

LEGAL STUDY OF THE MARY JANE FIESTA VELOSO CASE FROM HUMAN RIGHTS AND INTERNATIONAL AGREEMENT PERSPECTIVE

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Abstract

The purpose of this study is to analyze and understand whether the Mutual Legal Assistance in Criminal Matters (MLA) which is the legal basis for the return of Mary Jane, a death row convict, to her home country, the Philippines, is in accordance with international legal norms and how the provisions of the laws and regulations in force in Indonesia are in this case. This study is a normative legal study that is descriptive and analytical in nature, using the approach of related laws and regulations. Data were obtained through document studies and analyzed using qualitative normative methods. The results of the study indicate that the return of Mary Jane Fiesta Veloso, a death row convict, to the Philippines is based on an Agreement between the Government of Indonesia and the Government of the Philippines in the form of MLA and is based on an agreement between the Government of Indonesia and the Government of the Philippines and the existence of a policy from the President of the Republic of Indonesia to make one decision (Discretion).

Keywords: Repatriation of Death Row Convict Mary Jane F. Veloso; Narcotics; MLA.

Abstrak

Tujuan dari penelitian ini untuk menganalisis dan memahami apakah Mutual Legal Assistance in Criminal Matters (MLA) yang menjadi dasar hukum dikembalikannya Mary Jane terpidana mati ke negara asalnya Filipina telah sesuai dengan norma hukum internasional dan bagaimana ketentuan perundang-undangan yang berlaku di Indonesia dalam kasus ini. Penelitian ini merupakan penelitian yuridis normatif yang bersifat deskriptif analitis, dengan menggunakan pendekatan peraturan perundang-undangan yang terkait. Data diperoleh melalui studi dokumen dan dianalisis dengan menggunakan metode normatif kualitatif. Hasil studi menunjukkan bahwa pemulangan terpidana mati Mary Jane Fiesta Veloso ke Filipina adalah berdasarkan Perjanjian antara Pemerintah Indonesia dan Pemerintah Filipina dalam bentuk MLA dan berdasarkan kepada kesepakatan antara pemerintah Indonesia dengan pemerintah Filipina serta adanya kebijakan dari Presiden Republik Indonesia untuk mengambil satu keputusan (Diskresi).

Kata kunci: Pemulangan Mary Jane F. Veloso Terpidana Mati; Narkotika; MLA.

A. Background

The repatriation of death row inmate Mary Jane Fiesta Velosa, a Philippine citizen, to her country has become quite sensational news on social media, both in Indonesia and the Philippines. Tempo media in an article entitled “Flashback of the Mary Jane Velosa Case” dated November 21, 2024, stated that: “Mary Jane was charged with Article 114 paragraph 2 of Law Number 35 of 2009 concerning Narcotics. Mary Jane was an intermediary in the sale and purchase of Class I narcotics weighing more than one kilogram.

This article has various verdicts, but the Sleman District Court Decision Number 385/PID.B/2010/PN.SLMN sentenced Mary Jane to death.¹ ”In the Prosecutor's Letter of Demand, it is stated among other things that: "The defendant Mary Jane Fiesta Veloso is guilty of committing the crime of "Without rights or against the law acting as an intermediary in the sale, purchase or delivery of Class I non-plant narcotics" as regulated and threatened with criminal penalties in Article 114 paragraph (2) of Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics in our first alternative indictment; and the Prosecutor sentences the defendant Mary Jane Fiesta Veloso to life imprisonment."

The prosecutor's demand for a "life" prison sentence against Mary Jane was considered too light by the Panel of Judges, where one of the considerations of the Panel of Judges was to provide a deterrent effect for other foreign citizens so that they no longer bring/conduct illegal narcotics transactions into Indonesia, especially in large quantities, so the Panel of Judges considered that the death penalty was an appropriate punishment for Mary Jane's actions. Against this decision, Mary Jane's legal advisor filed an appeal to the Yogyakarta High Court with the legal argument that the decision to impose the death penalty violated Human Rights (HAM) and the imposition of Article 114 paragraph (2) of Law Number 35 of 2009 concerning Narcotics was inappropriate because the Public Prosecutor could not prove Mary Jane's position as an intermediary in the narcotics transaction.

