The Riot at Mako Brimob Detention Center in Kelapa Dua as a Catalyst for the Enactment of Law Number 5 of 2018

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Abstract
The ratification of Law Number 5 of 2018 to amend Law Number 15 of 2003 to establish government regulations in lieu of Law Number 1 of 2002 to abolish criminal acts of terrorism would result in the laws being enacted. This demonstrates how committed the government is to eliminating terrorism in order to protect the integrity of the country and state. The purpose of this study is to determine how the disturbance at the Mako Brimob Kelapa Dua Detention Center led to the enactment of Law Number 5 of 2018, what measures were made to avert it, and how successful it was in outlawing terrorist offenses. This study employs normative legal research methodology and descriptive qualitative research techniques. The findings demonstrated that the disturbance at the Mobile Brigade Headquarters Kelapa Dua served as the impetus for the enactment of Law Number 5 of 2018. After a number of terror incidents following the riots, the government urged the DPR to quickly pass Law Number 5 2018, a revision of Law Number 15 of 2003, because of several flaws in the previous Terrorism Law that hindered law enforcement officials' ability to eradicate terrorist crimes in Indonesia.

Keywords: terrorism, crime, catalyst, law number 5 of 2018, riot incident at the Mobile Brigade Headquarters Detention Center, Kelapa Dua

INTRODUCTION

In May 2018, the rioting event at the Mako Brimob Kelapa Dua prison center marked the start of a string of terrorist attacks. Five members of Detachment 88 Anti-Terror Police lost their lives during the dramatic 36-hour hostage situation. Terrorist cells in different parts of Indonesia were sparked by the occurrence to carry out acts of terror that they claimed were deeds of jihad. On May 13, 2018, there was another act of terror: three churches in Surabaya saw suicide bombs that left fourteen people dead. Later that evening, the Sidoarjo Flats had a bomb explosion that left three people dead. The next day, May 14, 2018, there was a suicide bombing at Surabaya Police Station which killed 14 people. 2 days later, on May 16, 2018, there was another attack in the Riau Regional Police which killed 4 victims. The series of events made the Government urge the DPR to immediately pass the revision of the Terrorism Law. Even President Joko Widodo stated that he would issue a Perppu if the DPR was unable to complete the revision of the Terrorism Law by June 2018. The fact is that the revision of the Terrorism Law has been proposed since February 2016, but was not passed until several terror events in May 2018.

Article 1 of Law Number 5 of 2018 defines terrorism as any act that, for ideological, political, or security-related reasons, uses violence or threats of violence to spread terror or fear, which may result in mass casualties, damage, or destruction of strategically important objects, residential areas, public buildings, or international facilities. Walter Laqueur defines terrorism as the illegal use of force to further political objectives.
Terrorism targets sinful and innocent civilians. The use of violence is the primary component of terrorism. Although Jihad is a form of loyalty and commitment to Islam, terrorist organizations misunderstand it as an act of violence or war against people or organizations who disagree with their beliefs. Jihad actually has a wide definition that goes beyond only engaging in physical combat. According to The Great Indonesian Vocabulary, jihadi is an endeavor made with all efforts to bring about good.

RESEARCH METHODS

The research methodology employed in this study is descriptive qualitative research, which involves providing a detailed description of specific messages pertaining to their aspects and qualities and gathering pertinent literature in the form of books, articles, and other references (Eriyanto, 2011). Examining secondary data or library resources was used to perform this normative legal research (Mamudji, 2014). Law Number 5 of 2018 concerning Amendments to “Law Number 15 of 2003 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2002 concerning the Eradication of Criminal Acts of Terrorism into Law” is the primary piece of secondary data used in this study.

DISCUSSION AND ANALYSIS

The riot at Mako Brimob Detention Center in Kelapa Dua as a catalyst for the enactment of law number 5 of 2018 concerning the Eradication of Criminal Acts of Terrorism

The riot at the Mako Brimob Kelapa Dua Terrorist Detention Center in May 2018 signaled the start of a string of terrorist attacks in Indonesia, signaling the emergence of terrorist groups within the nation. There have been hundreds of injuries and 41 fatalities as a result of these terrorist attacks. This occurred as a result of multiple flaws in the previous Terrorism Law, specifically Law Number 15 of 2003. Law Number 15 of 2003 was created following Perppu Number 1 of 2002, according to then-National Police Chief General Tito Karnavian. This was done in response to pressure from both domestic and international sources following the Bali Bombing Tragedy in 2002. He claims that a significant flaw in the law is that there is no purpose for terrorists to be prevented or rehabilitated after serving their sentences. Law enforcement officers therefore proceed with extreme caution when designating someone as a suspect.

According to police Number 15 of 2003, in order for someone to be considered a suspect, police enforcement must have enough proof. This makes it more difficult for law enforcement to stop frequent acts of terrorism. Therefore, it appears that law enforcement responds to acts of terror only after they happen. Following a number of terrorist attacks in May 2018, the government urged the House of Representatives to swiftly approve the Terrorism Law amendment, which has been in the works since February 2016. Even the president, Joko Widodo, threatened to issue government regulations in place of legislation in the event that the House of People's Representatives failed to finish revising the Terrorism Law by June 2018.

