



# Political implications of the Indonesia-Singapore extradition agreement from a dauliyah perspective

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**Abstract:** This study aims to analyze the political implications of the 2022 Indonesia–Singapore Extradition Treaty from the perspective of *Siyasah Dauliyah*, focusing on its linkage to the Defense Cooperation Agreement (DCA) and the Flight Information Region (FIR) arrangement. Employing a normative juridical method with a descriptive-analytical approach, the research examines primary and secondary legal sources, including Abdul Karim Zaidan's Islamic extradition theory and Wahbah az-Zuhaili's concept of territorial sovereignty. The findings indicate that the treaty holds strategic value for cross-border law enforcement, particularly through its retroactive clause, enabling the pursuit of corruption fugitives in Singapore. However, the bundling of the extradition agreement with the DCA and FIR raises sovereignty concerns that contradict key principles of *Siyasah Dauliyah*. The study concludes that the treaty's effectiveness depends on sustained political commitment, harmonized legal procedures, and strengthened asset recovery mechanisms. The research contributes by integrating Islamic legal perspectives with modern international relations theory, offering a normative and practical framework for evaluating similar international agreements in the future.

**Keywords:** corruption; extradition; foreign policy; international agreements; Islamic law

## 1. Introduction

Extradition is not simply an interstate process for the return of criminals. It is a foundation of international law, involving a balance between state sovereignty and the global need to uphold justice (Krcmaric, 2022; Osler, 2023). Its theoretical and legal basis stems from many sources: bilateral and multilateral treaties, national laws, and customary international norms. Principles such as "*aut dedere aut judicare*" (to hand over or to prosecute) reinforce states' obligations to uphold justice, particularly in cases of serious transnational crimes such as terrorism, torture, and crimes against diplomats (Sato, 2021). Furthermore, principles such as dual criminality require that the act for which extradition is requested be recognized as a crime in both countries (Boister, 2023). This ensures legality and equality in the extradition process. In practice, exceptions to political crimes are also an important consideration, allowing countries to refuse extradition if they believe the act was politically motivated, rather than purely criminal. As developments progress, modern treaties such as the European Convention on Extradition and various other international instruments help formulate procedures, definitions of extraditable crimes, sectional exceptions (such as political or human rights issues), and legal review mechanisms (Dubowitz & Oates, 2018).

Extradition is a mechanism in international law that allows two countries to hand over individuals suspected of committing a crime to another country and have jurisdiction over the crime. In ancient civilization, the history of this extradition treaty occurred between King Ramses II of Egypt and Hattusili II of Kheta in 1279 BC. Both agreed to hand over criminals who fled and

were found in their respective territories (Ashri & Rapung, 2013). The aspect of the goal then changed from simply handing over the perpetrators to also protecting and preventing similar crimes from occurring, both bilaterally and multilaterally. The obligation of a state to hand over criminals to the requesting country was strengthened by Hugo Grotius through the principle of *au dedere au punere*, which means that the trial of the perpetrator of the crime can be carried out by the country where the crime occurred (*locus delicti*) or extradited to the requesting country that has jurisdiction to try the perpetrator. Hugo Grotius also firmly requested that every country is obliged to hand over anyone seeking protection in the territory of the country of the *locus delicti* (Kalalo, 2016).

Islamic history at the time of the Hudaibiyyah agreement between Muhammad SAW and the Quraysh infidels at that time gave the result of the submission of the people of Mecca, who at that time came to Medina (Difinubun, 2018). Extradition in Islam at that time was still accompanied by the handing over of prisoners during war. An example of the problem of the Badr captives is where the Muslims brought seventy captives, then released them through compensation or *fida* by the captives' families (Munawir, 1993). If referring to the current concept of extradition, the prisoners are not criminals who escaped, so they are not categorized as extradition. But there is a form of surrendering a person in a group to protect their rights as a human being in accordance with the principle of political crime (no extradition in political crime). Similar to what was experienced by the Prophet Muhammad, who at that time asked for protection in the land of Abyssinia when going through a time of torture by the infidel Quraish (Munawir, 1993).

On January 25, 2022, the Indonesian government held a routine Leaders' Retreat on Bintan Island, Riau Islands. The meeting, attended by several ASEAN leaders, resulted in several important agreements for several countries, including Indonesia (Harbowo, Kumalasanti, et al., 2022). During this meeting, Indonesian President Joko Widodo and Singaporean Prime Minister Lee Hsien Loong agreed to the Indonesia-Singapore Extradition Treaty. Two other agreements were also included: the Defense Cooperation Agreement (DCA) and the Flight Information Region (FIR). Furthermore, ten other collaborations also added to the bilateral relationship. While the Extradition Treaty is only one of the three agreements, the security agreement (DCA) is Singapore's bargaining chip with Indonesia. This security agreement is also the biggest obstacle to ratification of the extradition treaty (Pusat Analisis Data Tempo, 2021).

