



Juridical Analysis of Criminal Policy in Eradicating Crime Acts of Terrorism After The 1st Bali Bomb Incident in Indonesia

Pieter Louw; Joko Setiyono

Master of Law, Faculty of Law, Diponegoro University, Indonesia

E-mail: pieterlouw@gmail.com

<http://dx.doi.org/10.47814/ijssrr.v6i12.1829>

Abstract

A crime of terrorism is a very serious crime threatening the sovereignty of the state and human rights. Criminal policy establishment countermeasures and the elimination of the crimes of terrorism is a strategic effort and move of the country through the tools of complements need to be made at best as part of a serious effort to protect the rights of all Indonesian citizens. The tragedy of the Bali bomb was the starting point for the formation of the massive criminal policy of terrorism in Indonesia. The creation of a new government regulation on penal code number. 1 in 2022 on the elimination of terrorism that was passed to act Number. 15 in 2022 on the elimination of terrorism isa remarkable step in eradicating ACTS of terror. A change in law number 15 in 2022 on eradicating criminal terrorism to act number 5 in 2018 is anumberther form of increasing effectiveness in eradicating terrorism's crime. Through the 2018 criminal policy of creating act number 5, the state has created a special task force for the counter-terrorism task force 88, and the national body for counter-terrorism (BNPT).

Keywords: *Juridical Analysis; Criminal Policy; Terrorism Crime*

Introduction

A crime of terrorism is one of the serious crimes that secure everyone and even the sovereignty of a country¹. The effect of fear caused by ACTS of terrorism is that it creates an uproar that distorts society's situation². Those fears are a deadly and life-threatening scourge³.

¹ Heri Firmansyah, Upaya Penanggulangan Tindak Pidana Terorisme di Indonesia, *Mimbar Hukum-Fakultas Hukum Universitas Gadjah Mada*, Vol. 23, 2011, hlm. 376

² Marthsian Y. Anakotta, Kebijakan Sistem Penegakan Hukum Terhadap Penanggulangan Tindak Pidana Terorisme Melalui Pendekatan Integral, *Jurnal Belo*, Vol. 5, 2019, hlm. 48

³ Abdul Wahid, *Kejahatan Terorisme-Perspektif Agama, HAM dan Hukum*, PT. Refika Aditama, Bandung, 2011, hlm. 22

Indonesia is one of the countries that is plagued by the crime of terrorism. The first largest terrorist act in Indonesia was the bomb of a Bali bomb in 2002. It wasn't finished with law enforcement and the defence of the first Bali bomb, it was again the second Bali bomb. It was truly a concern of the world for the security of Indonesia at the time when Bali was a world famous tourist area and was visited by millions of foreign tourists and brought serious attention to countries in the world.

Bali, a central part of Indonesia's economy, has had a symbolic impact on its existence. Because many tourists number in Indonesia because they number in Bali. That is quite the impact for a country (Indonesia) when a crime of terrorism occurs in the very environment that is the center of the country.

According to Muladi⁴, Terrorism is Extraordinary Crime Those in need are also used in Extraordinary Measure Because of a lot of things:

- 1) Terrorism is the greatest danger to human rights in this respect the right to life and freedom from fear.
- 2) The target of terrorism is random and indiscriminate that tends to cost innumerable people.
- 3) The rise is being used by weapons of mass destruction using modern technology.
- 4) The possibility of cooperation between terrorist organizations both national and international.
- 5) Could endanger international peace and security.

Indonesia's response to the rapid treatment of the Bali bomb has been carried out by the Indonesian government because Indonesia's security rests on the world's eyes. Furthermore, at the time, the criminal policy of eradicating the criminal act of terrorism in Indonesia was number one a crime. Because regulations regarding the crimes of terrorism in Indonesia have number yet been made in one specific legislation governing that.

Indonesia's poor image in the world has led the fifth female President to set up a government regulation to replace the Number. 1 in 2002 law on eradicating terrorism as the first step toward eradicating terrorism and bringing the perpetrators of the Bali bomb to justice. The central role of the state in the matter is that governments seek to establish an overwhelming crime fighting rule, implementing the state's responsibility to protect the sovereignty and safety of any society that lives in it.

The formation of a criminal policy after the bombing of the first Bali bomb grew, and even the rule of government substituting act Number. 1 in 2002 on the elimination of terrorism crime was refined and established as the act Number 15 in 2003 act on the elimination of terrorism

The proliferation of criminals on terrorism is unprecedented and the growing trend in terror across the world in the 21st century has kept governments quiet in formulating criminal policies. The formulation of a criminal policy in the fight against *tidnak pidana* is carried out by a revised 2003 law on the elimination of terrorism number Number. 15 In 2003 law on the elimination of terrorism.

