



Legal Challenges of Combating International Cyberterrorism: The NCB Interpol Indonesia and Global Cooperation

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| Article | Abstract |
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| <p>Keywords: NCB Interpol Indonesia; Cyberterrorism; Legal Challenges; Extradition</p> <p>Article History Received: Aug 15, 2023; Reviewed: Aug 25, 2023; Accepted: Nov 3, 2023; Published: Nov 6, 2023.</p> | <p><i>This paper explores the important role played by the National Central Bureau (NCB) Interpol Indonesia in confronting the complex juridical challenges posed by international cyberterrorism and the relationship between the digital domain and international legal norms, offering insights into how NCB Interpol Indonesia manages this intricate landscape to combat transnational threats. It highlights the critical imperative of establishing a robust legal framework tailored to address the multifaceted dimensions of cyberterrorism, with a steadfast commitment to upholding human rights while maintaining the efficacy of counterterrorism initiatives. The paper examines NCB Interpol Indonesia's approach to the legal aspects of counterterrorism, shedding light on their role in fostering international cooperation, extradition agreements, and the exchange of critical information. Furthermore, it scrutinizes the challenges associated with reconciling domestic laws and international obligations in the face of rapidly evolving digital tactics employed by terrorist entities. NCB Interpol Indonesia's experience provides a compelling case study of how a national bureau interfaces with global legal principles, necessitating adaptability, collaboration, and a nuanced understanding of the ever-changing digital terrain. By exploring these juridical challenges, this paper contributes to the broader discourse on counterterrorism in the digital age, with valuable insights into the multifaceted role of NCB Interpol Indonesia and the legal frameworks that underpin their efforts.</i></p> |



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INTRODUCTION

Transnational Crime, or Cross-Border Crime, represents one of the most serious threats globally, which also happens in Indonesia. Historically, this form of criminal activity has existed since the 20th century (Angkasa et al., 2023; Saputra et al., 2023). Its evolution is closely tied to advancements in technology, information, transportation, communication, and the emergence of new opportunities for organized criminal activities (Ali et al., 2023; Shevchuk et al., 2023). In this context, according to Passas, transnational crime can be delineated as conduct that presents a potential menace to legally safeguarded interests across multiple national jurisdictions and is, at the very least, subject to criminal prohibition in one of the nations implicated.

Over time, the global community has progressively acknowledged transnational crime as a paramount challenge to international security (Arumbinang et al., 2023; Prakasa et al., 2021; Yakub et al., 2023). Consequently, in the year 2000, a multilateral apparatus rooted in international accords came into existence, known as the United Nations Convention on Transnational Organized Crime (UNTOC). The primary objective behind the establishment of this entity was to furnish a comprehensive framework to assist nations in addressing transboundary criminal activities. In this context, Indonesia formalized its commitment to the UNTOC convention by adopting Law Number 5 of 2009, which pertains to the Ratification of the United Nations Convention on Transnational Organized Crime. This convention has implications for various legal statutes within Indonesia, encompassing issues such as extradition, narcotics control, anti-corruption measures, money laundering, forestry regulations, counter-terrorism efforts, mutual legal cooperation in criminal affairs, the safeguarding of witnesses and victims, as well as measures addressing human trafficking.

In a broader context, Siegel emphasizes that transnational organized crime primarily involves the illicit provision of goods and services, with drug trafficking, human trafficking, human smuggling, and the financing of terrorism as central cross-border activities (Siegel, 2014). Arief explores the significance of international criminal law in the analysis of transnational crimes, with a specific emphasis on the growing concern of human trafficking, particularly in the context of women and children (Arief, 2016). Spapens acknowledges the increased opportunities for transnational criminal activities facilitated by factors such as mobility, open borders, and the internet, yet he observes that there is limited evidence of the emergence of large-scale “*Crime multinationals*” (Spapens, 2015). Ruggiero briefly references transnational organized crime as a prominent threat, with a particular focus on emerging transnational gang-related challenges (Ruggiero, 2008).

In addition, transnational organized crime is currently exhibiting a rising trend, and its impact extends beyond the psychological well-being of individuals or societal groups; it also affects the fundamental pillars of national and international economies, as well as the sovereignty of a nation. Forms of transnational organized crime

encompass various offenses, including corruption, money laundering, narcotics, trafficking in persons, cybercrime, smuggling of migrants, terrorism, and illegal fishing. Therefore, addressing these issues necessitates collaborative efforts between nations.

However, in the current development, transnational organized crimes have exhibited a growing sophistication in their operational strategies. They adeptly exploit the variances and gaps within the legal frameworks of diverse nations, rendering the effective coordination of law enforcement agencies a formidable task. Moreover, the swift proliferation of technology has endowed these criminals with novel tools and methodologies to facilitate their illicit endeavors (Amirullah, 2023; Saputra & Wibowo, 2023). For instance, the utilization of the internet and encrypted communication channels has afforded them the means to engage in activities encompassing financial crimes, human trafficking, drug trafficking, cybercrimes, and cyberterrorism, while attaining a level of anonymity and global outreach hitherto unattainable (Ginting & Talbot, 2023).

