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Submission date: 14-Jun-2024 10:59AM (UTC+0700)

Submission ID: 2402198707

File name: IJSL-_VOL._1,_NO._3,_AUGUST_2024_PAGES_82-94..pdf (1.06M)

Word count: 5068

Character count: 27586

The Role Of The Police In Combating Terrorism Crimes

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Abstract The existence of the police is essential in overcoming criminal acts of terrorism, because the police are structured in such a way from the regions to the center and are in accordance with the duties and functions of the police in creating public security and enforcing the law. The problem raised in this research is: what are the steps taken by the National Police in tackling criminal acts of terrorism financing? What are the obstacles to the National Police in dealing with criminal acts of terrorism? This research is directed towards normative, or doctrinal, juridical legal research which is also referred to as library research or document study, because it is mostly carried out on secondary data in libraries. The results of the research and discussion explain the role of the National Police in overcoming criminal acts of terrorism, namely maintaining public security and order, which is a dynamic condition of society as one of the prerequisites for implementing the national development process in order to achieve national goals which are characterized by ensuring security, order and the rule of law, as well as fostering it. peace, which contains the ability to foster and develop the potential and strength of society in warding off, preventing and overcoming all forms of law violations and other forms of disturbance that can disturb society. The National Police's efforts to tackle terrorism include repressive efforts, preventive efforts and preemptive efforts. The obstacle for the National Police in tackling terrorism is that it is hampered by the synergy of cross-sectoral cooperation, namely between the police, regional government and other related agencies.

INTRODUCTION

The Unitary State of the Republic of Indonesia is a State of Law (Rechtsstaat) not power (machstaat). As promulgated in the 1945 Constitution of the Republic of Indonesia, Article 1 paragraph (3) states that: "The State of Indonesia is a State of Law". The logical consequence of the rule of law is that every action carried out by both the community and law enforcement officials must be in accordance with the essential norms contained therein. The norms in question are legal norms that apply in Indonesia.

Law as a norm or applicable rule exists to create justice for society. This means that law was created as an effort to regulate community behavior or all kinds of actions of law enforcement officials so as to create order and regularity in society which ultimately leads to the upholding of the supremacy of law (justice).

As is known, in a legal state there is a system of distribution of powers and protection of human rights which is regulated in the constitution. Protection of human rights means the protection of basic rights that humans are born with as a gift from God Almighty, so it is necessary to understand that these human rights are not sourced from the state and law, but solely from God as the creator of the universe and its contents, so that human rights cannot be reduced (non-derogable rights). Therefore, what is needed from a rule of law is a recognition and guarantee of the protection of human rights (HAM).

Protection of human rights is not only meaningful as a guarantee that the state is proactive in protecting human rights in various policies (regulations), but also reacts quickly to take legal action if human rights violations occur because this is an indicator of the rule of law. If in a country, human rights are neglected or violated deliberately and the suffering they cause cannot be dealt with fairly, that country cannot be called a country of law and democracy in the true sense.

Indonesia, as a country based on law, in every action carried out by the public ⁴² and law enforcement officers, must comply with the rules that apply in Indonesia. This aims to avoid violations of human rights law against everyone. Law enforcement officers, in this case the police, as part of the law enforcement apparatus whose function is to protect, protect and serve the community, are the front guard in overcoming and preventing all forms of crime, one of which is terrorism.

⁷ Terrorism is actually not a new phenomenon because terrorism has existed since the 19th century in international politics. Terrorism was initially ⁷ small and local with selected targets and was within a low intensity conflict framework. In general, criminal acts of terrorism are ⁷ closely related to the domestic stability of a country.

Terrorism in its development ⁷ has built an organization (organized) and has a global network where terrorist groups operating in various countries have been controlled or have been co-opted by an international terrorist network and have had the same relationships and working mechanisms between one group and another, both in the operational aspects of infrastructure as well as in supporting infrastructure.

Terror attacks can happen anytime and anywhere. Various acts of terror bombings in various regions of the world show that no country is immune to acts of terror, both developing and developed countries. The terrorist movement is considered to be one of the biggest threats to humans and humanity in the future, and will continue to spread widely if it is not immediately stopped. Never mind developing countries like Indonesia which are currently organizing their national security systems, modern countries with well-established security systems are still not free from terrorist groups. Seeing such dangerous conditions, for Indonesia it is very necessary to have preparedness and alertness which includes institutional, legal and social institutions aspects in order to deal with terrorism appropriately.

