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Editorial Office: postgraduate at Riau Islamic University, Universitas Islam Riau, Pekanbaru, Indonesia.

Phone: +62 85234073707, +62 85329106484

E-mail: law_s3@uir.ac.id

Website : <https://pps.uir.ac.id/icls2024/>

Money Politic and Political Offenses: Relationship Study and its Influence on Extradition in Indonesian Criminal Law

David Hardiogo^a Dey Ravena^b Rusli K. Iskandar^c Syafrinaldi^d Rani Fadhila
Syafrinaldi^f

^aDoktor Ilmu Hukum, Universitas Islam Bandung, Departemen Hukum Pidana, Fakultas Hukum UIR
davidhardiogo23@law.uir.ac.id

^bDoktor Ilmu Hukum, Universitas Islam Bandung
ravena@gmail.com

^c Doktor Ilmu Hukum, Universitas Islam Bandung
Orusli@gmail.com

^d Doktor Ilmu Hukum, Universitas Islam Riau
syafrinaldi@law.uir.ac.id

^f Doktor Ilmu Hukum, Universitas Islam Bandung, Departemen Hukum Bisnis, Fakultas Hukum UIR
ranisyafrinaldi@gmail.com

Abstract:

The absence of normative boundaries for political offenses has led to the emergence of two main categories: money politics and mechanisms for extraditing the perpetrators of crimes. The initial camp that meets the criteria of being classified as a criminal act in money politics is a political crime, thereby suggesting that the individual responsible for this wrongdoing cannot be subjected to extradition. On the other hand, the second camp does not meet the criteria for being considered a criminal act. Money politics, which is classified as a political offense, implies that the offender could potentially face extradition. Nevertheless, this perspective presents an additional legal quandary in terms of determining its applicability across all cases of money politics. The objective of this research is to delve into this antinomy by placing emphasis on the primary issues at hand. These issues can be outlined as follows: Firstly, what is the correlation between criminal acts, money politics, and political offenses in the context of Indonesian criminal law? Secondly, what are the potential developments in the extradition process concerning criminal acts involving money politics in the future? This article will make use of normative legal research, employing a conceptual, statutory, case-based, historical, and comparative approach. This comprehensive study yields insightful conclusions. Firstly, it delves into the intricate relationship between political offenses and criminal acts within the realms of Indonesian criminal law. This exploration gives rise to two contrasting perspectives. On one hand, it defines criminal acts as an integral part of political offenses, whereas, on the other hand, it posits that criminal acts should not be classified as political offenses. Both viewpoints carry significant implications concerning the extradition process for individuals involved in money politics. Secondly, in anticipation of differing opinions, criteria for political offenses have been formulated as projections for the potential reformulation of the current extradition regulations, both partially and entirely.

Keywords: Extradition; Money Politics; Political Delict.

I. Introduction

The right depends on the facts, an outdated adage in a foreign language, which means that the law always lags behind events.¹ This adage in this study seems to be related to the conditions and position of political offenses in the dimension of criminal law in Indonesia. Bearing in mind that the author's economic concept of political offenses has been out of date, especially in relation to the scope of what acts constitute and can be qualified as political offenses, has been far behind the real and current empirical practice regarding various types of criminal acts. In particular, when the position of the political offense is connected to a criminal act, money politic and criminal law enforcement mechanisms for these criminal acts, especially those related to the extradition mechanism for the perpetrators.

The phrase political offense in the context of criminal law in Indonesia tends to be interpreted as a phrase that has a more sociological or symbolic definition of crime from the juridical meaning.² The sociological meaning of political offenses is at least based on the absence of a "legal definition of crime."³ In other words, there is not a single formulation in Indonesian legislation that provides an understanding of what is meant by a political offense.⁴ In the doctrinal dimension, political offenses have various definitions. This is in line with what was conveyed by McCall Smith and Magee, Which States that "there is no universally recognized definition of what constitutes a

political offense. Rather, there is a generally accepted rule that political offenders are not subject to international extradition".⁵

Based on the explanation above, political offenses are placed in the definition of natural social definition of crime without drawing firm parameters for the offense, this in turn, gave birth to 2 (two) main groups of views that considered money politics as part of a political offense, on the one hand, based on the argument that the action has a widespread impact and is closely related to the elements of policy making which are part of political activity, and on the other hand, it is considered a political offense and money politic are two different forms of criminal acts based on the argumentation of the main requirements of political offenses which require altruistic motivation (serving other people) in the perpetrator of the criminal act.

Each of the views of the two camps has the same strong argumentative basis on a doctrinal scale, but on the other hand, it is also accompanied by different impacts on the practice of criminal law enforcement, especially regarding extradition. Bearing in mind, if you choose the first view, which equates political offenses and money politics, extradition cannot be requested against the perpetrator if he committed the crime in another country or fled to another country after committing the crime money politics because one of the three types of crimes that cannot be extradited is political crimes/political offenses. However, if you choose the second view, then act in money

¹ Eddy O.S Hiariej as quoted Hardiogo, D. (2022). Principles of Legality and Self-Plagiarism: The Antinomy of Empirical Reality as a Projection of the Regulation of Special Crimes in the Field of Copyright. *UIR Law Review*, 6(2), 01-23.

² Hardiogo, D. (2021). Political Offenses in Indonesian Criminal Law. *Journal of Law & Development*, 50(4), 908-925.

³ Hardiogo, D. (2020). Reconstruction of Treason as a Political Offense in the Development of Criminal Law in Indonesia (Doctoral Dissertation, Gadjah Mada University).

⁴ Ibid.,

⁵ Hardiogo, D. (2021). Political Offenses in Indonesian Criminal Law. *Journal of Law & Development*, Op. Cit.

politics. The perpetrator still has indications that extradition can be requested, but this will give rise to disparities in relation to law enforcement and the granting of political asylum, considering that extradition is closely related to international criminal law, essentially having different concepts that exist in criminal law in various countries. Moreover, in the view of the second camp, it still leaves another legal problem that needs to be studied related to confirming whether the concept of refusing to admit a criminal act of money politics as part of a political offense has an impact on the perpetrator, extradition can be carried out, it can be applied generally to all criminal acts money politics the perpetrators fled to another country. So, based on the description above, in the opinion of the author in this study, the formulation of the problem is: First, What is the relationship between the actions of money politic and political offenses in Indonesian criminal law? Second, what are the projections for the extradition mechanism for criminal offenses? What will money politics be in the future?

