



# Humanist approach as the key to the success of terrorism case investigation by Densus 88

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## ABSTRACT

Counter-terrorism efforts in Indonesia face significant challenges, including suspect resistance during investigations and resource limitations. This study analyzes the discretionary practices of Densus 88 AT Polri, particularly through humanistic approaches such as reuniting suspects with their families, granting communication access, and respecting spiritual needs. The findings show that humanistic discretion effectively enhances suspect cooperation, streamlines evidence collection, and strengthens legal legitimacy. This approach also upholds principles of justice and human rights. However, the implementation of discretion requires strict boundaries to ensure accountability and prevent abuse. A holistic strategy integrating repressive measures with humanistic approaches has proven successful not only in law enforcement but also in supporting the social reintegration of former terrorism convicts. This study recommends strengthening regulatory frameworks for discretionary practices to ensure effectiveness and alignment with human rights principles.

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## 1. INTRODUCTION

Terrorism is the result of humanitarian and civilizational actions that pose a serious threat to state sovereignty, a danger to world security and peace, and harm the welfare of society. Therefore, extraordinary actions are needed to be able to uncover, prevent, and eradicate these crimes. The state has an apparatus that plays a role as a law enforcer in the eradication of terrorism crimes, namely the Special Detachment 88 Anti-Terror of the National Police (Densus 88 AT Polri), as a special unit that handles terrorism cases in Indonesia. In handling criminal acts, there is one important thing that does not go unnoticed, namely police discretion. Discretion is the authority of the police to make decisions or choose various actions in resolving violations of the law or criminal cases that it handles (Goldstein, 1977; Maras, 2013).

The use of police discretion refers to the principle of rationality, where the good and bad of an action is judged based on the benefits resulting from the action. Even though acts of terrorism are a crime that is categorized as very violent, police actions in handling them must still pay attention to the principles of morality and ethics. Police discretion in Indonesia is juridically regulated in Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia, especially in Article 18

paragraph (1), which states that "in the public interest, members of the police in carrying out their duties and authorities may act according to their own judgment and can only be done in very urgent circumstances by paying attention to laws and regulations and the Police Code of Ethics" (UU No. 2 Tahun 2002). Thus, police discretion is the action of officers who are authorized by law to act decisively according to the situation and conditions according to their own conscience (Smith & Alpert, 2007; Reiner, 2010).

The benefits of discretion in solving social problems that arise in society include as a means to develop police morale and increase the intelligence of police officers, by being willing to manage others with a sense of justice and not arbitrariness. This is possible if every law enforcement officer, especially the police, in carrying out their duties and obligations, in the early stages of criminal law enforcement in Indonesia can carry it out properly and intact in accordance with the ideology of the Indonesian nation. A nation that is rich in wisdom and the goals and ideals of national law prioritize aspects of benefit, justice, and legal certainty (Riyanto, 2019).

In its development, the Government Regulation in Lieu of Law (Perppu) issued at that time was passed into Law Number 15 of 2003 concerning the Prevention and Eradication of Terrorism Crimes, which was later amended into Law Number 5 of 2018. These changes reflect the government's increased efforts to strengthen the legal framework for the eradication of terrorism. Apart from the polemics related to the issuance of the law, Densus 88 AT Polri was authorized through the Decree of the National Police Chief Number 30/VI/2003 dated June 20, 2003 to arrest and bring terrorism suspects or suspects to court. This authority allows for swift action in dealing with perpetrators of terrorism, ultimately leading to the death penalty, life sentence, or imprisonment of up to 5 years, according to the level of role of each perpetrator (Undang-Undang Nomor 5 Tahun 2018; Surat Keputusan Kapolri No. 30/VI/2003; Maras, 2013).

