

Law Enforcement of Criminal Acts of Terrorism in Human Rights Prespective In Indonesia

Hambali Thalib¹, Ma'ruf Hafidz¹, Hamzah Baharuddin¹, Samsuria²

¹*Indonesian Muslim University*

²*Doctor of Law Students, University of Muslim Indonesia*

Corresponding Author: Hambali Thalib

ABSTRACT: This study aims to analyze Law Enforcement Against Crime of Terrorism in the Perspective of Human Rights. The type of this study uses juridical-sociological legal research and is explanatory. The research approach used: (statutory approach), sociological approach (approach) *sociological approach* and historical approach (*historical research* was conducted in Poso District, Central Sulawesi Province. The results of this study are: (1) Law enforcement against criminal acts terrorism is a legal necessity, but in law enforcement against criminal acts of terrorism law enforcement officers must uphold human rights, terrorism suspects are human beings who have human rights as human beings that we must respect.

Keywords: Law Enforcement, Terrorism, Rights Human Rights

Date of Submission: 24-12-2018

Date of acceptance: 07-01-2019

I. INTRODUCTION

Since Indonesia's independence, it seems that the protection and upholding of human rights are still and will always be a problem that is faced from time to time¹. From a historical perspective, human rights have been known since the twentieth century BC². Not something new, movement figures have been very aware of and understand the importance of human rights.

Human rights exist not because they are given by society and the goodness of the state, but based on their dignity as human beings³, so it is not based on applicable positive law, but based on their dignity as humans. This assumption was used as the basis for the acceptance of the world human rights statement in 1948 by an international body, the United Nations⁴. Through UN resolution Number 217 (III), UN member states declared human rights values which until now had become "*a common Standard of achievement for all people and all nations*".⁵

Until now, Indonesia has ratified 9 (nine) international human rights instruments from 25 (twenty-five) main international human rights instruments. The nine ratified international human rights instruments include: (i) the International Convention on Women's Political Rights which was ratified by Law Number 68 of 1958; (ii) International Convention on the Rights of the Child ratified by Presidential Decree Number 36 of 1990; (iii)

¹Hernadi Affandi. *Problematika Perlindungan Dan Penegakan Hak Asasi Manusia*, dalam Bagir Manan dkk, *Dimensi-Dimensi Hukum Hak Asasi Manusia, Butir-Butir Pemikiran Dalam Rangka Purnabakti Prof.Dr.H.Rukmana Amanwinata, SH,MH* Pusat Studi Kebijakan Negara Fakultas Hukum Universitas Padjadjaran, 2009, hlm 30

²Geoffrey Robertson. *Kejahatan Terhadap Kemanusiaan Perjuangan Untuk Mewujudkan Keadilan Global*, terjemahan, Komnas HAM, Jakarta, 2002, hlm 3-4

³Jack Donnelly, *Universal Human Rights in Theory and Practice*, Cornell University Press, Ithaca and London dalam Knut D. Asplund, (eds,) (Penyunting/editor), *Hukum Hak Asasi Manusia*, Pusat Studi Hak Asasi Manusia Universitas Islam Indonesia (PUSHAM UII), Yogyakarta. Hlm 11

⁴Hassan Suryono. *Implementasi dan Sinkronisasi Hak Asasi Manusia Internasional Dan Nasional*, dalam Muladi (editor), *Hak Asasi Manusia Hakekat, Konsep dan Implikasinya Dalam Perspektif Hukum dan Masyarakat*, PT Rafika Aditama, Bandung, 2007, hlm 86

⁵Gudmundur Alfredson and Asbjorn Eide (ed), *The Universal Declaration Of Human Right A Common Standard Of Achievement*, Kluwer Law International, Hague, 1999, hlm xxxii lihat pula Pembukaan *Universal Declaration of Human Rights* alinea ke VIII.