The heated discussion on extradition, aside from the less-than-improved bilateral relations prior to 2007, also included agreements that included security cooperation (Sandano, 2024). At the 2022 Leaders' Retreat, the two countries agreed to another agreement, the Flight Information Region, as a bargaining chip for Indonesia (Muhammad et al., 2024). Following this meeting, the Agreement Between the Republic of Indonesia and the Government of the Republic of Singapore Concerning the Extradition of Fugitives was agreed upon. From an Islamic perspective, Abdul Karim Zaidan emphasized that the extradition agreement is a form of cooperation in eradicating crime, not a matter of profit or loss (Alshalan, 2017). Therefore, it is strictly prohibited to combine an extradition agreement with another agreement that is considered detrimental to either party. Furthermore, Islamic law also regulates state sovereignty as an important aspect that must be maintained. Providing leniency through a security cooperation agreement is tantamount to colonizing a country. Islam, in this case, disagrees with the transfer of jurisdiction from one country to another.

This study will examine the political implications of the extradition treaty clauses between Indonesia and Singapore, as well as the treaties bundled within it, namely the Security Cooperation Agreement (DCA) and the Flight Information Region (FIR). The author's approach is *siyasah dauliyah*, which includes Islamic international relations theory, Abdul Karim Zaidan's Islamic extradition theory, and Wahbah Zuhaili's territorial sovereignty theory. Therefore, the authors' literature references are predominantly based on Islamic legal theory.

## 2. Research Method

The approach used is the normative juridical method (Sudrajat, 2022). One method of legal research is through literature, by examining library or secondary materials. The thinking mechanism involves drawing conclusions from a general nature, then through proof by matching valid information, until a conclusion is drawn that is directed at a specific nature. This research focuses on the implications during and after the extradition agreement is ratified. Assisted by the analytical descriptive method, namely the review of legal sources and materials, both in the form of legal principles, legislation, treaties or agreements, legal theories and expert experts, also helps facilitate this research. In the author's opinion, the juridical method is actually a literature study. The author uses several primary data sources, namely, the Book of Ahkam Dzimiyyin by Abdul Karim Zaidan, the Book of Fiqh Wadillatuhu, and Law No. 5 of 2023 concerning the Ratification of Extradition Agreements.

## 3. Research Results

### 3.1 History and dynamics of the Indonesia-Singapore extradition treaty

International treaties do have significant legal force. Their formation process is relatively quick compared to customary international law (Gazzini, 2022). The effectiveness of international treaties makes them a tool of diplomacy, both bilaterally and multilaterally (Parthiana, 1990). One form of international treaty is an extradition treaty. According to Law Number 1 of 1979, extradition is the surrender by one country to another requesting the surrender of a person suspected or convicted of committing a crime outside the territory of the surrendering country and within the jurisdiction of the requesting country (Rembet, 2022). Indonesia itself has signed extradition treaties with various countries, namely Malaysia, the Republic of the Philippines, Thailand, Australia, Hong Kong, the Republic of Korea, the People's Republic of China, Papua New Guinea, the United Arab Emirates, the Republic of India, the Islamic Republic of Iran, and in 2022 with Singapore after a long stalemate (Oktatiana, 2025).

Initially, in 1998, the Indonesian government attempted to conclude an extradition treaty with the "merlion country." Relations between the two countries were tense due to the 1998 Indonesian monetary crisis. This event led to a shift in state finances, or flight capital, to conglomerates in Singapore. Furthermore, sentiment against ethnic Chinese in Indonesia in 1998 also affected the good relations between the two countries (Velayutham, 2023). In 2002, President Megawati Sukarnoputra and Singaporean Prime Minister Goh Chok Tong drafted an action plan for the formation of an extradition treaty at the Bogor Palace (Paul, 2010). The agreement began in 2007, when the Indonesian and Singaporean Foreign Ministers signed the extradition treaty, witnessed by President Susilo Bambang Yudhoyono and Singaporean Prime Minister Lee Hsien Loong (Dharmaputra et al., 2022). However, in accordance with applicable legal provisions, in addition to the agreement, ratification is also required in the form of laws and implementing regulations applicable in each country. Both countries still refuse to ratify the agreement into national regulations.

