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Extradition and Mutual Legal Assistance in Combating Transnational Terrorism Financing: UNTOC and the 1999 Convention in Indonesia

Bintang Wicaksono Ajie [a] ✉, Topo Santoso [a], Febby Mutiara Nelson [a], Arie Afriansyah [a], Mohd Hazmi bin Mohd Rusli [b]

[a] Faculty of Law, Universitas Indonesia, Depok, Indonesia
[b] Faculty of Syariah and Law Universiti Sains Islam Malaysia, Bandar Baru Nilai, Malaysia

✉ corresponding email: bintang.wicaksono.ajie@gmail.com

Abstract

Transnational terrorism financing has become a serious challenge to international security and stability, necessitating interstate judicial cooperation through extradition and mutual legal assistance (MLA) mechanisms. This study analyzes the implementation of extradition and MLA mechanisms in Indonesia in relation to the synchronization of the 2000 United Nations Convention on Transnational Organized Crime (UNTOC) and the 1999 International Convention for the Suppression of the Financing of Terrorism into Indonesia's national legal framework. This study aims to assess the extent to which these international legal instruments have been integrated into national law and to identify gaps in their implementation in practice. This study uses a sociological juridical approach, combining analysis of legal norms with their implementation in practice. The case studies of Hambali and Syam Organizer illustrate the operational dynamics of extradition and MLA implementation in transnational terrorism financing cases. The results show that although Indonesia has a relatively comprehensive legal framework for international cooperation, the effectiveness of its implementation remains influenced by factors such as state sovereignty, procedural complexity, and differences in legal systems across countries. This study also found that synchronization of the 2000 UNTOC and the 1999 Convention has been carried out through Law Number 1 of 1979 concerning Extradition, Law Number 1 of 2006 concerning Mutual Assistance in Criminal Matters, and Law Number 9 of 2013 concerning the Prevention and Eradication of Criminal Acts of Terrorism Financing. However, there are still gaps in implementation, especially regarding the limited use of multilateral conventions as a basis for extradition without bilateral agreements, and the complexity of MLA procedures, both of which affect the effectiveness of international cooperation.

Keywords

Extradition, Mutual Legal Assistance, Terrorist Financing, UNTOC, Asset Recovery.

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Introduction

Terrorist financing is a form of transnational crime that poses a serious threat to international security and order. The characteristics of this crime lie not only in the acts of terror committed, but also in the perpetrators' ability to obtain, collect, manage, and channel funds across national jurisdictions to support terrorist activities.[1] In practice, perpetrators, funding sources, and assets used to support terrorist activities are often located in different countries, posing challenges for law enforcement that relies solely on national jurisdiction.[2]

The transnational nature of terrorist financing necessitates effective international cooperation to address it.[3] In this context, extradition and mutual legal assistance (MLA) are legal instruments that play a crucial role in supporting the investigation, prosecution, and enforcement of sentences against perpetrators of criminal acts.[4] Extradition allows for the handover of perpetrators from one country to another country authorized to conduct the judicial process,[5] while MLA provides the legal basis for countries to assist each other in obtaining evidence, tracing assets, examining witnesses, and taking other legal actions necessary to enforce transnational criminal law.[6]

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1 Ridho Fadli, M., Bahreisy, B., & Nasrianti. (2022). Pertanggung Jawaban Pidana Terhadap Pelaku Tindak Pidana Pendanaan Terorisme Melalui Instrumen Anti Money Laundering. *Jurnal Ilmiah Mahasiswa Fakultas Hukum (JIM FH)*, *5*(2), 175–186.

2 Apriyani, MN, Suharto, MA, & Waluyo, W. (2023). Pembaruan Peraturan Ekstradisi Dan Mutual Legal Assistance Indonesia Dalam Pengembalian Aset Hasil Korupsi Yang Berada Di Luar Negeri. *Crepido* , *5* (1), 27–41. https://doi.org/10.14710/crepido.5.1.27-41

3 Ali Masyhar et al., "Legal Challenges of Combating International Cyberterrorism: The NCB Interpol Indonesia and Global Cooperation," *Legality: Jurnal Ilmiah Hukum* 31, no. 2 (2023), https://doi.org/10.22219/ljih.v31i2.29668.

4 Pol, E., Roche, HJ La, & Jur, C. (2020). Kerja Sama Penegakan Hukum Internasional Melawan Pencucian Uang. 37(65).

5 I Made Krisna Adiwijaya. (2019). Ekstradisi Sebagai Sarana Pemberantasan Kejahatan Internasional Ditinjau dari Undang-Undang No. 1 Tahun 1979. *Jurnal Lex Et Societatis*, *7*(5), 127-138.

6 Santos, R., & Firmansyah, H. (2021). Prosedur Pelaksanaan Mutual Legal Assistance Terhadap Pemulihan Aset Hasil Korupsi Yang Dilarikan Ke Luar

Strengthening international cooperation to eradicate transnational crime was realized through various international legal instruments, including the United Nations Convention against Transnational Organized Crime (UNTOC) of 2000 and the International Convention for the Suppression of the Financing of Terrorism of 1999. Both instruments provide a normative basis for state parties to develop cooperation on extradition and mutual legal assistance in dealing with crimes that have a transnational dimension.[7] The UNTOC specifically regulates the extradition mechanism and MLA as part of efforts to strengthen international cooperation in eradicating transnational organized crime, while the 1999 International Convention emphasizes the obligation of states to criminalize the financing of terrorism and increase cooperation in the law enforcement process.[8]

As part of the international community, Indonesia has ratified the International Convention for the Suppression of the Financing of Terrorism through Law Number 6 of 2006 and ratified UNTOC through Law Number 5 of 2009. These ratifications demonstrate Indonesia's commitment to aligning national laws with international legal standards in eradicating transnational crime, particularly the financing of terrorism.[9] In addition, Indonesia also has Law Number 1 of 1979 concerning Extradition and Law Number 1 of 2006 concerning Mutual Assistance in Criminal Matters as the main instruments

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Negeri. *Rewang Rencang: Jurnal Hukum Lex Generalis, 2*(1), 40–56. https://doi.org/10.56370/jhlg.v2i1.3

7 Marus, R. I., & Putra, W. E. (2020). Pelaksanaan Kerja Sama Lintas Kementerian dan Lembaga Terhadap Pemberantasan Korupsi di Indonesia dalam Kerangka UNCATOC & UNCAC dan Kaitannya dengan UU Keimigrasian. *Journal of Law and Border Protection, 2*(2), 93–107.