The advent of information technology has triggered profound societal transformations, presenting opportunities for social, cultural, and economic advancement. Concurrently, it has created a fertile landscape for cybercriminal activities within the digital realm. This intangible yet distinctly tangible menace in cyberspace represents a paramount concern, with governments acknowledging the internet as a cornerstone of critical infrastructure. Cybercrime, distinguished by its transnational and borderless characteristics, confers distinct advantages upon its perpetrators when contrasted with traditional criminals. They adeptly exploit digital technologies to maximize profits while minimizing exposure to detection, arrest, conviction, and asset confiscation (Nte, et.al., 2023; Walid, 2022).

The multifaceted nature of international legal frameworks, shaped by the transnational scope of cybercrime, renders the identification and prosecution of cybercriminals complex. Sovereignty remains a formidable impediment to the establishment of a supranational legal union. Consequently, to effectively combat transnational cybercrime, a globalized paradigm of justice is indispensable. Such an approach would empower legal authorities to address cybercrime comprehensively, transcending the constraints of national borders, including the role of international police as well as National Central Bureau Interpol Indonesia in combating transnational crimes—including international cyberterrorism (Unggul et al., 2023).

In recent years, international cyberterrorism has seen a significant rise in line with the advancements in information technology, notably in Indonesia. Notable cases include the *WannaCry Ransomware* cyberattack that targeted numerous hospitals within Indonesia (Ayuwuragil, 2017), the cyberterrorism activities of Nur Solihin, involving recruitment and training of terrorists through social media, and the cyberterrorism case associated with Imam Samudra. Furthermore, several incidents have also occurred in previous years. For instance, in 1997, a cyber-terrorist from Portugal modified and

provoked the appearance of Indonesian military websites. In 2004, the official website of the Indonesian General Election Commission was subjected to hacking. It is worth noting that Indonesia is not the sole victim of such threats; globally, various countries grapple with comparable challenges. For instance, the United States has confronted cyberterrorism, exemplified by the case of *The Internet Black Tigers* (Priyambodo, 2006; Rahman, 2016; Amirullah, Saputri, & Putra, 2022; Qutub, 2014).

Some previous studies have categorized cyberterrorism as a transnational organized crime that requires international cooperation efforts across sectors. Lobach, et.al (2021) highlights that cyberterrorism is a relevant conceptual notion that is perceived as a method of committing a terrorist act in the international criminal law system. The international community has begun to consider cyberattacks as a form of terrorism (Rahman & Anam, 2020). However, the identification of perpetrators of cyberterrorist acts will require the cooperation of other states. In fact, in many cases, it faces legal and judicial challenges in many countries (Lamanna, 2018; Veerasamy & Gobler, 2010; Lentz, 2010).

In the further context, in the realm of international cyberterrorism, the challenges and complexities surrounding extradition and international cooperation take on even greater significance. In the face of transnational cyberterrorist threats, extradition serves as an important tool for apprehending and bringing to justice individuals involved in cyberterrorist activities across borders. The limitations of national jurisdiction are keenly felt in cases of cyberterrorism, where perpetrators may operate from one country while targeting entities or infrastructures in another.

The role of the International Criminal Police Organization (ICPO-Interpol) and its affiliated National Central Bureaus (NCB-Interpol) is accentuated in this context. These entities play a critical role in facilitating international collaboration in addressing cyberterrorism. NCB-Interpol Indonesia, as part of the global Interpol network, contributes significantly to efforts aimed at countering international cyberterrorism, including the coordination of extradition requests and the sharing of critical intelligence.

Therefore, this study delves into a comprehensive examination of NCB-Interpol Indonesia's role in extradition cooperation—including judicial challenges—in the context of international cyberterrorism, shedding light on the multifaceted challenges and mechanisms involved in addressing this complex and evolving threat.

METHOD

This study adopts a qualitative approach to delve into the intricate legal dimensions of addressing international cyberterrorism. The primary data collection method centers on a comprehensive analysis of legal documents, including international treaties, cybercrime legislation, and relevant legal materials (Deplano & Tsagourias, 2021). This analysis seeks to unravel the underlying legal framework within which NCB Interpol

Indonesia operates in its efforts to combat cyberterrorism. Complementing this document analysis, qualitative data is also gathered through interviews with key stakeholders. These stakeholders may encompass officials from NCB Interpol Indonesia, legal experts, representatives of law enforcement agencies, and experts in cyberterrorism and international law. The qualitative data derived from these interviews is subsequently transcribed, coded, and thematically analyzed to identify recurring patterns and themes. This analysis serves to uncover practical challenges, legal dilemmas, and operational issues faced by NCB Interpol Indonesia. The study adheres to ethical considerations, ensuring informed consent and safeguarding the privacy and confidentiality of interviewees. In acknowledging potential limitations, the research takes into account factors such as access to confidential information, data availability, and the willingness of stakeholders to share insights. Ultimately, the research aims to provide a comprehensive understanding of the juridical challenges in addressing international cyberterrorism and to offer insights and recommendations for potential legal reforms or improvements in international cooperation.

