



ERADICATION OF CRIMINAL ACTS OF TERRORISM AND PROTECTION OF HUMAN RIGHTS IN INDONESIA

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Abstract

The Law on the Eradication of Terrorism Crime certainly implies the existence of coercive actions by the state against individuals or groups that commit acts of terror in Indonesia. There are allegations of actions that have the potential to violate Human Rights in the process of arrest and detention of individuals suspected of being terrorists. The intended action was allegedly carried out by law enforcement officers, especially in the practice of implementing Article 28 of the Law referred to in terms of regulating arrests and detentions that were not yet in line with respect and protection of human rights. This research is a descriptive analytical study that wants to describe what is legitimate or not a regulatory restriction of human rights, in the paradigm of "Principles of Provisions on the Restriction and Reduction of Human Rights in the International Covenant on Civil and Political Rights" by the state. Therefore, the government must take corrective measures in advance of law enforcement efforts to avoid any alleged human rights violations in the practices of arrest and detention. In addition, efforts to investigate, prosecute and examine the trial must be based on strong reasons in accordance with the existing procedures and oversight mechanisms.

Keywords: *Proportionality, Human Rights Restrictions, Terrorism Law*

INTRODUCTION

Terrorism is included in the category of criminal acts mentioned in this convention. Criminal offenses in this convention are serious criminal acts committed by organized groups, with large funding, and occurring in more than one country. Criminal acts of terrorism have widespread impacts and result in many victims. So far, what has been recognized as extra ordinary crime is serious human rights violations which include crimes against humanity (criminal acts intended to create a situation that results in individuals, groups and the general public being in an atmosphere of terror) and genocide (any act committed with the intention of destroying or exterminating all or part of a national group, race, ethnic group, religious group). To determine which crimes fall into the category of extra ordinary crime, the characteristics of extra ordinary crime must be determined. The determination of serious human rights violations as extra ordinary crimes is based on the rules of international law, namely the Rome Statute.

Formulation of the problem

From the background above, the author sees the main problems that are interesting to pay attention to, these problems are as follows:

1. What is the form of human rights protection for victims of criminal acts of terrorism according to Law Number 15 of 2003 concerning the Eradication of Criminal Acts of Terrorism?
2. What is the government's responsibility towards Law Number 15 of 2003 concerning the Eradication of Criminal Acts of Terrorism?

Research purposes

The objectives to be achieved through this research are as follows:

1. To find out the form of human rights protection for victims of criminal acts of terrorism according to Law Number 15 of 2003 concerning Eradication of Criminal Acts of Terrorism.

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2. To find out more about the government's responsibility for Law Number 15 of 2003 concerning the Eradication of Criminal Acts of Terrorism.

Benefits of research.

From the problem formulation that has been stated above, there are several benefits that the author wants to obtain. These benefits are:

1. Theoretical Benefits

To further enrich the author's knowledge and contribute to the theoretical development of law, especially for Constitutional Law regarding the Protection of Human Rights for Victims of Criminal Acts of Terrorism According to Law Number 15 of 2003 concerning the Eradication of Criminal Acts of Terrorism.

2. Practical benefits

It is hoped that the results of this research will be of interest and can be used by all parties, including the Indonesian National Police, the National Human Rights Commission, the Human Rights Court and the general public in efforts to provide human rights protection to victims of criminal acts of terrorism.

METHOD

In order to complete and perfect this writing, the author carried out research. To support this research, a research method is needed, in this problem the method used is Normative Juridical, namely research carried out or aimed at written regulations and forms of official documents or also called secondary data, namely data obtained by collecting material. -material from books that are related to the problem being discussed.

