

THE ROLE OF GOVERNMENT AND SOCIETY IN COUNTERMEASURES AND PREVENTION OF CRIMINAL ACTS OF TERRORISM ACCORDING TO LAW NUMBER 5 OF 2018

Joko SETIYONO¹, Nadia NABELA²

¹Faculty of Law, Diponegoro University, Indonesia

²Master of Law Study Program, Faculty of Law, Diponegoro University, Indonesia

Corresponding author: Joko Setiyono

E-mail: jokosetiyono61@yahoo.com

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Abstract:

The criminal act of terrorism is a severe and significant crime that harms the sovereignty of the state and the security of the citizens' livelihood. The responsibility of the state to protect all citizens is an obligation mandated in the constitution (1945 Constitution). Law Number 5 of 2018 is a legal umbrella for carrying out law enforcement efforts, countermeasures, and measures to prevent criminal acts of terrorism. The government plays an active role in taking strategic steps to tackle and prevent criminal acts of terrorism by revising Law No. 15 of 2003 became Law Number 5 of 2018, forming the Special Anti-Terror Special Detachment 88 Task Force, as well as the National Counter-terrorism Agency (BNPT). The community also plays an active role in efforts to prevent criminal acts of terrorism by having a high awareness of the law, increasing knowledge and awareness of the dangers of terrorism so that they can carry out early detection of potential terrorism and report things that are considered suspicious in the surrounding environment to the authorities.

Keywords: Terrorism, Countermeasures & Prevention of Terrorism, Government, Society

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INTRODUCTION

The preamble to the 1945 Constitution of the Republic of Indonesia states that the Unitary State of the Republic of Indonesia is a state based on the law (Prihartono, A: 2023). The Preamble to the Constitution also mandates the state to maintain peace, security, and general welfare. In order to carry out this duty, the state must uphold its sovereignty and defend each of its citizens and Indonesian territory from nefarious activities at home and abroad (Firmansyah, H.: 2011).

The constitution provides security guarantees for every citizen in living life and carrying out the role of a citizen. The state provides security guarantees for citizens as outlined in the 1945 Constitution of the Republic of Indonesia in Article 30. Every citizen, including the community, the Indonesian National Armed Forces, and the Indonesian National Police, strive for security guarantees collectively.

Terrorism is a serious crime that threatens everyone and even the sovereignty of a country (Anakotta, M. Y: 2019). The effect of fear caused by acts of terrorism creates a commotion that disrupts the situation in society. These fears become a deadly specter and threaten the safety of citizens.

According to Muladi, terrorism is an extraordinary crime (Extraordinary Crime) that also requires handling by utilizing extraordinary methods (Extraordinary Measures) for various reasons (Muladi: 2004);

1. Terrorism is the greatest danger to human rights, the right to life, and freedom from fear.
2. The target of terrorism is random and indiscriminate, which tends to victimize innocent people.
3. The possibility of using weapons of mass destruction by utilizing modern technology.
4. The possibility of cooperation between terrorist organizations with both national and international nature.
5. Could endanger international peace and security.

Radical ideas that infect various groups of people brought by groups who want to disrupt and divide our nation need to be appropriately anticipated because by preventing radical ideas, we have helped save this nation from one of the significant threats of terrorism (Wahid., A: 2011). The connection is that terrorism starts with a lack of knowledge and the strengthening of ideology so that it is easy to be exposed to radical understandings to be ridden in the interests of certain parties in breaking up the unity and integrity of the Indonesian nation (Darma, N. B: 2018).

The development of crime is currently so widespread. One of the widespread and frightening crimes is the crime model of terrorism. We all have a responsibility to protect the sovereignty and security of the country collectively. The government, through its strategic steps, and the community need to take a role in helping prevent and overcome it.

To combat terrorism crimes, the government must take strategic roles to maintain security and stability in the country (Soegartadi, E: 2008). The state's obligation to maintain security is part of fulfilling the constitutional rights of Indonesian citizens. Therefore, the government's strategic steps to maintain and maintain this nation's integrity must be prioritized and supported.

