

## The Synergy of Indonesian National Police and Army in the Effort to Treat Criminal Terrorism



Sri Endah Wahyuningsih<sup>1</sup>, I Nyoman wasita Triantara<sup>2</sup>, Saprodin<sup>2</sup>, Anis Mashdurohatun<sup>1</sup>, Muchamad Iksan<sup>3</sup>

<sup>1</sup>Faculty of Law, Sultan Agung University, Semarang, Indonesia

<sup>2</sup>Doctor of Law, Faculty of Law, Sultan Agung University, Semarang, Indonesia

<sup>3</sup>Faculty of Law, Muhammadiyah University, Surakarta, Indonesia

**ABSTRACT:** The implementation of synergy between the Indonesian Police, Indonesian National Armed Forces, and the community in the context of overcoming the crime of terrorism, where the problem becomes a legal problem when proposed by the Draft Terrorism Law. The problem in this research is how the legal problems in the implementation of the synergy of the Indonesian Police, the Indonesian National Armed Forces and the Community in the effort to tackle terrorism crime, how the current criminal law policy is applied in overcoming terrorism crime and how is the formulation of criminal law applied in tackling acts criminal terrorism in the future. This research method is empirical juridical, and data is collected from library studies, interviews, and observations. The conceptual framework in the study includes the concept of criminal law policies and the concept of criminal acts of terrorism. The results of this study indicate the efforts to tackle terrorism in Indonesia stem from differences in vision and mission between the Indonesian Police and the Indonesian National Army in the aim of synergizing to eradicate criminal acts of terrorism. The emergence of a narrow mindset of some people who think that the issuance of Police Chief Regulation No. 7 of 2008 concerning Basic Guidelines for Strategy and Implementation of Community Policing in Handling Indonesian Police Tasks is seen as an effort to counteract the activities carried out by Babinsa formed by the Indonesian National Army.

**KEYWORDS:** synergy, police, Indonesian national army, terrorism

### I. INTRODUCTION

In Indonesia, the terrorism act that first appeared in 1962, which occurred in the Cikini College complex with the intent of killing the first Indonesian president, Ir Soekarno, the piracy of the Woyla Garuda DC-9 plane from Palembang-Medan on March 28, 1981, the bombing in Borobudur Temple on 21 January 1985, bombing at the Philippine Embassy in Jakarta on 1 August 2000, that killed 2 people and injured 21 others, the most devastating bombing case that occurred on 12 October 2002, in Bali, which killed Bali 202 people were injured and 209 people, in which Australian citizens became the most victims with a bomb explosion at the Paddy's Cafe and Sari Club in Legian, Kuta, Bali, as well as a bombing that occurred in Indonesia on 17 July 2009 located in JW Marriott Hotel and Ritz Charlton Jakarta [1].

Terrorism can occur anywhere, anytime, and anyone can be a victim [2]. Not only that, but acts of terrorism can also be detrimental to other countries because they include extraordinary crimes that are transnational or cross-border in nature that can also damage diplomatic relations between countries and cause social conflict in a society [3]

In Indonesia, the term terrorism began to be known in the community through the bombing. The purpose of acts of terrorism in Indonesia is included in the category of criminal terrorism because it is based on the motives of certain groups in which there is a form of terror from religion or belief that aims to take revenge. The number of bombings that are rife in Indonesia makes the Indonesian government take several actions to eradicate and combat terrorism [4].

Acts of violence and terror, which then form the anxiety and fear of the community and raise public opinion related to state security while at the same time making doubts and loss of public trust in the government because the community considers the government cannot protect its people from acts of terrorism. The next cause is a sense of injustice in the community that has led to the emergence of the thought of several groups who consider the government unable to prosper the community and cause violence as part of the delivery of people's aspirations [5].

One of the acts of violence carried out by these community groups is in the form of acts of terror that slowly lead to acts of terrorism in the community. One other cause of the emergence of terrorism in Indonesia is due to the presence of Jemaah Islamiyah

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(JI), which is a terrorist network in Southeast Asia. This terrorism network arose because of the radical and extreme religious thought of the organization.

Jemaah Islamiyah seeks to develop radical religious thought by teaching people that jihad is important and making that person a follower of the terrorism network itself [6]. Jihad itself, according to radical organizations, is a war against all people or everything that is different from their understanding of what they call an enemy, even though it is still in one country. It is the lack of understanding of the people who enter radical organizations with the understanding of true religion that makes people or followers of this network who then commit acts of terrorism as happened in several bombings in Indonesia [1].

The mandate of Law No. 2 of 2002 concerning the National Police of the Republic of Indonesia, the National Police has an obligation to realize the National goal of forming an Indonesian government that protects all Indonesian people and all Indonesian blood spills, and to promote public welfare, educate the nation's life, and participate in carrying out world order based on independence, lasting peace and social justice [7]. Therefore, the National Police has made efforts to eradicate terrorism, with more emphasis on efforts to maintain national security to create peace in the nation, to take action to prevent and combat terrorism in Indonesia [8].

However, seeing various problems experienced by the Police when arresting terrorists experienced many obstacles, especially from the availability of facilities and infrastructure, especially those used by the Mobile Brigade Unit which were very minimal, such as the unavailability of infrastructure that was devoted to fighting forest, helicopters and other equipment needed to conduct sweeping or dropping logistics and personnel in the middle of the forest, this has a significant impact. Therefore, assistance is needed by the Indonesian National Army, which has the means and infrastructure of fighting in the forest as well as the availability of helicopter aircraft, to be used in terrorism capture operations carried out by the National Police [4].

