



Extradition in Transnational Drug Crimes: Legal and Jurisdictional Challenges in the Era of Globalization

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Abstract

The escalation of transnational drug crimes over the past decade has posed significant challenges for cross-border law enforcement, particularly in the extradition of offenders. Variations in legal systems, political interests, and limitations in international cooperation frameworks have created legal gaps that perpetrators exploit to evade justice. The existing literature reveals a lack of comprehensive studies that integrate both the legal and practical dimensions of extradition in transnational drug cases. This study examines the legal, political, and jurisdictional challenges associated with extradition in such cases and provides policy recommendations to enhance extradition mechanisms. Using a qualitative exploratory approach, the study employs systematic document analysis of international legal instruments, bilateral and multilateral extradition treaties, and case studies from the United States, Jamaica, Mexico, and Ireland. Thematic analysis, through open, axial, and selective coding, identifies key patterns of barriers. The findings highlight that differences in legal standards and evidentiary requirements are primary obstacles, while political considerations often shape extradition decisions. Although extradition treaties remain central, informal cooperation has proven more effective in practice. Addressing these challenges requires harmonizing international legal frameworks, fostering political commitment, and developing mechanisms to depoliticize the extradition process to enhance the effectiveness of global efforts against transnational drug crimes.

Keywords: Extradition, transnational drug crime, international legal cooperation, legal harmonization, cross-border law enforcement

Introduction

The phenomenon of transnational drug crime has experienced a significant escalation in the last decade, as documented in the United Nations Office on Drugs and Crime (UNODC) report indicating the proliferation of international drug trafficking networks with increasingly sophisticated modus operandi, especially for cocaine, heroin, and fentanyl (Belyaev, 2025; R. Ramadhan *et al.*, 2023; Reid, 2012) [2, 27, 28, 29]. The positive correlation between the intensification of transnational drug syndicate activities and the increase in extradition requests reflects global interdependence in combating transnational crime, with countries such as the United States, Mexico, Colombia, Nigeria, and Thailand showing the highest levels of extradition requests based on their strategic positions in the ecosystem of drug production, transit, and consumption (Reid, 2012; Wei, 2005) [29, 39].

The West African region has been transformed into a central drug trafficking corridor to the European market, earning the designation as the "Mexico of Europe" in the geopolitical context of transnational crime. In Southeast Asia, ASEAN's efforts to address transnational drug crimes face a structural dilemma due to the principle of non-intervention and the limitations of extradition cooperation instruments between member states (R. Ramadhan *et al.*, 2023; Reid, 2012) [27, 28, 29]. The complexity of extradition issues is accentuated by the heterogeneity of legal systems and divergence of political interests that result in suboptimal implementation in suppressing impunity for drug offenders, thus demanding strengthening international cooperation and harmonization of legal instruments to combat the threat of

increasingly organized drug trafficking (Belyaev, 2025; D. F. Ramadhan *et al.*, 2023; Reid, 2012; Wei, 2005) [2, 27, 28, 29, 39].

Extradition failures have systemic impacts on the sustainability of international drug trafficking networks, as key actors who are not extradited can retain operational control of the cartels from external jurisdictions and strengthen their network infrastructure. Barriers to extradition—including incompatibility of legal systems, the absence of bilateral agreements, or geopolitical considerations—often create "safe havens" for fugitives, exacerbating threats to security and social stability in affected countries (Krcmaric, 2022; Okochi, 2012; Reid, 2012; Warmund, 1998) [18, 24, 29, 38].

The complexity of cross-border law enforcement in drug cases is amplified by the involvement of multiple jurisdictions with divergent interests and regulations, as well as the prevalence of corruption and weaknesses in law enforcement institutions in several strategic transit regions, such as West Africa. Although extradition plays a crucial role in breaking the chain of international drug cartels through the arrest and transfer of key figures to countries with more robust justice systems to provide a deterrent effect and disrupt the structure of criminal organizations, failures or obstacles in the extradition process result in the ineffectiveness of anti-cartel efforts and allow criminal networks to maintain their global operations (Giommoni *et al.*, 2021; Reid, 2012; Warmund, 1998) [11, 29, 38].