Efforts and strategic steps in overcoming and preventing criminal acts of terrorism as a shared obligation are the constitutional mandates outlined in Law Number 5 of 2018. Current countermeasures and prevention have been pursued in various ways, one of which is by strengthening ideology and increasing education quality. Easy and high access to education makes people more aware of the importance of maintaining peace as mandated by Pancasila ideology and our country's constitution.

Therefore, based on the description above, this research is titled "The Role of Government and Society in Countering Terrorism Crimes According to Law Number 5 of 2018".

METHODS

The author uses a type of normative juridical research by analyzing secondary data. Secondary data sources are indirect data sources obtained from previous research. The legal materials used are primary legal materials and secondary legal materials. Primary legal material is legal material that is closely related to the problem under study. Primary legal materials consist of the 1945 Constitution and Law No. 5 of 2018 concerning Amendments to Law Number 15 of 2003 concerning the Stipulation of Government Regulations instead of Law Number 1 of 2002 concerning the Eradication of Criminal Acts of Terrorism to Become Laws. Meanwhile, secondary legal materials are legal materials that provide further explanations of primary legal materials. The secondary legal materials the author uses are books, scientific articles, journals, and data obtained from the internet related to the author's research.

RESULT AND DISCUSSION

The Government's Role in Prevention and Overcoming Criminal Acts of Terrorism.

Indonesia is a country that upholds human rights and law enforcement. This country's fundamental norms or constitution outlines the state's commitment to maintaining law enforcement and protecting human rights. One of the human rights that the state must protect is the right to a decent, prosperous, and secure life.

Terrorism is a significant issue frequently occurring in society and endangers citizens' sense of security. The emergence of acts of terror and radical movements that have the impact of terror is sometimes difficult to predict in society. As part of a severe crime, the eradication of terrorism must also be carried out seriously, both from the stages of prevention and response to law enforcement, so that people living in this country feel safe and peaceful (Syafii, A: 2017).

The State of Indonesia took strategic policy steps in tackling terrorism in Indonesia, including by issuing Law Number 15 of 2003 concerning the Eradication of Criminal Acts of Terrorism, later amended by Law Number 5 of 2018 concerning Amendments to Law Number 15 of 2003. The background for the issuance of this law on terrorism originated from the Bali Bombing I incident, which was then responded to by the state by issuing Government Regulation instead of Law Number 1 of 2002 concerning Eradication of Criminal Acts of Terrorism and Government Regulation instead of Law Number 15 of 2003. 2 of 2002 concerning the Enforcement of Government Regulation instead of Law Number 1 of 2002 concerning Eradication of Criminal Acts of Terrorism, in the Bali Bombing Incident.

A year after that, the government issued Government Regulation instead of Law Number 1 of 2002 concerning the Eradication of Criminal Acts of Terrorism, passed into law with the issuance of Law Number 15 of 2003 (Anakotta, M. Y: 2019). After 14 (fourteen) years of this law being an instrument of law enforcement in eradicating criminal acts of terrorism in Indonesia, finally, in 2018, the government together with the DPR passed the Bill on Terrorism Crimes to become Law Number 5 of 2018 concerning Amendments to Law Number 15 of 2003 concerning the Eradication of Criminal Acts of Terrorism. This law reform was carried out due to the rampant renewal of the model of terrorism and the incomplete formulation of articles in the provisions of the old law, so it is hoped that it will be present as a complement and be able to eradicate terrorism to its roots.

The government's steps in eradicating criminal acts of terrorism were offset by the establishment of a Special Task Force (Satgassus), namely the Special Detachment 88 Anti-terror (Densus 88 AT) through the Chief of Police Skep No. 30/VI/2003 dated 20 June 2003 with special authority to enforce the law against criminal acts of terrorism (Ambarita, F. P: 2018). The establishment of the Special Detachment 88 Anti-Terror (Densus 88) in the eradication and control of criminal acts of terrorism in Indonesia is carried out as a strategic step in countering terrorism because the characteristics of terror crimes are different from ordinary crimes so that they require special treatment and handling in eradicating them. Detachment 88, in the provisions of laws and regulations, has also been regulated in Law Number 2 of 2002 concerning the Indonesian National Police and Law Number 15 of 2003 concerning the Stipulation of Government Regulations instead of Law Number 1 of 2002 concerning the Eradication of Criminal Acts of Terrorism which contains the authority Detachment 88 AT. (Ali, Mahrus: 2012).