International Convention on the Elimination of All Forms of Discrimination against Women ratified by Law No. 7 of 1984; (iv) International Convention on Anti-Apartheid in the Field of Sports ratified by Presidential Decree No.48 / 1993; (v) International Convention on (Anti) Against Torture which is ratified by Law Number 5 of 1998; (vi) International Convention on the Elimination of All Forms of Racial Discrimination ratified by Law No. 29 of 1999 ;; (vii) The International Covenant on Ratified Civil and Political Rights ratified by Law No. 12 of 2005; (viii) International Covenant on Economic, Social and Cultural Rights ratified by Law No. 11 of 2005 of Their⁶ and (ix) International Convention on the Protection of the Rights of All Migrant Workers and Members Families which are ratified by Law Number 6 of 2012

Ratification of these international human rights instruments will strengthen and develop legal instruments at the national level as an effort to better ensure the promotion and protection of human rights.⁷ The guarantee of protection of human rights (HAM) for its citizens in the dynamics of state life is a state obligation to carry out their duties and obligations based on the law. In Article 4 of Law Number 39 of 1999 concerning Human Rights, the rights that must be protected by the state include the right to life, the right not to be tortured, the right to personal freedom, mind and conscience, religious rights, the right not to be enslaved, the right to recognized as a person and equality before the law and the right not to be prosecuted on a retroactive basis is human rights which cannot be reduced under any circumstances and by anyone.

This protection is carried out because it solely protects its citizens from arbitrary actions taken by the authorities in upholding the law. Human rights are always seen as something fundamental, fundamental, and important. Therefore many people argue that human rights are the power and security that each individual has. HAM itself is a set of rights attached to human existence as God's creatures and is a gift that must be respected and upheld by the State, Law, Government and everyone for the sake of honor and protection of human dignity. Therefore HAM contains the principle of non derogable or inalienable (*Non-derogable rights*),⁸ in the sense that any bad treatment that has been experienced by a person or how ruthlessly treatment of a person, he will not stop being human and therefore he still has human rights.

Including the perpetrators of criminal acts of terrorism as long as he is still human, so long as human rights are inherent in the perpetrators of criminal acts of terrorism, so that law enforcement against perpetrators of criminal acts of terrorism must reflect the principles of human rights. In the general explanation of Law Number 15 of 2003 concerning the Eradication of Terrorism Crime, it is stated that terrorism is an international crime which poses a danger to security, world peace and harms the welfare of the community, so that it is necessary to eradicate planning and sustainability.

Terrorism is an extraordinary crime (*Extraordinary Crime*) which also requires handling by utilizing extraordinary methods (*Extraordinary Measure*) for various reasons:

- a. Terrorism is an act that creates *the greatest dangerto* human rights. In this case *the right to life* and human rights to be free from fear.
- b. The target of terrorism is random or *indiscriminate* which tends to sacrifice innocent people.
- c. The possibility of using weapons of mass destruction using modern technology.
- d. The tendency of negative synergies between national terrorism organizations and international organizations.
- e. The possibility of cooperation between terrorist organizations and organized crime, both national and transnational.
- f. Can endanger international peace and security.⁹

In line with that, Romly Atmasasmita said that from a sociological background, terrorism is a crime that is very detrimental to society both nationally and internationally, even as a rape of human rights.¹⁰ As an extraordinary

⁶Komnasham. *Instrumen HAM yang telah diratifikasi Indonesia*, <http://www.komnasham.go.id/pendidikan-dan-penyuluhan/881-instrumen-ham-internasional-yang-telah-diratifikasi-indonesia> diakses pada tanggal 20 Juni 2016

⁷Boer Mauna, *Hukum Internasional Pengertian Peranan Dan Fungsi Dalam Era Dinamika Global*, PT Alumni, Bandung, 2008

⁸Agus Kusnadi. *Mengenal Hak Asasi Manusia Sipil dan Politik Serta Batas-Batas Implementasinya*, Bagir Manan dkk, *Dimensi-Dimensi Hukum Hak Asasi Manusia, Butir-Butir Pemikiran Dalam Rangka Purnabakti Prof.Dr.H.Rukmana Amanwinata, SH,MH* Pusat Studi Kebijakan Negara Fakultas Hukum Universitas Padjadjaran, 2009, hlm 66

⁹Muladi, *Penanggulangan Terorisme Sebagai Tindak Pidana Khusus, bahan seminar Pengamanan Terorisme sebagai Tindak Pidana Khusus*, Jakarta, 28 Januari 2004, hlm 7

crime (*Extra Ordinary crime*), of course, it needs treatment by utilizing extraordinary methods (*Extra Ordinary Measure*)¹¹. This means that all extraordinary actions that are urgently needed can be justified to prevent the occurrence of danger threats or to overcome and overcome the effects of the danger and restore the situation to normal conditions as before, in order to maintain the integrity of the country and protect its citizens.¹² However, it should be stressed that the actions needed must be based on the principle of proportionality (reasonable) or worthy, meaning that the action must not exceed the reasonableness which is the basis for justifying the action itself, in the context of *self-defense* from threats that endanger the life of the nation.¹³

