

PREVENTIVE EFFORTS ON TERRORISM CRIMINAL MANAGEMENT IN INDONESIA

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Abstract

Terrorism is a crime against humanity (Crime Against Humanity), and is a serious threat to the sovereignty of each country because terrorism is an international crime that poses a danger to security, world peace and detrimental to the welfare of the community needs to be done in a planned and sustainable eradication so that human rights many can be protected and held in high esteem. Terrorism has been rife in various countries including in Indonesia, many causes of terrorism in Indonesia are examples such as weak rules in Indonesia, Indonesia's defense system is also considered weak and there are those who support the occurrence of terrorism in Indonesia. In order for terrorism not to occur in Indonesia, rules must be made relating to terrorism that will cause people or perpetrators to commit acts of terrorism. Apart from its legal rules, efforts that can be done by the government are by improving the legal system or renewing the legislation system concerning terrorism and forming a body / apparatus specifically dealing with terrorism. With the establishment of a strict legal regulation, the apparatus or a strict legal entity to deal with terrorism, it is not difficult to commit terrorism in Indonesia. Many want to become terrorists in Indonesia because they are enticed by entering heaven, a luxurious life and a comfortable life in Indonesia, if the rules, legal apparatus and legal system are still weak then terrorism will be difficult to handle in Indonesia.

Keywords: Terrorism, Preventive Efforts, Legal System, Legal Entity or Apparatus, Rule of Law

Introduction

Terrorism is a term for a person or group of people who commit an act of crime that is shown to a country or intended to create a state of terror to certain people, groups of people, or the general public (Wibowo Ari, *Hukum Pidana Terorisme*, 2012). In criminal law, terrorism is often grouped together with the conventional crime fenomena. But terrorism has many aspects and is different in many ways from ordinary forms of crime. Terrorism is a form of organized crime, needs financial support and requires access to weapons and explosives. Terrorism can also only be defended with certain political support. Terrorism is also a crime against humanity (Crime Against Humanity), and is a serious threat to the sovereignty of each country because terrorism is an international crime that poses a danger to security, world peace and detrimental to the welfare of the community, it is necessary to eradicate in a planned and continuous manner so that the human rights of many people can be protected and upheld.

Terrorism is coordinated attacks aimed at arousing fear or anxiety towards a group of people. The essence of terrorism is to spread fear among certain groups to achieve the desired goals of the perpetrators. The perpetrators always rely on the element of surprise which results in victims not having the opportunity to defend themselves. In carrying out its actions, terrorists often use violence or the military to spread fear or terror. Unlike war, acts of terrorism are not subject to the procedures of warfare, such as the

time of execution which is always sudden and targets random casualties and often are civilians. However, Terrorism is actually not limited to violence or the military, but also other ways.

The phenomenon of terrorism lately is getting stronger along with the strengthening of the phenomenon of radicalism. Radicalism is a concept or stream that wants social or political change or renewal by means of violence or drastic. The essence of radicalism is the concept of the attitude of the soul in carrying change. Meanwhile Radicalism According to Wikipedia is an understanding created by a group of people who want drastic social and political change or renewal using violent methods (Yunus Faiz A). Radical people or groups have the view that in achieving goals must use radical or fast methods. The change to be achieved must be realized immediately and violence or force is needed. The use of force or violence is needed so that changes or desired results can be achieved immediately. This is the background of the fact that the development of radicalism is directly proportional to the development of terrorism. The criminal act of terrorism occurs is a crime that is motivated by personal or group interests and needs. Motives of interests and needs are phenomena in the association between groups to gain power or material gain, group fanaticism due to insight or ways of thinking that are narrow and closed. The grouping can be based on racial equality, ethnic origin of the country or region, religion, gender or any similarity in social status conveyed in the form of violence / crime. Terrorism is carried out to terrorize so that changes are made in the political structure, negating existing structures, acts of terror can also be used as a tactic of war which at certain times is sometimes effective but by consuming a large and broad number of victims. From year to year acts of terrorism show high numbers and these acts of terrorism have reached an alarming level that is not only for the country but also the international world.