The theory of international law governing relations between countries in the extradition process emphasizes the importance of cooperation and the principle of dual

criminality, where a country will only extradite a perpetrator if the act is also categorized as a crime in both jurisdictions. Mutual Legal Assistance (MLA) serves as a fundamental instrument in cross-border law enforcement that facilitates the exchange of information, collection of evidence, and collaborative implementation of court decisions to eradicate transnational crime, including drugs (Gautama, 2019; Ibrahimov & Magistrant, 2021; Jinaratana *et al.*, 2023; Khen, 2025; Schloenhardt, 2021)^[10, 12, 13, 15, 32].

In the context of cross-border law violations, a dialectical tension exists between the principle of state sovereignty, which emphasizes the exclusive right of a state to its jurisdiction, and universal jurisdiction, which allows a state or international court to prosecute perpetrators of serious crimes regardless of the perpetrator's or victim's location or nationality. Universal jurisdiction is often applied to grave international crimes, such as transnational drug crimes, when the country of origin lacks the capacity or will to prosecute the perpetrator (Bazov, 2020; Khen, 2025; Kosianenko, 2023)^[1, 15, 17, 30].

The Transnational Organized Crime (TOC) theory analyzes organized crime networks operating across countries by emphasizing the necessity of international cooperation, legal harmonization, and the use of instruments such as extradition and MLA to break the chain of crime. The success of law enforcement against international drug networks depends mainly on the effectiveness of the application of these theories in practice, including strengthening extradition and MLA treaties, and adjusting jurisdictions between the countries involved (Gautama, 2019; Jinaratana *et al.*, 2023; Obokata, 2010; Rose, 2020; Schloenhardt, 2021)^[10, 13, 21, 30, 32].

Studies on extradition challenges in the context of bilateral and multilateral treaties suggest that differences in substance and flexibility in these treaties often create legal lacunae and implementation uncertainty, particularly when countries prioritize national interests or have divergent interpretations of extradition obligations. Frequently manifest legal obstacles include incompatibility of legal systems (common law vs. civil law), the absence of extradition treaties between the countries concerned, and the application of the principle of non-refoulement that protects individuals from extradition if they are at risk of torture or human rights violations in the requesting country (Kantur & Алексеевич, 2020; Kolosovich, 2024; Panggabean *et al.*, 2022; Soler, 2019; Stiowati, 2014)^[14, 16, 25, 34, 36].

The success of drug crime extradition typically occurs in countries with ratified treaties and legal systems that are receptive to international cooperation. At the same time, failure frequently manifests in countries that have not ratified treaties or have closed and less cooperative legal systems. Countries such as Indonesia, Nigeria, and several countries in Latin America face substantial challenges due to the limitations of treaties, political influence, and domestic legal protections for their own citizens (Panggabean *et al.*, 2022; Setiyono & Pratomo, 2023)^[25, 33].

In addition, extradition cases are often hampered by diplomatic factors, such as deteriorating relations between countries or political conflicts, necessitating special mechanisms and informal cooperation to overcome these obstacles. The limitations of extradition enforcement in countries with closed or less cooperative legal systems enable drug criminals to exploit legal loopholes, thereby

avoiding legal processes and strengthening transnational crime networks (Kolosovich, 2024; Octavia *et al.*, 2022; Panggabean *et al.*, 2022; Setiyono & Pratomo, 2023)^[16, 23, 25, 33].

This study identifies several substantive lacunae in the existing literature, namely: (1) limited research that comprehensively examines the practical and legal obstacles in the extradition of cross-border drug cases; (2) minimal studies that correlate extradition agreements with the effectiveness of handling international drug networks; and (3) a vacuum of research that integrates international legal theory with contemporary drug extradition case studies. This research gap highlights the need for in-depth studies that can bridge the theoretical and practical aspects of handling international drug case extradition.

