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Safe Havens and Legal Uncertainty in Indonesia Transnational Crime Enforcement: An Analysis of the Absence of an Extradition Treaty and the Non-Coercive Use of Interpol Red Notices

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ABSTRACT: The development of transnational crime challenges the effectiveness of Indonesian criminal law enforcement, particularly when perpetrators flee to countries without extradition treaties. This situation has the potential to create de facto safe havens and demonstrates the paradox between the need for effective law enforcement and the limitations of international cooperation instruments. This study aims to analyze the law enforcement mechanisms for perpetrators in countries without extradition treaties and assess the effectiveness of the use of non-coercive Interpol Red Notices. The research method used is normative legal research with a conceptual approach, and data collection techniques through qualitative literature analysis. The results show that the absence of extradition treaties significantly hampers the process of surrendering perpetrators and prolongs legal uncertainty. Red Notices function as an instrument for international tracking and coordination, but their effectiveness is highly dependent on commitment and diplomatic relations between countries. These findings emphasize the need to strengthen international cooperation to prevent the formation of safe havens for transnational criminals.

KEYWORDS: Extradition, Red-Notice International Police, Transnational Crime

I. INTRODUCTION

The development of the globalization era has given rise to increasingly complex and transnational criminal practices, where perpetrators often involve or relocate to other countries to obtain protection and avoid law enforcement in the locus delicti country. Crimes such as murder, fraud, banking crimes, environmental crimes, sexual crimes, money laundering, and corruption committed in one country can develop into transnational crimes if they involve the jurisdiction of another country. This creates difficulties for law enforcement officials in carrying out their duties.

Countries around the world have recognized the potential and threat of transnational crime and the losses it causes, both at the national, regional, and global levels. To address this, various efforts have been made through bilateral, regional, and multilateral cooperation. At the multilateral level, the United Nations (UN) initiated international cooperation in eradicating transnational crime through the implementation of several conventions, including the United Nations Convention against Transnational Organized Crime (UNTOC) and its three protocols, the United Nations Convention against Corruption (UNCAC), the 1961 Single Convention on Narcotic Drugs, the 1971 Convention on Psychotropic Substances, and the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances.[1] Each of these conventions requires state parties to designate a focal point and establish an inter-agency network. This network aims to accelerate coordination and increase the effectiveness of handling transnational crime.

In response to the complexity of transnational crimes, the bilateral extradition cooperation mechanism has become a crucial legal instrument to ensure the effectiveness of international criminal law enforcement. Extradition is essentially a form of international cooperation to arrest and hand over a suspect, defendant, or convict who is in the jurisdiction of another country to the country that has the right to try him.[2] The existence of extradition allows the destination country for criminals who have fled to remain within the reach of the law. The agreement is based on the principle of pacta sunt servanda as a binding form of international law and can be

[1] Riko, R., Fitra, D., "Kerjasama Antar Interpol Indonesia - Kolombia Menangani Kejahatan Lintas Negara (Studi Kasus M. Nazaruddin), *Jurnal Ilmiah Universitas Satya Negara Indonesia,* Vol. 02 (2), 2024. hlm. 64.

[2] I Made Krisna Adiwijaya, "Ekstradisi Sebagai Sarana Pemberantasan Kejahatan Internasional ditinjau dari Undang-Undang No. 1 Tahun 1979", *E-Journal Unsrat Lex Et Societatis,* Vol. VII, No. 5, 2019, hlm. 127

traced back to a principle or the highest and fundamental norms.[3] Indonesia has demonstrated a serious commitment to extradition by establishing and enforcing Law Number 1 of 1979 concerning Extradition (Law No. 1/1979 concerning Extradition).

However, Indonesia's extradition system in practice still faces structural limitations, particularly when perpetrators flee to countries with which Indonesia does not have an extradition treaty. The absence of such an agreement makes the process of surrendering perpetrators dependent on the principle of reciprocity or the political policies of the destination country, which are not always legally binding. This situation has the potential to weaken the effectiveness of national criminal law enforcement because the country lacks coercive instruments to force the destination country to surrender the perpetrator. The mechanism for handling transnational crime cases still has the potential to open up safe havens for perpetrators of transnational crimes, particularly in the absence of an extradition treaty between the countries involved. This condition is caused by the non-coercive and non-legally binding nature of Red Notices, so the implementation of the arrest and surrender of perpetrators depends entirely on the policies and laws of the country where the perpetrator is located, whether they are willing to follow up or even reject the request.