Police officers, especially investigators, in law enforcement practice still often show a lack of understanding of the applicable legal concepts and rules. This is a big challenge in ensuring the implementation of police discretion that is accountable and in accordance with legal principles and human rights. Police discretion should be oriented towards the main goal of criminal law enforcement, which is to create justice and provide legal protection for the community (Goldstein, 1977; Smith & Alpert, 2007). Therefore, high proficiency and professionalism are needed for officers in understanding and solving problems in society, so that the implementation of discretion can be carried out appropriately, transparently, and ethically-based (Reiner, 2010; Maras, 2013).

The use of coercive force at the arrest stage as a form of discretion is often criticized by human rights observers and Legal Aid Institutions (LBH) because it is considered too loose. This is due to the procedural mechanisms regulated in laws and regulations on the eradication of terrorism crimes and other police regulations that do not regulate in detail, clearly, and firmly (Prasetyo, 2021). Given the heavy responsibility inherent in police discretion, officers are not only required to have high dedication and solve problems quickly, but also require adequate intellectual support, keen analytical skills, and a strong spirit of professionalism. With such an approach, conflicts can be minimized, and the results achieved are expected to be truly effective and efficient.

In the investigation process, suspected terrorists often refuse to give answers or even choose to remain silent completely for a long period of time. This attitude hinders much-needed information gathering efforts, thus demanding an innovative approach from investigators to address it. This rejection is usually rooted in the takfiri ideology that they adhere, which is an ideology that considers individuals outside the group as kafir or thoghut. As a result, they often refuse to follow legal procedures and deradicalization programs, both during detention and after returning to society (Hassan, 2012; Maras, 2013). If these issues are not addressed appropriately, they can become a major factor in the failure of deradicalization and disengagement programs, which ultimately perpetuate the involvement of individuals in terrorist networks (Gunaratna & Hassan, 2015; Schmid, 2013).

Legal protection for individuals suspected of committing terrorism crimes is an important thing that must be considered. In this case, Densus 88 AT Polri uses a soft approach through discretion, namely a humanist approach applied from the process of arrest, investigation, to trial. According to

Kadensus 88 AT Polri, Inspector General. According to Pol. Sentot Prasetyo, this humanist approach prioritizes human values and collective consciousness, which has proven to be more effective in suppressing radical ideologies than repressive approaches (Kompas, 2024).

During the investigation, Densus 88 allowed meetings with their wives and families for several days. This approach has proven to be effective, making the suspects more cooperative so that the investigation process runs more smoothly and efficiently. This strategy of bringing in families, which was originally an individual initiative of investigators, has now become standard practice. The success of Densus 88 AT Polri in exposing terrorist networks in Indonesia is also supported by a soft approach and the use of appropriate discretion.

This study analyzes the concept of police discretion and its implementation in law enforcement against suspected terrorism crimes. Several important aspects need to be considered in the implementation of police discretion so that these actions remain accountable. By prioritizing a humanist approach and the appropriate use of discretion, law enforcement against terrorism crimes not only focuses on the repressive aspect, but also opens up space to create a more cooperative relationship between the authorities and suspects.

## 2. RESEARCH METHOD

(McNiff & Whitehead, 2009) action research yang menempatkan praktisi atau pelaku langsung sebagai peneliti utama dalam upaya memahami, meningkatkan, dan mengembangkan praktik atau situasi tertentu di lingkungannya. Metode penelitian ini relevan dalam konteks akademik, khususnya di bidang pendidikan, psikologi, dan pengembangan organisasi. Lebih lanjut, metode ini memungkinkan peneliti untuk terlibat aktif dalam mengidentifikasi masalah, merencanakan tindakan perbaikan, dan mengevaluasi dampak dari tindakan tersebut secara langsung. (McNiff & Whitehead, 2009) Action Research didasarkan pada beberapa prinsip dasar yang menjadi kerangka proses penelitian ini:

- a) Actor Engagement: Action Research involves practitioners or direct actors as the main researcher. They not only observe remotely, but are also actively involved in formulating research questions, collecting data, and analyzing results.
- b) Cycle of Reflection and Action: This research process consists of a continuous cycle of action planning, implementation, observation of results, and reflection on the process and its results. After evaluation, further actions are planned to improve the situation or practice being studied.
- c) Practice Improvement Goals: The main goal of Action Research is to improve practices or conditions in the field. The results of this study are expected to make an immediate contribution to improving the identified situation or problem.
- d) Collaboration and Participation: Action Research often involves collaboration between researchers (who are also practitioners) and fellow practitioners, leaders, or other parties involved in the same context. This collaboration enriches the perspectives used in identifying and formulating Solutions (McNiff & Whitehead, 2009).