8 UNODC (United Nations Office on Drugs and Crime). (n.d.). *Treaty-based crimes of terrorism: Universal counter terrorism instruments*. https://www.unodc.org/e4j/en/terrorism/module-4/key-issues/treaty-based-crimes-of-terrorism.html.

9 Pranata, FAM, Setiono, J., & Fadri, I. (2025). Mekanisme Pemulihan Aset dalam Kasus Korupsi Transnasional: Kerangka Hukum dan Tantangan Kerjasama Internasional. *Jurnal Greenasi Sosial dan Politik, 3*(3), 605–614. https://doi.org/10.38035/jgsp.v3i3.442

regulating the mechanism of international legal cooperation in the criminal field.[10]

Several normative issues remain regarding the synchronization of international legal instruments with Indonesian national law. Law No. 1 of 1979 concerning Extradition was drafted in a context of developments in international crime that differ from the current situation, raising questions about its suitability for addressing the increasingly complex nature of terrorism financing crimes. Furthermore, the implementation of mutual legal assistance also requires adequate alignment with international obligations stipulated in the UNTOC and the 1999 International Convention for the effective implementation of cross-border cooperation.

One interesting provision to analyze is Article 16, paragraph (5) of the UNTOC, which allows a state party to use the convention as the legal basis for extradition if the requested state requires a treaty basis. This provision demonstrates the flexibility of international law to overcome the limitations of extradition cooperation that have often been associated with bilateral treaties. However, the extent to which this provision has been accommodated and can be implemented within the Indonesian legal system remains to be studied.

Previous research has generally discussed extradition and mutual legal assistance as instruments of international cooperation in combating transnational crime. Jinaratana et al.'s research focuses on the role of mutual legal assistance in combating transnational crime.[11] In contrast, Mwita's research examines the role of extradition and MLA as instruments of international cooperation in criminal law enforcement. However, there is limited research specifically analyzing the relationship between the extradition and mutual legal assistance provisions in the UNTOC and the 1999 International Convention with Indonesia's

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[10] Bimantoro, T., Aris, A., & Asriyani, A. (2025). Transformasi Narko-Terorisme : Dari kejahatan Ekonomi ke Ancaman Ideologis terhadap Kedaulatan Indonesia. *Julia Litigati Amsir*, 70 – 78.

[11] Jinaratana, A., Permatasari, Y., & Claudia, J. (2023). Mutual Legal Assistance International Agreement in Eradicating Transnational Crime. *Asian Journal of Social and Humanities*, *1*(08), 343–350.

national legal framework in the context of combating the financing of transnational terrorism.[12]

Based on the above description, the novelty of this research lies in the integrative analysis of the extradition and mutual legal assistance regulations in the UNTOC and the 1999 International Convention and their synchronization into the Indonesian national legal system, particularly through Law Number 1 of 1979 concerning Extradition and Law Number 1 of 2006 concerning Mutual Assistance in Criminal Matters. This analysis is then used to assess the extent to which the applicable legal framework supports the eradication of transnational terrorism financing.

This article is structured in three sections. The first section outlines the international legal framework on extradition and mutual legal assistance based on the 2000 United Nations Convention against Transnational Organized Crime and the 1999 International Convention for the Suppression of the Financing of Terrorism. The second section analyzes the synchronization and limitations of extradition and mutual legal assistance regulations in Indonesian national law, particularly Law Number 1 of 1979 concerning Extradition and Law Number 1 of 2006 concerning Mutual Assistance in Criminal Matters. The third section discusses the application of these legal frameworks to transnational terrorism financing, assessing their relevance and effectiveness in practice.

Based on this background, this study examines two main problems, namely:

1. How is the implementation of extradition and mutual legal assistance (MLA) in combating terrorism financing in Indonesia?
2. How are the 2000 UNTOC and the 1999 International Convention synchronized into Indonesian positive law?

This research employs a sociological-juridical approach that combines analysis of legal norms with a study of their implementation in

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[12] Mwita, AM (2025). Bantuan Hukum Timbal Balik dan Ekstradisi sebagai Alat Kerja Sama Internasional di Tanzania: Praktik dan Tantangan. *Jurnal Hukum dan Etika* 8(1), 344 – 355. https://doi.org/10.37284/eajle.8.1.3652.344

practice.[13] This approach is used because the research not only examines extradition and Mutual Legal Assistance (MLA) regulations in combating terrorism financing but also analyzes their application in the Hambali and Syam Organizer cases to identify obstacles faced in international cooperation.

This research is descriptive-analytical in nature, employing a legislative approach, a conceptual approach, and a case study approach.[14] The data used are secondary data obtained through literature review, consisting of primary legal materials in the form of international conventions and relevant laws and regulations, as well as secondary legal materials in the form of books, scientific journals, reports from national and international institutions, and research results related to extradition, MLA, and terrorism financing.

The cases of Hambali and Syam Organizer were selected purposively because they represent the challenges of implementing extradition and MLA in addressing transnational terrorism financing crimes. Data analysis was conducted qualitatively by interpreting and evaluating of legal materials and documents related to the cases studied to identify the effectiveness and obstacles of the extradition and MLA mechanisms.

A. Implementation of Extradition and Mutual Legal Assistance (MLA) in Combating Terrorism Financing in Indonesia

1. International Legal Framework for Extradition and Mutual Legal Assistance in Countering Terrorism Financing

Combating terrorist financing crimes cannot be achieved solely through national legal mechanisms, as perpetrators, funding flows, and evidence often reside in different jurisdictions.[15]

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13 Soekanto, S., & Mamudji, S. (2021). *Penelitian Hukum Normatif: Suatu Tinjauan Singkat*. Jakarta: Rajawali Pers.

14 Marzuki, P. M. (2023). *Penelitian Hukum*. Jakarta: Kencana Prenada Media Group.

15 Apriyani, MN, Suharto, MA, & Waluyo, W. (2023). Pembaruan Peraturan Ekstradisi dan Mutual Legal Assistance Indonesia dalam Pengembalian Aset Hasil Korupsi Yang Berada Di Luar Negeri

Therefore, international cooperation through extradition and *mutual legal assistance* (MLA) mechanisms is a crucial instrument in enforcing the law against these crimes. In this context, two international legal instruments serve as the primary foundations:

a. *International Convention for the Suppression of the Financing of Terrorism* 1999 (1999 Convention) and
b. *United Nations Convention against Transnational Organized Crime* (UNTOC) 2000.

