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RESEARCH ARTICLE

LEGAL ANALYSIS OF CRIME TERRORISM AND COUNTER TERRORISM STRATEGY.

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Abstract

Terrorism that occurred in Indonesia and some existing countries, is considered as an extraordinary crime that disturbs the public and makes the State becomes chaotic and insecure. Many societies are incorporated in these schools of terrorism and consider those outside their stream as enemies to be annihilated. Therefore, to overcome the occurrence of terrorism it is necessary to do some prevention to terrorism is not growing and can be eradicated or eliminated one of them is by freezing the terrorist funds so that their actions can be stopped.

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Introduction:-

Indonesia is one of the countries that have great potential threat, related to the bomb terrorism in some places. The acts of terror have clearly harassed the human dignity of the nation, and the norms of religion. Terrorism takes part in this nation's life to show other portraits of and between the various types and kinds of crimes, especially violent crime, organized crime, and extraordinary crime.¹ Terrorism is not directed directly to the opponent, but the act of terror is done anywhere and against anyone. And more importantly, the intent to be conveyed by the terrorist is that the act of terror gets special attention.²

Indonesia is a country that does not escape from the making and enactment of the Law on Terrorism namely Law of the Republic of Indonesia No. 15 of 2003 on Stipulation of Government Regulation in Lieu of Law No. 1 of 2002 on Eradication of Criminal Act of Terrorism, become Law. After the existence of any rules governing terrorism, there are still many groups of people and individuals who are still committing the crime.³ Can also be seen from the many actions or actions perpetrated by these terrorists is very dangerous and threatening the lives of anyone, including the security of the country.⁴ Terror is a very cruel act that does not take into account, ignores and completely ignores the

¹ Abdul wahid, Sunardi, dan M. Imam sidik, *Kejahatan Terorisme Perspektif Agama, Ham, dan Hukum*, Bandung : PT. Refika Aditama, 2011, p.2.

² Fakhri Usmita, 2015, *Disengagement : Strategi Penanggulangan Terorisme Di Indonesia*, Jurnal Sosiologi, Vol. 17, No. 1, p. 49-63.

³ Rifki Efendy, 2014, *Lex Crimen : Kedudukan dan Kewenangan Tentara Nasional Indonesia Dalam Pemberantasan Terorisme Di Indonesia*, Vol. III, No.1, p. 22-28.

⁴ Putri Fajar Wijayanti, 2013, *Propaganda Metrovnews.com Di Internet Dalam Membentuk Opini Publik Mengenai Isu Terorisme Di Indonesia*, Jurnal Ilmu politik, Vol. I, p. 1-8.

values of humanity. Humans who do not know anything about the intent, mission or purpose of the terrorist have been innocent victims.

It is very difficult to deal with the problem of terrorism, especially in diverse Indonesian countries with various cultures and religions, so to ensure the preservation of national unity and unity, should not accuse each other between a group with another group. Activities of Terrorism have a purpose to make other people feel scared so that it can attract the attention of people, groups or a nation. Usually acts of terror are used when there is no other way that can be taken to carry out his will. Terrorism is used as a psychological weapon to create an atmosphere of panic, does not determine and create public distrust of the ability of the government and force certain people or groups to obey the will of the perpetrators of terror. So that the global Public draws red threads that the terrorist group's movement's product intends to undermine global peace, destroy the values of civilization, and degrade human rights.⁵

The recent rise of terror acts has raised the concerns of many parties, both national and international. Terror acts lead to a loss of security in the community, while also reducing the authority of the government as a body that should provide protection and security in the midst of society.⁶ Some of the government's prevention of terrorism is no longer rampant everywhere but in reality, despite the fact that it has been deployed by troops to find out that terrorism is already rampant and to prevent the emergence of other terrorism but it has not succeeded completely. Terror action is then chosen as the last alternative after all diplomatic activities in the effort to solve the problem of international relations is considered deadlocked. In line with the above explanation, Viotti and Kauppi briefly divided the level of analysis into 3 (three) sections: Individual, State and society, as well as the international system.⁷

The legal basis used to prevent and combat to tackle the terrorism is the Law No. 15 of 2003. however, the law is still considered weak and unable to accommodate the prevention and countermeasures of terrorism in Indonesia, therefore the legislative is currently revising the law of terrorism. Meanwhile, the revision s being debated in legislative because terrorism has a complex problem, so it is better for members of the military to be included in the revision of terrorism law to participate in order to prevent acts of terrorism and maintain the security of the country in order to be free from terrorism that is currently growing. In addition, it will be better for Indonesian who have fought in Syria and want to return to Indonesia, there should an interview with the Syrian and find out the motive, why they returned to Indonesia, also they should be monitored for the things that arent desirable. Their passports should be pulled out by the immigration, so they are not free to get out of Indonesia-Syria. for example, the Bomb Pan in Terminal Kampung Melayu, East Jakarta has also been used by terrorists in Afghanistan, Pakistan, Nepal and the United States. In addition there are also some cases of attacks on Police Headquarters of North Sumatra which occurred on June 25, 2017 which has killed 2 policemen who are on guard, also to conduct surveys to North Sumatra Police Headquarters terrorists to a number of TNI Headquarters. The cases of terrorism that occurred in Indonesia has a connection with Britain, France, etc. because the strategies and the materials used are the same as those used by foreign terrorist who are affiliated with ISIS. Therefore, Law No.15 of 2003 on terrorism needs to be revised, so that the prevention and countermeasures of terrorism in Indonesia can be fixed well. Indonesia can become a safe country and free from the threat of terrorism.⁸

This research outlines as follows to explain 1) How is the responsibility of the state in tackling the occurrence of terrorism crime in Indonesia? 2) What is the form of international cooperation made by the state in order to prevent the occurrence of terrorism crime?

