

INDONESIA'S EFFORT IN RESOLVING NARCOTICS SMUGGLING CASES COMMITTED BY GREGOR JOHANN HANS: TRANSNATIONAL ORGANIZED CRIME PERSPECTIVE

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Article	Abstract
<p>Keywords:</p> <p>Narchotics, Smuggling, Transnational.</p> <p>DOI:</p> <p>10.28946/scls.v3i1.4783</p>	<p>Crimes related to drug abuse, smuggling, and distribution are increasingly rampant, even to the point of forming criminal organizations or cartels that cross national borders. Indonesia is not exempt as one of the countries targeted for drug smuggling and distribution by members of the Mexican Sinaloa cartel. Therefore, the United Nations Convention Against Transnational Organized Crime has been held as an effort to deal with crimes that have crossed national borders. The research method used in this research is normative juridical by examining theories and analyzing and reviewing legal provisions that are related to this research. The results of the study indicate that cross-border drug smuggling is a form of transnational organized crime. The efforts made by Indonesia in resolving drug smuggling cases as transnational organized crimes, especially in the drug smuggling case carried out by Gregor Johann Hans, cannot be separated from the cooperation between Indonesia and the Philippines in eradicating transnational organized crimes that have been established, one of which is through an extradition agreement known as The Extradition Treaty between the Republic of Indonesia and the Republic of the Philippines and the Protocol.</p>

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A. INTRODUCTION

In this era, drug-related cases are increasingly occurring in various places, be it in the form of distribution, smuggling, or abuse of narcotics. Based on data from the National Criminal Information Center (Pusiknas) of Bareskrim Polri from January to December 2024, there were January 3.843, February 2.965, March 3.969, April 2.630, May 4.819, June 3.787, July 4.279,

August 3.605, September 3.821, October 3.709, November 3.489, December 2.727. Based on the data, it shows that the number of drug cases in 2024 fluctuated significantly each month. The total number of drug cases in 2024 is 43.703, a drastic increase compared to the previous year. In 2023, the number of narcotics cases was 38,965. This figure indicates that narcotics still pose a serious threat to the survival of Indonesian society, especially the youth who are the primary target of drug abuse. Drug abuse by the younger generation not only has a negative impact on physical and mental health, but also leads to a decline in work productivity and the quality of human resources. This condition ultimately affects national development, as quality human resources are an important factor in the progress of a country.¹

Narcotics have many negative impacts when abused, especially in terms of health and social. In terms of health, drug abuse can cause serious damage to organs, such as the liver, lungs and brain, and lead to mental disorders, addiction and even death from overdose. The social impact is also very detrimental, including increased crime, decreased productivity, and the loss of the future of the younger generation. If drug trafficking in Indonesia becomes more widespread, this impact will be even more harmful to the next generation of the nation, threatening social and economic stability, and the quality of human resources that are crucial for the country's development.²

In Indonesia, narcotics may only be used for the benefit of health services and the development of science and technology, in accordance with legal provisions. Possession of narcotics for personal use, let alone abuse, is a criminal offense that is strictly regulated. Based on Law Number 35 of 2009 concerning Narcotics, anyone who possesses, stores, controls, provides, imports, exports, delivers, or even offers narcotics for sale can be subject to severe criminal sanctions.

The development of criminal acts today is no longer limited to one country, but has crossed the borders of other countries. In recent years, the circulation of various types of narcotics in Indonesia has become increasingly rampant and has become a serious concern. This issue poses a significant challenge that the Indonesian government must face, considering the state's responsibility to ensure that the young generation is free from the threat of narcotics that can ruin the nation's future. This threat not only disrupts social stability, but also has the potential to destroy the quality of human resources, which is the main capital for national development.³

One of the main causes of the increasing circulation of narcotics is the illegal entry of drugs from abroad through import routes that are becoming increasingly difficult to monitor, where advancements in technology and globalization have facilitated the distribution channels, making both international and local syndicates more cunning in executing their actions. Since narcotics are an illegal business, these syndicates use various methods to evade detection, such as disguising narcotics within legal products or exploiting smuggling routes that are hard for security forces to access.