II. Legal Materials and Methods

This research is normative research that aims to find certain legal statements or legal analyses with more complex logic and depth related to Money Politic And Political

Offenses: Study of Relations and Their Influence on Extradition in Indonesian Criminal Law.⁶ As one type of legal research, the stages in this research are likely to be the same (universal) as other research in the legal field, with stages starting from explaining the arguments for choosing the type of research, the data sought, the research approach, data collection methods to analysis. Legal material for drawing conclusions. Apart from that, as normative research, of course, the data sought in this research is secondary data.⁷ This secondary data will later consist of legal materials, which include "primary legal materials"⁸, "secondary legal materials"⁹, and "tertiary legal materials."¹⁰ It is accompanied by several approaches, including the statutory approach, conceptual approach, case approach, historical approach, and comparative approach.¹¹ Thus, this literature-based normative or doctrinal research seeks to find "one right answer" to a problem or question of Money Politic And Political Offenses: Study of Relations and Their Influence on Extradition in Indonesian Criminal Law, with efforts to systematize legal propositions and study legal institutions through legal reasoning or rational deduction.

⁶ Lihat Salim Ibrahim Ali dkk, Legal Research of Doctrinal and Non-Doctrinal, International Journal of Trend in Research and Development, Volume 4(1) May 2017, hlm. 493.

⁷ Maria SW. Suwardjono, 2014, Lecture Material: Legal Research Methodology, Gadjah Mada University, Yogyakarta, p. 17.

⁸ Primary legal materials, namely legal materials that are binding, and consist of: a. Norms (basics) or basic rules, namely the preamble to the 1945 Constitution, b. Basic Regulations, c. Legislation, d. Legal materials that are not codified, such as customary law, e. Jurisprudence, f. Treaty, g. Legal materials from the colonial era that are still in force include the Criminal Code. Seen in Soerjono Soekanto, 2015, Normative

Legal Research: A Brief Overview, Rajawali Pers, Jakarta, p. 13.

⁹ Secondary legal materials provide explanations of primary legal materials, such as draft laws, research results, work from legal circles, and so on. Seen in Soerjono Soekanto, 2015, Normative Legal Research: A Brief Review, Ibid.,

¹⁰ Tertiary legal materials, namely legal materials, provide instructions and explanations for primary and secondary legal materials; examples are dictionaries, encyclopedias, cumulative indexes, and so on. Seen in Soerjono Soekanto, 2015, Normative Legal Research: A Brief Review, Ibid.,

¹¹ Peter Mahmud Marzuki, 2005, Legal Research, Kencana, Jakarta, p. 237-239.

III. Result and Discussion

1. The Relationship Between Political Offenses and Criminal Offenses Money Politics

Departing from one of the old adages, namely, "in order to teach correctly, we must first investigate the names, because the knowledge of things depends on the names of things. This means that in order to understand something, you need to know its name first in order to get the right knowledge."¹² So, to gain correct knowledge regarding the study of the formulation of this first problem regarding the relationship between political offenses and criminal actsmoney politics, It is important for the author to describe several main things that will become scope in this sub-study, namely those related to the concept of political offenses, the concept of criminal actsmoney politics, and the relationship between political offenses and criminal actsmoney politics, with the following explanation.

A. The Concept of Political Offenses

In discussions regarding political offenses, it is necessary to emphasize first that the phrase political offense is a compound word "delict" and "politics." However, if you look at this compound word, you will encounter problems because there are so many

meanings that can be obtained from the term offense or political terms.¹³ When the definition of delict is drawn based on the "legal definition of crimes"¹⁴ and the "social definition of crimes".¹⁵ Offense, in the sense of the legal definition of crimes, are acts that have been formulated in criminal legislation. While the offense is based on the social definition of crimes, it is in accordance with the understanding of society in general.¹⁶

Meanwhile, there are too many political meanings in the term politics itself. Politics itself is closely related to the goals of the state, power in the sense of gaining and maintaining it by making decisions, policies in making decisions, and so on. According to Yuwono Sudarsono, quoted by Hiariej, "Politics is a life process that is present in every socio-cultural environment."¹⁷ Politics is also often misunderstood, such as the prohibition on politics, de-ideologization, and de-politicization; almost everyone knows that this prohibition is also a political act.¹⁸

At the level of legal science, its relation to the definition of political offenses can be seen in the opinions of several criminal law experts, including Hazewinkel Suringa, which expresses 4 (four) theories in determining political offenses, namely:¹⁹

"First, objective theory (absolute theory), that political offenses are directed against

¹² Eddy O.S Hiariej, 2016, Principles of Criminal Law: Revised Edition, Cahaya Atma Pustaka, Yogyakarta, p. 3.

¹³ See Dani Krisnawati, Eddy O.S Hiariej, Marcus Priyo Gunarto, Sigid Riyanto, Supriyadi, 2006, Anthology of Special Criminal Law (Print 1), Pena Pundi Aksara, South Jakarta, p. 16

¹⁴ In general language, a crime is an unlawful act that is punishable by the state or other authority. These actions are actions that have been formulated in criminal legislation. Freely translated by the author Attenborough, F.L. (ed. And trans) 1992, The Laws of

The Earliest English Kings, Cambridge University Press, Reprint March 2006, The Lawbook Exchange, Ltd. ISBN 1-58477-583-1.

¹⁵ Dani Krisnawati, Eddy O.S Hiariej, Marcus Priyo Gunarto, Sigid Riyanto, Supriyadi, Op.Cit.

¹⁶ Ibid.,

¹⁷ Ibid.,

¹⁸ Ibid., hlm. 17.

¹⁹ Dani Krisnawati, Eddy O.S Hiariej, Marcus Priyo Gunarto, Sigid Riyanto, Supriyadi, Anthology of Special Criminal Law, ibid, hlm. 19.

the state and the functioning of state institutions. Second, subjective theory (relative theory), basically all general crimes are done with one purpose, background and political purpose, is a political crime. Third, dominant theory, this theory limits objective theory and subjective theory. In this case, pay attention to what is dominant in an action. If what is dominant is a general crime, then the act is not referred to as a political offense. Fourth, the theory of political incidence, often called state incidence, "Looks at actions that are considered part of a political activity."