RESULTS AND DISCUSSION

Making Combating Cyberterrorism a Global Concern: The International Cooperation and Its Challenges on International Agreement

The strategic geographical location of Indonesia has been exploited by transnational criminal actors to carry out their activities (Nainggolan, 2018). Geographically, Indonesia is situated between two continents and two oceans, serving as a vital trade route and one of the world's busiest maritime passages. Consequently, it is not surprising that Indonesia is targeted as both a transit and destination country for cross-border criminal activities. Faced with this challenge, it is only fitting for Indonesia to endeavor to address transnational crimes collectively with other nations through international cooperation mechanisms (Ramesh, 2000; Darmono, 2010). In accordance with Law Number 2 of 2002 concerning the Indonesian National Police, Chapter VII delineates provisions concerning police cooperation, assistance, and police relations. These provisions are further expounded upon in Articles 41 and 42. Article 41 specifies that the Indonesian National Police may request assistance from the Indonesian National Armed Forces in carrying out security tasks, as subsequently regulated by Government Regulations. Conversely, the Indonesian National Police are entitled to actively contribute to peacekeeping missions under the United Nations (McKenzie, 2019; Chow, 2005; McKenzie, 2018; Lestari, 2021).

Article 41 outlines the circumstances under which the Indonesian National Police can seek assistance from the Indonesian National Armed Forces (*Tentara Nasional Indonesia*, hereinafter referred to as TNI). It states that the Indonesian National Police may request assistance from the TNI when carrying out security-related duties. However, the specific details of this cooperation, such as the nature and extent of

TNI's involvement, are to be further defined by Government Regulations. This provision recognizes the importance of a coordinated approach between the police and the armed forces in ensuring national security.

Meanwhile, Article 42 emphasizes the role of the Indonesian National Police in international peacekeeping efforts, particularly through the United Nations. It underscores that the Indonesian National Police have the authority to actively participate in peace missions organized by the United Nations. This reflects Indonesia's commitment to international peace and security by contributing its police personnel to UN peacekeeping operations (Hinkkainen Elliott, Polo, & Reyes, 2021; Hansen, Nemeth, & Mauslein, 2020).

Furthermore, Article 42(1) stipulates "The relationships and cooperation of the Indonesian National Police with bodies, institutions, and agencies both domestically and internationally are based on the pillars of functional relations, mutual respect, mutual assistance, prioritization of the common interest, and adherence to hierarchy." Subsequently, Article 42(2) explains that "Domestic relationships and cooperation are primarily conducted with elements of regional government, law enforcement agencies, other bodies, institutions, and the community, with a focus on the principles of participation and subsidiarity." Meanwhile, international relationships and cooperation can be conducted through police agencies and other law enforcement entities via bilateral or multilateral collaborations, as well as with crime prevention bodies within the context of operational tasks or technical, educational, and training cooperation. All regulations concerning national and international cooperation by the Indonesian National Police are governed by Government Regulations (Mutiarin, Pribadi, & Rahmawati, 2022; Mardhani, Runturambi, & Hanita, 2020; Simanjuntak, 2020; Indiarito, 2021).

Therefore, a concise summary of all dimensions of collaboration, support, and the interaction between ICPO/Interpol and the Indonesian National Police, as delineated in Law Number 2 of 2002 concerning the Indonesian National Police, can be articulated as follows:

1. Cooperative relations between the Indonesian National Police and foreign countries in the realm of security are conducted in accordance with the principles of functional relations, mutual respect, mutual assistance, the prioritization of common interests, and due regard for hierarchical structures.
2. Bilateral or multilateral cooperation between the Indonesian National Police and foreign countries, whether through operational tasks, technical collaboration, or educational initiatives, is geared toward the objective of combating transnational criminal activities.

In further discussion regarding cooperative relations in the security domain, the law emphasizes that cooperative relations between the Indonesian National Police and foreign countries in the field of security are to be based on specific principles. These

principles encompass “*Functional relations*”, implying that the cooperation should serve functional, practical purposes in the context of security. It also emphasizes “*mutual respect*”, meaning that both parties are expected to hold each other in high regard and work together professionally and respectfully. “*Mutual assistance*” underlines the commitment to aiding each other in security-related matters. “*Prioritization of common interests*” suggests that the shared objective of enhancing security and tackling transnational crime should be at the forefront of these collaborations. Lastly, “*Due regard for hierarchical structures*” underscores the importance of respecting established authority and organizational hierarchies in these collaborative efforts.

In addition, related to bilateral and multilateral cooperation, the law highlights that cooperative endeavors between the Indonesian National Police and foreign nations can take two primary forms: bilateral and multilateral. Bilateral cooperation involves collaboration between the Indonesian National Police and a single foreign country. This can encompass various activities such as sharing information, conducting joint operations, or coordinating law enforcement efforts to combat transnational criminal activities. Multilateral cooperation, on the other hand, involves participation in collaborative efforts that include more than two parties. This could be through international organizations, conventions, or alliances. Within these collaborations, the focus is on operational tasks, technical cooperation, and educational initiatives. The ultimate goal of such cooperation is the effective and collective fight against transnational criminal activities, emphasizing the global dimension of this challenge.