Singapore initially agreed to an extradition treaty, but Singaporean Senior Minister Lee Kuan Yew objected to the 15-year retroactive clause. This allowed the Indonesian government to arrest fugitives in the BLBI (Indonesian Liquidity Assistance) case, which was detrimental to the Indonesian people at the time. The BLBI bailout funds, amounting to 147.7 trillion rupiah, disbursed to 48 banks during the monetary crisis, were all transferred to Singaporean banks through the Asian Currency Unit (ACU) (Riana, 2022). Based on its international image as a country "clean" from financial crime, Singapore avoided the public perception that its country was built on the money of "white-collar" crime or corruption (Maulidar, 2022). Indonesia itself is committed to pursuing fugitives involved in corruption that harms the public, and Singapore, as a visa-free country, has always been a primary destination for fugitives to transit or even settle there. Singapore eventually added another clause in a package agreement as compensation for

the extradition agreement proposed by Indonesia, namely the Defense Cooperation Agreement (DCA) (Shafira, 2022). The Indonesian legislature, or DPR, rejected it because it considered it a transfer of territorial sovereignty to another country. Furthermore, the government was forced to approve several countries participating in joint military exercises, including Israel.

Years later, a meeting between the Coordinating Minister for Maritime Affairs and Investment (Menko Marves) and the Senior Minister of Singapore established a framework for discussions on the Indonesia-Singapore Flight Information Region (FIR) Boundary Adjustment Agreement and the Security Cooperation Agreement in 2019 (Oktatiana, 2025). Intensive discussions between the two countries finally resulted in a Leaders' Retreat on Bintan Island, Riau Islands, on January 25, 2022 (Medina, 2022). At this event, Indonesian President Joko Widodo and Singaporean Prime Minister Lee Hsien Loong agreed to the Indonesia-Singapore Extradition Agreement. Two other agreements were also included: the Defense Cooperation Agreement (DCA) and the Flight Information Region (FIR). Furthermore, ten other collaborations also added to the bilateral relationship. While the Extradition Agreement is only one of the three agreements, the security agreement (DCA) is Singapore's bargaining chip with Indonesia. This security agreement is also the biggest obstacle to the ratification of the extradition treaty (The Jakarta Post, 2022).

Indonesia itself is eager for an extradition agreement with Singapore to be implemented. Citing data from the International Transparency Report over the past ten years, Indonesia ranked 115th out of 180 countries with a final score of 34/100 (Koeswayo et al., 2024). Another urgent matter for the Indonesian government is the recovery of the assets of corruptors who have fled to Singapore. According to Indonesian Corruption Watch, a small portion of the corruptors are involved in the BLBI case. Singapore's advantage as a transit country also has a negative impact on Indonesia (Putri et al., 2024). For example, in 2004, the extradition discussion was re-ignited due to the increasing number of criminals fleeing to Singapore, including corruption (Panggabean & Leviza, 2025).

Despite the heated debate surrounding the ratification of the extradition treaty, Indonesia continues to face challenges. On the one hand, Indonesia successfully ratified the long-desired extradition treaty, with the retroactive principle allowing fugitives to be pursued in Singapore, thus providing a deterrent effect for perpetrators. Indonesia also had to sacrifice other things, including the signing of the Security Cooperation Agreement (DCA) and airspace sovereignty (FIR) (Muhammad et al., 2024). The provision of military training areas and the involvement of partner countries like Singapore were rejected by the Indonesian legislature. The violation of the provision of a military training area (MTA) in 2003 by Singapore, which involved the United States and Australia, served as an important reminder for Indonesia. Similarly, airspace sovereignty, which is still operated by Singapore, in this case contradicts the delegation of air navigation provisions in the Indonesian Aviation Law (Sitanggang, 2007).

### **3.2 Political implications of the extradition agreement from a dauliyah political perspective**

In the early stages of Islam's emergence, the lofty ideal sought to be realized was to establish a social order that eliminated racial and ethnic discrimination. The implementation of this ideal was often characterized by expansion into territories that refused to submit to Islamic authority, although diplomatic approaches through official letters were also pursued, as was the case with the Prophet Muhammad ﷺ to the Persian King, Khosrau II (Ashri & Rapung, 2013). However, the geopolitical realities of the time show that warfare was a routine phenomenon, almost an annual event, fraught with elements of pride and power strategy. Good relations between tribes and kingdoms were indeed pursued, but they were not a top priority in the pre-modern Arab international political order (Eberle & Daniel, 2023).

