

## Legal Review in Handling FBI Fugitives who Fled to Indonesia: Russ Medlin Case Study

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### Abstract

*Law enforcement can be done by cooperation between agencies both nationally and internationally. One case that requires international cooperation in the disclosure of crimes is the case of Russ Medlin who is an FBI fugitive who fled to Indonesia for shelter. Russ Medlin not only committed his crimes in his home country but also in Indonesia. International and national law enforcement authorities are working together to arrest him in Indonesia. The research method used is a normative approach. The result of this study is the cooperation of international and national law enforcement authorities such as the International Police, FBI, POLRI, Indonesian immigration to arrest Russ Medlin despite the obstacles in the form of delays in sending red notices to Indonesian immigration authorities. In order not to happen again, in the future in sending red notices must be issued immediately so that they can be prevented before entering Indonesia so as not to cause new cases.*

### Keywords

cooperation; international;  
russ medlin

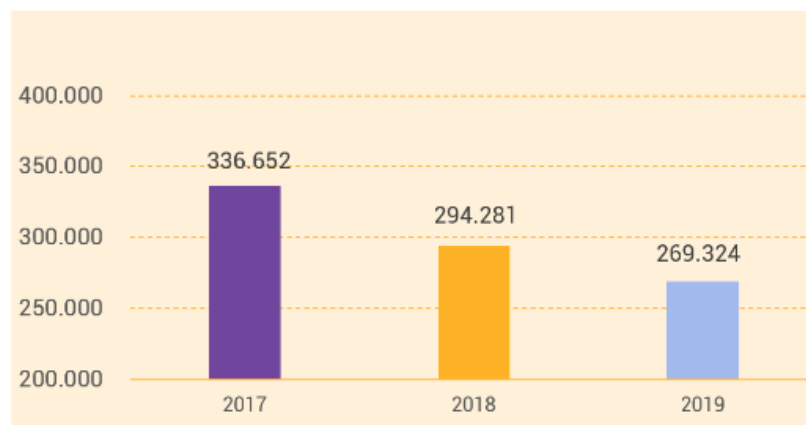


## I. Introduction

Disclosure of a crime is an event that often occurs in people's lives. Both the crime has a large or small scale both in the crime and the impact of the crime. Disclosure in Indonesia is carried out by law enforcement officers based on the type of crime. Both in the scope of international and national crimes, it is very dependent on the implementation of law enforcement.

Law enforcement around the world has its own concept, including Indonesia. Indonesia is a country that adheres to civil law, that is, all implementers of national and state life are regulated by codification by the provisions of the legislation (Hizatullah, Wilsa, and Nurdin, 2019). This can be seen in the 1945 Constitution of the Republic of Indonesia which states that the state of Indonesia is a state of law. This means that all life as a nation and state in Indonesia is bound by the laws that govern it, including in terms of law enforcement and enforcement of the law.

The crime rate in Indonesia in the last 3 years has decreased. Based on data from the National Police Headquarters (MABES POLRI) processed by BPS, it is noted that the crime rate in Indonesia has decreased drastically (BPS, 2020).



Sumber: Biro Pengendalian Operasi, Mabes Polri

**Figure 1.** *The Crime Rate in Indonesia has Decreased Drastically*

Crimes, on the other hand, occur at unpredictable times and places, making it difficult to anticipate when and where they will occur. One of the cases in 2020 that had shocked Indonesia and even the international community was the case of Russ Medlin, a suspect who is a United States citizen who is a fugitive from the FBI who was able to enter Indonesia to hide. Russ Medlin is wanted by the FBI and POLRI for sexual harassment of children and bitcoin fraud. Russ Medlin's crime caused concern among the Indonesian people, and as a result, various law enforcement agencies, including INTERPOL, POLRI, and others, worked together to apprehend him so that he would not be able to add to the crimes he had already perpetrated.

