

## ***Transnational Enforcement Through the Indonesia–Singapore Extradition Framework Against Corruption***

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### ***Abstract***

*This study examines the effectiveness of the Indonesia–Singapore extradition framework as a transnational law enforcement mechanism in combating corruption crimes with cross-border dimensions. The research is motivated by Indonesia’s longstanding challenges in recovering fugitives and assets located in Singapore, despite the existence of bilateral agreements and mutual legal assistance arrangements. Employing a normative juridical method with statutory, conceptual, and comparative approaches, this study analyzes the extradition treaty, implementing regulations, relevant case practices, and principles of international cooperation in criminal matters. The findings reveal that while the extradition framework provides a formal legal basis for cooperation, its practical implementation remains constrained by differences in legal systems, evidentiary standards, dual criminality requirements, and political considerations that may delay or impede extradition processes. Moreover, the effectiveness of extradition is closely linked to asset recovery mechanisms, which are not always synchronized with extradition procedures. The novelty of this study lies in its integrated analysis of extradition and transnational asset recovery within a single enforcement framework, highlighting the need for stronger procedural coordination and institutional synergy. This study recommends strengthening treaty implementation through clearer operational guidelines, enhanced mutual trust between law enforcement agencies, and closer alignment between extradition and asset recovery mechanisms to ensure effective, timely, and accountable transnational enforcement against corruption.*

**Keywords:** *Corruption; Extradition; Law Enforcement; Singapore; Transnational*

### **1. INTRODUCTION**

International criminal law provides the foundational framework for cooperation among states in handling crimes that transcend national borders, yet its practical application remains fraught with jurisdictional and institutional challenges. Scholars such as Georg Schwarzenberger and Atmasasmita emphasize that territoriality alone cannot adequately address transnational offenses.<sup>1</sup> These theoretical insights underline the need for collaborative legal mechanisms; however, existing discussions often remain general and fail to investigate how these principles manifest in specific bilateral arrangements such as those between Indonesia and Singapore. This gap in the literature limits the broader understanding of how international criminal cooperation operates in practice.<sup>2</sup>

Corruption, one of the most pervasive transnational crimes, illustrates these complexities acutely. Although widely recognized as an extraordinary crime within Indonesia’s legal system, corruption has increasingly taken on cross-border characteristics,

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<sup>1</sup> Aksa, Aksa, Alwan Hadiyanto, and Ciptono Ciptono. "Upaya Pemberantasan Tindak Pidana Pencucian Uang oleh Pusat Pelaporan Dan Analisis Transaksi Keuangan Melalui Kerjasama Internasional Anti-Money-Laundering Efforts by the Financial Transaction Reporting and Analysis Centre Through International Cooperation." *Jurnal USM Law Review Vol 7.2* (2024). <https://doi.org/10.26623/julr.v7i2.8896>

<sup>2</sup> Romli Atmasasmita, *Pengantar Hukum Pidana Internasional*, vol. 1 (Bandung: PT. Eresco, 1995).

particularly with the movement of fugitives and illicit financial flows.<sup>3</sup> Existing scholarly work largely reiterates definitional and conceptual aspects of corruption without linking them to the dynamics of international cooperation. Consequently, the theoretical discourse surrounding corruption has not been adequately connected to the operational constraints of extradition frameworks, especially in Southeast Asia.<sup>4</sup>

In the Indonesian context, corruption is not only widespread but also structurally embedded, prompting the adoption of extraordinary legal measures as articulated in Law No. 20 of 2001.<sup>5</sup> Despite these measures, domestic efforts often confront limitations when perpetrators flee abroad. Singapore has historically been viewed as a preferred refuge for Indonesian corruption fugitives due to its geographical proximity and, until recently, the absence of a robust extradition agreement. While this narrative is well known, academic inquiries rarely examine why Singapore occupies this position and what legal-technical challenges arise within this bilateral relationship.<sup>6</sup> The ratification of the Indonesia–Singapore extradition agreement through Law No. 5 of 2023 was intended to address long-standing enforcement challenges.<sup>7</sup>

Recent research on combating corruption through the implementation of extradition agreements has shown promising results. For example, Qurnia (2024) discusses the function of the Indonesia-Singapore extradition agreement as a strategic instrument in transnational law enforcement, supporting efforts to eradicate corruption by enabling both countries to collaborate in the investigation and prosecution of fugitive criminals. However, this study does not discuss the obstacles that may arise in the extradition process, leaving unresolved issues regarding law enforcement.<sup>8</sup>