Based on these dynamics, Islamic scholars have divided into two broad views regarding the basic law of international relations in Islam. The first view holds that the default condition of international relations is war, unless there is a compelling reason for a ceasefire or peace treaty

(Clayton et al., 2021). This school also considers war legitimate in response to disbelief. Conversely, the second view asserts that the basic law of international relations is peace (*al-ashl fi al-'alāqah al-silm*), as stipulated in Islamic jurisprudence (*fiqh*) principles that place peace as the basis for interaction between political entities (Ashri & Rapung, 2013).

In the context of extradition, this period demonstrated the difficulty of establishing cross-border agreements to hand over perpetrators for trial. Tribal political structures and exclusive sovereignty led each country, kingdom, or tribe to tend to protect its own citizens, even if they had committed violations in other territories (Rosyidin et al., 2022). Cooperation approaching extradition generally occurred only in the context of prisoner-of-war exchanges, a process fraught with negotiation and political considerations.

The most representative historical example of Islam's flexibility in establishing international relations is the Treaty of Hudaibiyah in 6 AH. This treaty stipulated several important points, one of which was the willingness of Muslims to return Meccans who fled to Medina without the permission of their guardians, and gave the Medinans the freedom to return and live in Mecca with the Quraysh (Khoirul, 2025). According to Sayyid Qutb, this agreement reflects the character of Islam which prioritizes peaceful paths, avoids negative prejudice, and utilizes diplomacy as an effective instrument of *da'wah* to achieve long-term strategic goals (Sadiki, 2017).

This approach demonstrates that Islam is not fixated on extreme teachings of upholding religion through warfare, but rather allows for compromise and negotiation as long as they do not conflict with sharia principles (Said et al., 2022). From the perspective of modern international relations, this stance aligns with the liberal institutionalist paradigm, which emphasizes the importance of cooperation between states through formal agreements to reduce the potential for conflict, as well as the concept of normative power in diplomacy, where moral strength and values can be effective instruments of influence (Tóth-Ferenci, 2022). Thus, the early history of Islamic international relations is relevant not only as a historical reference but also as a normative precedent for the establishment of more equitable cross-border dispute resolution mechanisms today (Al Hafiz et al., 2025).

The extradition agreement between Indonesia and Singapore signed in 2022 is one of the important milestones in the bilateral relations of the two countries, especially in the context of cross-border law enforcement cooperation (Mery et al., 2024). From the point of view of *Siyasah Dauliyah*, this agreement is not just a formal legal instrument, but also a means of strategic diplomacy that contains deep political implications. This agreement has long historical roots (Timur et al., 2024).

The negotiation process took nearly fifteen years to reach a final agreement, reflecting the complexity of the negotiations, which involved legal, political, and sovereignty considerations. For Indonesia, the primary interest of this agreement is ensuring an effective mechanism for repatriating criminals, especially corruptors who exploit legal loopholes and diplomatic relations to seek refuge in Singapore. With ratification through Law Number 1 of 2023, Indonesia gains stronger legal certainty in prosecuting transnational criminals (Winayu, 2025).

In practice, this extradition treaty not only functions as a legal tool, but also creates a deterrent effect significant crimes such as corruption, narcotics, and terrorism pose serious threats to national and regional stability. With this agreement, both Indonesia and Singapore send a clear message to perpetrators that their territories cannot be used as safe havens (Nilan & Maunati, 2025). However, its effectiveness still faces challenges, particularly regarding the return of criminal assets, one of the main motivations of this agreement. This demonstrates that international legal instruments, while normatively strong, still require consistent implementation support and sustained political commitment (Buçaj & Idrizaj, 2025).

The *Siyasah Dauliyah* approach provides a different conceptual framework than conventional international law perspectives. In the *fiqh siyasah* literature, relations between states are based on sharia principles that govern political, economic, and security interactions, including extradition mechanisms (Faizi & Ali, 2024). Abdul Karim Zaidan, through his work *\*Al-Ahkam Dzimiyyin*

Musta'minin fi Darul Islam\*, offers a normative view on how extradition can be carried out within the framework of Islamic law. According to him, extradition treaties must meet seven basic requirements: be carried out voluntarily without compensation, adhere strictly to the terms of the agreement, do not discriminate between perpetrators or types of crimes, provide protection and security, do not hand over perpetrators to another country without an agreement, prohibit extradition for political and religious crimes, and do not hand over perpetrators without their consent (Khofifah & Fawaid, 2022).

If these provisions are used as a basis for evaluating the Indonesia-Singapore extradition treaty, it will reveal both common ground and differences between the principle of *Siyasah Dauliyah* and modern diplomatic practices (Ridho & Sagena, 2023). The principle of voluntary non-compensation, for example, aligns with the spirit of international cooperation based on trust and mutual benefit (Holman, 2023). However, the realities of international politics often require strategic considerations, including reciprocal economic or political benefits. In this context, an extradition treaty is not merely a legal agreement, but also part of a diplomatic package encompassing other issues such as defense cooperation, investment, and trade (Lipkowitz, 2019).

