

RULES FOR ERADICATION OF TERRORISM AND STATE SECURITY

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ABSTRACT

Terrorism is a crime that threatens state security. Therefore eradication of terrorism must be done. Legal arrangements regarding eradication of terrorism have been made and must be carried out maximally. If eradication of terrorism is in accordance with established rules and with maximum results, state security will be maintained. This means that eradication of terrorism is very important in order to maintain state security.

A. INTRODUCTION

Security in a country is needed for the people who inhabit the country. Without security, the people will be threatened in life in a country. Therefore, the state must provide security for its people. This is the same as in Indonesia. The Indonesian state also guarantees security for the people of Indonesia. This was stated directly in the Preamble of the 1945 Constitution of the Republic of Indonesia. The opening of the 1945 Constitution of the Republic of Indonesia in the fourth paragraph states that to form an Indonesian State Government which stated that protecting all Indonesian people and all Indonesian bloodshed (1945 Constitution).

The sound of the aforementioned opening of the 1945 Constitution of the Republic of Indonesia can be said to be one of the objectives of the Indonesian state. This means that the Indonesian state in order to provide security for the people is by forming a government. One of the tasks of the government is to protect the entire Indonesian people and the entire bloodshed of Indonesia. The task of the government is certainly very heavy, especially since the country of Indonesia is a vast country and has a large population. Since it would be impossible if there were no security attacks on the country. Even the Indonesian state has experienced a security attack in the form of terrorism (the 1945 Constitution).

Bali bombings 1 and 2 and other terrorist attacks are one form of attack that threatens state security. The impact of the existence of terrorism in Indonesia is the loss of so many

lives. In these conditions, many people speculate that the state is unable to provide security for the people. The government has been careless in carrying out its duties to maintain security. This condition is actually not always the government to blame. Since the attack might also have been designed with a high strategy so as to be able to attack the country and the people.

Actually, the Indonesian state has legal rules related to handling attacks on state security. Law of the Republic of Indonesia Number 15 year 2003 Concerning the Determination of Government Regulation in Lieu of Law Number 1 year 2002 concerning Eradication of Criminal Acts of Terrorism. Becoming a Law is a legal rule that serves to secure the state and people from terrorist attacks. Although the Law of the Republic of Indonesia Number 15 year 2003 Concerning the Establishment of Government Regulation in Lieu of Law Number 1 year 2002 concerning the Eradication of Criminal Acts of Terrorism has been ratified but terrorism still remains. Bombs that took place on Thamrin road and bombs that happened yesterday indicate that the Law of the Republic of Indonesia Number 15 year 2003 Regarding the Establishment of Government Regulation in Lieu of Law Number 1 year 2002 concerning the Eradication of Crime of Terrorism has not been maximized to deal with terrorism or criminal acts terrorism.

The pros and cons of revising the Law of the Republic of Indonesia Number 15 year 2003 concerning the Determination of Government Regulations in lieu of Law Number 1 year 2002 concerning Eradication of Terrorism Crimes. Many parties stated that the Law of the Republic of Indonesia Number 15 year 2003 Regarding the Establishment of Government Regulation in Lieu of Law Number 1 year 2002 concerning Eradication of Criminal Acts of Terrorism needs to be replaced or revised. This was due to the Law of the Republic of Indonesia Number 15 year 2003 concerning the Determination of Government Regulation in Lieu of Law Number 1 year 2002 concerning the Eradication of Criminal Acts of Terrorism which is not suitable for dealing with terrorism.

Finally the Law of the Republic of Indonesia Number 15 year 2003 concerning the Establishment of Government Regulation in Lieu of Law Number 1 year 2002 concerning the Eradication of Criminal Acts of Terrorism was amended by a new law. Although the Law of the Republic of Indonesia Number 15 year 2003 Concerning the Establishment of Government Regulation in Lieu of Law Number 1 of 2002 concerning the Eradication of Criminal Acts of Terrorism has been amended but the law still applies. The amendment to the law was made by ratifying the Law of the Republic of Indonesia Number 5 year 2018 concerning Amendments to Law Number 15 year 2003 concerning the Establishment of

Government Regulations in lieu of Law Number 1 year 2002 concerning Eradication of Criminal Acts of Terrorism into Law.

Based on these conditions the question is what is actually substantive material from the Law of the Republic of Indonesia Number 15 year 2003 concerning the Determination of Government Regulation in Lieu of Law Number 1 year 2002 concerning the Eradication of Terrorism Crimes so that they are unable to face terrorism in Indonesia and must undergo change? And how is to effectively deal with terrorism?

B. PROBLEM FORMULATION

1. How is the regulation on eradicating terrorism in Indonesia?
2. How is the relationship between eradicating terrorism and state security?

C. DISCUSSION

Arrangements Concerning the Eradication of Terrorism in Indonesia

The regulation related to eradicating terrorism has actually been regulated in the Law of the Republic of Indonesia Number 15 year 2003 concerning the Determination of Government Regulations in lieu of Law Number 1 year 2002 concerning the Eradication of Criminal Acts of Terrorism. The law is also one of the legal protections in order to safeguard the security of the state and the people. However, the Law of the Republic of Indonesia Number 15 year 2003 Concerning the Establishment of Government Regulation in Lieu of Law Number 1 year 2002 concerning Eradication of Criminal Acts of Terrorism is deemed unable to optimally eradicate criminal acts of corruption. Therefore, it is necessary to make changes. The amendment gave birth to the Law of the Republic of Indonesia Number 5 year 2018 concerning Amendments to Law Number 15 year 2003 concerning the Establishment of Government Regulations in lieu of Law Number 1 year 2002 concerning Eradication of Criminal Acts of Terrorism into Law.