The most common drug smuggling technique is to disguise drugs in certain goods to avoid suspicion. This mode utilizes legal products, such as food, clothing, electronic equipment, or building materials, where the narcotics are hidden inside, making it difficult for security forces to detect. Smugglers usually choose items that look ordinary and unsuspecting to trick inspection, whether at airports, seaports or border crossings.

¹ Pusiknas Bareskrim Polri, "Data Kejahatan Narkotika (Narkoba)," *PUSIKNAS*, 2025, accessed on October 1, 2024, https://pusiknas.polri.go.id/data_kejahatan.

² Revlin Anggraini, "Bagaimana Narkotika Mempengaruhi Psikologi Dan Masyarakat," *Fakultas Psikologi Universitas Muhammadiyah*, (2024): 6, <https://doi.org/https://doi.org/10.33487/EDUMASPUL.V6I1.3394>.

³ R.G. Raja Gukguk and N.S.P. Jaya, "Tindak Pidana Narkotika Sebagai Transnasional Organized Crime," *Jurnal Pembangunan Hukum Indonesia* 1, no. 3 (2019): 338, <https://doi.org/10.14710/jphi.v1i3.337-351>.

One real case of this smuggling modus operandi can be seen in the case of Gregor Johann Haas, 46 years old, an Australian citizen who was involved in the shipment of floor tiles containing more than 5 (five) kilograms of methamphetamine⁴ which is a class I (one) addictive substance Appendix 1 (one) order 61 (sixty-one) in the Narcotics Law. The drug smuggling occurred on December 5, 2023. It is known that the narcotics were sent from Guadalajara, Mexico.⁵

For this case Gregor was charged with Articles 114 and 112 of Law No. 35 of 2009 concerning Narcotics with the threat of punishment "Life imprisonment or imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years and a fine of at least Rp1,000,000,000.00 (one billion rupiah) and a maximum of Rp10,000,000,000.00 (ten billion rupiah). Or imprisonment for a minimum of 4 (four) years and a maximum of 12 (twelve) years and a fine of at least Rp. 800,000,000,000.00 (eight hundred million rupiah) and a maximum of Rp8,000,000,000.00 (eight billion rupiah)".

Gregor had been wanted by Badan Narkotika Nasional (BNN) who fled abroad, then on May 15, 2024 Gregor was successfully secured by a joint team in Bogo City, Cebu, Philippines after the National Police sent a Red Notice to Interpol.⁶ After the arrest of Gregor in the Philippines, it will be planned to cooperate with the Philippine and Indonesian governments to exchange (barter)⁷ between Gregor Johann Haas who is in the Philippines and Alice Guo, a Philippine fugitive in a money laundering case who was arrested in Tangerang Regency, Banten on September 9, 2024.⁸

The case of illegal drug smuggling from abroad is a real example of how advancements in technology and transportation facilitate cross-border criminals in operating their networks. With such rapid progress, transnational crime is now considered a serious threat to global security. In the multilateral context, the term used is Transnational Organized Crimes (TOC), which is aligned with the international legal instrument agreed in 2000, namely the United Nations Convention on Transnational Organized Crime (UNTOC). Transnational crime is highly complex in nature, making it essential for countries to strengthen international cooperation to collectively address this growing threat.⁹

In the case of transnational criminals who become fugitives and flee abroad, cooperation between countries becomes very important. One form of cooperation that is often used is extradition. Extradition has an important role in preventing and combating global crime, which is not only faced by Indonesia, especially with the increasing number of fleeing offenders. To overcome this, cooperation between countries is necessary, with extradition being the main link.

⁴ Nurul Hidayati, "Gregor Haas Yang Diinginkan Polri Diduga Anggota Kartel Sinaloa Meksiko," *Kumparan*, September 4, 2024, accessed on October 1, 2024, <https://m.kumparan.com/kumparannews/gregor-haas-yang-diinginkan-polri-diduga-anggota-kartel-sinaloa-meksiko-23SVBuh1iYU>.

⁵ Ivan Setyadi, "Siapa Gregor Johann Haas, WN Australia Yang Terkait Kartel Sinaloa Pimpinan El Chapo," *inilah.com*, September 4, 2024, accessed on October 1, 2024, <https://www.inilah.com/siapa-gregor-johann-haas-wn-australia-yang-terkait-kartel-sinaloa-pimpinan-el-chapo>.

