

Authority of Special Detachment 88 of the Indonesian National Police in the Prevention of Terrorist Crimes in the Jurisdiction of the Bali Provincial Police (Polda Bali)

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ARTICLE INFO	ABSTRACT
Keywords: <i>Special Detachment 88, authority, and prevention</i> Send feedback	<i>The rising prevalence of sophisticated narcotics crimes in Bali necessitates the effective use of police discretion, yet its implementation faces significant operational challenges. This study examines how Bali Regional Police (Polda Bali) applies discretionary authority in narcotics cases and identifies key barriers to its effective execution. Combining normative juridical analysis of relevant legislation with empirical field research, the investigation incorporates in-depth interviews with eight narcotics investigators and systematic case document review. Findings reveal that officers primarily exercise discretion through warrantless arrests justified by urgency and public interest considerations, though this practice encounters two major constraints: insufficient operational budgets within the police force and inadequate community participation in crime reporting. While Polda Bali's discretionary actions remain legally compliant, the study concludes that their full potential is undermined by these persistent resource and social challenges. The research suggests practical interventions including enhanced budget allocations for narcotics units and comprehensive community outreach programs to improve public understanding of discretionary policing. These recommendations aim to strengthen the balance between law enforcement effectiveness and procedural legitimacy in Bali's unique context as a tourism-dependent region facing complex drug crime networks.</i>

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Introduction

Terrorism is a criminal act or extraordinary crime that has become a global concern, particularly in Indonesia (Kusuma, 2018). Recent acts of terrorism in Indonesia have ideological, historical, and political connections and are part of the strategic dynamics at the global and regional levels. Although most acts of terrorism in various regions in recent years have been carried out by Indonesians, with only a few actors from outside the country, it cannot be denied that terrorism today is a combination of domestic actors and those with transnational networks. However, it cannot be denied that current terrorist acts are a combination of domestic perpetrators and those with transnational networks (Haryanto & Wijaya, 2020).

In order to prevent and combat terrorism, long before incidents classified as terrorism began to proliferate worldwide, the international and regional communities, as well as various countries, have sought to implement criminal policy (criminal policy) accompanied by criminalization in a systematic and comprehensive manner against acts categorized as terrorism (Pratama & Sari, 2024).

Terrorism is not merely an act of terror; in reality, terrorist crimes also violate human rights as fundamental rights inherent in human nature, namely the right to life and the right to

feel safe and secure (Setiyono, 2021). Recognition of human rights is one of the manifestations of the concept of the rule of law as stipulated in Article 1 paragraph (3) of the 1945 Constitution.

Before the amendment of the 1945 Constitution, the recognition of human rights was regulated in Article 28 of the 1945 Constitution. Following the amendments to the 1945 Constitution, the provisions regarding human rights were further clarified and detailed as set forth in Articles 28 and 28A–28J of the 1945 Constitution. In an effort to fulfill and protect the human rights of citizens from acts of terrorism, the Indonesian government felt it necessary to enact the Law on the Eradication of Criminal Acts of Terrorism by drafting a Government Regulation in Lieu of Law (*Perpu*) No. 1 of 2002.

The issuance of *Perppu No. 1 of 2002*, which on April 4, 2003, was enacted into *Law No. 15 of 2003* on the Eradication of Acts of Terrorism, which was later revised by *Law of the Republic of Indonesia No. 5 of 2018* on Amendments to *Law No. 15 of 2003* on the Enactment of Government Regulation in Lieu of Law No. 1 of 2002 on the Eradication of Terrorism-Related Criminal Acts into Law.

The *Indonesian National Police*, as an instrument of the government, is an institution with the authority to enforce the law and has formed a special anti-terrorism unit called the *Special Detachment 88 Anti-Terrorism Unit* of the *Indonesian National Police (Densus 88/AT)*. The duties of *Densus 88/AT* include handling all forms of terrorist threats, including bomb threats and hostage-taking. In addressing terrorist threats and actions, *Densus 88/AT* requires intelligence reports as initial information to take action. Intelligence is one of the keys to law enforcement in combating and preventing terrorist crimes (Wibowo & Rahman, 2024).

