

Law Enforcement of Terrorism Crimes In The Police Area

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ABSTRACT

This paper aims to find out how the law enforcement of criminal acts of terrorism in the police area and what are the obstacle factors in combating criminal acts of terrorism in the police area. This writing is motivated by problems in the area of the North Sumatra regional police institution in the police department and wants to find out more about the police overcoming the problem of these criminal acts. The research method used is the Empirical Juridical method with a descriptive analysis approach. The results of this study are law enforcement against criminal acts in the police area in accordance with Law Number 5 of 2018 concerning Terrorism, the police are very instrumental in overcoming these criminal acts and several factors that become obstacles in eradicating criminal acts of terrorism in the police, namely obstacles from the aspect of legal substance, obstacles from the aspect of law enforcement where terrorism involves a wide network of obstacles, obstacles from the aspect of facilities and infrastructure so that not all, obstacles from the aspect of society due to lack of awareness and obstacles from the aspect of culture due to the lack of role of religious leaders.

Keywords: Crime, Terrorism, Police Area

1. Introduction

The life of the nation and state from time to time has experienced several phases in the context of governance and the defense system of the Indonesian republic, which has changed and does not rule out the possibility of a new problematic in its policy. Despite the emergence of problems, the Indonesian state does not forget the ideals of the Indonesian nation stated in the preamble of the 1945 Constitution of the Republic of Indonesia, namely to protect the entire Indonesian nation and all Indonesian blood spills and to participate in advancing the general welfare, educating the nation and participating in implementing world order based on independence, eternal peace and social justice. To achieve these ideals and maintain the continuity of national development in an atmosphere of security, peace and tranquility. Dynamic, both in the national and international environment, it is necessary to increase the prevention of things that disrupt national stability.

One of the problems in Indonesia that has occurred to date is the crime of terrorism, the rise of acts of terror in Indonesia has caused a sense of loss of security in the community, in addition to reducing the authority of the government as a protective body that should provide protection and security to the community. And Indonesia is considered as one of the countries that has a great threat to acts of terrorism, especially the rise of terrorist bombings in several places. In a criminal law book entitled Criminal Acts of Terror New Shackles for Freedom in Terrorism, Definition of Action and Regulation written by Mochammad Ali Syafa, explains that terrorism is an understanding that argues that the use of violent means and causing fear is the most legitimate way to achieve a goal. There are various kinds of acts of terrorism and the most common is the act of suicide bombing, this

action is rampant in every act of terrorism and the most victims compared to acts of terrorism through psychological terror.

Terrorism in Article 1 paragraph 2 of Terrorism Law Number 5 of 2018, explains that terrorism is an act that uses violence or threats of violence that creates an atmosphere of terror and fear on a widespread basis, which can cause mass casualties, and / or cause damage or destruction to strategic vital objects, the environment, public facilities or international facilities with ideological, political or disorderly motives. Violence or threats of violence are acts of unlawful use of physical force that cause harm to the body, life and freedom of a person, including rendering a person unconscious or helpless and, unlawful acts in the form of speech, writing, images, symbols, or gestures, either with or without the use of electronic or non-electronic means that can cause fear of the person or community at large or curb the essential freedoms of a person or community. Some say that a person can be a terrorist and a freedom fighter at the same time. It depends on which way you look at it. That is why, until now, there is no universally accepted definition of terrorism. Each country defines terrorism according to their own interests and beliefs to support their national interests.

Terrorism is the common enemy of Indonesia, the enemy of humanity and therefore its eradication must be studied comprehensively and based on fair law without engineering. If this is not done, then the case of terrorism can never be resolved or stopped altogether because so far the root of the problem has not been resolved comprehensively. Terror or acts of violence in Indonesia are even more sophisticated and difficult to detect because there are indications that there are black elements of law enforcement officials who play for the sake of momentary political interests. However, in reality, the crime of terrorism also violates human rights as a basic right that is inherent in human nature, namely the right to feel comfortable and safe or the right to life. In addition, terrorism also causes loss of life and damage to property. Terrorism also damages the stability of the state, especially in terms of economy, defense, security, and so on. Terrorism is clearly a scourge for modern civilization. The nature, actions, perpetrators, strategic objectives, motivations, expected and achieved results, targets and methods of Terrorism are now increasingly widespread and varied, so it is increasingly clear that terror is not a form of ordinary destructive violent crime, but is already a crime against the peace and security of mankind.

