

Juridical Analysis of The Role of The Gegana Datasemen of The Brimob Unit of The Riau Police in Countering Criminal Acts of Terrorism

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Abstrak : *The criminal act of terrorism is a serious crime that endangers the state ideology, state security, state sovereignty, human values and various aspects of social life so that its eradication needs to be carried out in a specific, planned, directed, integrated and sustainable manner. The Datasemen Gegana Brimob unit is a certain police unit that has the agility to carry out political actions in creating order and security in society, especially in terms of countering the threat of terrorism. This study aims to conduct an analysis of the role of the Riau Islands Police Mobile Brigade Unit Datasemen in combating terrorism crimes with a research study at the Satbrimob Polda Riau Islands Province-Batam. This study analyzes the dimensions of legal regulation and the constraints and solutions. This study uses a descriptive method by using a normative approach (legal research) to obtain secondary data and an empirical approach (juridical-sociological) to obtain primary data through field research (field research). Based on the results of the study, it can be concluded that the role of the Riau Islands Police Mobile Brigade Unit Datasemen in overcoming terrorism crimes has not been maximized. The Datasemen of Brimob Polda Kepri have constraints of limited funds and lack of personnel in carrying out countermeasures for criminal acts of terrorism.*

Keywords: *Crime, Terrorism, Brimob Unit Gegana Datasemen*

INTRODUCTION

Terrorism is an act of violence or threat of violence that creates a widespread atmosphere of terror or fear, which can cause mass casualties, and/or cause damage or destruction to strategic vital objects, the environment, public facilities, or international facilities with ideological, political, or security disturbance motives. The development of terrorism began in the form of fanaticism of beliefs that later turned into murder, either carried out individually or by a group against the ruler or government.

Terrorism began to be widely reported by the international community in 2001. At that time, terror struck the United States in the form of a hijacked commercial airliner that was crashed into the World Trade Centre (WTC) building in New York. After the attack, local authorities labelled it as terrorism. This incident is a global issue that affects the political policies of all countries in the world, so it becomes the starting point of perception to fight terrorism. The issue of terrorism in the Indonesian context became a point of attention when the bombings occurred at Paddy's Cafe and Sari Club, Legian, Kuta Bali on 12 October 2002 (Bali Bombing I). The bombing tragedy has put Indonesia in the spotlight of all international countries. This was because many of the victims were foreigners who were holidaying on the island of Bali.

Indent the first line of every paragraph by 1 cm. State the objectives of your work and provide an adequate background, avoiding a detailed literature survey or a summary of the results. Explicitly state the gap in the literature, which signifies the significance of your research.

The Bali I bombings have had a tremendous impact on Indonesia, not only in terms of traumatising the country but also in terms of the social and economic fabric on a micro and macro scale. Since the incident, Indonesia has been regarded as a country prone to terror threats, which in turn makes it seem scary for anyone who wants to visit.

Crimes of terrorism that have occurred in Indonesia are serious crimes that endanger state ideology, state security, state sovereignty, human values, and various aspects of life in society, nation and state, and are transnational, organised, and have a wide network and have certain objectives so that their eradication needs to be carried out in a special, planned, directed, integrated and sustainable manner, based on Pancasila and the 1945 Constitution of the Republic of Indonesia.

The Government of the Republic of Indonesia has also expressed its commitment to combat all forms of terrorism crimes as outlined in Government Regulation in Lieu of Law (Perppu) Number 1 of 2002, which was later enacted into Law Number 15 of 2003 on the Eradication of the Crime of Terrorism, and updated with Law of the Republic of Indonesia Number 5 of 2018 on the Amendment to Law Number 15 of 2003 on the Stipulation of Government Regulation in Lieu of Law Number 1 of 2002 on the Eradication of the Crime of Terrorism into Law. One of the considerations of the need to establish a law that specifically regulates the offence of terrorism is because the crime of terrorism has its own characteristics that are different from other ordinary crimes so that it is classified as an Extraordinary Crime.