Terrorism crimes are a serious threat to global security stability, including in Indonesia, which faces complex challenges due to growing terrorist networks. As an international tourism destination, Bali has a high vulnerability to acts of terror, so the role of *Special Detachment 88 (Densus 88)* of the National Police in preventing and countering terrorism in the jurisdiction of the Bali Police is very crucial. The urgency of this research is based on the dynamics of contemporary terrorism that utilizes digital technology for radicalization, as well as the need for a thorough evaluation of the effectiveness of handling terrorism in tourist areas. Previous studies by Hikam (2016) on deradicalization and Atmasasmita (2012) on the anti-terror legal framework have not touched on the operational aspects of *Densus 88* at the regional level, thus creating research gaps in terms of: (1) the implementation of *Densus 88* Bali's authority, (2) the integration of cyber surveillance with physical patrols, and (3) collaboration with local communities.

Based on the above, the problem can be formulated as follows: What are the authorities of the *Indonesian National Police Special Detachment 88* in enforcing the law against perpetrators of terrorist crimes in the Bali Regional Police, and what are the efforts to prevent terrorist crimes by the *Special Detachment 88* in the Bali Regional Police?

The novelty of this research lies in the first empirical analysis of a terrorism prevention model based on Balinese characteristics, which combines legal, technological, and local wisdom approaches. This study aims to investigate and analyze in depth the authority of the *Special Detachment 88* of the *Indonesian National Police* in enforcing the law against perpetrators of terrorist crimes, as well as the efforts to prevent terrorist crimes by the *Special Detachment 88* in the Bali Regional Police. The benefits of the research include increasing the

capacity of the apparatus, strengthening the regional legal framework, and academic contributions to the study of tourism security. By focusing on the unique context of Bali, this research is expected to be a model for handling terrorism in global tourist areas.

Research methods

The research method used in this study is a normative research method that employs various types of primary legal materials in the form of legislation and secondary legal materials in the form of literature related to the existence of the Bali Police *Special Detachment 88* as a source of research material. As stated by Johnny Ibrahim, normative legal research is a scientific form of research aimed at discovering the truth based on legal logic reviewed from a normative perspective, or as an effort to discover the law as applied to a specific case. The legal materials obtained are then analyzed using descriptive, systematic, evaluative, and argumentative methods. These legal materials are presented in a high-quality manner using sentences that are orderly, coherent, logical, non-redundant, and effective, thereby facilitating the interpretation of legal materials and fostering a comprehensive understanding of the analysis results. This research method is also supported by empirical research.

Results and Discussion

The authority of the Special Detachment 88 of the Indonesian National Police in enforcing the law against perpetrators of terrorist crimes,

Densus 88 has broad authority in the enforcement of law against terrorism, including the arrest, investigation, and prosecution of suspected terrorists. This authority is regulated in Article 25 of Law Number 15 of 2003, as amended by Law Number 5 of 2018, and Law Number 1 of 2002 on the Eradication of Criminal Acts of Terrorism (Undang-Undang Republik Indonesia Nomor 1 Tahun 2002).

Investigations, prosecutions, and trials for terrorism-related crimes must be conducted in accordance with applicable legal procedures, unless otherwise provided by government regulations that supersede this law. Investigators have the authority to detain suspects for a maximum of six months for the purposes of investigation and criminal prosecution, with the possibility of extending the period up to seven times 24 hours in the case of terrorist arrests, in accordance with Article 28 of the Terrorism Law.

Densus 88, as a special unit of the Indonesian National Police specifically tasked with combating terrorism, has the same authority as other police officers as stipulated in Article 16(1) of the Police Law, including the authority to arrest, detain, search, and confiscation, or prohibiting any person from leaving or entering the crime scene for investigative purposes, as stipulated in Article 16(1)((b), (c), or (d), and bringing and presenting persons to investigators for investigative purposes. Article 16(1)(l) states that the National Police of the Republic of Indonesia is authorized by law to take actions that are legally responsible. More specifically, Article 16 Paragraph (1) letter l states, "taking other actions in accordance with the law that are responsible." The provisions of this article grant the National Police of the Republic of Indonesia the opportunity to act or take measures not explicitly stated in legal provisions, provided that they consider the element of "responsibility." In other words, Law No. 2 of 2002 on the National Police of the Republic of Indonesia () grants the National Police of the Republic of Indonesia the authority or power to take other actions deemed necessary.

In addition to Article 16(1)(l) of Law No. 2 of 2002 on the National Police of the Republic of Indonesia, which regulates a similar matter, Article 18(1) provides for "acting according to their own judgment." Article 18(1) of the Police Law also grants authority or power to police officials to take actions not expressly provided for in the law, as stated in Article 16(1)(l) of Law No. 2 of 2002 on the National Police of the Republic of Indonesia (Undang-Undang Republik Indonesia Nomor 2 Tahun 2002).