Then, Nazmi & Hayati (2023) in their research emphasize the urgency of extradition agreements, such as Indonesia-Singapore, as important for transnational law enforcement. Such agreements enhance cooperation, ensure legal certainty, and create a deterrent effect on criminals, especially in combating transnational crimes, including corruption. However, this study does not detail the specific challenges faced in the implementation of extradition

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<sup>3</sup> Al-Kavafi, M. Imdad, Ja'far Baehaqi, and Maskur Rosyid. "Urgensi Perampasan Aset Dalam Pemberantasan Korupsi: Dalam Perspektif Hukum Pidana Islam." *Jurnal USM Law Review* 8.2 (2025): 952-977. <https://doi.org/10.26623/julr.v8i2.11057>

<sup>4</sup> Andi Hamzah, *Korupsi Di Indonesia: Masalah dan Pemecahannya*, vol. 2 (Jakarta: PT. Gramedia, 1986).

<sup>5</sup> I Mahayasa, "Perjanjian Ekstradisi Antara Indonesia Dan Singapura Sebagai Upaya Pengembalian Pelarian Koruptor Indonesia Di Singapura," *Brawijaya Law Student Journal* 1, no. 10 (15 Januari 2014): 6.

<sup>6</sup> Dadang Siswanto, "Korupsi Sebagai Bentuk Kejahatan Transnasional Terorganisir," *Masalah-Masalah Hukum* 42, no. 1 (2013): 124, <https://doi.org/10.14710/mmh.42.1.2013.123-130>.

<sup>7</sup> "Daftar Koruptor yang Sempat Kabur ke Singapura," *CNN Indonesia*, 26 Januari 2022, <https://www.cnnindonesia.com/nasional/20220126103706-12-751365/daftar-koruptor-yang-semptat-kabur-ke-singapura/1>.

<sup>8</sup> Qurnia, N.. Penerapan dan Implikasi Perjanjian yang dibuat Antara Pemerintah Republik Indonesia dan Pemerintah Republik Singapura tentang Ekstradisi Buronan Berdasarkan Undang-Undang No. 5 Tahun 2023. *Jurnal Ilmu Hukum, Humaniora Dan Politik*, 5(2), (2024), 1412–1423. <https://doi.org/10.38035/jihhp.v5i2.3259>.

agreements between countries, which is essential for understanding the practical obstacles to cooperation.<sup>9</sup>

In addition, Wahid (2023) presents a conceptual framework for extradition formation but does not explore how international organizations or multilateral platforms might support dispute resolution or cross-border asset recovery. This omission further contributes to the lack of comprehensive scholarly attention on the operational dimension of extradition in Southeast Asia. A nuanced examination of how the Indonesia–Singapore framework fits into broader global governance structures is therefore needed to enrich the academic discourse.<sup>10</sup>

The urgency for deeper analysis becomes clearer when connected to specific high-profile cases, notably the electronic identity card (e-KTP) corruption scandal. Although the case has been widely studied from the perspective of domestic criminal liability, its relevance to the extradition regime has not been thoroughly articulated. The case exemplifies systemic enforcement problems, including the ease with which corrupt actors may flee abroad and the complexities associated with efforts to repatriate them. Establishing these analytical connections is essential for demonstrating why the extradition framework warrants closer scrutiny.

Against this background, this study focuses on two core research questions: how the extradition agreement is applied in corruption cases, particularly within the context of the e-KTP procurement scandal, and how effective the Indonesia–Singapore extradition agreement is as a paradigm of transnational anti-corruption enforcement. These questions guide the inquiry toward bridging the theoretical foundations of international criminal cooperation with the practical realities of bilateral enforcement mechanisms. The emphasis on operational effectiveness distinguishes this research from prior works that are largely descriptive or doctrinal.<sup>11</sup>

This study ultimately aims to provide a comprehensive evaluation of the Indonesia–Singapore extradition framework by analyzing its legal basis, institutional coordination, and practical challenges. Through a normative and empirical lens, it seeks to map existing limitations, identify structural weaknesses, and propose strategic reforms that enhance cross-border law enforcement. Given the continued trend of corruption involving offshore perpetrators and transnational asset flight, reassessing the effectiveness of this bilateral framework is not only academically significant but also essential for strengthening Indonesia's broader anti-corruption agenda.

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<sup>9</sup> Nazmi, N., & Hayati, F. *Urgensitas Perjanjian Ekstradisi Sebagai Upaya Penegakan Hukum Pidana*, (2023). <https://doi.org/10.18592/jils.v7i1.9531>.

<sup>10</sup> Wahid, A. Pemberlakuan Hukum Ekstradisi Bagi Pelaku Tindak Pidana Korupsi. *Jurnal USM Law Review*, 6(1), (2023), .34. <https://doi.org/10.26623/julr.v6i1.5130>.