⁶ Matanusantara, "Sebelum Kartel Narkoba Asal Australia Jadi DPO Dan Ditangkap Di Filipina, BNN Lebih Dulu Ciduk 6 Orang TSK," *Matanusantara.id*, 2024, accessed on October 1, 2024, <https://matanusantara.id/sebelum-kartel-narkoba-asal-australia-jadi-dpo-dan-ditangkap-di-filipina-bnn-lebih-dulu-ciduk-6-orang-tsk>.

⁷ Faisal Zamzami, "Sosok Gregor Johann Haas Kartel Narkoba Pimpinan El-Chapo Akan Dibarter Dengan Alice Guo," *Serambinews.com*, September 6, 2024, accessed on October 1, 2024, <https://aceh.tribunnews.com/2024/09/06/sosok-gregor-johann-haas-kartel-narkoba-pimpinan-el-chapo-akan-dibarter-dengan-alice-guo>.

⁸ Balqis Fallahnda, "Siapa Alice Guo Dan Apa Kasusnya Hingga Ditangkap Di Indonesia?," *tirto.id*, September 4, 2024, accessed on October 1, 2024, <https://tirto.id/siapa-alice-guo-dan-apa-kasusnya-hingga-ditangkap-di-indonesia-g3qs>.

⁹ Grenaldo Ginting and Karel Wowor, "Penanganan Internasional Crime Berupa Kejahatan Narkotika Lintas Negara Berkerjasama Dengan Interpol," *Jurnal Lex Privatum* 9, no. 1 (2021): 95, <https://ejournal.unsrat.ac.id/index.php/lexprivatum/article/view/33974>.

In the context of international relations, extradition serves as a mechanism to deal with international crimes.¹⁰ Based on the explanation above, the formulation of the problem in this research is :

1. What are the characteristics of drug smuggling as a form of transnational organized crime
2. What efforts are being made by Indonesia in addressing drug trafficking cases as organized transnational crime?

B. RESEARCH METHODS

The research method that will be used is the normative juridical research method, which is research conducted by examining theories and analyzing and examining legal provisions that have a relationship with this research. This research is based on secondary data or literature data. The research approach used is the statutory approach, analytical approach, and case approach. The statutory approach is used to examine regulations related to the legal issues being discussed, both national and international regulations. And the analytical approach is used to link and analyze how the application of legal regulations in the case to be discussed. Furthermore, the case approach is used to examine cases related to drug smuggling as a transnational crime, which is the core discussion material of this research. The legal materials used are primary legal materials in the form of laws and regulations, secondary legal materials sourced from library materials such as books, journals, articles, or other scientific papers, as well as tertiary legal materials that can support primary and secondary legal materials. The method of collecting legal materials is literature study. Then, the legal materials are reviewed using a statutory approach, an analytical approach, and a case approach to obtain an overview of the issues that are the focus of this study. The results of this research will be presented in the form of a description. The analysis method used in this research uses grammatical and extensive interpretation. Conclusions are drawn by drawing general things to specific things.¹¹

C. ANALYSIS AND DISCUSSION

1. Characteristic Of Drug Smuggling As A Form Of Transnational Organized Crime

Transnational crime etymologically means criminal acts committed across countries that are contrary to the values and norms in positive law.¹² Transnational crime according to the United Nations is an offense that is born, where part (proportion) and/or direct effects or indirect effects of the offense involve more than one country. Transnational Crime is a crime that is classified as serious and is also a crime that in its implementation is often carried out in organized groups or can be called Transnational Organized Crime (TOC).¹³ The phenomenon of organized crime generally refers to secretive organizations such as the mafia. These criminal organizations are known as La Cosa Nostra, Yakuza, Triads, Cartels and so on.¹⁴

Based on the United Nation Convention Against Transnational Organized Crime (UNTOC) or also known as the Palermo Convention in 2000, there are four characteristics that make a crime a transnational crime, namely (1) the crime is committed in more than one country; (2) the

¹⁰ Dwi M.N. Dewi, I Made. Sepud, and I Nyoman Sutarna, "Ekstradisi Sebagai Upaya Pencegahan Dan Pemberantasan Kejahatan Internasional," *Jurnal Analogi Hukum* 1, no. 1 (2019): 19, <https://doi.org/https://doi.org/10.22225/ah.2.1.2020.17-21>.