Seeing the geographical conditions of Indonesia, such as the contours and the extent of difficult terrain, as well as the minimal number of Brimob personnel, can be a major obstacle in carrying out operations to arrest terrorist groups that have not proceeded as expected. In addition, there are other operations outside of special operations to arrest terrorists (Santoso) with the same target, but different goals and are not coordinated with the Task Force on duty, this causes confusion and results in the implementation and target of the operation being biased even prone to causing friction / collision between personnel in the field, which of course this is a separate problem that must be faced in the field so that the implementation of the operation is hampered in carrying out the arrest of the Person Search List.

Other problems include the presence of undisciplined operations personnel and the inconsistency of the security forces, both members of the operational Task Force such as the Tinombala Operations Task Force, and outside the Tinombala Operations Task Force / Balance Task Force. This happens due to being influenced by the drive of certain interests and sectoral egos and the level of coordination and internal transparency that is less than optimal. This can also be a gap in the operation of handling terrorism [9].

Further problems can also be caused by the condition of people who are afraid and do not want to report / inform the existence of terrorist groups, which also has an effective influence on efforts to deal with terrorism, so based on the conditions of these problems a policy of criminal law formulation is needed in tackling acts of terrorism in Indonesia that can be realized through synergy activities between state institutions and the community in the procedure for handling cases of criminal acts of terrorism in Indonesia [10].

Synergy between the Indonesian National Police, the Indonesian National Armed Forces, the National Counter-terrorism Agency (BNPT), the State Intelligence Agency (BIN), the Government spread throughout Indonesia and the support of all components of the Community, as an appropriate answer in order to realize the policy steps for the formulation of the criminal law which is really needed to overcome the danger of terrorism as well as to anticipate and prevent early acts of terrorism. The synergy of this state institution is functioned to coordinate between anti-terror units and cross-agencies so that terrorism prevention operations can be carried out quickly, accurately, and successfully so that the problem of the threat of terrorism cases in Indonesia can be handled as effectively as possible.

This criminal law formulation policy can be guided by Law number 3 of 2002 concerning National Defense, which is functioned to close the potential for performance failure loopholes caused by the lack of strength of Brimob Unit personnel who individually have not been able to close all logistics distribution channels of terrorist groups. However, with this legal basis, there are separate problems on the human rights side. Where the National Defense Act can rule out the purpose of realizing security, and terrorists can be seen as a threat to the state that must be destroyed, which is not in accordance with human rights and contradicts Law Number 2 of 2002 concerning National Police Republic of Indonesia, which prioritizes acts of investigation before taking any action as in the eradication of terrorist perpetrators [11].

Therefore an in-depth legal study is needed regarding the basics of policymaking in the formulation of the criminal law which is implemented in the implementation of the synergy of the Indonesian National Police, the Indonesian Armed Forces, the Government and the Community in overcoming terrorism so that law enforcement efforts carried out in the implementation of the synergy do not conflict with Human rights. So that the eradication of terrorism can run effectively in accordance with applicable law, creating a conducive situation in Indonesia, and the loss of the largest suspected threat of terrorism in various parts of Indonesia.

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## II. RESEARCH METHODS

The method of approach in this research is empirical juridical, data obtained by conducting interviews with National Police officials, particularly in the function of Brimob who conduct terrorism crime countermeasures, the Indonesian National Armed Forces in combating terrorism crime, the Government or the National Counter-terrorism Agency BNPT, and the community involved in overcoming criminal acts terrorism in Indonesia or implementing the synergy of the National Police, the Indonesian National Armed Forces, the Government and the community who carry out acts of terrorism.

## III. DISCUSSION

### A. *The Role of the Indonesian National Police in Counter-Terrorism in Indonesia*

All this time, the prevention of terrorism carried out in synergy between the Indonesian National Police, the Indonesian National Armed Forces, and the Community has only focused on the factors that cause the threat of security and public order interference. This threat arises when terror attacks occur, which in principle constitutes a violation of the law, so the mechanism used is to carry out law enforcement, which can involve all elements of law enforcement, both starting from the police, prosecutors, judiciary to correctional institutions.

Based on its legal structure, the function of the police institution (Polri) in accordance with the mandate of the Law of the Republic of Indonesia Number 2 of 2002 concerning the National Police of the Republic of Indonesia is as a law enforcement apparatus for the crime of terrorism. This happens because these acts of terrorism can be categorized in actions that violate the Law of the Republic of Indonesia Number 12 of 1951 concerning Firearms, Ammunition, and explosives. Therefore, the National Police has the right to take action against the perpetrators of terrorism. The implementation of the tasks carried out by the National Police is also in accordance with the Law of the Republic of Indonesia Number 15 of 2003 concerning Counter-Terrorism and Law Number 9 of 2013 concerning preventing and eradicating criminal acts of financing terrorism [12].

But seeing the facts in the arrest of terrorist Santoso, who was in Central Sulawesi lasted a very long time, the President gave instructions to accelerate the efforts to arrest Santoso terrorists by proposing the incorporation of Government and Community elements in counteracting terrorism, so that law enforcement efforts carried out in the implementation of the synergy does not conflict with human rights. in the Santoso terrorist arrest operation that the National Police had previously carried out. Then synergies are carried out as an effort to eradicate terrorism, which is then made a regional operations plan that involves elements of the Government and Society in counteracting terrorism so that law enforcement efforts carried out in implementing such synergy do not conflict with human rights. who supported the National Police, in particular, the Central Sulawesi Regional Police, in the effort to arrest perpetrators of criminal acts of terrorism.