Terrorism is one of the main and real problems and threats both to the implementation of the Constitution's mandate and to ⁴⁵ the welfare of the Indonesian people, including protecting the entire Indonesian homeland and advancing general welfare. Therefore, acts of terrorism should be considered as a threat to national life and prosperity which will affect national

security and stability. Meanwhile, realizing national stability is one of the keys to creating economic recovery ³⁷ in order to improve the quality of life of the Indonesian people and one of the approaches is a legal approach through law enforcement officials, especially the Indonesian National Police, which has a very significant role in uncovering and handling criminal acts of terrorism.

The success of the National Police in uncovering bomb cases in Indonesia is primarily due to the process of investigating and processing the crime scene (TKP) which is given authority to the National Police as Investigators and Investigators. This investigation process prioritizes obtaining evidence in the form of ready scientific data. presented to the public. This scientific investigation process is the National Police's step in handling cases that are sensitive enough to be disclosed. A case that will cause offense among the public will be handled scientifically so that it results in a confession from the perpetrator himself. In this way, this police investigation will produce results that are accurate enough to determine someone as a suspect and thus begin investigating criminal acts of terrorism ¹² in the Indonesian criminal justice system.

Seeing this, the role of the police in tackling criminal acts of terrorism must be further enhanced. The police are also required to have a professional spirit in completely eradicating terrorists in Indonesia by implementing all existing regulations, starting from police laws relating to terrorists and terrorism laws that apply in the country, so that the role of the police can be optimized to eradicate terrorists. and realizing security for the Indonesian nation.

Based on the cases and problems described ¹⁹ above, the author is interested in conducting normative research regarding "Efforts of the National Police of the Republic of Indonesia in Tackling Criminal Acts of Terrorism Funding". With the problem formulation, the first is what is the role of the National Police in tackling criminal acts of terrorism? The second problem formulation is ¹⁹ what are the efforts of the National Police in dealing with criminal acts of terrorism? Meanwhile, ²⁵ the third problem formulation is what are the obstacles to the National Police in dealing with criminal acts of terrorism?

THEORETICAL BASIS

Criminology comes from Latin which consists of two syllables, namely "Crimen" in Indonesian means crime and "logos" means science. On this basis, it can simply be said that criminology is the science of crime or the science of crime. Criminology can be said to be the science of investigating and studying. About crime. Apart from that, what is of concern in the formulation of criminology is the definition of crime. Criminology aims to study crime

completely, because criminology studies crime, it is appropriate to study the rights associated with the crime (etiology, social reactions). Criminals and evil cannot be separated, they can only be differentiated. Criminology is the scientific study of crime including analysis of the following matters:

1. Nature and Extent of crime;
2. Causes of crime;
3. Development of law and implementation of criminal justice;
4. Characteristics of criminals;
5. Criminal coaching;
6. Crime patterns;
7. The impact of crime on social change.

Criminology includes criminal acts. There are several types of criminal offense terms used in books written by Indonesian criminal law experts from ancient times to the present. Basically, all these terms are translations from the Dutch "strafbaar feit" which means offense, criminal incident, criminal act, acts that can be punished, things that are threatened by law, acts that are threatened by law and criminal acts. Criminal acts are human behavior that is formulated in law, is against the law, is worthy of punishment and is committed with error. ⁹ A person who commits a criminal act will be held criminally responsible if he makes a mistake. A person has a mistake if when he commits the act, it is seen from the perspective of society as showing a normative view regarding the mistake committed.

¹⁰ A criminal act is an act that is prohibited by a legal rule, which prohibition is accompanied by threats (sanctions) in the form of certain penalties, for anyone who violates the rule. There are 3 (three) things that need to be considered:

1. ²⁹ A criminal act is an act that is prohibited by legal regulations and is punishable by crime
2. Prohibitions are aimed at actions (i.e. a condition or event caused by someone's behavior), while criminal threats are aimed ³¹ at the person who caused the incident.
3. There is ²⁸ a close relationship between prohibitions and criminal threats, because there is also a close relationship between the incident and the person who caused the incident

The subjects of criminal acts (in the Criminal Code) are humans. Legal entities, associations or corporations can be the subject of a criminal offense if it is specifically determined in a law (usually criminal law outside the Criminal Code). Legal subjects in the Criminal Code are humans. This can be concluded based on the provisions in the Criminal Code itself as follows:

1. The formulation of an offense in the Criminal Code usually begins with the words:

"Whoever". The word "Whoever" cannot be interpreted other than referring to "Humans".