<sup>11</sup> Irwan Sapta Putra dan Yunawati Karlina, "Perjanjian Ekstradisi Antara Indonesia Dengan Singapura Di Tinjau Dari Hukum Pidana," *Jurnal Res Justitia: Jurnal Ilmu Hukum* 2, no. 2 (13 Juli 2022): 330, <https://doi.org/10.46306/rj.v2i2.44>.

## 2. METHOD

This study employs a normative juridical method with a more operationalized framework to examine transnational law enforcement through the Indonesia–Singapore extradition agreement in combating corruption. The research integrates four analytical approaches: legislative, comparative, teleological, and legal construction each applied systematically to ensure conceptual clarity and methodological rigor.<sup>12</sup> The legislative approach is used to identify, interpret, and systematize the relevant legal norms found in the Corruption Crimes Law, the Extradition Law, and Law No. 5 of 2023 on the ratification of the Indonesia–Singapore Extradition Agreement. Primary legal materials are selected based on their normative binding force and direct relevance to extradition mechanisms, while secondary legal materials are chosen using criteria of scholarly credibility, peer-reviewed status, and thematic relevance to transnational criminal cooperation and extradition practices. To strengthen analytical validity, the comparative approach benchmarks Indonesia’s bilateral extradition framework against selected jurisdictions and international instruments, including the UN Convention against Corruption (UNCAC) and extradition treaties in ASEAN. These comparisons are applied to evaluate whether Indonesia–Singapore arrangements align with global standards and to identify divergences that contribute to existing enforcement challenges.

The teleological interpretation is employed to assess whether the objectives of the extradition agreement, such as deterrence, legal certainty, and cross-border accountability, are reflected in its substantive provisions and implementation. This approach allows the study to determine the extent to which the treaty fulfills its intended purpose in addressing transnational corruption. The legal construction approach is then used to synthesize findings from statutory analysis, comparative benchmarks, and teleological interpretation into normative arguments and policy recommendations. Analytical steps include (1) classification of legal norms; (2) comparison and evaluation of their functional compatibility; (3) identification of gaps or inconsistencies in implementation; and (4) formulation of optimized legal models for strengthening extradition practice. Through these methodological stages, the study ensures academic rigor by maintaining internal consistency, normative coherence, and traceable analytical reasoning, enabling a robust assessment of the Indonesia–Singapore extradition framework as a strategic instrument for cross-border corruption enforcement.

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<sup>12</sup> Muchlis, Ahmad. "Rekonstruksi Kebijakan Pelindungan Hukum Pekerja Migran Indonesia Di Arab Saudi Yang Melakukan Tindak Pidana Dengan Ancaman Pidana Mati." *Jurnal USM Law Review* 8.2 (2025): 1006-1031. <https://doi.org/10.26623/julr.v8i2.11767>

### 3. RESULTS AND DISCUSSION

#### 3.1 Case Study of the Extradition Agreement for Corruption Crimes in the Procurement of the Electronic Identity Card Project (e-KTP)

According to Barda Nawawi Arief, crimes with broad social and economic consequences require a criminal justice system oriented toward generating moral and preventive effects, particularly through sanctions that directly confront the materialistic motives behind corruption. Corruption constitutes a deliberate breach of public trust, and thus, the punishment must reflect the gravity of the harm inflicted on society.<sup>13</sup> Measures such as financial penalties or asset deprivation become relevant because they target the economic incentives that typically drive corrupt behavior. Within this theoretical perspective, the tendency of corrupt actors to flee abroad to avoid liability underscores the limitations of domestic criminal sanctions when unaccompanied by effective cross-border enforcement mechanisms.<sup>14</sup>

When applied to the e-KTP corruption case, Barda's theoretical argument exposes a structural weakness in Indonesia's ability to secure accountability once perpetrators escape national jurisdiction. The act of fleeing rather than merely committing corruption reveals a second layer of criminal strategy that exploits gaps in Indonesia's transnational enforcement framework. For years, Indonesia lacked a fully optimized extradition mechanism with Singapore, allowing suspects such as Paulus Tannos to evade prosecution despite significant evidence implicating them in the misuse of public funds. This illustrates that even well-designed domestic legal sanctions lose effectiveness when the state cannot extend its enforcement capacity beyond its borders.

The e-KTP case, therefore, serves not only as a factual chronology of a major corruption scandal but also as a demonstration of why transnational legal instruments are essential for combating high-value corruption. It shows that without an operational extradition framework supported by political alignment, mutual legal assistance, and procedural clarity, the preventive and moral objectives envisioned by Barda cannot be fully realized. The Indonesia–Singapore extradition cooperation subsequently becomes a key mechanism to bridge this gap by enabling the state to reassert jurisdiction over fugitives and ensure that the punitive purpose of anti-corruption law remains enforceable beyond territorial limits.