¹¹ Muhaimin, *Metode Penelitian Hukum* (Mataram: Mataram University Press, 2022), 72.

¹² Nugraha Pranadita, *Kejahatan Transnasional* (Sleman: Deepublish Digital, 2022), 1.

¹³ Dewi Pika, *Pengantar Transnational Crime* (Surabaya: Garuda Mas Sejahtera, 2019), 10.

¹⁴ Zainab Ompu Jainah, "Kejahatan Narkoba Sebagai Fenomena Dari Transnational Organized Crime," *Jurnal Pranata Hukum* 1, no. 4 (2013): 96, <https://www.neliti.com/publications/26736/>.

crime is carried out in one country but with preparation, planning, and direction and supervision carried out in other countries; (3) the crime is committed in one country but involves criminal groups that have involvement in criminal activities in more than one country; (4) the crime is committed in one country but has a serious impact on other countries.

The forms of transnational crime are very diverse along with the times. Based on the results of the 1995 UN Convention identified 18 types of crimes that can be classified as transnational crimes. One type of crime that is classified as a transnational crime is drug trafficking. Given that drug trafficking is a dangerous and transnational crime, three global conventions on drug control were agreed upon. The three conventions are the 1971 Convention on Drugs, the 1971 Convention on Psychotropic Substances and the 1988 UN Convention on Illicit Traffic in Narcotic Drugs and Psychotropic Substances. The 1971 Convention is a policy that emphasizes every country to criminalize the perpetrators of drug abuse crimes and also the perpetrators of drug smuggling crimes.¹⁵

2. Description Of The Drug Smuggling Case Carried Out By Gregor Johan Hans

Nowadays, drug smuggling by transnational criminals in various regions of the world is growing very rapidly and also poses a threat to state security. The good and directed coordination owned by the narcotics mafia network is a factor that results in the ease of the narcotics mafia network in distributing narcotics to several countries.¹⁶ The drug mafia network is usually controlled by drug cartels. A drug cartel is a term for an organization that traffics drugs. One example of a well-known drug trafficking cartel is the Sinaloa Cartel from Mexico.

In Indonesia, narcotics crime has also become a very concerning problem for the nation. The vastness of Indonesia's territory, which mostly consists of waters and islands, coupled with the limited security forces in charge of guarding the border areas, has created an "entry point" for international syndicates to bring drugs into Indonesia.¹⁷ It means that the geographical conditions and the limited officers or security forces in charge of maintaining the security of the border areas have become the driving factors that allow drug smuggling from other countries into Indonesian territory.

The problem of drug smuggling into Indonesia is inseparable from transnational drug trafficking activities that have been classified as organized transnational crimes. In this case, transnational drug trafficking activities would not be possible without an organized international network. In other terms, both activities, namely transnational drug trafficking and distribution, can only occur because of the existence of an organized international network in which the perpetrators, starting from producers, suppliers, to couriers or drug carriers, come from various countries. In order to penetrate and enter potential markets for drug trafficking, organized crime groups need to involve and mobilize actors from multiple countries, including actors who are citizens of the target country.¹⁸

One of the real cases of drug smuggling classified as transnational organized crime (Transnational Organized Crime) that recently occurred in Indonesia is a drug smuggling case committed by an Australian citizen named Gregor Johann Haas. In the case, it is known that Gregor Johann Haas is connected to a narcotics mafia network known as the Sinaloa cartel. The Sinaloa Cartel is an organized crime group that is also known as the largest and most powerful drug cartel in the world originating from Mexico.

¹⁵ Syarifah Maulidiyah and Najamuddin Khairur Rijal, *Kejahatan Transnasional Penyelundupan Narkoba Di Wilayah Perbatasan* (Yogyakarta: Bintang Pustaka Madani, 2021), 9.

¹⁶ Prayuda and et al., *Asean Dan Kejahatan Transnasional Narkotika Problematika, Dinamika Dan Tantangan* (Yogyakarta: Penerbit Ombak, 2020), 6.