Zaidan's provision on guaranteeing the safety of perpetrators of crimes before a just legal decision is also a relevant principle in modern international law, particularly from a human rights perspective (Zafar et al., 2024). Many international legal instruments emphasize the need to protect the rights of the accused, including the prohibition of torture and inhumane treatment. Here, the value alignment between the principle of *Siyasah Dauliyah* and contemporary international norms is evident. However, the principle of prohibiting extradition for political or religious crimes raises interesting discussions. On the one hand, this principle protects individuals from potential politically motivated prosecution. On the other hand, the interpretation of political crimes can be a source of long-standing debate in bilateral relations, especially if the definition is not mutually agreed upon (Godson, 2017).

Politically, the extradition treaty between Indonesia and Singapore also reflects a paradigm shift in international relations in Southeast Asia (Dannhauer, 2023). Both parties demonstrate a willingness to align national interests with regional security agendas. This cooperation has broader strategic implications, namely strengthening ASEAN's position as a region committed to cross-border law enforcement (Sundram, 2025). From a *Siyasah Dauliyah* perspective, this can be read as a form of *tahalli bi al-'ahd* (obligation to uphold agreements made with other countries), which is a moral and political obligation in interstate relations.

However, in terms of implementation, the challenges faced are significant. One major obstacle is the disparity in legal systems and judicial procedures between the two countries. Indonesia adheres to a legal system heavily influenced by civil law and customary law principles, while Singapore is rooted in common law (Pravana & Ratnawati, 2024). These differences can lead to differing perceptions regarding the need for evidence, detention procedures, or requirements for proving a crime. This is where Zaidan's principles regarding clarity of agreement content and commitment to implementation become highly relevant. Without clear commitments and effective dispute resolution mechanisms, extradition treaties have the potential to become weak normative documents in practice (Saeb et al., 2021).

From a domestic political perspective, this agreement can also impact the government's public image. In Indonesia, successfully bringing back corruptors from abroad is often seen as an indicator of the government's commitment to eradicating corruption (Agustino et al., 2021). However, if its implementation is inconsistent or only applies to certain cases, this agreement could be seen as mere political rhetoric. In Singapore, the implementation of this agreement also requires consideration of the country's reputation as a stable and trusted international financial center. Any steps taken within the extradition framework must maintain a balance between compliance with international agreements and protecting the established investment climate (Shams, 2026).

Furthermore, the deterrence effect of this agreement requires critical analysis. The deterrence effect is measured not only by the number of criminals successfully extradited, but also by the extent

to which the agreement influences potential criminal behavior (Paternoster, 2019). If the agreement is accompanied by sound intelligence coordination, an updated asset tracking system, and impartial law enforcement, the deterrence effect will be more pronounced. Conversely, if its implementation is hampered by bureaucratic procedures, weak evidence, or political obstacles, the deterrence effect will diminish, and the agreement will lose its relevance in the public eye (Fernández-i-Marín et al., 2024).

The Siyasa Dauliyah perspective also teaches that international relations must be built on the principles of justice and mutual benefit (Timur et al., 2024). In the context of the Indonesia-Singapore extradition treaty, this principle can be realized through mechanisms that ensure no party feels disadvantaged (Cocq, 2024). For example, in handling extradition cases involving perpetrators with dual citizenship or permanent resident status, both countries need to establish transparent and fair procedures. This aligns with the Zaidan principle regarding the prohibition of discrimination against perpetrators and the crimes they face.

Indonesia and Singapore themselves agreed to an extradition treaty, which was then ratified by law. Law No. 5 of 2023 represents Indonesia's commitment to comply with the treaty. The 1969 Vienna Convention stipulates that a country can ratify or not ratify an agreement to demonstrate its agreement (Munawaroh, 2023). In Indonesia, the obligation to bind itself to an international treaty is stipulated in Article 1 paragraph 2 of Law No. 24 of 2000 concerning international treaties, one of which is through ratification, either in the form of a law or a presidential decree (Pitaloka, 2023). Indonesia is fundamentally committed to carrying out extradition, although it faced lengthy negotiations to reach an agreement (Harbowo, Rahayu, et al., 2022).