The policy of implementing the synergy of the National Police, the Government, and the Community in overcoming terrorism should be implemented so that law enforcement efforts carried out in the implementation of such synergy do not conflict with human rights. and the Government and the community carried out during the hunt for the terrorist Santoso and his group in the Gunung Biru area of Central Sulawesi. This synergy policy was taken in order to overcome the lack of facilities and infrastructure as well as the human resources needed to conduct searches for Santoso and his group's presence in the region. As the need for dropping logistics and personnel in the middle of the forest, the need for fighting facilities and infrastructure in the forest, as well as the availability of helicopter aircraft, to be used in terrorism capture operations, as well as human resources who control forest battles. This synergy implementation policy is also based on the consideration of the geographical conditions of the Central Sulawesi region such as contours and the extent of difficult terrain, which is not balanced with the minimal number of Brimob personnel, which can be a major obstacle so that the arrest operation of the Santoso group [13].

In addition to the explanation above, the synergy of the Indonesian National Police and the Indonesian National Army was also motivated by the desire of the Indonesian National Army to be involved in police operations in Central Sulawesi. This was also done based on the political and political interests of the government, which is known as the desire of the Indonesian National Army to be involved in combating terrorism in Indonesia, particularly in the hunt for the Santoso group in Poso, Central Sulawesi.

Seeing the deadline from the President and Santoso capture target, the Police need sufficient personnel, given the vast terrain in the Poso region, so that planning, strategy, tactics, and operations techniques are needed based on the analysis of the geographical terrain of Gunung Biru forests in the Regency. Poso and its surroundings are like Santoso's hiding place, so approximately 3000 personnel are required to cover the entire area that is the domain of all Santoso's group escape sites.

In order for the Indonesian National Police to meet the needs of this personnel, it is necessary to assist with all elements of Brimob in Indonesia, which in turn will lead to a vacancy of Brimob forces throughout Indonesia. Therefore, the right solution was sought by assisting personnel from the elements of the Indonesian National Army, which of course, were expected to accelerate efforts to arrest the perpetrators of the People Search List in Central Sulawesi. In addition to elements of the Indonesian National Armed Forces, the Mobile Brigade Unit also requires the participation of the community to help uncover the existence of perpetrators of the People Search List in Central Sulawesi, especially in Poso, given the large number of people who often meet in person or see from a distance the existence of Santoso.

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But in the implementation of this synergy, it turns out that it is not as smooth as one might imagine, there are correlative factors that arise in the eradication of terrorism, one of which is the existence of social inequality and political conflict [14].

1. Social inequality arises because of differences in the following aspects:

- a) The authority granted by the government to the National Police and the Indonesian National Army is different, which is indicated by the condition of the National Police as the commander in the arrest of the Santoso terrorist group, while the Indonesian National Armed Forces as an auxiliary group. This difference in authority will subsequently have an impact on its account so that it does not cause abuse of power from the National Police and the Indonesian National Army in combating terrorism.
- b) Logistical support, which includes Side Money, Field Operations Money, and other budgets used for combating terrorism, provided by the Government to the Indonesian National Army and the National Police.
- c) Different perceptions between the Indonesian National Police and the Indonesian National Armed Forces against terrorism, where the National Police assume that terrorism is a form of crime whose resolution needs to be investigated beforehand so that the human rights possessed by terrorists are not violated in law enforcement methods carried out by The National Police. While the Indonesian National Army has the doctrine of kill or is killed, and there is an assumption that terrorism is a threat to the sovereignty of the state, and therefore terrorism must be eradicated (executed), which will disregard the human rights possessed by the terrorists.

2. Political conflict.

The political conflict that occurred at the time of the synergy of the Indonesian National Armed Forces in combating terrorism was the subsequent political interests which at that time the Indonesian National Army had a close relationship with President Jokowi, which was very possible to provide a great hope for the Indonesian National Army to have a significant portion greater in overcoming terrorism, the desire of the Commander of the Indonesian National Armed Forces to limit the role of the National Police which is considered to be out of track, where the purpose behind it all is to reduce the power of the PDI-P which has so far been in close contact with the National Police and is allegedly fortunate to get budget funds that are given to the Indonesian National Armed Forces is greater due to social jealousy of giving funds such as Side Dish Money and operations in eradicating these different acts of terrorism so that this political condition has triggered the pros and cons in the Draft Act on terrorism, which in essence can be indicated from the desire to control wetlands as the government budget is poured out to combat acts of terrorism to government officials in charge of tackling the terrorism case [15].

### ***B. Current Counter-Terrorism Crime Efforts in Indonesia***

Counter-terrorism that the Indonesian government has carried out is currently in accordance with Law No. 15 of 2003 concerning the Criminal Acts of Terrorism. The implementation of this law will then be applied through preventive, preemptive, and repressive efforts as follows:

1. Preventive efforts

This preemptive effort is a form of crime prevention that is carried out before that crime occurs. Preventive efforts take precedence over other efforts because crime prevention measures are carried out without giving a chance of falling victim to the crime. The efficiency of this preventive effort, prevention efforts provide cheaper value and are easier to take preventive acts of terrorism. This can be done in several ways, such as providing social responsibility for community members through social assistance, providing efforts to improve community welfare, conducting patrol activities aimed at protecting the community's environment. Some of these efforts must be made so that certain social conditions that are easily infected by propaganda can be immediately corrected and repaired so that the propaganda used by terrorist groups to obtain sympathizers fails. Efforts to prevent acts of terrorism can then be made by two methods, namely [16]:

- a) Applying a moralistic way, namely the prevention of terrorism carried out with a religious approach, the application of certain regulations, and other efforts that can curb the appetite for criminal acts of terrorism.
- b) Applying the prevention of terrorism carried out with a cause and effect approach. For example, done by increasing the welfare of the community, this is done to suppress the form of criminal acts of terrorism that are based on the existence of economic motivations.

