

JURIDICAL ANALYSIS OF THE HANDLING OF TERRORISM CRIME

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Abstract

The research aims to study the police's countermeasures for dealing with acts of terrorism in Cirebon Regency, Indonesia. This study uses a normative juridical approach, focusing on analyzing legal regulations and their application in practice. The study identifies that although laws and regulations such as Law Number 5 of 2018 provide a strong legal basis, implementation still faces challenges related to the effectiveness of coordination between law enforcement officials and intelligence agencies. The findings of this study also contribute to the development of law and public policy in Indonesia by providing a solid academic foundation to support necessary regulatory changes or adjustments. The results of this analysis can help policymakers in formulating more responsive and adaptive strategies in dealing with the threat of terrorist, so as to create a stronger legal system and be able to protect society more comprehensively.

Keywords: Juridis, Eradication, Crime of Terrorism

INTRODUCTION

Terrorism incidents including suicide bombings and armed attacks show the evolution of the tactics of radical groups that are increasingly organized and inspired by international terrorist networks. The impact of this increase in incidents is particularly felt in various aspects, including threatened national security, political stability disrupted by tensions between counter-terrorism policies and civil liberties, and people's social lives filled with fear and suspicion. This threat forces governments and communities to continue to adapt and strengthen prevention efforts through education, strict monitoring, and increased international cooperation in countering terrorism (Vinanda, 2021). In 2024, Indonesia will move up to 31st place, an increase of 7 places from its previous position of 24th. Now, Indonesia is considered a country with a low impact from terrorism, while in 2023, Indonesia is still listed as a country with a medium impact. This is a significant achievement. However, this still needs to be improved in the future (BNPT, 2024).

The development of legal regulations in Indonesia related to the handling of terrorism has made significant progress, especially with the ratification of Law Number 5 of 2018 which is an amendment to Law Number 15 of 2003 concerning the Eradication of Terrorism Crimes. This law strengthens the legal foundation for law enforcement officials by giving them broader authority to carry out preventive, prosecuting, and law enforcement measures against terrorism activities. One of the important changes is the addition of a more comprehensive definition of terrorism, as well as provisions on deradicalization and protection for victims. The regulation also allows for preventive measures such as temporary detention of individuals suspected of engaging in terrorist activities before they commit acts that could threaten national security (Wijaya, 2021).

Law enforcement agencies such as the Police, the National Counter-Terrorism Agency (BNPT), and intelligence agencies play a crucial role in handling terrorism crimes in Indonesia (Agustin et al., 2023). The police are responsible for direct law enforcement,

including investigations, arrests, and security against terrorist threats. BNPT functions as strategic coordination and policy development in prevention, countermeasures, and deradicalization. Meanwhile, intelligence agencies play an important role in the collection of information and analysis that is the basis for preventive and enforcement measures (Aden, 2018). The importance of cooperation between these institutions cannot be overlooked, as their synergy ensures a quick and effective response to the threat of terrorism. In addition, international cooperation is also a key element in the prevention and handling of terrorism, as these threats are often transnational, requiring information exchange, operational coordination, and diplomatic support at the global level (Martha et al., 2023).

According to the summary given above, the research aims to study the police's countermeasures for dealing with acts of terrorism, and the elements influencing the police's ability to eradicate terrorism in Cirebon Regency. Through this analysis, it is hoped that the strengths and weaknesses of existing regulations can be identified, as well as recommendations for more effective improvements within the legal framework. The research also contributes to the development of law and public policy in Indonesia by providing a strong academic foundation to support necessary regulatory changes or adjustments. In addition, the results of this analysis can help policymakers in formulating more responsive and adaptive strategies in dealing with the threat of terrorism, so as to create a stronger legal system and be able to protect society more comprehensively.

RESEARCH METHOD

This study uses a normative juridical approach. This study uses a normative juridical approach, focusing on analyzing legal regulations and their application in practice. The research data consists of both written laws, such as Law Number 5 of 2018, and the practices of law enforcement officials. The primary data source includes legal documents, while secondary data comes from case studies or reports on law enforcement activities. The data collection technique mainly involves document analysis of legal texts and, potentially, interviews or reports that shed light on how these regulations are enforced.

