

The Role International Police in Law Enforcement

by Mulyati Pawennei

Submission date: 12-Jul-2023 10:03AM (UTC+0800)

Submission ID: 2129879524

File name: IJSDR1711005.pdf (321.6K)

Word count: 2062

Character count: 11506

The Role International Police in Law Enforcement

¹SyamsiarArief, ²MulyatiPawennei, ³Lisa Mery

Faculty of Law
Universitas Indonesia Timur, Makassar, Indonesia

Abstract—The role of the International Police Law Enforcement is an important study because it relates to the extradition of perpetrators of terrorism involving two or more states and the efforts to hunt down the perpetrators of international crimes of cross-border jurisdictions. A qualitative approach by the author aims to understand the phenomenon of the study. This study examines secondary data on terrorism cases in Indonesia originating from National Agency for Counter-Terrorism. Results showed that the terrorism has become a serious problem in many countries. Terrorism as an extraordinary crime in the legal process requires exceptional procedure. The case of terrorism in Indonesia is of concern to other countries because the victims of the violence are Indonesian citizens and foreign nationals. The handling of terrorists involves many countries so that the role of the international police as mediation in the handling of criminals. Two cases of terrorism proved the importance of international police role in solving terrorist courts.

IndexTerms—Interpol, extradition, terrorism.

I. INTRODUCTION (HEADING 1)

According to International Law, the state police is not allowed to enter other countries to apprehend a criminal who has committed a crime. In this situation, Interpol plays a role to help the police to discover the criminals. Each state has a representative in Interpol. The history of Interpol started after World War I. At the time, crime had increased rapidly in Europe, especially in Austria. After committing crimes, criminals who used to go to several neighboring countries and hid themselves there. To catch these criminals, Johann Schober, the head of police in Vienna in 1923, made International police official meeting which attended by 20 countries together to establish Interpol. The First Interpol was located in Vienna and Johann became the first president. Interpol makes use of the most modern scientific methods to catch criminals. The Interpol function is to track the whereabouts of the criminals and capture them. This function is not related to military, political and religious.

The fundamental concept of the researchers focused thoughts on Law Enforcement based on the theory of Lawrence Friedman. The success or failure of law enforcement depend on three elements of the legal system which are the structure of law, the substance of law and legal culture. Legal structure involves law enforcement officers, legal substance covering the law and legal culture as a living law adopted in a society. [1]. Courts, Police, and Prosecutors are institutional structures in the Indonesian Legal System Structure [2].

Efforts to create and maintain conceptual peace in social life depend on law enforcement activities. Adjustment of value in the rules and the interests of all parties is the purpose of strengthening the law. The approach to eradicate the terrorism is most widely adopted by governments in the world is law enforcement. Although it is satisfied that the law enforcement approach requires a significant role of the police. The conventional approach in crime-solving is not appropriate for counter-terrorism efforts, due to the changing needs of the public. The prevention of terrorism is more preferred rather than arrest the perpetrators after the action was carried out. In the logic of conventional law enforcement, officers set up to investigate the facts after the crime occurred. Appreciation of the efforts to respond to terrorism is more directed towards the prevention of attacks, rather than to the arrest of suspects after the attack. Also, many attackers were killed in the process of executing the attack. Therefore, prevention is much appreciated to avoid more victims who mostly in many cases are civilians. On the other hand, some dilemmas are difficult to avoid with the success of preventing terrorism that almost cannot be published. Prevention clandestine process and penalize a defendant for the preparation of acts of violence, which is not easy to prove.

II. RESEARCH METHODS

This study is normative juridical qualitative research [3]. It is the method used in legal research conducted by examining the existing library materials. The first stage is a normative legal research studies aimed to obtain objective laws (legal norms), namely by researching legal issues. The second stage is a normative legal research studies aimed to get a personal law (rights and obligations).

A qualitative approach by the author aims to understand the phenomenon of the study. This study examines secondary data on terrorism cases in Indonesia originating from National Agency for Counter-Terrorism.