The crime of terrorism has been classified as a special/extraordinary crime, considering that terrorism is committed by criminals who are classified as professionals, products of engineering and proof of intellectual ability, organized, and supported by a lot of funds. In addition, this crime not only undermines the authority of the State and nation, but also results in a large number of innocent victims. Targets and targets are often aimed at groups of citizens (in malls, beaches, hotels, offices, and so on) who are very vulnerable to these events, and are not expected at all. Terrorism then becomes a powerful weapon from those who have no power.

The crime of terrorism has become a global concern. Shortly after the end of World War I, when the Leagues of Nations drafted a convention on terrorism (Terrorism Convention) signed by 24 countries in 1937, legal experts supported by academics in European campuses, began to encourage metaphysical conventions against the crime of terrorism at that time. In the next development, after the end of World War II, the United Nations (UN) began to pay attention to the issue of terrorism.

Terrorism. The UN's attention began in 1963, when various steps in the struggle for independence of new countries led to armed conflicts that led to crimes against humanity. These crimes took the form of political violence that was carried out without taking into account the number of civilian victims, ranging from kidnappings, rapes, armed attacks in public places, guerrilla attacks, bomb explosions, forced evictions to airplane hijackings. Terrorism is forced to be viewed as a global phenomenon that threatens the world order. There is a kind of international norm that all countries must participate in rejecting or opposing terrorism.

Terror attacks can happen anytime and anywhere. Various acts of terror bombings in various regions of the world in the last five years have shown that no country is immune to acts of terror, both developing and developed countries. Terrorism is considered as one of the biggest threats to humanity in the future, and will continue to spread widely if it is not stopped immediately. Let alone a developing country like Indonesia, which is in the midst of organizing its national security system, a modern country with an established security system is still not free from terrorist groups. Seeing such a dangerous condition, Indonesia is in need of readiness and alertness that includes institutional, legal, and social institutions to deal with terrorism appropriately. Terrorist acts that have occurred recently have caused concern to many parties, both national and international communities. Terrorist acts cause a loss of security in the midst of society, and also reduce the authority of the government as a body that should provide protection to the community.

Polri's success in uncovering bomb cases in Indonesia was first due to the investigation process and crime scene (TKP) which was given the authority to Polri as Investigators and Investigators, this investigation process prioritizes the acquisition of evidence in the form of scientific data that is ready to be presented to the public. This scientific investigation process is a step taken by Polri in handling cases that are sensitive enough to be revealed. A case that will cause irritation among the public will be handled scientifically so as to produce a confession from the perpetrator himself. Thus, this police investigation will produce achievements that are accurate enough to determine a person as a suspect and thus begins the tracking of criminal acts of terrorism in the Indonesian Criminal Justice System.

Regarding the current system of our state institutions, they must have their respective roles and duties starting from designing, testing and implementing every legal product that will be formalized and enforced for state institutions or for citizens. In countering terrorism, the state has formed an agency that overcomes terrorism, namely BNPT, but its duties are very limited in overcoming this criminal act of terrorism and it is also not an enforcement agency only as an alternative, the enforcement agency is POLRI or TNI, there is a problem in the law that is not explicitly explained related to the handling authority in this terrorism. The facts contained in this problem related to the authority to counter terrorism are not clearly stated in the law, the police or TNI each have the authority in terrorism, if we talk in terms of law enforcement the police have the authority in this terrorism case. Likewise, the TNI also has the authority to handle terrorism cases. In the case of criminal acts of terrorism here, the police and TNI each have the right and authority to act against acts of terrorism, because terrorism contains two elements of violation, namely a form of violation of the law and threatening national defense.