In comparison, recent research in national and international literature shows that criminals are still prevalent in fleeing to countries without extradition treaties. An empirical study conducted by Aldi Kusuma (2025) examined the urgency of an extradition treaty between Indonesia and the Netherlands to prevent corruption, focusing on the weaknesses of arresting perpetrators without a binding treaty. Meanwhile, Beni, A, B., and Herawati (2025) emphasized the role of the state as a subject of international law in the field of extradition to ensure legal certainty and facilitate the implementation of extradition procedures.

Based on the above description, this study aims to examine in depth the uncertainty of national criminal law enforcement due to the absence of an extradition treaty and the implications of Interpol's non-coercive Red Notice. This study is specifically directed at analyzing how the Indonesian government can enforce law in handling transnational criminal cases in the absence of an extradition treaty with the destination country, as well as examining the effectiveness of using the Red Notice method as an Interpol member country. Through a normative and conceptual approach, this study is expected to provide theoretical contributions to the development of international law and transnational criminal law, as well as formulate normative recommendations to strengthen international cooperation and minimize the potential for safe havens for transnational criminals.

II. RESEARCH METHOD

This research uses a normative legal approach. This is motivated by the data collection mechanism carried out through the library study method and relies on secondary data obtained from various legal literature sources as the main and fundamental information base.[4] The analytical descriptive approach is the method used to produce in-depth and accurate conclusions.[5] The fundamentals of compiling this research are sourced from secondary data such as laws and regulations, books, journals, scientific articles, and other relevant secondary data obtained indirectly from the research subjects, but through intermediaries or previously available sources.[6]

III. RESULT AND DISCUSSION

The Effectiveness of Indonesian Criminal Law Enforcement Against Criminals Who Flee to Countries That Do Not Have Extradition Treaties, and Its Implications for Creating Safe Havens for Transnational Criminals

In the context of international relations, particularly relations between states, each country faces the obligation to respect the sovereignty of other states, which often hinders the prevention, eradication, and punishment of perpetrators of international crimes. To bridge these sovereign boundaries, a legal framework is needed that connects interests between states, one of which is through extradition treaties. Extradition treaties serve as instruments of cooperation that reflect mutual recognition of each country's existence and legal system in efforts to combat international crimes.

Conceptually, an extradition treaty is a legal relationship between two parties, namely the requesting country which can consist of one or more and the requested country, which is definitely a country where the perpetrator is located.[7] Extradition is a legal process where one country based on an agreement, reciprocal relationship, or respect, can hand over or send a person who is accused or convicted of a crime in another country, so that he can be tried or punished in accordance with the applicable regulations of his country

[3] J.G. Starke, *Pengantar Hukum Internasional,* Sinar Grafika, Jakarta, 2010.
[4] Soerjono Soekanto & Sri Mahmudji, *Penelitian Hukum Normatif: Suatu Tujuan Singkat*, (Jakarta: Raja Grafindo Persada), 2003, hlm. 13.
[5] Sugiyono, *Metode Penelitian Kuantitatif, Kualitatif dan R&D*, (Bandung: Alfabeta), 2009, hlm. 29

[6] Undari Sulung, (et.al), "Memahami Sumber Data Penelitian: Primer, Sekunder, dan Tersier", *Jurnal Edu Research: Indonesian Institute for Corporate Learning and Studies (IICLS)* 5, No. 3, 2024, hlm. 113.
[7] Wayan Parthiana, dkk, "*Ekstradisi Dalam Hukum Internasional Modern",* (Bandung: CV. YRAMA WIDYA), 2009, hlm.48.

of origin.[8] In general, extradition requests are based on national legislation, extradition treaties, expanded conventions and international etiquette. Extradition requests can only be submitted by a country that has jurisdiction to try and punish the perpetrator to the country where the perpetrator is or has fled.