II. RESEARCH METHODS

In this study using two types of research, namely the type of normative legal research¹⁴ and the type of empirical legal research. The selection of the two types of normative research is related to the formulation of the problem which becomes the issue of legal research, namely the type of normative legal research used to analyze human rights as stipulated in legislation or in those contained in legal substance. While the type of empirical legal research is used because it wants to know how law enforcement is carried out by security forces in this case the Police who carry out their duties and functions according to the applicable laws and regulations. In addition, the type of empirical research also recognizes the extent to which law enforcement carried out by the police against perpetrators of criminal acts of terrorism applies the principles of human rights.

III. DISCUSSION

As we have seen and repeatedly read in the print media, the claim of the success of cracking down on terrorists only appears unilaterally, because most of these terrorists have died before a fair legal process is carried out. The assumption behind the application of this principle is that humans including the Police with Detachment 88 are not angels or holy beings who are not subject to general law. In essence, whoever he is must have a tendency to violate the rules if he sits in power and has more authority. Besides that they tend to use that power arbitrarily.

Who does not know the Polri Special Detachment 88 Anti-terror or better known as Detachment 88. The anti-terror forces are increasingly showing their prestige in this beloved homeland. Gait of this army, no doubt. Since it was formed in 2003, these forces have carried out their duties well, for example the success of uncovering the perpetrators of bombings in Bali and handling Bali bombings. The Polri Densus 88 was established as part of the response to the growing threat of terror from organizations that were part of the Al Qaeda network, namely the Jama'ah Islamiyah (JI)¹⁵. The terror network is now increasingly widespread and increasingly rampant spreading its brutal action. It is appropriate if the Indonesian government, which is the goal of terror, fortifies itself by forming an anti-terror special force. The Special Detachment 88 was designed as an anti-terrorist unit that has the ability to overcome terrorist disturbances ranging from bomb threats to hostage taking. Detachment 88 in the center (Police Headquarters) has an estimated strength of 400 personnel consisting of investigative experts, explosives experts (bomb disposal), and battering units in which there are expert snipers. In addition, each regional police also has an anti-terror unit called Densus 88, which has approximately 45-75 people, but with more limited facilities and capabilities. The function of the Regional Police Detachment 88 is to examine reports of terrorist activities in the region, to make arrests to a person or group of people who are certain to be members of a terrorist network that can endanger the integrity and security of the Republic of Indonesia.

¹⁰ Romly Atmasasmita, Kasus Terorisme Di Indonesia Berdasarkan Undang-Undang Nomor 15 Tahun 2003 Tentang Pemberantasan Tindak Pidana Terorisme, Materi Seminar Penanganan Terorisme Sebagai Tindak Pidana Khusus, Jakarta 28 Juni 2004, hlm 3

¹¹ Sunarto, *Kriminalisasi Dalam Tindak Pidana Terorisme*, Jurnal Equality, Volume. 12 Nomor. 2 Agustus 2007, hlm 5

¹² Binsar Gultom, *Pelanggaran HAM Dalam Hukum Keadaan Darurat Di Indonesia, Mengapa Pengadilan HAM Ad Hoc Indonesia Kurang Efektif*, PT Gramedia Pustaka Utama, Jakarta, 2010, hlm 2

¹³ Jimly Asshiddiqie, *Hukum Tata Negara Darurat*, PT Raja Grafindo Persada, Jakarta, 2007, hlm 93

¹⁴ Menurut Abdul kadir Muhammad bahwa Penelitian hukum normatif (*normative law research*) adalah menelitian hukum yang mengkaji hukum yang dikonsepsikan sebagai norma atau kaidah yang berlaku dalam masyarakat. Penelitian hukum normatif disebut juga sebagai penelitian hukum teoretik/dogmatik karena tidak mengkaji pelaksanaan atau implementasi hukum. Pandang. Dikutip dari buku : *Hukum dan Penelitian Hukum*, PT. Citra Aditya Bakti, Bandung, 2004, hlm. 52.

¹⁵ Muradi, *Penantian Panjang Reformasi Polri*, Tiara Wacaca, Yogyakarta. 2009, hlm 192.

Many things that have been done by Detachment 88 in dealing with acts of terrorism, such as the arrest of executors of the Bali I bombing and Bali bombing II, crushed terrorist groups in Solo, Temanggung and Poso. However, from the success carried out by Densus 88 in handling terrorism, many from the community, politicians, scholars and academics also complained about the work system of Detachment 88.