Within the same context, the execution of collaborative interactions concerning the Indonesian National Police is governed by Government Regulation Number 68 of 2008, which details the protocols for implementing cooperative relationships of the Indonesian National Police. As stipulated in Article 2, “Cooperation is conducted with the aim of facilitating the execution of police duties functionally, both in the operational and developmental domains.” Cooperation with foreign entities is also governed by Article 3, which underscores that international cooperation shall adhere to the principles of each respective national law and international legal norms and practices (Simanjuntak & Utomo, 2016; Hegar, 2016; Kaburuan & Damayanti, 2022; Hakim & Maksum, 2022).

Collaboration with foreign entities is conducted via foreign government institutions, international bodies, and non-governmental or nonprofit organizations. This collaboration proceeds through several stages, including the drafting of cooperation agreements, signing, approval, the exchange of cooperation documents, the storage of cooperation documents, and public awareness efforts. In Article 11, foreign cooperation can take the form of parent cooperation and technical cooperation, subject to having obtained authorization from the Ministry of Foreign Affairs.

Within the scope of international cooperation in the context of law enforcement, three distinct types of cooperation can be delineated, as follows:

1. Bilateral Cooperation

This type of cooperation involves two countries, where the substance of the agreement is specific and applicable to the concerned parties.

2. Regional Cooperation

International cooperation occurs within a specific regional jurisdiction, binding only the member states within that particular region.

3. Multilateral Cooperation

Collaboration involves two or more countries, not confined to a specific region, and open to nations that were not initially part of the negotiations.

Additionally, based on United Nations conventions, it has been agreed that there are seven forms of international cooperation to combat transnational crimes, as follows:

1. Exchange of Criminal Information and Intelligence

This is one form of cooperation through ICPO or Interpol, where they issue and distribute useful information to member countries as a preventive measure against transnational crime. The outcomes of information exchange may include notices or reports, facilitated through the Interpol Global Police Communications System (I-24/7). These notices encompass:

- a. Red Notice (Wanted Person) for seeking assistance in locating and apprehending extradition-bound criminal offenders.
- b. Blue Notice (Inquiry) for requesting assistance in monitoring criminal suspects.
- c. Green Notice (Warning) for providing information about repeat offenders or syndicates that require vigilance.
- d. Yellow Notice (Missing Person) for locating missing individuals.
- e. Black Notice (Unidentified Body) for information related to unidentified and possibly foreign nationals.
- f. Orange Notice (Security Alert) for warnings regarding potential threats to law enforcement, institutions, or international organizations, such as explosive or hazardous materials.
- g. Interpol-United Nations Special Notice for notifications concerning individuals or groups sanctioned by the United Nations Security Council.

2. Extradition

This form of cooperation is conducted between two countries with the aim of requesting the country to which the suspect or convict has fled to surrender them. This facilitates prosecution in accordance with the laws of the requesting country. Extradition is initiated through a cooperation agreement (extradition treaty) or based on amicable relations.

3. Mutual Legal Assistance in Criminal Matters

MLA represents an agreement between two foreign countries for the purpose of sharing information and exchanging information in the pursuit of law enforcement. This form of cooperation includes assistance in investigations, prosecutions, trials, and the recovery of criminal proceeds.

4. Transfer of Criminal Proceeding

This cooperation occurs when one country requests another country to apply its criminal law to someone suspected of committing a criminal offense.

5. Transfer of Sentence Person (TSP)

TSP entails the relocation of the execution of a criminal sentence, as determined by the judicial authority of one state, to another state. TSP is executed without disregarding valid court decisions and human rights principles (Daud, 2021).

6. Transfer of Asset Recovery

Through this cooperation, a state reclaims or repatriates assets rightfully belonging to it that were unlawfully seized by individuals involved in corrupt practices.

7. Joint Investigation

Bilateral or multilateral cooperation between the Indonesian National Police and the law enforcement agencies of the destination country, either directly or through Interpol. The objective of this collaboration is to conduct joint investigations in addressing transnational criminal cases.

8. Joint Operation

A form of cooperation among different states aimed at collectively combating transnational crimes without disregarding the jurisdiction of other states and while respecting the national laws of each related country.

These various forms of international cooperation play a vital role in addressing and mitigating transboundary criminal activities, with each approach tailored to specific circumstances and objectives.

Furthermore, in the context of international cooperation efforts aimed at combating transnational crime, three mechanisms can be employed:

1. Police to Police

This mechanism is feasible when Indonesia maintains a positive rapport with the law enforcement agencies of the target country. However, in cases where the desired police-to-police channel cannot be established, cooperation can be facilitated through the International Criminal Police Organization (ICPO/Interpol), which liaises with the National Central Bureau. Interpol enables the exchange of information and requests for investigative assistance, typically carried out by National Central Bureaus in their respective countries. Collaborative efforts facilitated by Interpol aid in streamlining activities related

to investigation, prosecution, and the pursuit of fugitives who have sought refuge in foreign nations.

