



Process Investigation Perpetrator Action Criminal Terrorism In Indonesia

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Abstract Terrorism is Wrong one crime Which outside normal Because has creating terror creates fear and that's scary has the impression of being cruel to groups or groups. The crime of terrorism has taken away rights basic para human victim Which No know anything about the origin , causes and the purpose of acts of terrorism. Because in in carrying out their actions perpetrators of this terrorism t is indiscriminate. This action is completely contrary to Article 3 Universal Declaration of Human Rights (UDHR) or Universal Declaration of Human Rights(UDHR) Which sounds "Every person entitled on life, freedom and security as an individual", Article 6 paragraph (1) ICCPR (International Covenant on Civil and Political Right) 1999 which states "Every human being is entitled to the inherent right to life himself and every other person must not be deprived of his life arbitrarily", Article 28 A of the 1945 Constitution of the Republic of Indonesia which reads "Everyone has the right to live and the right to defend their life and existence" and Article 28 G paragraph (1) which reads "Everyone has the right to personal protection, family, honor, dignity, property under his control and has the right to a sense of security and protection from the threat of fear of doing or not doing something which is a human right." This research aims to know How arrangement investigative law t act criminal terrorism in Indonesia And What obstacle investigator in do investigation tact criminal terrorism in Indonesia. This research uses normative legal research research ingredients literature To use get ingredients form theories, concepts, principles as well as regulation law Which related with role investigator in processhandling follow criminal terrorism.

Keywords: Investigation, Perpetrator, Act Criminal, Terrorism.

1. INTRODUCTION

Background Behind

The definition of terrorism according to the 1937 United Nations Convention is one of form of criminal action Which addressed direct to country with Meaning creating a form of terror against certain people or groups of people particular and the general public. Meanwhile, criminal acts of terrorism according to Law Invite Republic Indonesia Number 15 Year 2003 about Determination Regulation Government Replacement Constitution Number 1 Year 2002 about Eradication Act Criminal Terrorism is every action from somebody in understanding individual, group, person civil, military nor police Which responsible answer in a way individual or corporation Which with on purpose use violence or threats of violence up to create an atmosphere of terror or fear towards people in a way widespread. Give rise to victim Which nature mass with method plunder independence, destroying people's lives and property other Which result damage or destruction to objects vital Which strategic or environmentlife, facility public or facility international.

In fact, Indonesia is said to have been independent since August 17 1945. Then, after

Indonesia became independent, it was clear that everyone (individual humans) is a supporter of rights and obligations (legal subjects) in legal relationships thereby prohibiting the system of slavery, serfdom, or extension.^(Yasmirah Mandasari Saragih,2024) This can be done proven in Constitution 1945, that is :

1. Article 27 paragraph (1) of the 1945 Constitution "All citizens together with its position in law and government and is obliged to uphold it law And government That with No There is except, as well as
2. Article 27 paragraph (2) of the 1945 Constitution "Every citizen has the right on work And livelihood Which worthy for humanity.

Government Regulation in Lieu of Law of the Republic of Indonesia Number 2 of the Year 2002 About Police Country Republic Indonesia based on consideration that impact post happen terrorism in various place in Indonesia has give rise to inconvenience public And Lots loss material norimmaterial. This criminal act of terrorism is also regulated in Book II Chapter I, part four Criminal Code (KUHP) namely Article 242 and Article 251. article 1 paragraph (3) Constitution Base Republic Indonesia Year 1945 state that The unitary state of the Republic of Indonesia is a state of law (*Rechtsstaat*) not power (*machstaat*).^(Khunthi Dyah Wardani,2007) Which It means is all action Which done by every inhabitantcountry must in accordance with norms law Which applies in Indonesia . Matter Thisaim For avoid existence violation law right basic man to every inhabitant country.

Establishment of Presidential Regulation of the Republic of Indonesia Number 46 of 2010 concerning The National Counterterrorism Agency (BNPT) is a form of concernfrom President Republic Indonesia to countermeasures terrorism. (Set Regulation Legislation,2010) Organization This formed under the responsibility of the president to assist Densus 88 of the police, State Intelligence Agency (BIN) or from the TNI and POLRI intelligence organizations Which incidentally all look after about countermeasures terrorism in Indonesia.