From the background that the author describes above, the author's initiative arises to raise, discuss and analyze more deeply the problems in this topic, entitled Law Enforcement of Terrorism Crimes in the Police Area.

Problem Formulation

Based on the background description above, the author draws the following problem formulation:

- a. How is the law enforcement of terrorism crimes in the police area?
- b. What are the constraining factors in combating terrorism in the police area?

2. Methods

Research methods are steps used to obtain and process data in a study that is to be carried out further, which is general and planned in nature for the purpose of answering the problem under study. Research that we generally know is in the form of a series or procedural to start a research and reach the end of a research on a problem that has not yet met the solution point of the problem. But actually the meaning of a research method is the proficiency in the research itself whether the research to be

researched can find an alternative way or solution to a problem or vice versa. A researcher is considered to have been skillful and careful in thinking about a problem and not forgetting to focus on the process or flow in each problem, not only thinking about the final result of a study.

a. Research Approach

This research study is carried out through a normative juridical approach, according to Soerjono Soekanto, a normative juridical approach is legal research conducted by examining library materials or secondary data as basic material to be researched by conducting a search for regulations and literature related to the problem under study.

b. Type of Research

The type of research that the author uses is normative legal research, namely the state approach (statutory approach). In this research, the author examines and examines using primary data, as a basis for research by conducting a search for laws, regulations and literature related to the criminal act of terrorism.

3. Result and Discussion

Law enforcement of terrorism crimes in the police area

Law enforcement carried out by the police experienced two trends in the prevention and eradication of terrorism, namely, first making terrorism a threat to the sustainability and existence of the state and government. So that these countries then respond by making terrorist threats as responding to threats to state sovereignty by involving all defense potential, in this case military power, for example the United States and a number of countries that make terrorism a national security threat such as Middle Eastern and South Asian countries. This is the tendency of terrorism threats to lead to state integrity and threats that are rational and tend to delegitimize the state. The government that is currently in power. This became stronger after Osama Bin Laden was killed in mid-2011, a paradigm shift in terrorism that did not just make the West the enemy, but shifted to steps to strengthen the existence of the terror group by establishing a state labeled as the caliphate. The approach of acquiring a state that is legal under international law by establishing NIIS is strategically brilliant to build religious sentiment as adherents of Islam. However, the brutal and strict approach in implementing religious law in the controlled area has even caused concerns from a number of NIIS followers and sympathizers.

Most of them are then caught up in wars that are not their wars. Second, the tendency to strengthen law enforcement in responding to and preventing and eradicating terrorism. A number of countries categorize and affirm that terrorism is an extraordinary crime that threatens society and the State. This indicates that the strengthening of prevention and law enforcement is important. Therefore, the existence of law enforcement also strengthens the perspective that countries with this category will always see law enforcement as a force to prevent and eradicate terrorism. However, in this second trend, the involvement of other state and non-state actors is open and can be involved in it. Moreover, the character of the threat of terrorism is at a threshold that allows all parties to feel the consequences of terrorism actions and threats. Some countries that have been considered successful in utilizing law enforcement officers in preventing and eradicating terrorism include the UK, Australia, India, Germany, and Indonesia. The biggest threat in this trend is the foresight of law enforcement institutions in building coordination and synergy between security actors.

These two trends essentially represent the characteristics of terrorism threats that sometimes and often differ from one country to another. This depends on four things, namely: first, the public's perspective on terrorist threats. This situation will build different characteristics between one country and another. As an illustration, in a country with a population that ignores and does not consider the

threat and acts of terrorism as a threat to humanity and the integrity of the state, these characteristics will build different perceptions between the state and the public in seeing the threat of terrorism.