For data analysis, the study employs a legal analysis technique, interpreting and comparing legal texts with real-world law enforcement practices. By examining the alignment or discrepancies between the written regulations and their practical implementation, the study aims to evaluate the effectiveness of the laws and provide insights into how well they are enforced by relevant authorities.

RESULT AND DISCUSSION

Definition of Criminal Acts

A criminal act is an act committed by a person or group of people who violate the law and is threatened with criminal sanctions by law. In criminal law, criminal acts include different types of crimes, ranging from minor crimes such as petty theft to serious crimes such as murder and terrorism. To be categorized as a criminal act, the act must meet certain elements that have been determined by law, namely the existence of an unlawful act, the existence of an actor who has awareness of his or her actions, and the existence of consequences of the act that harms other parties or disturbs public order. The element of error is also one of the important elements in determining whether a person can be held criminally responsible for his actions (Wasistha, 2022).

The main purpose of criminal law enforcement is to maintain public order and security, provide justice to victims, and prevent future criminal acts through the provision of devastating sanctions. Criminal law plays an important role in regulating community life by providing clear boundaries regarding acts that are considered dangerous or harmful, as well as stipulating consequences for those who violate these rules.

Definition of Terrorism Crime

The crime of terrorism is a crime committed with the aim of causing fear, damage, and chaos in society through the use of violence or threats of violence of an ideological, political, or religious nature. Terrorism involves acts such as bombings, shootings, hostage-takings, and other forms of violence that target the general public, public facilities, or government institutions. This act is not only aimed at injuring or killing, but also to spread fear and influence government or community policies at large. In Indonesia, terrorism crimes are specifically regulated in Law Number 5 of 2018 which provides a legal basis for handling terrorism, including preventive measures, law enforcement, and deradicalization (Nasution, 2018).

The impact of terrorism crimes is very destructive, not only physically but also socially and psychologically. Terrorism threatens national security, creates political instability, and destroys a sense of security in society (Rusli, 2023). In addition, terrorism often causes great economic losses, both due to infrastructure damage and due to investor and tourist mistrust. Therefore, handling terrorism crimes requires comprehensive efforts, involving various law enforcement agencies, governments, and international cooperation. An effective approach should include prevention through education and deradicalization, strengthening the legal system for strict enforcement, and protection and rehabilitation for victims of terrorism (Ginetio et al., 2024).

Terrorism crimes are a type of criminal act that is pure (*mala per se*) and different from administrative crimes (*mala prohibita*) (Azzahra, 2022). The criminalization of terrorism as part of the evolution of criminal law can be done by various methods, such as:

1. Through the process of evolution by making amendments to the articles in the Criminal Code.
2. Through a global system by establishing comprehensive regulations outside the Criminal Code, including special rules regarding its legal procedures.
3. Through a compromise system by adding a new chapter in the Criminal Code that regulates "terrorism crimes".

Acts of terrorism are well-designed and organized actions, and can occur anywhere and target anyone. Terrorism is carried out through various methods that are tailored to the goals of the perpetrators, both those that produce physical and non-physical (psychic) impacts. Physical terror usually leads to injury or death, as in the case of beatings, demolition, murder, or bomb blasts. Meanwhile, non-physical (psychic) terror is manifested through the spread of issues, threats, hostage-taking, intimidation, or other efforts aimed at spreading fear among the community (Nazir, 2022).

The consequences of acts of terrorism cause victims to feel insecure and experience deep fear (trauma). In addition to affecting certain individuals or groups, the impact of terrorism can also extend to affect the economic, political, and sovereign life of a country. Due to its difficult to detect nature and huge impact, acts of terrorism require serious prevention and countermeasures from the government and the community (Mudzakkir, 2008).

