

The Urgency of Counter-Terrorism through the National Legislation Program (Prolegnas) of the National Security Bill

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Abstract

The development of an increasingly complex strategic environment today poses various forms of threats that are diverse and affect national security, including the threat of terrorism. Terrorism has become an important record in national security and has even been reported by the United Nations as a threat that the world needs to be aware of. In facing the changing trend and dynamic development of security threats, a comprehensive and effective countermeasure is needed through the role of state apparatus and other components of the nation, including the legal system. To build a national security system, it is necessary to use the national legal system as a basis for taking comprehensive and effective action on all threats and crimes that undermine national security and stability. The establishment of our country's national security system has been proposed in the National Security Bill, but there are still some obstacles, but the latest development of the national security bill, namely the bill has become one of the agenda of the National Security Bill. Legislation Plan (PROLEGNAS) for the period 2019-2024. The urgency of the National Security Bill in countering terrorism in Indonesia in this study uses a qualitative method with the type of literature study. Through the studies conducted, although there are still differences of opinion and views from experts and practitioners on the concept of national security, the urgency of the National Security Law is appropriate and expected to be a comprehensive legal system in its field.

Keywords

terrorism; National security; legal system



I. Introduction

The development of an increasingly complex strategic environment today poses various forms of threats, even the source is difficult to identify due to the development of technical and practical aspects that affect national security. The form of threats that used to only lead to military threats no longer exists, these threats have now penetrated into aspects of ideology, politics, economy, socio-culture, technology, public security, including regulations or legislation. it has even developed and may threaten in the future.

Since 2002, the eradication of terrorism in Indonesia has been based on the RI Law Number 15 of 2003 which has been amended by the Law of the Republic of Indonesia Number 5 of 2018 concerning the Eradication of Criminal Acts of Terrorism. Terrorism is considered a crime according to Indonesian criminal law, so terrorism clearly wants to be eradicated using criminal law. However, with the development of the strategic environment in the global era, the crime of terrorism which is defined as a violation of security and the rule of law is increasingly widespread, threatening and threatening state sovereignty.

Examples are the Case of Iraq-Syria and the Philippines. Therefore, the possibility of using criminal law to carry out law in society is not the only option, because there are things that need more attention, namely the preservation of state sovereignty, in this case the Unitary State of the Republic of Indonesia (Anakotta & Disemadi, 2020).

The 2004 UN report was the High Level Panel Report entitled “Threats, Challenges, and Change”. This report states that there are six groups of threats to the 21st century, namely: socio-economic threats (poverty, social inequality, environmental problems); conflict among states or interstate conflict; conflicts within the state (civil war, genocide and other forms of large-scale crime); chemical, biological, radiological and nuclear (CBRN) threats; terrorism; and transnational organized crime (Atmasasmita, 2012). Based on the UN report, all countries in the world need to be aware of one of these major threats, namely terrorism, including Indonesia which must be vigilant against this threat. The phenomenon of terrorism, which has existed for a long time, is clearly a crime that can have a major impact not only on individuals or groups but can also threaten and endanger national and even international security stability. Within the framework of national security, it can be said that terrorism as a threat can affect state security, public security, and human security (Firah, 2015).

In facing the changing trend and dynamic development of security threats, a comprehensive and effective response and response is required through the active role of state apparatus and other state components, including the legal system. To build a national security system, it is necessary to use the national legal system as a basis for taking comprehensive and comprehensive action on all threats and crimes that undermine national security and stability (Lutfah, 2016). The establishment of our country's national security system has been proposed in the national security bill, however there are still some obstacles, but the latest development of the national security bill, namely the bill has become one of the agenda of the national security bill Legislation Plan (PROLEGNAS) for the period 2019-2024.

II. Research Methods

The method used in this research is qualitative method (Miles, Huberman and Saldana, 2014). The type of research is library research. The literature study intends to examine theoretical studies and several reference sources that are still in the realm of scientific literature (Sugiyono, 2012). The research steps with literature study carried out in this study, including: 1) preparing equipment that supports research, 2) compiling a work bibliography, 3) controlling and managing time, 4) making and compiling research notes (Zed 2004). Sources of data obtained from the literature relevant to this research can be found from books, journals or scientific articles that are related and can provide explanations related to the topics that have been determined. The data collection technique used in this literature study is to find data related to things or variables in the form of books, important notes, documents, journals, or scientific articles and so on (Arikunto & Jabar, 2010). The data analysis technique used in this literature search and review is content analysis, as a research tool used to determine the presence of certain words, topics, or concepts in certain qualitative data (eg text). By using content analysis, researchers can measure and analyze the existence, meaning, and relationship of certain words, topics, or concepts. To maintain the validity of the existing processes and data and prevent the delivery of incorrect information, the researcher checked between libraries and reread existing library sources by the researcher. This research report was prepared on the principle of simplicity, thoroughness and usefulness of research results.

