

Indonesia's Negotiation Strategy in Establishing Extradition Treaty with Singapore in 2022

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ABSTRACT

This study discusses the negotiation strategy used by the Government of Indonesia towards the Government of Singapore in establishing an extradition treaty. An extradition treaty is crucial for Indonesia to be able to try wanted fugitives who escaped to Singapore due to corruption cases. After decades of discussion, Indonesia and Singapore's extradition treaty has finally reached an agreement in 2022 during Joko Widodo and Lee Hsien Loong's leadership, due to preconditions given by both parties. This descriptive qualitative study uses the concept of collaborative negotiation strategy (win-win) developed by Lewicki, Barry & Saunders. The results of this research show that Indonesia's negotiation strategy used during the leadership of President Joko Widodo used a collaborative (win-win) negotiation strategy, indicated by the fact that both parties could achieve the desired national interests. On one hand, Indonesia has established an extradition agreement, in addition to the Flight Information Region. On the other hand, Singapore has also established a Defense Cooperation Agreement as a precondition to the extradition agreement, in order to carry out military exercises in Indonesia's territory. In conclusion, the negotiation strategy was successfully carried out by Indonesia, proven by the signing of the extradition treaty, which was further ratified by the People's Representative Council of the Republic of Indonesia.

Keywords: Extradition Treaty, Indonesia, Singapore, Negotiation Strategy, Win-win

INTRODUCTION

This research examines the Government of Indonesia's negotiation strategy to establish an extradition treaty with Singapore. In this context, an extradition treaty is a bilateral agreement between two states, on the transfer of wanted criminals to be transferred to their home country to be tried in court for their alleged crimes (Kemlu, 2022). Before this agreement, Singapore has been a safe haven for Indonesian criminals, especially alleged corruptors to escape trial (Sorongan, 2021). Hence, an extradition treaty between Indonesia and Singapore is crucial in enhancing both countries' law enforcement against transnational organized crime.

Article History: Received 14 August 2023, Revised 12 September 2023,
Accepted 20 October 2023, Available online 27 November 2023

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Previously, Indonesia had already signed 12 extradition treaties, including: Extradition Treaty between Indonesia and Malaysia signed on 7 January 1974, Extradition Treaty between Indonesia and the Philippines signed on 10 February 1976, Extradition Treaty between Indonesia and Thailand signed on 29 June 1976, Extradition Treaty between Indonesia and Australia signed on 22 April 1992, Extradition Treaty between Indonesia and Hong Kong signed on 22 May 1997, Extradition Treaty between Indonesia and South Korea signed on 28 November 2000, Extradition Treaty between Indonesia and India signed on 22 January 2011, Extradition Treaty between Indonesia and Papua New Guinea signed on 17 June 2013, Extradition Treaty between Indonesia and Vietnam signed on 27 June 2013, Extradition Treaty between Indonesia and the United Arab Emirates signed on 2 February 2014, and Extradition Treaty between Indonesia and Iran signed on 14 December 2016 (Kemlu, 2023).

On the other hand, the discussion regarding an extradition agreement between Indonesia and Singapore arise during the Bank of Indonesia's Liquidation Assistance (BLBI) case, which had transferred 147.7 trillion Rupiah to 48 banks in Indonesia, in response to the monetary crisis (Sandria, 2022). During Megawati and Yudhoyono's leaderships, Indonesia continued to negotiate with Singapore to discuss an extradition agreement. As a result, an extradition treaty between Indonesia and Singapore had been signed by Indonesian Foreign Minister Hassan Wirajuda and Singaporean Foreign Minister George Yeo on 27 April 2007 in Tampaksiring Palace, Bali, and witnessed by President Yudhoyono and Prime Minister Lee Hsien Loong (Sekretariat Kabinet Presiden RI, 2022).

However, the signed extradition treaty couldn't be implemented, because it has not been ratified by both parties. The reason why the Commission I of the Indonesian Parliament did not ratify the extradition agreement is because Singapore gave a condition for Indonesia to also ratify the Defense Cooperation Agreement (DCA), which includes a permission to conduct military practice in Indonesia's territory. Indonesia perceived that Singapore's interest to exercise DCA would undermine Indonesia's territorial sovereignty, which resulted in the delay of the extradition agreement's ratification (Khoirina, 2021).