The involvement of Polri in combating terrorism cannot be ignored. One of the noteworthy advances of Polri as part of the efforts to improve police performance since the separation with TNI is the disclosure of bomb cases in Indonesia by using the Scientific Crime Investigation (SCI) method, as a testable term. In line with Polri's duty to create a sense of security and a conducive situation in the community and as contained in the Constitution of the Republic of Indonesia Number 2 of 2002 concerning the Indonesian National Police, Article 14 paragraph (1) letter e, namely: "Polri is tasked with maintaining and ensuring public security, as well as Polri's position as the duty bearer of government functions in the field of maintaining security and public order, law enforcement, protection, protection and service to the community", then for the independence of Polri, professionalism is needed in providing quality services to the community. In this case, the quality of service is inseparable from the actions and

appearance of the resources of Polri members that illustrate their role, whether as protectors or as oppressors and whether as servants or as employers.

Considering that terrorism is an extraordinary crime, its handling certainly cannot use police actions as in general, the existence of certain police units that have the dexterity to perform police actions to overcome crimes outside the limits of regular police units in such a way is a necessity for law enforcement officials to carry out functions in the preventive practice of high-intensity crimes such as terrorism, where ordinary police units will not be able to carry out their roles and functions anymore to restore security and maintain security in areas that are the basis of the activities of the terrorism group.

Efforts to realise success against criminal acts of terrorism require units with qualified field capabilities, high mobility and manoeuvrability, units that are optimally equipped and have discipline and an unyielding spirit in this case is the Mobile Brigade Corps (hereinafter abbreviated as Brimob) has the highest level of readiness compared to other regular police units.

The Police Mobile Brigade Corps (BRIMOB) is an integral part of the National Police which is always required to understand its main duties professionally and provide quality services to the community, including preventing possible attempts to disrupt security stability by carrying out terror and threats of bomb explosions in a number of regions in Indonesia carried out by certain groups or individuals.

Considering that the eradication of terrorism is one of the main tasks of the police, as a form of creating order and security in society, it is necessary to study more deeply how the implementation of these police duties, especially the Gegana Detachment of the Brimob Unit. So that in handling acts of terrorism, the police must be able to use a preventive approach, namely efforts to prevent the occurrence and development of acts of terrorism in the community. Terrorist acts pose a danger to security, world peace and harm the welfare of society. Based on this, it is necessary to eradicate it in a planned and sustainable manner, so that the human rights of many people can be protected and upheld.

RESEARCH METHOD

Research Approach

This research is empirical research, namely researchers obtain data directly in terms of its nature, so this research includes descriptive research, namely research that provides a complete and clear description of the situation. And normative research is a writing method that uses legal norms that are explained by examining and discussing applicable legal regulations.

This research uses normative juridical and empirical juridical approach methods. In normative legal research or studies, activities to explain the law do not require the support of data or social facts, because normative legal science does not recognise data or social facts, only legal materials. So to explain the law or to find meaning and give value to the law, only legal concepts are used and the steps taken are normative steps.

Data Sources and Data Collection Tools

The data sources in this research are primary data and secondary data. Primary data is done by interview technique. Data collection by compiling a list of interview questions as one of the data collection tools on the sample that has been selected.

Data Analysis

The data that has been obtained, both primary data from field research, and secondary data obtained from literature research is generalised which is then analysed qualitatively.

This data analysis is an effort to find and arrange data systematically to improve the researcher's understanding of the problem under study and present it as a research finding. For secondary data collection, a document study was carried out which also collected data through data searches on internet sites.

RESULT AND DISCUSSION

Terrorism is a crime against humanity and civilisation and poses a serious threat to the sovereignty of a State, as it is an international crime. This crime poses a danger to security, world peace and harms the welfare of society. Based on this, it is necessary to eradicate it in a planned and sustainable manner, so that the human rights of many people can be protected and upheld.

The government's counter-terrorism strategy is implemented through preventive, preemptive and repressive efforts. First, repressive efforts, towards this humanitarian and societal problem, many efforts have been made to overcome it. One of the efforts to overcome crime is by using penal means, namely using criminal law with sanctions in the form of punishment. Crime prevention using criminal law is the oldest method, as old as the civilisation of society itself. However, this does not mean that the use of punishment as a way to overcome crime. Repressive measures taken by the government in order to counter terrorism are as follows:

1. Establishment of Counter-Terrorism Agency, as well as the establishment of special units as a measure to eradicate terrorism.
2. Raids on terrorism hideouts.
3. The imposition of strict criminal sanctions against perpetrators of terrorism who have been proven guilty based on available evidence.