Extradition law is a branch of international criminal law that regulates the procedure for handing over suspects, defendants, or convicts from one country to another for the purpose of prosecution or serving a sentence. Extradition law is based on the assumption that the requesting country has good faith and that the perpetrator of the crime being handed over will be treated fairly during trial in the country concerned. In fact, extradition is a manifestation of the principle of aut dedere aut judicare, namely the legal principle that states that, "if a country carries out prosecution, it has an obligation to extradite."

Under the international legal regime, a crime can only be extradited if it meets the principle of double criminality. This principle, along with the principle of specialization, is a fundamental principle in international extradition law. The principle of double criminality requires that the act for which extradition is requested must be a criminal offense under the laws of both the requesting and requested countries, as accommodated in Law No. 1/1979 concerning Extradition and the European Convention on Extradition 1957. By fulfilling the principle of double criminality, the initial requirements for the requesting country to submit a request for extradition to the requested country have been met. Furthermore, there is the principle of specialization which aims to protect individual rights and maintain trust between countries in extradition cooperation. According to this principle, an extradited person may only be tried or punished for the crime that is the basis for the extradition request, and may not be prosecuted for other crimes committed previously, unless there is additional consent from the surrendering country.

In the extradition process, each country can act as either the requesting country or the requested country. This indicates that Indonesia can act as either the requesting country or the requested country. However, the provisions in Law No. 1/1979 concerning Extradition focus more on the procedures for implementing extradition when Indonesia is the requested country. Meanwhile, the procedure for submitting extradition requests by Indonesia to other countries, as stipulated in Chapter X of Law No. 1 of 1979 concerning Extradition, consists of only three articles, which essentially stipulate that extradition requests are submitted by the Minister of Justice on behalf of the President through diplomatic channels. Further provisions regarding the procedures for extradition requests are regulated in Minister of Foreign Affairs Regulation No. 13 of 2020 concerning Procedures for Handling Extradition Requests within the Ministry of Foreign Affairs.

Doctrinally, extradition is generally based on the principle of pacta sunt servanda, meaning that every agreement that has been agreed upon is binding on the parties and must be implemented in good faith. Essentially, extradition can occur when the right to asylum can no longer be granted, as a state must consider its legal interests and authority to prosecute the perpetrator of the crime. Currently, extradition is practiced as a mechanism of cooperation between countries so that national criminal laws can still be enforced against perpetrators of crimes who have fled abroad. Through extradition, the perpetrator can be returned for legal proceedings or so that a court decision can be enforced.

The absence of an extradition treaty creates an enforcement gap, namely a gap between legal authority and enforcement capacity. In the absence of an extradition treaty, there is no international legal obligation compelling the requested country to surrender the perpetrator. However, extradition can still be carried out even if the requesting country and the requested country are not yet bound by an extradition treaty. There are at least five elements that determine whether a case is eligible for extradition. These five elements are: the requesting country must have jurisdiction to try and sentence the perpetrator; the requested country must be the country where the perpetrator is located or hiding; the legal elements and objects must be the person or individual requested; the intent and purpose elements; and the basic or legal basis elements. In addition to these essential elements, several principles must be implemented in the extradition process, including:[9]

a. Double Criminality Principle

The principle of double criminality states that a person may only be extradited if the act they committed constitutes a crime under both the requesting and the requested country's laws. Therefore, extradition can only be carried out if the criminal qualifications for the act are consistent in the legal systems of both countries.

b. The Rule of Speciality

The principle of specificity applies after an extradition request has been granted and the individual requested has been surrendered to the requesting country, thereby becoming subject to that country's jurisdiction. This principle prohibits the requesting country from prosecuting, trying, or punishing an individual for any crime other than that expressly stated in the extradition request and approved by the requested country.