In penance Act number 5 in 2003 It is said that such measures are established because of the criminal ACTS of terrorism which have been carried out in Indonesia are serious crimes that endanger state ideologies, state security, state sovereignty, humanitarian values, and various aspects of society's BCPRS, national and domestic, and international, organized, and multi-national, organized, and multi-national and multifaceted lives and that they need to be made specific, deliberate, Targeted, integrated, and sustained, Pancasila and basic Indonesian republic laws in 1945.

⁴ Muladi, *Penanggulangan Terorisme Sebagai Tindak Pidana Khusus, bahan seminar Pengamanan Terorisme sebagai Tindak Pidana Khusus*, Jakarta, 2004, hlm. 21

Even governments are forming Act number 9 in 2013 On the prevention and eradication of criminal ACTS of terrorism funding as a logical consequence of his being ratified International Convention for the Suppression of the Financing of Terrorism, 1999. In addition to regulations of legislation relating to funding terrorism have number regulated the prevention and eradication of criminal ACTS of terrorism adequately and comprehensive

Act number 9 in 2013 On the prevention and eradication of these legalized criminal ACTS of terrorism funding and other crimes committed on March 13, 2013 set such as criminalization of criminal ACTS of terrorism finance and other crimes relating to terrorist financing, the application of principles to recognize financial services users, reporting and compliance surveillance, the supervision of money-delivery activities via transfer systems or other systems. Done by financial providers, cash management controls and/or other cash-dealing instruments in or out of the Indonesian customs area, the blocking mechanism, the inclusion in the list of suspected terrorists and terrorist organizations, the setting of inquiries, prosecution, and trials in the courts, and the cooperation, national and international, in the prevention and elimination of criminal ACTS of terrorism

Criminal policy we can briefly understand as a form of policy taken by a country to criminalize a perceived vice, as well as a strategy to combat it. Criminal policy number necessarily forms a form of criminal rule, but it also includes a number of other policy of promoting the prevention of crime. The effectiveness of a criminal policy can be seen from statistics on how to reduce crime rates a crime is focused on this crime of terrorism. To be able to see whether or number the criminal policy of terrorism in Indonesia will be effective, assessments of criminal policy can be made from the measure of its programs. Therefore, according to the background description above, the author would like to do the study under the title "Juridical Analysis of Criminal Policy in Eradicating Crime Acts of Terrorism After The 1st Bali Bomb Incident in Indonesia".

Formulation of the Problem

- 1) How are criminal policy Countermeasures and eradication of criminal terrorism After The 1st Bali Bomb Incident in Indonesia?
- 2) What are criminal policy Countermeasures and eradication of criminal terrorism After The 1st Bali Bomb Incident in Indonesia is effective enough?

Research methods

The authors used a type of juridical research number of materials by analyzing secondary data. A secondary data source is an indirect data source from prior research. Legal materials used in primary law and secondary law materials. The primary ingredient of law is the one closely related to the issues under study.

The primary legal material in this study consists of the constitution of 1945 And act number 5 In 2018 about changing over Act number 15 In 2003, the establishment of a new government regulation number 1 In 2002 about eradicating criminal terrorism became law. Besides which the writer also USES Another primary law ingredient Like the law Number 9 in 2013 on the prevention and elimination of crimes of terrorism funding, and some other legislation closely related to terrorism. As for the secondary legal material used in this study, the legal material that provides further explanations of primary law material. Secondary legal materials used by authors are books, scientific articles, journals, and data obtained from the Internet related to the author's research.

Discussion

1. Criminal Policy of Countermeasures and Lead Terrorism to a Crime After the 1st Bali Bomb Incident in Indonesia

The crime of terrorism is one of the most heinous crimes that have a negative impact on the sovereignty of the state and the security of the society that live in it. Becoming quite a scourge and haunts many, terrorism as a unpredictable crime requires special treatment⁵. The Bali bomb's terror was a turning point in the poverty of the Indonesian criminal act of terrorism.

The Bali bomb that claimed hundreds of lives and made connections between Indonesian states to several countries whose citizens had been the victims of the recent bombings. Because of insecurity in Indonesia at the time, our country was a global level.