After a long process, the Indonesian President Joko Widodo invited Singaporean Prime Minister Lee Hsien Loong to a Leaders' Retreat in Bintan on 25 January 2022 to sign an extradition treaty between the two states (Sekretariat Kabinet Presiden RI, 2022). Afterwards, the Indonesian Parliament ratified this extradition treaty as the Law No. 5 Year 2023 on 13 January 2023 (JDIH BPK RI, 2023). This time, Indonesia accepted Singapore's condition to also sign the Defense Cooperation Agreement, with an additional remark to determine the Flight Information Region (FIR) between Indonesia and Singapore.

This research examines Indonesia's negotiation strategy in establishing an extradition treaty with Singapore during President Joko Widodo's leadership. This

research contributes in describing how Indonesia negotiates based on both states' national interests, the take and give during negotiation, and how it impacts both states' bilateral relations. On one hand, Indonesia is concerned to establish an extradition treaty which enables it to call fugitives which ran away to Singapore to escape trial, as well as to regulate a clear Flight Information Region between the two states' aerial borders. Whereas for Singapore, a Defense Cooperation Agreement is crucial to be able to train its military in Indonesia's territory.

METHOD

The research method used in this research is descriptive qualitative, in order to enable the authors to analyze the data and obtain understanding from the information collected. This research utilizes Lewicki's negotiation strategy concept to analyze Indonesia's negotiation strategy to sign and ratify an extradition agreement with Singapore. Collaborative negotiation happens when both parties aim to maintain good relations with one another, while obtaining national interests through a just, optimum, sustainable, and conflict-avoiding negotiation process (Lewicki, Barry & Saunders, 2015).

There are three strategies to be implemented for a successful collaborative negotiation. First, understanding the purpose and needs of the other party. Second, providing information to both parties. Third, finding the best solution which fulfills the needs of both parties (Lewicki, Barry & Saunders, 2015). In this research, collaborative negotiation concept is used to analyze Indonesia's negotiation strategy in establishing extradition agreement with Singapore during President Joko Widodo's leadership in 2022 until 2023.

RESULTS & DISCUSSION

The Dynamics of Indonesia-Singapore's Extradition Agreement

The bilateral relations between Indonesia and Singapore faced some dynamics in the past, which prevented the two states from establishing an extradition treaty. During Indonesia's political transition from the New Order to the Reformation Era, President Bacharuddin Jufuf Habibie described Singapore as a "little red dot" during an interview with the Asian Wall Street Journal (Ericssen & Utomo, 2019). Subsequently, during President Abdurrahman Wahid's leadership, Singapore did not respond to Indonesia's plea to assist the country during the 1998 economic crisis (Kosah, 2009).

Indonesia's relations with Singapore have become better during Megawati Soekarnoputri's leadership. This was indicated by the Indonesian President's visit to Singapore. Similarly, the Singaporean Prime Minister, Goh Chok Tong also visited Bogor, Indonesia on 16 December 2022 to meet President Megawati and discuss a plan of action to prepare for both states' extradition agreement (Khoirina, 2021).

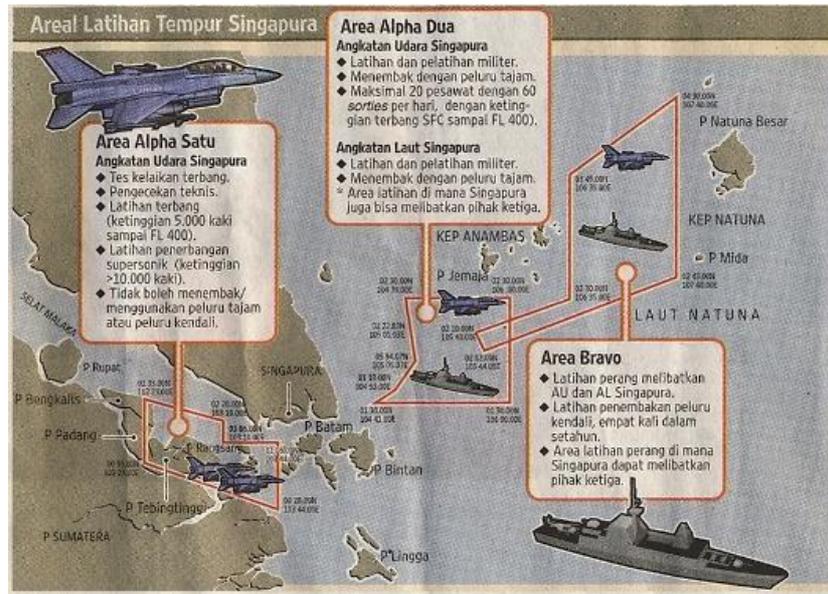
Afterwards, Indonesian President Susilo Bambang Yudhoyono and Singaporean Prime Minister Lee Hsien Loong were committed to maintain good relations between the two states, and continue the process of establishing extradition agreement. Therefore, an extradition agreement between Indonesia and Singapore had been signed by Indonesian Foreign Minister Hassan Wirajuda and Singaporean Foreign Minister George Yeo during a bilateral meeting on 27 April 2007 in Tampaksiring Palace, Bali, Indonesia. The signing of the extradition treaty was also witnessed by the Indonesian President and Singaporean Prime Minister.