By emphasizing active participation, systematic reflection, and a focus on practical improvement, action research not only generates new knowledge, but also leads to meaningful changes in educational practices, organizational development, or other fields. Through this approach, practitioners not only understand the problems they face, but also contribute to real and sustainable solutions.

Furthermore, the author also uses the observation method. Observational research methods are one of the approaches used in the social sciences, psychology, education, and other fields to collect data about certain behaviors, interactions, or phenomena in the form of direct observation without the intervention or influence of researchers (Bernard, 2018). This method allows researchers to gain an in-depth understanding of the observed situation and allows for a more accurate analysis of the context being studied. The type of observation used by the author is an unstructured observation method of the investigation process carried out by the Densus 88 AT Polri investigation team since 2006 until now. The authors chose unstructured observations because researchers were allowed to observe freely,

allowing events to unfold without meaningful intervention. This approach can lead to a more holistic understanding of the observed phenomenon (Bernard, 2018).

### **Suspected Terrorists**

Terrorism in Indonesia has a long history that makes it one of the main focuses of the government and security forces. It is important to understand the concept of a terrorist suspect, the challenges in countering terrorism, and the strategies and approaches implemented by the authorities in dealing with the problem. Terrorists are generally defined as individuals or groups who use violence or the threat of violence to achieve certain political, ideological, or religious goals (Schmid, 2013). Meanwhile, the term terrorist suspect refers to individuals involved in terrorist activities, but their involvement is ensured through a legitimate legal process. The term reflects the existence of assumptions or preliminary evidence indicating involvement in terrorist plans or acts, even if it has not been reinforced by a final legal decision (Maras, 2013).

Countering terrorism and handling of terrorist suspects in Indonesia faces a number of complex challenges. One of the main challenges is identifying terrorist suspects, who often operate under the radar using sophisticated undercover techniques. The evidence-gathering process to arrest and prosecute suspected terrorists often faces difficulties, especially in ensuring compliance with laws that respect human rights and ensure a fair legal process (Hassan, 2012). Another challenge is the process of radicalization, which involves the covert dissemination of extreme thoughts, both through direct interaction and social media, making it difficult to monitor and prevent (Schmid, 2013; Gunaratna & Hassan, 2015). Given the global nature of the threat of terrorism, the success of countering it also depends heavily on international cooperation, particularly in intelligence sharing, strengthening security, and enhancing cross-border law enforcement (Maras, 2013).

The government and security forces in Indonesia have developed comprehensive strategies to counter terrorism and deal with suspected terrorists. This strategy includes prevention efforts through the identification and monitoring of individuals or groups potentially involved in terrorist activities, supported by deradicalization programs to prevent further radicalization (Gunaratna & Hassan, 2015). In the aspect of investigation and prosecution, the authorities focus on collecting sufficient evidence to arrest and prosecute suspected terrorists in accordance with applicable laws, while still paying attention to public safety and compliance with the principles of justice. In addition, Indonesia is actively establishing international cooperation in the field of intelligence and security to share information and strengthen collective efforts in countering global terrorism. These strategies reflect a holistic approach that integrates local and international dimensions in dealing with the threat of terrorism (Maras, 2013; Schmid, 2013).