The Panel of Judges of the Yogyakarta High Court, through Decision Number 131/PID/2010/PTY, rejected the defense of Mary Jane's Legal Counsel and upheld the Decision of the Sleman District Court Number 385/PID.B/2010/PN.SLMN on the grounds that it was Mary Jane who violated the human rights of the young generation of Indonesia. The cassation efforts carried out by Mary Jane's Legal Team to seek justice ended in failure because the decision of the Legal Counsel at the cassation level had not sided with Mary Jane, where the Panel of Judges of the Cassation rejected the cassation application through

¹ Rio Ari Seno, “Kilas Balik Kasus Mary Jane Veloso,” Tempo, 21 November 2024, <https://www.tempo.co/infografik/infografik/kilas-balik-kasus-mary-jane-veloso-1171334>.

Cassation Decision Number 987 K/PID.SUS/2011, so that Mary Jane was still sentenced to death.

Not giving up, Mary Jane continued to fight for justice through a Judicial Review (PK) to the Supreme Court of the Republic of Indonesia. Waiting for justice for approximately 5 (five) years in detention, it turned out that the judicial review decision also did not side with Mary Jane and her Legal Team, where, through the Supreme Court of the Republic of Indonesia Judicial Review Decision Number 51/PK/PID.SUS/2015, the death sentence status must still be carried out by Mary Jane. Mary Jane attempted to seek clemency, but was rejected through a Presidential Decree (Keppres) dated December 30, 2014.

Mary Jane Fiesta Veloso is a convict who has been included in the list of the second wave of death row convicts who are planned to be executed by the Attorney General of the Republic of Indonesia in April 2015. The efforts of the Philippine government and international pressure continue to mount. The Philippine government has officially asked the Indonesian government to postpone the execution because Mary Jane is considered a victim and also an important witness in the human trafficking case in the Philippines. The postponement of Mary Jane's execution is related to the sentencing of Cristina Sergio and Julius Lacanilao by the judges of the Nueva Ecija District Court in the Philippines for an illegal recruitment case.

As is known, Cristina Sergio was the person who asked Mary Jane to go to Yogyakarta and gave her a suitcase with a salary of US\$500 which turned out to contain 2.6 kilograms of heroin in the lining of the suitcase, so that upon arrival at Yogyakarta Airport, Mary Jane was arrested. On April 28, 2015, or one day before Mary Jane was executed in Nusakambangan, Cristina surrendered herself to the Cabanatuan police, Philippines. She admitted that she had received more death threats as Mary Jane's execution drew closer.² Cristina Sergio's surrender was an important reason for the Philippine government to ask the Indonesian government to postpone the execution of convict Mary Jane, so that by granting the postponement of the execution, it became an opportunity for the Philippine government to try to have convict Mary Jane repatriated and serve her sentence in the Philippines.

The diplomatic efforts made by the Philippine Government to repatriate Mary Jane Fiesta Veloso to the Philippines have borne fruit, namely the signing of the Practical Arrangement by the Coordinating Minister for Law, Human Rights, Immigration, and Corrections of the Republic of Indonesia, Yusril Ihza Mahendra, and the Deputy Minister for

² BBC News Indonesia, "Terpidana mati kasus narkoba Mary Jane Veloso tiba di Filipina – 'Saya berharap Presiden Marcos memberi grasi,'" <https://www.bbc.com/indonesia/articles/ce8dp3pezp6o> (accessed 18 October 2025).