The 1999 Convention criminalizes the financing of terrorism and requires state parties to adopt it into national law. It also introduces the principle of *aut dedere aut judicare* (*extradite or prosecute*), which is the obligation of a state to extradite a perpetrator or prosecute if the perpetrator is within its jurisdiction.[16] Article 14 of the 1999 Convention limits the use of *the political offense exception* as a ground for refusing extradition or MLA. Thus, the financing of terrorism can no longer be treated as a political crime exempt from international cooperation.

Meanwhile, the UNTOC provides a procedural framework for the implementation of extradition and MLA. Article 16 of the UNTOC stipulates that crimes covered by the convention must be treated as *extraditable offenses* and can form the legal basis for extradition even if there is no bilateral extradition treaty between the contracting states.[17] In addition, Article 16 paragraph (10) also emphasizes the principle of *aut dedere aut judicare* by requiring states that refuse to extradite their citizens to prosecute based on their national law.

Article 16 of the UNTOC demonstrates the international community's efforts to reduce barriers to extradition arising from the absence of bilateral treaties. By allowing conventions to serve as the legal basis for extradition, the UNTOC expands states' ability to cooperate in addressing transnational crimes, including

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[16] Klein, P. (2009). Konvensi Internasional untuk Pemberantasan Pendanaan Terorisme. Perpustakaan Audiovisual Hukum Internasional Perserikatan Bangsa-Bangsa, 1–5.

[17] Kantor Perserikatan Bangsa-Bangsa tentang Narkoba dan Kejahatan (UNODC). (n.d). Konvensi Perserikatan Bangsa-Bangsa tentang Kejahatan Terorganisasi Transnasional (UNTOC).

the financing of terrorism. However, the effectiveness of this provision remains dependent on the political will and national laws of the requested state.[18]

The MLA provisions in the UNTOC are contained in Article 18, which requires states parties to provide the broadest possible legal assistance in investigations, prosecutions, and judicial proceedings. This assistance includes taking witness statements, submitting judicial documents, conducting searches and seizures, freezing assets, tracing the proceeds of crime, and providing banking and financial documents. Article 18 also prohibits the denial of MLA solely based on bank secrecy and requires each state to designate *a central authority* to receive and implement requests for legal assistance.[19]

Table 1. Comparison of the 1999 Convention with UNTOC 2000

Instrument	Main Focus	Cooperation Mechanism	Special Provisions
Convention (1999)	Criminalization of terrorism financing	Extradition and MLA are based on the principle of reciprocity.	Prohibition of "political crimes" and "fiscal crimes" as grounds for rejection.
UNTOC (2000)	Transnational organized crime	Article 16 (Extradition) & Article 18 (MLA) as the "longest articles"	Can be used as a legal basis for extradition in the absence of a bilateral agreement.

[18] Aurelita, M., & Prasetyo, H. (2024). Strategi Penegakan Hukum Internasional dalam Menanggulangi Perdagangan Narkotika Lintas Negara Melalui Jalur Maritim. *Media Hukum Indonesia (MHI),* *2*(3), 454–460. https://ojs.daarulhuda.or.id/index.php/MHI/article/view/590

[19] Kantor Perserikatan Bangsa-Bangsa tentang Narkoba dan Kejahatan. (2018). Modul 11: Kerja Sama Internasional untuk Memerangi Kejahatan Terorganisasi Transnasional.

Based on Table 1 above, the 1999 Convention focuses more on substantive aspects, such as criminalizing the financing of terrorism and eliminating barriers to extradition through the political-offense exception. In contrast, the UNTOC emphasizes procedural aspects through detailed extradition regulations and the MLA. Thus, the two instruments have complementary functions in supporting international cooperation in countering the financing of terrorism.

2. Gaps in National Legislation

As a state party to the 1999 Convention for the Suppression of the Financing of Terrorism and the 2000 United Nations Convention against Transnational Organized Crime (UNTOC), Indonesia is obligated to amend its national laws to support the implementation of extradition and *mutual legal assistance* (MLA) to counter the financing of terrorism. These obligations are implemented through Law Number 1 of 1979 concerning Extradition, Law Number 1 of 2006 concerning Mutual Assistance in Criminal Matters, and Law Number 9 of 2013 concerning the Prevention and Eradication of Criminal Acts of Financing of Terrorism.

Law Number 1 of 1979 is the primary legal basis for extradition in Indonesia. However, this law still uses *a list system*, meaning only crimes listed in the appendix can serve as grounds for extradition.[20] This model presents limitations because the development of transnational crime is faster than the pace of national legislative reforms. Furthermore, extradition still relies heavily on the existence of bilateral agreements, so diplomatic relations between countries often influence international cooperation.[21]

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20 Manek, N. C. (2022). Reliabilitas UndangUndang Ekstradisi (Tinjauan Yuridis Terhadap Ekstradisi). *Widya Yuridika: Jurnal Hukum, 5*(1). 41-50.

21 Ramadhan, F. N. (2024). Analisis Pemberian Suaka Terhadap Ahmed Chataev Oleh Austria Ditinjau Dari Sudut Pandang Hukum Pengungsi Internasional. *Belli Ac Pacis (Jurnal Hukum Internasional), 10*(1), 89–107. https://doi.org/10.20961/belli.v10i1.43180

On the other hand, Law No. 1 of 2006 provides the legal basis for Indonesia to request and provide mutual legal assistance in criminal cases.[22] Through the MLA mechanism, law enforcement officials can obtain evidence, banking documents, conduct asset searches, and conduct searches and seizures in other countries' jurisdictions.[23] However, the implementation of MLA still faces obstacles, particularly related to the principle of *dual criminality*, which requires that the act for which assistance is requested must constitute a crime in both countries. Furthermore, differences between *civil law* and *common law legal systems* often lead to differing standards of proof and asset seizure procedures, which can slow down the process of international cooperation.[24]

In addition to binding instruments (*hard law*), Indonesia has adopted international standards established by the Financial Action Task Force (FATF) as a reference for preventing money laundering and terrorism financing. Indonesia's full membership in the FATF, starting in 2023, requires strengthening financial transparency, identifying *beneficial ownership*, and exchanging financial information across borders to support the effectiveness of extradition and MLA.[25]

Within this framework, the Financial Transaction Reports and Analysis Center (PPATK) acts as a *Financial Intelligence Unit* (FIU), analyzing suspicious financial transactions. The information generated by the PPATK is used not only as a basis for

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[22] Indah Sri Utari et al., "A Criminological Perspective on Corruption as a Catalyst of Economic Breakdown: Socio-Legal Challenges in Indonesian Environmental Governance," *Jambe Law Journal* 9, no. 1 (2026): 205–47, https://doi.org/10.22437/jmj4ac47.