2. Diplomatic Channels

If the police-to-police mechanism proves unsuccessful, the diplomatic channel becomes the reference point. Within this framework, cooperation is initiated by the Ministry of Foreign Affairs of the Republic of Indonesia, which submits requests for engagement with the government of the target country. Typically, this avenue is pursued when cooperation involves extradition and investigation.

3. Mixed Approach

This mechanism combines the strengths of diplomatic efforts and the ICPO or Interpol. Investigations and inquiries are conducted through each Interpol National Central Bureau (NCB) with the participation of Liaison Officers or representatives from the requesting country. Subsequently, the Diplomatic Channel is employed to facilitate collaborative relationships between nations, rendering the cooperation mechanism more flexible in its operation.

In accordance with Law Number 24 of 2000 concerning International Agreements, the legal framework outlined by this regulation governs the stages of international agreement formation. These stages encompass exploration, negotiation, text formulation, acceptance, and signing.

In addition, international agreements in this context, play a crucial role in fostering cooperation and mutual legal assistance among countries, especially in countering cyberterrorism. Cyberterrorism, involving attacks and criminal activities carried out through cyberspace, often transcends national borders. To effectively combat cyberterrorism, countries must collaborate, share information, and provide legal assistance to one another. Some stages to optimize the international collaboration for this case—international cyberterrorism—can be analyzed as follows:

1. Exploration

The initial stage involves countries recognizing the need for cooperation to address the growing threat of cyberterrorism. They may explore the possibility of entering into international agreements to facilitate mutual legal assistance in cyberterrorism cases. This exploration phase can include discussions on the specific challenges posed by cyberterrorism and the need for cross-border cooperation.

2. Negotiation

Once the need for cooperation is established, negotiations take place to define the terms and mechanisms for mutual legal assistance in cases related to cyberterrorism. This could include discussions on the sharing of digital evidence, extradition procedures, and the legal framework for prosecuting cyberterrorists.

3. Text Formulation

The negotiated terms and mechanisms are then formalized in a written international agreement or treaty text. This document outlines the obligations and rights of each participating country in the context of mutual legal assistance for cyberterrorism cases. It may address issues such as data sharing, the protection of critical infrastructure, and the extradition of cyber terrorists.

4. Acceptance

Each country involved in countering cyberterrorism reviews the treaty text to ensure it aligns with their national interests and legal systems. Acceptance signifies a commitment to the agreement's principles and the willingness to provide mutual legal assistance in combating cyberterrorism.

5. Signing

The official signing of the international agreement demonstrates a country's intent to be bound by its provisions. This step formalizes the commitment to cooperation in addressing cyberterrorism.

In the context of countering cyberterrorism, international agreements provide a legal framework for countries to share information, evidence, and resources, cooperate in investigations, and prosecute individuals involved in cyberterrorism activities (Masyhar, Murtadho & Sabri, 2023; Harmaji, 2018). The Law Number 24 of 2000, as mentioned in the initial statement, establishes the legal procedures and principles that guide the formation of such agreements. This framework ensures that mutual legal assistance in countering cyberterrorism is conducted in a systematic and legally sound manner, facilitating international cooperation in addressing this critical security challenge.

Extradition: Facilitating State Cooperation in the Fight Against Global Cyberterrorism

A state, regarding its territorial jurisdiction, possesses the legitimate right, authority, and power to formulate and enforce laws and regulations that define its territorial boundaries. It also has the capacity to implement these laws against individuals and legal entities residing within its territory. Furthermore, the state is vested with the ability to initiate legal proceedings and prosecute individuals who have committed crimes within its jurisdiction before the appropriate law enforcement authorities. This underscores the state's sovereignty and its role in maintaining law and order within its borders by upholding the rule of law and ensuring accountability for criminal activities (Efrat & Newman, 2020).

Cooperation in law enforcement within the scope of international relations has proven to greatly determine the success rate of national law enforcement against attempted crimes in the transnational sphere. The success of this cooperation will generally not occur if there is no form of bilateral or multilateral agreement in the

transfer of perpetrators of crimes or cooperation in investigation, prosecution, or justice. The prerequisites for this agreement are not absolute, as cooperation can still be pursued based on the principle of reciprocity. The earliest form of law enforcement cooperation is exemplified by extradition, followed by subsequent mechanisms such as mutual assistance in criminal matters, mutual legal assistance treaties (MLATs), transfer of sentenced individuals (TSI), transfer of criminal proceedings (TCP), and collaborative investigations with subsequent handovers. These forms of cooperation have been formally addressed within the framework of the UN Convention Against Corruption in 2003, as ratified under Law Number 7 of 2006 concerning the Ratification of UN Convention Against Corruption, and the UN Convention Against Transnational Organized Crime in 2000.