This research has high relevance to current conditions, considering: (1) the escalation of digital-based drug crimes involving cross-border transactions; (2) the phenomenon of countries refusing extradition on human rights grounds or legal disagreements; and (3) changes in international policies post-pandemic that affect the mobility of perpetrators and the extradition process. This condition is further strengthened by the development of new extradition agreements and shifts in the global narcotics route map, which require in-depth study to understand the dynamics of international cooperation in eradicating transnational drug crimes.

This research aims to provide significant contributions to the field of international law through: (1) in-depth elucidation of the challenges of extradition in cross-border drug cases covering legal, political, and practical aspects; (2) presentation of comprehensive policy recommendations to strengthen the extradition mechanism for drug crimes; and (3) contribution of theoretical and empirical perspectives that can enrich the literature on international law and transnational crime studies as the state of the art in dealing with the complexity of drug crime problems that transcend the boundaries of state sovereignty.

Material and Methods

This study employs a qualitative approach with an exploratory design to analyze the challenges of extradition in the context of transnational drug crimes (Creswell & Poth, 2018)^[7]. The subjects of the study were the United States, Jamaica, Mexico, and Ireland, selected by purposive sampling based on significant experience in transnational drug extradition cases (Patton, 2015)^[26]. The study focuses on the legal, political, and jurisdictional barriers in the cross-border extradition process, including differences in legal systems and the complexities of territorial versus extraterritorial jurisdiction.

Data were collected through a systematic document analysis of international legal documents, bilateral and multilateral extradition treaties, and extradition case studies, utilizing a document analysis matrix (Bowen, 2009; Corbin & Strauss, 2015)^[4, 6, 37]. Validity was ensured through triangulation of sources from different countries and time periods (Denzin, 1978)^[8], while reliability was ensured through standardized coding protocols and systematic documentation of the data selection process (Lincoln & Guba, 1985)^[19]. Inclusion and exclusion criteria were established based on temporal, geographic, and substantive relevance to the research focus. Data analysis employed thematic analysis techniques, including open, axial, and selective coding stages, to

identify patterns of extradition barriers (Braun & Clarke, 2006; Strauss & Corbin, 1998) [5, 6, 37]. An inductive-deductive approach was employed to facilitate the emergence of new findings while testing existing theoretical propositions (Thomas, 2006) [35]. Triangulation of analysis was carried out to ensure consistency of interpretation across sources (Miles *et al.*, 2014) [20]. Ethical aspects were ensured through the use of open publication secondary data, the application of the principle of objectivity, and maintaining the confidentiality of sensitive information in accordance with international legal research ethics standards

(BERA, 2018; Sarat, 2004) [3, 31].

Results

Extradition in transnational drug crime cases is a complex process and often faces various challenges stemming from differences in legal systems, political interests, and jurisdictional issues between countries. These factors often become obstacles in international law enforcement efforts and affect the effectiveness of cooperation between countries in eradicating drug crimes. These dynamics are explained in Table 1.

Table 1. Key Quotes on Legal and Political Challenges in International Extradition