Secondly, the threat of terrorism divides the society in a country, whether on the basis of religion or ethnicity and sentimentality towards the government. The defense of the community will open up space for the threat of terrorism in the Middle East, for example, in contrast to the same threat in European countries and countries in Southeast Asia. Third, the control and reach of the state in dealing with the threat of terrorism. This emphasis is important because it coincides with the public's perspective in seeing terrorist acts and threats. The more effective the state is in managing the security of its country, it will affect the extent to which citizens feel that their government will protect all citizens. Fourth, the active involvement of the public in responding to the threat of terrorism. As long as the public is active and responds together with the government, it will be assumed that the characteristics of the threat of terrorism in that country will be different from other countries. At least the public has the same intention in seeing the threat of terrorism, both as a threat to humanity and a threat to the sustainability of the nation state. That is the aspect of the police in preventing terrorism crimes that are interconnected with the state of the country and have an impact on the state not only the community.

With a series of events that occurred involving people who joined certain radical organizations and have been designated as terrorist organizations, or other organizations that intend to carry out criminal conspiracies that lead to criminal acts of terrorism, both inside and outside the country, have caused public fear and have an impact on economic, political, socio-cultural, security and public order, so here the role of law enforcers is important, namely the police. As the duty of the police to ensure domestic security is the main requirement to support the realization of a civil, just, prosperous and civilized society based on Pancasila and the 1945 Constitution of the Republic of Indonesia. The maintenance of domestic security is an effort to carry out police functions which include maintaining security and public order, law enforcement, protection, protection, and services to the community is an authority carried out by the Indonesian republic police as a state instrument assisted by the community and upholding human rights (HAM). As described in article 1 paragraph 6 of Law Number 2 of 2002 concerning the Indonesian National Police, security is the responsibility of the Indonesian National Police. Domestic security is a situation characterized by the maintenance of security, public order, the rule of law, and the implementation of protection, protection and services to the community.

The police have the authority in Law Number 5 of 2018 concerning Terrorism, reading tactically the steps of terror, in the eradication of terrorism groups in Indonesia, it is the police who continue to handle, because terrorism is a serious violation of the law, it can even be concluded that in this law the authority in tackling terrorism, mentioned several times in the articles of the terrorism law related to investigators, investigators and law enforcers referred to in these articles are the same duties in law no 2 of 2002 concerning the police of the republic of Indonesia. The police have a special unit in dealing with criminal acts of terrorism, namely Special Detachment 88 or Densus 88 is a special unit of the Indonesian National Police tasked with countering terrorism in Indonesia, this special force with red vests is specially trained to deal with all terror threats, including bomb terror. Some members are also members of the Gegana team. Detachment 88 is designed as a counter-terrorist unit that has the ability to overcome terrorist disturbances ranging from bomb threats to hostage-taking. Densus 88, at the center (Mabes Polri), consists of explosives experts (bomb disposal), and a strike unit that includes there are expert snipers.

In addition, each regional police force also has a Densus 88 anti-terror unit, but with more limited facilities and capabilities. The function of Densus Polda is to examine reports of terrorist activities in the region. To arrest personnel or a person or group of people who are confirmed to be

members of a terrorist network that can endanger the integrity and security of the Republic of Indonesia.

This unit was inaugurated by the Head of Metro Jaya Regional Police Inspector General Firman Gani on August 26, 2004. Detachment 88, which initially consisted of 75 members, was led by Adjunct Commissioner Titu Karnavian who had received training in several countries and was now continued by M Syafii who took office on February 3, 2017.

Densus 88 was established by Chief of Police Decree No. 30/VI/2003 dated June 20, 2003 to implement Law No. 15 of 2003 on the Determination of the

Perpu Number 1 of 2002 concerning the eradication of criminal acts of terrorism, which has been changed into law number 5 of 2018 concerning terrorism, namely the authority to make arrests comes from any intelligence report, for 7x24 hours (according to articles 26 & 28). The law is popular in the world as the "Anti-Terrorism Act".

The number 88 comes from the word ATA (Anti-Terrorism Act), which when pronounced in English reads Ei Ti Ekt. This pronunciation sounds like Eighty Eight (88). So, the meaning of the number 88 is not as it has been circulated that 88 is a representation of the largest number of Bali bombing victims (88 people from Australia), nor is it a representation of handcuffs.