This principle was chosen considering the limitations of researchers both in terms of time and ability to conduct a more in-depth literature review but still provide useful results in the future. In addition, the purpose of using the principle of simplicity is to make it easier for readers to understand the core content of counter-terrorism through the national legislation program of the National Security Bill.

III. Discussion

3.1 Defense

Defense is a science that arises from the presence of threats. To deal with threats, an effective strategy is needed so that threats from a particular country or organization interfere with the existence of the state, its sovereignty, and its security so that it can be faced and overcome. The use of deterrence strategy is considered capable of preventing war, but if it cannot prevent war from occurring then war can no longer be avoided, defense must be prepared. Defense science as a form of applied science is expected to be able to provide prevention benefits against growing threats. As a science, defense science is a cross-disciplinary science that includes other sciences, namely philosophy, history, economics, political science, anthropology, medicine, technology, biology, and various other sciences including art (Supriyatno, 2014). Defense science cannot be separated in the discussion of national security considering that the defense components that support national security are able to achieve national security. The threat of terrorism is no exception, which can be seen from the point of view of national defense as a basis for countering terrorism (through a soft approach or a hard approach) (Bakrie, 2017). The sustainability of defense and security in slum management is not optimal. The government has made efforts to overcome threats from outside and from within by involving various stakeholders (Aldhila, 2021). Through defense science, we can comprehensively formulate and develop a strategy towards national security with comprehensive and supportive steps and components. In countering terrorism, defense is the initial shield in carrying it out, both from the soft approach and hard approach aspects, including the legal system.

3.2 Counter Terrorism Strategy

Strategy, broadly can be interpreted as a process to achieve goals with the tools and media or tools that play a role in achieving these goals (Department of The Navy, 1997).

The strategy, seen from the process, has identification in three forms, namely ends, means and ways that are designed to get the desired goals (Lyyke, 1998). The strategy formulation that can be applied is $\text{Strategy} = \text{Ends} + \text{Ways} + \text{Means}$. The formulation of this strategy becomes an inseparable formulation, aspects of ends, means and ways become things that cannot be separated from the formation of strategy. Conceptually, strategy is defined as the relationship between goals, means, and means. Each of these components suggests related questions. What do we want to pursue (ends)? By what (means)? How (ways)?. The analysis of ends (or goals), ways (or actions), and means (or resources) is a useful concept at the strategic, operational, to tactical levels of warfare.

Ends is the goal or goal sought. In the end, the goal is stated as a national interest where the national interest generally involves 4 fields that are needed and needed and become a reference in assessing the national interest, namely security, stability, integrity and prosperity.

Ways is how a person organizes and implements or actions taken using available resources to achieve goals.

Means are the resources available to achieve the desired goals. All instruments or aspects of power known as DIME (diplomatic, economic, military, and information) must be fully utilized to carry out the strategy and achieve the desired goals.

Through strategy interpretation, counter-terrorism will realize comprehensive strategic norms through related groups/institutions. In the field of counter-terrorism, the National Counter-terrorism Agency (BNPT) is a Non-Ministerial Government Institution (LPNK) that carries out the task of carrying out government duties in the field of counter-terrorism. BNPT is led by a school principal (BNPT principal) who is responsible to the President through the coordination of the Minister of Politics, Law and Security. BNPT was formed in accordance with Presidential Regulation No. 46 of 2010, which was previously the source of the establishment of the Anti-Terrorism Coordination Center (DKPT), which was changed to Presidential Regulation No. 12 of 2012. Correction. About BNPT in 2010. Article 2 (1) Presidential Regulation Number 46 of 2010 stipulates that the task of the National Counter-terrorism Agency is to formulate national policies, strategies and programs in the field of counter-terrorism, to coordinate the implementation and implementation of policies in the field of counter-terrorism. Counter-terrorism by relevant government agencies in accordance with their respective responsibilities, functions and authorities, and establish a working group consisting of personnel from relevant government agencies to implement policies in the field of counter-terrorism.