The corruption scheme surrounding the Electronic Identity Card (e-KTP) procurement project illustrates the complex interplay between domestic corruption enforcement and the transnational mechanisms required when offenders flee beyond Indonesian jurisdiction. Thian Po Tjhin, better known as Paulus Tannos, became one of the central figures in this

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<sup>13</sup> Jawa, Dominikus, Parningotan Malau, and Ciptono Ciptono. "Tantangan dalam penegakan hukum tindak pidana korupsi di Indonesia." *Jurnal USM Law Review* 7.2 (2024): 1006-1017. <https://doi.org/10.26623/julr.v7i2.9507>

<sup>14</sup> Zahra, Arsyah Yustisia, et al. "Pendekatan Keadilan Restoratif Sebagai Alternatif Penyelesaian Tindak Pidana Korupsi." *Jurnal USM Law Review* 6.3 (2023): 1250-1261. <https://doi.org/10.26623/julr.v6i3.6758>

case, particularly due to his alleged involvement in collusive procurement arrangements and illicit financial allocations within the project's contractor consortium. His position as Director of PT Sandipala Arthaputra, a key company in the PNRI-led consortium, allowed him access to both technical and financial decision-making processes. The national e-KTP program, funded with approximately IDR 6 trillion, aimed to overhaul Indonesia's population administration system; instead, it became one of the country's most notorious grand corruption scandals, with estimated state losses reaching IDR 2.3 trillion between 2011 and 2013. The Corruption Eradication Commission (KPK) subsequently named multiple high-level officials and private actors as suspects, and in August 2019, designated Tannos as one of the main fugitives after uncovering his role in planned fee allocations, collusive technical arrangements, and profit gains amounting to nearly IDR 145.85 billion.

The factual chronology becomes particularly relevant in understanding the transnational legal challenges faced by Indonesia after Tannos fled to Singapore in 2017. His inclusion on the wanted list in 2021 demonstrated the limitations of domestic enforcement mechanisms when a suspect seeks refuge in a jurisdiction beyond Indonesia's territorial reach. The complexities surrounding this case exemplify the phenomenon of cross-border impunity, wherein fugitives exploit gaps in international legal cooperation. Although Indonesia has formal extradition agreements, including with Singapore through Law No. 5 of 2023, the practical application of such agreements requires adherence to doctrinal principles and procedural standards that often become points of friction. When the National Police sent a temporary arrest request in late 2024, Singapore's compliance provided a tangible illustration of operational extradition mechanisms functioning as intended, but also revealed the structural challenges inherent in such cooperation.

From a broader socio-legal perspective, corruption such as that in the e-KTP case constitutes not merely an administrative breach but a systemic violation of socio-economic rights. While it does not resemble classical human rights abuses, the misappropriation of public funds undermines the state's capacity to fulfil essential obligations, disrupts the provision of public services, and contributes to institutional instability. Millions of citizens were affected by the compromised implementation of the national identity card system. In this context, fugitives like Tannos can be positioned within the category of extraordinary offenders, whose criminal acts produce widespread public harm and therefore justify extraordinary enforcement mechanisms, including transnational cooperation.

Within international law, the foundational doctrine *aut dedere aut punire* articulated by Hugo Grotius establishes that states must either prosecute offenders within their jurisdiction or extradite them to a state with legal competence over the *locus delicti*. This principle underpins the legitimacy of extradition as an extension of sovereign authority, ensuring that perpetrators cannot evade accountability simply by crossing borders. Indonesia's sovereign right to request extradition derives from its status under international law and its domestic legal framework specifically Law No. 1 of 1979 on Extradition. The

bilateral agreement with Singapore, incorporated under Law No. 5 of 2023, operationalizes these principles by establishing a legally binding obligation to surrender fugitives involved in corruption and other serious crimes.<sup>15</sup>

Yet, operationalizing doctrinal principles requires more than their theoretical articulation; it requires examining how they function in actual cases such as that of Tannos. Here, Parthiana's four doctrinal elements, subject, object, procedure, and purpose, provide a useful framework, but their relevance becomes clearer when analyzed against real-world obstacles. The subject element highlights Indonesia's jurisdictional competence and its authority to issue extradition requests. However, in practice, subject competence may be complicated when fugitives alter their legal identity, citizenship, or residency status. In the Tannos case, his change of citizenship in Singapore raised concerns about potential conflicts with the non-extradition of nationals principle, although Singapore does not strictly apply this principle, thus facilitating cooperation.<sup>16</sup>