Second, preventive efforts, considering the limitations of penal efforts, it is necessary to overcome crimes that are not only penal in nature, but can also use non-penal means or policies. This non penal effort is a crime prevention, which is carried out before the crime occurs, so this effort is better known as a preventive effort. This should be prioritised over repressive efforts. The purpose of non-punitive measures is to improve certain social conditions, but indirectly has a preventive influence on crime.

Preventive measures taken by the government in order to counter the crime of terrorism, namely:

1. Increased security and supervision of firearms.
2. Increased preparedness against terrorists.
3. Supervision of explosives and chemicals that can be assembled into bombs.
4. Tightening border control and entry and exit points.
5. Monitoring of community activities that lead to acts of terror.

Third, preemptive efforts, preemptive efforts can be carried out in the following ways:

1. Enlightenment of religious teachings by charismatic figures and high credibility in the religious field to eliminate extremism and radicalisation of understanding of religious teachings by hardline fundamentalist groups.

2. Adjustment of political and government policies as follows:
 - a. Responding to political demands with political policies that can accommodate the aspirations of radical groups.
 - b. Involving radical groups that have the potential to lead to acts of terror in peaceful conflict resolution through dialogue, negotiation, and so on.
3. Involving political parties and community organisations or non-governmental organisations that have the same or similar vision and ideology in dialogue with radical groups.
4. Firmly establishing terrorist organisations and related organisations as banned organisations and dissolving them.

The role of the police, in this case Brimob as a high-level security controller, has a different role from other police work units such as investigators who examine criminal cases in a structured manner and are then tried in court and given a sentence. The Police Brimob Corps as an integral part of the Police also has the main tasks and functions to carry out and mobilise the strength of the Brimob Polri in tackling high-level Kamtibmas disturbances, especially mass riots, organised crime armed with fire, bombs, chemicals, biology and radioactivity. The implementation of the Brimob task is based on the function of the Brimob Polri as the ultimate unit of the Police (Striking Force) which has the specific ability to deal with high-level domestic security and community rescue supported by trained personnel and has solid leadership, equipment and equipment with modern technology. Meanwhile, the role of Brimob Polri in the organisation is to manoeuvre, either individually or in groups with the power of movement, firepower and ambush power to limit the space for movement, paralyse, capture criminals along with witnesses and evidence by: assisting, complementing, protecting, strengthening and replacing existing police units.

The duties and functions of Brimob are based on the juridical basis of Law Number 2 of 2002 concerning the Indonesian National Police, namely to carry out and mobilise the strength of the Brimob Polri to tackle high-level kamtibib disorders, especially mass riots, organised crime armed with firearms, bombs, chemicals, biological and radiocative materials together with other operational police elements in order to create law and order and public peace throughout the juridical Republic of Indonesia and other tasks assigned to it.

The formulation of this task explicitly explains that Brimob is very instrumental in tackling acts of terrorism committed by perpetrators of criminal acts of terrorism. Terrorism is a high-level public security disturbance and requires troops who are specially educated and trained to deal with high-level domestic security problems and community rescue supported by trained personnel and have solid leadership, equipment and equipment with modern technology. In its role, Brimob Polri is together with other Police functions to take action against perpetrators of high-level crimes, especially mass riots, organised crimes firearms, bombs, chemical, biological and radioactive in order to create legal order and public peace throughout the juridical territory of the Republic of Indonesia.

Brimob's role is to assist other police functions. Protecting members of the Police as well as the public who are under threat and replacing Police duties in the Regional Unit if the situation or target of the task has led to a high level of crime. In relation to

countermeasures against acts of terrorism, the standardisation of Brimob capabilities is divided into several parts, namely pioneers, SAR, Gegana and Intel Brimob. Each Brimob plays a role for high-intensity control, but Gegana is a small core that specifically handles terrorism cases.

Based on the point-by-point review of the workflow of the Brimob Unit, which is part of the POLRI camp, explains to us about the work cycle of the Brimob Unit in tackling criminal acts of terrorism perpetrators. The Brimob Unit is one of the most important parts of the Republic of Indonesia that is dominant in relation to the set of crime prevention.