The government will not only stay silent under the dire circumstances, so it USES its power to make strategic measures and policies in addressing the crimes of terrorism in Indonesia. Government policies in the field of criminal policy or criminal policy.

Criminal policy can simply be understood as a policy taken by the state in an effort to eradicate, prevent, eradicate, and carry out law enforcement of a crime or be called a crime⁶. Criminal policy is one of the groups of criminal law studies and legislation law studies in the context of the creation of legislation in a country.

The criminal policy of establishing a norm is certainly based on the facts in the field that it is necessary to have a particular legal instrument for governing it. In crimes of terrorism, it is also true that legislation on terrorism has been based on major terror events threatening public safety and the sovereignty of the republic of Indonesia.

Criminal policies in the creation of legislation by governments after **The 1st Bali Bomb Incident** in Indonesia Do between them:

- a) Publishes a by-law substitution rule number 1 In 2002 on the eradication of criminal terrorism. The President of the day, women's soekarnumbers formed perppu as one of the criminal policies in making law enforcement efforts and as a legal umbrella to combat the act of terrorism after the Bali bomb that destroyed Indonesia's image worldwide. It is done on the basis of a forced dread and a law void.
- b) endorsement Legislation. Replacement act number 1 In 2002, the eradication of criminal terrorism became the statute number 15 in 2003. The legalization was made with the approval of the council of representatives to form a legal product that would ensure the safety of everyone in the Indonesia region for the act of terrorism
- c) The formation of act number 9 in 2013 on prevention and eradication of criminal terrorism funding. The goal is to make early detection and detection an act of funding for terrorism that continues to thrive even on an international scale. In the concession of the act It is also explained that Indonesia is one of the ratified countries International Convention for the Suppression of the Financing of Terrorism, 1999. So it is obliged to make or align legislation related to terrorist funding according to the terms set forth in the convention.
- d) Revised act number 15 In 2003, the eradication of criminal terrorism became law Number 5 in 2018 about a crime of terrorism. The revision is set against the backdrop by the myriad defects under the previous law that efforts to improve the rule as an adjustment to criminal policy in the fight against the growing crimes of terrorism.

⁵ Joko Setyano, Taufiq & Nadya Nabila, Penanggulangan Terorisme Dalam Perspektif Hukum Pidana Internasional, 2023, hlm 1

⁶ Zaidan, M. A., & SH, M. (2021). Kebijakan Kriminal. Sinar Grafika (Bumi Aksara).

Terrorism as a crime governed by legislation in Indonesia is a remarkable form of crime that disturbs society⁷. Criminal policies carried out by the government include some of the kongkrit measures:

1) The Formation of a Special Task Force (Satgassus), a Special Detachment of 88 Antyps (Densus 88 AT)

Formation Densus 88 Carried out through a Skep Police number.30/VI/2003 dated June 20, 2003, with special authority To get around to criminal terrorism.⁸ The government is making efforts to develop a detachment of 88 anti-terror (Densus 88) in the elimination and countermeasures of terrorism in Indonesia as a strategic measure against terrorists for characteristics of terror crimes that are different from ordinary crimes, requiring special treatment and treatment in their wake.

Densus 88 In the rule of legislation it has also been regulated under act number 2 In 2002 state police in the republic of Indonesia And invitation number 15 In 2003, the regulation of government substituting act number 1 2002 on the elimination of criminal ACTS of terrorism contained the authority of the Densus 88 AT⁹.

2) Creation of the National Institute for Terrorism (BNPT)

The government issued President number 46 in 2010 as a step against the terrorism crime that threatens domestic security and sovereignty¹⁰. BNPT It has also been given the task of coordinating government agencies in connection with implementing and implementing policies in counterterrorism and implementing policy in counterterrorism to form task forces made up of specific governmental agencies that are relevant to each task, function, and authority¹¹.

3) The Creation of a Joint Task Force of the Indonesian National Army and the Police Of the Republic of Indonesia to Stop Terrorism in Indonesia

In the implementation of countermeasures and counter-measures taken in various parts of Indonesia, the government has created joint teams according to the need. Such cooperation is needed to facilitate both sides' performance in the fight against terrorism. We can see an example of this kind of cooperation at the nuremberg terrorist terrorist ambush and hunt. M. top, that cooperation makes it easy to execute an organized, systemized and elusive terrorist ambush

2. The Effectiveness of Criminal Policies Tackling and Eradicating Criminal Terrorism after the 1st Bali Bomb Incident in Indonesia

The 1st Bali Bomb Incident Is an event Terrorism takes a heavy toll. The barbarity of terror that took hundreds of lives echoes the international view of Indonesia's power to keep citizens and foreigners safe. Criminal policies established in the fight against and eradicate crime of terrorism therefore need to be taken away and implemented by the government.

