

EKSISTENSI KOMANDO OPERASI KHUSUS TENTARA NASIONAL INDONESIA DALAM PENANGGULANGAN TINDAK PIDANA TERORISME

INTISARI

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Penelitian ini memiliki dua tujuan yaitu: Pertama, untuk menelusuri dan mengetahui latar belakang pemikiran pembentukan Komando Operasi Khusus TNI. Kedua, untuk mengkaji politik kriminal pembentukan Komando Operasi Khusus TNI dalam penanggulangan tindak pidana terorisme.

Metode penelitian yang digunakan adalah peneliti menggunakan jenis penelitian normatif dengan mengkaji data sekunder yang berasal dari bahan hukum primer berupa peraturan perundang-undangan, bahan hukum sekunder berupa publikasi tentang hukum dan militer meliputi buku-buku teks hukum, jurnal-jurnal hukum, dan jurnal-jurnal militer. Penelitian ini juga ditunjang dengan data primer yaitu hasil wawancara terhadap akademisi dan perwira TNI. Analisis data dalam penelitian ini dilakukan secara kualitatif, penyajian data penelitian ini disampaikan secara deskriptif dan penarikan kesimpulan secara deduktif.

Hasil penelitian ini menunjukkan bahwa: Pertama, keberadaan Komando Operasi Khusus TNI dilihat dari landasan filosofis, landasan sosiologis, dan landasan yuridis yang melatarbelakanginya. Landasan filosofisnya adalah dinamika ancaman yang terus berkembang yang dapat mengancam kedaulatan, keutuhan, dan keselamatan bangsa. Landasan sosiologisnya memandang tindak pidana terorisme sebagai kejahatan, namun pada tingkat ancaman tertentu membutuhkan penanganan secara khusus dengan mengerahkan militer. Landasan yuridisnya Komando Operasi Khusus TNI merupakan interoperabilitas yang dapat dikerahkan berdasarkan keputusan politik negara dalam kerangka Operasi Militer Selain Perang. Kedua, penanggulangan tindak pidana terorisme yang dilakukan Komando Operasi Khusus TNI dalam kerangka Operasi Militer Selain Perang meliputi upaya preventif, preemtif dan represif dengan pola operasi pencegahan, operasi penindakan, dan operasi pemulihan.

Kata Kunci: Komando Operasi Khusus TNI, Tindak Pidana Terorisme, Eksistensi

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THE EXISTENCE OF SPECIAL OPERATIONS COMMAND OF INDONESIAN NATIONAL DEFENSE FORCES IN HANDLING TERRORISM CRIMES

ABSTRACT

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This research has two objectives, namely: First, to explore and find out the background to the thought of forming a Special Operations Command of Indonesian National Defense Forces. Second, to examine criminal policy in the formation of the Special Operations Command of Indonesian National Defense Forces in handling terrorism crimes.

The research method was carried out by researchers using normative research by examining secondary data derived from primary legal material in the form of legislation, secondary legal material in the form of publications on law, and the military including law textbooks, legal journals, and military journals. This research was also supported by primary data, which are the results of interviews with academics and Indonesian National Defense Forces officers. Data analysis in this research was done qualitatively, the presentation of the research data was delivered descriptively, and deductively concluded.

The results of this research indicate that: First, the existence of the Special Operations Command of Indonesian National Defense Forces is seen from the philosophical foundation, the sociological foundation, and the juridical foundation that underlies it. The philosophical foundation is the dynamics of a growing threat that can threaten national sovereignty, integrity, and safety. The sociological basis sees terrorism as a crime, but at a certain level of threat requires special handling by deploying the military. The juridical foundation of the Special Operations Command of Indonesian National Defense Forces is interoperability which can be mobilized based on state political decisions within the framework of Military Operations Other Than War. Second, the countermeasures of terrorist crimes carried out by the Special Operations Command of Indonesian National Defense Forces within the framework of Military Operations Other than War covers preventive, pre-emptive, and repressive measures with patterns of preventive operations, enforcement operations, and recovery operations.

Keyword: Special Operations Command of Indonesian National Defense Forces, Terrorism Crimes, Existence

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