Many civilians were victims of law enforcement carried out by Detachment 88, such as making arrests which is not based on the principle of presumption of innocence, and even shot dead people who are not necessarily proven as suspects in terrorism groups. There have been many cases of wrongful arrests by Detachment 88. Even without prior court proceedings, victims of this wrong arrest have been named as suspects by Detachment 88. Victims often get physical violence. Some are returned to the family with the condition that the body becomes disabled for life, and some are only carrying names with their bodies.

An example of a case that now arises is the case of alleged terrorism which Suyono allegedly arrested on Tuesday evening on March 8, 2016, without the slightest resistance in front of his family members, the arrest was not accompanied by an arrest warrant and returned lifeless. From the beginning of the arrest there have been many irregularities. Two days later on Thursday 10 March 2016 Detachment 88 officers with full weapons came to Siyono's village to search his home, his parents' house, including Amanah Ummah Islamic Kindergarten. Worse, random searches were carried out during the study hours at the kindergarten. Then the next day on Friday, March 11, 2016, Siyono's wife, named Suratmi, and her brother-in-law were picked up by Detachment 88 and immediately taken to Jakarta. the purpose of her pickup was to bring home the body of her husband who looked very sad. Then, Densus 88 officers gave two large packages containing money estimated at hundreds of millions to Suratmi. But the money returned the money at the PP Muhammadiyah office in Yogyakarta, as evidence for the investigation into Siyono's death which was full of irregularities.

The case of wrongful arrests carried out by Densus 88 also happened in 2005, where Farid Podungge Alias Wawan and Hence Malewa was arrested by Detachment 88 for committing a consensus plan on acts of terror namely the murder of Prosecutor Ferry Silalahi who served in the Central Sulawesi Prosecutor's Office. Ferry Prosecutor during his career at Kejati Sulteng handled terrorism cases involving a number of members of Mantiqi III, Jamaah Islamiyah (JI) and mujahiddin in Poso District. As a result of the ongoing acts of intimidation and torture carried out by Densus 88 finally Farid Podungge Ali Wawan and Hence Malewa Alias Said admitted that those who carried out the shooting of Prosecutor Ferry Silalahi and were sentenced to 1 (one) year 8 (eight) months in prison.¹⁶ But after undergoing the verdict, 8 years later, the main suspect in the murder case of Prosecutor Ferry Silalahi was found by the police. Only apologies conveyed by the police to Farid Podungge and Hence Malewa related to the wrongful arrest case, but related to immaterial losses such as physical disability and good name recovery were not carried out by the police in this case Densus 88.

Other examples of brutal acts carried out by Densus 88 against the perpetrators of criminal acts of terrorism in Poso district incorporated in Operasi Tinombala II on July 18, 2016 in the forest area of Tambarana Village, Poso Pesisir Utara District, Poso Regency, namely the arrest that led to the death of the terrorism leader named Santoso due to gunfire in the Dada section. Santoso is a local youth from Kalora Poso Pesisir Utara Village, he is the leader of the JI organization (Jamaah Islamiyah), JAT (Jamaah Anorus Tauhid), which is currently affiliated with the MIT organization (Mujahidin Timur Indonesia) and the latest information from the bima group (ex Pongpes Umar Bin Khotob) also joined MIT, based in the mountains in the Poso Pesisir region, Poso Pesisir Selatan and Poso Pesisir Utara. This group is very existent because it received remarks from the local Poso community. The characteristic of ideology / understanding is that it is easy to forgive people including those who are Muslims who do not agree and view the government as the police as the thogut and must be fought where this understanding is more popularly called radicalism / radicalism. This group thrives and develops in the village / kelurahan which has a weak deterrent to radicalism. This area is referred to as the "assisted village" category, namely the village / kelurahan which requires the highest priority in development because the level of vulnerability to community security is high and community activities in the implementation of self-supporting siskamtibmas are low.

