisions, it can be said that the Law on Corruption (Law 20/2001 jo Law 31/1999) also adheres to the definition of "Criminal Act of Corruption" which refers to Law No. 3 of 1971 concerning the Eradication of Criminal Acts of Corruption. That is, Article 1 number (1) of the KPK Law designates Law No. 31 of 1999 and Law No. 20 of 2001, while Law No. 20 of 2001, especially Article 43A designates Law No. 3 Year 1971 if the act was committed before Law No. 31 Year 1999 promulgated. In other words, the KPK Law opens the possibility for the KPK to conduct investigations, investigations, and prosecutions of acts that occurred before Law No. 31 of 1999 exists, or rather acts of corruption that occurred before August 16, 1999, as long as they have not passed the expiration of the prosecution.

Based on the transitional rules located in Article 43A paragraph (1) of Law 20/2001 jo Law 31/1999 (Law of Tipikor), it proves that the KPK has the authority to apply retroactive principles to criminal acts of corruption. However, the issue is not just whether or not the KPK was authorized to handle cases before the existence of Law No. 31 In 1999, it was more about when the crime occurred. If the crime occurred before Law No. 31 of 1999 was promulgated, in handling cases, the KPK used Law No. 3 Year 1971 as the material legal basis for the prosecution of the accused.

Conclusion

The ratification of the Extradition Treaty between Indonesia and Singapore in 2022 has had a significant impact on the authority and legal process carried out by the Corruption Eradication Commission (KPK) in efforts to eradicate corruption, including in the return of assets. Addressing such cases necessitates an extraordinary approach, as extraordinary law enforcement methods are indispensable. This entails establishing a specialized agency endowed with extensive authority, independence, and immunity from external influence to combat criminal acts of corruption. The implementation of these methods must be conducted optimally, intensively, effectively, professionally, and continuously. Additionally, collaboration with international institutions such as the International Criminal Police Organization-Interpol (ICPO-Interpol), commonly known as Interpol, is essential. In carrying out extradition three main stages are passed so that extradition can be carried out which have been regulated in Law Number 1 of 1979 concerning Extradition, and the request to hand over must be made through diplomatic channels.

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