Establishing the National Counter-terrorism Agency (BNPT) with the issuance of Presidential Decree Number 46 of 2010 is the government's step in tackling terrorism crimes that threaten domestic sovereignty and security (Firmansyah, H: 2011). The BNPT, which was given the authority to deal with criminal acts of terrorism, was formed in 2010 to develop national policies, strategies, and programs for countering terrorism. The BNPT was also given the task of coordinating

government agencies related to implementing and implementing policies in the field of counter-terrorism as well as implementing policies in the field of counter-terrorism in forming task units consisting of elements of related government agencies by their respective duties, functions, and authorities respectively.

At the time of domestic terrorism incidents, the government formed special operations involving a joint TNI/Polri task force to eradicate criminal acts of terrorism (Rahman, I. M: 2020). One example is the arrest of the widely known perpetrator of the Bali bombing, namely Nurdin.M.Top. The combination of troop strength and collaborative work in eradicating criminal acts of terrorism is carried out in a real way as a form of government responsibility in protecting the security of citizens (Wiyono, R: 2022).

Some prevention efforts that can be done by the government to prevent criminal acts of terrorism or preventing radical movements that lead to terrorist behavior can be made in the following ways:

1. Strengthen statutory products on eradicating and preventing terrorism by issuing statutory regulations that provide a solid legal framework for overcoming the threat of terrorism. The government can make reasonable prevention efforts with complete legal instruments because it already has rules for taking action.
2. Strengthen Security, Intelligence, and Investigation systems. Governments can enhance the capabilities of intelligence and investigative agencies to collect the information needed to prevent terrorist attacks. Governments can seek cooperation between domestic and international intelligence agencies, monitoring suspicious communications and monitoring individuals or groups suspected of being involved in terrorist activities.
3. Strengthening Border Security by tightening security and verifying the entry of foreign parties to prevent terrorist infiltration from vulnerable countries or vulnerable border areas. It could include increased border controls, stringent checks of people and goods entering the country, and cooperation with neighboring countries to exchange intelligence information.
4. Carry out efforts to prevent radicalization by launching a radicalization prevention program that aims to identify individuals who are vulnerable to extremism. Providing exceptional understanding to citizens about the dangers of radicalization can be started by strengthening religious values and Pancasila from elementary education to tertiary institutions.
5. Carry out international cooperation with other countries in joint efforts to prevent terrorism. The government can exchange intelligence information, cooperate in law enforcement across borders (extradition), and provide political support in condemning and fighting terrorism.
6. Expand community empowerment programs by increasing non-formal education so radical ideas do not infect people efficiently. People with good intellectual qualities will find it challenging to be instigated and their thoughts manipulated to carry out radical actions that end in terror.

The Role of Society in Prevention and Overcoming Criminal Acts of Terrorism. Terrorism is a phenomenon that poses a threat to all humanity, the national security of a country, and international peace. Terrorism is a severe and extraordinary (extraordinary) threat. The Indonesian government has positioned terrorism as an increasingly severe threat, especially after the 1st Bali Bombing in 2002 (Yunanto, S: 2015). This tragedy has tarnished the good name of the Indonesian nation. Therefore, serious efforts are needed to fight and overcome it.

To prevent the recurrence of acts of terrorism, the government and all relevant agencies have taken preventive and anticipatory steps, such as imposing security standards in every community and public place. However, this effort is insufficient if not accompanied by community participation.

Public participation in preventing acts of terrorism is essential. Debora Sanur stated that one of the crucial roles of the community is to be aware of the community's shared responsibility and commitment to fighting terrorism (Sanur, D: 2016). Because terrorists usually live and mingle with society without unique characteristics as perpetrators of terrorism, it is not uncommon for raids on terrorism cases to occur in a community setting (Rusman, A: 2018).