The act in terror acts that is widely carried out is suicide terrorism. Religion is often used as an effective tool to indoctrinate individuals to be willing to take such actions. Although not all acts of suicide terrorism are based on religious motivations, these motivations are often easier to use as logical reasons. Suicidal terrorism is considered very potent especially when terrorist groups do not have enough resources or facilities to achieve their goals. The perpetrators usually undergo a process of indoctrination, training, and finally equipped with weapons or explosives to carry out the planned mission (Simanjuntak, 2019).

Based on Law Number 5 of 2018 concerning the Eradication of Terrorism Crimes, Article 6 stipulates that: "Any person who deliberately uses Violence or Threats of Violence

that causes an atmosphere of terror or fear against people widely, causes mass casualties by depriving others of their independence or loss of life and property, or causes damage or destruction to Strategic Vital Objects, the environment or public facilities or international facilities shall be punished with a minimum prison sentence of 5 (five) years and a fine of 5 (five) years 20 (twenty) years, life imprisonment, or the death penalty."

Countermeasures Carried Out by the Police in Handling Terrorism Crimes

Efforts to counter non-criminal terrorism by the Regional Police are carried out by (Nurhediansyah, 2019):

- 1) Pre-emptive: Implementing POLMAS (Community Police) with a persuasive approach to community leaders is very important because the role of community leaders is considered crucial. It is hoped that community leaders can mobilize the surrounding community to be actively involved in efforts to prevent terrorism.
- 2) Preventively: Integrated intelligence operations are used for early prevention activities, with a focus on identifying terrorism action plans. This allows preventive measures to be taken to thwart planned acts of terror, thus avoiding casualties and material damage.
- 3) Repressively: Efforts to counter terrorism crimes by the National Police which are carried out in a repressive manner aim to stop acts of terror directly and take action against the perpetrators through strict and lawful action. These repressive measures are generally implemented after a real threat or act of terror, such as the arrest of the perpetrator, the raid of the headquarters, and the confiscation of evidence such as weapons or explosives. These operations are carried out using special teams, such as the 88th Anti-Terror Special Detachment which has tactical capabilities in dealing with dangerous situations and securing areas that have the potential to be targets of terrorism.

In addition, law enforcement against perpetrators of terrorism through the courts is also a form of repressive action carried out by the National Police. After arresting the perpetrator, the National Police collaborated with the prosecutor to prepare an indictment and bring the terrorism case to the green table. This action is carried out to ensure that terrorists get appropriate punishment in accordance with applicable law. Thus, a strict legal process is an integral part in providing a deterrent effect to the perpetrators and preventing future acts of terrorism. In addition to arrests and legal proceedings, the National Police also carried out other repressive efforts by freezing assets and finances related to terrorism networks. Cooperation with financial institutions, both domestic and international, is carried out to track and freeze the flow of funds used to fund terrorism activities. This move aims to break the funding chain of terrorist groups, so they do not have the resources to plan or carry out acts of terror.

Given the development of terrorist networks in various countries, including Indonesia, all intelligence institutions and related institutions must be synergized to combat terrorism crimes. To achieve this synergy, it is necessary to take steps to strengthen inter-institutional relationships by:

- 1) Utilization of advanced technology to conduct monitoring and interception;
- 2) Penetration into terrorist groups;
- 3) Development of systems for early detection;
- 4) Exchange of intelligence information with other countries;
- 5) Development of terrorism-related databases; and
- 6) Early detection of provocations that lead to SARA-based hostility and hatred of a particular group, religion, or country.

The State Intelligence Agency (BIN) is an Indonesia government agency tasked with managing and carrying out intelligence activities to support national security and stability. BIN has an important role in collecting, analyzing, and conveying information related to threats to the state, both from within and outside the country. This institution functions as the eyes and ears of the government in detecting potential threats, such as terrorism, espionage, subversion, and social conflicts that can endanger national sovereignty and security. In addition, BIN also collaborates with various agencies, both national and international, to strengthen information and intelligence networks to prevent and overcome threats to the state. As the main intelligence agency, BIN operates under the direct coordination of the President and has strategic authority in taking preventive measures to protect national interests. Therefore, Densus 88 AT Polri needs to develop their own operational needs. Accurate intelligence information will produce preliminary evidence that forms the basis for the investigation process.