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[8] Timothy, J., Maxilian, S., Tedjokusumo, D.D., "Penegakan Hukum Terhadap Pelaku Tindak Pidana yang Melarikan Diri: Kajian Yuridis Atas Perjanjian Ekstradisi Antara Indonesia Dengan Malaysia, *IURIS STUDIA: Jurnal Kajian Hukum,* Vol. 5 (1), 2024, hlm. 147

[9] Joko Setiyono, "*Hukum Pidana Internasional",* Penerbit Universitas Terbuka, Tangerang Selatan, 2019, hlm. 7.47.

c. Non-Extradition of Nationals

This principle authorizes the requested country to refuse an extradition request if the person requested is a citizen of that country, even if all other extradition requirements have been met. This refusal is based on considerations of sovereignty and the protection of citizens, particularly if there is a concern that the person concerned will be tried or convicted under the requesting country's legal and judicial system, which is inconsistent with the principles of the requested country's national law.

d. The Political Offence Exception

This principle states that an extradition request may be rejected if the act of which an individual is accused falls under the category of a political crime, rather than a general crime. In this context, the individual requested for extradition is deemed to have committed an act related to a political struggle or interest within a country. The purpose of implementing this principle is to prevent diplomatic tensions between the requesting and the requested country due to the shift of legal issues into political conflict between countries.

e. Nebis in Idem

This principle relates to the principle that a person cannot be tried or sentenced more than once for the same act (ne bis in idem). The purpose of this principle is to provide legal certainty to individuals who have served a final and binding sentence, so that they cannot be extradited if they have been convicted of the same crime.

f. Expiration Principle

A statute of limitations is defined as a legal recognition that the lapse of a certain period of time lapses a state's right to prosecute or enforce a criminal offense. Regulations regarding statute of limitations in the context of extradition can be based on the national criminal law of the requesting country, the national criminal law of the requested country, or the provisions of the criminal laws of both countries, in accordance with principles agreed upon in the treaty or applicable law.

For example, the case of Maria Pauline Lumowa, a Dutch citizen, was convicted of embezzling BNI Bank through a fake Letter of Credit (L/C) facility in 2002-2003, which caused state losses of approximately IDR 1.7 trillion. During the legal process, she fled abroad and moved from country to country, namely Singapore, the Netherlands, and Serbia, for years to avoid the execution of the court's decision. When her whereabouts were traced in the Netherlands, the Indonesian Government submitted an extradition request to the Government of the Kingdom of the Netherlands through the Ministry of Law and Human Rights based on Letter Number M.HH.AH.08.02-13 dated April 29, 2009. However, the extradition request was rejected by the Dutch Government. After learning that her whereabouts had been detected by Indonesian authorities, she fled again to Serbia. The perpetrator was then arrested in that country and returned to Indonesia in 2020 through a lengthy process of legal and diplomatic cooperation.

Based on the case of Maria Pauline Lumowa, several elements have been met to qualify her repatriation to Indonesia as a legally binding extradition process. First, the requesting country acts as the country with jurisdiction, possessing the right to try and punish the suspect. In Maria Pauline Lumowa's case, the corruption she committed occurred within the jurisdiction of the Republic of Indonesia. Therefore, Indonesia is the requesting country, which has the right to prosecute and enforce criminal decisions against the suspect within its jurisdiction.

Second, the requested country is the country where the suspect or convict is located when the extradition request is made. In the case of Maria Pauline Lumowa, she was arrested by local authorities through the Serbian Interpol NCB while in Serbian territory. Therefore, Serbia is the requested state, that is, the country that receives and processes the extradition request from Indonesia, the requesting country.

Third, the legal object is the person or individual who is the perpetrator of the crime being requested. This individual can be a suspect, defendant, or accused, as well as a convict still serving the remainder of their sentence. Extradition legal terminology refers to this individual as the "requested person," the party who is the object of the interstate request for surrender. In this case, the object, or "requested person," is Maria Pauline Lumowa.

Fourth, intent and purpose. The requesting country must have an intent and purpose in submitting an extradition process, this purpose can be a request to try and sentence the suspect or defendant in the country where the crime was committed. If the perpetrator of the crime is not extradited, it means that the perpetrator of the crime is not responsible for his actions, so that the goal of eradicating crime is not achieved.[10] In this case, Maria Pauline Lumowa is suspected of committing a crime of corruption that occurred within the jurisdiction of Indonesia, so the country has the authority to process it legally in accordance with the provisions of applicable laws and regulations. Based on the attachment to Law No. 1/1979 concerning Extradition, there are 32 types of crimes for which extradition can be requested. This shows that not all types of crimes can be extradited, but only serious crimes for the requesting country and the requested country, as stated in the explanation of Article 4 (1) of Law No. 1/1971 concerning Extradition.