2. ¹⁵ In Article 10 of the Criminal Code, the types of crimes threatened can only be committed by "Humans". For example: The death penalty can only be carried out by humans; Imprisonment and confinement can only be carried out by humans.
3. In examining the case and also the nature of the criminal law, what is seen is whether or not the defendant is guilty. This means that those who can be held responsible are "Humans". Because animals do not make mistakes and cannot be held responsible for their actions.

One ³⁸ of the criminal acts that is also included in criminal acts is terrorism. ²¹ The words "terror" (action) and "terrorism" come from the Latin "terrere" which means to shake or shake. The word terror also means causing horror. People who commit acts of terror are terrorists. The term terrorism itself in the 70s or even in the past was more of a political offense whose aim was to destabilize the government.

Conceptually, terror and terrorism are actions or actions carried out by humans, both individually and collectively, which cause fear and physical and humanitarian unrest/destruction with the aim or motive of obtaining political, economic or ideological interests by using violence. in peacetime. Terrorism has become an "inconsistent" part of history. This means that there has never been a uniform understanding of standard and definitive direction. Hikmahanto Juwana, an expert in International Law from the University of Indonesia, admits that it is difficult to draw boundaries regarding terrorism even though its characteristics can be felt and seen in fact, namely violent attacks that are indiscriminate (blindly, carelessly), carried out in civilian places or against people. civil.

Terrorism was born thousands of years ago and has become a world legend. In Ancient Greek history, Xenophon used psychological warfare as an attempt to weaken opponents. ¹³ At the end of the 19th century and before World War I, terrorism had occurred in almost all parts of the world. In the mid-19th century, terrorism began to emerge among anarchists ⁶ in Western Europe, Russia and the United States. They believe that the most effective way to carry out a political or social revolution is by killing influential people or people in power at that time with guns or bombs.

Terrorism potentially exists in various societies around the world. However, its actualization really depends on the vulnerability of conditions, economic, political and psychological. In the 20th century there was a massive change in the motivations underlying the world of terrorism. Terrorism has become part and characteristic of political movements from extreme right and left groups in a country's ideological spectrum. Technological advances are new killing tools that provide freedom and convenience for terrorists to carry out their terror

activities. In its development, the term terrorism was used in a wider space. Because the actions carried out by terrorists are increasingly spreading beyond the boundaries of one country's territory, as a result the threat of violence that accompanies their actions is felt to be more global, meaning that regions also feel threatened.

RESEARCH METHODS

¹² The type of legal research used is Normative Legal Research. Normative legal research is research that focuses on positive legal norms in the form of statutory regulations. This research relies on ²⁷ secondary data as main data and primary data as supporting data.

Collecting legal materials was obtained by conducting literature studies. The literature study was carried out to study ¹⁸ primary legal materials in the form of Legislative Regulations, secondary legal materials in the form of literature books, scientific works, research articles, and other forms of scientific work related to the efforts ³⁹ of the Republic of Indonesia National Police in overcoming financial crimes. Terrorism.

DISCUSSION

⁴⁷ The Role of the National Police in Overcoming Criminal Acts of Terrorism

Role is a conception that shows position and gives rise to consequences in the form of actions that are constructed based on the position held. Wirutomo in David Berry states that "work-related roles, a person is expected to carry out his obligations related to the role he holds". The National Police has carried out its role as law enforcer who works based on applicable laws and regulations. So indirectly ²⁶ the role of the National Police in countering terrorism is limited to the applicable regulations.

⁴ The National Police of the Republic of Indonesia is a national police force which is ²² one unit in carrying out the following roles:

1. Security and public order is ¹ a dynamic condition of society as one of the prerequisites for the implementation of the national development process in order to achieve national goals which are ⁴ characterized by ensuring security, order and upholding the law, as well as maintaining peace, which contains the ability to foster and develop the potential and strength of society in preventing, prevent and overcome all forms of law violations and other forms of disturbance that can disturb the community.
2. Domestic security is a condition characterized by ensuring ⁵ security and public order, order and enforcement of the law, as well as the provision of ⁵ protection, protection and services

to the community. Public interests are the interests of society and the interests of the nation and state to ensure domestic security.