This approach to improving people's welfare is termed through community-based crime prevention, which is an act of preventing terrorism crimes carried out by improving the capacity of the community to reduce crime by increasing informal social control of the community. Implementation of community-based crime prevention strategies include:

- a) Take preventive measures by increasing the security and supervision of firearms ownership;
- b) Take precautionary measures by increasing security of the transportation system;
- c) Take preventive measures by increasing the security of public facilities;
- d) Take preventive measures by increasing the security of the communication system;
- e) Take preventive measures by increasing the security of VIPs;
- f) Take preventive measures by increasing the security of diplomatic facilities and foreign interests;

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- g) Take preventive measures by increasing preparedness against terrorist attacks;
- h) Take preventive measures by increasing the security of international facilities;
- i) Take precautionary measures by increasing surveillance of explosives and chemicals that can be assembled into bombs;
- j) Take precautionary measures by increasing border controls and entrances;
- k) Take preventive measures by increasing supervision of the provision of travel documents (passports, visas and so on);
- l) Take preventive measures by increasing harmonization of visa policies with neighboring countries;
- m) Take preventive measures by increasing the issuance of population identification cards and population administration;
- n) Take preventive measures by increasing surveillance of community activities that lead to acts of terror;
- o) Take preventive actions by increasing the intensification of self-security activities by taking preventive measures by increasing anti-terrorism campaign activities through mass media which include: Increasing public awareness of terrorist acts; Socialization of the dangers of terrorism and losses due to acts of terror; The use of well-known public figures to condemn terrorist acts; The use of former terrorist actors who have become aware of the anti-terrorism campaign; The use of wanted posters and published; The use of former victims of acts of terrorism to arouse empathy and community solidarity to rise up against terrorism;
- p) Take preventive measures by increasing the implementation of press training covering news about acts of terrorism; and
- q) Take preventive measures by increasing the prohibition of broadcasting direct interviews with terrorists.

### 2. Preemptive efforts

Preemptive efforts are efforts to prevent crime by instilling good values and norms so that these norms are able to eliminate oneself. This means that there is a suggestion in someone who is able to influence a person's evil behavior can be eliminated with confidence in the positive norms that are taught. With this step, crime prevention will be more effective. Real examples of the implementation of these activities include [17]:

- a) Enlightenment of religious teachings by charismatic figures and high credibility in the religious field to eliminate extremism from the radicalization of religious teachings by hardline fundamentalist groups.
- b) Adjustments to political and government policies specifically relating to:
  - 1) The response of terrorist political demands to political policies that can accommodate the aspirations of radical groups.
  - 2) The involvement of potential radical groups leads to acts of terror in the peaceful resolution of conflicts through dialogue, negotiation, and so on
  - 3) The offer of political concessions to groups operating underground is constitutionally formal
- c) Involvement of political parties and social organizations or non-governmental organizations that have similarities or similarities in vision and ideology in dialogue with radical groups.
- d) Firmly designate terrorist organizations and related organizations as banned organizations and dissolve them.
- e) Socio-economic programs, among others:
  - 1) Poverty alleviation.
  - 2) Equitable development and its results.
  - 3) Job creation.
  - 4) Employment development
- f) Control of the educational curriculum, especially in the religious field, to prevent the infiltration of extreme radical ideologies in the educational process.
- g) Enforcement of the death penalty against terrorists in Indonesia

### 3. Repressive efforts

Repressive measures are the handling of criminal acts after the crime has occurred, which is carried out through law enforcement and the imposition of criminal sanctions on the perpetrators of the crime. The action is an effort to secure the community from crime so that the community is able to be avoided from the crime, so that crime can be controlled through the limits of community tolerance.

This repressive effort was then realized in the form of countermeasures taken by the government against terrorists by:

- a) Establishment of the Counter-Terrorism Crime Agency, as well as the formation of a special unit as a step to eradicate criminal acts of terrorism.
- b) The invasion of terrorist hideouts.
- c) Imposing strict criminal sanctions against those who have been proven guilty of terrorism based on the available evidence

But seeing the legal basis for the implementation of countermeasures is not in terrorism based on Law No. 15 of 2003 concerning the Criminal Acts of Terrorism, it is known that in the implementation of this Law it has weaknesses which are exemplified as follows:

- a) The National Police in carrying out terrorism disclosure must fulfill the formality requirements of the crime of terrorism, namely 2 pieces of evidence as stated in Article 26 of the Act on Terrorism

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- b) To carry out the next investigation step, the National Police must obtain an order from the district court with a maximum length of 3 days.

With this provision, it would be very time-consuming for the National Police to conduct an investigation, so that it is no longer relevant considering the threat of terrorism that can come at any time, whereas in preparing for an investigation, intelligence movements are all under the screen which certainly requires enough time [10].

Further weakness also arises from the existence of a regulation which asserts that suspected terrorists must not be shot dead and must obtain their right to be accompanied by lawyers [18]. This is certainly not in accordance with the very broad spectrum of terrorism with the nature and character of terrorism that is different from other criminal acts, where the criminal act of terrorism is an extraordinary crime that can be in the form of a cross-national network, can kill human face which violates the human rights of the people more human beings, so that if someone has been proven to be a terrorist, then the appropriate punishment is capital punishment [3].

To overcome the weaknesses in the law, what can be done is to revise the existing weaknesses in the law, so that the legislation that is used as the basis for combating terrorism does not weaken the function of the National Police [19].

Current efforts to combat terrorism are also carried out in the form of preventing acts of funding that are disbursed for terrorism, both from abroad and within the country. The handling of terrorism funding is based on the 1999 International Convention for the Suppression of the Financing of Terrorism, which was subsequently approved in Law No. 6 know 2006 about the Ratification of the 1999 International Convention for the Suppression of the Financing of Terrorism [20].