Countering terrorism in Indonesia is supported by a strong legal framework, such as Law Number 5 of 2018 concerning the Prevention and Eradication of Terrorism, which is the basis for the prevention, investigation, prosecution, and rehabilitation of terrorism crimes. In addition, Law No. 15 of 2003 provides broader arrangements regarding the definition and mechanism of handling terrorism, including adjustments to international standards regarding the eradication of transnational crimes (Maras, 2013). Government Regulation Number 82 of 2012 ensures the implementation of these regulations in an operational manner, including the management of electronic data to support investigations.

In its implementation, the handling of suspected terrorists must respect human rights, including the right to privacy and freedom of expression, by prioritizing justice in the legal process (Hassan, 2012; Schmid, 2013). The principles of proportionality and non-discrimination must be the main guidelines to prevent abuse of authority and ensure that human rights protection is maintained. A human rights-based approach is not only relevant to fulfilling international legal obligations, but also plays a role in increasing the legitimacy of counterterrorism efforts in the eyes of society and the international community (Gunaratna & Hassan, 2015).

### **Discretion**

Investigative discretion is a very important concept in law enforcement, especially for the National Police of the Republic of Indonesia (Polri). In this context, the investigating officer has the freedom to make decisions based on the situation at hand, so that they can manage resources effectively. According to Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia, the National Police is given the authority to carry out investigative duties by considering legal principles and human rights (HR, 2020). It is important for the National Police to implement this discretion by complying with human rights principles and maintaining justice and accountability (Setiawan, 2021). Of course, the challenges faced in the implementation of this discretion must be overcome through strong oversight mechanisms to prevent abuse of authority (Sari, 2019). In addition, it is important to involve the public in this oversight process, so that transparency and public participation can be created. By involving the community, the National Police can strengthen trust and support from the community, which in turn can increase the effectiveness of investigations and law enforcement as a whole (Widodo, 2022).

The Indonesian National Police (Polri) has primary responsibility for law enforcement and maintaining public safety, with the exercise of discretion in investigations governed by various legal regulations and policies. Article 28H of the 1945 Constitution guarantees every individual not to be tortured and to obtain fair legal certainty, which is an important foundation for the National Police to continue to respect human rights in every investigative action. In addition, Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia, and its amendments, provides a clear legal basis regarding the authority, obligations, and responsibilities of the National Police in carrying out their duties. The National Police also has internal regulations, such as the Regulation of the National Police Chief on Investigations within the National Police of the Republic of Indonesia, which regulates the technical procedures for the implementation of investigations to ensure that every action is carried out in accordance with applicable operational standards.

Although investigative discretion has an important role to play in responding to the dynamics of criminal cases, its implementation often faces challenges and controversies, such as the risk of abuse of authority for personal or political interests that can threaten the integrity and trust of the public in the police. In addition, there are concerns about the unfair application of discretion against certain groups, such as minorities or vulnerable groups, which has the potential to violate the principles of equality and justice. In reducing these possibilities, a strong supervision system and accountability mechanism are needed, both through internal supervision by the National Police and external supervision by independent institutions such as the National Police Commission (Kompolnas). The application of discretion in investigations must also always refer to human rights principles, ensuring that every investigative action respects the right to privacy, the right not to be tortured, and the right to fair treatment before the law.

### **Investigation**

In general, the purpose of an investigation includes the collection of relevant evidence, including physical evidence, witness statements, and electronic recordings, as material to understand what actually happened in a criminal event. In addition, the purpose of the investigation includes the identification of suspects based on the evidence obtained. Based on sufficient evidence, investigators can designate someone who is strongly suspected of committing a criminal act as a suspect. The investigative process also includes collecting enough evidence to be used in court to prove the guilt of the suspect (Goldstein, 1977).

