

## **Counterterrorism in Indonesia: The Police Role in Ensuring Security**

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### **Abstract**

In response to the mounting threat of terrorism in Indonesia, especially evident through alarming bombing incidents since 2002, the Indonesian National Police assumes a pivotal and multifaceted role. This research, employing a socio-legal research approach with a qualitative design, intricately explores the dynamics of terrorism, scrutinising legal frameworks, preventive strategies, and law enforcement tactics. The Police's role in counterterrorism unfolds through a comprehensive framework encompassing preventive, preemptive, repressive, and curative measures. The analytical-descriptive methodology provides detailed insights into the social and legal aspects, underlining the significance of understanding and adapting to the evolving threat landscape. Preventive efforts involve proactive community engagement, public education on terrorism risks, and awareness promotion. Simultaneously, preemptive measures focus on community development, intelligence operations, and community policing, addressing potential threats before escalation. Repressive actions post-crime involve the Criminal Investigation Unit leading investigations, apprehensions, and legal proceedings, ensuring legal consequences for perpetrators and contributing to deterrence and justice. Curative measures, framed as rehabilitation, involve closely monitoring individuals suspected of terrorist activities, even without concrete evidence, adding a layer of prevention to uphold national security.

**Keywords:** Police role, Counterterrorism, Preventive Measures, Curative efforts, Indonesian National Police.

### **Introduction**

Since 2002, Indonesia has had a series of bombing events that have disproportionately affected select locations, including government centres in Jakarta. These incidents have been orchestrated by specific "groups" (LaFree et al., 2013). The attacks have attracted significant national and international attention because the casualties include both Indonesian citizens and some foreign people who were visiting Indonesia at the time. The Indonesian government is highly alarmed and treats the subject of terrorism with the utmost gravity, exerting all possible

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endeavours to unearth and tackle the bombing events promptly (Afriansyah et al., 2023; Makarim, 2021).

Currently, there is no globally or universally accepted definition of the offence of terrorism (Schmid, 2004). While there is no universally agreed-upon definition of terrorism in international criminal law, it is essential to note that individual countries have legal definitions of terrorism within their national laws (Galingging, 2009). Furthermore, it should be noted that the malevolent intent behind these actions is not disregarded. Hence, it is evident that those who commit acts of terrorism are not immune to judicial prosecution. The principle “*nullum crimen sine poena*” asserts that every crime should be met with punishment (Beres, 1992, 1998).

Multiple institutions and professionals have offered distinct interpretations of terrorism (Wahid et al., 2003). As an example, As per the US Central Intelligence Agency (CIA), international terrorism refers to acts that receive support from foreign governments or organisations aimed at a country, institution, or foreign government. The FBI defines terrorism as the illegal utilisation of force or violence against individuals or property to intimidate a government, civilian population, or specific groups in order to achieve socio-political objectives. According to the US Departments of State and Defence, terrorism refers to politically motivated acts of violence perpetrated by either state agents or subnational groups against non-combatant populations. International terrorism commonly entails the involvement of individuals or regions from multiple nations. Terrorism, as defined by Fauzan Al-Anzari (2002), refers to the use of violence or the threat of violence for political or power-related purposes within the framework of a state's administration. Hafid Abbas defines terrorism as the unauthorised application of force or violence against individuals or property to intimidate or exert pressure on the government, civilian society, or its components in order to accomplish social and political objectives (Soetrisno, 2002). Wahid et al. (2003) conclude that terrorism is organised violence, employing violence as consciousness, a manner of thinking, and a means for achieving goals.

The Indonesian National Police encounters a range of technological and non-technical hurdles in carrying out its responsibilities, including issues about infrastructure and software tools and garnering support from both the local and international communities in the fight against terrorism. The role of the Police in handling terrorism is vital and exciting due to the issues they face and their link to the growing circumstances in both national and international life, as well as the advancements in political and international criminal law. Hence, the objective of this

study is to comprehend the function of the Police in countering terrorism inside the Indonesian National Police.

### **Research Methods**

This study used socio-legal research with a qualitative design. Qualitative research seeks a deep understanding of the phenomenon. Analytical-descriptive research specifications describe social phenomena without hypotheses or statistical computations. The term “descriptive” here refers to a study method-based review of existent phenomena. With interpretation, assessment, and general knowledge, facts are meaningful (Soemitro, 2011).

This study specification describes substantive and procedural legislation, including criminal offences, specific offences beyond the Criminal Code, and criminal procedural law and their implementation in real-world practices.