So it can be emphasized that according to Suringa, Political offenses, in order to distinguish them from general offenses, are based on the motivation of the act and the perpetrator of the political crime. In line with Suringa, Rummelink tries to draw a definition and difference between political offenses and general offenses in terms of the motivation of the perpetrators of the crime, which can simply be explained that political criminals want recognition of the norms they are fighting for so that they can be accepted by the applicable legal order.²⁰ Meanwhile, political actions are not carried out solely because of objections to other norms (applicable norms) that are part of the legal order or objections to unfair legal situations.²¹

Furthermore, other definitions related to political offenses can also be seen in the opinions of several criminal law scientists, including Sumaryo Suryo Kusumo, who defines political offenses as crimes

committed for political purposes.²² Other opinions are presented by Abdul Hakim Garuda Nusantara, who states that the definition of criminal acts that qualify as political offenses is always influenced by the challenges faced by the state in a certain period of time and the perception of the elite holding state power regarding these challenges.²³

Still, it is important to differentiate political offenses from general crimes in terms of the perpetrator. It can also be seen in the opinion expressed by Jan Rummelink, which states that the difference between political criminals and general criminals can be seen from their motives, which are controlled by altruistic or other-serving motives. This motive is driven by his belief that the order of society or the state or its leaders must be changed according to ideals. Meanwhile, ordinary criminals are controlled by egoistic motives.²⁴ Meanwhile, if referring to the opinion presented, Christine van Wijngaert provides an understanding of political offenses by dividing them into political offenders, pseudo-political offenders, and political refugees.²⁵ A political offender is defined as a political offender who commits a crime that violates criminal provisions based on politics and beliefs. A temporary pseudo-political offender is defined as a crime committed as if it had a political background, but in fact, the political motivation is very weak. Furthermore, a political refugee is those who flee abroad because they are afraid that their government will take action based on political, racial, and religious differences, and so on.²⁶

²⁰ *Ibid.*,

²¹ *Ibid.*, hlm. 407.

²² Sumaryo Suryo Kusumo, 2010, International Criminal Law (Extradition), Tatanusa, Jakarta, p. 25.

²³ Loebby Louqman, Crimes Against State Security. Dissertation.

²⁴ *Ibid.*,

²⁵ Dani Krisnawati, Eddy O.S Hiariej, Marcus Priyo Gunarto, Sigid Riyanto, Supriyadi, Op.Cit, hlm. 20-21.

²⁶ *Ibid.*,

The level of international law regarding political offenses can be seen at the sixth International Conference on Criminal Law in Copenhagen in 1935. In this conference, political offenses were described as "crimes committed against the organization or function of the state or against the rights of citizens who derived from it."²⁷ The conference explained that political offenses are crimes that attack both organizations and the rights of the population that arise from the functioning of the state.²⁸

In the author's opinion, regarding several definitions of political offenses, as explained above, the author would like to provide a simple definition of political offenses as follows:²⁹

"crimes committed either against the functioning of the state or state institutions, which are based on political motivation with the intention of changing the legal order in accordance with the wishes of the subject who commits the political crime, which is based on altruistic motives, and are influenced by the challenges faced by the state over a period of time and the perception of the elite holding state power regarding the challenges it faces."

Regarding the simple definition that the author provides, the author provides a definition by collecting the views of several experts who, according to the author's subjective opinion, can provide some explanation regarding what is meant by political offenses. Regarding the definition that the author provides, it can at least be explained that there are two main elements in

this definition. **First**, a mandatory element in an offense in order for it to be categorized as a political offense.

Second, a characteristic element of political crime. The explanation of the second element, namely the characteristics of political offenses, can be explained that the characteristic that differentiates political offenses from other offenses is that political offenses are influenced by the challenges faced by the state in a certain period of time and the perception of the elite holding state power regarding these challenges. This means that political offenses are possible. Connect with general crime. It is more flexible because it can adapt to the perceptions of the political elite in power over a certain period of time. So, from the brief description related to the definition of political offenses, the author tries to first differentiate political offenses from other types of offenses with the aim of providing boundaries that will make it easier for the author to determine the parameters of political offenses in order to answer the formulation of the second problem.

B. Concept of Criminal Offenses Money Politics

Money politics is related to its meaning; in essence, it has various definitions. However, in the context of criminal law, money politics as a criminal act is an act that falls within the context of election violations as referred to in Book V under the title Election Crimes Book II from Article 488 to Article 554 of Law Number 7 of 2017 concerning Elections

²⁷ Ibid.,

²⁸ Jan Remmelink, 2003, Criminal law, Comments on the most important articles of the Dutch Criminal Code and their counterparts in the Indonesian Criminal Code, Gramedia Pustaka Utama, Op.Cit, p. 104.

²⁹ David Hardiogo, 2019, Political Offenses in Criminal Law in Indonesia, Grant Fund Research organized by the Research and Publication Unit (URP) of the Faculty of Law, Gajah Mada University, p. 44-46.

which contains elements namely: First, must intentionally give money or other material to voters.³⁰ Second, deliberately promising money or other material to voters. All of these elements are carried out with the aim of getting the recipient of money or other material to vote for a particular candidate or exercising their right to vote in such a way that their ballot becomes invalid.³¹ This indicates that there is an element of deliberate action in money politics aimed at electing certain candidates or even at preventing people from voting in general elections. Money politics is closely related to politics, position, and power.³²

From the explanation above, if it is emphasized more specifically on election regulations in Indonesia, then the provisions governing criminal acts money politics found in Article 523 paragraph (1), paragraph (2), and paragraph (3), which respectively expressively with words States that:

Article 523

- (1) Every Election Campaign organizer, participant, and/or team who deliberately promises or provides money or other materials as compensation to Election Campaign participants directly or indirectly as intended in Article 280 paragraph (1) letter j shall be punished with a maximum imprisonment of 2 (two) years and a maximum fine of IDR 24.000.000.000,00 (twenty-four million rupiah);

- (2) Every Election Campaign organizer, participant, and/or team who deliberately promises or rewards money or other material to Voters directly or indirectly as intended in Article 278 paragraph (2) shall be punished by imprisonment for a maximum of 4 (four) years and the cooling off period provides a fine of up to Rp. 48.000.000.000,00 (four and eight million rupiah);
- (3) Any person who deliberately on voting day promises or gives money or other materials to voters not to exercise their right to vote or elect certain election participants shall be punished by imprisonment for a maximum of 3 (three) years and a fine of a maximum of IDR 36.000.000.000,00 (three twenty-six million rupiah);

Referring to the provisions above, there are at least 2 (two) main points that can provide further elaboration. First, a system of law based on the regulation of actions, such as money politics as a criminal act, is aimed at ensuring that political decisions carried out by certain subjects are not influenced by the perpetrators of the criminal act as intended. Bearing in mind, these political decisions can later have a greater integral impact in the form of influencing the direction of state policy as a result of criminal acts and money politics. Second, criminal money politics in a regulatory context In carrying out its actions, it is broadly divided into 3 (three) main categorizations. Namely, criminal acts and money politics are carried out during the

³⁰ Satria, H. (2019). Legal Politics of Money Politics Crimes in General Elections in Indonesia. *Integrity: Anti-Corruption Journal*, 5(1), 1-14.