This special force is funded by the United States government through the U.S. State Department's Diplomatic Security Service and is trained directly by instructors from the CIA, FBI, and U.S. Secret Service. Most of the teaching staff are former members of the U.S. Special Forces, and there was significant assistance from the

U.S. and Australian governments in the establishment and operation of Special Detachment 88. After the establishment of Detachment 88, there was also cooperation with several other countries such as the UK and Germany. This was done in line with Article 43 of the Law on the Eradication of Criminal Acts of Terrorism.

The Police's new special forces unit is equipped with weapons and combat vehicles made in various countries, such as Colt M4 assault rifles, Steyr AUG assault rifles, Hk MP5, Armalite AR-10 sniper rifles and Remington 870 Shorguns, it is even rumored that this unit will have its own C-130 Hercules aircraft to increase its mobility. Nevertheless, the weaponry and equipment of Densus 88 is still far from that of developed anti-terror forces such as the SWAT team in the US Police.

Actions in preventive efforts are carried out by the authorities before deviations occur, so that a violation can be prevented. Preventive control is generally carried out through guidance, direction and invitation. The purpose of preventive efforts is to provide motivational guidance and direction to the community, especially regarding the dangers of acts of terrorism and the laws that regulate them so that people understand and realize it. In addition, another goal is to supervise the wider community in order to protect themselves from terrorists and make them aware of the impact of terrorism. Soused by the danger of terrorism. Supervision in this case is meant to be a control to suppress the emergence of terrorism in an environment of social life in society.

What is meant here is a principle that emphasizes that terrorism must be prevented before it becomes widespread. However, effort is more important than action. Therefore, the seeds of an understanding of radicalism in society must be detected as early as possible in society, because this understanding of radicalism is a sign of terrorism.

Meanwhile, the efforts to prevent criminal acts of terrorism that are passed by repressive efforts are an active action taken by the authorities when social deviations occur so that the deviations that are happening can be stopped. The intention is to take action against the perpetrators of terrorism in strict accordance with the law that regulates it. And after that it is regulated how and what efforts must be made.

Obstacle Factors in Combating the Crime of Terrorism in the Police Area

In handling terrorism crimes committed by the police, the handling process is certainly not as smooth as what we expect, there are various obstacles or obstacles faced. Various acts of terrorism still occur in public places, such as police stations, houses of worship, and shopping malls, which means that the police have not been fully able to eradicate terrorism even though they have been given more space in the law after the revision of the Anti-Terrorist Law. There are several obstacle factors faced by the police in law enforcement against the eradication of terrorism according to Soerjono Soekanto's theory, as described below:

- a. **Constraints from the Legal Substance Aspect**
Legal substance relates to the process of making a legal product carried out by the legislator. A problem encountered in laws is the existence of various laws that do not yet have implementing regulations, even though the laws have been ordered. Another problem that may arise in the law is the lack of clarity in the wording of the law. Used in the formulation of certain articles. This may be due to the use of words whose meaning can be interpreted broadly.
- b. **Constraints from the Law Enforcement Aspect where Terrorism Involves a Wide Network Constraints**
Law enforcement, in this case the police, in eradicating terrorists is the vastness of the terrorist network, and there may also be dozens of networks that cannot be detected by the police. That all terrorists are part of a very large network, which reaches dozens of networks in Indonesia. They are coordinated nationally or even internationally, and are difficult to detect. Each terrorist member is equipped with knowledge of various types of lethal weapons, meaning that the vastness of the terrorist network makes it very difficult to eradicate terrorists, because surveillance measures become a lot of constraints, where the activities of each network become very difficult to be detected by police officers. The coordination of terrorist networks does not only occur at the national level, but also internationally, making it easier for them to obtain the materials they need, including funding for terrorism. The ability to obtain large amounts of funds means that they are able to buy various necessities for terrorist acts at prices that are many times higher than the market price.
- c. **Constraints From the Aspects of Facilities and Infrastructure So That Not All These facilities include educated and skilled manpower, good organization, adequate equipment, sufficient finance, and so on. The obstacle faced by the Police in terms of facilities and infrastructure is the limited budget of the Police in equipping the needs of facilities & infrastructure for personnel in dealing with terrorism.**
- d. **Obstacles from the Community Aspect Due to Lack of Awareness**
From the Community Terrorism eradication certainly does not run well if it is not supported by the participation of the community, especially as a source of information about terrorism activities in their neighborhood. Lack of public awareness to be aware of terrorism causes. Some members of terrorism actually managed to join and mingle with the general public. If terrorist members join the general public in social activities, it will be more difficult for the police to eradicate terrorism.
- e. **Constraints from the Cultural Aspect Due to the Lack of Role of Religious Leaders**
Religious leaders are examples that will always be heard and followed by their people, so that they can instill positive things in their people. If religious figures instill good things in accordance with the true teachings of religion, then the people will also follow them with positive actions. But in reality, the role of religious leaders is still felt to be lacking in