⁵ The National Police of the Republic of Indonesia in carrying out these main tasks, has the following functions:

1. Carry out ³³ regulation, guarding, escorting and patrolling community and government activities as needed.
2. ²⁴ Carrying out all activities to ensure security, order and smooth traffic on the road.
3. Developing the community to increase community participation, community legal awareness and community compliance with laws and regulations.
4. Participate in developing national law.
5. Maintain order and ensure public security.
6. Coordinating, supervising, and providing ³⁰ technical guidance to special police, civil servant investigators, and other forms of independent security.
7. Carry ⁵ out inquiries and investigations into all criminal acts in accordance with the criminal procedural law and other statutory regulations.
8. Carrying ¹⁵ out police identification, police medicine, forensic laboratories and police psychology for the purposes of police duties.
9. Protecting ¹⁴ the safety of body and soul, property, society and the environment from disturbances of order and disasters, including providing aid and assistance by upholding human rights.
10. Serving the interests of community members temporarily before being handled by authorized agencies and parties.
11. ²³ Providing services to the community in accordance with their interests within the scope of police duties.
12. ³⁶ Carry out other duties in accordance with statutory regulations.

Meanwhile, the authority of the police according to Article 15 of Law Number 2 of 2002 is:

1. Receive reports and complaints.
2. Help resolve community disputes that can disturb the general public.
- ² 3. Prevent and overcome the growth of community diseases.
4. Monitoring trends that can cause division or threaten the unity and integrity of the nation.
5. Issue police regulations within the scope of police administrative authority.
6. Carrying ² out special checks as part of police action in the context of prevention.
7. Take the first action on the scene.

8. Taking fingerprints and other identification and photographing someone.

9. Search for information and evidence.

10. Organizing a national crime information center.

11. Issue permits or certificates required for community service.

12. Providing security assistance in trials and implementation of court decisions, activities of other agencies, and community activities.

13. Receive and store found items temporarily.

Alvin L. Bertran in a quote from Irfan Marpaung states that a role is a pattern of behavior that is expected from people who hold a certain status or position. The National Police as law enforcers already have a pattern of behavior that is expected by the community as law enforcers, or as community supervisors. However, when it comes to dealing with terrorism in a formal juridical manner, the Police have carried out methods and taken actions in accordance with applicable regulations, however, solving the problem of terrorism is not enough to be solved simply by implementing existing regulations, because the problem of terrorism is more directed towards social problems that require resolution. with a cultural, not structural, approach.

Police Efforts in Combating Terrorism Crimes

Terror incidents that have occurred in Indonesia so far are a signal that Indonesia has become a target for operations by terrorist organizations, both international and domestic. For Indonesia, preventing and eradicating terrorism requires careful observation of culture, societal conditions and political stability of the government. These three factors greatly influence the effectiveness of the law. Western and Islamic countries' concepts regarding the definition of terrorism are very difficult for Indonesia to accept because the political conditions that occur in Islamic-based countries are fundamentally different in terms of background and development from those that occur in Indonesia.

Likewise, the culture of society, both from these countries and from western countries, is different from the culture of Indonesian society. Indonesian society recognizes the existence of multi-religious and multi-ethnic groups and lives side by side peacefully. The government's counter-terrorism strategy is implemented through repressive, preventive and preemptive efforts.

1. Repressive efforts

Many efforts have been made to overcome this humanitarian and social problem. One of the efforts to overcome crime is by using penal means, namely using criminal law with sanctions in the form of criminal penalties. Combating crime using criminal law is the oldest

method, as old as societal civilization itself. However, this does not mean that the use of punishment is a wrong way to deal with crime.

The repressive steps taken by the government in order to overcome criminal acts of terrorism are as follows:

- a. Establishment of a Terrorism Crime Countermeasures Agency, as well as the formation of a special unit as a step to eradicate criminal acts of terrorism.
 - b. Raid against terrorist hideouts.
 - c. Imposing strict criminal sanctions on perpetrators of criminal acts of terrorism who have been proven guilty based on existing evidence.
2. Preventive efforts

Considering the limitations of penal measures, it is necessary to deal with crime that is not only penal in nature, but can also use non-penal means or policies. This non-penal effort is a crime prevention measure, which is carried out before the crime occurs, so this effort is better known as a preventive or preventative effort. This should take priority over efforts that are repressive in nature. The aim of non-penal efforts is to improve certain social conditions, but indirectly have a preventive effect on crime.

Preventive steps taken by the government in the context of dealing with criminal acts of terrorism, namely:

- a. Increased security and supervision of firearms
 - b. Increased preparedness against terrorists
 - c. Supervision of explosives and chemicals that can be assembled into bombs
 - d. Tightening border controls and entry and exit points
 - e. Supervision of community activities that lead to acts of terror.
3. Preemptive efforts

Preemptive efforts can be carried out in the following ways:

- a. Enlightenment of religious teachings by charismatic figures and high credibility in the religious field to eliminate extremism and radicalization of understanding of religious teachings by hard-line fundamentalist groups.
- b. Adjustments to political and government policies are as follows:
 - 1) Responding to political demands with political policies that can accommodate the aspirations of radical groups.
 - 2) The involvement of radical groups that have the potential to lead to acts of terror in peaceful conflict resolution through dialogue, negotiation, and so on.
- c. Involvement of political parties and community organizations or non-governmental

organizations that have the same or similar vision and ideology in dialogue with radical groups.