³¹ Fatkhurohman, F. (2010). Regional Elections and the Future of Strengthening Democracy in the Regions. *Constitutional Journal*, 3(2).

³² Hadi as quoted Anggraeni, L., & Ramdhani, H. (2018). Prevention of Money Politics in General Elections through Strengthening Non-Penal Policies. *Legal Communication Journal (JKH)*, 4(1), 59-68.

campaign, during the quiet period, and when voting is carried out.³³

C. The Relationship between Political Offenses and Criminal Offenses Money Politics

Referring to the explanation in the previous points regarding the concept of political offenses and the concept of criminal acts money politics, In this sub-study, the main focus of the study is related to the relationship between these two types of actions. Remember, referring to the criminal law literature in Indonesia, especially studies regarding the division of types of offenses, will always find "political offenses" as one of the divisions of 28 (twenty-eight) other types of offenses.³⁴ However, this does not necessarily provide a holistic understanding of what is actually meant by a political offense itself. Meanwhile, on the other hand, the phrase political offense, which in some segments is generally equated with the term political crime, is actually regulated by several legal and regulatory provisions in Indonesia. One of them, as contained in Article 5 paragraph (1) of Law Number 1 of 1979 concerning Extradition (hereinafter referred to as Law No. 1 of 1979), states that "Extradition is not carried out for political crimes." If the provisions in Article 5 paragraph (1) of Law No. 1 of 1979 are "interpreted authentically"³⁵ by referring to the explanation of the article-quo, this actually adds to other legal problems

considering that the explanatory text states that:

"The non-surrender of someone who has committed a political crime is related to the state's right to provide political asylum to political fugitives. "Because the definition of political crimes is too broad, restrictions are imposed as intended in paragraph (2)."³⁶

If pay attention to the explanation above, it can be emphasized at the outset that Law No. 1 of 1979 does not provide a clear definition regarding what is meant by a political offense, even though it is included as a juridical phrase.

Still, in the context of reviewing the phrase political offense, which is formulated normatively in legal regulations in Indonesia, apart from the provisions as described above, other provisions that also contain this phrase can be found in Article 28, paragraph (1) of Law Number 39 of 1999 concerning Rights. Human Rights (hereinafter referred to as Law No. 39 of 1999), which states that "Everyone has the right to seek asylum to obtain political protection from another country," as well as in paragraph (2) which states that "The rights as referred to in paragraph (1) do not apply to those who commit non-political crimes or acts that are contrary to the purposes and principles of the United Nations". Law No. 39 of 1999, when viewed through the argumentation method, "argumentum a contrario."³⁷ It can be interpreted that the

³³ Satria, H. (2019). Legal Politics of Money Politics Crimes in General Elections in Indonesia. Op. Cit.

³⁴ Eddy O.S Hiariej, Principles of Criminal Law: Revised Edition, Op.cit.,hlm. 129-150.

³⁵ This authentic interpretation is the meaning of a word, phrase, or term according to the legislator. Usually, the meaning of words, phrases, or terms in law is found in the general provisions or explanation of the law. Viewed in: Soedikno Mertokusumo, 2007, The Discovery of Law An Introduction: 5th Printing, Liberty, Yogyakarta, hlm. 171.

³⁶ See Explanation of Law of the Republic of Indonesia Number 1 of 1979 concerning Extradition.

³⁷ Method argument, on the contrary, is a way of interpreting or explaining the law, which is based on the conflict of understanding between the concrete events encountered and the events regulated in the law. By controlling one event but not other similar events, the opposite applies to this method. In argument, on the contrary, emphasis is placed on the inequality of events; here, the negative aspects of the law are treated.

provisions in paragraph (1) only apply to those who commit political offenses or political crimes. If the argument is continued by applying "authentic interpretation"³⁸, then it can be explained further that "What determines whether an act is a political or non-political crime is the country that receives the asylum seeker."³⁹ So, the provisions in Law No. 39 of 1999 are approximately the same as the provisions in Law No. 1 of 1979; namely, both use the phrase political offense or political crime without being accompanied by clear juridical boundaries of the offense or crime.

The absence of juridical boundaries regarding the phrase political offense in the context of criminal law in Indonesia is likely to be responded to equally by criminal law thinkers who also emphasize that political offense in its current position is not a phrase that has a juridical meaning, but rather has a sociological meaning.⁴⁰ The sociological meaning of political offenses is at least based on the absence of a "legal definition of crime".⁴¹ In other words, there is not a single formulation in Indonesian legislation that provides an understanding of what is meant by a political offense.⁴² This is in line with what was conveyed by McCall Smith and Magee, Which States that "there is no universally recognized definition of what constitutes a political offense. Rather, there is a generally accepted rule that political offenders are not subject to international extradition". (3) Referring to the views of

Smith and Magee, it is known that although political offenses do not have a juridical definition, there is universal agreement that is generally accepted that extradition cannot be carried out against perpetrators of political offenses.

However, the confirmation of the views of Smith and Magee above, of course, gives rise to other debates related to other forms of criminal acts that are related to political offenses and whether the same provisions related to extradition will be applied. Bearing in mind that political offenses refer to various existing views regarding the definition, it is likely that there will always be 4 (four) main elements which, between one definition and another, are the main characteristics of political offenses, namely: First, Political offenses are criminal acts aimed at changing the legal system currently in force in a country. Second, Political offenses are criminal acts committed by certain subjects based on political motivation. Third, Political offenses are criminal acts in which the perpetrator prioritizes altruistic motivations over motivations that are egoistic or prioritize the individual interests of the perpetrator. Fourth, political offenses are criminal acts that can connect with other criminal acts or offenses.⁴³

Of the 4 (four) main elements of the definition of political offenses above, when connected to criminal acts money politics, which is currently in the general election criminal offense regime (hereinafter referred

Viewed in: Soedikno Mertokusumo, 2005, Getting to Know the Law An Introduction: Op.Cit, hlm. 181.

³⁸ Ibid.,

³⁹ See Explanation of Law of the Republic of Indonesia Number 39 of 1999 concerning Human Rights

⁴⁰ See Sutherland and Cressey as quoted by Frank E. Hagan, then quoted again by Eddy O.S Hiariej, 2016, Principles of Criminal Law: Revised Edition, Lo. Cit, hlm.17.

⁴¹ See Dani Krisnawati, Eddy O.S Hiariej, Marcus Priyo Gunarto, Sigid Riyanto, Supriyadi, 2006, Anthology of Special Criminal Law (Print 1), Lo. Cit, hlm. 25.