The criminal policies adopted by the government after The 1st Bali Bomb Incident were quite diverse. We can see after The 1st Bali Bomb Incident, which had already taken place three times, starting

⁷ Muhammad Ali Zaidan, *Pemberantasan Tindak Pidana Terorisme (Pendekatan Kebijakan Kriminal)*. Law Research Review Quarterly, 3(2), 149-180. 2017, hlm 150

⁸ Ambarita, *Penanggulangan Tindak Pidana Terorisme*, Binamulia Hukum, Vol. 7, 2018, hlm. 147

⁹ Mahrus Ali, *Hukum Pidana Terorisme Teori dan Praktek*, Gramata, Jakarta, 2012, hlm. 69

¹⁰ Firmansyah, *Upaya Penanggulangan Tindak Pidana Terorisme di Indonesia*, Mimbar Hukum-Fakultas Hukum Universitas Gadjah Mada, Vol. 23, 2011, hlm. 380

¹¹ Rachmawati, E. *Pengaturan Lembaga Negara Dalam Menangani Kasus Teroris Dalam Tindak Pidana Terorisme Di Indonesia*. *Simposium Hukum Indonesia*, 1(1), 2019. hlm. 480

with President Megawati, Susilo Bambang Yudhoyono, and Jokowi, who is now almost out of office. Based on data obtained from a website on the Indonesian university in Indonesia from a 2010 to 2017 There are 130 documented cases of terrorism. 896 perpetrators have been arrested and sentenced, 126 of whom were executed, 674 are on trial and 96 are free. The number of cases suggests that terrorism is still a serious problem in Indonesia that involves not only domestic actors but also cross-country networks.

In the presidency of Megawati Soekarno Putri, the release of the government's rule of substituting act number 1 of 2002 on the elimination of criminal ACTS of terrorism is an effective dilation, inasmuch as the release of the perppu makes it a binding of criminal law with a retroactive principle. However, contemporary criminal studies have given the assessment that the legality principle is present as a resistance to the retroactive principle of protecting the human rights interests.

However, the act of terror that causes massive loss of life and threats to sovereignty and security and the good name and reputation of the state in foreign eyes, the imposition of a retroactive principle for law enforcement is necessary and worthy to effect. The imposition of a retroactive principle is one of the most effective criminal policies in eradicating and enforcing the law in the era of President Megawati Soekarno Putri.

At the time of President susilo bambang yudhoyono (SBY) We can look at the formation of a massive criminal policy starting from the formation Densus 88, formation BNPT, To international cooperation ASEAN is in the eradication of criminal terrorism. President Soesilo Bambang Yudhoyono's criminal policy was widely praised, for amidst the recent bombing of a Bali bomb that caused a global public trust crisis in Indonesia, the government was able to establish and eradicate the criminal act of terrorism with its finished tools¹².

However, We could see that the ineffectiveness Performance of Densus 88 through measures outside legal procedures such as extra judicial killing often occur during terrorist arrest and manhunt operations¹³. The shootings on the premises should be avoided in order for the development of the case to be properly implemented and large terrorist networks to be revealed further and deeper.

Not only will the ineffectiveness be seen from the advantageous side of national security, but we should also see the certainty of the law and humanism in any law-enforcement process that must be subject to the laws of law that apply in this country. The certainty of the law as a fundamental goal should be noted, as all people are entitled to certainty of the law and protection of the law because it is protected by a provision of the law in Indonesia.

The effectiveness of criminal policies in the era of President joko widodo overcoming and eradicating crimes of terrorism can be seen as the role of police agencies in tackling terrorism which is more of a humanitarian sort¹⁴. In the era of President jokowi's reign, especially in the second period, ACTS of terrorism on a large scale and impact on national security as the tragedy of the Bali bomb had no longer surface. Preventive or preventive measures take place in the eradication of the existing criminal terrorism in Indonesia.