The investigation process is a series of systematic and structured stages, as stipulated in Law Number 8 of 1981 concerning the Criminal Procedure Code (KUHAP) and other related regulations. The first stage is the collection of initial information, where investigators receive reports or information about criminal acts from the public, victims, or other sources. After initial information was gathered, investigators determined the suspect based on sufficient evidence to suspect his involvement in a particular crime. Furthermore, more in-depth evidence is collected, such as physical evidence, CCTV recordings, expert testimony, and witnesses, while respecting human rights in

accordance with the rule of law (Maras, 2013). The next stage is the examination of witnesses and suspects to obtain additional information, accompanied by the confiscation of relevant evidence and the safe storage of evidence. Investigators then compiled an examination report containing the results of the investigation. If there is not enough evidence, the investigation can be stopped. However, if the evidence is sufficient, the case file will be submitted to the Prosecutor's Office to proceed to the court stage.

The investigation process often faces various challenges that can affect its effectiveness and integrity. Limited resources, both in terms of personnel and access to advanced technology, are often obstacles in ensuring the quality and speed of investigations. In addition, pressure from public opinion or the media often affects the decision-making process by investigators, especially in cases that are in the wide spotlight (Schmid, 2013). Legal uncertainty in handling complex or controversial cases also adds to the complexity of the investigation process. In the midst of these challenges, the implementation of investigations must always adhere to the principles of human rights protection, including the right to privacy, the right not to be tortured, and the right to fair and proportionate treatment, as mandated in Law Number 39 of 1999 concerning Human Rights (Hassan, 2012).

### **Disengagement**

Disengagement is a phenomenon in which individuals or groups involved in terrorist activities actively reduce or stop their involvement. In Indonesia, the issue of terrorism has become a major concern since a series of attacks that occurred in the last few decades. The study of disengagement refers to various academic theories that try to explain why and how someone can stop engaging in extreme violence. In other words, disengagement is a cognitive, critical and social change of an individual to abandon one's values, beliefs and faith. According to Horgan, at the disengaged stage, individuals can be divided into two aspects, namely physical and psychological (Horgan, 2005). Psychologically, individuals who are successfully disengaged show a change in perspective towards something, in this case considering terrorism as a negative thing, a change in priorities and also a sense of disappointment towards their old group or organization. As for physical disconnection, individuals are no longer involved in terrorism activities and are more concerned with personal interests than the interests of their old group (Horgan, 2005). In Indonesia, disengagement from terrorism is an important focus in the government's strategy to address radicalization and terrorism issues. Several factors that influence the disengagement process in Indonesia include deradicalization programs, the role of communities, and individuals' personal experiences. The Indonesian government has developed a deradicalization program that focuses on reintegrating former members of terrorist groups into society through a comprehensive approach, including rehabilitation, education, skills training, and social support (International Centre for Counter-Terrorism (ICCT), 2018). In addition, collaboration between the government, local communities, and religious leaders plays an important role in providing moral, social, and economic support for individuals undergoing this process (International Crisis Group (ICG), 2016). Personal experiences, such as a change in beliefs or views on violence, are often the catalyst for disengagement, with education and more in-depth information on the risks and consequences of involvement in terrorist activities contributing to the decision to disengage (Bakker & de Graaf, 2011). Case studies of individuals going through the disengagement process in Indonesia provide valuable insights into success or failure factors, while evaluations of de-radicalization programs are important to assess the effectiveness of the strategies implemented and identify best practices that can be used widely (Borum, 2011). Although Indonesia has made various efforts in terms of disengagement, in practice it still faces significant challenges such as limited resources and resistance from extremist groups. Deradicalization programs require a large allocation of resources, both financially and in terms of human resources, to be effective and sustainable (International Crisis Group (ICG), 2016). In addition, extremist groups often show resistance to deradicalization efforts, while unstable security situations or internal conflicts can further hinder the implementation of such programs (International Centre for Counter-Terrorism (ICCT), 2018). Disengagement from terrorism in Indonesia remains a complex challenge that requires a multidimensional and sustainable approach. By understanding the factors that influence this process based on relevant academic theories, the

government and civil society can develop more effective strategies to support individuals to exit the cycle of violence and extremism.