These acts of terrorism did not only spread geographically, so the number of groups operating and the number of victims killed or injured as a result of these acts also increased. Terrorism is a very dangerous crime, therefore the Indonesian Government immediately established Government Regulation in Lieu of Law (Perpu) Number 1 of 2002 concerning Eradication of Terrorism Criminal Acts as a repressive and preventive effort, which later became Law Number 15 of 2003 concerning Terrorism . The laws and regulations governing the crime of terrorism have actually been summarized by The Criminal Code (KUHP), which is in Article 187 which regulates crimes relating to blasting, fire and flooding as well as articles relating to aviation crime as regulated in Chapter XXIX a of the Criminal Code. That regulation was used to ensnare the destroyer or bomber who happened in Indonesian territory, other than that of the Emergency Law on Firearms Subversion Law. The Terrorism Act is a special provision because it contains new provisions that are not contained in existing legislation and deviates from the general provisions as contained in the book in the Criminal Code (KUHP). The Terrorism Act is a material law / material criminal law and at the same time is a formal law / formal criminal law, because it regulates both in one law at a time.

But in his explanation the validity of this law still refers to the Criminal Code and the Criminal Procedure Code as its *Lex Generalist*. To prevent the occurrence of criminal acts of terrorism that occurred in Indonesia, early prevention efforts need to be made, so the role of law enforcement officers, especially the Police, is required with duties and functions that are both preventive and repressive. In addition to the role of law enforcement officers, participation from the community is also expected. One of the law enforcement officers who play an active role in tackling the problem of terrorism is

the police, both in terms of prevention and criminal processes. Prevention of criminal acts of terrorism committed by the police include forming special teams, patrols, raids and guarding places suspected of being targets of terrorism. This effort is made to tackle and prevent the occurrence of terrorism crimes. Patrol and raids as a form of police effort in creating a situation of security and public order (Kamtibmas), are useful to prevent the meeting of factors of intent and opportunity to do evil, maintain and improve the law and order of the community and foster community peace, maintain the safety of people, property, rights human rights and includes providing community services, receiving reports or complaints, conducting surveillance and taking the first action at the scene of the case. Police patrols and raids are the backbone of service and the implementation of operational front lines in the effort to prevent all forms of crime and the emergence of various violations of the law, including criminal acts of terrorism.

Results And Discussion

Factors for the occurrence of terrorism

Factors causing terrorism are: Structural causal factors, namely causal factors that affect people's lives at the macro (abstract) level, which are likely to be unnoticed. Some structural factors raised by Bjorgo include demographic imbalances, globalization, rapid modernization, the transition of society, increasing individualism and dislocation from roots and alienation in society (atomization), class structure, etc.

Factors that cause the facilitator (accelerator), which are factors that cause terrorism to be an attractive choice to do, although not the main driver of terrorism. Examples of causes at this level include the development of mass media in the modern era, the development of transportation, weapons technology, weak state control over its territory, etc.

Motivational factors, namely actual dissatisfaction (grievances) experienced at the personal level, which motivates a person to act. Ideologies or political leaders are able to translate causes at the structural level and make them relevant at the motivational level through ideologies so that they can move people to move.

Triggering factors, namely direct causes of terrorist acts. Triggering factors can be provocative events or certain political events or actions taken by the enemy that cause certain reactions. Apart from the above factors, the factors that cause terrorism can also be caused or triggered by, as follows:

Economy

Terrorism can occur anywhere, but most studies show that terrorism occurs more in developing societies (developing societies) than in poor countries or rich countries. Economic change can also trigger conditions conducive to instability, militant movements, extreme ideologies. Poverty also increases the likelihood of political coups, civil war and acts of violence such as terrorism. Global injustice causes poverty and effectively causes the emergence of a terrorist movement. In addition to being the cause of the birth of terrorism, new cadres of terrorists also generally come from underprivileged communities. Terrorist groups easily recruit members of community groups who feel they are being treated unfairly, frustrated and lose their mind so that they easily commit acts of terrorism (Nasution Rosa Aulia).