Law of the Republic of Indonesia Number 2 of 2002 concerning the State Police Republic Indonesia that apparatus enforcer law like Densus 88 AT is as part from apparatus enforcer law Which works For protect, protect, serve the community and are at the forefront of prevention as well as preventing all forms of crime, especially terrorism. A scholar expert Robert K. Merton define terrorism as something group oppressed Which carry out prolonged resistance because terrorism is part of the movement Well-organized social movements (*social movements*) have similarities in terms of ideology and methods leadership And

objective Which Can legitimize authority violence Which did it. (Erlangga Masdiana, 2004)

Article 1 paragraph (1) of the Criminal Code prohibits convictions law arbitrarily by a court (judge), can obtain certainty law and criminal law which originate from written law. Criminal law as Public law finds its importance in legal discourse in Indonesia. Because in law criminal contained rules Which determine deeds Which No can done And accompanied threat form criminal And determine condition-criminal conditions can be imposed.(Mhd Azhali Siregar,2021) And to handle investigative issues and For investigations into cases of criminal acts of terrorism, Indonesia has bodies or high state institutions that have their own and specialized authority For operate procedure from every case.

Even though a strategy for countering terrorism in Indonesia already exists Which arrange but terrorist crimes are still rampant too. Added to this is the lack of firmness the law against the perpetrators who have carried out terror and chaos makes the author feel interested again in discussing further in the scientific work entitled "**Process Investigation Perpetrator Act Criminal Terrorism In Indonesia**".

Formulation Problem

Based on the descriptions above, the author will discuss further about problem law as following :

1. How to setup investigative law criminal act terrorism in Indonesia ?
2. What obstacles do investigators face when carrying out criminal investigations ? criminal terrorism in Indonesia ?

2.METHOD STUDY

Study This is type study law normative that is study Which carried out based on the main legal materials by examining theories, concepts, principles and regulation legislation. In study This writer do approach legislation (*statute approach*) and conceptual approach (*conceptual approach*). The data sources used are primary legal materials, secondary legal materials and materials tertiary law. Meanwhile, the data collection method used is by literature (*library research*) which is carried out by reviewing and studying books, legislation, documents, archives, reports and mutual research results related with formulations problem Which researched.(Peter Mahmud Marzuki. 2014) Then analyzed To use interesting conclusion from descriptions formulation problem.

3. DISCUSSION

Arrangement Law Investigation Act Criminal Terrorism In Indonesia

Terrorism is Wrong One crime Which organized with do attack - attack Which aim For make flavor Afraid group public regardless of the status of the victims. And usually the majority of victims of in criminal acts of terrorism are civilians. In the opinion of one expert scholar Hamzah, what is meant by terrorism is an activity of committing violence, barbarity and malignancy committed by people or groups to harm people feel scared for the sake of purpose or interest personal. (Hamzah, A. 2008) As for the reasons or motif used by para perpetrator in do follow criminal terrorism is reason religion, reason ideology, reason For fight for independence, reason For free yourself from injustice and there is interest. Which is the cause the occurrence of criminal acts of terrorism is there conflict between people religion, ethnic group, race And ideology.

In in process eradication follow criminal terrorism, stage investigation And Investigation cannot be separated because investigation is one unit with investigation. article 1 number 5 Book Constitution Law Program Criminal (Criminal Code) explained that what is meant by investigation is one of the above actions Name law for do identify what a that matter truly is a criminal offense or not a criminal offense. Investigation Also can interpreted as Suite action in look for And discover a situation or event related to terrorism or business find incident Which allegedly as terrorism. (Abdul Wahid, Sunardi and Muhammdad Imam Sidiq, 2004)