### 3. RESULTS AND DISCUSSIONS

One of the former investigators of Densus 88 AT Polri revealed that at first he was confused when handling terrorism cases, because the majority of suspects were reluctant to speak within the time period specified by the Criminal Code, even though the approach that is usually applied to other cases had been taken. Finally, investigators use discretion, such as a humanist approach, so that the suspects are willing to talk or answer questions in the process of making the minutes of the investigation without coercion (Prasetyo, 2024).

The discretion that investigators carry out includes asking about the suspect's news and condition, asking how long he has been away from his family, or offering to contact his wife and children. This strategy often succeeds in making suspects more open and cooperative, as in the case of the Bali I bombing in 2002, where investigators used an informal approach, including wearing casual clothing during the preparation of the examination report (Amrullah, 2007; Prasetyo, 2024). One of the most effective humanist approaches is to provide opportunities for suspects to teach their children through the investigator's mobile phones. This approach not only builds an emotional connection between the suspect and his family, but also creates a more comfortable atmosphere during the investigation (Prasetyo, 2024).

In addition, an approach based on religious values has also proven effective. Head of BNPT, Komjen. Pol. Edy Hartono, recounted his experience when performing congregational prayers with suspected terrorists who were previously reluctant to speak. After prayer, the suspect was willing to answer all questions in the examination minutes. This approach shows the importance of empathy and respect for suspects' beliefs as part of the process of building trust (Prasetyo, 2024).

This study shows that the humanist approach by Densus 88 AT Polri, such as bringing suspects together with their families, facilitating emotional interactions, and respecting the spiritual needs of suspects, has been proven to increase cooperation in the investigation process. Practices like this are an example of effective implementation of discretion, not only in evidence collection, but also in creating better relationships between law enforcement officials and suspects (Goldstein, 1977; Maras, 2013).

However, it is important to remember that discretion must be exercised with clear limits to ensure that actions remain accountable and do not violate the principles of justice and human rights. Improper implementation of discretion can threaten the integrity of the legal process and public trust in law enforcement institutions (Reiner, 2010; Schmid, 2013).

Police officers, especially investigators, have broad authority as stipulated in Article 18 Paragraph (1) of Law Number 2 of 2002. To prevent potential abuse in the exercise of discretionary authority, clear limits are needed. The limitations are governed by the following principles:

- a) Basic needs (needs), every act of police discretion must be really necessary in the sense that without that action the task will not be carried out.
- b) Basic simplicity (straightforward), police discretionary actions must be objective, not driven by personal motives.
- c) The basis of the goal is a measure (efficiency), that the discretionary action of the police is really taken so that the goal can be achieved.
- d) The principle of balance, in carrying out discretionary actions, the police must maintain a balance between goals and means, using the most flexible means.

The procedure for investigation and investigation of terrorism crimes is regulated in the Criminal Code which replaces the *Herzien Inlandsch Reglement* (HIR) as the umbrella of criminal procedure law in Indonesia. The Criminal Code is designed in the spirit of placing suspects or defendants in an equal position before the law, as well as providing guarantees of protection for their rights, which were previously poorly accommodated in the HIR (Pangaribuan, 2018). In the context of terrorism crimes, Law Number 5 of 2018 concerning the Eradication of Terrorism Crimes stipulates that the

implementation of procedural law still refers to the Criminal Code, unless specifically stipulated in the law. The Criminal Procedure Code regulates various rights of suspects, such as in Article 18 paragraph (1), Article 51, Article 52, Article 54, and Article 117. On the other hand, Law Number 5 of 2018 provides additional rights for suspects or defendants of terrorism crimes, as stipulated in Article 25 and Article 28.