After editing, data is presented in systematic narratives that follow the explored issues. The qualitative research was analysed using a qualitative method, breaking down and elaborating on the quality and nature of the occurrences and legal events. Data analysis is qualitative and uses conceptualisation induction. Conceptualisation induction is a research method that uses facts to build a theory and confirms it with other theories and legal principles, such as criminal law theory and criminal procedural law theory.

### **Results And Discussion**

The Police have the responsibility and power to combat crimes, including acts of terrorism, by relevant legislative laws, and their actions are deemed acceptable by the general population (Prindani et al., 2020). The Indonesian National Police fulfils its function through punitive measures, such as repression and enforcement, and non-punitive measures, such as preventative and development activities. Preventive and preemptive measures are given priority because, like a disease confined to symptoms, signs, or diagnosis, they prevent the condition from progressing into a severe or long-lasting illness. If these two endeavours fail to produce the desired results, it becomes necessary to resort to coercive measures, which indicate that a legal incident has occurred (Marpaung, 2015; Simarmata et al., 2023).

Law enforcement agencies utilise preventive, repressive, and curative measures as tactics to safeguard the public and uphold the law (Bacon, 2017). Law enforcement extends beyond addressing known or suspected criminal activity and proactively anticipating prospective criminal behaviours. Preventive measures encompass a range of entities, such as legislative bodies, law enforcement agencies,

the prosecutor's office, the judiciary, regional administrators, and ordinary persons. The Police have a direct and authoritative role in preventing crime.

Repressive actions refer to all measures performed by law enforcement authorities following the occurrence of a crime. Repressive activities can also be seen as a form of prevention on a larger scale. This encompasses inquiries, ongoing inquiries, legal proceedings, and the enforcement of sanctions. These various elements are components of criminal policy, comprising a range of actions undertaken by relevant authorities to prevent crime. This encompasses refraining from carrying out activities such as investigating particular individuals, prosecuting specific cases, and imposing penalties. Law enforcement authorities also utilise remedial measures in crime prevention, which serve as a comprehensive interpretation of preventive endeavours in crime prevention. Curative activities are regarded as a distinct form of repressive acts, focusing on addressing the behaviours of those who engage in criminal behaviour.

Repressive acts entail the utilisation of legal methods as tools. The usage of criminal law is inherently linked to the efficacy of the legislation. Hence, it is imperative to scrutinise the concept of legal efficacy, as posited by L.M. Freidmen (1975):

1. Substance: The regulations legal professionals employ while carrying out actions and establishing legal connections.
2. Structure: How the legal process is executed by courts, legislators, and other entities involved in the legal process.
3. Culture: This originates from the individuals or consumers of legal services, such as the judiciary. If society opts for the court to settle issues, it signifies a favourable opinion of the court. The cultural fabric of society plays a pivotal role in driving legal and sociological transformation.

J.P. Glastravan Loon asserts that law plays a crucial role in: They are governing society and overseeing social interactions; Dispute resolution; Enforcing order and regulations, even if it necessitates the utilisation of coercion; Modifying rules and regulations to accommodate the evolving requirements of society; and Fulfill the requirements of justice and ensure legal clarity by achieving the functions above (Syamsuddin, 2019).

Ronny Hanitijo Soemitro (1982) regards law as a crucial instrument for regulating and managing society. The purpose of the law is to establish norms for aberrant behaviour, prescribe penalties, and outline the measures to be taken by the legal system in response to deviations. He underscores the objective of law and judicial powers to attain dispute resolution in social life, devoid of violence, with the state representing the victimised society.

According to Soerjono Soekanto (1983), the law functions as an “agent of social change” by serving as a means for persons entrusted with leadership roles to bring about change. The field of law progresses and transforms in response to the shifting circumstances, accommodating the demands of society while upholding established principles and beliefs. Terrorism is a global problem, and Indonesia has implemented the Anti-Terrorism Law to tackle this issue. This legal growth is due to the progressive theories of applying the law.

The Police Law of the Republic of Indonesia establishes the functions and objectives of the Indonesian National Police. The principal responsibilities encompass upholding security and public order, enforcing legislation, and offering the general population protection, aid, and services. The enactment of Law No. 15 of 2003, which was previously known as Government Regulation No. 1 of 2002 on the Eradication of Criminal Acts of Terrorism and Government Regulation No. 2 of 2002 on the Eradication of Non-Criminal Acts of Terrorism, has established the specific duties and powers of the Police in their efforts to combat terrorism (Prabowo et al., 2021).

George A. Theodorson (1970) defines a role as a specific pattern of behaviour shaped by rights, obligations, and authority and associated with a particular status position within a group or social setting. An individual's function in different circumstances is established by a collection of expectations for their conduct, which others or the individual chooses. The function of the Indonesian National Police can be defined as the responsibilities and powers of the police force in addressing criminal activities, particularly those related to terrorism, by the relevant legislative regulations and recognised by the public.

