

ABSTRACT

JUDICIAL REVIEW OF EXTRADITION TREATY BETWEEN THE REPUBLIC OF INDONESIA AND AUSTRALIA (Case Study of Adrian Kiki Ariawan)

By

RHAMA BAYU PRAKOSO

In generally extradition defined as the process of submitting the criminals who carried out formally from one state (Requested State) to another state (Requesting State). Extradition is a matter between the states as specifically stipulated in international law by bilateral treaties, namely extradition treaty. The existence of an extradition treaty will simplify and expedite the extradition process and a good justice. Indonesia already has few extradition treaties with other countries, one of which is the Extradition Treaty between the Government of the Republic of Indonesia and the Government of Australia Relating to Extradition, April 22, 1992. Extradition treaty has been ratified by both countries and Indonesia has been enforcing in the national law by Act number 8 year 1994 concerning Ratification of Extradition Treaty between the Republic of Indonesia and Australia on November 2, 1994.

An issue in this research is how the settlement process of extradition under the provisions and principles of extradition in the extradition treaty between Indonesia and Australia related to the case of Adrian Kiki Ariawan. Adrian Kiki Ariawan was convicted of corruption fund of Liquidity Assistance of Bank Indonesia who fled to Australia. The purpose of this research is to know and explain the settlement process of extradition between Indonesia and Australia related to the case of Adrian Kiki Ariawan under the provisions and the principles of extradition in the extradition treaty between Indonesia and Australia. The research method used in this research is normative legal research, by collecting data through library and documentation.

Research results showed that the settlement process of Adrian Kiki Ariawan's extradition based on an extradition treaty between those two countries can not be executed. Good relations between Indonesia and Australia were not enough to expedite the extradition process of Adrian Kiki Ariawan proposed by the government of Indonesia. Extradition is rendered problematic because it does not get political support from the government of Australia despite the legal interests

of the extradition had been met by the decision of Magistrates of the State of Western Australia. Thus the essence or purpose of the existence of extradition treaty between the government of Indonesia with the government of Australia cannot be achieved.

Key words: Extradition treaty.