The prevalence of terrorism crimes occurring in the Poso Regency shows that terrorism is a crime and poses a serious threat to humanity and peace. Terrorism, especially what happened in Poso District, is rooted in radical notions that are implemented in the form of justice (*operations*)¹⁷ so that crimes are called terrorism. The ongoing acts of terrorism have caused Poso to become stigmatized as a nest of terrorists. The occurrence of the violence has also created the image that Poso is an insecure area. Why Poso seems to be an easy target for terrorists to launch their actions. Why is not a neighboring district of Poso District or areas in Java known to have produced enough terrorists to be feared. Then why is the act of terrorism rife in Poso District after a religious conflict. These questions are certainly very interesting, because the acts of terrorism that occurred in

¹⁶ Berkas Perkara No. Pol : BP/75/IX/2005/Dit Reskrim Kepolisian Daerah Sulawesi Tengah

¹⁷ Suatu kegiatan yang dilakukan untuk menimbulkan situasi gangguan kamtibmas dalam bentuk perampokan (fai), pembunuhan dan bom yang dilakukan oleh kelompok radikal.

Poso District have terrorized the community and have taken a lot of casualties, not only that, terrorism has hampered the pace of investment and has been a limiting factor for the development of tourism in this district.

Although the terrorism crime that occurred in Poso district is one of the extraordinary crimes that have penetrated the territorial boundaries of a country and is a crime of violation of human rights (*extraordinary crime*). However, in eradicating criminal acts of terrorism, law enforcement officers must uphold human rights, terrorism suspects are human beings who have human rights that we must respect. This means that they too must be treated properly like other humans, who must be fulfilled for their rights as human beings.

Law enforcement against terrorism offenders by violating human rights and ignoring the legal process will have the potential and potential to spawn the seeds of new terrorism, because the Densus 88 action has taken arbitrary actions and resulted in the death of one of his family members. just suspected of being terrorism without a legal process in force.

The allegation of human rights violations by Densus 88 in carrying out its duties is a complex problem, because it is not only caused by the inheritance of past militarism that is still inherent and the dangerous reasons for terrorist characteristics, but also related to regulatory weaknesses and insufficient understanding of human rights by officials. Regulatory problems, for example, can be seen from the difference between the detention period of terrorist suspects between the Criminal Procedure Code and Law No. 15 of 2003 concerning the Eradication of Terrorism Crimes which are vulnerable to the abduction and torture of suspects.¹⁸ Densus 88 as a member of the Indonesian National Police is bound by regulations, such as the Criminal Procedure Code, Law Number 2 of 2002 concerning National Police, Law Number 15 of 2003 concerning Eradication of Terrorism Crimes, and other sets of rules in the form of SOPs and PROTAPs which are guidelines act for every member of the police.

In particular, related to human rights, there is a Regulation of the Chief of the National Police Number 8 of 2009 concerning the Implementation of Human Rights Principles and Standards in the Implementation of Duties of the Indonesian National Police. Besides having to comply with these provisions, the police also have police ethics summarized in the police code of ethics to maintain the integrity and professionalism of their profession. All regulations starting from the law to the technical regulations are intended to enable Densus88 to carry out its duties in accordance with the conditions and boundaries set by law, including the discretionary authority it has, so that there is no abuse of authority and power that has the potential for human rights violations.

For example, the Criminal Procedure Code regulates investigations and investigations and the rights of suspects. So the KUHAP on the one hand gives authority, but on the other hand it also guarantees the rights of suspects. Provisions on criminal procedural law are intended to protect suspects from arbitrary acts of law enforcement officials and the court. Likewise in the Terrorism Act, the rights of terrorist suspects must still be protected, including the rights of family members. The act of ambush, arrest, confiscation, detention until the examination must continue to protect the rights of the suspect.

The repressive approach that is more widely used in eradicating terrorism compared to aspects of the persuasive approach and prevention causes the Special Detachment 88 operation to be more vulnerable to human rights violations. The act of shooting off suspected terrorism during a raid, for example, besides being considered as violating human rights and ignoring the presumption of innocence, is also ineffective because it will not get information about terrorist networks and can actually trigger further acts of terror from its network. The contradiction between the eradication of terrorism and the protection of human rights has become a problem that must be sought by the two, so that human rights oriented terrorism eradication can be realized.

Poso is one of the districts in the Central Sulawesi Province that has a dark history because it had been hit by a religious conflict. The excess of the conflict, now Poso has been used as an operational area by radical Islamic groups by making Poso as one of the safe zones (*qoidah aminah*) to carry out proselytizing and jihad operations.