However, the signed extradition treaty between Indonesia and Singapore was not ratified by the Indonesian House of Representatives (DPR-RI). This was because the implementation of the extradition treaty pushes Indonesia to also agree upon a Defense Cooperation Agreement with Singapore. There are some points in the DCA which might undermine Indonesia's territorial sovereignty, such as allowing Singapore to conduct military practice in Indonesian territory.

Finally, Indonesia and Singapore agreed to resign the extradition treaty during President Joko Widodo and Prime Minister Lee Hsien Loong's leaderships. The signing of the extradition treaty took place during the Leaders' Retreat in Bintan Island, Indonesia on 25 January 2022 (Sekretariat Kabinet Presiden RI, 2022). Subsequently, the Indonesian House of Representatives ratified the extradition treaty on 13 January 2023, on the Law No. 5 Year 2023, despite conditions which need to be accommodated to fulfill both states' national interests.

Singapore's National Interest in Signing an Extradition Treaty with Indonesia

On one hand, Singapore benefits from the tourism sector, i.e. when many foreigners visit the city state to spend their holidays and getaways. Ironically, some Indonesians who left their country to stay in Singapore were wanted criminals who stole the state's wealth through corruption, and invested the money in Singapore to escape trial in Indonesia. Once the extradition treaty is signed by both states, Singapore must return Indonesian fugitives to Indonesia to be tried, and prevent them from investing their corrupted money in Singapore (Sakinah, 2020). Therefore, Singapore wants to make sure that the extradition treaty benefits them in another way, which is through the Defense Cooperation Agreement (DCA). The DCA will enable Singapore to conduct military practice in Indonesia's territory.



Picture 1. Singapore-Indonesia Joint Military Practice Map

Source: Hermawan, 2010

These are the details of Singapore's proposed DCA, which include a Singapore-Indonesia Joint Military Practice Map, with areas in the Indonesian territory accessible for military practice. First, Alpha 1 Area located in the airspace above Riau Island, is proposed to be used for fighter aircraft flightworthiness tests. Indonesia is concerned that military activity on this airspace will disturb the society living in Riau Islands, as well as impact civilian aircraft take offs and landings (Rizal, 2009). Second, Alpha 2 Area, located around the Anambas Islands, is proposed to be used by Singaporean Airforce and Navy for naval maneuver or military practice using live bullets, which might impact Indonesia's marine ecosystem. This military activity also makes it difficult for local fishermen to sail and fish around the Anambas Islands. Third, Bravo Area is proposed to be used by Singaporean Airforce and Navy for military practice using live bullets and missiles, which disturbs local society around Natuna Islands and pollute marine ecosystem (Hermawan, 2010).

Based on the DCA, Singapore will conduct military practice four times every month, with additional sessions to prepare for practice. Furthermore, Singapore proposed to conduct military practice for 15 days every month. This means, Singaporean military force will be present in Indonesian territory all year long, as long as the DCA remains active in the next 25 years. Indonesia is concerned that Singaporean military presence disturbs its territorial and maritime sovereignty.

Indonesia's National Interest in Signing an Extradition Treaty with Singapore

On the other hand, Indonesia faced problems when government officials who allegedly committed corruption ran away to Singapore to escape trial. This ongoing practice has happened since Soeharto's leadership. Therefore, the Indonesian government's main goal is to narrow the move of fugitives overseas by establishing an extradition agreement with Singapore.

Interestingly, during President Joko Widodo's leadership, Indonesia has another national interest besides limiting the move of criminals. This time, Indonesia also proposed to establish a Flight Information Region (FIR), which will readjust the aerial flight information zones between Indonesia and Singapore (Margaretha & Mahdiansar, 2023). Hence, the signing of an extradition treaty between Singapore and Indonesia will also include the signing of treaties on DCA and FIR. By having a treaty on FIR, Indonesia will be able to regulate the air space above Riau and Natuna Islands, which were previously handled by Singaporean Air Traffic Control (ATC), to be handed over to the Indonesian Air Navigation Service Provider (AIRNAV) (Humas, 2022).