Investigators are police officers or civil servants who are given special authority by Constitution. Meanwhile, investigation is a series of actions carried out by investigating officials in accordance with the methods regulated in the Law to search and collecting evidence so that the presence of evidence constitutes a criminal act become clear or revealed because they have found the perpetrator of a criminal act. (M Yahya , 2004) Actually Constitution Republic Indonesia Number 5 Year 2018 about The eradication of criminal acts of terrorism has not specifically regulated the parties involved authorized For do investigation and investigation. Constitution This in a way specifically only regulates the protection of the human rights of a suspect or the defendant called *safeguarding rules* . Human rights of suspects or defendants in law guaranteed its existence. Provision Which arrange guarantee the is based on the principle of presumption of *innocence* . Because it exists One of the principles in criminal procedural law states that "it is better to let go a thousand people are guilty rather than punishing one person who is not necessarily guilty (*principle indubio proreo*). (Mohammed Amdi, 2024)

Which introduces a legal institution in criminal procedural law called with *hearing* which functions as an institution that carries out legal audits of all over document or report intelligence Which be delivered by investigator For determine whether or not to continue an investigation into suspected criminal acts terrorism. So the conditions for becoming an investigator must follow the provisions arranged in Criminal Procedure Code.

Handling of criminal acts of terrorism is included in the Law Criminal Procedure Law (KUHAP). Investigation of criminal acts of terrorism constitutes an initial stage of the criminal law enforcement process or the working of system mechanisms Justice criminal. Investigation follow criminal terrorism is something activity inspect or gather evidence accurate For did it action detention of suspects and confiscation of goods or materials that are suspected to be related connection with follow criminal terrorism. Usually investigation done if identity from perpetrator follow criminal the Not yet is known.

Code of Laws Procedural Law Criminal (Criminal Code) appeared in place of *the Hittites Heriziene Inlandsch Reglement* (HIR) as the umbrella for criminal procedural law in Indonesia. Initially Criminal Procedure Code used For lift And put suspect or the defendant is in the same position before the law through guaranteed protection of rights human rights of the suspect and the accused.(Aristo Pangaribuan,2018) Until finally the Law was formed Law of the Republic of Indonesia Number 5 of 2018 concerning Eradication of Crime Terrorism Which state that the procedural law takes action against perpetrator Act Criminal Terrorism subject on Criminal Procedure Code except determined otherwise by law Republic of Indonesia Number 5 of 2018. In the Criminal Procedure Code itself there are also Many articles discuss the rights of suspects and defendants of criminal acts terrorism that is there is in Chapter 25 paragraph (1) until (6) And Chapter 28 paragraph (3).

On the other hand, Regulation of the National Police Chief of the Republic of Indonesia Number 23 of 2011 concerning Procedures for Prosecuting Suspects of Terrorism Crimes also regulate rights suspects contained in Article 3, Article 7, Article 19 paragraph (1) and Article 19 paragraph (3). The rights granted by the Criminal Procedure Code, the law on terrorism and the Perkap on Procedures for Handling Crimes of Terrorism are adequate and for their implementation it all depends on the officers in the field. The basis for conducting the investigation is in accordance with Article 4 National Police Chief Regulation Number 14 of 2012 concerning Management of Criminal Investigations Criminal is :

1. Report police/complaints;
2. Letter order task;

3. Report results investigation (LHP);
4. Letter order investigation; And
5. Letter Announcement Commencement Investigation (SPDP).

Following This is is a number of method or effort Which done Forfind or unpack something incident law violation, that is :

- a) O'clock How many conjecture follow criminal or crime That done or happen;
- b) Time must interpreted as form supervision And study toconjecture follow criminal;
- c) With tool What, with method How or intermediary What conjecture crime Thatdone;
- d) What loss Which happen or caused (psychological or material) consequenceconjecture follow criminal or crime the;
- e) is si perpetrator follow criminal violate law or regulation legislationinvitation;
- f) is There is factor other Which become reason happen something follow criminal;And
- g) Is there documents written Which related in a way direct or Nodirect to conjecture something follow criminal Which happen.

Obstacle Which Confronted Investigator Moment Do Investigation Act Criminal Terrorism In Indonesia

There have been a series of bombings carried out by terrorism in the region Country Unity Republic Indonesia result emergence afraid in self wide community. Many victims lost their lives and lost property very impactful to life social, economy, political And connection international.