Legal Affairs and Liaison Group of the Philippines, Raul T. Vasquez on Friday, December 6, 2024. According to the Coordinating Minister for Law, Human Rights, Immigration, and Corrections, Yusril Ihza Mahendra, it was stated that there are indeed no laws regulating the transfer of prisoners until now. There is also no regulation regarding the exchange of prisoners. But we have many cooperation agreements with friendly countries called MLA agreements, namely Mutual Legal Assistance in Criminal Matters, or legal assistance, reciprocal legal cooperation between countries in criminal cases with other countries.³

Based on the background of the problem, this paper aims to see and examine how the concept of international cooperation law as a legal basis for the repatriation/return of Mary Jane Veloso, a Philippine citizen sentenced to death for drug smuggling to her home country, the Philippines, considering that so far there has been no law that specifically regulates the mechanism and procedures for the repatriation/return of foreign citizens who have been sentenced to death in an Indonesian court for committing a criminal crime, but before the execution of their sentence, the death row convict was repatriated to their home country to further serve their sentence there. This study also aims to determine how Mutual Legal Assistance is regulated in international legal instruments and the legal position of Mutual Legal Assistance between two countries as an international legal instrument in the case of Mary Jane Veloso.

B. Research Methods

This study uses a normative legal research method, which aims to determine the legal basis for the repatriation/return of Mary Jane Feloso, a death row convict in a drug smuggling case, back to her country, the Philippines, and how the concept of international cooperation law is applied in the case of Mary Jane Feloso. The research was conducted in accordance with scientific procedures so that it can answer the formulation of the problem, as well as understand the law contained in the norms and rules from the perspective of legal theory and science. The purpose of this research specification is to present a comprehensive and in-depth explanation of the state of the research.

The data used is secondary data consisting of primary legal materials in the form of laws and regulations, tertiary legal materials in the form of reference books, articles, and legal journals, and expert opinions. The data analysis technique uses qualitative analysis, where

³ Aryo Putranto Saptohutomo, "Apa Landasan Hukum Pemindahan Terpidana Mati Mary Jane ke Filipina?," Kompas.com, 22 November 2024, <https://nasional.kompas.com/read/2024/11/22/10112031/apa-landasan-hukum-pemindahan-terpidana-mati-mary-jane-ke-filipina>.

data is collected carefully, followed by qualitative analysis to draw conclusions about the problems being studied.

C. Results and Discussions

1. Controversy of The Mary Jane Fiesta Veloso Trial Case

Since the initial arrest of Mary Jane Fiesta Veloso at Adisucipto Airport in Yogyakarta, followed by the trial process at the Sleman District Court and the appeal process at the Yogyakarta High Court until the Cassation and Review (PK) process at the Supreme Court of the Republic of Indonesia, until the rejection of clemency by the President of the Republic of Indonesia at that time (Ir. Joko Widodo), the development of Mary Jane's case has always been monitored by the Philippine Government. Mary Jane Feloso was charged with Article 114 paragraph 2 of Law Number 35 of 2009 concerning Narcotics; Article 114 paragraph (1) states that

"Any person who without the right or against the law offers for sale, sells, buys, receives, acts as an intermediary in the sale and purchase, exchanges, or delivers Class I Narcotics, shall be punished with life imprisonment or imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years and a fine of at least IDR 1,000,000,000.00 (one billion rupiah) and a maximum of IDR 10,000,000,000.00 (ten billion rupiah).

Given that the narcotics found in the suitcase carried by Mary Jane Feloso were more than one kilogram, Mary Jane was charged with Article 114 paragraph (2) which states that

"In the case of acts of offering for sale, selling, buying, acting as an intermediary in buying and selling, exchanging, handing over, or receiving Class I Narcotics as referred to in paragraph (1) which in the form of plants weighs more than 1 (one) kilogram or more than 5 (five) tree trunks or in non-plant form weighs 5 (five) grams, the perpetrator shall be punished with the death penalty, life imprisonment, or imprisonment for a minimum of 6 (six) years and a maximum of 20 (twenty) years and a maximum fine as referred to in paragraph (1) plus 1/3 (one third)".