Socio-Cultural

Cultural changes can cause changes in social life. In other words, people's lives are part of cultural change. If changes in the social structure are too fast and only occur in certain parts of society will be able to make others remain undeveloped and far behind. This is what causes social inequality. In addition, social inequality has resulted in dissatisfaction among the people because of the circumstances they are experiencing. To get a better life and a better social status, they resort to violence and threats to society as a way to get their wishes quickly.

Education

An undeveloped education system, which cannot meet the needs of the community, can cause public dissatisfaction. The existence of dissatisfaction in this community has made the community take action by using violence to meet their needs. People who don't get an education party who wants to mess with the country. Such societies easily become part of terrorist organizations and movements.

Psychology

Those who do not have enough ability usually do not like the rules, places, and positions where they are. They assume that they do not get respect, attention, and love from the community. On that basis they commit crimes and behave aggressively and commit other actions to get the attention and respect of others as an expression of themselves. They try to avoid worries, fears and anger by committing violence and aggressive actions. For example, being part or a member of a terror organization because motivated by the desire to make changes to the existing government system in order to get a better life.

Apart from some of the factors above, one important factor that drives terrorism is the misinterpretation and teaching of the Islamic religion. The ideology and mindset of the terrorists view that their actions can be justified by religion, therefore any risk will be carried out in working areas that do not recognize national boundaries. Limited knowledge of Islamic references causes the theme of jihad to be understood as a physical movement that connotes violence, cruelty, brutality and even bloodshed. For example after the sentence was handed down, Muslim, one of the Bali bombings has expressed regret for his actions.

In the context of preventing and overcoming the threat of terrorism at home, the Government has taken various methods, especially by taking actions in accordance with applicable legal procedures. The government, through the relevant authorities, has taken an approach through community leaders, moderate religious leaders and those who tend to be radical in order to change radical thinking into moderate, namely by providing a real understanding of the term jihad that has been "misinterpreted". Various efforts that have been made by the government, especially the steps taken by the security forces in the disclosure of terrorists, have received mixed responses among the public, especially Muslim groups that are sensitive to the issue of terrorism because it is associated with Islam. Strengthening differences in the attitude of the pros and cons in accordance without regard to national interests, lead to mutual suspicion among the people and distrust of the government, especially security forces in dealing with terrorism in Indonesia. In addition, ASEAN level cooperation has been carried out. The prudential attitude of the Indonesian government in preventing and overcoming terrorists, can be

seen from the policies and anticipatory measures, related to the Bali incident on October 12, 2002.

In the Law on terrorism is regulated by the Government with the issuance of Law No. 15 of 2003, which contains an explanation of terrorism, criminal acts and how to deal with terrorism. After the law is issued as the foundation of the program, what the Government does is implement the Act. Preventing and combating terrorism The government has formed special institutions to use facing the growing terrorism in the country these days, these institutions include:

Intelligence.

The intelligence apparatus is coordinated by the State Intelligence Agency (Presidential Regulation Number 34 Year 2010), which has carried out intelligence activities and coordination and has even formed a Joint Analyst Terrorist (JAT) effort to uncover terrorist networks in Indonesia. Increased intelligence cooperation, both domestically and with foreign intelligence, through the exchange of information and other assistance, continues to be increased. To narrow the space for perpetrators of terrorism activities, the Government will continue to encourage the competent authorities to improve the control and supervision of the traffic of people and goods at airports, seaports and border areas, including the flow of funds, both domestic and interstate.

