

Challenges and Solutions in Implementing the Anti-Terrorism Law in Indonesia

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ABSTRACT

Counterterrorism is a top priority for Indonesia's national security, as regulated in Law No. 5 of 2018 on the Eradication of Criminal Acts of Terrorism. Although this law provides a comprehensive legal framework for dealing with terrorism, its implementation in the field faces significant challenges. This study aims to explore the main challenges in the implementation of the Anti-Terrorism Law and identify potential solutions to address these problems. The method used in this study is a qualitative approach, with data collection techniques through in-depth interviews with legal practitioners, analysis of legal and policy documents, and case studies of several terrorism incidents in Indonesia. The results of the study indicate that the main challenges include lack of coordination between institutions, limited resources and training, and issues related to human rights. This study also found that potential solutions include increasing cooperation between institutions, providing better training, and strengthening oversight mechanisms to ensure that law enforcement does not violate basic rights. These findings are expected to provide valuable insights for policymakers and legal practitioners in improving the effectiveness of the implementation of the anti-terrorism law in Indonesia.

Keywords : Anti-Terrorism Law, Implementation Challenges, Solutions, Institutional Coordination, Human Rights

INTRODUCTION

Law No. 5 of 2018 on the Eradication of Criminal Acts of Terrorism (Terrorism Law) is an important legal basis in Indonesia's efforts to deal with the threat of terrorism. This law is designed to strengthen the capacity of law enforcement and involve various institutions in eradicating terrorism, with a focus on prevention, law enforcement, and rehabilitation. Although this law provides a comprehensive and up-to-date legal framework, its implementation in the field shows various challenges that need to be overcome to achieve these goals effectively.

One of the main challenges in implementing the Terrorism Law is the lack of effective coordination between various law enforcement agencies. Handling terrorism cases involves

various actors, including the police, intelligence agencies, prosecutors, and rehabilitation institutions. The misalignment and lack of communication between these agencies often hampers the law enforcement process, complicates coordination of actions, and reduces operational effectiveness.

In addition, the lack of adequate resources and training for law enforcement officers is a significant problem. Many agencies involved in counter-terrorism face constraints in terms of specific training and logistical support, which affects their readiness and ability to handle terrorism cases effectively.

Another issue is the human rights issues that often arise in the context of terrorism law enforcement. In efforts to prevent and address terrorism, there is a risk that certain actions may violate the basic rights of individuals, such as the right to liberty and protection from torture. This study aims to explore these challenges and identify potential solutions to address these issues, with the hope of increasing the effectiveness of the implementation of the Terrorism Law.

This study uses a qualitative approach to explore and analyze the main challenges in the implementation of the Terrorism Law and find solutions that can be implemented. Through in-depth interviews with legal practitioners, analysis of legal and policy documents, and case studies of terrorism incidents, it is expected to provide in-depth insights and evidence-based recommendations to improve the anti-terrorism system in Indonesia.

METHOD

1. Research Approach

This study uses a qualitative approach to explore the challenges in the implementation of Law No. 5 of 2018 on the Eradication of Criminal Acts of Terrorism (Terrorism Law) and identify potential solutions. This approach allows for an in-depth understanding of issues that cannot be measured quantitatively and provides insights from the perspectives of various actors involved.

2. Data collection technique

- a. In-depth Interviews: In-depth interviews were conducted with a range of key informants, including:
 - Police Officers: To understand the operational and coordination challenges in handling terrorism cases.

- Intelligence Agency: To gain insight into intelligence issues and inter-agency cooperation.
- Prosecutors and Judges: To identify obstacles in prosecution and the judicial process.
- Legal Practitioners and Academics: To gain theoretical and practical perspectives on the implementation of laws.
- Representatives from Civil Society Organizations: To understand perspectives on the impact of the law on human rights and society.

This interview aims to explore the experiences, opinions, and challenges faced by each party in implementing the Terrorism Law.

- b. Document Analysis: Relevant legal documents, policies, and reports will be analyzed to provide additional context to the application of the law. Documents analyzed include:

- The Anti-Terrorism Law and its Derivative Regulations: To understand the legal basis and technical provisions.
- Law Enforcement Agency Report: To obtain data on the implementation and results of law enforcement.
- Terrorism Case Studies and Case Reports: To identify practical challenges and effectiveness of laws on the ground.

- c. Case study

This research will include case studies of several terrorism incidents in Indonesia. These case studies will provide concrete examples of the challenges faced in implementing the Terrorism Law and the solutions that have been implemented. These cases are selected based on their relevance and significant impact.

3. Data Analysis Techniques

- a. Thematic Analysis: Data from interviews and document analysis will be analyzed using thematic analysis techniques. This process includes:
- Coding: Identifying and coding the major themes that emerge from the data.
 - Categorization: Grouping the themes into relevant categories to facilitate analysis.