- d. Strictly designate terrorist organizations and related organizations as prohibited organizations and disband them.

Obstacles to the National Police in Combating Terrorism Crimes

In carrying out the duties and roles inherent in the National Police as an institution that carries out police functions, it certainly experiences obstacles. Especially in handling cases related to theory. Handling terrorism cases is certainly not the same as other cases. Considering that the infiltration pattern of terrorism tends to be massive and latent, the movement pattern is very fast and requires carefulness in observing and understanding the mode of movement.

In general, the obstacles faced by the National Police in overcoming terrorism are limited by the synergy of cross-sectoral cooperation, namely between the police, regional government and other related agencies. Considering that terrorism is able to influence society by using popular languages so that it is easily accepted by society, the National Police of course needs parties or agencies and institutions that are familiar with the sociological life of society.

In other words, ²²the role of the National Police in overcoming the influence of terrorism is partial, because the police have different duties and functions from other government institutions. However, so far, this cooperation has not been optimal. Apart from that, another obstacle faced by the National Police in countering terrorism is firstly the budget problem, then the second is the problem of synergy with other related agencies such as the Ministry of Religion and Regional Government, which so far have not been able to fully run as expected. This shows that there is partialization in overcoming the influence of terrorism in Indonesia. In general, both ⁴¹the central and regional governments, the police, and the TNI have made efforts to overcome the influence of terrorism, but these efforts are still separate and proceed separately. So the impacts or results felt by the community are also different. So in stemming the influence of terrorism it is not very effective because each party operates separately.

Another real obstacle is the lack of inter-sectoral and cross-sectoral synergy, both real support from the government and other intelligence institutions, as well as data from Densus 88. Socio-cultural factors in the community are vulnerable to religious beliefs. secularism as well as incitement related to social welfare that has been pursued by the state. Apart from the internal obstacles experienced by the National Police in tackling the influence of terrorism, there are also obstacles from outside the National Police's own security system. These obstacles come from the terrorist movement itself. The very calm and silent movement of terrorists sometimes makes it difficult for the National Police to detect early incoming influences. Apart

from that, the issue brought by terrorists into Indonesia is very easily accepted by the Indonesian people. They use religion as propaganda material to influence society.

The police experience difficulties in fighting the infiltration of terrorism into society because they use religion as an excuse for carrying out radical actions. This is because society is experiencing a crisis of truth regarding their beliefs in something that is fundamental in nature. One religion has many sects and sects so that society becomes anomie. In this position, the community is very easily influenced by thoughts and religious trends which are present in the form of concrete actions towards enforcing certain religious laws. This phenomenon is compounded by the condition of society which tends to be dissatisfied with the government's performance.

CONCLUSION

1. ²⁶ The role of the National Police in overcoming criminal acts of terrorism, namely maintaining public security and order, is a dynamic condition of society as one of the prerequisites for the implementation of the national development process in order to achieve national goals which are characterized by ensuring security, order and upholding the law, as well as maintaining peace, which contains the ability to fostering and developing the potential and strength of the community in preventing, preventing and overcoming all forms of law violations and other forms of disturbance that can disturb the community. And maintaining domestic security is a condition characterized by ensuring security and public order, order and upholding the law, as well as providing protection, protection and service to the community. Public interests are the interests of society and the interests of the nation and state to ensure domestic security.
2. The National Police's efforts to tackle terrorism, such as carrying out repressive efforts, are by using penal means, namely using criminal law with sanctions in the form of criminal penalties; Preventive efforts are the prevention of crime, which is carried out before the crime occurs; and preemptive efforts such as enlightening religious teachings by charismatic figures with high credibility in the religious field to eliminate extremism and radicalization of understanding of religious teachings by hard-line fundamentalist groups.
3. The National Police's obstacles in tackling terrorism are:constrained by the synergy of cross-sectoral cooperation, namely between the police, regional government and other related agencies. Considering that terrorism is able to influence society by using popular languages so that it is easily accepted by society, the National Police of course needs parties or agencies and institutions that are familiar with the sociological life of society.

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