⁴² Ibid.,

⁴³ Hardiogo, D. (2021). Political Offenses in Indonesian Criminal Law. Journal of Law & Development, Op. Cit.

to as elections), specifically contained in Article 523 of Law Number 7 of 2017 concerning General Elections (hereinafter referred to as Law No. 7 of 2017), in turn gave birth to 2 (two) The main viewpoint that has an impact on the emergence of the main legal problem in this research study. At first sight, who consider money politics as part of a political offense based on arguments other than this action has a widespread impact and is closely linked to elements of policy making which are part of political activity on the one hand, on the other hand, a criminal act money politics has a close relationship with the 4 (four) main elements in the definition of political offenses as mentioned above. Whereas the second view considers money politics as not part of a political offense, or in other words, a political offense, and money politics are two different forms of criminal acts based on the argumentation of the main requirements of political offenses, which require altruistic motivation (serving other people,) in the perpetrator of the criminal act. A more holistic explanation of the antinomies of these 2 (two) views can be explained further as follows.

1) Pro-Criminal View Money Politics Part of a Political Offense

The pro view states that criminal money politics is part of a political offense and has an argument based on the fulfillment of all the characteristics of a political offense in criminal money politics. As explained above, it is known that from the various definitions of political offenses spread across various views, it is likely that there will always be points of similarity in these various views, which are basically the characteristics of the political offense, namely: First, Political offenses are criminal acts aimed at changing the legal system currently in

force in a country. Second, Political offenses are criminal acts committed by certain subjects based on political motivation. Third, Political offenses are criminal acts in which the perpetrator prioritizes altruistic motivations over motivations that are egoistic or prioritize the individual interests of the perpetrator. Fourth, political offenses are criminal acts that can connect with other criminal acts or offenses.

Characteristics with 4 (four) main points, when related to criminal acts money politics; then will find relationships and similarities with the following explanation. **1st**, The character of a political offense is a criminal act aimed at changing the legal system currently in force in a country. It is known in the explanation of the previous point that one system of law, the regulation of actions politics as a criminal act, is aimed at ensuring that political decisions carried out by certain subjects are not influenced by the perpetrators of the criminal act as intended. Bearing in mind, these political decisions can later have a greater integral impact in the form of influencing the direction of state policy as a result of criminal acts money politics. In other words, in the event of a criminal act money politics, is, of course, closely related to the efforts of the perpetrators to change the current legal system in accordance with the wishes of their group or organizational interests.

2nd, Political offenses are criminal acts committed by certain subjects based on political motivation. The relationship between political offenses and criminal acts money politics on this characteristic, considering that both types of actions are based on political motivation by the

perpetrator. In other words, in terms of carrying out actions both in the context of political offenses and in the context of criminal acts money politics, both are based on political motivation that moves the criminal act in question to be carried out.

3rd, Political offenses are criminal acts in which the perpetrator prioritizes altruistic motivations over motivations that are egoistic or prioritize the individual interests of the perpetrator. Motivationaltruistic In relation to criminal acts, it has a simple meaning: a criminal act committed by the perpetrator is not based on personal or individual interests (egotistical). But, in the context of motivation altruistic in the context of a criminal act, the perpetrator, in carrying out a prohibited and/or ordered act that has implications for criminal sanctions, is motivated by the interests of another party, where the other party in question is the group's interests or the interests of the perpetrator's organization. Both in political offenses and in several criminal offenses segment money politics, the perpetrators in carrying out prohibited and/or ordered acts that have implications for criminal sanctions, are both motivated by the interests of other parties or have nuances of motivation altruistic in carrying out the offense or criminal act in question.

4th, Political offenses are criminal acts that can connect with other criminal acts or with other offenses. As part of the characteristics at this point, it means that in the event of an offense or criminal act, it is not merely limited to certain types of criminal acts. However, in some

segments or certain cases, it can be related to or carried out through criminal acts which actually have no direct relationship to either political offenses or criminal acts money politics.⁴⁴ For example, the crime of theft is pragmatically unrelated to the two types of acts in question. However, along the way, there is a criminal act of theft aimed at taking firearms in order to help certain separatist movements or a criminal act of theft where the proceeds of the crime are intended to commit a criminal act. Money politics in the form of buying votes for certain subjects, then the crime of theft in question connects both with political offenses and criminal acts money politics, even though initially pragmatically, the criminal act had no connection with the two types of acts in question. In the characteristic segment of this point, both political offenses and criminal acts of money politics can be done equally in connection to other criminal acts.

From the relationship between these 4 (four) characteristics, we found similarities between political offenses and criminal acts money politics, which is the main basis for the birth of views in pro-criminal camp money politics as part of a political offense. Of course, this assertion carries juridical implications in the dimension of criminal law enforcement, especially in relation to the extradition mechanism, where in this view, it firmly states that perpetrators of criminal acts of money politics who are in the process of fleeing outside the jurisdiction of Indonesian criminal law cannot be extradited. This is apart from being a consequence of the choice from a pro-criminal view, politics is part of a

⁴⁴ Ibid.,

political offense. On the other hand, this pro view also has legal implications for the perpetrator of a criminal act money politics subject to Article 5 paragraph (1) of Law No. 1 of 1979, which expressly states that "Extradition is not carried out for political crimes."⁴⁵

2) Counter-Criminal Views Money Politics Part of a Political Offense

The counter view states that it is a criminal act of money politics is not part of a political offense and has an argument based on the failure to fulfill several characteristics of a political offense in a criminal act of money politics, which is based on a typology of political offenses. Quoting the views expressed, Christine van Wijngaert provides an understanding of political offenses by providing a typology and dividing them into political offenders, pseudo-political offenders, and political refugees.⁴⁶ A political offender is defined as a person who commits a political crime that violates criminal provisions based on politics and beliefs. A temporary pseudo-political offender is defined as a crime committed as if it had a political background, but in fact, the political motivation is very weak. Furthermore, political refugee are those who flee abroad because they are afraid that their government will take action based on political, racial, and religious differences, and so on.⁴⁷

Of the three typologies of political offenses above, the counter view states that they are criminal acts money politics does not qualify as a political offense because it tends more towards the second

typology, namely pseudo political offender is defined as a crime committed as if it had a political background, but in fact the political motivation is very weak. The argument for this view is in the context of criminal acts and money politics; not in general or not, all of these actions were carried out based on strong political motivation. Bearing in mind that in several cases, criminal acts have occurred, politics is generally carried out based on the individual interests of the perpetrator and not the interests of the group or organization. So, when such a situation is encountered, it has an impact other than a lack of altruistic motivation in the realization of the offense on the one hand; on the other hand, the egoistic motivation of the perpetrator has an impact on weak political motivation as a background for committing criminal acts. Money politics What is meant is. Thus, the entire argument above gave rise to an assertion from the opposing camp that it was a criminal act money politics is not part of a political offense but tends to be a general criminal act, and in turn, when the perpetrator of a criminal act is found money politics which in the process of fleeing outside the jurisdiction of Indonesian criminal law, the perpetrator can be extradited. This is a juridical consequence that perpetrators of criminal acts with political nuances who cannot be extradited are only those who are subject to the provisions of Article 5 paragraph (1) of Law No. 1 of 1979, which expressly states that "Extradition is not carried out for political crimes."