Under the reciprocal provisions, multinational and international crimes can still be committed as long as there is good relations between the two countries. Law Number 1 of 1979 allows extradition to occur without an agreement (Mufarid et al., 2024). The Islamic prohibition on compensation (reciprocity) requires that extradition not be a matter of profit. For example, in the case of prisoners of war at Badr, Muslims took seventy prisoners, including members of the Prophet's family, such as Abbas, the Prophet's uncle, and Aqil ibn Abu Talib, the Prophet's cousin. Based on this, the Prophet then consulted with his companions and reached an agreement to release the prisoners for a cash ransom to be used by the companions. However, at that time, Umar ibn al-Khattab strongly rejected the proposal and suggested that the prisoners be killed as retribution for what was done to Islam. Because Muslims were in dire need at that time, the Prophet finally accepted the offer of ransom (fida) for the prisoners. Shortly thereafter, Surah al-Anfal, verse 67, was revealed, which disproved the Prophet's decision at that time (Munawir, 1993).

*"Now (when this verse was revealed) Allah has made things easier for you, knowing that you have weakness. If there are one hundred of you who are patient, they will overcome two hundred (of the enemy), and if there are one thousand of you who are patient, they will overcome two hundred (of the enemy). People (those who are patient), surely they can defeat two thousand people with God's permission. God is with those who are patient." (Q.S. al-Anfal verse 67).*

The effort to willingly hand over perpetrators of criminal acts without compensation was also strengthened by Abd. Karim Zaidan, namely:

وقال اصحاب الشافعي لا يصح شرط رد المسلم الا ان يكون له عشيرة تحميه وتمنعه. ولنا ان النبي (ص) شرط ((ذلك في صلح الحديبية ووفى لهم به، فرد أبا جندل وأبا بصير ولم يخص بالشرط ذا العشيرة

Imam Shafi'i said: "A guarantee from a person is not valid except on the condition that he is trustworthy, and if he breaks it, then it is not permissible." And the Prophet ﷺ has been requires in the Hudaibiyah Agreement that whoever came to him from Quraysh, then he would return it to them, and whoever came from his side to them, then they were not obliged to return it. And in some narrations it is mentioned that the Prophet ﷺ said to Abu Jandal: "O Abu Jandal, be patient, indeed God will provide a

*way out and space."*

Therefore, the extradition mechanism in Islam does not recognize the term "compensation for power or politics." Its emphasis is on the safety of the perpetrator's life. This prohibition reflects the Prophet's firm stance against accepting any form of compensation for prisoners. Islam upholds justice, even if the perpetrator is a Muslim. Fighting crime is an Islamic commitment. Hugo Grotius also stated the state's obligation to hand over every person under its protection to the country where the crime was committed (Parthiana, 1990). This serves as the basis for criticizing the Indonesia-Singapore extradition treaty, which includes the DCA and FIR.

The extradition treaty between Indonesia and Singapore itself was concluded amid heated debate. Neither country wanted to suffer any losses from the agreement. Indonesia's clause used the principle of retroactivity (rules applying back 18 years), which was deemed detrimental to Singapore. While the neighboring country initially included a package agreement to address these "losses," namely the Security Cooperation Agreement (DCA), unsuccessful negotiations ultimately resulted in the inclusion of the Air Sovereignty Agreement (FIR) as an additional agreement (Rahayu, 2025). This compensation value, on the one hand, heavily favored Singapore (Sitanggang, 2007). This agreement, however, represents the country's implementation of the United Nations Convention Against Corruption (UNCAC), which Indonesia ratified through Law No. 7 of 2006, and Singapore also recognized the convention (Avinasa, 2021). This commitment thus signifies the countries' commitment to eradicating transnational crime by handing over perpetrators. Political expert Hikmahanto Juwana also stated that the agreement with Singapore is unfair. This is because there are indications of pressure from Singapore on the Indonesian government to sign a security and airspace cooperation agreement. International law is binding, and each country's intentions must be carried out in accordance with the principles outlined in the 1963 Vienna Convention on the Law of the Treaty (Pak et al., 2022). One reason Indonesia rejected the security agreement was based on Singapore's territorial sovereignty, as well as countries participating in military exercises without Indonesia's consent (Rosyidin & Dir, 2021).