Based on these regulations, the government can follow the money approach so that the perpetrators of terrorism cannot carry out their plans. This is done because very large sources of funding have been found from accounts that are not known as funders of acts of terrorism, in which the appropriate preventive measure from acts of terrorism is to cut off the flow of funds [16].

The implementation of the policy is one of the implementations of the integral policy of the penal and non-penal policies as explained by Barda Nawawi Arief in the concept of crime prevention crime, which can then be used to break the chain of terrorism networks, specifically related to the flow of funds used to fund terrorist acts [21]. Implementing this policy is one of the most effective preventive strategies for preventing terrorism.

The application of Law Number 9 of 2013 concerning Eradication and Prevention of Criminal Acts on Terrorism Funding can be understood as one of the appropriate forms of action in overcoming the terrorism crime because on the one hand the funding is used for operational activities of terrorism funding itself, while on the other hand is the funding is used in the act of spreading ideologies or infrastructure used by the terrorist group [5]. Therefore, it is necessary to do law enforcement related to the financing of terrorism as a further step in the efforts to combat terrorism, so that the chain of terrorism networks can be broken.

Seeing some of the methods used in this act of financing terrorism, it is also necessary to do a different strategy in overcoming the criminal act of financing terrorist acts. The methods used in the act of funding terrorism include:

- a) Through the formal financial sector such as banking or non-bank financial service providers
- b) Through traditional or alternative financial activities such as Hiwala in India which provide traditional money-deposit services without entering the conventional banking system
- c) Use the charitable organization donation mode or charity foundation
- d) Using the mode of selling drugs

The policy of applying Law Number 9 of 2013 concerning Eradication and Prevention of Criminal Acts on Terrorism Funding applies to all people committed to committing criminal acts against terrorism in the sovereign territory of the Republic of Indonesia and outside the territory of the Republic of Indonesia.

Based on this explanation, it can be seen that the law is applied internationally to anyone and also to the assets or funds themselves in accordance with the background of the establishment of the law, namely the International Convention for the Suppression of the Financing of Terrorism 1999.

Seeing the importance of knowing what elements are contained in Law No. 9 of 2013 concerning Eradication and Prevention of Criminal Acts of Terrorism Funding, it can be explained that the perpetrators of criminal acts of financing terrorism cannot be used as a motive for political motives as the basis of their actions, so they can escape from the legal trap of this law. Then this means that double criminality needs to be watched out for the mutual legal assistance process to be implemented [22].

The non-recognition of an act of financing terrorists in a country or not the purpose / objectives of funding for terrorism or not will cause extradition, MLA, diplomacy, or agent to agent approaches are difficult. Countries that do not recognize this will object to extraditing the offender or providing comprehensive information regarding funds or assets within the country. However, for countries that have ratified this convention or made funding of terrorism a part of a criminal offense, they cannot avoid helping the Indonesian government carry out legal investigations, investigations, lawsuits to make decisions on it, as long as there are government and political support the country.

This condition has a different perception if a corporation carries out the financing of terrorism, so the appropriate threat to the culprit is IDR. 100,000,000.00. Indictments can be imposed if carried out to fulfill corporate objectives, carried out in accordance with the duties and functions of the offender or carried out by the controller to meet corporate profits.

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In addition to the above threats, sanctions that can be imposed include:

- a) The partial or total freezing of corporate activities;
- b) The license is revoked and entered into the register of prohibited corporations;
- c) Corporate dissolution;
- d) Confiscation of corporate assets for the state;
- e) The takeover of corporations by the state.

The threat of punishment against perpetrators of funders coming from corporations is further punishment to all corporate personnel who are in charge of controlling the corporation. Based on this condition, it can be seen that the perpetrators and legal entities that attempt to provide funds used for acts of terrorism are all subject to strict sanctions.

The implementation of Law Number 9 of 2013 concerning Eradication and Prevention of Criminal Acts on Terrorism Funding is a prohibition on leaking data information related to the alleged flow of terrorism funding carried out by the National Police, the Government, and financial intelligence. The policy then applies to all financial service providers who know data related to a suspected customer.

The next policy was also applied by stakeholders, namely banks in Indonesia, by implementing a system of knowing your customer, customer due diligence, enhanced due diligence, and ended in a risk-based approach. The principles of getting to know customers are carried out by banks in order to protect the financial system, so that funds that are revolved and managed by banks are not mixed with illegal funds, in accordance with article 29 paragraph (2) of Law Number 10 the Year 1998 that banks are required to maintain the principle caution of all activities carried out by banks [23].

The application of legal policies for combating terrorist acts, especially those originating from the funding aspect, can also be observed in the implementation of regulations made by Bank Indonesia Number 3/10 / PBI / 2001 of 2001 concerning the principle of knowing customers. This action is carried out so that banks recognize the profiles of customers directly or indirectly involved in the financial services transaction process [24].

In addition, the application of legal policies for counteracting criminal terrorism acts, particularly those originating from the funding aspect, can also be observed in the implementation of regulations made by Bank Indonesia Number 11/28 / PBI / 2009 of 2009 concerning the Anti-Money Laundering and Prevention of Terrorism Funding Programs. Commercial banks.

The implementation of both regulations should then be applied using the Customer Due Diligence approach or known as Enhanced Due Diligence as an effort to prevent money laundering, namely by involving customers and conducting a number of questions regarding the origin of funds and the use of funds if there are suspicious financial transactions.