instilling true religious values, instead there are some religious leaders who actually instill radicalism.

4. Conclusion

Based on the problems described above, the researchers can conclude as follows:

- a. Law enforcement of criminal acts of terrorism in the police area as regulated in Law Number 5 of 2018 concerning Terrorism, reading tactically the steps of terrorism, in the eradication of terrorism groups in Indonesia, it is the police who continue to handle, because terrorism is a serious violation of the law, it can even be concluded that in this law the authority in tackling terrorism, mentioned several times in the articles of the terrorism law related to investigators, investigators and law enforcers referred to in these articles are the same duties in law no 2 of 2002 concerning the police of the republic of Indonesia. The police have a special unit in dealing with criminal acts of terrorism, namely Special Detachment 88 or Densus88 is a special unit of the Indonesian National Police tasked with counter- terrorism in Indonesia, this red-vested special force is specially trained to deal with all terror threats, including bomb terror. Some members are also members of the Gegana team. Detachment 88 is designed as a counter-terrorist unit that has the ability to overcome terrorist disturbances ranging from bomb threats to hostage-taking. Detachment 88, at the center (Mabes Polri), consists of explosives experts (bomb disposal), and a striking unit that is capable of handling terror threats from bomb threats to hostage-taking. It includes expert snipers. In addition, each regional police force also has a Densus88 anti-terror unit, but with more limited facilities and capabilities. The function of Densus Polda is to examine reports of terrorist activities in the region. To arrest personnel or a person or group of people who are confirmed to be members of a terrorist network that can endanger the integrity and security of the Republic of Indonesia.
- b. Several factors that become obstacles in the eradication of terrorism crimes in the police, namely Constraints From the Aspect of Legal Substance Legal substance is related to the process of making a legal product carried out by lawmakers. A problem found in the law is the existence of various laws that do not yet have implementing regulations, even though the laws have been ordered. Constraints from the Law Enforcement Aspect where Terrorism Involves a Broad Network Constraints, law enforcement in this case the Police in eradicating terrorism is the breadth of the terrorist network, and there may also be dozens of networks that cannot be detected by the police. That all terrorists are part of a very large network, which reaches dozens of networks in Indonesia. These facilities include educated and skilled human resources, good organization, adequate equipment, sufficient finance, and so on. The obstacle faced by the Police in terms of facilities and infrastructure is the limited budget of the Police in equipping the needs of facilities & infrastructure for personnel in dealing with terrorism. Lack of Awareness from the Community Terrorism eradication will certainly not run well if it is not supported by the participation of the community, especially as a source of information about terrorist activities in their neighborhood. The lack of public awareness to be vigilant against terrorism has caused some terrorist members to successfully join and mingle with the general public. If terrorist members join the general public in social activities, it will be more difficult for the police to eradicate terrorism. Constraints from the Cultural Aspect Due to the Lack of Role of Religious Leaders, religious leaders are examples that will always be heard and followed by their people, so that they can instill positive things.
- c. to its people. If religious leaders instill good things in accordance with the true teachings of religion, then the people will also follow it with positive actions.

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