[23] Hukum Online. Menganut Prinsip Retroaktif, Perjanjian MLA Indonesia-Swiss Sah Ditandatangani. https://www.hukumonline.com/berita/a/menganut-prinsip-retroaktif--perjanjian-mla-indonesia-swiss-sah-ditandatangani-lt5c591d5376666/.

[24] Kesuma, D. A. (2021). Penerapan Mutual Legal Assistance (MLA) dan Perjanjian Ekstradisi Sebagai Upaya Indonesia Terkait Pengembalian Aset Hasil Tindak Pidana Korupsi. *Lex Lata*.

[25] Pusat Pelaporan dan Analisis Transaksi Keuangan. Bela Negara: Kekuatan Kolektif Cegah dan Berantas Kejahatan Siber. https://www.ppatk.go.id/siaran_pers/read/1608/bela-negara-kekuatan-kolektif-cegah-dan-berantas-kejahatan-siber.html.

domestic investigations but also as a basis for submitting MLA requests to other countries.[26] Through financial transaction data, law enforcement officials can identify accounts, assets, and cross-border fund flows, which can then be traced through international cooperation mechanisms.

Table 2. PPATK Report on Financial Crimes

Aspect	2024	2025	Growth (%)
Number of Reports Received	35.6 million	43 million	22.5
Average Reports per Hour	17,825	21,861	22.6
Number of PPATK Analysis Outputs	–	994	–
Analyzed Fund Value (IDR)	1,459.6 trillion	2.085 trillion	42

Source: (Rizaldi, 2026)[27]

Based on the bolded text above, the number of reports received by the Financial Transaction Reports and Analysis Center (PPATK) increased from 35.6 million in 2024 to 43 million in 2025, while the value of funds analyzed increased from IDR 1,459.6 trillion to IDR 2,085 trillion. This increase indicates the increasing need for oversight of financial activities and the growing

[26] Pusat Pelaporan dan Analisis Transaksi Keuangan. (2024). Milestone: Laporan Tengah Tahun INTRAC 2024. 86.

[27] Rizaldi, BA (2026). PPATK mengungkapkan laporan kejahatan keuangan meningkat pada tahun 2025. Antaranews.Com. https://www.antaranews.com/berita/5392318/ppatk-ungkap-laporan-kejahatan-keuangan-meningkat-pada-2025

role of financial intelligence in detecting suspected crimes, including terrorism financing.[28]

In this context, PPATK data and analysis not only serve as the basis for domestic investigations but also serve as a crucial instrument for international cooperation. Financial information obtained by PPATK can be used to identify accounts, assets, and cross-border fund flows, thus serving as a starting point for *mutual legal assistance* (MLA) applications to obtain evidence, trace assets, or freeze and seize assets located in other jurisdictions.[29] Therefore, the financial intelligence generated by PPATK serves as a crucial foundation for the effective implementation of MLA in transnational terrorism financing cases.

3. Implementation of Extradition Mechanism and MLA in Practice

a. The Hambali Case

The case of Hambali (Encep Nurjaman alias Riduan Isamuddin) is an important example in the discussion of the implementation of extradition in transnational terrorism cases. Hambali is known as a senior figure in Jemaah Islamiyah (JI) with ties to the Al-Qaeda network and is suspected of involvement in various major terrorist acts in Indonesia, including the 2002 Bali Bombing and the 2003 JW Marriott Hotel bombing. After being arrested in Thailand in 2003 through a joint international operation, Hambali was handed over to the United States authorities and then placed in Guantanamo Detention Camp, Cuba. To date, the legal process against Hambali has been carried out through the United States Military Commission and has never been

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[28] Pusat Pelaporan dan Analisis Transaksi Keuangan (PPATK). (2021). Penilaian Risiko Indonesia terhadap Tindak Pidana Pendanaan Terorisme dan Pendanaan Proliferasi Senjata Pemusnah Massal Tahun 2021.

[29] Rahayuningsih, T. (2013). Analisis Peran PPATK Sebagai Salah Satu Lembaga dalam Menanggulangi Money Laundering di Indonesia. *Jurnal Yuridika, 28*(3), 314–330. https://doi.org/10.20473/ydk.v28i3.349

implemented in Indonesia.[30] This situation makes Hambali's case relevant to analysis because it shows various obstacles in the implementation of extradition, particularly related to the absence of an extradition treaty between Indonesia and the United States and the strong influence of national security considerations in international law enforcement cooperation.

The Hambali case demonstrates that the implementation of extradition mechanisms in transnational terrorism cases is not only determined by the existence of international legal instruments, but also by political factors and the national security interests of the requested country.[31] Normatively, Article 16 paragraph (4) of the UNTOC provides the possibility for state parties to use the convention as a legal basis for extradition even in the absence of a bilateral extradition treaty. This provision is intended to reduce the obstacles to international cooperation that have often arisen due to the absence of extradition treaties between countries.

However, Hambali's case demonstrates that the existence of an international legal basis does not automatically guarantee extradition. After being arrested in Thailand in 2003, Hambali was placed under United States jurisdiction and is currently undergoing legal proceedings through the United States Military Commission at Guantanamo Bay. Indonesia has never obtained Hambali's surrender for trial in a national court, even though the majority of the crimes he is accused of occurred in Indonesian territory and resulted in a significant number of casualties.[32]

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30 Akbar, Nawir Arsyad,. Jejak Hambali dalam Serangan Teror, Tak Diizinkan Kembali ke Indonesia. Kompas.com. https://nasional.kompas.com/read/2025/06/13/17103371/jejak-hambali-dalam-serangan-teror-tak-diizinkan-kembali-ke-indonesia.

31 Ariqa, Wavi. (2022). *Yurisdiksi Negara dalam Ekstradisi Narapidana Terorisme Ditinjau dari Hukum Internasional (Studi Kasus Terpidana Tindak Kejahatan Hambali).* Tesis Universitas Islam Riau.