3.3 National Security

National security can be interpreted as a basic form of the need to protect and safeguard the national interests of a country, usually using aspects of political, economic and military power to combat threats both from within and outside the country (Anakotta, Disemadi, 2020). National security is assumed to be the basis that comes from human security as the main subject, so the boundaries of national security are indeed very broad. National security policies should embrace actions and decisions that are considered important to maintain and protect domestic core values from external threats (Leffler, 1990). The national security approach provides an overall interpretive framework for studying foreign policy because it forces historians to analyze both foreign and domestic factors that shape policy. If input from both sources is carefully studied, the huge gap in the study of American diplomatic history may be remedied. Realist historians believe that diplomatic behavior responds (or should respond) primarily to the distribution of power in the international system; most revisionist and corporatist scholars assume that domestic economic strength and social structure are very important. A synthesis should study the dynamic interaction between the two sources of foreign policy behavior. By linking foreign threats to internal core values, the national security approach facilitates that assessment. Developing safeness, namely by maintaining village security and order. As well as developing Comfort, namely by making the environment comfortable (Tambunan, 2021).

The national security approach recognizes that power plays a key role in state behavior and the functioning of the international system. Proponents of that approach believe that a nation's strength depends on its political stability, social cohesion, and economic productivity as well as the number of troops, tanks, planes, ships, missiles and nuclear warheads it has. A comprehensive synthesis must integrate political economy, military policy, and defense strategy. It is assumed that fear of foreign threats is a consequence of real dangers in the external environment and ideological teachings, cultural symbols and false images.

Security is considered to reduce the potential for threats. Existing threats should be used as anticipation for obstruction of security and defense stability. When we talk about security and defense, this aspect cannot be separated from the point of view of the freedom,

prosperity and peace felt by the people of a country. The national interest becomes a reference for a very valuable result, in this case it can be said to be on the basis of a nation's political effectiveness (Anakotta, Disemadi, 2020).

3.4 PROGLEGNAS (National Security Bill)

The existence of the required National Security Law is part of legal politics which is considered logical as a whole as a form of way to realize national ideals and goals by creating legal policies and legal systems. In general, policies and legislation/laws are in the form of solutions in dealing with multidimensional security threats, and also describe a coordinated and comprehensive security system in the field of handling them. Systemically, the National Security Bill chooses legislative policies as a physical system that includes the integration of related institutions, the integration of substantive agreements that have similarities in terms of their relationship with each other, scores, attitudes, behavior and perceptions and even the nature of the security function of a country in line with the mission of the opening of the 1945 Constitution (Bambang, 2015). Especially in countering terrorism, the National Security Bill is expected to cover various views but remain within the circle of national security, outside of Law No. 5 of 2018 because the threat of terrorism can propagate and is related to other national security threats so that legislation that is capable, comprehensive and comprehensive is needed in dealing with terrorism handling.

The National Legislative Program (Prolegnas) was the earliest legislative planning tool. The initial stage of the problem is the planning stage, which can then be continued with discussion, validation or decision steps and fears after entering the design stage. The national legislation program is a systematic integration and planning tool for the formulation of legislation that is structured systematically (PUSHEP).

Currently, the National Security Bill is already in the National Legislation Program although it has not yet entered the discussion stage (already registered) (Dewan Perwakilan Rakyat Republik Indonesia, 2021).

V. Conclusion

At present, Indonesia's efforts to combat terrorism have referred to the form of approaches in defense, namely the soft approach and hard approach. The soft approach is reflected in programs, including the deradicalization program initiated by the National Counter-terrorism Agency (BNPT), while the hard approach can be seen in the form of a legal system or law enforcement that is acted on by the TNI and POLRI, namely Densus 88 as the leading sector. Deradicalization and law enforcement programs are tools used by the Government of Indonesia to tackle radicalism-terrorism or counter-terrorism, so it is clear that the legal system approach is by far the main priority in Indonesia in countering terrorism because Indonesia is a state of law and terrorism is a form of criminal crime. Although there are still differences of opinion and views from experts and practitioners regarding the concept of national security, the urgency of the National Security Law is proper and is expected to become a comprehensive legal system in its field. Regulation of the National Security System is very necessary considering the threats that are being and will be faced in the future that we cannot always imagine and view only in the realm of politics and national security.

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