Method of the Research:-

The method of research in this article is the method of legal research Normative Empirical. The research location is Central Sulawesi Regional Police and the National Agency for Combating Terrorism (BNPT).

The data sources in this article use primary data and secondary data.

⁵ Mardenis, *Pemberantasan Terorisme*, Jakarta : PT. Raja Grafindo Persada, 2013, p.120-121.

⁶ Sukawarsini Djelantik, *Terorisme: Tinjauan Psiko-Politis, Peran Media, Kemiskinan Dan Keamanan Nasional*(Jakarta: YOI (Yayasan Pustaka Obor Indonesia),2010), p. 1

⁷ Viotti, Paul R dan Mark V.Kauppi, *International Relations Theory*, Macmillan, NY, 1987, p.42.

⁸ Source: Detik.com, Friday, 26 Mei 2017 at 22.25 WIB. Harian Kompas, Sunday, 25 Juni 2017

Data obtained through research activities were analyzed qualitatively then presented descriptively, that is by describing, describing and describing in accordance with the problems closely related to this research.

Results and Discussion:-

In tackling the occurrence of terrorism crime in Indonesia there are 3 efforts made by polri and government generally are:

Contract to the steps they have made to recruit sympathizers who want to join through social media so much nowadays Muslims-Muslims who join this terrorist group, who initially was he searching the internet what became their movements In the terrorist group. Both facebook social media and also their special blogs so that the police force to contract and cooperate with the ministry of information and technology to block the sites or media used by them. And also the police make a certain blogs or cooperate with the existing media to broadcast that the true understanding that, not as they received. The term police officers do counter narrative or provide a learning of what has been written so far by them is not true. Why is that because of their nature here they carry a religious name that aims to influence other people to enter into it.

Counter radicalism is to make or approach the captured perpetrators, to give an understanding of what it really is and to do also approach to the existing public figures, the religious leaders who are there to convey the truth rather than the facts that exist, That what they have done is wrong with the hope that these actors can convey to their friends, to be able to push the number of people who want to join.

Preventative justisia is law enforcement effort, police authority. For in Central Sulawesi the authority is carried out jointly there Tinombala operation is one of law enforcement conducted by the police together with this. Which in turn has resulted in a law enforcement, the hope is to reduce the number of perpetrators of terrorism in the region of Central Sulawesi.⁹

In addition, according to parties from the BNPT in tackling the problem of terrorism, they use two systems namely counter radicalization and deradicalization. Counter radicalization is directed to those who have not been exposed, the general public who is in school, there is used in the house of worship, on campus it counts because talking about terrorism is not only the perpetrators but also the object, the target then the model of its spread, then the network. The second strategy, the BNPT uses deradicalization. Deradicalisation is an attempt made to inmate the prisoners or ex-prisoners in the community and they do not come back to join the existing streams of terrorism.¹⁰

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Relationship Between Social Change in Law. Society consist essentially of a variety of social institutions that interplay, and the arrangement of social institutions was based on a certain pattern. A social change usually starts at a certain social institutions and the change will spread to other social institutions. SF Kechekyan (1956) describes a fairly complete picture of the legal function in soviet Russia, on the one hand he recognized that the laws established by the state in which the law is an expression of thye desires of political and economic elite. It is therefore legally bound by the conditions of the prevailing economic system in society, so that changes in the law much depends on developments in production and the relations between the classes in society, but on the other hand he also admitted some of the legal role of creative but of course not all businesses use social engineering law to end up with the desired result. With regard to the above Arnold M. Rose assumes that the effectiveness of using the law as a tool to transform society is still limited.¹¹

⁹ Interview with Regional Police (POLDA) at central of sulawesi

¹⁰ Interview with The National Agency for Combating Terrorism (BNPT)

¹¹ Lestari sainuddin, Handar Subhandi Bakhtiar, Role of Law in Dealing with the Cyber Crime and Social Change, International Journal of Humanities and Social Science Invention. Vol. 6, Issue 2. February, 2017

Conclusion:-

In tackling the occurrence of terrorism crime in Indonesia there are 3 (three) efforts made by Polri and government generally that is:

1. Counter the steps they have made to recruit sympathizers.
2. Counter radicalism is making or approaching the caught perpetrators, providing an understanding of the truth.
3. Preventative justisia is law enforcement effort, police authority.

Funds used in terrorist activities there are some of the funds from the theft of motorcycles or cars, bank robberies, the results of the sympathizers of terrorists, and many more streams of funds obtained by terrorism. The US Treasury reported that a US \$ 135 million alleged terrorist asset had been frozen worldwide after the events of 9/11. As of February 2004, the number has increased to US \$ 200 million.¹²

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