Extradition, as a formal process, entails the surrender of an individual who is suspected of committing a crime (whether they are a suspect, accused, or defendant) or someone who has already been convicted and sentenced, to the jurisdiction of a state capable of trying or penalizing them. This transfer occurs at the behest of the state where the individual is currently situated, and it serves the purpose of either conducting a trial or executing the imposed sentence, or addressing any remaining portion of the sentence. This extradition can transpire either under the provisions of an existing extradition treaty or based on a foundation of mutual goodwill between the involved states (Kholis, 2022; Putra & Karlina, 2022).

In accordance with the fundamental principles outlined in Article 1 of Law No. 1 of 1979 concerning the Extradition Treaty in Indonesia, extradition represents the act of one state surrendering an individual, who is either suspected or convicted of a crime committed beyond the borders of the surrendering state and within the legal jurisdiction of the state making the extradition request, which is empowered to initiate prosecution and secure a conviction. The execution of extradition must adhere to a minimum of two justifiable criteria that serve as the basis for the extradition request:

1. The agreement of States must not allow one or several perpetrators of criminal acts (criminals) to escape from legal bondage
2. The invoking State must believe that it is better able to carry out the punishment because it has ample evidence, has a great interest in the case, and has supporting facilities.

Extradition is carried out through formal treaties between the Republic of Indonesia and other countries, as ratified under relevant laws. In the absence of such a treaty, extradition may be pursued based on the principles of good relations and when it serves the interests of the State of Indonesia, as articulated in Article 2 of the law. The legal basis for an extradition request can be derived from national legislation, established extradition treaties, the extension of international conventions, or recognized international practices.

The legal entities involved in extradition encompass the requesting State, which seeks to prosecute or penalize the individual, and the requested State, where the alleged perpetrator of the crime is situated. The requesting State can be a single entity or multiple States, reflecting the practical reality that a person's actions may fall under the jurisdiction of more than one State, given that an individual might commit a range of offenses, each potentially within the purview of multiple States. It is these States that have an interest in reclaiming the offender for trial or to carry out or to continue the execution of the remainder of his sentence. In order to recover the person, States must first make a request to the country to which the person is located to hand over the person to it. Consequently, these nations are commonly denoted as “*States*” or “*Requesting parties*.” The state in which the alleged perpetrator of the crime is located, naturally, comprises only one country. This state is approached by the requesting state to surrender the individual accused of the crime, even if it may or may not have jurisdiction over the crime in question. This particular nation is typically termed the “*Requested State*.” The role of the requested state holds significant importance in the extradition process since it ultimately determines whether the individual will be extradited to the requesting state or not.

The granting of extradition is contingent on the presence of an offense listed within the Extradition Law or at the discretion of the requested State. The extradition process adheres to a structured framework, encompassing law enforcement practices, human rights protection, and the global effort to prevent and combat international crimes (Al-Fatih & Aditya, 2019). The role of a State as a key participant in the extradition process involves a unique set of procedures. For Indonesia, acting as the requested State, the sequence includes receiving requests for detention and arrest, conducting arrests and temporary detentions as necessary, considering extensions for detention, evaluating extradition requests, engaging in legal proceedings, reaching decisions on the extradition request, and ultimately executing the extradition when approved.

Conversely, in the context of extradition with Indonesia as the requesting State, the process involves several key steps. Initially, search requests are made, followed by arrests and detentions. Subsequently, the requirements for an extradition request are prepared. These requests are scrutinized by the Minister of Law and Human Rights. Once the examination is complete, they are officially reviewed and sent by the Minister of Foreign Affairs to the requested State if an extradition agreement is in place. In cases where no such agreement exists, the extradition requests are officially dispatched through diplomatic channels, specifically via NCB-INTERPOL Requested Countries. Legal proceedings occur within the courts of the requested State, and any court decisions are relayed to the Minister of Justice in the requested State. Ultimately, the process culminates in the execution of the extradition.

To combat and eliminate international crime, it is imperative to foster collaboration among nations. This collaboration takes shape through both bilateral and multilateral initiatives, serving as a fundamental requirement for establishing diplomatic relationships. The objective is to enhance the benefits derived from cooperation with other countries by considering each country's specific needs and leveraging reciprocal agreements. This inter-country cooperation may encompass various actions, including the pursuit, apprehension, and extradition of individuals evading justice by seeking refuge in countries other than their own.

Collaboration among nations in the fight against criminal activities is essential, as wrongdoers continually seek to evade prosecution by employing various tactics. They may attempt to escape to foreign countries, taking their ill-gotten gains with them. Meanwhile, within the realm of law enforcement, particularly among police authorities, a nation's jurisdiction is inherently confined. Recognizing the challenges faced in criminal investigations, the importance of international police cooperation becomes evident. This cooperation is primarily orchestrated through the International Criminal Police Organization (ICPO-Interpol), which designates the National Central Bureau (NCB-Interpol) in each member state. The purpose of these bureaus is to minimize the jurisdictional barriers that often hinder the prevention and eradication of transnational crimes. Given the evolving nature of international crime, it is imperative to continually enhance and optimize collaboration among police agencies from various countries to achieve shared objectives.