The truth of this fact provides a solid basis for investigators to make arrests and detentions. In addition, intelligence reports also serve as a clarifying tool to prevent abuse in the arrest process and to ensure that the facts available as preliminary evidence are objective and not fabricated. This is important so that the investigation process is not influenced by unlawful interests, in accordance with the provisions of Article 28 of Perpu No. 1 of 2002 which states that investigators can arrest individuals who are strongly suspected of being involved in terrorism crimes based on preliminary evidence. Generally, this preliminary evidence is obtained from intelligence reports.

Based on Law No. 8 of 1981 (KUHP), the implementation of law enforcement must be carried out systematically and coordinated. This coordination in the context of criminal law means that there are agreements, attitudes, and integrated measures in the prevention and eradication of crime in society. Every component of the criminal justice process will not be effective in eradicating crime if it only attaches importance to the interests of its own institution without coordination and attention to the interests of the entire system.

Factors that Affect the Role of the Police in Eradicating Terrorism in Cirebon Regency **Supporting Factors**

Strict supervision will be imposed on the distribution and use of explosives, chemicals, firearms, and ammunition within the TNI, the National Police, and other government agencies. In addition, these institutions will conduct a comprehensive study involving academics, community leaders, and religious leaders to strengthen counterterrorism strategies. These efforts also include the organization of cultural activities, national lectures, and the publication of books on terrorism. An informant from the police explained that the emergence of terrorism crimes is caused by various factors, including ideology, but the police have taken proactive steps by forming a special team to prevent future acts of terrorism.

In this case, efforts to prevent terrorism are not only carried out through strict law enforcement, but also through a preventive and educational approach. By involving various elements of society, such as academics and religious leaders, the government seeks to build collective awareness of the dangers of terrorism while dismantling the underlying ideological roots. The dissemination of appropriate information, as well as cultural activities and national lectures, are expected to be able to reduce radicalization in society and strengthen public support for strategic steps in eradicating terrorism crimes.

Inhibitor Focal

Improving the quality and capacity of institutions and intelligence apparatus is crucial in facing the challenges of technology and the escalation of terrorism that continues to grow. The ability to adapt to technological developments is essential to anticipate and prevent

increasingly sophisticated acts of terror. In addition, the condition of poverty and social inequality, which is often a fertile ground for the emergence of terrorist networks, must be a priority of the government's attention. Programs that directly touch the basic needs of the community need to be improved as a long-term prevention effort. An informant from the police also confirmed that: "We from the police side one of the inhibiting factors is because terrorists who are difficult to track and have wide access make the problem of terrorism difficult to solve. Terrorist members can take advantage of global technological advancements, such as the internet and mobile phones to make it easier to communicate with their groups. In addition, terrorists also have the convenience of traveling and transportation across state borders".

The crime of terrorism is a crime that is unique and different from conventional crimes, because it has the following special characteristics:

- 1) Terrorist groups usually aim to commit common crimes, such as murder, bombing, attacks, threats, or other acts of violence against others.
- 2) They often threaten groups or individuals to take certain actions, such as the release of political prisoners.

Although terrorism is often driven by ulterior political motives or ideologies, such as the desire to undermine governments or shake up certain ideologies, many international conventions do not require the existence of an element of 'political purpose'. What is more emphasized is the intention and purpose of the perpetrator to threaten or coerce.

CONCLUSION

The study highlights the need for a comprehensive and sustainable approach to handling terrorism crimes in Indonesia, focusing on legal aspects and coordination between institutions. Despite laws like Law Number 5 of 2018 providing a strong legal basis, implementation still faces challenges. Suggestions include increasing the capacity of law enforcement and intelligence agencies to identify and deal with terrorism threats, strengthening international cooperation, and involving the community in prevention efforts through education and awareness. Future research could evaluate the effectiveness of specific coordination mechanisms, explore the role of international cooperation in strengthening terrorism prevention, and investigate the impact of community involvement in terrorism prevention efforts.

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First publication right:

INJURITY: Journal of Interdisciplinary Studies



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