LBH Jakarta Director Febionesta said that the court's death sentence against drug courier Mary Jane Fiesta Veloso (a Philippine citizen) was legally flawed. Therefore, Febionesta considered that Mary Jane's death sentence should be null and void.⁴ Febionesta's reason was that Mary Jane only spoke Tagalog, while her English was not fluent, so some of the questions asked by the panel of judges were not fully understood by

⁴ Fabian Januarius Kuwado, "Vonis Hukuman Mati Mary Jane Dianggap Cacat Hukum, Mengapa?," Kompas.com, 24 April 2025, <https://nasional.kompas.com/read/2015/04/26/17502391/Vonis.Hukuman.Mati.Mary.Jane.Dianggap.Cacat.Hukum.Mengapa>.

Mary Jane Fiesta Felosa. Febionesta said that the misperception was an unacceptable law enforcement error. Because the Criminal Procedure Code has stated that suspects or prisoners who are foreign citizens must be accompanied by a legal representative and a foreign language translator.

Based on the results of the analysis by the Indonesian Judicial Monitoring Society (MaPPI FHUI) and LBH Jakarta in the Study on the Supreme Court and the Courts below it against Mary Jane, it is stated that "Mary Jane is a migrant worker from the Philippines with a final education of first grade of junior high school. She has two young children. After her husband left, she earned a living by working in Dubai, United Arab Emirates. However, because she was almost raped while working in Dubai, she returned to the Philippines.

Demanded by conditions of acute poverty, while her child had to go to elementary school, she decided to work again. When pressed by urgent economic needs, Mary Jane Feloso met Christina Sergio, who offered her a job in Malaysia. The turmoil continued; it turned out that Christina did not give her a job, but took her behind bars, which even threatened to take her life. Mary Jane was asked to go on vacation to Indonesia, carrying a bag containing narcotics without her knowledge. She was arrested by airport officers and then underwent a trial process that sentenced her to death."⁵

Efforts by the Philippine Government, both through its Embassy in Indonesia and lobbying by its high-ranking officials towards the Indonesian government, continue to be carried out, in addition, Philippine law enforcement elements continue to investigate to find out who is actually responsible for the Mary Jane case, until finally Cristina Sergio, the person who entrusted the narcotics to Mary Jane to be taken to Indonesia, surrendered herself to the Cabanatuan police, Philippines. Supreme Court spokesman, Chief Justice Suhadi, stated that the Philippine Court's decision against Maria Cristina Sergio could be a novum in the request for a judicial review of the death row convict in the Mary Jane Fiesta Veloso drug case.⁶

The verdict could also change Mary Jane's status from a dealer or distributor to a victim. The verdict against Cristina was also the basis for the government's decision to suspend the execution of Mary Jane's death sentence. However, he said that changing this

⁵ Dio Ashar Wicaksana et al., *Eksaminasi Perkara Mary Jane: Kajian mengenai putusan Mahkamah Agung dan peradilan di bawahnya terhadap Mary Jane*, (Jakarta: LBH Jakarta–MaPPI FHUI, 2016), 13-14.

⁶ Shinta Maharani, "Mary Jane to File for Another Appeal," *Tempo English*, 20 May 2015, https://en.tempo.co/read/667734/mary-jane-to-file-for-another-appeal?utm_source.

status would not be easy because, for the courts in Indonesia, Mary is a perpetrator who was caught red-handed carrying 2.6 kilograms of heroin.