The Function and Role of Indonesia's National Central Bureau (NCB-Interpol) in Managing International Cyberterrorism Extradition

Extradition assumes a paramount role in the resolution of international criminal cases, underscored by the extensive array of legal provisions that govern it. These encompass international accords, bilateral and multilateral agreements at regional levels, as well as diverse national legislations and regulations. Notably, on December 14, 1990, the United Nations General Assembly ratified Resolution number 45/116, which introduced a model treaty on extradition. This model has been adopted by numerous nations as a foundational reference in the formulation of their extradition treaties.

Extradition collaboration stands as the preferred method for numerous countries in their endeavor to address international crimes. Experts have posited that this form of law enforcement cooperation plays a substantial role. Nations aiming to resolve cases through extradition treaties frequently engage the assistance of the National Central Bureau (NCB), an integral component of ICPO-Interpol.

NCB-Interpol serves as one of the bureaus integrated into the organizational framework of the International Relations Division within the National Police. It is entrusted with the responsibilities of nurturing, overseeing, and supervising the

execution of NCB-Interpol's obligations in the realm of international cooperation, both on a bilateral and multilateral scale. This designation dates back to 1954 when, under the authority of the Prime Minister's Decree No. 245/PM/1954, issued on October 5, 1954, the Indonesian government designated the State Police Service as NCB Indonesia. This appointment positioned NCB Indonesia as the official representative of the Indonesian government within the ICPO-Interpol organization, with the head of the state police being tasked to implement this directive following the decision of the Indonesian Prime Minister.

Each nation officially affiliated with Interpol is obligated to maintain an NCB (National Central Bureau), which operates as a liaison office responsible for managing connections with diverse domestic government departments and agencies, NCBs representing other countries, and facilitating relations with the Secretary-General of ICPO-Interpol. Initially, upon Indonesia's initiation into Interpol, the Interpol section was situated within the Criminal Investigation Service. Nevertheless, as the prevalence of transnational crime escalated and presented a significant challenge for all nations, the Interpol section was transformed into NCB-Interpol, operating directly under the directive of the national police. The function of NCB-Interpol is to carry out the functions of:

1. Implementation of international cooperation in the context of countering international or transnational crimes.,
2. Drafting international agreements and organizing meeting forums in national, bilateral, and multilateral.
3. Exchange of criminal intelligence information through Interpol and ACENAPOL networks
4. Technical guidance of Police attaché, SLO, STP and LO

NCB-Interpol Indonesia is primarily entrusted with the critical mission of addressing transnational crimes. Its key responsibilities revolve around orchestrating collaboration through the ICPO-Interpol platform to bolster global efforts against such criminal activities. Essentially, the National Central Bureau (NCB), as an integral component of ICPO, plays a significant role in the endeavor to combat crime within Indonesia. Another facet of its mission involves fostering international and interstate cooperation to enhance the capabilities of the National Police. This encompasses various areas such as education, training, technology, and participation in Peace Keeping Operation activities under the United Nations banner. Moreover, NCB-Interpol Indonesia holds a specialized role in handling extradition cases within the Indonesian context, which encompasses the following functions:

1. Facilitator

In this capacity, NCB-Interpol is responsible for streamlining the procedures related to extradition case investigators. Furthermore, NCB serves as a conduit for investigators from other nations who require the assistance of NCB-

Interpol Indonesia in locating suspects believed to be within Indonesian borders.

2. Coordinator

In its role as the NCB-Interpol coordinator, Indonesia assumes the responsibility of collaborating with foreign nations. NCB-Interpol Indonesia serves as the primary point of contact when other countries seek assistance in investigating suspects within Indonesian jurisdiction. Conversely, when there are suspects who have committed crimes in other countries, NCB-Interpol Indonesia is often the initial entity approached to conduct these investigations.

3. Investigation

In NCB-Interpol investigations, Indonesia's role is primarily limited to information provision, as the authority to arrest resides with the Indonesian National Police. Specifically, NCB-Interpol Indonesia serves as the representative of ICPO in the country, tasked with disseminating information to authorities responsible for apprehending criminals within Indonesia. Additionally, it collaborates with NCBs in other nations to restrict the mobility of suspects involved in criminal activities and shares pertinent data with national authorities to facilitate the capture of fugitive offenders within Indonesia.

Furthermore, it is important to highlight that the NCB-Interpol Indonesia functions solely as a representative of ICPO with the specific role of furnishing information and distributing it to law enforcement agencies and the NCBs of other nations. This information sharing is done to initiate actions against fugitive suspects, essentially diminishing their room for maneuver. When it comes to apprehending individuals who have escaped to foreign countries or Indonesia, NCB Interpol Indonesia has the authority to issue a Red Notice (Wanted Person). A Red Notice serves as a notification for the search and arrest of individuals suspected of committing crimes based on a valid Arrest Warrant, with the intention of their eventual extradition.