Fifth, the legal basis or foundation. This element aims to identify the legal basis for the requesting country and the requested country, particularly regarding the existence or absence of an extradition treaty binding both countries. The existence of an agreement

[10] I Wayan Parthiana, "*Ekstradisi dalam Hukum Internasional dan Hukum Nasional Indonesia",* (Bandung: Mandar Maju), 1990,hlm. 12-1.

between the requesting country and the requested country is a manifestation of the principle of legality (nullum crimen sine lege) in the implementation of extradition, including in the repatriation of convicts. In a civil law system, the principle of legality is characterized by the fact that criminal acts must be regulated in writing and ratified by parliament (nullum crimen sine lege scripta), formulated firmly and not open to multiple interpretations (nullum crimen sine lege stricta), not retroactive (nullum crimen sine lege praevia), and cannot be applied by analogy. This principle serves to protect individuals from state arbitrariness and prevent the excessive use of legal discretion. In contrast to the common law system which recognizes the role of judge-made law or jurisprudence as the main source of law, Indonesia as an adherent of the civil law system places legality as the main foundation in every criminal action.[11] Therefore, in the repatriation of Maria Pauline Lumowa, the existence of a clear and valid legal basis is a fundamental aspect to ensure that the extradition process is carried out in accordance with the principles of the rule of law and the protection of human rights.

In his book entitled "Extradition in the Criminal Justice System", Jan Marinka explains that if the requesting country and the requested country are both parties to the United Nations Convention Against Transnational Organized Crime (UNTOC) and the United Nations Convention against Corruption (UNCAC), then both conventions can serve as the legal basis for extradition between the parties. Indonesia signed the UNCAC on December 18, 2003 and ratified it on September 19, 2006, while Serbia signed the same convention on December 11, 2003 and ratified it on December 20, 2005. In addition, Indonesia and Serbia also both signed the UNTOC on December 12, 2000. By signing and ratifying these two conventions, Indonesia and Serbia are legally bound in cooperation based on a multilateral agreement that can serve as a basis for implementing extradition.[12]

Even in the absence of an extradition treaty between the requesting and requested countries, the arrest and repatriation of criminals who have fled abroad is still possible through high-level diplomacy. In practice, this cooperation can be carried out based on the principle of reciprocity, good relations between countries, and a shared interest in eradicating transnational crime. Diplomatic channels allow for political negotiation and coordination between law enforcement authorities, so the absence of a formal agreement does not completely preclude the possibility of the perpetrator's surrender. However, this mechanism is highly dependent on the commitment and political will of the countries involved, so its effectiveness does not always provide the same strong legal certainty as a binding extradition treaty.

The case of Maria Pauline Lumowa demonstrates the limited effectiveness of Indonesian law enforcement when dealing with destination countries that do not have extradition treaties. The absence of binding legal instruments means that the arrest and repatriation process relies heavily on diplomatic cooperation and non-coercive mechanisms, thus failing to result in prompt execution. This situation is reflected in the lengthy time the perpetrator spent on the run, approximately 17 years from 2003 until her capture and repatriation from Serbia in 2020. During this time, the perpetrator obtained a de facto safe haven, a temporary protection due to jurisdictional obstacles and weak international legal cooperation, which ultimately reduced the effectiveness of criminal prosecution and delayed the realization of legal certainty.

The Use Of Interpol's Non-Coercive Red Notice In The Process Of Searching For And Handing Over Criminals Has An Impact On The Length Of The Law Enforcement Process And The Uncertainty Of An Individual's Legal Status.