Indonesia's Collaborative Negotiation Strategy in Signing an Extradition Treaty with Singapore

During President Joko Widodo's leadership, Indonesia's relations with Singapore became better than before, indicated by the agreement between both states to renew the previously signed extradition treaty, which has not been ratified by both states. This extradition treaty has been signed by the Indonesian President Joko Widodo and Singaporean Prime Minister Lee Hsien Loong on 25 January 2022 during a Leaders' Retreat in Bintan Island, Indonesia. The authors argue that Indonesia had implemented a collaborative negotiation strategy during this meeting, in order to create a win-win result, share mutual information, and find the best solution for both states.

Firstly, Indonesia implemented a collaborative negotiation strategy by understanding Singapore's interest in the extradition agreement, in order to produce a win-win result. On one hand, Singapore had benefitted from Indonesians who invested their money in the country. However, some of those Indonesians were criminals allegedly involved in corruption cases who ran away to Singapore to escape trial. Without a ratified extradition treaty, Indonesia will not be able to try or arrest the fugitives who ran away to Singapore.

The Leaders' Retreat is an annual bilateral meeting between Indonesia and Singapore. During the Leaders' Retreat held on 8 October 2019, the Indonesian Minister of Law and Human Rights, Yasonna H. Laoly stated the problems that Indonesia faced, and proposed to negotiate an extradition agreement between the two states. On the other hand, Singapore gave a condition that an extradition treaty will be signed when Indonesia also agrees to sign a DCA through a framework for discussion with Singapore. Hence, a

win-win for Singapore means that the DCA will facilitate it to conduct military practice in Indonesian maritime territory (Sekretariat Kabinet Presiden RI, 2022).

Secondly, Indonesia implemented a collaborative negotiation strategy by sharing information mutually needed by both parties. On one hand, Singapore informed Indonesia that due to its small territory, Singapore needs DCA to enable military practice in Indonesia's territory. Military practice is crucial to safeguard regional security. On the other hand, Indonesia also gave a condition that the FIR agreement needs to be signed along with the extradition treaty and DCA. In this context, transparency of interest between Indonesia and Singapore is important to maintain trust between the two partners in negotiation.

Thirdly, Indonesia implemented a collaborative negotiation strategy by finding the solution for problems faced by both states. Through a series of correspondence, consultation and discussion, on 21 October 2021 Indonesia and Singapore agreed that the extradition treaty, DCA and FIR should be signed simultaneously. This is because Indonesia and Singapore acknowledged that problems faced by both states need to be solved by signing the agreements.

While conducting the negotiation on the extradition agreement, both Indonesia and Singapore agreed on a nonspecific compensation to be given to the other party, in order to accommodate both states' national interests (Lewicki, Saunders & Barry 2016). During this occasion, bridging was also conducted to find alternative options to fulfill mutual interest. As a result, Indonesia and Singapore agreed to take and give by proposing both DCA and FIR as requirements for a successful extradition agreement.

Therefore, based on Lewicki's negotiation strategy concept, Indonesia has implemented a collaborative negotiation strategy with Singapore. This is indicated by the completion of the long-awaited extradition treaty between the two states. Indonesia hopes that through this extradition treaty, both states will implement their commitment in combatting transnational crime through law enforcement. As a result, Indonesia and Singapore's collaboration in countering crimes will improve their image internationally, as a contribution towards safeguarding the region's stability (Ministry of Foreign Affairs Singapore, 2022).

CONCLUSION

This research concludes that Indonesia has conducted a collaborative negotiation strategy, in establishing an extradition agreement with Singapore, which produced a win-win result between the two parties. First of all, Indonesia understood Singapore's purpose and needs. For more than a decade, Singapore has been consistent in pushing for a Defense Cooperation Agreement (DCA) as a precondition to an extradition agreement with Indonesia. Therefore, Indonesia finally accepted Singapore's DCA proposal during Joko Widodo's leadership. Secondly, Indonesia provided information crucial to both

parties. Indonesia acknowledges Singapore's need in implementing a DCA. However, Indonesia also expressed its concern to Singapore, in order to ensure that the local society in Riau and the surrounding islands' environment will not be impacted by the military practice. Finally, Indonesia found the best solution which fulfills the needs of both parties, which is by also signing a Flight Information Region (FIR) agreement, which would allow Indonesia to monitor flight activities around the maritime and airspace used for military training. Hence, the extradition agreement between Indonesia and Singapore provided a win-win solution, which included a DCA as Singapore's interest and FIR as Indonesia's interest.

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