The object element, referring to the offender as the subject of transfer, gains operational complexity when issues of identity verification, dual nationality, or immigration status arise. For instance, real-world extradition cases often require extensive documentary validation, which delays the process. In the case of Tannos, confirming his legal residence status, citizenship, and identity records required inter-agency coordination between the Indonesian National Police, KPK, and Singaporean authorities coordination that is not explicitly articulated in doctrinal frameworks but is essential in practice.<sup>17</sup>

The procedural element, which governs the formal requirements for submission, review, and approval of extradition requests, is where most operational challenges traditionally occur. Differences in evidentiary thresholds between Indonesia and Singapore often become consequential. Singapore places significant emphasis on the sufficiency of prima facie evidence, requiring requesting states to submit clear, verifiable, and comprehensive documentation. In contrast, Indonesian case files, particularly those generated through pro justitia investigations, may contain narrative summaries rather than structured evidentiary bundles. This discrepancy frequently slows the extradition process. While the bilateral treaty provides procedural guidance, these internal disparities can still hinder efficiency. The temporary arrest request in late 2024 suggests that Indonesia overcame these procedural barriers, yet the delays leading up to the arrest also highlight the systemic need for improved evidentiary harmonization.<sup>18</sup>

The purpose element, emphasizing prosecution or punishment, is conceptually straightforward but becomes operationally complex when the requesting state must

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<sup>15</sup> Setri Yasra, "Paulus Tannos Ditangkap: Kilas Balik Kasus Korupsi Pengadaan e-KTP," *Tempo*, 1 Februari 2025, <https://www.tempo.co/hukum/-paulus-tannos-ditangkap-kilas-balik-kasus-korupsi-pengadaan-e-ktp-1201328>.

<sup>16</sup> Pricilia Ryana dan Aisy Idzati, "Korupsi Dalam Kajian Hukum Dan Hak Asasi Manusia," *Lex Scientia Law Review* 2, no. 2 (7 Desember 2018): 179, <https://doi.org/10.15294/lesrev.v2i2.27583>.

<sup>17</sup> *Ibid.*, p.181.

<sup>18</sup> Anis Widyawati, *Hukum Pidana Internasional*, ed. oleh Tarmizi, vol. 1 (Jakarta Timur: Sinar Grafika, 2014).

demonstrate that prosecution is imminent, viable, and grounded in sufficient legal material. Singapore, like many states, assesses whether the requesting state is genuinely prepared to prosecute the case. This consideration can create practical constraints when investigations remain open-ended or when evidentiary materials are incomplete. In Indonesia's request concerning Tannos, the existence of a formal indictment pathway and the extensive investigative dossier compiled by KPK strengthened the legitimacy of the extradition purpose.<sup>19</sup>

Beyond these doctrinal elements, several principles of extradition play crucial roles in determining the success or failure of extradition requests, but their operational relevance becomes most visible when contrasted with real case dynamics.<sup>20</sup> The principle of double criminality, which requires that the alleged conduct be criminalized in both states, is central to Indonesia–Singapore cooperation. In the Tannos case, corruption and illicit procurement are criminalized under both Indonesian and Singaporean law, minimizing doctrinal friction. However, in other cases involving financial crimes, Indonesia has historically faced challenges when its legal definitions did not fully match those in the requested jurisdictions. The operational relevance of double criminality, therefore, lies not merely in abstract equivalence but in functional alignment of legal definitions and categories, which must be continuously harmonized to prevent future obstacles.

The speciality principle, which restricts prosecution to the offenses specified in the extradition request, holds particular significance in corruption cases with multiple overlapping charges. Indonesia must carefully structure its request to avoid procedural invalidation. In the Tannos case, the charges under Article 2 (1) and Article 3 of the Anti-Corruption Law and the relevant provisions of the Indonesian Criminal Code were explicitly articulated, demonstrating operational compliance with this principle. However, speciality may become restrictive if future prosecutorial developments uncover additional charges not included in the initial request, potentially requiring supplementary requests and prolonging legal proceedings.<sup>21</sup>

Other principles, such as non bis in idem, the prohibition on extraditing individuals for purely political offenses, and the expiration principle (statute of limitations), also carry operational implications. In the Indonesian context, these principles have not hindered the Tannos case, but they remain potential obstacles in future extradition efforts. More crucially, although the principle of non-extradition of nationals is not adopted by Singapore, many other ASEAN jurisdictions do apply it. Thus, Indonesia's regional extradition strategy must account for such variations to prevent safe-haven scenarios.<sup>22</sup>

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<sup>19</sup> Abdussalam, *Hukum Pidana Internasional I*, ed. oleh Tim Agung, 1 ed., vol. 1 (Jakarta: Restu Agung, 2006).

