Abstraksi

Berbagai peristiwa teror yang terjadi di negara kita seperti peristiwa Bom Bali, peledakan bom di hotel JW Marriot, di depan kedutaan besar Australia, kerusuhan di Poso dan Ambon, dan berbagai peristiwa teror lainnya, menimbulkan tuduhan dan prasangka terhadap berbagai pihak. Ada yang menuduh Tentara Nasional Indonesia (TNI), rekayasa intelijen Indonesia, keterlibatan Amerika, misi Australia menguasai Indonesia, dan ada juga yang menuding keterlibatan sebuah organisasi Islam yang bernama Al-Jamaah Al-Islamiyah atau yang populer disebut Jamaah Islamiyah (JI) yang berafiliasi dengan Al-Qaeda beserta Osama Bin Laden.[1]

Menyadari akan hal tersebut, upaya yang dilakukan pemerintah adalah dengan secepatnya mengusut tuntas tindak pidana terorisme dengan memidana para pelaku di balik peristiwa-peristiwa tersebut. Pemerintah sebagai pelaksana yang mempunyai wewenang untuk mengatur jalannya pemerintahan demi keberlangsungan negara, maka sudah merupakan kewajibannya pula untuk melindungi setiap Hak Asasi Manusia (HAM) yang ada. Sebagaimana dalam pembukaan Undang-Undang Dasar 1945, alinea ke-IV yang menyatakan: “Kemudian daripada itu untuk membentuk suatu pemerintahan negara Indonesia yang melindungi segenap bangsa dan seluruh tumpah darah Indonesia…”

Faktanya setelah melakukan penyelidikan-penyelidikan yang ada, bahwa sebuah tindak pidana terorisme dilakukan atas adanya sebuah organisasi yang terlibat dalam afiliasi terorisme tersebut, maka pastilah adanya
ABSTRACT

Various terror events that occurred in our country such as the Bali bombings, bombings at the JW Marriot hotel, in front of the Australian embassy, riots in Poso and Ambon, and various other terror events, give rise to accusations and prejudice against various parties. Some are accusing the Indonesian National Army (TNI), engineering Indonesian intelligence, American involvement, the mission of Australia dominate Indonesia, and there is also accused of involvement an Islamic organization named Al-Jamaaa Al-Islamiya or popularly called Jemaah Islamiyah (JI), which is affiliated with Al-Qaeda along with Osama Bin Laden. [1] Recognizing this, the government's efforts is to immediately investigate the crime of terrorism convict the perpetrators behind such events. Government as an executive who has the authority to regulate the running of the government for the continuation of the state, then it is also his duty to protect all human rights (human rights) that exist. As in the preamble of the Constitution of 1945, at paragraph IV which states: "Then instead of it to form a government of Indonesia which is to protect the people and the country of Indonesia ..." In fact after conducting investigations exist, that a criminal offense terrorism committed in the presence of an organization involved in affiliate terrorism, then surely the organizational structure consisting of several parts, among others, as chairman, people are told to do or move, which participated perform or help prevent a criminal act of terrorism, as well as the main actors did. Starting from the arrest of the perpetrators of the Bali bombing and followed a number of similar events that followed next, which threaten the defense of this country, the work effort of the police to investigate the perpetrators of terrorist opened one by one. That the criminal acts of terrorism that occurred in our country is a form of the existence of a network of terrorist organizations. It is a top priority in order to attempt to enforce the law, as the Constitution of 1945 guarantees the protection of the security of person everyone from the threat of fear and / or terror contained in Article 28G (1), states "Everyone has the right on protection of self, family, honor, dignity, and property under his control, and has the right to feel secure and protected from the threat of fear to do something that is a human right. "To reveal or combat terrorist networks in Indonesia, the law enforcement in conducting investigation requires adequate legal instruments governing criminal act of terrorism. The Government is aware of this, but mitigation is still based on rules common, namely the Code of Penal (Penal Code), which has not been set up specifically and not enough to combat the crime of terrorism. [2] One part of the law always be a measure of the effectiveness of the law in society is criminal law that is part of public law. As part of the public law, then the state by hand sovereign power would be given the power to regulate and restrict the rights and freedoms of each individual in society in order to create order