The arrest and detention of a criminal outside the territorial territory of a country where the perpetrator is located or hiding is the initial stage in the extradition request process from the country where the crime was committed to the country where the perpetrator is located. The country where the perpetrator is located or hiding carries out the arrest and detention, of course, based on a red notice along with the requirements and supporting documents from the National Central Bureau (NCB Interpol) of the locus delicti country.[13]

Interpol's NCB plays a role in finding the whereabouts of perpetrators of criminal acts which is realized through the international notice mechanism, namely an international notification system used to support the effective handling of transnational crimes which is received through the Interpol General Secretariat.[14] Through this notification, Interpol conveys information to its

[11] Flora Dianti, "Perbandingan Hukum Pembuktian Pidana Di Negara Civil Law dan Common Law", Sinar Grafika, Jakarta, 2025, hlm. 31-32.

[12] Jimmy, K., Khoirur, R.L., "Penegakan Hukum Lintas Negara dan Diplomasi dalam Pemulangan Koruptor Maria Pauline Lumowa: Masih Perlukah Perjanjian Ekstradisi", *JUSTITIA: Jurnal Ilmu Hukum dan Humaniora,* Vol. 8 (5), 2021, hlm. 913.

[13] Joko Setiyono, "*Hukum Pidana Internasional",* Penerbit Universitas Terbuka, Tangerang Selatan, 2019, hlm. 7.25.

[14] Ibid.

member countries regarding the identity and movements of perpetrators of crimes, thus facilitating coordination in search efforts, arrests, and extradition processes.[15]

Before issuing a notice, the Interpol Secretariat General first conducts an evaluation to ensure that the request is in accordance with the organization's objectives, does not conflict with the Interpol constitution, and respects human rights principles. If the request does not meet the formal requirements as stipulated in the INTERPOL Rules on the Processing of Data, specifically Article 76 paragraphs (1) and (2), the Secretariat General is obliged to refuse to distribute the notice. The issuance and distribution of notices is the authority of the Secretary General in order to assist member countries in preventing and eradicating crime through the I-24/7 communication system, including in the form of Red Notices (wanted persons), Blue Notices (requests for information), Green Notices (warnings), Yellow Notices (missing persons), Black Notices (identification of bodies), Orange Notices (security alerts), INTERPOL–UN Special Notices, and Purple Notices, especially to support the search for transnational criminals or individuals who have fled abroad after committing crimes.[16]

As an Interpol member country, Indonesia has access to the Red Notice mechanism, a means of international cooperation in tracking and requesting the temporary detention of criminals outside its jurisdiction. Utilizing this mechanism strengthens Indonesia's position in criminal law enforcement efforts against transnational crimes, particularly when perpetrators flee to other countries. However, a Red Notice is not a binding international arrest warrant, but rather a request for cooperation, the implementation of which depends on the legal systems and policies of each member country.

The non-coercive nature of an Interpol Red Notice will have direct implications for law enforcement. This lack of automatic coercive power ensures that each country retains full sovereignty over whether to act on the notification. The country where the individual is located has the right to refuse to arrest for national legal reasons, requiring additional procedures such as judicial review or a formal extradition request.

In practice, the implementation of Red Notices is influenced by the principle of state sovereignty and differences in national legal systems, including standards of proof, the principle of double criminality, and human rights considerations. The effectiveness of Red Notices depends on the cooperation and willingness of member states to follow up in accordance with their respective national laws. If a country deems the request to be unsuitable for legal requirements or potentially violates an individual's fundamental rights, it may refuse or withhold action. This situation has the potential to prolong the legal process, delay extradition, and even create a temporary safe haven for suspects or convicts.

However, from the perspective of protecting individual rights, the non-coercive nature of Interpol's Red Notice actually serves as a check and balance mechanism to prevent the misuse of international procedures for political or repressive purposes. Thus, there is a normative tension between the need for effective cross-border law enforcement and guarantees of human rights protection. This uncertainty ultimately demonstrates that the Red Notice is more of an administrative coordination instrument than an automatic law enforcement mechanism. Therefore, its success depends heavily on commitment, legal harmonization, and trust between countries in cooperation to combat transnational crime.