Furthermore, the rights of suspects are also regulated in more detail in the Regulation of the National Police Chief (Perkap) Number 23 of 2011 concerning Procedures for Prosecution of Suspects of Terrorism Crimes, for example in Article 3, Article 7, Article 19 Paragraph (1), and Article 19 Paragraph (3). In substance, the existing regulations are adequate to guarantee the rights of suspects so that they are not treated arbitrarily by investigators or investigators. However, the main challenge lies in the implementation on the ground, namely whether the apparatus can enforce the rules consistently or ignore them. Therefore, the commitment of the authorities in respecting the rights of suspects is the main key in realizing justice and compliance with the law.

Investigation and investigation cannot be separated, because investigation is not a stand-alone action separate from the investigation function. According to Article 1 point 5 of the Criminal Procedure Code, an investigation is an action taken in the name of the law to examine whether an event is actually a criminal offense or not. This effort aims to identify whether an event is a criminal offense or not. In the context of terrorism, investigation refers to a series of actions taken to search and find circumstances or events related to terrorism or suspected acts of terrorism (Wahid & Sidiq, 2004). One of the special provisions in the Law on Terrorism related to investigation is the involvement of non-judicial institutions, namely the use of intelligence reports to obtain sufficient preliminary evidence, which can be used as a basis to determine a person as a suspect, thus enabling arrest, detention, wiretapping, search, and seizure. If seen from the formulation of Article 26 paragraph (4), the intelligence report is positioned as the main evidence. This means that intelligence reports can be evidence to obtain sufficient preliminary evidence without the need for other evidence so that it can be the basis for an investigation (Harahap, 2009). Article 1 points 1 and 2 formulate that the definition of investigator is a police officer or civil servant who is given special authority by law. Meanwhile, investigation means a series of actions carried out by investigating officials in accordance with the methods regulated by the Law to seek and collect evidence and with evidence to make and become the light of criminal acts that occur as well as find the suspect or perpetrator (Harahap, 2009). When discussing the special provisions of the investigation process in the provisions of the Law on Combating Terrorism, it will be closely related to the investigation using intelligence reports. It is also related to the next process, such as the investigation of arrest and detention. Therefore, returning to the intelligence report, it can be said that in the investigation process, the state apparatus is more inclined to the crime control model system. This means that law enforcers have been given looser powers in carrying out the criminal process of terrorism. University Police Law Expert Edi Hasibuan said, law enforcement with a soft approach carried out by the Police Anti-Terror Detachment 88 team in uncovering terrorists in Indonesia made Kamtibmas always conducive in every law enforcement. The law enforcement process also runs well and is accepted by the community. Looking at the history of law enforcement against terrorists in the world, open arrests or hard approaches, let alone including the military against terrorists, have not yielded many good results (Pulungan, 2021).

Violent law enforcement will not address the root causes of terrorism. Taking a more humanistic approach and communicating with them is more effective to find out the root of the problem in each of them, personally or in groups. Therefore, it is necessary to conduct profiling approaches, to find out what actually happened, such as from psychological, social, ideological or economic aspects. The psychological approach is considered important in solving the problem of terrorism. Because, that way it can be known exactly why terror attacks are carried out. There is a staircase model or five steps of people leading to violence. What is clear is that the point is dissatisfaction, then approached by groups that have an ideology of violence, then recruited, then preparing for violence, finally appearing in the form of violence. This psychological aspect must be known exactly (Hafil, 2021). Not only in Indonesia, major countries in Europe also face the threat of

terrorism. After the September 11 incident in the United States, Europe began to increase its awareness of terrorism in the region. Since then, Europe has preferred the concept of collective securitisation to work together in countering terrorism. The European Union as a regional organization in Europe intensely cooperates with the United States and forms the European Arrest Warrant, Counter Terrorism Coordinator, and European Counter Terrorism Centre to strengthen the performance of Europol as a law enforcement agency in the European Union (Kaunert & Leonard, 2019). Since the terrorist attacks in Europe such as Paris and Brussels, the police have begun to reform and strengthen to perform better because the challenges faced are also more severe.