2. Human Rights Perspective on the Death Penalty in the Case of Mary Jane Fiesta Veloso

The right to life is one of the most basic human rights in international law. This right is referred to as a “non-derogable right,” meaning that it cannot be reduced or revoked under any circumstances, even in times of emergency. The international legal instruments that guarantee the right to life are as follows:

- a. Universal Declaration of Human Rights (UDHR): Article 3 of the UDHR explicitly states that “Everyone has the right to life, liberty, and security of person.”
- b. International Covenant on Civil and Political Rights (ICCPR): Article 6 of the ICCPR is one of the most important provisions regarding the right to life. Paragraph (1) of this article states: “Everyone has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life.”
- c. Second Optional Protocol to the ICCPR: This protocol specifically aims to abolish the death penalty. States parties to this protocol are committed to not imposing the death penalty.
- d. International Humanitarian Law: This law regulates the protection of victims of armed conflict, both combatants and civilians. Its principles, as contained in the Geneva Conventions and Additional Protocols, aim to limit suffering and protect human life during war.

These international legal instruments guarantee the right to life, but their implementation still faces challenges and debate, especially regarding the issue of capital punishment. Capital punishment is often in the spotlight because it is considered a violation of the right to life. Although the ICCPR does not absolutely prohibit capital punishment, its optional protocol encourages the abolition of this punishment. Many countries and international organizations, such as Amnesty International and Human Rights Watch, criticize the death penalty as a serious violation of human rights.

Indonesia has ratified the ICCPR through Law Number 12 of 2005, but Indonesia has not yet ratified the Second Optional Protocol to the ICCPR, which aims to abolish the death penalty. This is why Indonesia still applies the death penalty in its legislation. The case of Mary Jane Fiesta Veloso highlights the conflict between strict criminal law enforcement and respect for human rights. According to Indonesian criminal law, Mary Jane was found guilty, but Mary Jane's supporters, human rights activists, and the

international community have highlighted procedural weaknesses in the judicial system and complex issues such as human trafficking and the right to a fair trial.

The postponement of Mary Jane's execution and repatriation provides an important lesson that, in cases involving human lives, considerations of humanity, justice, and international cooperation can override the enforcement of the law alone. This case also strengthens the argument for groups that oppose the death penalty, who see it as a disproportionate and irreversible punishment, especially in cases where there is still doubt about whether the defendant is a perpetrator or a victim.

3. Legal Position of MLA in The International Legal Order

According to Mochtar Kusumaatmadja, International Law is the entirety of rules and principles that regulate relations or issues that cross state borders, namely: a. Between countries; b. Countries with other legal subjects that are not countries or non-state subjects with each other.⁷ Meanwhile, according to J.G. Starke, the definition of international law is a legal system that consists mostly of principles and rules that are usually followed in relations between countries.

Therefore, it generally regulates relations between countries and also includes; legal rules relating to the functions of international institutions or organizations, their relations with each other, and the relations of these institutions with countries and individuals and certain legal rules relating to individuals and non-state entities, because these individuals and entities are of concern to the international community.⁸ Based on this definition, we can see that the characteristics of international law are laws that regulate relations between countries, international organizations and individuals; Established through international agreements, state practices, and decisions of international institutions; and Aims to bring order and justice to international relations.

As we know that one of the sources of international law is an international agreement, either general or specific, which contains legal provisions that are explicitly recognized by the countries that make the agreement, whether multilateral or bilateral. Usually, in the Republic of Indonesia, international agreements are divided into two groups. Group I is an international agreement that goes through three stages, namely negotiation, signing, and ratification. Group II is an international agreement that only goes through two stages, namely negotiation and signing. International agreements in Group I concerning important

⁷ Tim Hukumonline, "Pengertian Hukum Internasional," Hukumonline.com, 22 May 2023, <https://www.hukumonline.com/berita/a/pengertian-hukum-internasional-lt61d8158cab97d/?page=2>.

⁸ *Ibid.*

matters require ratification from the DPR. International agreements in Group II usually concern unimportant matters, so they do not require ratification.

According to Mochtar Kusumaatmadja, distinguishing international agreements in Group I and II with different terms only, because in practice, it is difficult to measure which international agreement is more important.⁹ Sources of international law, as regulated in Article 38 of the Statute of the International Court of Justice, include international agreements (Treaties/Conventions), international customs (International Custom), general principles of law (General Principles of Law), Court Decisions and Expert Opinions (Judicial Decisions and Teachings).