¹⁷ Poltak Partogi Nainggolan, *Aktor Non-Negara: Kajian Implikasi Kejahatan Transnasional Di Asia Tenggara* (Jakarta: Yayasan Pustaka Obor Indonesia, 2018), 52.

¹⁸ *Ibid.*, 62.

As the largest drug cartel in Mexico, the Sinaloa cartel has an influential role in smuggling drugs to various countries in the world, including Indonesia. One of the drug smuggling cases related to the Sinaloa cartel is the drug smuggling case committed by Gregor Johann Haas, 46 years old, an Australian citizen who was involved in the delivery of floor tiles filled with more than 5 (five) kilograms of methamphetamine, which is an addictive substance of class I (one) Appendix 1 (one) of the 61st (sixty-first) order in the Narcotics Law. The drug smuggling took place on December 5, of 2023. At first Gregor was a BNN fugitive who fled abroad, namely to the Philippines.

In the drug smuggling case, it was learned that the drugs were shipped from Guadalajara, Mexico. According to Tansingco, the Philippine Immigration Commissioner, Gregor is a "notorious fugitive" suspected of being part of the Sinaloa cartel, an international organized crime syndicate based in Culiacan, Sinaloa, Mexico that specializes in drug trafficking and money laundering.

Through this case, it can be seen that until now, cases of drug smuggling into Indonesia continue to occur. Various modus operandi are used by organized crime groups to be able to enter the distribution and trade of drugs in Indonesia. This in turn shows that the existence of international drug syndicates with their cross-border networks cannot be ignored. As an organized cross-border crime, the resolution of drug smuggling cases certainly requires good cooperation between countries, both bilateral and multilateral cooperation between the countries concerned.

3. Indonesian Efforts In The Resolution Of Drug Smuggling Case As Transnational Organized Crime

The main international instrument in combating cases of transnational organized crime is the United Nations Convention Against Transnational Organized Crime (UNTOC). The United Nations Convention Against Transnational Organized Crime (UNTOC) is one of the conventions that provides rules for the implementation of the national laws of each participating state, emphasizing the differences in the legal systems of participating states, and the mutual relations (cooperation) carried out by states to combat transnational crime. Therefore, UNTOC's main task is to serve as a legal instrument for the enforcement of transnational crimes, including the prevention and protection of participating states.

As it is widely known that Indonesia and the Philippines are two of the many countries that are part of or have ratified the UNTOC. In its implementation in national law UNTOC obliges countries that ratify it with the provisions that (1) participating countries are obliged to classify crimes committed by organized crime groups, corporate crimes; (2) conduct tracing of money laundering crimes, including the proceeds and assets; (3) move quickly and can reach a wide range of crime investigation achievements; (4) provide and implement witness protection from crime groups; (5) cooperate in the search and prosecution of suspects; (6) encourage the implementation of national and international organized crime prevention; and (7) enforce regulations governing certain criminal acts of transnational organized crime. States that ratify the UNTOC into their national law (state parties) have an obligation to cooperate as a form of transnational crime law enforcement in accordance with the written rules in Articles 16 and 18 of the UNTOC in the implementation of extradition cooperation and legal assistance.

As states party to the UNTOC, Indonesia and the Philippines are certainly obligated to carry out the aforementioned matters, including cooperating as one form of law enforcement against transnational crime. This cooperation may include legal cooperation between countries, such as extradition, mutual legal assistance in criminal matters, technical assistance, and training, as well as cooperation among law enforcement agencies. Indonesia and the Philippines have essentially established an Extradition Treaty between the Republic of Indonesia and the

Republic of the Philippines which was signed in Jakarta on February 10, 1976. The Extradition Treaty is known as the Extradition Treaty between the Republic of Indonesia and the Republic of the Philippines and the Protocol. The Extradition Treaty between the Philippines and Indonesia has then been ratified in Indonesia through Law Number 10 of 1976 concerning the Ratification of the Extradition Treaty Between the Republic of Indonesia and the Republic of the Philippines and the Protocol.¹⁹