The government of Brussels and Belgium in general began to review the structure of the police force after the 2016 terror attacks at Brussels airport. The government has maximized the contribution of local police (equivalent to Sector Police in Indonesia) in preventing and monitoring activities in the community, so that they are aware of indications of terrorism-related activities. This increased contribution should be followed by cooperation with schools and community groups (Devroe & Ponsaers, 2018). Unlike Belgium, the UK has its own policy in addressing terrorism. The police in the UK involve intelligence capabilities in responding to terrorism in Europe. Intelligence capabilities that are reformulated to counter terrorism do make police officers have to adapt to their duties (Jaffel, 2020). Cooperation, intelligence, and countering terrorism are functions that cannot be separated from police duties.

This research shows that the discretion exercised by Densus 88 AT Polri has proven to be effective in speeding up the investigation process, especially in the preparation of the investigation report. This was achieved because the suspected terrorists tended to feel guilty, partly due to concerns of inhumane treatment and partly grateful for the opportunity to meet their families, which was considered an unexpected blessing. Nonetheless, the application of discretion by Densus 88 AT Polri should be done proportionally by considering the positive and negative impacts. In addition, it is important to ensure that discretionary actions remain within the boundaries of the applicable law, so as not to violate established laws and regulations. As an effort to maintain a balance between the effectiveness of counterterrorism and respect for human rights, discretion must be applied with full responsibility and transparency.

#### **Application of Discretion and Relationship to Theoretical Literacy**

This finding supports the theory that humanist approach in discretion can encourage significant behavioral change (Horgan, 2005). In the context of terrorism, this creates a condition of disengagement that is more effective than traditional repressive methods. In addition, this approach is in accordance with Grunig's (1984) principle of the importance of empathy-based two-way communication in building strong relationships.

Research Contribution to Law Enforcement, This practice offers an innovative approach to improve the effectiveness of law enforcement against terrorism crimes. The findings show that the humanist aspect in discretion is able to provide practical and theoretical contributions, such as accelerating the investigation process and building a positive image of law enforcement agencies.

Research Limitations Although this research shows the effectiveness of humanist approach, there are limitations in the context of generalization. This approach may not be effective for all types of terrorism offenders, especially those who are highly radicalized. In addition, the data only covers the practices of Densus 88 AT Polri, making it difficult to assess its application in other units or jurisdictions.

Further studies are needed on how discretion can be developed in a broader context, including by adding cultural and social dimensions. In addition, longitudinal research could help measure the long-term impact of this approach on deradicalization and disengagement.

#### **4. CONCLUSION**

Countering terrorism in Indonesia is a complex challenge that requires a comprehensive strategy and multidimensional approach. The investigation process by Densus 88 AT Polri has shown effectiveness

in uncovering terrorism networks through the application of discretion that prioritizes a humanist approach. This discretion includes treatment that respects human rights, such as bringing suspects together with their families, providing opportunities to fulfill spiritual needs, and creating a comfortable atmosphere during the investigation. These measures have proven successful in increasing suspect cooperation, expediting the evidence collection process, and strengthening the legitimacy of law enforcement. The humanist approach by Densus 88 was not only applied at the investigation stage, but also extended to the trial process and social reintegration. The good relationship established between the officers and ex-convicts of terrorism shows the importance of empathy and communication in deradicalization efforts as well as the prevention of reengagement in acts of terrorism. This practice shows that the proper use of discretion, based on the principles of proportionality and justice, can support the effectiveness of law enforcement while maintaining human rights principles. However, challenges in handling terrorism cases remain significant. Limited resources, public opinion pressure, and legal uncertainty demand a stricter regulation in the application of discretion. This is important to ensure that officers' actions are not only in accordance with the law, but also remain transparent, accountable, and free from abuse of authority. Overall, this research confirms that successful law enforcement in dealing with terrorism cases does not solely depend on repressive measures, but also on the ability of officers to build trust, show empathy, and utilize discretion wisely. This holistic approach not only increases operational effectiveness, but also contributes significantly to creating sustainable security and supporting the social reintegration of ex-convicts into society.

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