32 Juwana, Hikmahanto. (2003). Berhadapan dengan AS dalam Ekstradisi Hambali. Hukum Online. https://www.hukumonline.com/berita/a/berhadapan-dengan-as-dalam-ekstradisi-hambali-hol8517/.

From an international legal perspective, this situation indicates that the UNTOC only provides a facilitative framework for extradition cooperation. This Convention does not eliminate the principle of state sovereignty, which grants the requested state the authority to determine whether to accept or reject an extradition request.[33] Nevertheless, there is a legal basis for extradition without a bilateral treaty; its implementation remains dependent on the policies and interests of the state controlling the perpetrator.

These obstacles are increasingly apparent because Indonesia and the United States do not have a bilateral extradition treaty that specifically governs the rights and obligations of the parties in the surrender of suspects or convicts. The absence of such an agreement makes Indonesia's position in requesting Hambali's surrender weaker than if there were a specifically binding bilateral instrument.[34] As a result, the possibility of using Article 16 paragraph (4) of the UNTOC as a basis for extradition depends heavily on the political willingness of the United States to accommodate Indonesia's request.

Beyond the extradition treaty, US national security is also a crucial factor. Hambali is seen as a key figure in an international terrorist network linked to Al-Qaeda and several major terrorist attacks in Southeast Asia. From the US perspective, Hambali's information is considered strategically valuable for global counterterrorism purposes. Therefore, the legal process against Hambali is being conducted through the United States Military Commission rather than by handing him over to another country, including Indonesia.

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33 Setyarini, D, M., Mahendrawati, N, L, M., Arini, D, G, D.(2019). Ekstradisi Sebagai Upaya Pencegahan dan Pemberantasan Kejahatan Internasiona. *Jurnal Analogi Hukum. 2*(1). 17-21. http://dx.doi.org/10.22225/.2.1.1610.17-21

34 Ariqa, W. (2022). Yurisdiksi Negara Dalam Ekstradisi Narapidana Terorisme Ditinjau dari Hukum Internasional (Studi Kasus Terpidana Tindak Kejahatan Hambali). 8.5. 2017, 96.

This case also demonstrates that the principle of *aut dedere aut judicare* is not always realized through extradition.[35] Although Hambali was not handed over to Indonesia, the United States still pursued the prosecution through its own judicial system. Thus, the principle's primary objective, preventing terrorists from achieving impunity, was formally fulfilled even though the country with a direct interest in the case lacked jurisdiction to prosecute the perpetrator.

From the perspective of Indonesian national law, the Hambali case also demonstrates the limited effectiveness of Law No. 1 of 1979 concerning Extradition, whose implementation still relies heavily on bilateral agreements and the principle of reciprocity. These limitations demonstrate that harmonizing national law with international instruments is not yet fully capable of ensuring the success of extradition when it conflicts with the political and security interests of other countries.[36]

Table 3. MLA Implementation Practices Based on UNTOC in Indonesia

Types of MLA Assistance	Legal Basis of UNTOC	Implementation and Challenges in Indonesia
Taking evidence or witness statements	Article 18 number (3) letter (a)	It can be done through examining witnesses abroad, but it often requires time-consuming coordination between authorities.
Search and seizure	Article 18 number (3) letter (c)	It is one of the most complex forms of assistance because it depends on the country's legal procedures and the requirements of local court orders.

35 Klein, P. (2009). Konvensi Internasional untuk Pemberantasan Pendanaan Terorisme. Perpustakaan Audiovisual Hukum Internasional Perserikatan Bangsa-Bangsa

36 Juwana, Hikmahanto. (2003). Berhadapan dengan AS dalam Ekstradisi Hambali. Hukum Online.

Inspection of specific objects and locations	Article 18 number (3) letter (d)	Requires cross-agency coordination and often involves international cooperation networks such as Interpol.
Submission of judicial documents	Article 18 number (3) letter (b)	It is relatively easier to implement, but it still depends on the effectiveness of communication between the Central Authorities of each country.

Source: (United Nations Office on Drugs and Crime, 2018)[37]

Table 3 above shows that most forms of legal aid stipulated in Article 18 of the UNTOC have been accommodated in Indonesia's international cooperation practices. However, the effectiveness of each form of assistance varies. Assistance in the form of document submission and witness testimony is relatively easier to implement. At the same time, searches, asset seizures, and cross-border evidence tracing still face procedural obstacles due to differences in legal systems, evidentiary requirements, and the application of the principle of *dual criminality*. This finding suggests that the main challenge in implementing MLA lies not in the lack of a legal basis, but rather in coordination between authorities and harmonization of legal procedures across countries.

b. The Syam Organizer (SO) Case

The Syam Organizer (SO) case illustrates the importance of *the mutual legal assistance* (MLA) mechanism in proving terrorist financing crimes involving cross-border fund flows. According to West Jakarta District Court Decision No. 363/Pid.Sus/2022/PN Jkt.Brt, the organization affiliated with Jemaah Islamiyah (JI) collected funds from the public through donation boxes and various other forms of donations, which were then used to support the organization's activities,

[37] Kantor Perserikatan Bangsa-Bangsa tentang Narkoba dan Kejahatan. (2018). Modul 11: Kerja Sama Internasional untuk Memerangi Kejahatan Terorganisasi Transnasional.

including the transfer of funds related to military training activities in Syria.[38]

The characteristics of this case demonstrate that terrorist financing crimes are not always committed within a single national jurisdiction. Funds can be raised in Indonesia, transferred through various financial channels, and used in other countries to support terrorist group activities. Consequently, proving a crime is not sufficient to rely solely on evidence within Indonesian territory; it also requires access to banking documents, financial transaction data, the identities of recipients, and other information held in foreign jurisdictions.[39]

In this context, the Mutual Assistance (MLA) mechanism, as stipulated in Article 18 of the UNTOC and Law No. 1 of 2006 concerning Mutual Assistance in Criminal Matters, is a crucial instrument. Through the MLA, Indonesia can request assistance from other countries to obtain banking documents, conduct asset tracing, present witnesses, and obtain information necessary to prove the connection between funds collected in Indonesia and terrorist activities occurring abroad. Without this mechanism, the evidentiary process would face jurisdictional challenges because Indonesian law enforcement officials lack direct authority to access evidence located in other countries.[40]

The Syam Organizer case also demonstrates that proving terrorist financing is fundamentally different from proving conventional criminal acts. The focus of the evidence lies not only on the perpetrator's actions, but also on the ability of law enforcement to trace the movement of funds from their initial

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[38] Putusan Pengadilan Negeri Jakarta Barat Nomor 363/Pid.Sus/2022, (2022).