Based on some of the explanations above, it can be seen that law enforcement efforts against criminal acts of terrorism currently give authority to law enforcement agencies to carry out checks on funds from abroad or from domestic parties that are foreign or suspicious in nature for examination in order to avoid any not money laundering criminal acts which are used to finance acts of terrorism. The real action taken by the bank is to block accounts that are considered suspicious to be used as funding for criminal acts of terrorism. Whereas the public feels that there is suspicion of the number of funds they have, they can report to the relevant bank, while for those who feel their funds are blocked, they can submit an objection to the Financial Transaction Reports and Analysis Center (PPATK), investigators, public prosecutors or a judge, and a legal process is carried out to make clear the ownership of the fund so that the fund's assets are legal, legal and not blocked again [25].

The implementation of this law as an implementation of the handling of terrorism is now known because many terrorist members use firearms, while the legality is certainly questionable. The implementation of this law can also be explained by the relationship between terrorist actors who use firearms to carry out these acts of terrorism. To prevent negative things from the misuse of firearms, then by using the legal basis above, the ownership of firearms by civil society needs to be monitored.

Besides terrorist activities, the existence of firearms can also be misused by the public. This can be exemplified by the many crimes committed by scaring victims with these firearms. This is done because there is a motivation to get money by taking shortcuts to meet the necessities of life for the holder of the firearm to fulfill his life needs by committing criminal acts using the firearm.

Similar to funding for theoretical actions, the Financial Transaction Reports and Analysis Center (PPATK) also has the authority to detect the magnitude of the weapons smuggling vulnerability committed by terrorist groups. This can be explained through the example of a suspected terrorist named Suryadi. He bought firearms from the Philippines through his colleagues in the Philippines and smuggled them into Indonesia. Based on further research findings, the firearms were then used in the theoretical actions of Jalan Thamrin Jakarta.

Not only that, the application of Emergency Law No. 12 of 1951 concerning Firearms can also be used as a basis for preventing terrorism because this is one of the appropriate preventive measures that must be carried out in the context of combating terrorism, this needs to be done bearing in mind that there are real examples that can be seen through the evidence that the Solo Terrorists utilize the homemade firearms industry in South Sumatra to carry out these acts of terrorism [26].

The reasons for this rampant prevention of the use of illegal firearms can also be caused by the absence of comprehensive legislation regarding illegal trade of small-caliber and light firearms, which has the effect of making it difficult for the government to suppress the level of illegal trade firearms. So far, the law made on firearms only contains aspects of storage, registration, marking

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and tracing, broking, and transfer, which have not been able to provide an appropriate legal umbrella for legal use in the enforcement of illegal arms trade, especially of small and lightweight firearms caliber.

The still rampant action to prevent the use of illegal firearms in Indonesia can also be caused by the low capability of the Indonesian National Armed Forces apparatus, the National Police and the Directorate of Customs and Excise who always prioritize financial motives in the implementation of work, so as to result in the maximum efforts to prevent the use of firearms. illegal in Indonesia. The impact of these problems is the frequent discovery of the Indonesian National Army or Police officers who sell their weapons to civil society.

As a result of the problem of weak control of the circulation of firearms on the economic aspects of the country's security, one of them is to reduce foreign investors entering Indonesia because of the country's security, which is classified as weak in preventing illegal firearms trade so that it has an impact on the welfare of the community that is lacking, because of the difficulty of access to meet economic needs. In this case, the political aspect can inhibit the stability of the country, which subsequently affects the credibility in ensuring the security of the Indonesian people [27].

Another social impact on the existence of illegal firearms for the Indonesian state is to create a culture of violence in the community so that people who when completing an activity will prioritize the use of these illegal firearms, which in turn can threaten the security of the community and disturb the stability and security of the country's sovereignty Indonesia.

Concrete steps that can be taken to prevent the circulation of illegal firearms from tackling the current terrorist acts which make the Program of Action, which further becomes a guideline in efforts to prevent illegal and small-caliber firearms from being classified as prevention efforts at national, regional and global levels. This was done considering the position of Indonesia, which is a member of the BPP, and became its official member, so Indonesia must obey the fication and implement it in efforts to prevent illegal trade in small-caliber and small-scale firearms intended as an effort to tackle the crime of terrorism [28].

These efforts were carried out among other things in the legislation section, the destruction of weapons, weapons storage management, sharing information on technological developments, and collaborative activities. To find out more about these efforts can be explained in the following chapters:

### 1. At the national level

Measures to prevent the circulation of illegal firearms from dealing with terrorism are explained as follows:

- a) Improve the quality of vessels used for patrols in the ocean.
- b) Make a license for ownership of firearms as stipulated in the Decree of the Chief of Police No. Skep / 82 / II know 2004 about the Requirements for obtaining a weapon ownership license (IKS) and legal enforcement for small-scale and small-scale weapons dealers to tighten the use of a gun ownership permit.
- c) Establishment of interdepartmental working groups consisting of the Ministry of Foreign Affairs, the Ministry of Internal Affairs, the Ministry of Defense, the Indonesian National Army, the National Police, the State Intelligence Agency, the Ministry of Law and Human Rights, and the Ministry of Trade. To join together to form a working group that cooperates with each other in establishing a policy related to the regulation of export-import, illegal regulation of arms trade, illegal circulation of the arms trade, and the production of small-caliber and small-scale firearms for domestic needs as an effort meeting the military need.
- d) Enhancing the capabilities of the border area guards

### 2. At the regional level

Measures to prevent the circulation of illegal firearms from combating terrorist acts are explained as being carried out through cooperation with the ASEAN Member States meeting on Transnational Crime (AMMTC) and in cooperation with ASEAN Regional Forum (ARF) member countries. The results of this collaboration can include:

- a) Cooperation between Indonesia and Malaysia gives results:
  - 1) There is an exchange of information between Indonesia and Malaysia
  - 2) Establishment of joint security posts in border areas such as those in Entikong (West Kalimantan), Simanggaris (East Kalimantan), Biawak and Lubok Antu (Sarawak), and Seliku (Sabah)
- b) Cooperation between Indonesia and Singapore gives results:
  - 1) Cooperating in the defense sector through joint military training. The purpose of this activity is to increase the ability of the Indonesian National Army to maintain the sovereignty of the Unitary State of the Republic of Indonesia from various threats posed through arms trade or as a result of terrorism cases.
  - 2) Providing assistance in solving conflicts between the Republic of Indonesia and the independent Aceh movement (GAM)
  - 3) Supporting the peace process in Bougainville Papua New Guinea through support and positive appeals
- c) Cooperation between Indonesia and Malaysia has resulted in the formation of capacity building, sharing intelligence, joint exercise.