Patterns of crime among students are escalating among school dropouts within society. The theoretical model of this study proposes that the social bond is strengthened or weakened through socialization experiences in the family, school, peer groups, and the community and that this process impacts on the issue of dropout status. The lack of opportunities in school, prosocial activities, and interaction with prosocial others increases the vulnerability of the at-risk child for dropping out. (Philips, S. 2020)

In the current era of globalization, the development of criminal acts has spawned new types of crime, transnational crime, one of which is corruption, money laundering, terrorism, human smuggling, human trafficking, and cyber crime. This is very interesting to the attention of the international community. (Lubis, M. 2021)

## II. Research Methods

The approach used in this research is normative. Soekarno Soekanto said that normative research is legal research that uses secondary materials such as literature studies. Sources of data used in this journal using secondary materials are statutory provisions relating to the discussion of this journal and literature studies or previous research as well as news on online media. The data collection technique used in this journal is a literature study of several regulations related to problem formulation, reviews of previous studies or research, legal theory, legal principles, and legal rules as well as some news about refugees who committed suicide on several online news sites. With regard to data analysis methods in this journal, qualitative analysis is used, which analyzes some data that has been collected in the form of legal regulations, followed by a study of several theories related to the formulation of the

problem that needs to be studied in order to provide a rational explanation for the problem that is being studied (Susanti, 2018).

### 2.1. Aim

The purpose of this study is to find out the Russ Medlin case that has occurred in Indonesia and to analyze the cooperation between law enforcement agencies between countries against Russ Medlin who fled to Indonesia based on legal views.

## III. Results and Discussion

### 3.1. Cooperation Concept

Handoko argues that cooperation between government agencies is a manifestation of an interaction that has a systematic way of achieving goals and activities in accordance with the expectations of each agency in a precise and efficient manner. Cooperation between state institutions is very necessary in order to ensure integration in achieving the goals of each government apparatus (Kusuma & Sutanto, 2018). Based on this concept, POLRI and Immigration cooperate in handling cases of cybercrime Russ Medlin in the form of including the name Russ Medlin to SIMKIM at every Indonesian TPI so that it can be prevented and arrested.

### 3.2. Case of Russ Medlin (FBI fugitive who fled to Indonesia)

Cybercrime cases that have occurred have even caused a stir because FBI fugitives were able to enter Indonesia, namely the cyber crime case committed by Russ Albert Medlin in 2020.



*Figure 2. FBI fugitive: Russ Medlin*

Russ Medlin is the head of the BitClub Network Company, a company engaged in cryptocurrency which is being investigated by the United States police for being involved in the world's largest bitcoin scam (Kumparan.com). The allegations of cryptocurrency fraud against BitClub Network after US police arrested three of Medlin's criminal partners namely Matthew Brent Goettsche, Jobadiah Sinclair Weeks, and Joseph Frank Abel.

In 2019, U.S. attorney Craig Carpenito said Medlin and his four colleagues at BitClub Network were using the complex world of cryptocurrencies to take advantage of investors. Based on an investigation into its site's domain traces, BitClub Network's site is suspicious because it does not include privacy policy rules.

There is no clear information on the company description page. But the company, run by Russ Medlin and his criminal group, has regularly hosted online webinars about bitcoin (ReqNews, 2020). The company turned out to be a Bitcoin scam and made a profit of 722 million US dollars.

Bit Club Network is a scam under the guise of Ponzi and is worth 722 million dollars or about 10 billion rupiah. Craig Carpenito said that "We suspect what they are doing is nothing more than a modern Ponzi scheme (fake investment mode) and sophisticated technology that scams victims into hundreds of millions of dollars". He also added that "Working closely with law enforcement partners here we ensure these fraudsters will be held accountable for their crimes". Medlin's trail of crime turned out to be not only Bitcoin fraud under the guise of investment, but he was also involved in cases of sexual abuse and child pornography in the United States.

Based on reports from The Daily Beast, the Nevada State criminal record revealed that Medlin had been found guilty of sex offenses, namely sexual assault of children under 14 years old in 2008 and Medlin was found guilty of possession of child pornography.