⁴⁵ Ibid.,

⁴⁶ Dani Krisnawati, Eddy O.S Hiariej, Marcus Priyo Gunarto, Sigid Riyanto, Supriyadi, Op.Cit,hlm. 20-21.

⁴⁷ Ibid.,

From the two views above, it can be concluded that referring to the 4 (four) characteristics of political offenses, there are similarities between political offenses and criminal acts of money politics, which is the main basis for the birth of the view in the pro-camp that it is a criminal act money politics is part of a political offense which implies that the perpetrator is a criminal act money politics cannot be extradited because it is subject to Article 5 paragraph (1) of Law No. 1 of 1979 which expressly states that "Extradition is not carried out for political crimes." Meanwhile, on the other hand, the opposing view bases its argument on a typology of political offenses, which clearly states that it is a criminal act money politics is not part of a political offense but tends to be a general criminal act and in turn, when the perpetrator of a criminal act is found money politics who in the process of fleeing outside the jurisdiction of Indonesian criminal law, the perpetrator can be extradited.

Both pro and con views are related to criminal acts money politics, whether it is part of a political offense or not, in turn, still leaves important legal problems to be studied regarding the extradition of the perpetrator. Bearing in mind the antinomy of these two views, especially in the context of refusing to recognize criminal acts money politics As part of a political offense that has the impact of extradition on the perpetrator, it still requires further confirmation regarding whether this concept can be applied generally to all criminal acts. Money politics, the perpetrators fled to another country. Further studies regarding these

further legal problems will be discussed in the next sub-study.

2. Projection of the Extradition Mechanism for Criminal Offenses Money Politics In the Future

The sub-study on this point specifically discusses the legal problem of the need for further confirmation of the concept of non-extradition of criminals. Money politics This can be applied generally to all criminal acts in question if the perpetrator flees to another country. In general, the scope of the study will include the concept of extradition, the parameters of political offenses as a projection, and the placement of criteria for political offenses as a solution to extradition to criminal acts money politics in the future, which will be discussed further as follows.

A. Extradition Concept

Extradition is defined as handing over to another country at its request a person suspected of being involved in a crime or who has been sentenced by a court of a country for committing another crime. Another definition also states that extradition is the requested transfer of a criminal from a country where he was found to a country where he is accused or has been convicted of a crime. Meanwhile, the Draft Convention produced by Harvard Research provides a briefer definition of extradition, namely as the official handing over of a person to another country for prosecution and punishment.⁴⁸

In Law no. 1 of 1979 concerning Extradition, the meaning of extradition is formulated as "Surrender by a country to the country requesting the surrender of a person

⁴⁸ Sumaryo Suryokusumo, *International Criminal Law (Extradition)*, Tatanusa, 2010, Jakarta, p.8.

suspected or convicted of committing a crime outside the territory of the surrendering country and within the territorial jurisdiction of the country requesting the surrender because it has the authority to try and punish him." This formulation is contained in Chapter I, General Provisions Article 1.⁴⁹

Rommelink interprets extradition as handing over a suspect or defendant or convict by the country where the person is located to another country that wishes to try⁵⁰ the person requested or carries out a court decision of a country from the requested country. Meanwhile, international extradition is a request from the government of a country to another country.

From the overall definition of extradition above, it is universally known that there are several types of criminal acts whose perpetrators cannot be extradited. This concept is likely to also apply in the regulatory dimension in Indonesia, considering that the provisions of Law No. 1 of 1979, especially those contained in Article 5 and Article 6, it is known that political crimes/political offenses and military crimes against the perpetrators cannot be extradited. In this study, the focus is on discussing extradition in the context of political crimes/political offenses in relation to criminal acts money politics, specifically related to legal problems and the need for further confirmation of the concept of non-extradition of criminals' money politics. This can be applied generally to all criminal acts in question if the perpetrator flees to another country. In the writer's opinion, there seems to be a need for withdrawal. The criteria for political offenses are the main solution that can anticipate the problems in question. Later, the construction of these criteria can be used

as the main basis for determining whether an act is a political offense or not, including, in this context, a criminal act of money politics. So, in turn, when along the way, a criminal act is discovered money politics who do not meet the qualifications for a political offense, extradition can be applied to the perpetrator, and this is also the main answer to the need for generalization of the concept of a criminal offense money politics and its relationship with extradition, which until now does not have legal certainty as a result of the absence of juridical (normative) limits on these political offenses. The parameters of political offenses as a projection, as intended by the author, will be explained holistically in the next sub-heading.

B. Criteria for Political Offenses as a Projection

The author aims to add political offense parameters as a projection to offer a solution to the main legal problem related to the generalization of extradition for criminal acts money politics. The parameters, as intended by the author, can be broadly explained as follows. **First**, the parameters of crimes aimed at the object of political offenses, namely against the legitimate government and the functioning of the state and state institutions. So, the consequences of this first parameter apart from the object of the political offense or when a criminal act is found money politics which is not directed at the above object, cannot be qualified as a political offense, in which case the perpetrator can be extradited.

Second, the objective parameters of a crime or political offense are intended to change the legal order currently in force in a country. In this point, the author tries to seek legal

⁴⁹ M. Budiarto, *Extradition in National Law*, Ghalia Indonesia, 1981, Jakarta, p.7.

⁵⁰ Eddy O.S Hiariej, *Introduction to International Criminal Law*, Erlangga, 2009, Yogyakarta, p.40.

certainty for political offenses with the object explained in the first point, which is limited to crimes that aim to change the legal order currently in force in Indonesia. Apart from that, this parameter is intended as confirmation to avoid multiple interpretations of criminal acts and money politics. In other words, when it is found that a criminal act money politics what happened was not intended or not to change the legal order in force in the State of Indonesia but was aimed at the personal interests of the subject who committed the criminal act money politics, The perpetrator may be extradited.