¹² Mukhtar, Strategi Pemerintah Indonesia Menghadapi Terorisme dalam Era Demokratisasi. Jurnal Reformasi, 6(2). 2016. hlm 22

¹³ Diakses pada tanggal 4 juli 2023 pukul 19.00 WIB pada website <https://ntt.kemenkumham.go.id/berita-kanwil/berita-utama/2272-densus-88-harus-hindari-extra-judicial-killing>

¹⁴ Diakses pada tanggal 4 juli 2023 pada pukul 22.00 WIB pada website <https://www.kemenkumham.go.id/berita-utama/presiden-terorisme-harus-dihadapi-dengan-cara-luar-biasa>

Conclusion

Based on the results of this study, the authors concluded that the first act of terrorism is a specific crime that requires a particular criminal policy. As for the current policy of crime after The 1st Bali Bomb Incident in Indonesia as a major terror event in Indonesia, it is to establish regulatory regulations ranging from government regulations substituting laws, laws and other regulations relating to terrorism that are below the level. In addition, the government makes establishment policies, Densus 88, formation BNPT, the formation of a dercalization program and cooperation with other countries in eradicating, preventing and pursuing law enforcement of terrorism crimes to keep the country in a safe condition and environment. Second, that the effectiveness of criminal policy on the reduction and eradication of criminal ACTS of terrorism is by far good, only requires more than a humanism side in law enforcement, a upholding of human rights, and a serious government commitment to eradicating and preventing the criminal terrorism in our country.

Reference

- Afifah, W. (2019). Karakteristik Tindak Pidana Terorisme di Indonesia. *Jurnal Akrab Juara*, 4, 1-9.
- Ali, Mahrus. (2012). *Hukum Pidana Terorisme Teori dan Praktek*. Jakarta: Gramata.
- Ambarita, F. P. (2018). Penanggulangan Tindak Pidana Terorisme. *Binamulia Hukum*, 7(2), 141-156
- Anakotta, M. Y. (2019). Kebijakan Sistem Penegakan Hukum Terhadap Penanggulangan Tindak Pidana Terorisme Melalui Pendekatan Integral. *Jurnal Belo*, 5(1), 46-66.
- Firmansyah, H. (2011). Upaya Penanggulangan Tindak Pidana Terorisme di Indonesia. *Mimbar Hukum-Fakultas Hukum Universitas Gadjah Mada*, 23(2), 376-393.
- Muladi. (2004). *Penanggulangan Terorisme Sebagai Tindak Pidana Khusus*, bahan seminar Pengamanan Terorisme sebagai Tindak Pidana Khusus, Jakarta.
- Mafazi, A., & Bahroni, A. (2021). Pencegahan tindak pidana terorisme di Indonesia. *Jurnal Cakrawala Hukum*, 12(2), 121-128.
- Nurwansyah, A.N. (2020) *Kebijakan Indonesia di Era Susilo Bambang Yudhoyonumber Dalam Menghadapi Terorisme Di Indonesia*, Reaseracht Gate.
- Mukhtar, S. (2016). *Strategi Pemerintah Indonesia Menghadapi Terorisme Dalam Era Demokratisasi*. Reformasi, 6(2).
- Rachmawati, E. (2019). Pengaturan Lembaga Negara Dalam Menangani Kasus Teroris Dalam Tindak Pidana Terorisme Di Indonesia. *Simposium Hukum Indonesia*, 1(1), 476-483.
- Setro,J, Taufiq & Nabila.N. (2023). *Penanggulangan Terorisme Dalam Perspektif Hukum Pidana Internasional*.
- Wahid Abdul. (2011). *Kejahatan Terorisme-Perspektif Agama, HAM dan Hukum*, PT. Refika Aditama, Bandung.
- Zaidan, M. A. (2017). Pemberantasan Tindak Pidana Terorisme (Pendekatan Kebijakan Kriminal). *Law Research Review Quarterly*, 3(2), 149-180.



<https://nasional.tempo.co/read/1644887/kilas-balik-2-dekade-teror-bom-bali-i-202-meninggal-dan-209-orang-luka-luka#:~:text=Peristiwa%20Bom%20Bali%20I%20ini,laman%20abc.net.au>.

<https://www.ui.ac.id/menelaah-tren-terorisme-di-indonesia-dari-masa-ke-masa/>.

<https://ntt.kemenkumham.go.id/berita-kanwil/berita-utama/2272-densus-88-harus-hindari-extra-judicial-killing>.

<https://www.kemenkumham.go.id/berita-utama/presiden-terorisme-harus-dihadapi-dengan-cara-luar-biasa..>

Copyrights

Copyright for this article is retained by the author(s), with first publication rights granted to the journal.

This is an open-access article distributed under the terms and conditions of the Creative Commons Attribution license (<http://creativecommons.org/licenses/by/4.0/>).