<sup>20</sup> Anis Widyawati, *Op.cit.*, p. 172-173.

<sup>21</sup> Doddy Kridasaksana, *Hukum Ekstradisi*, vol. 1 (Semarang: Semarang University Press, 2012).

<sup>22</sup> Yusuf, Hambali. "Policy And Criminal Law Enforcement Against The Perpetrators S Of Corruption: "Reorientation Objective Of Condemnation"." *International Journal Reglement & Society (IJRS)* 2.3 (2021): 194-202. <https://doi.org/10.55357/ijrs.v2i3.191>.

Although doctrinal and principled frameworks provide essential conceptual guidance, the actual implementation of the Indonesia–Singapore extradition mechanism exposes persistent structural gaps. These include differences in evidentiary standards, lack of uniformity in investigative documentation practices, bureaucratic delays stemming from inter-agency coordination issues, and diplomatic sensitivities that may influence political willingness to expedite surrender. For instance, extradition requests often require communication across multiple Indonesian entities—the Ministry of Law and Human Rights, Ministry of Foreign Affairs, National Police, KPK, and Attorney General’s Office, resulting in procedural bottlenecks that do not appear in doctrinal analysis but significantly affect real-world outcomes.<sup>23</sup>

Despite these challenges, the successful arrest and planned surrender of Paulus Tannos illustrate that treaty-based cooperation can operate effectively when supported by strong political will and reciprocal trust. His case demonstrates that extradition is more than a legal formality; it is a strategic instrument for combating corruption that transcends national borders.<sup>24</sup> Yet it simultaneously underscores the necessity of continuous regulatory harmonization, strengthening of evidentiary standards, and improvement of inter-agency communication to ensure the consistency of future implementation. Without these operational enhancements, doctrinal principles risk functioning merely as theoretical ideals rather than practical mechanisms for transnational justice.<sup>25</sup>

### **3.2 The Effectiveness of the Implementation of the Indonesia-Singapore Extradition Agreement as a Paradigm for the Prosecution of Corruption Crimes**

The sociological function of law is to translate normative expectations into a concrete societal order. This principle is essential in examining the extradition framework as a transnational enforcement instrument.<sup>26</sup> Extradition does not merely operate as a procedural mechanism but as a legal construct embedded within broader social goals, namely the realization of justice, public accountability, and legal certainty. From the perspective of sociological jurisprudence, extradition’s effectiveness is determined not only by statutory design but also by its capacity to constrain opportunities for fugitives to evade prosecution. In corruption cases, this capacity reflects society’s moral expectations that public office be exercised with integrity. Thus, extradition functions as both a legal remedy and a tool to reinforce collective trust in the criminal justice system.<sup>27</sup>

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<sup>23</sup> Porter, Doug, et al. "Managing public finance and procurement in fragile and conflicted settings." *International Public Management Journal* 14.4 (2011): 369-394. <https://doi.org/10.1080/10967494.2011.656049>.

<sup>24</sup> Oezdil, Elvan Beguem. "Reimagining International Dispute Settlement: The Role of Extradition in Criminal Law." *Yonsei LJ* 15 (2025): 29.

<sup>25</sup> Moyo, Monica P. "Final Report on the Obligation to Extradite or Prosecute (Aut Dedere Aut Judicare)(Int’l L. Comm’n)." *International Legal Materials* 54.4 (2015): 758-779. <https://doi.org/10.5305/intelegamate.54.4.0758>.

<sup>26</sup> Bambang Sadono et al., "Kedudukan Komisi Pemberantasan Korupsi Dalam Sistem Ketatanegaraan Di Indonesia," *Jurnal USM Law Review* 3, no. 2 (2020): 259–74, <https://doi.org/http://dx.doi.org/10.26623/julr.v3i2.2870>.

<sup>27</sup> Siswanto Sunarso, *Ekstradisi Dan Bantuan Timbal Balik Dalam Masalah Pidana: Instrumen Penegakan Hukum Pidana Internasional*, vol. 1 (Jakarta: Rineka Cipta, 2009).