For the crime of cybercrime Medlin and his 4 colleagues, the State of Nevada sentenced Medlin to be required to report as a suspect for 25 years. However, the State of Nevada stated that Medlin had not complied with its obligations. Therefore, Medlin's whereabouts could not be traced by US police in the Nevada State. Meanwhile, since November 2019, Russ Medlin managed to escape to another country, namely Indonesia (ReqNews, 2020).

Russ Medlin is a foreigner who is wanted by the FBI and managed to enter Indonesian territory. This is because the date of the Russ medlin red notice issued by INTERPOL is after the date of Russ medlin's arrival to Indonesia. This caused a stir in the Indonesian law enforcement agency, the POLRI. On June 15, 2020, Russ Medlin was successfully arrested by the Indonesian National Police in the Kebayoran Lama area, South Jakarta. Although the POLRI was able to arrest him, a new case emerged against Russ Medlin, namely sexually abusing a minor who was assisted by a dealer from Indonesia with the initials 'A' (Kompas.com, 2020).

### **3.3. Cooperation in Handling the Russ Medlin Case from an International Law Perspective**

The world community also opposes this transnational crime in various forms, including cybercrime committed by Russ Medlin. Russ Medlin's crimes are included in transnational crimes as stated in Article 2 letter 'a' of UNCATOC (United Nations Convention against Transnational Organized Crime), namely:

"(a) Organized criminal group means a structured group consisting of three or more people, exist for a specified period of time and act in accordance with the purpose of committing one or more of the crimes or grave offenses established in accordance with this Convention, to obtain, directly or indirectly, financial or other material advantage"

The next type of crime from Russ Medlin is cybercrime. Juridically, cybercrime is a type of transnational crime that is in accordance with Article 5 of UNCATOC, namely:

*"Agreeing with one or more other persons to commit a serious crime for purposes related directly or indirectly to obtaining financial or other material benefits and, where required by domestic law, involving actions taken by one of the participants in advancing the agreement or involving organized criminal group."*

Since escaping to another country, the US government and police, namely the FBI, have collaborated with several other countries, namely mutual legal assistance as regulated in Article 26 of UNCATOC, namely:

Each State Party shall take appropriate steps to encourage persons who participate or who have participated in organized criminal groups, Provide information useful to competent authorities for investigative and disclosure purposes on such matters as:

- i. The identity, nature, composition, structure, location or activities of the organized criminal group;
- ii. Relations, including international relations, with other organized criminal groups;
- iii. Offenses that have been committed or could be committed by an organized criminal group;

Based on this, the United States Police or the FBI requested assistance from other countries, including Indonesia, in the dissemination and exchange of information on Russ Medlin to several countries, including Indonesia.

Furthermore, there are implementation provisions in law enforcement cooperation as stated in Article 27 point 1 letter b and f UNCATOC, namely:

States Parties will cooperate closely with one another, consistent with their respective legal and administrative systems, to enhance the effectiveness of law enforcement against the crimes covered by this Convention. Each State Party shall, in particular, adopt effective measures:

To cooperate with other States Parties in conducting investigations in respect of violations covered by this Convention concerning:

- i. The identity, whereabouts and activities of the persons suspected of being involved in the violation or the location of the other person concerned;
- ii. Movement of proceeds of crime or property obtained from the crime;
- iii. Movement of property, equipment or other equipment used or intended to be used in committing the offence;

To exchange information and coordinate administrative and other measures taken as appropriate for the purpose of early identification of the violations covered by this Convention.

Based on this article, the US police, namely the FBI, cooperates with other countries including Indonesia in terms of:

1. Exchange of information and identity of Russ Medlin who fled to another country
2. Exchange of information about the presence of Russ Medlin on the territory of other countries
3. Coordination between law enforcement agencies in other countries, one of which is in Indonesia, namely POLRI

### **3.4. Cooperation in Handling the Russ Medlin Case from the Perspective of National Law**

Cooperation in handling the Russ Medlin case itself is regulated in Article 100 of the Indonesian Immigration Law (UU No. 6/2011) which states that the implementation of deterrence can be carried out in writing through the Minister which is forwarded to the competent authority and the deterrence is carried out from the date of the request. Based on this, the cooperation in handling the Russ Medlin case in this case is coordinating between the Directorate General of Immigration and the National Police Headquarters (MABES POLRI) in terms of including Russ Medlin in the list of deterrence.