The Indonesian National Police plays a dual role in maintaining law and order. It can employ punitive measures through repressive enforcement or non-punitive measures through preventive, preemptive, and curative efforts. Preventive and preemptive measures are prioritised, as they address early indications or signals before they develop into severe or long-lasting problems. If these endeavours prove unsuccessful, coercive actions (enforcement) become imperative, signifying a legal occurrence. However, it is widely acknowledged that prevention is more advantageous than treatment, as prevention incurs lower costs compared to therapy.

The Indonesian National Police, as a law enforcement agency, implements a range of methods to prevent crime and safeguard society. These strategies include preemptive, preventative, repressive, and curative measures within law enforcement (Idy, 2022; Sinurat et al., 2022). The Indonesian National Police plays a crucial role in combating terrorism-related offences through the implementation of the following measures: Proactive measures: Preemptive measures, as outlined in Law No. 2 of 2002 concerning the Indonesian National Police, encompass community

development, as specified in Article 14 paragraph (2) letter c, with a focus on “enhancing community engagement, legal consciousness, and compliance with laws and regulations”.

The term “preemptive” refers to the proactive method of engaging with the community to develop and ensure public safety awareness and prevent any disturbances to public order (Safitri et al., 2023). The Binamitra role is implemented through several techniques, including promoting community engagement in providing information, acting as witnesses, voluntarily reporting incidents, preventing victimisation, and actively securing their regions or Neighbourhood Watch (Pam Swakarsa). Preemptive measures encompass intelligence operations, including overt and covert activities and community policing.

Prevention refers to the responsibility of the Police to safeguard the state, its institutions, individuals, and property by proactively deterring criminal acts and behaviours that may jeopardise public order (Ashworth & Horder, 2013). It entails taking measures to mitigate the likelihood of crimes. Preventive measures are enacted by providing community guidance and education on the perils and consequences of terrorism, fostering awareness, and promoting community engagement in upholding security.

Repressive actions pertain to the measures taken by law enforcement agencies in response to a committed crime (Davenport, 2007). Within the framework of countering terrorism-related offences, repressive measures entail the Police's responsibility to conduct inquiries into criminal incidents, seize offenders, and present them to the public prosecutor for legal proceedings. The Criminal Investigation Unit essentially executes this function.

Curative initiatives are preventive measures on a larger scale (Arundale et al., 2018). Their emphasis lies on rehabilitation rather than punitive measures against persons who are suspected or accused of committing crimes. Within the framework of counterterrorism efforts, curative measures encompass the surveillance and imposition of self-reporting obligations on individuals suspected of engaging in terrorist activities to facilitate their rehabilitation. This strategy is employed in situations where there is a lack of definitive evidence of criminal activity and persons are subject to surveillance as a precautionary measure.

## **Conclusion**

According to the discussion of the concerns that were brought up, the role of the Police in the fight against terrorist acts that are criminal in nature involves a variety of different initiatives. In the first place, there are preventative measures designed to create actions that stop the emergence of circumstances that could potentially be dangerous. As part of this, the community will be provided with

direction and education regarding the risks and repercussions of terrorist activity. In addition, the formation of the Police-Community Partnership Forum is an additional factor contributing to these preventative measures.

As part of their attempts to maintain public order, the Police also engage in preventative measures, which they perform in conjunction with preemptive steps. This entails giving instructions to the entire intelligence network that is part of the police force to maintain vigilance and undertake early detection of individuals or groups that are participating in terrorist networks. This will ensure early knowledge of their activities or harmful plans is achieved. The role that Samapta plays in creating legal awareness is becoming increasingly important to prevent the growth of Police Hazard, which is recognised as a Real Threat.

In addition to these preventative techniques, the Police also use repressive measures, which involve implementing criminal law enforcement procedures inside the legal system. The National Police Chief's Decision No. 11/III/2005, which established Detachment 88 at the national level, serves as the basis for these activities and the cornerstone.

Individuals who are suspected or accused of involvement in terrorist activities are also provided with mentoring as part of the rehabilitative procedures that are performed. This includes monitoring and required reporting (roll call) for individuals suspected of being involved. As a means of addressing the requirement for expanded capabilities, there is a call for an increase in the number of human resources within the Detachment 88 Anti-Terror Unit, the development of skills for its members, the provision of operational facilities (transport and communication technologies), and the enhancement of operating budgets. To enhance the general public's comprehension of terrorism, the Police frequently organise awareness campaigns and seminars on anti-terrorist legislation.

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