History notes, a new era after the Malino declaration on December 20, 2001 brought such great hope for peace in the earth *Sintuwu Maroso*¹⁹Poso. However, that hope seemed to disappear as the violence took place after the declaration by the conflicting groups²⁰. Of course this incident was taken seriously by the police

¹⁸ Moh Hatta, *Kebijakan Politik Kriminal*, Yogyakarta, Pustaka Pelajar, 2010, hlm. 124

¹⁹ Sintuwu Maroso dalam bahasa Poso mengandung dua makna yaitu Sintuwu yang berarti bersatu atau persatuan sedangkan maroso berarti kuat sehingga apabila digabungkan berarti persatuan yang kuat.

²⁰ Setidaknya ada 14 (empat belas) kejadian kekerasan dalam kurun waktu tahun 2003-2007, diantaranya yang menonjol adalah pengeboman pasar sentral tentena yang menewaskan 22 orang pada bulan November 2004, pemenggalan kepala tiga siswi SMU beragama Kristen pada bulan oktober 2005 dan pembunuhan pedagang ikan di taripa bulan September 2007.

because it had disrupted the condition of the community security. To realize a conducive society, then in January 2007 law enforcement operations were held with the aim of arresting the perpetrators (DPOs) of the violence. 15 people were killed, one of them from the police.

But a new chapter was created after law enforcement operations carried out by the police where religious conflict had turned into a vertical conflict between Radical Islam groups and the government which was more likely to be represented by the National Police as the main pillar in the security sector. This conflict became massive with the inclusion of radical ideologies / ideologies brought by outside Poso groups belonging to the JI organization (Jamaah Islamiyah), JAT (Jamaah Anshorus Tauhid), Kelompok currently affiliated in the MIT organization (Mujahidin Timur Indonesia) and the latest group information bima (ex Ponpes Umar Bin Khotob) also joined MIT, based in the mountains in the Poso Pesisir region, Poso Pesisir Selatan and Poso Pesisir Utara. This group was very existent because it received remarks from the local Poso community and it was proven by the appointment of Santoso alias Abu Wardah (Wardah taken from one of Santoso's daughters) local youth from Kalora Poso Pesisir Utara Village to become MIT commander. This characteristic of ideology / understanding is that it is easy to forgive people including those who are Muslims who do not agree and view the government as the police as the *thogut* and must be fought where this understanding is more popularly called radicalism / radicalism.

This group is growing rapidly in the village / kelurahan which has a weak deterrent to radicalism. This area is referred to as the "assisted village" category, namely the village / kelurahan which requires the highest priority in development because the level of vulnerability to community security is high and community activities in the implementation of self-supporting siskamtibmas are low.

The prevalence of terrorism crimes occurring in the Poso Regency shows that terrorism is a crime and poses a serious threat to humanity and peace. Terrorism, especially what happened in Poso District, is rooted in radical notions that are implemented in the form of justice(operations)²¹ so that crimes are called terrorism. The ongoing acts of terrorism have caused Poso to become stigmatized as a nest of terrorists. The occurrence of the violence has also created the image that Poso is an insecure area. Poso seems to be the goal for terrorists to launch their actions.

The above shows that post-conflict sara has a religious nuance, poso has given birth to a new conflict area, as stated by M. Tito Karnavian who said that:

For the government, especially the National Police, Poso Regency is one of the important areas to be handled specifically because the Poso area is wrong one former conflict area that has not been resolved.²² The same thing was also explained by the former PosoAKBP Police Chief. Susnadi, SIK said that:

Poso became the "holy land" choice for terrorists because it had a historical background in the period of the 2000-2001 horizontal conflict. He was not said to have jihad if he had not set foot on the land in Poso. During the conflict there was a dispute between Islam and Christianity. During the dispute at that time, many Poso Muslim groups were helped by Muslim fighters who came from outside to help fight their enemies and those fighters were considered heroes by the Poso Muslim group. That is what terrorists use to make Poso a "holy land" or their ideal land in carrying out the doctrine of jihad. Meanwhile, the terrain for them to make training is very supportive. Many of the forested mountainous areas that are strategic for them are used as training and hiding places.

Despite the history of the nation's journey, cases of religious radicalism (radical Islam) have occurred since the old order era. Military options were used in this era in combating the DI / TII rebellion. Radical Islam in the New Order era was succeeded by the implementation of the single principle of Pancasila and the Subversion Law and intelligence operations so that hardline Islamic figures such as Abu Bakar Ba'syir and Abdullah Sungkar chose to move to Malaysia. Whereas in this reform era as democratization developed, the eradication of terrorism originating from religious radicalism put forward the rule of law along with the laws that were in conflict with democratic principles such as the subversion law was abolished.