Russ Medlin is also a fugitive from the FBI based on Red Notice-Interpol with registration number: A-10017/11-2016 dated November 4, 2016 Regarding Information on Interpol United States Fugitive Search issued on December 10, 2019. But that date turned out to be the issuance of a red notice from INTERPOL, even though Russ Medlin had already



entered Indonesia used a tourist visa in November 2019 and at that time there was no

notification about the red notice of Russ Medlin (Kompas.com, 2020). This makes the Directorate General of Immigration blamed for letting FBI fugitives into Indonesia. During November 2019, Russ Medlin used a tourist visa that entered through TPI Soekarno - Hatta Airport (Kompas.com, 2020).

In addition, Russ Medlin was also subject to Article 75 of the Indonesian Immigration Law (UU No. 6/ 2011), namely in the form of deportation and inclusion of names in the blacklist as well as cancellation of residence permits because they had to undergo a period of detention for cases of sexual abuse.

However, on June 15, 2020, Russ Medlin was successfully arrested by the Indonesian National Police in the Kebayoran Lama area, South Jakarta. Although the POLRI was able to arrest him, a new case emerged against Russ Medlin, namely sexually abusing a minor who was assisted by a dealer from Indonesia with the initials A (ReqNews).

Statement from Head of Public Relations of Polda Metro Jaya Kombes Yusri Yunus who said that The suspect, Russ Albert Medlin, who is a United States citizen, is still being investigated by the Jakarta Metropolitan Police regarding the issue of sexual abuse of minors and other crimes and is currently investigating it so that the Indonesian National Police are coordinating with Interpol and the FBI through the United States ambassador in Indonesia to await a decision of extradition (DetikNews.com, 2020).

## IV. Conclusion

The implementation of cooperation between state institutions and law enforcement agencies in other countries against the Russ Medlin cybercrime case is as follows.

1. The implementation of cooperation between state institutions and law enforcement agencies in other countries against the Russ Medlin cybercrime case according to UNCATOC (United Nations Convention Against Transnational Organized Crime) is carried out in coordination with other law enforcement agencies. In terms of handling the Russ Medlin case, the FBI police cooperate with the POLRI Headquarters in finding the identity and presence of Russ Medlin in Indonesian territory.
2. The implementation of cooperation between state institutions and law enforcement agencies in other countries against the cybercrime case of Russ Medlin according to the immigration law is carried out by entering Russ Medlin into the list of deterrence. However, the issuance of the Russ Medlin red notice from INTERPOL was slow because Russ Medlin had first entered Indonesia through immigration checks before the Russ Medlin red notice was issued. In addition, Russ Medlin was subject to TAK in the form of cancellation of his immigration residence permit and deportation for trying to escape to another country and committing a crime of sexual abuse in Indonesia. The implementation of the cooperation of state agencies and law enforcement agencies in other countries against cybercrime cases russ medlin according to other laws such as laws - mutual legal assistance criminal acts are carried out by providing information to POLRI about russ medlin entered into DPO in Indonesia, while according to the extradition law is carried out by means of the FBI and POLRI and INTERPOL while waiting for the examination of russ medlin can coordinate with ambassador b U.S. attorney in Indonesia for extradition decree

The advice we can convey is that INTERPOL should move quickly in disseminating information about their fugitives to several countries including Indonesia because it is feared that the fugitive has entered the territory of another country; to prioritize the search for international fugitives who have fled from other countries by INTERPOL in coordination with POLRI and Indonesian immigration so that they can be found quickly; and evaluate the system of coordination and delivery of information on fugitives of INTERPOL and or law enforcement parties of other countries by means of the POLRI or the Minister of Foreign Affairs providing advice to INTERPOL or other law enforcement parties.

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