Law Number 5 of 2018 Accommodates Measures to Prevent Acts of Terror

Following the enactment of Law Number 5 of 2018 about the Eradication of Criminal Acts of Terrorism, law enforcement officials are now able to stop action planning before it starts by implementing preventive measures. The goal of prevention is to stop something from happening. This is demonstrated by the addition of Articles 10A, 12A, 12B, 13A, and 16A, which declare that it is illegal to plan, organize, train the armed forces, produce explosives, spread hate speech, adopt a violent stance, or write about violence, as well as to involve minors in terrorist crimes. Law enforcement personnel can
more easily put an end to acts of terror before they happen thanks to these articles. The method of investigation, prosecution, and examination in court proceedings has also been altered and expanded upon in a number of articles in the new Terrorism Law, including:

1. Amendment to Article 25; increase the detention period in the investigation and prosecution process from 6 (six) months to 9 (Nine) months.
2. Amendment to Article 28; Increase the arrest period, detention from a maximum of 7 (seven) days to 14 (fourteen) days plus an extension of 7 (seven) days to ensure initial evidence of indications of criminal acts of terrorism;
3. Addition to Article 28A; increase the period of research of terrorism criminal case files by the Public Prosecutor to a maximum of 21 (twenty-one) days since the file is received from the Investigator.
4. Amendment of Article 31; increase the period of wiretapping in the investigation process by the Investigator to a maximum of 2 (two) years.
5. Addition to Article 31A; Wiretap first no later than 3 (three) days in urgent circumstances to terrorism suspects before requesting a determination from the Chief Justice of the District Court.
6. Amendment to Article 33; Add advocates, whistleblowers, experts, and community officers to the protection of parties involved in the process of terrorism criminal cases.
7. Amendment to Article 34; Explain in detail that investigators, public prosecutors, judges, and community officers as law enforcement officers are given special protection.
8. Addition to Article 34A; explained that the safeguarding of identity secrets, as well as giving information without face-to-face contact with the accused and can be done remotely through audio-visual communication devices as protection provided by the state.

Some of the points of change and addition above show that Law Number 5 of 2018 greatly provides ample space for law enforcement officials to complete the process of terrorism criminal cases and provides convenience and protection to related parties. In the process of arrest, detention and other legal proceedings must be carried out by upholding the principles of human rights. Perpetrators must be treated humanely, not tortured, not treated cruelly, and not degraded as human beings (Siregar, 2019).

The Effectiveness of Law Number 5 of 2018 on the Eradication of Criminal Acts of Terrorism in Indonesia

Following its enactment on June 21, 2018, and promulgation on June 22, 2018, Law Number 5 of 2018 had a significant effect right away. This is demonstrated by the 350 persons that the Special Detachment 88 Anti-Terror Police arrested, as well as by proof of terrorist crimes committed throughout Indonesia.
In an effort to prevent acts of terror in Indonesia, the National Police's Detachment 88 Anti-Terror has made more arrests of suspected terrorists since the new Terrorism Law was passed. This has an effect on the decline in terror cases in Indonesia following the 2018 Rutan Mako Brimob Kelapa Dua incident.

The aforementioned data indicates a drop in terrorist cases subsequent to the enactment of Law Number 5 of 2018 for the Eradication of Criminal Acts of Terrorism. Even if the new Terrorism Law has been successful, when suspected terrorists are apprehended in large numbers, other issues arise. The primary issue here is that Indonesian jail facilities are not large enough to hold these people. If the local police or police station is tasked with the detention of suspected terrorists, a detention center dedicated to this purpose is required to prevent the spread of radical ideologies to detainees charged with other crimes.

CONCLUSIONS

A string of terrorist attacks in May 2018 began with the events surrounding the riot at the Kelapa Dua Mako Brimob Detention Center on May 8, 2018. This served as the impetus for the amendment of Law Number 15 of 2003 on the eradication of terrorist acts to Law Number 5 of 2018 concerning the same, which was passed in response to the threat of terrorism. Since its enactment on June 21, 2018, the new anti-terrorism law has had a direct positive impact, leading to numerous arrests of individuals suspected of being terrorists across Indonesia. The law also reduced the amount of terror attacks that occurred in Indonesia in the ensuing years. Law Number 5 of 2018 gives law enforcement personnel a great deal of room to finish terrorism-related criminal proceedings while also offering convenience and protection to relevant parties.

One cannot divorce Law Number 5 of 2018's accomplishments from its flaws in terms of its ability to lower the number of terror cases in Indonesia. Many of the suspected terrorists are turned over to local police and police stations because there hasn't been a corresponding increase in the capacity of correctional facilities to handle the growing number of arrests. This is particularly concerning because the alleged terrorists have the ability to radicalize other basic criminal inmates who share a prison with them.

Government assistance and law enforcement agencies must work together to coordinate the construction of Special Detention Centers for Terrorism Crimes in order to prevent the spread of radical ideologies to other inmates.
to house the increasing number of individuals who are suspected of being terrorists. In order to avoid having the Indonesian government suffer consequences, it is imperative that suspected terrorists held at Polda and Polres do not utilize their detention as a platform to propagate radical ideologies among other general criminal inmates.

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