The police are the main pillar in creating a kambtibmas situation in Poso District. With law enforcement efforts many people have been arrested, held down and even shot dead. Based on the data that the author found in the National Counter Terrorism Agency (BNPT) revealed the number of cases of violence and terrorism in Poso increased throughout 2014-2017 as the author described in the form of the table below:

²¹ Suatu kegiatan yang dilakukan untuk menimbulkan situasi gangguan kambtibmas dalam bentuk perampokan (fai), pembunuhan dan bom yang dilakukan oleh kelompok radikal.

²² M.Tito Karnavian DKK, *Indonesian Top Secret Membongkar Konflik Poso*. Gramedia Pustaka Utama. Jakarta. 2008. Hlm 7

**Table 1: Number of Cases of Terrorism in Poso District
2014-2017**

No	Year	Number of	Victims
1	2014	15 Cases	5 dead including members of police
2	2015	62 Cases	9 killed, 12 injuries
3	2016	43 Cases	4 killed including members of the police
4	2017	24 Cases of	5 people killed

Source: 2017 National Agency for Combating Terrorism

Based on the table above datat known that the number of terrorism cases in 2014 as many as 15 and claimed as many as 5 deaths including from the police, in 2015 there were an increase of 62 cases which killed 9 people and 12 people suffered injuries, in 2016 there were 43 cases of eating 4 people were killed and last in 2017 23 were consumed 5 people died.

The criminal acts of terrorism that have occurred in Poso Regency have disturbed security and public order. Of course this incident was taken seriously by the police because the police were the main pillar in creating a community security situation. As stated in Article 2 of Law Number 2 of 2002 concerning the Police, the function of the police is the

1. maintenance of security and public order
2. Law enforcement
3. Protection, protection, and service to the community

Based on the above provisions, it can be said that the duty of the police is to prevent and provide protection to the community. In order to realize conducive kamtibmas in Poso district, law enforcement operations are currently being held with the aim of capturing the perpetrators of terrorism in Poso District.

Based on the results of the author's research in Poso District, several arrests have been made as the author describes in table 4 below.

**Table 4: Arrests of Terrorists in Poso Regency
2016-2018**

No	Name	Year of Arrest
1	Abdul Hadib aka Aco Masamba	3 April 2015
2	Mulyadi alias Zibair	4 April 2015
3	Adrean	4 April 2015
4	Muhammad Nasir	4 April 2015
5	Sabar Subagio aka Daeng Koro	3 April 2015
6	Santoso Alias Abu Warda	20 July 2016
7	Basri	14 September 2016
8	Adji Pandu Suwotomo Alias Abu Subron	September 19 2016
9	Askar	May 15 2017
10	Barok	May 15, 2017
11	Munthalib Pia aka Abdul Tholib	30 April 2018
12	Anjola	30 April 2018

Source: Primary data in 2018

Based on the table above, it can be seen that the police officers arrested the perpetrators of terrorism starting in 2015 there were 5 (five arrests), 2016 there are 3 (three) arrests, in 2017 there are 2 (two) arrests and the last in 2018 in April there have been 2 arrests of terrorists, until now the pursuit of terrorists hiding in the mountains in Poso Kapaten continues to be carried out by police officers who are members of the Tinombala III Task Force

IV. CONCLUSION

That law enforcement against criminal acts of terrorism is a must law, but in law enforcement against criminal acts of terrorism law enforcement officers must uphold human rights, terrorism suspects are human beings who have human rights as human beings that we must respect. This means that they must also be treated like other humans, whose rights as human beings must be fulfilled.