In the international legal order, we also know what is called MLA, which is an agreement between two or more countries to assist each other in handling legal cases, especially in cases of transnational crime. The purpose of the MLA is actually not only to help resolve transnational criminal cases but also to increase international cooperation in resolving cross-border legal cases. If we relate it to the classification above, we can see that the MLA signed between the Indonesian Government and the Philippines in the case of the repatriation of Mary Jane is part of the International Legal order; namely an agreement between two countries to assist each other in reciprocity that allows countries to provide legal assistance in transnational criminal cases based on the principle of reciprocity.

4. Legal basis for the repatriation of death row convict Mary Jane to her home country, the Philippines

Statement by the Coordinating Minister for Law, Human Rights, Immigration, and Corrections of the Republic of Indonesia Yusril Ihza Mahendra stating that the transfer of death row convict Mary Jane to her home country, the Philippines, is based on MLA and is also based on an agreement between the Indonesian government and the Philippine government as well as the policy of the President of the Republic of Indonesia to make a decision (Discretion).

Furthermore, Yusril Ihza Mahendra said that "Indeed, there are no laws and regulations governing the transfer of prisoners until now. There are also none that regulate the exchange of prisoners. But we have many cooperation agreements with friendly countries called MLA agreements, namely Mutual Legal Assistance in Criminal Matters, or legal assistance, reciprocal legal cooperation in criminal cases with other countries,"

⁹ Agustina, *Hukum Internasional*, (Yogyakarta: Suluh Media, 2019), 83.

said Yusril in a written statement to reporters, Friday (11/22/2024)."¹⁰

As fellow ASEAN member countries, the Indonesian and Philippine governments, together with other ASEAN member countries, have signed the Declaration on Transnational Crime (MLA) in 1997 and formed the ASEAN Action Plan to Combat Transnational Crime in 1999 to address transnational crime and terrorism in the Southeast Asia region. ASEAN's biggest development in combating transnational crime is the Treaty on Mutual Legal Assistance in Criminal Matters (MLA Treaty) in 2004 and the ASEAN Convention on Counter-Terrorism (ACCT) (2007). The MLA Agreement allows law enforcement in ASEAN countries to work together and exchange information.¹¹

On September 5, 2022, President of the Republic of Indonesia Joko Widodo and President of the Republic of the Philippines Ferdinand Romualdez Marcos Jr. witnessed a number of Memorandums of Understanding (MoUs) that had been agreed upon by the two countries in a number of fields; where one of the four MoUs is the RI-Philippines Bilateral Cooperation Action Plan (PoA) for 2022-2027. This Action Plan is a strategic document that serves as a reference for efforts to increase bilateral cooperation between the two countries. This Action Plan includes various concrete strategic activities in the fields of politics, law, security, economy, culture, tourism, consular, protection, and mutual support for candidacy in international institutions.¹²

In the case of Mary Jane Fiesta Veloso, Indonesian law stipulates that: "Criminal provisions in Indonesian legislation shall be applied to anyone who commits a crime in Indonesia" (Article 2 of the Criminal Code), meaning that Indonesian criminal law applies to anyone who commits a crime in the territory of Indonesia, regardless of citizenship. The defendant Mary Jane Fiesta Veloso was guilty of committing the crime of "Without rights or against the law acting as an intermediary in the sale, purchase or delivery of Class I non-plant narcotics" as regulated and subject to criminal penalties in Article 114 paragraph (2) of Law of the Republic of Indonesia Number 35 of 2009 concerning Narcotics.