RESULTS AND DISCUSSION

Contents Results and Discussion

Human rights are rights inherent in every human being and are a gift from God Almighty so they must be protected. One of the international legal instruments that regulates human rights is the Universal Declaration of Human Rights which was proclaimed on December 10 1948. Member states of the United Nations that ratify the declaration must recognize and have an obligation to respect, protect and fulfill the human rights of every citizen. A human right which cannot be reduced or limited in its fulfillment under any circumstances, is the right to life. This right is stated in Article 3 of the Universal Declaration of Human Rights which states "Everyone has the right to life, liberty and security as an individual". Indonesia is one of the countries that ratified the Universal Declaration of Human Rights through Law Number 12 of 2005 concerning Ratification of the International Covenant on Civil and Political Rights. In Indonesia, regulations regarding human rights are regulated in Article 28 to Article 28A-28J of the 1945 Constitution and Law Number 39 of 1999 concerning Human Rights. As a country based on law, protection of human rights is important and must be realized, because protection of human rights is one of the important elements of a country based on law.

Criminal acts that violate the right to life have recently become more common, one of which is acts of terrorism. This can be seen from the increasing number of arrests of suspected terrorists in crime reports. According to data from the Republic of Indonesia Police, acts of terrorism in 2018 increased by 113% compared to 2017, the number of terrorists arrested throughout 2018 was 396 people. Data released by the Global Terrorism Index (GTI) in 2016 states that out of 129 countries in the world, Indonesia ranks 38th in the country with the highest influence of terrorism. The government's efforts to prevent acts of terrorism in Indonesia are through the ratification of Law Number 5 of 2018 concerning Amendments to Law Number 15 of 2003 concerning the Determination of Government Regulations in Lieu of Law Number 1 of 2002 concerning the Eradication of Criminal Acts of Terrorism into Law. These changes aim to maximize action against terror perpetrators and prevent acts of terrorism in Indonesia.

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The government also plans to form a special complaints unit in law enforcement agencies to receive reports of alleged activities that lead to criminal acts of terrorism, this is regulated in Presidential Regulation Number 7 of 2021 concerning the National Action Plan for Preventing and Combating Violent-Based Extremism that Leads to Terrorism in 2020 -2024. This regulation was established to increase the protection of citizens' rights from extremism activities that lead to acts of terrorism. The government is also trying to tackle acts of terrorism in Indonesia through the establishment of institutional instruments and an anti-terrorism task force. A special team for countering criminal acts of terrorism consisting of the Special Detachment 88 Anti-Terror Team (Densus 88) from the Indonesian National Police, the National Counter-Terrorism Agency (BNPT), Detachment C Gegana Brimob, the Counter-Terror Detachment (Dengultor) of the Indonesian Army or Group 5 Anti Terror, Detachment 81 which is part of Kopassus (Special Forces Command), elite TNI AD troops, TNI AL, Jamangkara Detachment (Denjaka) which is part of the mariner corps, TNI AU, Detachment Bravo (Denbravo) which is part of Paskhas TNI AU, elite troops The Indonesian Air Force and the State Intelligence Agency (BIN) have a joint representative desk from the anti-terror unit. These units were formed because acts of terrorism caused a loss of security among society, and reduced the authority of the government as the body that should provide protection and security.

CLOSING

Conclusion

1. Human rights protection is carried out by positioning human rights as human dignity which cannot be taken away or confiscated, but must be respected, recognized and protected both in the perception of the law, the state, the government and fellow human beings.
2. The government is trying to tackle acts of terrorism in Indonesia through the establishment of institutional instruments and an anti-terrorism task force. A special team for dealing with criminal acts of terrorism consisting of the Special Detachment 88 Anti-Terror team (Densus 88) from the National Police of the Republic of Indonesia.

REFERENCES

- R. Wiyono, 2013, Human Rights Court in Indonesia, Jakarta: Kencana.
- Dedi Prasetyo, et al, 2016, Police Science and Technology: Implementation of Countering Terrorism and Radicalism in Indonesia, Jakarta: Raja Grafindo Persada.
- Mohammad Hasan Ansori, et al, 2019, Eradicating Terrorism in Indonesia: Practices, Policies and Challenges, Jakarta: The Habibie Center.
- Law Number 12 of 2005 concerning Ratification of the International Covenant on Civil and Political Rights.
- Law Number 1 of 2002 concerning Eradication of Criminal Acts of Terrorism.
- Law Number 39 of 1999 concerning Human Rights.