III. RESULTS AND DISCUSSION

Structure of Law Enforcement "International Criminal Police Organization" INTERPOL. Legally establishment of a National Central Bureau (NCB) in a country based on article 22 of the Constitution CPO-Interpol which states that each member state should designate a body that function as Central Bureau of National relation with various departments/agencies in the country, with NCB of other countries and with the Secretary-General of ICPO-Interpol.

Crime terrorism itself as a social phenomenon have evolved along with the development of human civilization. The means used to commit violence and fear also becoming more sophisticated in line with the advance of modern technologies. The process of globalization and mass culture became hotbeds of terrorism developments. The ease approach of creating fear with high technology

and the development of comprehensive information through the media and network make terror acts more efficiently to achieve its objectives.

Extradition Process, by Act No.1 of 1979 on extradition is a form of cooperation in the delivery of a suspected or convicted person of a crime outside the country. If the criminal leading up to and within the territorial jurisdiction of the country requesting the handover, as authorized to prosecute and convict (Article 1), based on the principles of extradition provided in Article 2 that the extradition carried out under the agreement [4].

Terrorism Events in Indonesia

Terrorism is coordinated attacks aimed with the aim to arousing feelings of terror against community groups. In contrast to war, acts of terrorism are not subject to warfare procedures such as sudden execution time and random target casualties and are often civilians. The meaning of terrorism is shifting and expanding the paradigm as an act categorized initially as crimes against state, including murder and attempted murder of the head of state or members of his family, becoming crimes against humanity, where the victims are civilians. Legal provisions in Indonesia mention that terrorism as a criminal offense and its remedies also use criminal law. Government Regulation in Lieu of Law (PERPU) RI. 1/2002 which was reinforced into Law No.15 / 2003. various cases of terrorism occurring in Indonesia sacrifice Indonesian citizens and foreign nationals (Table 1).

Table 1 Terrorism Case in Indonesia

No	Location	Time	Perpetrator	Victim Citizenship
1	Bali	2002	26 Indonesian Actors	Indonesia Australia
2	JW Marriott Hotel, Jakarta	2003	1 Indonesian Actors	Indonesia Australia Amerika
3	Australian Embassy Office	2004	1 Indonesian Actors	Australia
4	Bali	2005	1 Indonesian Actors	Indonesia Australia Amerika Brazil
5	JW Marriott & Ritz Carlton (Mega Kuningan Bomb), Jakarta	2009	9 Indonesian Actors	Australia Amerika
6	Cirebon Police Headquarters (Mapolresta Cirebon)	2011	1 Indonesian Actors	Indonesia
7	Plaza Sarinah, Jakarta	2016	1 Indonesian Actors	Indonesia

The events in Table 1 show that all perpetrators are Indonesian citizens. However, the victims are not only Indonesian citizens, but there are some other citizens. This is the basis of consideration that such crimes include transnational crime. As a result, other countries participate feelings of interest to prosecute terrorists.

Handling of Terrorist Extradition

Extradition is an agreement between two or more countries that are bilateral and multilateral. However, the fact is various things hinder the process of extradition request or rejection of extradition request. The requestor submission of a criminal offender is not permitted if the crime underlying is a political crime. The first reason for not extraditing someone political offender is justice to safeguard human rights in politics. The second reason is for the sake of justice for all parties.

The first case was Umar Patek or Hisham bin Ali Zein, He is a terrorist behind the events of First Bali Bombing. America and Australia was countries that feel an interest in annoying Umar Patek. The perpetrator was a member of the Militant group in Mindanao, Philippines in 1998, Umar joined the group at a Mujahedeen Camp in the Philippines. Umar Patek was charged with Article 15 juncto Article 9 of Law no. 15/2003 on Combating Terrorism Crime. Umar Patek was arrested in Abbottabad, Pakistan on January 25, 2011, after intensive cooperation with Pakistani Police, the Indonesian Police succeeded in repatriating Umar Patek from Pakistan in August 2011. The long process of extradition due to the Pakistani police also wanted to try Umar Patek because the violations in the State of Pakistan.

In such cases, extradition by Pakistan is based on the principle of reciprocity or mutual respect because there has been no bilateral agreement between the two countries about the perpetrators of the crime. The role of the international police in the

settlement of the Umar Patak case is to oversee the legal process from green notice to red notice and the determination of the suspect.