[39] Mathovani, SA (2022). Pelaksanaan Kerjasama Ekstradisi Politik Luar Negeri Indonesia dalam Meningkatkan Sistem Kekebalan Hukum di Kawasan Asean Implementasi Kerja Sama Ekstradisi Politik Luar Negeri Indonesia dalam Meningkatkan Sistem Kekebalan Tubuh di Kawasan Asean. *Jurnal Konstitusi*, 1(1).

[40] Efendi Lod Simanjuntak. (2020). Penegakan Hukum Lintas Jurisdiksi Terhadap Pelaku. *Jurnal Hukum Progresif, 8*(1), 28–43.

source to their final destination.[41] Therefore, financial intelligence information obtained from the Financial Transaction Reports and Analysis Center (PPATK) is a crucial starting point in identifying suspicious transaction patterns. However, this information is generally insufficient to serve as complete evidence if some transactions are conducted through accounts, financial institutions, or parties outside of Indonesian jurisdiction.

From the perspective of implementing international legal regulations, the Syam Organizer case demonstrates that the MLA mechanism plays a more significant role than extradition in terrorism financing cases. While extradition focuses on the surrender of the perpetrator, the MLA focuses on obtaining evidence and tracing assets spread across multiple countries.[42] Therefore, the effectiveness of law enforcement against terrorism financing depends heavily on a country's ability to establish cooperation in information exchange and legal assistance with other countries.[43]

The implementation of the MLA in terrorism financing cases still faces several obstacles. Differences in legal systems, the application of the principle of *dual criminality*, and differences in standards of proof between countries can delay the legal aid process. These obstacles demonstrate that the success of addressing transnational terrorism financing is determined not only by the availability of international legal instruments, but

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[41] Naritha, N. B., & Saputra, A. L. (2021). Pemidanaan Penyandang Dana Pelaku Terorisme. *JHP 17 (Jurnal Hasil Penelitian), 6*(2), 11–15. https://doi.org/10.30996/jhp17.v6i2.6207

[42] Diandra Preludio Ramada and Indah Sri Utari, "Unveiling the Surge in Corruption: A Menacing Threat to Indonesia's Stability in Anti-Corruption Law Reform," *Journal of Law and Legal Reform* 5, no. 1 (2024), https://doi.org/10.15294/jllr.vol5i1.2092.

[43] Permata, C., & Putri, H. (2023). Peran Teknologi Finansial Dalam Pencegahan Pendanaan Terorisme. *Jurnal Hukum Ius Quia Iustum, 30*(1), 70–90. https://doi.org/10.20885/iustum.vol30.iss1.art4

also by effective coordination and cooperation between law enforcement authorities in various countries.[44]

c. Analysis of the Effectiveness of International Arrangements and Barriers to Implementation

An analysis of the Hambali and Syam Organizer cases shows that international legal instruments have provided a relatively adequate framework to support international cooperation in countering the financing of terrorism. The 1999 Convention for the Suppression of the Financing of Terrorism laid the foundation for the criminalization of terrorism financing. It strengthened states' obligations to cooperate in law enforcement, while the 2000 UNTOC provided a more operational mechanism through extradition and *mutual legal assistance* (MLA) arrangements. As shown in Table 1, the two instruments have complementary functions: the 1999 Convention serves as the substantive basis for criminalizing the financing of terrorism, while the UNTOC provides procedural mechanisms to support cross-border cooperation. Therefore, normatively, there is no gap in international law in the regulation of extradition and MLA for countering the financing of terrorism.

However, the effectiveness of these international regulations in practice still depends heavily on their implementation by each country. The Hambali case demonstrates that extradition mechanisms are not always feasible, even though international instruments enabling cross-border cooperation exist. Conversely, the Syam Organizer case demonstrates that the MLA mechanism is more adaptive to the characteristics of terrorist financing crimes, which focus on the movement of funds, assets, and transactions across jurisdictions.[45] This finding indicates that the development of

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[44] Salomon, TR (2013). Bantuan Hukum Timbal Balik dalam Perkara Pidana. Ensiklopedia Hukum Internasional Publik Max Planck, Januari 2013. https://doi.org/10.1093/law:epil/9780199231690/e966

[45] Pranata, FAM, Setiono, J., & Fadri, I. (2025). Mekanisme Pemulihan Aset dalam Kasus Korupsi Transnasional: Kerangka Hukum dan Tantangan Kerjasama Internasional.

terrorist financing modus operandi has shifted the need for international cooperation from simply handing over perpetrators to tracing the flow of funds and verifying cross-border financial transactions. Therefore, in modern law enforcement practice, the effectiveness of the MLA is often more crucial for uncovering terrorist financing crimes than the extradition mechanism alone.

From a national legal perspective, this study found that Indonesia has harmonized its international obligations through Law No. 1 of 1979 concerning Extradition, Law No. 1 of 2006 concerning Mutual Assistance in Criminal Matters, and Law No. 9 of 2013 concerning the Prevention and Eradication of Criminal Acts of Terrorism Financing. However, this harmonization has not eliminated implementation obstacles. The use of *a list system,* the Extradition Law, demonstrates that national regulations remain oriented toward conventional approaches that rely on specific criminal classifications. At the same time, the nature of transnational crime evolves much faster than legislative reforms. Furthermore, reliance on bilateral agreements and the application of the principle of *dual criminality* can still limit the effectiveness of international cooperation when there are differences in legal arrangements between the requesting and requested countries.

The research findings also indicate that implementation barriers stem not only from normative aspects but also from political, institutional, and technical factors. The Hambali case demonstrates that the national security interests of the requested country can influence the implementation of extradition, even when an international legal basis for cooperation exists. On the other hand, the Syam Organizer case demonstrates that proving terrorism financing requires access to financial transaction data, banking documents, and asset information located outside national jurisdiction. This situation emphasizes the crucial role of financial intelligence, particularly the Financial Transaction Reports and Analysis Center (PPATK), as a liaison between the suspicious transaction detection process and the MLA mechanism for obtaining cross-border evidence. In other words, the effectiveness of international cooperation in terrorism financing cases is determined not only by available legal instruments but also by institutional capacity, the speed of information exchange, and the level of coordination among the authorities involved.