Singapore's desire for compensation for losses stemmed from accusations that it serves as a haven for white-collar criminals. By cultivating an image of a nation free from financial crime, Lee Kuan Yew, the nation's founder, resented the accusations leveled against his country. Corruption is a form of international crime, and eradicating it is a commitment of all nations, without any form of compensation. For Karim Zaidan, compensation is a form of protection for criminals, as Islam respects the values of contracts and the lives of individuals, even if they commit a crime (Ismail, 2024). The importance of extradition is also aligned with the principle of cooperation (al-Ta'awun) in Islam. The Prophet did not discriminate against any group in his efforts to eradicate crime. Mutual assistance and cooperation are axiomatic. Helping others to hand over prisoners at least fosters justice for victims and affected communities, and elevates justice within the international community, as the Prophet did when he was invited to meet with the Quraysh tribe regarding hilf al-fudhul (Batchelor, 2021). Sheikh Sa'id Hawwa also added in his opinion:

*"Allah has destined the Muslims to help each other in goodness and to believe in His revelation in the Qur'an, God said: and help one another in goodness and piety, and do not help one another in committing sins and transgressions." (Q.S (al-Maidah verse 2) (Ashri & Rapung, 2013).*

Thus, the provisions of the extradition treaties between Indonesia and Singapore, including the Security Agreement (DCA) and Flight Information Region (FIR), contradict the fundamental principles of state relations and extradition in Islam, according to Abdul Karim Zaidan's theory. This is particularly true in other agreements that politically impact a country's territorial sovereignty. Furthermore, other values, such as the principle of cooperation in eradicating crime and unconditional extradition, are also important considerations.



### 3.3 Impact of territorial sovereignty in Islamic Law

The ratification of the Indonesia-Singapore extradition treaty is legally binding. Ratification is the final stage of a country's commitment to an international treaty. This naturally has implications for the content of the extradition treaty, as well as the binding elements of the extradition treaty, including the Security Agreement (DCA) and the FIR. In this discussion, the author will focus on the political impact of the extradition treaty, namely the use of territory for military training and the granting of permission to manage territorial sovereignty. This chapter utilizes Wahbah az-Zuhaili's theory of territorial sovereignty in his book, *Fiqh Islam Wa Adillathu*.

Indonesia's increasing need for extradition, with corruptors hiding in the "merlion country," has increased the win-set. Singapore, in this case, increased its demand through the Security Agreement (DCA). According to Khoirina Qodri, this agreement was difficult for the legislature to approve at the time (Qodri, 2021). Of the 10 factions in Commission I of the Indonesian House of Representatives, five factions disagreed at the time: the United Development Party (PPP), the National Awakening Party (PKB), the United Development Party (PBR), the National Awakening Party (BDP), and the National Mandate Party (PAN). Other factions in 2007 also supported renegotiating the security agreement, an option also supported by factions such as the Indonesian Democratic Party of Struggle (PDIP), the Prosperous Justice Party (PKS), the Golkar Party, and the Democratic Party of Struggle (PDS). Furthermore, in 2022, when the agreement was approved by Commission I, then led by Meutya Viada Hafid, the Golkar Party faction (Dirgantara & Meiliana, 2022).

The bill was also approved by nine factions not mentioned by the then-Minister of Defense, Prabowo Subianto, and was ratified by the Deputy Speaker of the House of Representatives (DPR) from the Gerindra Party Faction, Sufmi Dasco (Wardah, 2022). Ratification was successful with the issuance of Law Number 3 of 2023 concerning the Ratification of the Defense Agreement Between the Republic of Indonesia and Singapore (Gunawan, 2013). Dengan ini Singapura berhak menggunakan wilayah Indonesia yang terdiri dari Alpha 1 (Pulau Tebing Tinggi, Riau), Alpha 2 (Laut Natuna) dan Bravo (Pulau Sedanau, Kepulauan Riau). This grants Singapore the right to use Indonesian territory consisting of Alpha 1 (Tebing Tinggi Island, Riau), Alpha 2 (Natuna Sea), and Bravo (Sedanau Island, Riau Islands). Singapore has the right to invite other countries to participate with Indonesia's consent. Furthermore, military cooperation also includes the development and use of the Baturaja training area and the designation of Kayu Ara Island as a Naval Gunfire Support training area (Doni, 2024).

The legislative rejection at the time was directed at Indonesia's territorial sovereignty. Furthermore, the long period of time and the large fleet presented a challenge, as the country's jurisdiction seemed easily accessible to other countries. Singapore had also violated the MTA agreement by inviting other countries to enter without Indonesia's consent. Due to its limited territorial access, Singapore strengthened its argument through Article 51 (1) of UNCLOS 1982, which demanded access to Indonesian territory for legitimate activities, including military exercises (Kurniawan, 2009). The negotiations were successful due to a new offer in the form of airspace management or FIR. This management has been carried out by Singapore since 1965, a former legacy of British colonial rule.