REFERENCES

- [1]. Hernadi Affandi. *Problematika Perlindungan Dan Penegakan Hak Asasi Manusia*, dalam Bagir Manan dkk, *Dimensi-Dimensi Hukum Hak Asasi Manusia, Butir-Butir Pemikiran Dalam Rangka Purnabakti Prof.Dr.H.Rukmana Amanwinata, SH,MH* Pusat Studi Kebijakan Negara Fakultas Hukum Universitas Padjadjaran, 2009.
- [2]. Geoffrey Robertson. *Kejahatan Terhadap Kemanusiaan Perjuangan Untuk Mewujudkan Keadilan Global*, terjemahan, Komnas HAM, Jakarta, 2002.
- [3]. Jack Donnely, *Universal Human Rights in Theory and Practice*, Cornell University Press, Ithaca and London dalam Knut D. Asplund, (eds,) (Penyunting/editor), *Hukum Hak Asasi Manusia*, Pusat Studi Hak Asasi Manusia Universitas Islam Indonesia (PUSHAM UII), Yogyakarta.
- [4]. Hassan Suryono. *Implementasi dan Sinkronisasi Hak Asasi Manusia Internasional Dan Nasional*, dalam Muladi (editor), *Hak Asasi Manusia Hakekat, Konsep dan Implikasinya Dalam Perspektif Hukum dan Masyarakat*, PT Rafika Aditama, Bandung, 2007.
- [5]. Gudmundur Alfrédson and Asbjorn Eide (ed), *The Universal Declaration Of Human Right A Common Standard Of Achievement*, Kluwer Law International, Hague, 1999, hlm xxxii lihat pula Pembukaan *Universal Declaration of Human Rights* alinea ke VIII.
- [6]. Komnasham. *Instrumen HAM yang telah diratifikasi Indonesia*, <http://www.komnasham.go.id/pendidikan-dan-penyuluhan/881-instrumen-ham-internasional-yang-telah-diratifikasi-indonesia> diakses pada tanggal 20 Juni 2016
- [7]. Boer Mauna, *Hukum Internasional Pengertian Peranan Dan Fungsi Dalam Era Dinamika Global*, PT Alumni, Bandung, 2008
- [8]. Agus Kusnadi. *Mengenal Hak Asasi Manusia Sipil dan Politik Serta Batas-Batas Implementasinya*, Bagir Manan dkk, *Dimensi-Dimensi Hukum Hak Asasi Manusia, Butir-Butir Pemikiran Dalam Rangka Purnabakti Prof.Dr.H.Rukmana Amanwinata, SH,MH* Pusat Studi Kebijakan Negara Fakultas Hukum Universitas Padjadjaran, 2009.
- [9]. Muladi, *Penanggulangan Terorisme Sebagai Tindak Pidana Khusus, bahan seminar Pengamanan Terorisme sebagai Tindak Pidana Khusus*, Jakarta, 28 Januari 2004.
- [10]. Romly Atmasasmita, *Kasus Terorisme Di Indonesia Berdasarkan Undang-Undang Nomor 15 Tahun 2003 Tentang Pemberantasan Tindak Pidana Terorisme*, Materi Seminar Penanganan Terorisme Sebagai Tindak Pidana Khusus, Jakarta 28 Juni 2004.
- [11]. Sunarto, *Kriminalisasi Dalam Tindak Pidana Terorisme*, Jurnal Equality, Volume. 12 Nomor. 2 Agustus 2007.
- [12]. Binsar Gultom, *Pelanggaran HAM Dalam Hukum Keadaan Darurat Di Indonesia, Mengapa Pengadilan HAM Ad Hoc Indonesia Kurang Efektif*, PT Gramedia Pustaka Utama, Jakarta, 2010.
- [13]. Jimly Asshiddiqie, *Hukum Tata Negara Darurat*, PT Raja Grafindo Persada, Jakarta, 2007.
- [14]. Muradi, *Penantian Panjang Reformasi Polri*, Tiara Wacaca, Yogyakarta. 2009.
- [15]. Berkas Perkara No. Pol : BP/75/IX/2005/Dit Reskrim Kepolisian Daerah Sulawesi Tengah
- [16]. Moh Hatta, *Kebijakan Politik Kriminal*, Yogyakarta, Pustaka Pelajar, 2010.
- [17]. M.Tito Karnavian DKK, *Indonesian Top Secret Membongkar Konflik Poso*. Gramedia Pustaka Utama. Jakarta. 2008.
- [18]. Buana, A. P., & Djanggih, H. (2018). CUSTOMARY COURT AS ALTERNATIVE TO SETTLEMENT OF DISPUTE IN SOUTH SULAWESI. *Diponegoro Law Review*, 3(2), 154-164.
- [19]. Djanggih, H., Hipan, N., & Hambali, A. R. (2018). RE-EVALUATING THE LAW ENFORCEMENT TO MONEY POLITICAL CRIME IN PEMILUKADA IN BANGGAI REGENCY. *Arena Hukum*, 11(2), 209-225.

Hambali Thalib. " "Law Enforcement of Criminal Acts of Terrorism in Human Rights Perspective In Indonesia." " IOSR Journal of Humanities and Social Science (IOSR-JHSS). vol. 24 no. 01, 2019, pp. 28-35.