The role of society based on Law No. 5 of 2018 Stipulation of Government Regulation instead of Law No. 1 of 2002 Concerning the Eradication of Criminal Acts of Terrorism Into Law consists of a normative, ideal, and factual role. In terms of normative roles, as stated in Article 30 of the 1945 Constitution that every citizen has the right and obligation to participate in state defense and security efforts, the state defense and security efforts are carried out through the people's defense and security system by the Indonesian National Armed Forces and the State Police. The Republic of Indonesia was the main force, and the people as the supporting force. As a supporting force, the people can optimize their role in terms of participation, empowerment, and legal awareness. The community must be highly aware of the law and aware of defending their homeland from any threat that can damage the nation's unity, integrity, and security.

Then the ideal role, here the police and BNPT involve the community more in efforts to prevent terrorism through empowerment by building partnerships (partnership building), building community awareness, creating collaboration between civil society organizations, socializing early detection techniques for preventing terrorism (Simanjuntak, H: 2023).

The partnership between the government, the private sector, and civil society organizations has not been synergistic. Efforts to create community empowerment are a shared responsibility between the government, the private sector (including community organizations both as corporations and non-corporate), and the community through a partnership mechanism that is aligned and balanced. Through the partnership formed, each party, driven by the local government (governor and regent/mayor), is committed to increasing public understanding of the threat of terrorism and efforts to prevent it. It is done so that people do not have excessive fear or panic in carrying out their daily activities against acts of terror so that people's insight and knowledge about terrorism becomes essential in the ability to prevent acts of terror.

Counseling the public will increase knowledge and awareness of the dangers of terrorism so that it can grow and develop the level of community participation in preventing terrorism together with the government and all agencies. Society needs to be empowered and increased awareness and active participation to prevent the development of teachings and understanding of terrorism and radicalization, from public vigilance to an active role in uncovering terrorist groups. Communities can carry out early detection of potential terrorism because the community is the party that best understands when there are suspicious symptoms in their environment.

While the community can play a more active role in the prevention of criminal acts by increasing the ability and sensitivity of the community by reporting things that are considered suspicious in the surrounding environment and paying more attention to and recognizing neighbors in their respective residences, this is contrary to the substantial role in the context of preventing terrorism (Lindawaty et al.: 2018).

Communities that terrorist networks have often exploited are the life models of urban communities and base communities. The culture of urban life that tends not to care about each other and is not familiar with each other makes the terrorists take advantage of hiding amid society. The condition of urban society, which is very preoccupied with their respective affairs, makes terrorist groups free to arrange and plan various crimes.

Then the base community is a community that has the same ideology and ideals of struggle with terrorist groups. Based on this similarity, terrorist groups get the freedom to carry out various kinds of criminal plans. Instead of getting resistance from the surrounding community, this terrorist group is protected and even positioned as heroes by the base community.

Therefore, society must communicate and dialogue with various groups and communities and, more importantly, the people around us, especially those with different ethnic, religious, and cultural differences. It is useful for increasing unity and reducing the potential for conflict that terrorist groups exploit. Apart from that, it is also an additional insight into Pancasila values and can detect suspicious things. Then the public must be aware of the threat of terrorism and be able to observe suspicious behavior around it. If there are suspicious activities or individuals, it is best to report them to the authorities immediately.

CONCLUSION

Terrorism is a grave and extraordinary crime that can threaten the sovereignty of the unitary state of the Republic of Indonesia. These threats become a severe problem if not handled and appropriately prevented. The government carries out countermeasures and prevention of criminal acts of terrorism by carrying out several strategic steps such as establishing laws on terrorism, forming a special anti-terror detachment 88 (densus 88), forming a National Counter-terrorism Agency (BNPT), and forming a special team tasked with carrying out eradication of terrorism by the necessary legal requirements. The government's steps in preventing terrorism can be carried out by strengthening legislation, security, intelligence, and investigation systems, strengthening border security, preventing radicalization, carrying out international cooperation, and expanding community empowerment programs. However, this effort is insufficient if not accompanied by community participation. In this regard, terrorism must be prevented jointly by all elements of society. The community must be highly aware of the law and aware of defending their homeland from any threat that can damage the nation's unity, integrity, and security. Then counseling and community empowerment will increase people's knowledge so that they can carry out early detection of potential terrorism because the community is the party that understands the most if there are suspicious symptoms in their environment. Then the community reports things considered suspicious in the surrounding environment to the authorities.

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