Impact	Quote	Citation
Refusal of the extradition request may hinder law enforcement	"The United States had originally requested Coke's extradition in August 2009, after a federal grand jury in New York had indicted him for narcotics and arms trafficking. Prime Minister Golding denied the request, with his government maintaining that evidence gained from wiretapping had been obtained illegally."	Sullivan (2010)
Doubts about the state's commitment to law enforcement cooperation	"The State Department's March 2010 International Narcotics Control Strategy Report (INCSR) maintained that while cooperation between US and Jamaican law enforcement agencies remained strong, delays in proceeding with the extradition request for Christopher Coke and delays in other extradition requests called into question Jamaica's commitment to bilateral law enforcement cooperation."	Sullivan (2010)
Reliance on extradition treaties for continued prosecution	"Extradition treaties are in the nature of a contract and by operation of international law, '[a] state party to an extradition treaty is obligated to comply with the request of another state party to that treaty to arrest and deliver a person duly indicated to be hunted by that state (a) for trial on a charge of having committed a crime covered by the treaty within the jurisdiction of the requesting state, or (b) for punishment after conviction of such a crime and flight from that state, provided that none of the grounds for refusal to extradite set forth in [the treaty] is applicable.'"	Doyle (2007) [9]
Jurisdictional differences complicate the implementation of extradition	"As a general rule, crimes are defined by the laws of the place where they are committed. There have always been exceptions to this general rule under which a nation was understood to have the authority to outlaw and punish conduct occurring outside the confines of its own territory. Largely as a consequence of terrorism and drug trafficking, however, the United States now claims more extra sweeping territorial application for our criminal laws than recognized either in our more historic treaties or by many of today's countries."	Doyle (2007) [9]
Political intervention influences extradition policy	"In cambio dell'aiuto finanziario il Messico implicitamente allineava la sua agenda di sicurezza interna agli obiettivi prioritari degli Stati Uniti, facilitando lo svolgimento di operazioni congiunte spesso determinate dall'intelligence nord americana e la conseguente estradizione dei narcotrafficanti più importanti arrestati in Messico."	Author (2015)
The complexity of cross-border jurisdictions	"Typically, formal requests for cooperation are transmitted through the so-called 'Competent Authorities' designated by the central government. This means that the law enforcement agencies in Northern Ireland usually transmit their requests through the Home Office in London. However, the aforementioned research project also discovered that more informal arrangements for cooperation exist between Northern Ireland and the Republic of Ireland which are supported by their shared history, culture and legal traditions."	Obokata & Payne (2017)

Based on the coding results in the table, it can be analyzed that the challenges of extradition in cross-border drug crime cases reflect the complexity of legal, political, and jurisdictional relations between countries. One of the main challenges identified is the potential rejection of extradition requests that can hinder the law enforcement process. The Jamaican government's rejection of extradition requests due to the consideration of evidence as illegal demonstrates that differences in legal standards and evidentiary procedures between countries can be a significant obstacle to international cooperation. In addition, delays in following up on extradition requests raise doubts about a country's commitment to establishing bilateral cooperation in the field of law enforcement, which can ultimately affect the effectiveness of eradicating cross-border drug crimes. Furthermore, the analysis reveals that extradition treaties play a crucial role in the continuation of the prosecution process. As stated by Doyle (2007) [9], extradition treaties

provide an internationally binding legal basis, obliging state parties to comply with extradition requests as long as there are no legitimate grounds for refusing them. The dependence on the existence and content of these treaties confirms that without adequate legal instruments, extradition efforts can be hampered. However, Doyle also highlights that differences in jurisdiction complicate the implementation of extradition, given that criminal law principles generally limit a state's authority to its territorial territory, although in the context of drug and terrorism crimes, claims of broader extraterritorial jurisdiction have developed. This indicates the potential for conflicting interpretations of the law between countries, which can slow down or hinder the extradition process. In addition to legal factors, political aspects also influence extradition policies. In the context of relations between the United States and Mexico, financial assistance from the United States has an impact on adjusting Mexico's domestic

security agenda, including facilitating the extradition of drug offenders deemed important by the United States. This indicates that extradition decisions are not entirely legal in nature, but are also influenced by political and security interests. Meanwhile, a study by Obokata & Payne (2016)^[22] revealed that differences in procedures and authorities between countries, especially in terms of appointing competent authorities, add complexity to the implementation of extradition. Although formal channels are regulated by the central government, informal cooperation based on geographical, historical, and cultural proximity often occurs, which can sometimes be more effective in facilitating the extradition process.