B. Synchronization of UNTOC 2000 and International Convention 1999 into national positive law

Synchronization of international law into national law is the process of adapting the norms contained in international treaties to the domestic legal system through ratification mechanisms and the establishment of national legislation.[46] In the Indonesian legal system, ratification of an international treaty does not always result in the international norm being directly applicable, but rather requires its transformation into national legislation so that law enforcement officials and the courts can implement it.[47] Therefore, synchronization of the 2000 UNTOC and the 1999 International Convention for the Suppression of the Financing of Terrorism is demonstrated not only through ratification but also through the establishment of various national legal instruments that adopt the substance of both conventions.

Indonesia ratified the 1999 International Convention for the Suppression of the Financing of Terrorism through Law Number 6 of 2006, while the 2000 UNTOC was ratified through Law Number 5 of 2009. These ratifications demonstrate Indonesia's commitment to integrating international norms on the eradication of the financing of terrorism and transnational

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[46] Indah Sri Utari et al., "Legal Protection for Child Sexual Violence Victims: Victimology Perspectives, Challenges, and Policy Solutions in Asia," *Jurnal Suara Hukum* 8, no. 1 (2026), https://doi.org/10.26740/jsh.v8n1.p40-77.

[47] Wibawa, D. S., & Sholikah, D. I. (2026). Integrasi Prinsip Hukum Internasional Ke dalam Sistem Hukum Nasional Indonesia. *IBLAM Law Review, 6*(1), 18–25. https://doi.org/10.52249/ilr.v6i1.645

organized crime into the national legal system. The implementation of these two international instruments was further realized through Law Number 1 of 1979 concerning Extradition, Law Number 1 of 2006 concerning Mutual Assistance in Criminal Matters, and Law Number 9 of 2013 concerning the Prevention and Eradication of Criminal Acts of Financing of Terrorism.[48]

Table 4. Synchronization of the 2000 UNTOC and the 1999 Convention on the Financing of Terrorism into Indonesian Positive Law

International Instruments	Basic Provisions	Indonesian National Law	Synchronization Form
1999 Convention on the Financing of Terrorism Article 2	Criminalization of terrorism financing	Law No. 9 of 2013	Adopted through the regulation of criminal acts of financing terrorism
1999 Convention on the Financing of Terrorism Article 8	Freezing and tracking of terrorism funds	Law No. 9 of 2013 and the authority of the PPATK	Implemented through transaction tracking mechanisms and temporary suspension of transactions.
1999 Convention on the Financing of Terrorism Article 12	International cooperation in investigation and prosecution	Law No. 1 of 2006	Implemented through the MLA mechanism
UNTOC Article 16	Extradition	Law No. 1 of 1979	Accommodated, but still dependent on extradition treaties and the principle of reciprocity
UNTOC Article 18	Mutual Legal Assistance (MLA)	Law No. 1 of 2006	Implemented through a mutual legal assistance mechanism

[48] Janwardo, R., & Adhari, A. (2022). Analisis Terhadap Delik Permufakatan Jahat Pendanaan Terorisme dalam Putusan Pengadilan Negeri Jakarta Timur Nomor 398/Pid.Sus/2018/PN Jkt.Tim. *Jurnal Hukum Adigama, 5*(1), 1441–1458. https://doi.org/10.24912/adigama.v5i1.20101

UNTOC Article 13	International cooperation for asset tracking and confiscation	Law No. 1 of 2006	Implementation still depends on cooperation from other countries and domestic procedures

Source: (Janwardo & Adhari, 2022).

Based on Table 4 above, most of the substance contained in the 2000 UNTOC and the 1999 Convention on the Financing of Terrorism has been adopted into Indonesian national law through various regulatory instruments. This synchronization is evident in the criminalization of terrorism financing under Law Number 9 of 2013, the regulation of extradition under Law Number 1 of 1979, and the implementation of *mutual legal assistance* under Law Number 1 of 2006. Thus, normatively, Indonesia has sought to fulfill its international obligations to eradicate the financing of terrorism and transnational organized crime.

This synchronization has not eliminated the gap between international norms and national law. In the field of extradition, Article 16, paragraph (4) of the UNTOC provides the possibility for state parties to use the convention as the legal basis for extradition even in the absence of a bilateral agreement. However, Law Number 1 of 1979 still makes the extradition treaty the primary basis for extradition. As a result, the use of the UNTOC as the basis for extradition without a bilateral agreement does not yet have a firm basis in national legal practice.[49] This condition shows that the flexibility provided by the UNTOC has not been fully accommodated in the Indonesian legal system.

Similar gaps are also found in the implementation of *mutual legal assistance*. Article 18 of the UNTOC requires an effective mechanism for mutual legal assistance to support law enforcement in combating transnational crime. Although Law No. 1 of 2006 provides the legal basis for MLA implementation, the process still involves multiple administrative stages and relatively lengthy coordination among authorities. In cases of terrorism financing,

[49] Yaplegal. (n.d). Hukum Internasional dan Ekstradisi. https://yaplegal.id/kamus/hukum-internasional-dan-ekstradisi.

which involve the rapid movement of funds across jurisdictions, this situation has the potential to reduce the effectiveness of asset tracing and evidence collection.[50]

The implementation of legal harmonization also faces challenges stemming from differences in legal systems between countries and the application of the principle of *dual criminality*. In MLA practice, a request for assistance can be hindered if the act requested is not classified as a crime by the requested country. Differences in evidentiary procedures between countries adopting *civil law* and *common law systems* can also impact the speed and effectiveness of international cooperation.

The most significant gap is seen in the mechanism for confiscating assets derived from criminal activity. UNTOC encourages state parties to develop effective systems for tracking, freezing, confiscating, and forfeiting the proceeds of crime. However, Indonesia still relies on an asset-confiscation mechanism that generally requires a criminal conviction. This situation presents challenges when the perpetrator is abroad, has fled, has died, or cannot be present in court. In such circumstances, assets suspected of being derived from criminal activity can often only be frozen without being permanently confiscated.