Third, the parameter of the legal subject in political offenses is an individual (natural person). Of course, in the current concept of criminal law, the question of who the legal subject is in an offense is something that should be taken into account. Bearing in mind that criminal law in Indonesia currently recognizes legal subjects not only as individuals (natural persons). However, it has also acknowledged the existence of the concept of responsibility for corporations,

whether legal entities or not, to be the subject of offenses.⁵¹ Determining the subject of the offense in political offenses will only be borne by individuals in the context (natural person). Bearing in mind that the criminal accountability mechanism is based on the principle of no crime without error (no punishment without guilt),⁵² is not that important when it is related to political offenses committed by corporations. This is because, in the criminal liability mechanism for corporations as perpetrators of criminal acts, the theory used to describe the elements of error (guilty, mens rea) commonly adopted in Indonesia is the concept of functionary error.⁵³ Where in the event of a criminal act, the elements of blame are distributed to the leadership, corporation, or internal structure of the corporation.⁵⁴ This means that even though it opens up opportunities for corporations to be held accountable when they commit political offenses. However, with the current judicial facts, there are only a few criminal decisions that impose special liability on corporations alone.⁵⁵ In the author's opinion, this will actually open a new chapter in terms of legal problems

⁵¹ In criminal law, corporations include both legal entities and non-legal entities. Not only legal entities such as limited liability companies, foundations, cooperatives, or associations which have been legalized as legal entities are classified as corporations according to criminal law, but also firms, limited partnerships or CVs, and partnerships or match-up, namely business entities which according to civil law is not a legal entity. From this description, it can be seen that there is a difference between the definition of a corporation in the field of civil law and the definition of a corporation in the field of criminal law. In the field of civil law, what is meant by a corporation is a legal entity, whereas in the field of criminal law, what is meant by a corporation is not only a legal entity but also a non-legal entity. Looking at Paulus Aluk Fajar Dwi Santo, Review of the Subject of Corporate Law and the Formulation of Responsibility in Criminal Acts, *Journal of Humanities* Vol.3 No.2 October 2012: 422-437, p. 425-426.

⁵² Eddy O.S Hiarij, 2016, *Principles of Criminal Law: Revised Edition*, Cahaya Atma Pustaka, Yogyakarta, Op.Cit., hlm. 153

⁵³ Muladi and Dwidja Priyatno, 2010, *Corporate Criminal Liability*, First Printing, Kencana Prenada Group, Jakarta, p. 17.

⁵⁴ Yusuf Shofie, Corporate Criminal Responsibility in Consumer Crimes in Indonesia, in *ADIL Legal Journal*, Volume 2, Number 1, April 2011, Jakarta, p. 17.

⁵⁵ Until now, there have not been many legal cases criminalizing corporations in Indonesia. There are only 9 cases referring to Nani Mulyati's research. The list of cases in this research was modified, edited, and added from the table created by Muladi and Diah Sulistyani, "Corporate Criminal Responsibility," 2nd Edition, 1st Printing, (Bandung: Alumni, 2015), p. 83-92. Viewed in Nani Mulyati, 2018, *Corporations as Legal Subjects and Their Criminal Liability in Criminal Law*, Dissertation at the Faculty of Law, University of Indonesia. p. 189-196.

regarding political offenses related to determining the legal subject. In addition, the determination of legal subjects in the form of individuals (natural persons) only is also intended as a basis in the context of future extradition. Bearing in mind that the extradition of corporations is the definition of extradition itself, it is impossible to carry out. Thus, in the context of a criminal act money politics, what can be extradited against the perpetrator is when the criminal act was committed by a legal subject in the form of an individual (natural person).

Fourth, the parameters of crimes committed by legal subjects are based on "motive altruistic." In this parameter point, what the author wants to try to emphasize is what the mechanism for measuring legal certainty when a crime in the formulation of the article places intention as the key to fulfilling the formulation of the offense in question or in this study is a political offense, as well as its relation to criminal acts money politics. So, later, it will be a criminal act of money politics, which in the process was carried out by the perpetrator, but based on egoistic or individual motivation, the perpetrator can be extradited.

Of the four parameters that the author explains above, the aim is to offer solutions to the legal problems being studied, which are related to concepts that can be used as a generalization of extradition for criminal acts money politics in relation to political offenses; it can be concluded that these parameters must be interpreted "cumulatively" and arranged systematically as follows:

- (1) Crimes aimed at the object of a political offense, namely the legitimate government and the functioning of the state and state institutions;
- (2) The aim of these political offenses is to change the legal order currently in force in a country;
- (3) The legal subject in political offenses is an individual (natural person)
- (4) Political offenses committed by legal subjects are based on "motives. "altruistic."

C. Placing Criteria for Political Offenses as a Solution to Extradition to Criminal Offenses Money Politics

A study regarding the projection placement of the legal problems studied is related to concepts that can be used as a generalization of extradition for criminal acts money politics in relation to political offenses. The focus will be on how these projections will be placed in Law No. 1 of 1979 as the main legal instrument related to extradition in Indonesia. At this point, the author provides two alternatives that can be used. **First**, with the "partial reformulation" mechanism,⁵⁶ which means placing these projections in Law No. 1 of 1979, which is currently in effect, with the addition of an article related to the parameters of political offenses as a support for legal certainty, which can be positioned as Article 5 paragraph (5), which more or less has the following formulation:

⁵⁶ Pasrisal Reformulation or Partial Reform is a reform of criminal law that is not carried out completely in accordance with the provisions of statutory regulations. Example: Amendment to the Criminal

Code or amendment to the Special Criminal Law. Supriyadi, 2018, Teaching Materials in Criminal Law Policy Courses, Faculty of Law, Gadjah Mada University, Yogyakarta.

Article 5

- (4) Political offenses or political crimes, as referred to in paragraph (1), are crimes committed by individuals based on altruistic motives, committing crimes aimed at the legitimate government and the functioning of the state or state institutions, with the aim of changing the current legal order.