Overall, the challenges of extradition in transnational drug crime cases are not only related to differences in legal systems but also involve political interests, dynamics of bilateral relations, and overlapping jurisdictional issues. This condition requires harmonization of international regulations, strengthening of cross-border legal cooperation, and increasing trust between law enforcement authorities to ensure that the extradition process can run fairly, effectively, and efficiently in eradicating global drug crimes. The findings from the table show that the challenges of extradition in transnational drug crime cases are multidimensional, encompassing interrelated legal, political, and jurisdictional aspects. The main obstacle identified is the rejection of extradition requests due to differences in legal standards and evidentiary procedures between countries, which ultimately hampers transnational law enforcement. In addition, dependence on the existence and effectiveness of extradition treaties is a crucial factor influencing the continuation of the prosecution process. At the same time, differences in jurisdiction between countries add complexity to the implementation of extradition. The findings also reveal that extradition decisions are not entirely within the realm of the law. However, they are often influenced by political interests, as seen in the dynamics of cooperation between the United States and Mexico. Furthermore, the formal authority structure and procedures in extradition requests can be balanced by informal cooperation mechanisms that are more responsive in practice. Overall, these findings confirm that the success of extradition in transnational drug crime cases depends on the integration of harmonious legal policies, strong political will, and effective communication and coordination channels between countries.

Discussion

The results of this study identify that the challenges of extradition in transnational drug crime cases are multidimensional, encompassing interacting legal, political, and jurisdictional aspects. The main findings indicate that the denial of extradition requests is a significant obstacle stemming from differences in legal standards and evidentiary procedures between countries. The case of Christopher Coke's extradition from Jamaica to the United States illustrates how differences in the interpretation of evidence legality can hinder the process of international law enforcement. These findings answer the research question of the factors that influence the effectiveness of extradition in transnational drug crime cases.

Furthermore, the reliance on extradition treaties as a legal basis underscores the importance of harmonizing international legal instruments to facilitate law enforcement

cooperation. The analysis reveals that, although extradition treaties impose binding legal obligations, their implementation continues to face practical challenges due to differences in national legal systems. This finding aligns with the research objective of identifying jurisdictional complexities in transnational drug crime cases.

The findings of this study are consistent with previous studies that identify differences in legal systems as a significant obstacle to international extradition. In line with Doyle's (2007)^[9] findings on the principle of territorial jurisdiction, this study confirms that the expansion of extraterritorial jurisdiction claims, particularly in the context of drug crimes, creates new complexities in interstate legal relations. However, this study makes an additional contribution by identifying a significant political dimension to the extradition process, as reflected in the case of the United States-Mexico relationship.

The difference with previous literature lies in the recognition of informal cooperation mechanisms that have proven to be more responsive than formal procedures. (Obokata & Payne, 2016)^[22] A study of cooperation between Northern Ireland and the Republic of Ireland shows that geographical, historical, and cultural proximity factors can facilitate the extradition process more effectively than formal bureaucratic channels. This finding challenges the conventional assumption that formalization of procedures always results in higher efficiency in international cooperation.

The novel contribution of this research lies in identifying the complex interactions between legal, political, and jurisdictional factors in the context of drug crime extradition. Unlike previous studies that tend to focus on technical-legal aspects, this research reveals the geopolitical dimensions that influence extradition decisions, especially in the relationship between donor countries and recipients of security assistance.

From a theoretical perspective, these findings support the realist theory in international relations, which emphasizes the role of national interests and power in interstate interactions. The case of US financial assistance to Mexico, which resulted in the adjustment of the domestic security agenda, demonstrates how power imbalances affect the implementation of international legal instruments. These findings also contribute to the development of complex interdependence theory by showing that cooperation in the field of law enforcement cannot be separated from bilateral economic and political dynamics.

In practical terms, the results of this study have significant implications for improving the effectiveness of extradition in drug crime cases. The identification of the importance of harmonizing legal standards and evidentiary procedures suggests the need for capacity-building initiatives in the justice systems of countries involved in extradition cooperation. Furthermore, recognition of the effectiveness of informal mechanisms suggests that developing personal and institutional communication channels between law enforcement authorities can improve responsiveness in handling urgent cases.