TNI and POLRI

Has improved the performance of its anti-terror unit. Attempts to arrest those suspected of being terrorist networks in Indonesia in accordance with the provisions of the applicable law are still getting controversial reactions from some groups

International Cooperation

Various collaborative efforts have been made, among others, with several countries such as Thailand, Singapore, Malaysia, the Philippines, and Australia, even countries such as the United States, United Kingdom, Canada, France, and Japan. The issue of extradition between the governments of Singapore and Indonesia has not yet been realized. Implications for Unity and National Unity. Public concern about the dangers of bomb terror still exists. This if not handled immediately wisely will affect the economy. On the other hand, taking action, apprehending or checking by the authorities on who and organizations in the community need to be careful, so as not to cause negative sentiments among the community itself, the government considers discriminatory or appears to be biased in new issues with nuances of SARA. Increasing the ability of various anti-terror and intelligence units to use primary sources and information networks is needed in order to form a professional and integrated anti-terror apparatus from the TNI, Polri, and BIN. Furthermore, international cooperation really needs to be improved because terrorism is a cross-border problem that has networks and channels that do not only exist in Indonesia. The eradication of terrorism in Indonesia is not merely a matter of law and law enforcement but is also a social, cultural, economic problem that is closely related to the problem of national resilience so that policies and measures for prevention and eradication are aimed at maintaining a balance in the obligation to protect the sovereignty of the State, human rights of victims and witnesses as human rights suspect or defendant. Thus, efforts to prevent and combat terrorism can only be completed through cooperation and coordination between various stakeholders, both government and community agencies. For this reason, the TNI and Polri continue to conduct joint exercises given the importance of TNI-Polri cooperation for terrorism, it is hoped that the completion of the terrorism case can be done better.

Conclusion

Factors causing terrorism are Structural causal factors, namely causal factors that affect people's lives at the macro (abstract) level, which are likely to be unnoticed. Factors that cause the facilitator (accelerator), which are factors that cause terrorism to be an attractive choice to do, although not the main driver of terrorism. Motivational factors, namely actual dissatisfaction (grievances) experienced at the personal level, which motivates a person to act. Triggering factors, namely direct causes of terrorist acts. Triggering factors can be provocative events or certain political events or actions taken by the enemy that cause certain reactions. Apart from the above factors, the factors that cause terrorism can also be caused or triggered by, as follows: Economy; Socio-cultural; Education; Psychology How to Preventive Efforts to Prevent Terrorism Crime in Indonesia. Legislation on terrorism is regulated by the Government with the issuance of Law No. 15 of 2003, which contains an explanation of terrorism, criminal acts and how to deal with terrorism. After the law is issued as the foundation of the program, what the Government does is implement the Act. Preventing and combating terrorism The government has formed special institutions to deal with the growing terrorism in the country recently, these institutions include: Intelligence, The intelligence apparatus is coordinated by the State Intelligence Agency (Presidential Regulation Number 34 Year 2010), which has carried out intelligence activities and coordination and has even formed a Joint Analyst Terrorist (JAT) effort to uncover terrorist networks in Indonesia. Increased intelligence cooperation, both domestic and with foreign intelligence, through the exchange of information and other assistance, continues to be improved. TNI and POLRI. Has improved the performance of its anti-terror unit. Attempts to arrest those suspected of being terrorist networks in Indonesia in accordance with the provisions of the applicable law are still getting controversial reactions from some groups. International Cooperation. The eradication of terrorism in Indonesia is not merely a matter of law and law enforcement but is also a social, cultural, economic problem that is closely related to the problem of national resilience so that policies and measures for prevention and eradication are aimed at maintaining a balance in the obligation to protect the sovereignty of the State, human rights of victims and witnesses as human rights suspect or defendant. Thus, efforts to prevent and overcome terrorism can only be completed through cooperation and coordination between various stakeholders, both government and community agencies. For this reason, the TNI and Polri continue to conduct joint exercises in view of the importance of TNI-Polri cooperation for terrorism, so that it is hoped that the completion of the terrorism case can be carried out better.

Refereces

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