

## CHAPTER ONE

### INTRODUCTION

#### A. Background

In 2016, Special Force of Police of Indonesia made a wrong treatment on terrorism case. It was the case of Siyono, in Klaten, Central Java. Siyono was a person who suspected as a terrorist by Indonesian Police. He was arrested by the police when he finished praying near his house. When he was arrested by the police, he was a person who suspected without any strong evidences.

Unfortunately, he died before the accusation was processed and proved in the court. Based on the doctor's autopsy the death was caused by torture action when he was investigated by the police<sup>1</sup>. The torture action surely can be categorized into the violation of human rights. Terrorism is an action which absolutely violates the law, not only national law but also international law. It is a crime action, a murder and human rights violation. Every state over the world makes some efforts to combate the terrorism actions, including Indonesia.

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<sup>1</sup>Isyana Artharini, The action that caused the death of Siyono at [http://www.bbc.com/indonesia/berita\\_indonesia/2016/04/160411\\_indonesia\\_autopsi\\_siyono](http://www.bbc.com/indonesia/berita_indonesia/2016/04/160411_indonesia_autopsi_siyono) accessed on October 13th, 2016 at 01.32 p.m.

The data said that there were 54 people died because of the human rights violation on the case for giving wrong punishment and more violation were from the case of terrorism.<sup>2</sup> Indonesian Government Regulation has regulated the compensation for the victim on the case of human rights violation. It is regulated in Government Regulation No. 3 of 2002 on Compensation, Restitution and Rehabilitation for Victims of Human Rights Violations.<sup>3</sup> Even Indonesia guarantes the loss that obtained by the victim of human rights violation, Indonesia still cannot ignore the importance of human rights protection for every citizen that is guaranteed in Indonesian Constitution.

In Indonesia, terrorism actions have happened many times. It had been started since 1981 untill now.<sup>4</sup> Of course the actions of terrorism treathen the rights of people to live in save condition. To ensure the program of combating the terrorism action, Indonesia needs to set agenda of combating terrorism program and formluate regulations which support the effort to combate terrorism itself.

According to Indonesian's history of terrorist cases, there were so many victims that were caused by the terrorism actions. The cases have inspired the government of Indonesia to formulate the law regarding terrorism and design the effort to combate the terrorism action. It was

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<sup>2</sup> *Anonymous*, The data human rights violation related terrorism at <http://dokumen.tips/download/link/data-pelanggaran-ham-yang-pernah-terjadi-di-indonesia> accessed on 3 November 2016 at 7.50 p.m

<sup>3</sup> *Ibid*

<sup>4</sup> In 1981, Garuda Indonesia was attacked by terrorist during flying to Medan to Jakarta after transiting in Palembang

started when Indonesia government formulated the regulation about terrorism and established a Special Force of Police which has duty to combat the terrorism.<sup>5</sup>

After Bali bombing on October 12, 2002, the Government issued Presidential Instruction No. 4 of 2002 in order to tackle terrorism. The President gave a mandate to the Coordinating Minister for Political and Security Affairs (Susilo Bambang Yudhoyono) to establish national policy and strategy to deal with terrorism. Then, according to the decision of Coordinating Minister for Political and Security No. Kep-26/Menko/Polkam/11/2002 Indonesia established an Anti-Terrorism Unit (*Desk Koordinasi Pemberantasan Terorisme*). Besides, on July 16, 2010 the President of the Republic of Indonesia issued Presidential Decree No. 46 of 2010 on National Counter Terrorism Agency.

Having the National Counter Terrorism Agency, Indonesia seems very serious and consistent on making extra effort to combat the terrorism actions. On the other hand, Indonesia also imposes severe punishment for whoever do, make or support the terrorism action.

However, despite combating terrorism seriously, Indonesia has to pay attention to the rule of law as stated in the 1945 Constitution. In other word, the effort on combating the terrorism also must not ignore the protection of human rights as guaranteed in the 1945 Constitution. This research will evaluate the action taken by Indonesian in combating

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<sup>5</sup> In Indonesia, the Special Force is well-known as *Datasemen Khusus 88* or *Densus 88*

terrorism according to the law and also based on human rights protection. In this research, Siyono case would be one of case that is going to be evaluated as an example of the Indonesia combating terrorism. In Siyono case, the researcher assumed that there is a serious violation of laws and human rights because he was died during the police custody.

### **B. Research Problem**

1. How is the policy of the Government of Republic of Indonesia in combating terrorism?
2. How is the implementation of Terrorism Law No 15 Year 2003 about Terrorism and Protection of Human Rights in case of Siyono?

### **C. Objective of Research**

There are some objectives in the research as follow:

1. Understanding regulation regarding combating terrorism in Indonesia;
2. Evaluating the execution of combating terrorism by Government from Indonesian Law Perspective;
3. Proposing some recommendation for better concept of combating terrorism in Indonesia.

**D. Benefits of Research**

1. Theoretically, the research will enrich the understanding about Indonesian Law on terrorism as well as the implementation of human rights protection;
2. Practically, the research will purpose the recommendation to Government for a better policy on combating terrorism in Indonesia