Terrorism Also called as A action violence Which organized with do intimidation or coercion For interest certain. Whereas country Indonesia is a rule of law country. Which means that the state has basic principles for protect its citizens from various crime including crime terrorism. Matter This expressly stated in the Constitution of the Republic of Indonesia in 1945. Law hinted public Which own capacity political Forsolve problems by setting priorities and making commitments Which needed.

In the process of investigating and investigating criminal acts of terrorism in Indonesia, There is a number of matter Which become obstacles faced by investigator, that is :

- a) Investigator feel difficulty in do search evidence beginning the occurrence of a criminal act. This usually happens when doing action exercise Place Incident Case (crime scene) because perpetrator always argue that what they did was not an act intentional Because perpetrator only crossed in areas happen criminal act;

- b) Investigators found it difficult to examine the perpetrators because the perpetrator feels he is in the right position. The perpetrator's perceived beliefs that he is only part of the local community crossed in areas happen follow criminal it's not something deed criminal. Even though it is clear that there are regulations governing acts of terror, namely Constitution Terrorism. Matter here it is Which become Wrong One reason Conflicts occur because people do not understand the meaning of acts of terror are is Wrong one of criminal act terrorism;
- c) Investigator feel overwhelmed when do examination of perpetrator criminal offenses involving mental disorders. Because investigators don't have Skills or knowledge knowledge about mental so that The inspection process becomes hampered and takes a long time usually;
- d) Investigators experienced difficulties when asking for information from the perpetrator own limitations knowledge. Matter This caused Because low education si perpetrator which is suspected do follow criminal terrorism;
- e) Investigator experience difficulty because perpetrator follow criminal closed for the reason that the surrounding environment rarely socializes so perpetrator reject For checked more carry on; And
- f) Investigators found it difficult to determine the types of criminal acts involved in category deed terror Because in in Constitution No mentions in detail what types of terror are classified as acts Which forbidden.

On in essence effort countermeasures crime is something effort in control crime in order public can spared from crime Which enter in the tolerance limit category. One of the efforts to overcome crime is by using penal means, namely providing legal sanctions based on articles chapter Which ensnare si perpetrator in accordance with Which listed in law criminal. Considering that criminal law material is full of human values, this results in Criminal law is often described as a double-edged sword. One side of the law criminal aim straighten up mark humanity, However in side Which other enforcement law criminal precisely give penalty sadness for man Which breaking it. (Yasmirah Mandasari Saragih, 2020)

Effort countermeasures Which can done by police in implementation investigation follow terrorism crime in Indonesia, among others :

- a) Effort in a way repressive is something effort countermeasures crime Which done after happen crime Which his actions form enforcement law by imposing punishment. The

countermeasures taken are: by taking action against criminals according to their actions fix it again so that they realize what they have done is that act violate law And detrimental to society;(Yasmirah Mandasari Saragih, 2021) and

- b) Effort in a way preventive is something effort countermeasures crime Which done for prevent the occurrence or emergence of the first crime time. In accordance with the motto found in criminology, prevention crime is better than trying to educate criminals to be more Good return. efforts repair criminal need noticed And directed so that crime No happen Again.

4. CONCLUSION

From descriptions on so writer interesting conclusion as following :

- a. Arrangement law investigation tindak criminal terrorism in Indonesiain a way firm And special arranged in Constitution Terrorism Andin a way general arranged in Book Constitution Law Criminal (Criminal Code). However for process investigation in a way special unregulated in Constitution terrorism Because process investigation until The determination of court decisions is regulated in the Law Law Program Criminal (Criminal Code).
- b. Obstacle Which faced investigator moment carry out investigations t criminal act of terrorism in Indonesia is investigator feel difficulty in conducting a search for initial evidence of the occurrence of a crime, investigator find it difficult to examine the perpetrators because of the perpetrators feel that they are in the right position, the investigator feels overwhelmed when doing it examination of criminal offenders who suffer from mental disorders, investigator experiencing difficulties at times ask for information from the perpetrator Which has limitations knowledge, investigator experience difficulty because perpetrators of criminal acts are covered up for the reason that the surrounding environment is very rarely socializes so the perpetrator refuses to be questioned further and investigators find it difficult to determine the types of criminal acts involvedcategory of acts of terror because the law does not mention them specifically detailed types terror anything classified that act forbidden.

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