- Interpretation: Analyze patterns and relationships between themes to identify key challenges and potential solutions.
- b. Data Triangulation: To ensure the accuracy and reliability of the findings, this study will use data triangulation. Triangulation is done by comparing the results of interviews, document analysis, and case studies, thereby increasing the validity and reliability of the research results.

4. Ethical Considerations

This research will adhere strictly to ethical considerations, including:

- Informed Consent: Ensuring that all informants provide informed consent prior to participation.
- Confidentiality: Maintaining the confidentiality of informants' identities and personal information.
- Sensitivity: Handle sensitive issues related to terrorism and human rights with care and respect.

RESULTS

This study identifies key challenges in the implementation of Law No. 5 of 2018 on the Eradication of Criminal Acts of Terrorism (Terrorism Law) and proposes potential solutions. Based on in-depth interviews, document analysis, and case studies, the main findings of this study include:

1. Inter-Institutional Coordination

Coordination between law enforcement agencies, intelligence agencies, and related agencies is often suboptimal. Information delays and differing interpretations of laws hamper effective responses to terrorism threats.

2. Limited Resources and Training

Many agencies involved in counterterrorism face shortages in terms of resources and training. Law enforcement officers often lack the specialized skills needed to effectively handle terrorism cases.

3. Human Rights Issues

Terrorism law enforcement sometimes violates human rights, such as unlawful detention and torture, which undermines the legitimacy and effectiveness of law enforcement.

4. Complicated Legal Procedures

Lengthy and complex legal procedures often hamper the terrorism justice process, causing delays in prosecution and trials.

DISCUSSION

1. Inter-Institutional Coordination

Coordination between law enforcement agencies and intelligence agencies is key to effective handling of terrorism cases. Poor coordination results in delays in response and uncertainty in the legal process. To improve this situation, there needs to be a better communication system and standardized coordination procedures. Increasing integration between agencies, as suggested by Haris (2019), can speed up the process and improve the response to terrorism threats.

2. Limited Resources and Training

Lack of specific training and resources affects the effectiveness of law enforcement. Law enforcement officers who are not well trained may not be able to deal with complex and sensitive situations such as terrorism. Kurniawan (2020) emphasized the importance of specific training and logistical support to improve the capacity of law enforcement. Providing appropriate training and increasing resource allocation are important steps to improve the readiness and skills of officers.

3. Human Rights Issues

Law enforcement that violates human rights can undermine the legitimacy of legal action and create public distrust. Mulyadi (2018) suggests that it is important to balance security needs with human rights protection. Independent oversight and regular audits can help ensure that law enforcement actions comply with human rights standards.

4. Complicated Legal Procedures

Complicated legal procedures and protracted administration cause delays in prosecution and trials. Nugroho (2021) suggests that reforms in legal procedures can speed up

the process and increase efficiency. Simplification of legal procedures and administration, as well as the use of information technology, can reduce bureaucracy and speed up the judicial process.

CONCLUSION

This study evaluates the main challenges in the implementation of Law No. 5 of 2018 on the Eradication of Criminal Acts of Terrorism (Terrorism Law) in Indonesia and identifies potential solutions to address these challenges. Based on the results of the analysis, several main conclusions can be drawn:

1. Inter-Institutional Coordination

Ineffective coordination between law enforcement agencies and intelligence agencies is one of the main challenges in implementing the Terrorism Law. The lack of integration and communication between agencies hampers a quick and effective response to the threat of terrorism. To improve this situation, there needs to be a better coordination system and standardized communication procedures between related agencies. The implementation of information technology that supports data integration and communication between agencies is also highly recommended (Haris, 2019).

2. Limited Resources and Training

Lack of training and resources hampers the ability of law enforcement officers to handle terrorism cases effectively. This has an impact on operational readiness and the quality of law enforcement. Improvement in specific training for law enforcement officers and adequate resource allocation are urgently needed. Continuous training programs and provision of adequate facilities should be a priority to improve law enforcement capacity (Kurniawan, 2020).

3. Human Rights Issues

Law enforcement in terrorism cases sometimes violates human rights, which can undermine public trust and the legitimacy of the legal system. Neglect of basic individual rights has the potential to raise legal and ethical issues. Independent oversight and regular audits of law enforcement practices must be carried out to ensure that human rights are respected. Reform of legal procedures and the application of international standards in law

enforcement are needed to protect individual rights while facing the threat of terrorism (Mulyadi, 2018).

4. Complicated Legal Procedures

Complicated legal procedures and lengthy administration cause delays in the terrorism justice process, hindering the speed of prosecution and justice. Simplification of legal and administrative procedures is needed to improve the efficiency of the justice system. The use of information technology to accelerate the administrative and judicial processes should also be considered as a strategic step (Nugroho, 2021).

Overall, this study highlights that to improve the effectiveness of the implementation of the Anti-Terrorism Law in Indonesia, improvements need to be made in inter-agency coordination, provision of training and resources, protection of human rights, and simplification of legal procedures. By addressing these challenges, it is hoped that the anti-terrorism system can become more effective and responsive to the threat of terrorism.

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