The question is how is the regulation of the Republic of Indonesia Number 15 year 2003 concerning the Determination of Government Regulation in Lieu of Law Number 1 year 2002 concerning the Eradication of Crime of Terrorism as amended by the Law of the Republic of Indonesia Number 5 year 2018 concerning Amendment to Law Number 15 Year 2003 concerning Determination of Government Regulation in lieu of Law Number 1 year 2002 concerning Eradication of Criminal Acts of Terrorism into Law?

However, this article will only be discussed in relation to important matters related to the amendment to the Law of the Republic of Indonesia Number 15 year 2003 concerning the Determination of Government Regulation in Lieu of Law Number 1 year 2002 concerning Eradication of Criminal Acts on Terrorism. The things that are important are:

1. The addition of criminal acts
2. The sanctions given are more severe
3. Sanctions are also wider
4. There is additional crime
5. The addition of time to criminal procedure law
6. The government provides protection to victims
7. There are prevention efforts
8. There is institutional strengthening (Septianto, 2018 [a]).

Other matters which are also further regulated in the Law of the Republic of Indonesia Number 5 Year 2018 concerning Amendments to Law Number 15 Year 2003 concerning the Establishment of Government Regulation in lieu of Law Number 1 Year 2002 concerning Eradication of Criminal Acts of Terrorism into Law are:

1. This law describes the definition of terrorism
2. Sanctions for revocation of citizenship are removed
3. Guantanamo Article deleted (Septianto, 2018 [a]).
4. Regulate the protection of victims
5. This law gives rights to victims
6. There is prevention
7. The state is responsible for victims
8. Institutions related to this law are strengthened
9. There is supervision
10. The Indonesian National Army (TNI) is involved
11. Political crime is changed
12. Abuse of authority will be penalized (Septianto, 2018 [b]).

That is the important arrangements contained in the Law of the Republic of Indonesia Number 15 year 2003 concerning the Determination of Government Regulation in Lieu of Law Number 1 year 2002 concerning the Eradication of Crime of Terrorism as amended by the Law of the Republic of Indonesia Number 5 Year 2018 concerning Amendment to Law

Number 15 year 2003 concerning Stipulation of Government Regulation in lieu of Law Number 1 year 2002 concerning Eradication of Criminal Acts of Terrorism into Law.

Relationship between Eradicating Terrorism and State Security

After knowing the important arrangements contained in the Law of the Republic of Indonesia Number 15 year 2003 concerning the Determination of Government Regulation in Lieu of Law Number 1 year 2002 concerning the Eradication of Crime of Terrorism as amended by the Law of the Republic of Indonesia Number 5 Year 2018 concerning Amendment to Law Number 15 year 2003 concerning the Establishment of Government Regulations in lieu of Law No. 1 year 2002 concerning Eradication of Criminal Acts of Terrorism into Law, specifically important arrangements contained in the Law of the Republic of Indonesia Number 5 Year 2018 concerning Amendments to Law Number 15 Year 2003 concerning Stipulation of Regulations. The Government Substitutes Law Number 1 Year 2002 concerning Eradication of Terrorism Crime Acts into Law, so that also needs to be known is the relationship of eradicating terrorism with state security.

It has been previously explained that one of the state goals set out in the Opening of the 1945 Constitution of the Republic of Indonesia is to safeguard the people's security, which means that it must also protect the security of the country. Since people live in Indonesia, and terrorism is a crime that threatens state security. Article 1 paragraph (2) of the Republic of Indonesia Law Number 15 year 2003 concerning Determination of Government Regulation in Lieu of Law Number 1 year 2002 concerning Eradication of Terrorism Crimes as amended by Law of the Republic of Indonesia Number 5 Year 2018 concerning The amendment to Law Number 15 year 2003 concerning the Establishment of Government Regulation in lieu of Law Number 1 year 2002 concerning Eradication of Criminal Acts of Terrorism into Law states that:

"Terrorism is an act that uses violence or threats of violence which creates an atmosphere of terror or widespread fear, which can cause mass corruption, and/or cause damage or destruction to strategic vital objects, the environment, public facilities, or international facilities with ideological motives, politics, or security disturbances "(Law No. 15/2003 amended Law No. 5/2018).

The sound contained in the verse clearly shows that terrorism threatens state security. Therefore, the eradication of terrorism needs to be done one of which is in order to maintain the security of the country. Related institutions tasked with eradicating terrorism must make

maximum efforts to eradicate terrorism and criminal acts of terrorism. If terrorism has been eradicated, the government has carried out a duty to safeguard the state's security.

D. CONCLUSION

Terrorism is a threat to the Indonesian especially for state security. Therefore, the state issued a legal regulation related to eradicating terrorism or eradicating criminal acts of terrorism. The regulation is the Law of the Republic of Indonesia Number 15 year 2003 concerning the Determination of Government Regulation in Lieu of Law Number 1 year 2002 concerning the Eradication of Crime of Terrorism as amended by the Law of the Republic of Indonesia Number 5 Year 2018 concerning Amendment to Law Number 15 Year 2003 concerning Stipulation Government Regulation in Lieu of Law Number 1 year 2002 concerning Eradication of Criminal Acts of Terrorism into Law.

The existence of these legal arrangements must certainly be followed up with tangible performance in combating terrorism. Since the relationship between eradicating terrorism and state security is very close. The eradication of terrorism carried out by the government, in fact the government has carried out one of the tasks to safeguard state security.

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