This situation indicates that there is still a gap between the objectives of asset forfeiture developed in the UNTOC and the mechanisms available under Indonesian national law. In the context of transnational organized crime and terrorist financing, various international instruments emphasize the importance of a state's ability to effectively track, freeze, seize, and confiscate assets, including when criminal proceedings against perpetrators face jurisdictional obstacles. In this context, the need for *a non-conviction-based asset forfeiture (NCB)* mechanism becomes increasingly relevant in transnational terrorist financing crimes.[51]

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50 Sri, D., Dhumilah, R., & Mustofa, M. (2025). Rekonstruksi Perluasan Sanksi Pidana untuk Kejahatan Pencucian Uang Melalui Penyitaan Aset Berbasis Non-Hukuman (NCB) dan Gugatan In Rem. 3(9), 1717–1727.

51 Sigalingging, B. (2021). Bantuan Hukum Timbal Balik Dalam Perampasan Aset Korupsi Antar Lintas Batas Negara. Iuris Studia: *Jurnal Kajian Hukum, 2*, 387–398. https://doi.org/10.55357/is.v2i3.152

These crimes often involve perpetrators located outside Indonesian jurisdiction, using assumed identities, or even dying before the trial is completed. In such circumstances, a conviction-*based forfeiture mechanism* can make it difficult to recover assets suspected of being derived from criminal activity. However, Articles 12 and 13 of the UNTOC emphasize the importance of a state's ability to effectively track, freeze, seize, and confiscate the proceeds of crime as part of a strategy to combat transnational organized crime.

In the context of national law, provisions regarding asset forfeiture are scattered across various laws and regulations and generally still require criminal proceedings against perpetrators. This situation limits the effectiveness of asset recovery when perpetrators cannot be brought to court.[52] Therefore, the idea of establishing an Asset Forfeiture Law is relevant as an instrument to strengthen the harmonization of national law with international standards developed by the UNTOC and various international recommendations related to the eradication of transnational crime.[53]

However, the implementation of the NCB mechanism must also adhere to the principles of the rule *of law*, the protection of property rights, the presumption of innocence, and guarantees of *due process of law*. Therefore, if this mechanism is adopted into national law, its provisions must be accompanied by clear evidentiary procedures, a complaint mechanism for good-faith third parties, and adequate judicial oversight to prevent abuse of authority by law enforcement officials.[54] Therefore, strengthening

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[52] Ayuningsih, IR, Nelson, FM, Ayuningsih, IR, & Nelson, FM (nd). Perampasan Aset Tanpa Pemidanaan : Suatu Perbandingan Indonesia dan Australia Telah satu dekade Pusat Pelaporan dan Analisis Transaksi Keuangan menuntaskan. 7, 246 – 261.

[53] Hartono, DT, Azizah, A., & Ghufron, N. (2025). Kedudukan Perma Nomor 1 Tahun 2013 Dalam Sistem Peradilan Pidana Indonesia. *Eduvest - Jurnal Studi Universal, 5*(5), 5933–5942. https://doi.org/10.59188/eduvest.v5i5.51281

[54] S.M, Probo Pribadi, (2026). Urgensi Penerapan Non-Conviction Based Asset Forfeiture dalam Sistem Hukum Indonesia. NCC Netralnews (online article), http://dx.doi.org/10.2139/ssrn.6733439

the asset confiscation regime is not only aimed at increasing the effectiveness of combating terrorism financing but also maintaining a balance between the interests of law enforcement and the protection of human rights.

Based on the above description, it can be concluded that the synchronization of UNTOC 2000 and the International Convention for the Suppression of the Financing of Terrorism 1999 into Indonesian positive law has been carried out through the transformation of international norms into Law Number 1 of 1979 concerning Extradition, Law Number 1 of 2006 concerning Mutual Assistance in Criminal Matters and Law Number 9 of 2013 concerning the Prevention and Eradication of Criminal Acts of Financing of Terrorism. However, there are still several gaps between international standards and the implementation of national law, especially regarding the use of conventions as a basis for extradition without a bilateral agreement, the effectiveness of MLA implementation, and obstacles arising from differences in legal systems and the principle of *dual criminality*. Therefore, the harmonization of national law with these two international instruments needs to be continuously strengthened to better support the prevention of increasingly complex and transnational terrorism financing.

Conclusion

The implementation of extradition and *mutual legal assistance* (MLA) in combating terrorism financing in Indonesia has been supported by a relatively comprehensive international legal framework through the 1999 International Convention for the Suppression of the Financing of Terrorism and the 2000 *United Nations Convention against Transnational Organized Crime (UNTOC). However, the effectiveness of their implementation remains constrained by various legal, institutional, and* political obstacles. The Hambali case demonstrates that extradition is not determined solely by the existence of international legal instruments, but is also strongly influenced by the principle of state sovereignty and the national security interests of the requested country. Meanwhile, the Syam Organizer case demonstrates the importance of international cooperation mechanisms for obtaining information and evidence and for tracing the flow of funds across jurisdictions. Thus, the main challenge in implementing extradition and MLA in terrorism financing cases lies in the effectiveness of cross-border cooperation between countries, not in the absence of international legal instruments.

Synchronization of the 2000 UNTOC and the 1999 Convention on the Financing of Terrorism into Indonesian positive law has been carried out through the ratification and transformation of international norms into Law Number 1 of 1979 concerning Extradition, Law Number 1 of 2006 concerning Mutual Assistance in Criminal Matters, and Law Number 9 of 2013 concerning the Prevention and Eradication of Criminal Acts of Financing of Terrorism. Although most of the substance of both conventions has been adopted, there are still several gaps between international standards and national law, especially related to the less-than-optimal use of multilateral conventions as a basis for extradition without a bilateral agreement, the still complex procedures for implementing the MLA, and the less than optimal regulation of asset confiscation in supporting the recovery of assets resulting from transnational crime. Therefore, harmonization of national law needs to be strengthened by revising Law Number 1 of 1979 to be more aligned with multilateral convention-based extradition mechanisms, improving Law Number 1 of 2006 to enhance the effectiveness of MLA implementation, and strengthening asset confiscation regulations to more effectively support the eradication of terrorism financing.

This study is limited by its use of a sociological-juridical approach, which examines implementation only through case studies of Hambali and Syam Organizer and through an analysis of relevant laws and regulations. Therefore, it does not include broader empirical measures of the effectiveness of international cooperation's effectiveness. Therefore, further research is recommended to expand the empirical study on extradition and MLA implementation, including the duration of the legal assistance request process, the success rate of cross-border asset tracing, and the increasingly complex dynamics of international cooperation in handling terrorism financing.

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