The political dimensions of extradition also shape its practical enforcement. The Indonesian Extradition Law, now in effect for almost five decades, demonstrates that a robust legal foundation is not a sufficient condition for operational effectiveness. Formal regulations frequently intersect with political negotiations, executive discretion, and diplomatic alignments. Consequently, the implementation of extradition often becomes contingent upon geopolitical considerations rather than purely legal criteria. This dynamic is consistent with scholarly analyses such as Donald Black’s theory of law as a governmental mechanism of social control, which emphasize that legal rules neither arise nor operate in isolation but are affected by the distribution of state power among political institutions. The interplay of these factors explains why international cooperation in criminal matters often advances slowly despite established treaty frameworks.<sup>28</sup>

The extradition of Paulus Tannos provides a critical empirical lens for evaluating the operational performance of the Indonesia–Singapore extradition framework. The seven-year gap between his designation as a suspect and his arrest in Singapore illustrates systemic delays inherent in cross-border criminal processes. These delays arise from multiple sources, including differences in evidentiary thresholds, lengthy verification requirements between central authorities, and bureaucratic fragmentation. Moreover, Tannos’s change of citizenship exemplifies a structural loophole in transnational criminal pursuit—demonstrating how offenders strategically exploit nationality laws and jurisdictional borders to evade accountability. These vulnerabilities weaken the deterrent effect of anti-corruption measures and necessitate the strengthening of safeguards within extradition procedures.

From a broader perspective, corruption, particularly grand corruption, constitutes a systemic violation of human rights, especially socio-economic rights such as education, health, and welfare. This conceptualization is supported by international human rights instruments, including the International Covenant on Economic, Social, and Cultural Rights (ICESCR), which obligates states to protect and fulfill socio-economic entitlements. The UN Convention Against Corruption (UNCAC) similarly recognizes corruption as an impediment to the realization of human rights and mandates international cooperation in asset recovery and extradition. By grounding the argument in these normative frameworks, it becomes clear that effective extradition mechanisms play a role in safeguarding human rights, because the return of fugitives and recovery of stolen assets directly contribute to restoring public resources necessary for social development. The e-KTP corruption case, which deprived millions of Indonesian citizens of their right to reliable public administration and social services, illustrates this nexus precisely. Strengthening extradition is thus not only a criminal law priority but also a human rights obligation.<sup>29</sup>

Despite its significance, the Indonesia–Singapore extradition mechanism continues to

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<sup>28</sup> *Ibid.*, p. 171.

<sup>29</sup> Fauzin Fauzin, “Efektifitas Ekstradisi Dalam Penegakan Hukum Tindak Pidana Korupsi Di Indonesia,” *Rechtidee* 16, no. 1 (30 Juni 2021): 146–47, <https://doi.org/10.21107/ri.v16i1.10501>.

face multifaceted obstacles. These challenges are best categorized into four domains: legal, procedural, political, and diplomatic, each exerting a distinct impact on operational outcomes. Legally, Indonesia's limited number of extradition treaties restricts its ability to pursue fugitives in jurisdictions that require formal treaty relations as a precondition for cooperation. Procedurally, disparities in evidentiary standards and document authentication requirements can delay case processing. Politically, domestic pressures and strategic interests may influence the degree of cooperation a state is willing to offer. Diplomatically, differences in foreign policy orientations, such as Singapore's emphasis on legal certainty and Indonesia's prioritization of anti-corruption, can create friction in harmonizing implementation. Categorizing these obstacles demonstrates that extradition inefficacy is not attributable to a single factor but to the intersection of multiple institutional constraints.<sup>30</sup>

A comparative assessment of the 2007 Indonesia–Singapore Extradition Treaty and the 2004 Mutual Legal Assistance Treaty further underscores substantive limitations. Both instruments adopt a forward-looking orientation, thereby excluding retroactive application. This aligns with orthodox treaty law principles but significantly limits Indonesia's capacity to pursue offenders whose flight predates ratification. In cases such as Tannos, this temporal constraint hindered early-stage cooperation and complicated asset recovery efforts. Furthermore, doctrinal asymmetries such as divergences concerning dual criminality interpretations demonstrate that legal harmonization remains incomplete. Comparative legal analysis reveals that jurisdictions with higher extradition success, such as the EU through the European Arrest Warrant (EAW), rely on mutual trust frameworks and automatic surrender mechanisms, features not yet present in the Indonesia–Singapore system.

Ratification of extradition treaties must also be evaluated against foundational international legal principles, including *pacta sunt servanda*, sovereign equality, and non-intervention. However, beyond these normative requirements, proportional reciprocity is essential to ensure balanced legal obligations. In the Indonesia–Singapore context, the integration of extradition provisions into a broader defense cooperation package has raised concerns regarding appropriate separation between criminal justice instruments and national security policies. This confluence risks politicizing extradition and undermining the neutrality expected of a legal cooperation mechanism. Careful doctrinal scrutiny is therefore necessary to safeguard the functional independence of extradition arrangements.<sup>31</sup>

The adoption of deportation as an alternative measure in some jurisdictions highlights another operational dimension. While deportation offers a quicker, simpler, and more cost-efficient means of returning fugitives, it raises human rights concerns because it lacks the procedural protections embedded in extradition processes, such as the speciality principle

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<sup>30</sup> Siswanto Sunarso, *Op.cit.*, p.178.