Indonesia's desire for a FIR in the Natuna region stems from frequent "reprimands" from Singaporean authorities to Indonesian pilots. The return of the FIR is an attempt to seize sovereignty, although in this case, security aspects are more important. According to Hikmahanto Juwono, Singapore's strategy in this negotiation is to grant the FIR to Indonesia, but maintain management above altitudes of 0-37,000 feet. This way, Singapore can still maintain control over Indonesia's sovereign airspace (Juwana, 2022). Presidential Regulation Number 109 (Republik Indonesia, 2022) issued by Indonesia completely contradicts the mandate of Law Number 1 of 2009 (Mithalina et al., 2023). This violation of the rules is also inconsistent with the 1944 Chicago Convention and Annex 11, which affirm that every country has complete and exclusive

sovereignty over the space above its sovereign territory, including the Riau Islands and Natuna Islands following the 1957 Djuanda Declaration (Juwana, 2022). Sovereign control of land, sea, and airspace is a non-negotiable obligation for a country, and territorial integrity is essential for the formation of a state. Granting or pawning territory is tantamount to "selling" territorial sovereignty, regardless of the form of compensation, even if it is incommensurate.

In Wahbah Zuhaili's view, sovereignty (*as-siyādah*) is a fundamental foundation for the existence of a fully sovereign state, free from foreign intervention, and possessing a permanent legal character (*shakhshiyyah ma'nawiyah*) that is independent of any individual or external force (Az-Zuhaili, 2011). This concept encompasses territorial sovereignty encompassing land, sea, air, and all the resources contained therein, in line with the *fiqh* principle of "*man malaka shai'an fa lahu ma huwa min zharūratihī*," that whoever owns something also owns all the necessary parts of that thing. For Zuhaili, the state's right to control also encompasses the principle of *haqq al-irtifaaq* (the right to participate in benefiting due to being adjacent), and demands respect for extraterritorial jurisdiction, for example, the obligation of foreign ships, aircraft, and military fleets to comply with the regulations of the countries they pass through. Violation of this principle, especially without official permission, not only contradicts international norms but also violates the sharia principle of *lāḍit's tim ḍiniran* (Malik, 2016).

Within the contemporary international framework, this research's contribution lies in integrating Islamic legal perspectives with cutting-edge theories of international relations. First, Zuhaili's perspective enriches the study of sovereignty beyond the dominant Westphalian paradigm, aligning with the postcolonial approach to international relations that seeks to decolonize narratives and make room for Global South norms (Acharya, 2014). Second, this view is consistent with the Regional Security Complex Theory, which emphasizes the importance of territorial control and interaction between countries in shaping regional security stability (Buzan & Waeber, 2003). Third, Zuhaili's principle of sovereignty can be understood as a form of norm localization, namely the adaptation of international norms into the local cultural and legal context without losing the substance of territorial protection (Acharya, 2004). Fourth, its relevance is also seen in the redefinition of modern sovereignty which moves from a static concept to a multidisciplinary dimension, including complex interdependence and digital sovereignty which highlights the importance of state control over cyberspace and national data (Keohane, 2012).

Thus, integrating Wahbah Zuhaili's concept of Islamic sovereignty with the framework of contemporary international theory not only yields a richer normative perspective but also makes a practical contribution to policy formulation. This integration enables relevant analysis of strategic issues such as foreign military penetration, natural resource protection, and digital sovereignty, while also demonstrating that Islamic legal principles can engage in productive dialogue with contemporary international legal norms.

#### 4. Conclusion

Based on the above description, the 2022 Extradition Treaty between Indonesia and Singapore is not merely a legal instrument but also a strategic diplomatic arena with fraught political implications. From a Siyasah Dauliyah perspective, the agreement demonstrates the tension between the principles of international cooperation in eradicating transnational crime and the protection of state sovereignty. Indonesia benefits from the retroactive principle that allows for prosecution of fugitives for corruption, but must accommodate the Security Cooperation Agreement (DCA) and Flight Information Region (FIR) regulations, which have consequences for territorial control. According to Abdul Karim Zaidan, extradition principles, such as the prohibition of political compensation, protection of perpetrators' rights, and non-discrimination, can serve as benchmarks for criticizing diplomatic practices that have the potential to sacrifice sovereign interests. From an implementation perspective, the agreement's effectiveness will be largely determined by consistent political commitment, coordination of law enforcement, and understanding of asset recovery mechanisms.

This research provides conceptual and practical contributions. Conceptually, it integrates the Siyasah Dauliyah perspective with modern international relations theory, enriching the study of international law from an Islamic legal perspective. This approach opens up space for decolonizing the discourse of sovereignty and linking it to the norms of the Global South. Practically, this research offers a framework for evaluating international treaties that emphasizes the balance between combating transnational crime and protecting sovereignty. These findings are relevant for foreign policy formulation, particularly in negotiating treaties involving security, territorial sovereignty, and national strategic interests.

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