The extradition agreement established by Indonesia and the Philippines is what was implemented in the efforts to resolve the drug smuggling case involving Gregor Johann Haas. As stated in Article 1 of the Extradition Treaty between the Republic of Indonesia and the Republic of the Philippines and the Protocol, both Indonesia and the Philippines are obligated to carry out extradition, in this case agreeing to mutually surrender individuals found within their territories who are accused, charged, or convicted of committing any of the crimes specified in Article II of this Treaty, committed within the territory of the other Party or outside of that territory, according to the terms set forth in Article IV. Then according to what has been mentioned in Article II of the Extradition Agreement, it can also be understood that drug-related crimes, including drug trafficking, are among the crimes that are subject to extradition. In the case of drug trafficking committed by Gregor Johann Haas, initially The Indonesian state through the Indonesian National Police initially sent a Red Notice to Interpol. This Red Notice is a request addressed to law enforcement around the world to conduct a search and then to temporarily detain a person awaiting extradition, surrender or similar legal action. The red notice then bore fruit where on May 15, 2024 Gregor was then successfully secured by a joint team in Bogo City, Cebu, Philippines after the National Police sent a Red Notice.

Then, shortly after the capture of Gregor Johann Hanss by the Philippine National Police, precisely on September 9, 2024, the Indonesian National Police also successfully arrested Alice Guo, who was the most wanted fugitive in the Philippines. This then became a strong impetus for negotiations between Indonesia and the Philippines to provide mutual assistance in terms of surrendering or extraditing both fugitives to their respective countries where both fugitives would then be prosecuted legally.

However, the process of extradition must still comply with the applicable regulations, namely The Extradition Treaty between the Republic of Indonesia and the Republic of the Philippines and the Protocol. As stated in Article 17, the procedures regarding the surrender of the person whose extradition is requested will be solely subject to the law of the requested Party. Thus, in the case of Gregor Johann Hanss, the extradition request to be submitted by Indonesia will be subject to the rules enforced by the Philippines.

Article 4 paragraph (2) of Presidential Decree No. 1069 about the Philippine Extradition Law outlines the requirements that must be met by the requesting country for the extradition to take place, namely the request shall be made by the Foreign Diplomat of the requesting state or government, addressed to the Secretary of Foreign Affairs, and shall be accompanied by:

- a. The original or an authentic copy of either: the decision or sentence imposed upon the accused by the court of the requesting state or government; or 2) the criminal charge and the warrant of arrest issued by the authority of the requesting state or government having jurisdiction of the matter or some other instruments having the equivalent legal force.
- b. A recital of the acts for which extradition is requested, with the fullest particulars as to the name and identity of the accused, his whereabouts in the Philippines, if known, the acts or omissions complained of, and the time and place of the commission of these acts;

¹⁹ Ayu Ma'rifah, "Penanganan Kejahatan Lintas Negara Melalui Perjanjian Ekstradisi," *Jurnal Ilmiah Ilmu Hukum* 27, no. 8 (2021): 161, <https://jim.unisma.ac.id/index.php/jdh/article/view/9513>.

- c. The text of the applicable law or a statement of the contents of said law, and the designation or description of the offense by the law, sufficient for evaluation of the request; and
- d. Such other documents or information in support of the request.

Based on the aforementioned regulations, in the case of drug smuggling committed by Gregor Johann Hanss, the extradition request was submitted by the Indonesian government addressed to the Secretary of Foreign Affairs. This extradition request was then supplemented with several other requirements such as original documents or copies of the criminal charges and the arrest warrant issued by the Indonesian authorities as the requesting country having jurisdiction over the drug smuggling issue, or other instruments that have equivalent legal force. Additionally, it was accompanied by a description of the actions that form the basis of the extradition request, containing complete information such as the name and identity of the defendant, the acts or omissions complained of, as well as the time and place of the commission of those acts. In this case, the description in question will contain an account of the drug smuggling crime committed by Gregor Johann Hans in Indonesia. It will also include the applicable legislation along with an explanation of the legal violations committed against that law, which is sufficient to assess the extradition request.