<sup>31</sup> Pandri Zulfikar, "Perspektif Kewenangan Badan Pemeriksa Keuangan (BPK) Kaitan Perjanjian Eksteradisi Indonesia dan Singapore," *Jurnal Ilmiah Penegakan Hukum* 9, no. 1 (30 Juni 2022): 83, <https://doi.org/10.31289/jiph.v9i1.6682>

and judicial scrutiny. Nevertheless, deportation can still complement extradition, particularly when the latter is hindered by treaty constraints. Used appropriately, it can accelerate fugitive return while extradition mechanisms are strengthened institutionally. In the Indonesia–Singapore relationship, deportation has functioned as a pragmatic workaround, albeit one requiring careful oversight to prevent due process violations.<sup>32</sup>

Ultimately, the effectiveness of extradition depends on several enabling conditions: harmonized legal frameworks, institutional competence, credible judicial systems, and strong political commitment. States with interconnected economic relations must avoid prioritizing financial or commercial concerns over law enforcement cooperation. Judicial independence and procedural clarity are essential to fostering mutual trust. For Indonesia, enhancing central authority capacity, standardizing evidence submission formats, and reducing bureaucratic fragmentation would substantially improve operational performance. At the diplomatic level, the establishment of joint task forces and permanent liaison officers could facilitate smoother communication between authorities.<sup>33</sup>

In conclusion, the Indonesia–Singapore extradition framework holds strategic importance in combating corruption and advancing transnational law enforcement. However, its effectiveness is contingent upon addressing legal, procedural, political, and diplomatic obstacles.<sup>34</sup> Strengthening treaty architecture, aligning evidentiary standards, integrating human rights considerations, and institutionalizing cooperative mechanisms will significantly enhance its efficacy. In corruption cases, effective extradition not only supports criminal accountability but also fulfills Indonesia's broader obligation to protect socio-economic rights under international law. Therefore, reforming the extradition framework is imperative for achieving both legal and human rights objectives in the prosecution of transnational corruption.<sup>35</sup>

#### 4. CONCLUSION

The study demonstrates that the effectiveness of transnational law enforcement in corruption cases ultimately depends on the coherence between Indonesia's domestic legal framework and the operational standards embedded within its bilateral extradition arrangements. The case of Paulus Tannos in the e-KTP corruption scandal illustrates that while the Indonesia–Singapore extradition agreement provides a formal mechanism for cross-border surrender, the practical implementation of this mechanism remains constrained by non-retroactivity provisions, differences in evidentiary thresholds, and procedural delays

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<sup>32</sup> Hendrik Sompotan, "Pemberantasan Kejahatan Ekonomi Antar Negara Dengan Perjanjian Ekstradisi (Perspektif Indonesia)," *Lex Et Societatis* 5, no. 8 (5 Desember 2017): 195, <https://doi.org/10.35796/les.v5i8.18991>

<sup>33</sup> Reus-Smit, Christian. "Power, legitimacy, and order." *The Chinese Journal of International Politics* 7.3 (2014): 341-359. <https://doi.org/10.1093/cjip/pou035>.

<sup>34</sup> Balashov, Rakhmatulla, Oxana Filipets, and Svetlana Baimoldina. "Recovery of stolen assets from abroad." *International Journal of Electronic Security and Digital Forensics* 15.5 (2023): 456-467. <https://doi.org/10.1504/IJESDF.2023.133188>.

<sup>35</sup> Jean Luc, Kizito Cimanuka. "Principle of Sovereign Equality And Non-Interference In The Internal Affairs of A State." *Tirtayasa Journal of International Law* 1.1 (2022): 59-75.

arising from diplomatic and bureaucratic fragmentation. These challenges reveal that the agreement has not yet fully addressed the structural obstacles that allow corruption fugitives to exploit jurisdictional gaps. In light of these findings, the research contributes to the field by identifying specific institutional and regulatory weaknesses that must be addressed to strengthen Indonesia's transnational enforcement capacity. Policy improvements should prioritize harmonizing evidentiary requirements, enhancing mutual legal assistance coordination, and institutionalizing expedited channels for high-priority corruption cases. Furthermore, political commitment from both states is essential to ensure consistent application of the treaty, prevent selective cooperation, and close loopholes that enable strategic flight from justice. By aligning extradition practices with the broader objectives of anti-corruption governance, Indonesia and Singapore can transform their bilateral framework into a more effective instrument for regional accountability and deterrence.

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