

ABSTRACT

The Criminal Effacement Reason of Special Detachment 88 Police Headquarter Anti Terror Related To Shooting In Terrorism SuspectsS Place

by

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Effacement of terrorism in Indonesia is done by the Special Detachment 88 Anti Terror Police Headquarters , which in carrying out their duties granted under Regulation Replacement of in Lieu of Law No. 1 and 2 of 2002 on Combating Criminal Acts of Terrorism and Police Chief Regulation of Republic Indonesia No. 8 of 2009 describes the procedure to use firearms . But in the implementation phase of Special Detachment 88 Anti-Terror Police Headquarters sometimes do shooting on sight against terrorism suspects that could cause the pros and cons related to the duties of Special Detachment 88 Anti Terror Police Headquarters in eradicating of terrorism act. The guidance support of Special Detachment 88 Anti-Terror Police Headquarters Regulation of the Indonesian National Police Chief No. 1 of 2009 on the Stages of the Police Use of Power in Action. It became the basic of doing a gunshot firing against various terrorism cases that occurred in Indonesia. Related discussion in this study is whether the legal basic for Criminal Effacement Reason of Special Detachment 88 Anti-Terror Police Headquarters did shooting at terrorism suspected's place? and how the Criminal Liability Detachment 88 Anti-Terror Police Headquarters who did shooting at terrorism suspect so that there is no criminal effacement reason?

Conducted legal research is a normative legal research done by examining library materials as a secondary data, so that the method used in this study using positive law as the first step of research, the approach is using normative juridical .Normative approach is the approach by examining the rules or norms , rules relating to the discussed issues.

Doing the duties, Special Detachment 88 Anti Terror Police Headquarters is shaded by the basic legal foundation that serves as the basic foundation that must be followed and obeyed . Special Detachment 88 was born from Presidential Decree No. 4 of 2002 concerning in the Crime of Terrorism . This instruction is triggered by the proliferation of terrorist bombings since 2001. This regulation is reinforced by the publication of the National Policy package to counter terrorism in the form of Regulation No. 1 and 2 of 2002 in Combating Criminal Acts of Terrorism . Under the provisions of the Law on the establishment of Special Detachment 88 Anti-Terror Police Headquarters to combat terrorist offenses , then comes the various pros and cons related to Special Detachment 88 Anti-Terror Police Headquarters about their action who shoot on sight to terrorism suspect . The existence of such special laws which could be the criminal effacement reason of Special Detachment 88 Anti Terror Police Headquarters in doing the shooting. Their action in a different perspective when shooting in a place regarded as a violation of the right to a person's life who should be uphold as human rights , but when the shot was done by Special Detachment 88 Anti- Terror Police Headquarters by considering several stages in accordance with the regulation so there is no criminal responsibility for Special Detachment 88 Anti-Terror Police Headquarters's action.

In relation to the legal basis of criminal effacement reason of Special Detachment 88 who shot terrorism suspect at their place should be understood as a whole regarding various related regulation so there is no distorted view in the absence of criminal liability against Special Detachment 88 Anti-Terror Police Headquarters who shot at terrorism suspect's place , it must make the performance of Special Detachment 88 Anti-Terror Police Headquarters become increasingly professional in combating terrorist offenses in Indonesia.

Keywords : Shoot in place , Special Detachment 88 Anti-Terror Police Headquarters