The second case is Hambali Case or Nurjaman or Ridwan Isamuhammad. Hambali was a terrorist wanted by the governments of the United States, Indonesia, the Philippines, Malaysia, Singapore, and Thailand because his terror acts threaten these countries. Indonesia is considered not serious to prosecute in Indonesian courts. Hambali is thought to have been detained ¹¹ a US military prison at Guantanamo, Cuba, without trial first since 2006. Hambali was accused of directing three simultaneous bombings in Bali on October 12, 2002, that killed 202 people including 88 Australians. Indonesia as a country with an interest in Hambali's prosecution seeks information about the progress of Hambali's legal process. In 2008 Indonesia formally requested access to Hambali to be tried in Indonesia because of locus delicti and the enormous losses suffered by Hambali and his group. The United States refused to hand it over. International customary law states that states cannot intervene in the territory of the sovereignty of other countries without the consent of the other country. The settlement of this case can be resolved ¹² a cross-country arrest system such as the case of Ocalan's arrest by Turkish agents in Kenya in 1999, the arrest of Nikolai by the International Criminal Tribunal for the Former Yugoslavia (ICTY) in 2002 and the capture of suspected Taliban and Al Qaeda fighters after the 11th tragedy September 2001. The role of the international police in this case as a mediator in the extradition effort.

Discussion

Terrorism is an issue of crime committed by terrorists who are usually funded and even cooperate with foreign elements who move across national borders because it is necessary to work with ICPO (International Criminal Police Organization) and anticipate through the strength of bilateral and multilateral cooperation ¹³ extradition agreements.

The government of every country should also intensify cooperation in the field of prevention efforts of the growth of a new network of global terrorists. This cooperation includes cooperation in preventive and even deradicalization efforts against groups already involved in acts of terrorism, including providing intensive socialization for local communities to be aware of suspicious groups around their neighborhoods.

The case of terrorism in Indonesia is of concern to other countries because the victims of the violence are Indonesian citizens and foreign nationals. The handling of terrorists involves many countries so that the role of the international police as mediation in the handling of criminals. Two cases of terrorism proved the importance of international police role in solving terrorist courts.

REFERENCES

- [1] I. Handayani and G. A. K. Rachmi, "The Influence Of Structure, Substance And Culture To The Forest Law Enforcement In Indonesia," *Int. J. Business, Ekon. Law*, vol. 1, pp. 104–107, 2012.
- [2] S. A. Schütte, "Against The Odds: Anti- Corruption Reform In Indonesia," *Public Adm. Dev.*, vol. 32, no. 1, pp. 38–48, 2012.
- [3] P. Cane and H. Kritzer, *The Oxford handbook of empirical legal research*. OUP Oxford, 2012.
- [4] J. L. Paust et al., *International criminal law*. Carolina Academic Press Durham NC, 2000.

The Role International Police in Law Enforcement

ORIGINALITY REPORT

17%

SIMILARITY INDEX

12%

INTERNET SOURCES

7%

PUBLICATIONS

12%

STUDENT PAPERS

PRIMARY SOURCES

1	Submitted to Universitas Terbuka Student Paper	2%
2	repository.umi.ac.id Internet Source	2%
3	repository.uki.ac.id Internet Source	2%
4	files.osf.io Internet Source	2%
5	Submitted to Asia Pacific University College of Technology and Innovation (UCTI) Student Paper	1%
6	Submitted to President University Student Paper	1%
7	repository.president.ac.id Internet Source	1%
8	Submitted to Binus University International Student Paper	1%
9	inproblog.com Internet Source	1%

10	Submitted to University of York Student Paper	1 %
11	www.theage.com.au Internet Source	1 %
12	Submitted to University of South Africa Student Paper	1 %
13	"Crime, Criminal Law and Criminal Justice in Europe", Brill, 2013 Publication	<1 %
14	Yeni Widowaty, Triyono, Dimas Amanda Wahid. "Law Enforcement of Land Transfer from Agricultural Land to Housing in Indonesia", E3S Web of Conferences, 2021 Publication	<1 %

Exclude quotes On
Exclude bibliography On

Exclude matches Off