Diplomatic efforts made by the Philippine government through the Request of the

¹⁰ Yogi Ernes, "Menko Yusril Jelaskan Dasar Hukum RI Pulangkan Mary Jane ke Filipina," detikNews, 22 November 2024, <https://news.detik.com/berita/d-7651462/menko-yusril-jelaskan-dasar-hukum-ri-pulangkan-mary-jane-ke-filipina>.

¹¹ Hestutomo Restu Kuncoro "Non-interference hinders ASEAN fight against IS," The Jakarta Post, 9 June 2017, <https://www.thejakartapost.com/academia/2017/06/09/non-interference-hinders-asean-fight-against-is.html>.

¹² BPMI Setpres, "Empat MoU yang Disepakati dalam Kunjungan Kenegaraan Presiden Ferdinand Marcos Jr.," Presiden RI, 5 September 2022, <https://www.presidenri.go.id/siaran-pers/empat-mou-yang-disepakati-dalam-kunjungan-kenegaraan-presiden-ferdinand-marcos-jr/>.

Philippine Minister of Justice Jesus Crispin Remulla, requesting the transfer of Mary Jane, as well as the President of the Philippines, Ferdinand Marcos Jr., previously submitted an official request to the President of the Republic of Indonesia, Prabowo Subianto, to seek the repatriation of Mary Jane.

This request was then formally re-submitted by the Philippine Ambassador to Indonesia, H.E. Gina Alagon Jamoralin, at a meeting with the Coordinating Minister for Law, Human Rights, Immigration, and Corrections of the Republic of Indonesia on Monday, November 11, 2024. The Philippine government's struggle to repatriate Mary Jane found a bright spot after the Indonesian and Philippine governments reached an important agreement regarding the transfer of prisoner Mary Jane F. Veloso, through the signing of the Practical Arrangement by the Coordinating Minister for Law, Human Rights, Immigration, and Corrections of the Republic of Indonesia, Yusril Ihza Mahendra, and the Deputy Minister for Legal Affairs and Liaison Group of the Philippines, Raul T. Vasquez on Friday, December 6, 2024.

Before the signing of the Practical Arrangement, the Indonesian and Philippine governments had exchanged drafts of the Practical Arrangement first studied and agreed upon together. The agreement emphasized the commitment of both countries to the values of diplomacy, international cooperation, and respect for the legal sovereignty of each country. There are important provisions in the Practical Arrangement, such as Respect for the Legal Sovereignty, Implementation of Punishment, Ban on Re-Entry into Indonesia, and Access to Information for both countries to find out the development of the Mary Jane Fiesta Velosa case.

As we know, Article 2 of the 1969 Vienna Convention on International Treaties states that an International Treaty is

"Treaty means an International Agreement concluded between States in written form and governed by International Law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation."

If we refer to the definition of an international agreement, then MLA can be interpreted as an international agreement between two or more states to assist each other in handling legal cases, especially in cases of international crimes.

D. Conclusions and Recommendations

Based on the results of the study, it is known that the repatriation of Mary Jane Fiesta Velosa, a death row convict, to her home country, the Philippines, is based on MLA and also

based on an agreement between the Indonesian government and the Philippine government in the form of a Practical Arrangement and the policy of the President of the Republic of Indonesia to make a decision (Discretion). The President of the Republic of Indonesia, as Head of State and Head of Government, has the authority to formulate a policy and make decisions based on humanitarian values and to maintain good relations between Indonesia and the Philippines; although Indonesia does not yet have laws and regulations that specifically regulate the repatriation of a foreign citizen who is sentenced to death to his country.

The suggestion from this research is expected by the government, in this case, the Ministry of Law and Human Rights, together with the Indonesian House of Representatives (DPR) cq. The DPR Legislative Body is to immediately draft a clear and specific bill on the process of repatriating foreign nationals sentenced to death to their country of origin, including provisions governing the transfer of prisoners and exchange of prisoners. Another thing that needs to be considered is increasing diplomatic cooperation with other countries, especially countries in the ASEAN region, in the prevention and handling of cross-border narcotics crimes.

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