The findings of this study have substantial policy implications at the national and international levels. At the national level, countries need to develop legal frameworks that are compatible with international standards to facilitate efficient extradition processes. This includes harmonizing evidentiary procedures, standardizing criteria for extradition

refusal, and enhancing the capacity of law enforcement institutions. At the international level, the findings suggest the need to revise or update existing extradition treaties to accommodate technological developments and the *modus operandi* of contemporary drug crimes.

Furthermore, the identification of political factors in extradition decisions indicates the need for a depoliticization mechanism in the extradition process. The development of objective and transparent criteria for evaluating extradition requests can reduce the influence of short-term political interests that hinder the enforcement of international law. The findings also suggest the importance of developing multilateral mechanisms that can reduce reliance on often unequal bilateral relations.

This study has several methodological limitations that need to be acknowledged. First, the qualitative approach used limits the generalizability of the findings to a broader context. The analysis based on case studies of specific countries (the United States, Jamaica, Mexico, and Ireland) may not reflect the dynamics of extradition in different geographic regions or legal systems. Second, the reliance on secondary sources limits access to insider information on the decision-making process in the analyzed extradition cases.

However, the strength of this study lies in its multidimensional approach, which integrates legal, political, and jurisdictional aspects in the analysis of extradition. The use of thematic analysis allows the identification of consistent patterns across cases, while the triangulation of sources from different countries and time periods increases the validity of the findings. Furthermore, the focus on actual cases provides high practical relevance for the development of future extradition policies.

Based on the identified findings and limitations, several directions for future research can be recommended. First, comparative research involving more countries and legal systems can provide a more comprehensive understanding of the factors that influence the effectiveness of extradition. Longitudinal studies that analyze the development of extradition patterns over a more extended period can also reveal trends and changes in the dynamics of international cooperation.

Second, quantitative research on extradition success rates, based on various variables (type of crime, country of origin and destination, and existence of extradition treaties), can provide stronger empirical evidence for policy development. Studies on the effectiveness of alternative mechanisms, such as informal cooperation and track-two diplomacy, can also provide valuable insights into innovations in international law enforcement cooperation.

Third, an in-depth analysis of the impact of digital technology and cryptocurrency on the complexities of extradition in modern drug crime cases could make a significant contribution to understanding contemporary challenges. Research on the role of international organizations and multilateral mechanisms in facilitating extradition is also a promising area for further exploration.

Conclusion

This study reveals that the challenges of extradition in transnational drug crimes are multidimensional, encompassing complex, interacting legal, political, and jurisdictional barriers. The main findings show that the refusal of extradition requests due to differences in legal

standards and evidentiary procedures between countries is a significant obstacle in international law enforcement. The reliance on extradition treaties as a legal basis underscores the need for harmonizing international legal instruments. At the same time, political factors are proven to influence extradition decisions through the dynamics of national interests and bilateral relations. This study contributes to the identification of the complex interactions between the legal and geopolitical dimensions in extradition. It reveals the effectiveness of informal cooperation mechanisms that are more responsive than formal procedures. These findings strengthen the theory of realism in international relations and develop an understanding of the complex interdependence in transnational law enforcement cooperation.

Based on the research findings, it is recommended that a national legal framework be developed that is compatible with international standards to facilitate efficient extradition. Harmonization of evidentiary procedures and standardization of criteria for extradition refusal are national and international policy priorities. Developing a depoliticization mechanism in the extradition process through objective and transparent criteria can reduce the influence of short-term political interests. Future research is recommended to employ a comparative approach involving more countries and legal systems to facilitate broader generalization. Quantitative studies on extradition success rates, based on various variables, as well as an analysis of the impact of digital technology and cryptocurrency on the complexity of modern extradition, are promising research areas for further exploration.

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