Second, with a "total reformulation" mechanism⁵⁷, which means placing these

IV. Conclusion and Suggestion

Based on the results of this study, draw the following conclusions. **First**, the relationship between political offenses and criminal acts money politics gave birth to two main views on this relationship. Referring to the 4 (four) characteristics of political offenses, it was found that there were similarities between political offenses and criminal acts money politics, which is the main basis for the birth of the view in the pro camp that it is a criminal act money politics is part of a political offense which implies that the perpetrator is a criminal act money politics cannot be extradited because it is subject to Article 5 paragraph (1) of Law No. 1 of 1979 which expressly states that "Extradition is not carried out for political crimes." Meanwhile, on the other hand, the opposing view bases its argument on a typology of political offenses, which clearly states that it is a criminal act money politics is not part of a political offense but tends to be a general criminal act and in turn, when the perpetrator of a criminal act is found money politics who in the process of fleeing outside the

projections in the draft extradition law that will be formed. Later, the formulation of articles regarding political offenses will continue to include additional articles related to the parameters of political offenses as described above. Also, it is necessary to confirm the subject of the political offense. Bear in mind that the legal subjects contained in several of the latest criminal regulations are not only aimed at individuals. However, the concept of corporate responsibility is also known.

jurisdiction of Indonesian criminal law, the perpetrator can be extradited. Both pro and con views are related to criminal acts and money politics, and whether or not it is part of a political offense still leaves important legal problems to be studied regarding the extradition of the perpetrator. Bearing in mind the antinomy of these two views, especially in the context of refusing to recognize criminal acts money politics As part of a political offense that has the impact of extradition on the perpetrator, it still requires further confirmation regarding whether this concept can be applied generally to all criminal acts money politics whose perpetrators fled to other countries.

Second, the criteria for political offenses are the main solution that can anticipate the problems in question. The construction of these criteria, which can be used as the main basis for determining whether an act is a political offense or not, consists of the criteria for crimes committed by individuals based on altruistic motives, committing crimes aimed at the legitimate government, and the functioning of the state and state institutions,

⁵⁷ Total Reformulation or Total Renewal is a comprehensive reform of criminal law in accordance with the provisions of statutory regulations. Example:

Draft Law on the Criminal Code (RUU KUHP), Supriadi, *ibid.*,

with the aim of changing the existing legal order. These criteria can later be placed in extradition regulations in Indonesia, especially in Law No. 1 of 1979, if it uses partial reformulation or a "total reformulation" mechanism, which means placing these projections in the draft extradition law that will be formed. Later, the formulation of articles regarding political offenses will continue to include additional articles related to the parameters of political offenses. Also, it is added with the confirmation that the subject of the offense from political offenses only covers the subject of individuals or natural persons.

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References

- Anggraeni, L., & Ramdhani, H. (2018). Prevention of Money Politics in General Elections through Strengthening Non-Penal Policies. *Legal Communication Journal (JKH)*, 4(1), 59-68.
- Attenborough, F.L. (ed. And trans) 1992, *The Laws of The Earliest English Kings*, Cambridge University Press, Reprint March 2006, The Lawbook Exchange, Ltd. ISBN 1-58477-583-1.
- Dani Krisnawati, Eddy O.S Hiariej, Marcus Priyo Gunarto, Sigid Riyanto, Supriyadi, 2006, *Anthology of Special Criminal Law (Print 1)*, Pena Pundi Aksara, South Jakarta, p. 16.
- Eddy O.S Hiariej, *Introduction to International Criminal Law*, Erlangga, 2009, Yogyakarta, p.40.
- _____, 2016, *Principles of Criminal Law: Revised Edition*, Cahaya Atma Pustaka, Yogyakarta, p. 3.
- Fatkurohman, F. (2010). Regional Elections and the Future of Strengthening Democracy in the Regions. *Constitutional Journal*, 3(2).
- Hardiagio, D. (2022). Principles of Legality and Self-Plagiarism: The Antinomy of Empirical Reality as a Projection of the Regulation of Special Crimes in the Field of Copyright. *UIR Law Review*, 6(2), 01-23.
- _____, (2021). Political Offenses in Indonesian Criminal Law. *Journal of Law & Development*, 50(4), 908-925.
- _____, (2020). Reconstruction of Treason as a Political Offense in the Development of Criminal Law in Indonesia (Doctoral Dissertation, Gadjah Mada University).
- _____, 2019, *Political Offenses in Criminal Law in Indonesia*, Grant Fund Research organized by the Research and Publication Unit (URP) of the Faculty of Law, Gajah Mada University, p. 44-46.
- Loebby Louqman, *Crimes Against State Security*. Dissertation.
- Maria SW. Suwardjono, 2014, *Lecture Material: Legal Research Methodology*, Gadjah Mada University, Yogyakarta, p. 17.
- M. Budiarto, *Extradition in National Law*, Ghalia Indonesia, 1981, Jakarta, p.7.
- Muladi and Diah Sulistyani, "Corporate Criminal Responsibility," 2nd Edition, 1st Printing, (Bandung: Alumni, 2015), p. 83-92. Viewed in Nani Mulyati, 2018, *Corporations as Legal Subjects and Their Criminal Liability in Criminal Law*, Dissertation at the Faculty of Law, University of Indonesia. p. 189-196.

- _____, and Dwidja Priyatno, 2010, Corporate Criminal Liability, First Printing, Kencana Prenada Group, Jakarta, p. 17.
- Paulus Aluk Fajar Dwi Santo, Review of the Subject of Corporate Law and the Formulation of Responsibility in Criminal Acts, *Journal of Humanities* Vol.3 No.2 October 2012: 422-437, p. 425-426.
- Peter Mahmud Marzuki, 2005, Legal Research, Kencana, Jakarta, p. 237-239.
- Remmelink, Jan 2003, Criminal Law: Comments on the Most Important Articles in the Dutch Criminal Code and Their Equivalentents in the Indonesian Criminal Code, Gramedia Pustaka Utama.
- Salim Ibrahim Ali dkk, Legal Research of Doctrinal and Non-Doctrinal, *International Journal of Trend in Research and Development*, Volume 4(1) May 2017, hlm. 493.
- Satria, H. (2019). Legal Politics of Money Politics Crimes in General Elections in Indonesia. *Integrity: Anti-Corruption Journal*, 5(1), 1-14.
- Sumaryo Suryo Kusumo, 2010, International Criminal Law (Extradition), Tatanusa, Jakarta, p. 25.
- _____, International Criminal Law (Extradition), Tatanusa, 2010, Jakarta, p.8.
- Supriyadi, 2018, Teaching Materials in Criminal Law Policy Courses, Faculty of Law, Gadjah Mada University, Yogyakarta.
- Soedikno Mertokusumo, 2005, Getting to Know the Law An Introduction: Op.Cit, hlm. 181.
- _____, 2007, The Discovery of Law An Introduction: 5th Printing, Liberty, Yogyakarta, hlm. 171.
- Soerjono Soekanto, 2015, Normative Legal Research: A Brief Overview, Rajawali Pers, Jakarta, p. 13.
- Law of the Republic of Indonesia Number 1 of 1979 concerning Extradition.
- Law of the Republic of Indonesia Number 39 of 1999 concerning Human Rights
- Yusuf Shofie, Corporate Criminal Responsibility in Consumer Crimes in Indonesia, in *ADIL Legal Journal*, Volume 2, Number 1, April 2011, Jakarta, p. 17.