More specifically, the unit specifically tasked with anticipating the threat of terrorism is the Bomb Disposal Unit (Subden 2 Jibom) which is under the Gegana Detachment of the Brimob Unit. The Jibom Unit is tasked with cracking down on high level and high intensity public security disturbances, especially organised crimes using firearms and/or bombs. The KBR unit is tasked with cracking down on high-level and high-intensity public order disturbances, especially organised crimes using chemicals, biological and radioactive. And the Bantek Unit consisting of tactical assistance detachments and development detachments is tasked with technical assistance to the Gegana function in the prosecution of high-level and high-intensity public security disturbances.

The Bantek Unit consists of two detachments, namely: Gegana troops in the future will face various developments in high-intensity and high-level kamtibmas disorders that are increasingly complex and lead to Transnational Crime (Terrorism, Chemical And Bioterrorism, Narcoterrorism, Cyber Crime), the development of science and technology, especially information and communication technology that occurs in external and internal police, which affects kamtibmas conditions that have an impact on the operationalisation of the main tasks and functions of the Gegana troops because they are not yet supported by the latest equipment. Other obstacles, in accordance with Perkap Number 06 of 2017 concerning Organisation Units at the Police Headquarters level, the list of personnel composition (DSP) amounts to 3,312 but the real number of Gegana force personnel is currently only 983 people consisting of 966 members of the Police and 17 civil servants so that there is still a shortage of personnel to support the operational and staff functions of the Gegana pass and the ranks.

The role of Gegana Korps Brimob Polri in countering criminal acts of terrorism consists of normative role and factual role. The normative role is carried out by Gegana Korps Brimob Polri in countering criminal acts of terrorism based on the Laws and Regulations, particularly Law Number 2 Year 2002 on the National Police of the Republic of Indonesia. Article 1 Paragraph (5) states that public security and order is a dynamic condition of society as one of the prerequisites for the implementation of the national development process in order to achieve national goals marked by guaranteed security, order, and the rule of law, as well as the maintenance of tranquility, which contains the ability to foster and develop the potential and strength of the community in counteracting, preventing, and overcoming all forms of law violations and other forms of disturbances that can disturb the community.

Article 4 of Law No. 2 of 2002 on the National Police of the Republic of Indonesia states that the Police aims to realise domestic security which includes the maintenance of public security and order, order and law enforcement, the implementation of

protection, protection, and services to the community, and the fostering of public peace by upholding human rights. Article 2 of Law Number 2 of 2002 concerning the Indonesian National Police, states that the police function is one of the functions of state government in the field of maintaining security and order, law enforcement, protection, protection, and services to the community.

The role of Gegana Korps Brimob Polri in countering criminal acts of terrorism is carried out by the Bomb Disposal Unit as a subdetachment under the Gegana Detachment of the Brimob Unit of the Riau Police. Based on Article 220 of National Police Chief Regulation No. 22/2010 on the Structure of Organisation and Work Procedures at the Regional Police Level, Satbrimob is the main task implementing element under the Kapolda. Satbrimob is tasked with carrying out countermeasures against high-intensity security disturbances including terrorism, riots or mass riots, organised crime armed with firearms or explosives, handling Chemical, Biological and Radioactive (KBR) weapons and implementing Search And Rescue (SAR) activities.

Implementation, Obstacle Factors and Solutions for the Gegana Detachment of the Brimob Unit of the Riau Islands Police in Countering Criminal Acts of Terrorism

Obstacles in overcoming bomb threats by the Gegana Detachment of the Kepri Police Brimob Unit in service to the community in accordance with the concept of excellent service (A6) according to informants by aligning the following factors:

1. Ability is certain knowledge and skills that are absolutely necessary to support an excellent service programme.
2. Attitude is the behaviour that must be highlighted when dealing with the public. The attitude of Jibom unit members who obey and comply with regulations, discipline and order in carrying out activities are factors that support in improving countermeasures. Public complaints about the attitude of Jibom unit members who are less communicative will affect the quality of service, because an uncommunicative attitude will seem arrogant so that it makes the public unsympathetic.
3. Appearance is a person's appearance, both physical and non-physical, which can reflect the confidence and credibility of others. The appearance of members in uniform shows neatness and follows the rules of the police uniform so that the people who see it will be sympathetic, but the appearance with a scary face, without a smile, greeting and greeting shown by members of the Jibom unit will make people afraid.
4. Attention (Attention) full concern for the community, both with regard to attention to the needs and desires of the community as well as understanding of suggestions and criticism. The Jibom unit visiting the scene of the bomb terror threat is a form of concern and is something that is highly expected by the community, but because today's society wants to be served quickly, the long time in visiting the crime scene makes the community anxious, so that the community considers the Jibom unit less responsive.
5. Action is a variety of real activities that must be carried out in providing services to the community. With the action of sterilisation/examination of the scene of the terror bomb threat by the Jibom unit seriously, using the equipment according to its use and using the ability sincerely will provide service satisfaction for the community.
6. Accountability is an attitude of partiality to the community as a form of care to avoid or minimise loss or public dissatisfaction. By not destroying the crime scene and

maintaining order, not frightening the public in carrying out sterilisation or examination means that the Jibom unit does not harm the community.

Internal inhibiting factors are as follows:

1. The number of personnel of the Jibom unit of the Gegana Detachment of Satbrimob Polda Kepri is adequate, but in terms of organising the implementation of activities, it is not based on the interests of the main task.
2. The limited capabilities of the Jibom unit personnel will hamper the implementation of tasks, especially in mastering the actions and use of sophisticated equipment. This is due to the fact that not all members of the Jibom unit of the Gegana Detachment of Satbrimob Polda Kepri have attended vocational education related to the implementation of Jibom tasks and still have little experience in duty.
3. Damage to some equipment due to the lack of maintenance costs for equipment and supplies owned by the Jibom unit. This is based on interviews with members of the Jibom unit who complained that requests for replacement and repair of equipment have been submitted but have not yet been realised.
4. The absence of a Detachment Unit in Polda Kepri, which is only regional in nature, making it difficult to communicate with terrorist networks in particular and the ability to make bombs.

External inhibiting factors include:

1. Vehicle congestion and road congestion will clearly hinder the movement of the Jibom unit to the scene of the bomb threat.
2. The jurisdiction of Polda Kepri consists of many regional units/polres, so the Jibom unit will experience difficulties in backing up the jurisdiction, while the Jibom unit only consists of 4 teams that take turns doing standby or on call every day. The 4 teams are unbalanced compared to the area, population and quantity of terrorist bomb threats, which greatly affects the countermeasures and quality of service of the Jibom unit in providing services to the community.
3. The location targeted by bomb threats is always a large place and consists of many rooms and there are buildings that do not have sketches / building plans, so it will take a long time to carry out inspection and sterilization. By looking at the number of Jibom unit personnel on duty and the minimal equipment used, it is not proportional to the speed in examining the crime scene of a bomb threat with a very large area.
4. The non-coordinative attitude of building owners who do not give permission for certain places or rooms to be inspected, thus hampering the task of handling bomb threats.
5. Not all members of the security guards, especially those who carry out security duties in strategic places, have received training to anticipate the threat of bomb terror, thus giving a workload for the Jibom unit which carries out the task of only 4 personnel by examining a fairly large crime scene area.
6. Lack of socialization about radicalism to the community and about the actions taken by the community in the event of a terrorist bombing.
7. There are still sites on the internet that show how to make firecrackers and fish bombing materials or the like, so that they become a reference for bomb terrorists.

CONCLUSION

Based on the results of the research and discussion, the following conclusions can be drawn:

- a. Legal arrangements in countering criminal acts of terrorism discussed in this research are the Constitution of the Republic of Indonesia Number 2 of 2002 concerning the Indonesian National Police and the Constitution of the Republic of Indonesia Number. 5 of 2018 concerning the Amendment to Law Number 15 of 2003 concerning the Stipulation of Government Regulation in Lieu of Law Number 1 of 2002 concerning Eradication of Criminal Acts of Terrorism into Law.
- b. The role carried out by the Gegana Detachment of the Brimob Unit of the Riau Police as a law enforcer in countering criminal acts of terrorism is a normative and factual role. The obstacles and constraints experienced by the Gegana Detachment of the Brimob Unit of the Riau Police in countering criminal acts of terrorism consist of internal and external factors.

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