For example, in the case of M. Nazaruddin who was a suspect in the bribery case of the 2011 Palembang Sea Games athlete's village and the medical equipment procurement project. On May 23, 2011, M. Nazaruddin left Indonesia under the pretext of undergoing a medical check-up in Singapore, even though the investigation process was ongoing and he had not yet fulfilled the summons for questioning, so his departure was seen as an attempt to avoid legal proceedings. The next day, May 24, 2011, the Corruption Eradication Commission (KPK) submitted a request for travel ban to the Directorate General of Immigration of the Ministry of Law and Human Rights, but this step was ineffective because the person concerned was already outside Indonesian territory. After moving from country to country during his escape, Nazaruddin was finally arrested on August 7, 2011 in Colombia, using a fake passport in the name of M. Syahruddin.

Based on the case of M. Nazaruddin, a Red Notice was issued at the request of the Indonesian NCB, which aims to conduct the investigation and prosecution of criminal cases by tracking the whereabouts of the person concerned and allowing for arrest, temporary detention, or restriction of movement in accordance with the national law of the country where the perpetrator is located, as a first step towards the extradition process. The Red Notice for Muhammad Nazaruddin was issued because he was declared a wanted person based on an arrest warrant issued by a national court.

To repatriate corruption suspect M. Nazaruddin to Indonesia, the Interpol Bogota NCB agreed to expedite the extradition process on M. Nazaruddin's behalf, despite the lack of a binding extradition treaty between Indonesia and Colombia. This agreement

[15] INTERPOL, "*About Notices*", https://www.interpol.int/How-we-work/Notices/About-Notices, diaccess on 23 of February 2026).
[16] Ibid.

is based on the cooperation and good relations between Interpol member countries, which facilitates requests for assistance in apprehending and detaining criminals who have fled to other countries.

The extradition process for corruption suspect Muhammad Nazaruddin demonstrates that strong diplomatic relations and cooperation between Interpol member countries can strengthen the effectiveness of Red Notices, even though the instrument is non-coercive. In practice, cross-border law enforcement can be pursued through several channels, including direct cooperation between law enforcement agencies (police-to-police). With responsive coordination and reciprocal commitments between law enforcement authorities, the administrative nature of Red Notices can be optimized so that they continue to encourage arrests and expedite the process toward extradition.

CONCLUSIONS

The effectiveness of Indonesian criminal law enforcement against perpetrators who flee to countries without extradition treaties is inherently limited and dependent on diplomatic dynamics. The absence of formal agreements hinders executions, creating the potential for de facto safe havens. While repatriation remains possible through diplomacy and non-coercive cooperation, these mechanisms do not guarantee speed, certainty, or consistency in law enforcement. Therefore, strengthening extradition treaty instruments is a strategic necessity to ensure that national criminal jurisdiction remains effective in addressing transnational crime.

Red Notices issued through Interpol are non-coercive and do not have automatic enforcement power. They can still be used as a means of tracking and international coordination to locate criminals who have fled abroad, even when there is no extradition treaty. However, good diplomatic relations with other countries play a crucial role in the process of extraditing criminals through non-coercive channels if the requesting country does not yet have an extradition treaty with the requested country.

RECOMMENDATION

Based on the analysis above, several strategic recommendations can be proposed to strengthen the effectiveness of Indonesian criminal law enforcement against fugitives who flee to non-extradition treaty countries.

First, the Government of Indonesia should expand bilateral extradition agreements, prioritizing countries that are frequently used as transit or destination states for fugitives. Strengthening treaty networks reduces enforcement gaps and limits the emergence of safe havens.

Second, Indonesia should optimize the use of multilateral instruments such as United Nations Convention against Corruption (UNCAC) and United Nations Convention against Transnational Organized Crime (UNTOC) as alternative legal bases for extradition and mutual legal assistance when bilateral treaties are absent.

Third, procedural reform of Law No. 1/1979 concerning Extradition is necessary to clarify outbound extradition mechanisms and accelerate diplomatic coordination.

Fourth, Indonesia must strengthen cooperation through INTERPOL, including improving the quality of Red Notice submissions to meet international standards and minimize rejection.

Finally, proactive diplomacy, asset freezing, and mutual legal assistance should be systematically integrated to ensure fugitives cannot enjoy prolonged de facto safe havens abroad.

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