After the extradition request is accepted by the requested country, in this case the Philippines, the subsequent decision to grant or deny the extradition request is the authority of the requested country, namely the Philippines, through the Minister of Foreign Affairs or the competent Judicial Authority. This situation then leads to shortcomings in resolving cases through extradition treaties because there is no time limit between the submission of the extradition request and the issuance of a decision to grant or deny the extradition request, which is explicitly regulated in both the UNTOC, the Extradition Treaty between Indonesia and the Philippines, and Presidential Decree No. 1069 about Philippine Extradition Law. This can certainly become an obstacle in the resolution of the existing cases. If the requested country cannot or does not want to act quickly, then the extradition request will also not be resolved in the time it should be. This will also mean that suspects or defendants of crimes will not receive the legal process that they should. The next stage of the extradition process is the examination of the extradition request conducted by the Secretary of Foreign Affairs of the Philippines. Based on Article 5 paragraph (1) of Presidential Decree No. 1069 about Philippine Extradition Law, in cases where the Secretary of Foreign Affairs of the Philippines believes that the request does not meet the requirements of this law and the relevant treaties or conventions, the application for extradition then must forward the application along with related documents to the Minister of Justice for a hearing to be held, which will serve as the basis for the acceptance or rejection of the extradition request. After the extradition stage is completed, the legal process will be carried out in accordance with the laws of the requesting country. Based on Indonesian law, the post-extradition stages that must be carried out are:²⁰

- a. Legal processes against the extradited person. In this case, based on Article 45 of Law Number 1 of 1979, it is stated that a person requested for extradition has been handed over by the requested country, then that person is handed over to the authorities according to the position where the perpetrator will be associated with the legal process.
- b. Notification of results to the requested country. In this case, only if the requesting country requests a person who can be extradited for the purpose of the extradition, the requesting country must notify the requested country of the extradition. In addition, the requesting

²⁰ Muhammad Rakhmat, "Extradition Process in Transnational Criminal Act to Find The Perpetrators," *MIMBAR* 32, no. 2 (2016): 399, <https://doi.org/10.29313/mimbar.v32i2.1823>.

country is also obliged to inform the requested country if the person who can be extradited will then be extradited to a third country.

Regarding the case of drug smuggling carried out by Gregor Johann Hans, after the extradition process is completed, the subsequent legal processes will be applied according to the criminal procedural law in force in Indonesia. In other words, after Gregor is handed over by the Philippines, he will undergo investigation, prosecution, and court examination as stipulated in the relevant legislation applicable in Indonesia.

D. CONCLUSION

Transnational crime according to the United Nations is a criminal act that is born, where some (proportion) and/or direct or indirect consequences of the crime involve more than one country. Transnational crime is a crime that is classified as a serious crime and is also a crime that in its implementation is often carried out in groups or organized or can be called Transnational Organized Crime (TOC). Based on the results of the 1995 UN Convention, 18 types of crimes were identified that can be classified as transnational crimes. One type of crime that is classified as a transnational crime is drug trafficking. Drug trafficking is often carried out in various ways. one of which is by smuggling. In Indonesia itself, drug smuggling is inseparable from cross-country drug trafficking activities that have been classified as transnational organized crimes. In this case, cross-country drug trafficking activities would not be possible without an organized international network. The efforts made by Indonesia in addressing the drug smuggling as an organized transnational crime, particularly in the case of drug smuggling carried out by Gregor Johann Hans, are inseparable from the cooperation between Indonesia and the Philippines in combating organized transnational crime, which has been established through an extradition agreement known as The Extradition Treaty between the Republic of Indonesia and the Republic of the Philippines and the Protocol. In that case, extradition becomes a very important point in the effort for resolution. As mentioned in the discussion, after committing a crime in Indonesia, Gregor then fled and was captured by the Philippine police. Therefore, bringing Gregor back from the Philippines to Indonesia is the most important thing to be done first so that legal proceedings can be carried out according to the laws in force in Indonesia. Without the effort of extradition, the legal process against Gregor, who has engaged in drug trafficking in Indonesia, will not be possible to carry out as it should. In this case, each country needs to establish good relations with other countries, especially neighboring countries that can work together to tackle the crime of drug smuggling as a transnational crime. In addition, another aspect that is no less important to combat transnational organized crime is to strengthen law enforcement by improving law enforcement institutions through better training and resources so that they can develop to meet the needs in tackling drug trafficking as a transnational crime.

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