With this collaboration, Indonesia will be able to improve the quality and quantity of its defense and be aware of developments in syndicates, motives, and modus operandi in the implementation of the illegal arms trade.

### 3. At the global level



## The Synergy of Indonesian National Police and Army in the Effort to Treat Criminal Terrorism

Measures to prevent the circulation of illegal firearms in order to deal with criminal acts of terrorism are explained through:

- a) Preparation and submission of national reports which is one of the efforts that can be made to maintain security and public order on a global level. Based on observations, it can be seen that this national report contains 11 aspects used in preventing and combating illegal arms trade, which almost all of these aspects can be carried out properly. Although there are still several aspects that have not been implemented to the maximum, the Indonesian State has already set criminal laws or has been able to criminalize all forms of crime caused by crimes caused by small-scale and small-scale illegal firearms trade. In addition, Indonesia is also able to mark and identify, store, and document the correct existence of firearms in Indonesia.
- b) Indonesia always follows the activities of preventing illegal trade in firearms in an active way in every activity in the UN Conference on Small Arms, which is conducted every two years. Indonesia's involvement in the UN Conference on Small Arms is demonstrated by the attitude of the Indonesian people who want to implement the UNPoA as a basis for the prevention of illegal firearms, which in the previous explanation has not made a comprehensive governing law. In addition, Indonesia is very serious about following each agenda held in the discussion meeting on the implementation of UNPoA both at the national, regional, and global levels. According to Muladi, a variety of Indonesia's involvement in the prevention of illegal trade in firearms in efforts to tackle terrorism criminal acts, it is known that the criminal system is an appropriate case handling system since there are parties who feel disadvantaged, or since there is a suspicion of someone who has committed a crime to the implementation of the judge's decision. Based on these explanations, it can be seen that the criminal justice system as a system with a criminal justice network that can operationalize criminal law as a formal tool in criminal law enforcement.

### CONCLUSIONS

1. Legal problems in implementing the synergy of the National Police, the Indonesian National Armed Forces, the Government, and the Community in the effort to tackle terrorism in Indonesia stem from the difference in vision and mission between the National Police and the Indonesian National Armed Forces in the purpose of synergizing to eradicate criminal acts of terrorism, where the Indonesian National Army considers that terrorism is a threat to the country's sovereignty that must be immediately eradicated and destroyed, while the National Police is of the view that terrorism is a criminal act that must be resolved through the criminal justice system model. Different views on the Terrorism Law Draft between the National Police and the Indonesian National Army, where the National Police want to correct the weaknesses that exist in Law No. 15 of 2003 concerning Combating Terrorism Criminal Acts, while the Indonesian National Army wants to make a change in the title to the draft Act on Combating Terrorism Acts, change the definition of terrorism, and change the duties and authority of the Indonesian National Army in combating terrorism. The emergence of a narrow mindset of some people who think that the issuance of the Republic of Indonesia Police No. 7 of 2008 concerning Basic Guidelines for Strategy and Implementation of Community Policing in Polri's Task Handling, is considered as an effort to counteract the activities carried out by Babinsa formed by the Indonesian National Army.
2. It is necessary to implement Law No. 15 of 2003 concerning the Criminal Acts of Terrorism, Law Number 9 of 2013 concerning Eradication and Prevention of Criminal Acts for Financing Terrorism and Emergency Law Number 12 of 1951 concerning Firearms in the enforcement of criminal acts of terrorism, and making changes in the draft law on countermeasures criminal acts of terrorism, especially in article 1 by including the de-radicalization, de-ideology program.

### SUGGESTIONS

1. Tackling the criminal act of terrorism by applying the rule of law in accordance with the Act on the Criminal Act of Terrorism, the Law on Eradication and Prevention of the Criminal Act of Financing Terrorism and the Law on Firearms Emergency, as well as implementing a policy on the formulation of criminal law in the context of combating criminal acts of terrorism in the future, among others, the implementation of de-radicalization, de-ideology, and empowering the community, through reeducation, rehabilitation, resocialization, and reintegration approaches in counteracting terrorism and de-ideology to the public so that they are not easily provoked by radical movements that lead to acts of terrorism.
2. Applying efforts to tackle criminal terrorism acts by paying attention to the motives for committing the crime, so that from the knowledge of the motives the problem can be identified, so that from this knowledge an appropriate response solution can be given to the perpetrators of the terrorist crime.
3. Collaborating with various parties to jointly handle the early acts of terrorism in various ways accompanied by an MoU, so that there is no overlapping of power to obtain political interests in each party.

### REFERENCES

- 1) S. A. Jackson and S. A. Jackson, "Beyond Jihad : the New Thought of the Gamā' a Islāmiyya Beyond Jihad : the New Thought of the Gam a ' a Isl a," no. 911208275, 2009.
- 2) A. Efrat, "International Journal of Law , Crime and Justice Resisting cooperation against crime : Britain ' s extradition," Int. J. Law Crime Justice., vol. 52, no. July 2017, pp. 118–128, 2018.