The active involvement of NCB-Interpol Indonesia in extradition cases is fundamentally rooted in its obligation to meet international commitments. These international obligations are established and enforced through relevant conventions and the legal framework existing within the Indonesian state. This engagement is integral to achieving the objectives and functions set forth by ICPO-Interpol. The conventions and laws underpinning NCB-Interpol Indonesia's proactive role in extradition cases include the General Constitution of the International Criminal Police Organization (ICPO)-Interpol 1956 and the Convention Against Transnational Organized Crime 2000 (Parlemo Convention).

In further discussion, the NCB Interpol Indonesia plays an important role, one of the roles is in countering cyberterrorism closely linked to current challenges in the

judicial process. Some challenges faced by NCB Interpol Indonesia in countering cyberterrorism are described as follows:

1. **Complexity of Cyberterrorism Cases**
Cyberterrorism cases often involve highly complex and technically sophisticated criminal activities, making them challenging to investigate and prosecute. NCB Interpol Indonesia plays a crucial role in assisting domestic law enforcement and the judicial process by connecting them with international expertise and resources to address these complexities effectively.
2. **Transnational Nature of Cyberterrorism**
Cyberterrorist activities frequently transcend national borders. Perpetrators may operate from one country, target victims in another, and store or transmit data through servers located in multiple jurisdictions. This creates jurisdictional challenges, making it essential for NCB Interpol Indonesia to facilitate international cooperation and coordination in the collection of evidence, extradition requests, and legal proceedings.
3. **Data Privacy and Digital Evidence Handling**
The judicial process in cyberterrorism cases involves collecting and handling digital evidence, which can be legally and technically challenging. Issues related to data privacy, chain of custody, and the admissibility of digital evidence in court are complex. NCB Interpol Indonesia can assist in navigating these challenges by sharing best practices and offering technical support in evidence collection and preservation.
4. **Mutual Legal Assistance**
Mutual legal assistance, which involves one country seeking cooperation from another in a legal investigation or proceeding, is vital in cyberterrorism cases. NCB Interpol Indonesia serves as a conduit for such requests and facilitates communication between law enforcement agencies and the judicial process. Challenges often arise in ensuring timely and effective responses to these requests.
5. **Capacity Building and Training**
To address the challenges of investigating and prosecuting cyberterrorism cases, NCB Interpol Indonesia provides training and capacity-building programs for law enforcement and judicial personnel. This is critical to enhancing the expertise and capabilities of those involved in the judicial process, ensuring they can effectively handle cyberterrorism cases.
6. **Interpol Notices and Alerts**
NCB Interpol Indonesia issues Interpol notices and alerts, including Red Notices for the arrest of suspects involved in cyberterrorism. These notices play a significant role in locating and apprehending suspects, and they are

essential tools in the judicial process when dealing with fugitive cyberterrorists.

7. Legal Frameworks and Legislation

NCB Interpol Indonesia assists in ensuring that national legal frameworks are aligned with international standards for countering cyberterrorism. This can involve providing guidance on updating or enacting legislation that addresses cybercrimes, including cyberterrorism, and ensuring that the judicial process is equipped to handle such cases effectively.

In addition, NCB Interpol Indonesia plays a crucial role in addressing current challenges in the judicial process related to cyberterrorism. It acts as a bridge between national law enforcement agencies, the judicial system, and the international community, facilitating collaboration, providing expertise, and assisting in overcoming the complexities associated with investigating and prosecuting cyberterrorism cases with a global dimension.

CONCLUSION

Transnational crime, particularly in the context of countering cyberterrorism, presents a formidable challenge that has led the international community to establish multilateral mechanisms such as the United Nations Convention on Transnational Organized Crime (UNTOC). Given the serious consequences of transnational crimes, international cooperation mechanisms are imperative to effectively address these issues. One critical aspect of law enforcement in this context is extradition, which involves surrendering individuals suspected or convicted of committing crimes to the requesting state. However, a significant obstacle in dealing with transnational crimes is the limited jurisdiction of law enforcement agencies in other countries. To overcome this challenge, the International Criminal Police Organization (ICPO) was established as an officially recognized international organization. ICPO, in turn, mandated the establishment of National Central Bureaus (NCB-INTERPOL) in member countries, each serving as a crucial link between domestic law enforcement agencies and the global effort to combat transnational crimes.

In the case of Indonesia, the government appointed the State Police Service as NCB Interpol Indonesia based on a decree issued on October 5, 1954. NCB Interpol Indonesia plays a significant role in addressing international crime cases, including those related to cyberterrorism. It serves as a facilitator, coordinator, and investigator in efforts to fulfill international obligations in combating crimes on an international scale. Regarding cyberterrorism, the role of NCB Interpol Indonesia is essential in coordinating with other member countries to share intelligence, collect evidence, and track down cyber terrorists operating across borders. Extradition, among other mechanisms, is employed to bring perpetrators to justice, contributing to global cybersecurity efforts. The NCB's involvement ensures that the judicial process extends

beyond national boundaries and collaborates on a global scale to counter the ever-evolving threat of cyberterrorism effectively.

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