## The Synergy of Indonesian National Police and Army in the Effort to Treat Criminal Terrorism

- 3) E. Impara, "International Journal of Law , Crime and Justice A social semiotics analysis of Islamic State ' s use of beheadings : Images of power , masculinity , spectacle and propaganda," *Int. J. Law Crime Justice.*, vol. 53, no. August 2017, pp. 25–45, 2018.
- 4) H. J. Albrecht and M. Kilchling, "Victims of terrorism policies: Should victims of terrorism be treated differently?," *A War Terror. Eur. Stance a New Threat. Chang. Laws Hum. Rights Implic.*, pp. 221–241, 2010.
- 5) I. April, U. Thalib, and S. Arabia, "Book Reviews / Islamic Law and Society 15 (2008) 408-423 Laskar Jihad: Islam, Militancy and the Quest for Identity in Post-New Order Indonesia .," vol. 15, pp. 2006–2009, 2008.
- 6) I. A. Silver and J. L. Nedelec, "The moderating effects of intelligence: An examination of how IQ influences the association between environmental factors and antisocial behavior," *J. Crim. Justice*, vol. 54, no. December 2017, pp. 62–75, 2018.
- 7) S. E. Wahyuningsih, N. Adi, and M. Iksan, "The role of scientific testimony in the process of investigation of crime in Indonesia," pp. 97–103, 2018.
- 8) R. Surette, K. Hansen, and G. Noble, "Journal of Criminal Justice Measuring media oriented terrorism," *J. Crim. Justice*, vol. 37, no. 4, pp. 360–370, 2009.
- 9) W. Hetzer, "Terrorist Attacks," *Eur. J. Crim. Policy Res.*, vol. 13, no. 1–2, pp. 33–55, 2007.
- 10) W. Hartanto, "ANALISIS PENCEGAHAN TINDAKPIDANA PENDANAAN TERORIS PADA ERA ( ANALYSIS OF CRIME PREVENTION OF TERRORIST FINANCING IN ASEAN ECONOMIC COMMUNITY ERA )," pp. 379–391, 2016.
- 11) H. Franke, "Violent crime in the Netherlands. A historical-sociological analysis," *Crime, Law Soc. Chang.*, vol. 21, no. 1, pp. 73–100, 1994.
- 12) W. Schabas, "The United Nations War Crimes Commission's Proposal For An International Criminal Court," *Crim. Law Forum*, vol. 25, no. 1–2, pp. 171–189, 2014.
- 13) S. Isra, F. Amsari, and H. Tegnan, "International Journal of Law , Crime and Justice Obstruction of justice in the effort to eradicate corruption in Indonesia," *Int. J. Law, Crime Justice*, vol. 51, pp. 72–83, 2017.
- 14) M. C. Bassiouni, "Evolving approaches to jihad : from self-defense to revolutionary and regime-change political violence Evolving approaches to jihad : from self-defense to revolutionary and regime-change political violence," no. 911208275, 2009.
- 15) G. O. Uzun and H. Uzunboylu, "A Survey Regarding of Domestic Violence Againts Women," *Procedia - Soc. Behav. Sci.*, vol. 190, no. November 2014, pp. 24–31, 2015.
- 16) D. T. Dunford, "International Journal of Law , Crime and Justice Security sovereignty and the preemption of low-risk detainees : A look into ' battlelab ' torture techniques used at Guantanamo Bay," *Int. J. Law, Crime Justice*, vol. 50, pp. 12–21, 2017.
- 17) K. Szczucki, "International Journal of Law , Crime and Justice Ethical legitimacy of criminal law ☆," *Int. J. Law Crime Justice.*, vol. 53, no. January, pp. 67–76, 2018.
- 18) I. de Vries, A. Farrell, V. Bouché, and D. E. Wittmer-Wolfe, "Crime frames and gender differences in the activation of crime concern and crime responses," *J. Crim. Justice*, vol. 66, no. December 2019, p. 101651, 2020.
- 19) S. A. Thomas and G. Drawve, "Examining interactive e ffects of characteristics of the social and physical environment on aggravated assault," *J. Crim. Justice*, vol. 57, no. February, pp. 89–98, 2018.
- 20) J. Pyo, "The impact of jury experience on perception of the criminal prosecution system," *Int. J. Law, Crime Justice*, vol. 52, no. April 2017, pp. 176–184, 2018.
- 21) J. Crystal, "Criminal justice in the Middle East," *J. Crim. Justice*, vol. 29, no. 6, pp. 469–482, 2001.
- 22) E. Van Der Borgh, "Prosecution of international crimes in the Netherlands: An analysis of recent case law," *Crim. Law Forum*, vol. 18, no. 1, pp. 87–136, 2007.
- 23) D. P. Mears and J. C. Barnes, "Toward a systematic foundation for identifying evidence-based criminal justice sanctions and their relative effectiveness," *J. Crim. Justice*, vol. 38, no. 4, pp. 702–710, 2010.
- 24) J. Mackert, "The secret society and the social dynamics of terrorist behavior," *Rev. Synth.*, vol. 135, no. 4, pp. 331–359, 2014.
- 25) R. A. Wibowo, "When anti-corruption norms lead to undesirable results: learning from the Indonesian experience," *Crime, Law Soc. Chang.*, vol. 70, no. 3, pp. 383–396, 2018.
- 26) S. K. Rice, "Emotions and terrorism research: A case for a social-psychological agenda," *J. Crim. Justice*, vol. 37, no. 3, pp. 248–255, 2009.
- 27) W. V. Pelfrey, "Local law enforcement terrorism prevention efforts: A state level case.



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