Article 18 Paragraph (1) reads: For the public interest, officials of the Indonesian National Police in carrying out their duties and authorities may act according to their own judgment. From this article, we can compare the substance of the provisions in Article 16 Paragraph (1) letter l and Article 18 Paragraph (1) of Law Number 2 of 2002 on the National Police of the Republic of Indonesia. Article 16(1)(l) regulates "other actions" that may be taken by officials of the National Police of the Republic of Indonesia in the process of investigation and inquiry, while Article 18(1) regulates "acting according to their own judgment" in performing their duties and authorities for the public interest. It is clear that Article 18 Paragraph (1) grants broader authority or powers compared to Article 16 Paragraph (1) letter l. Article 18 is the basis for the discretion of the National Police of the Republic of Indonesia. This provision exists because a state official in performing duties related to the administration of public interests must not rely solely on the existence or absence of a rule.

Article 28 of the Anti-Terrorism Law states: "Investigators may arrest any person suspected of committing a terrorist offense based on sufficient preliminary evidence as referred to in Article 26(2) for a maximum period of 7 x 24 (seven times twenty-four) hours." This provision grants authority to investigators (Densus 88) regarding the duration of arrest, which is regulated under Law No. 8 of 1981 on the Criminal Procedure Code, Article 19(1), which stipulates that the duration of arrest shall not exceed one day (1 x 24 hours) and may be extended to one week (7 x 24 hours).

The purpose of arrest is, of course, for the purposes of investigation and inquiry. Detention is regulated under Article 25(1) of Law No. 15 of 2003, which states: "For the purposes of investigation and prosecution, investigators are authorized to detain suspects for a maximum period of 6 (six) months." The duration of detention during the investigative process, as stipulated under Law No. 8 of 1981 on the Criminal Procedure Code-Code of Criminal Procedure is 20 (twenty) days and may be extended by the public prosecutor up to 40 (forty) days, thus the detention period during the investigation process is 60 days, and the detention period during the prosecution process under Law No. 8 Year 1981 about Kitab Undang-Criminal Procedure Code is 20 (twenty) days and may be extended by the District Court President up to 30 (thirty) days, so the total detention period during the prosecution process is 50 days, resulting in a total detention period during the investigation and prosecution process of 110 (one hundred ten) days.

Under Law No. 15 of 2003, the detention period is 6 (six) months, which means 180 (one hundred eighty) days. The use of intelligence reports is regulated in Article 26(1) of Law No. 15 of 2003, which states: "To obtain sufficient initial evidence, investigators may use any intelligence report."

The expansion of evidence is regulated in Article 27 of Law No. 15 of 2003. This provision grants broader authority to investigators, specifically Densus 88, regarding evidence.

Article 184 of Law No. 8 of 1981 on the Criminal Procedure Code defines evidence as witness statements, expert opinions, documents, indications, and statements from the accused. However, under Law No. 15 of 2003, evidence has been expanded to include electronic evidence, including images, maps, sounds, photographs, or similar materials.

Preventive Measures by Special Detachment 88 Against Acts of Terrorism in the Bali Regional Police Department

To address terrorism, the state has established a legal framework; however, due to the rapid evolution of *modus operandi* and its impact, the government subsequently issued Government Regulation in Lieu of Law (Perppu) No. 1 of 2002 on the Eradication of Criminal Acts of Terrorism. This Perppu was applied retroactively to the Bali bombings. In its development, the Perppu was subsequently enacted by the House of Representatives (DPR) into Law No. 15 of 2003 on the Eradication of Terrorism-Related Criminal Acts.

The law on combating criminal acts of terrorism regulates guidelines for law enforcement officials in combating criminal acts of terrorism. Like other special criminal laws, the law on combating criminal acts of terrorism regulates all efforts within the criminal justice system as a form of repressive handling of criminal acts of terrorism.

The efforts of the Special Detachment (Densus) 88 of the Indonesian National Police in preventing terrorism include *preventive* measures; in the form of socialization and education on terrorism to the public, guidance and assistance to prisoners and former prisoners convicted of terrorism in the social and economic fields, and cooperation with various stakeholders such as universities and schools, social services, and others. *Preventive* measures focus on reducing the possibility of terrorism occurring,

Repressive measures target the arrest and prosecution as well as the trial of perpetrators of terrorism based on evidence. Forms of Efforts to Prevent Terrorism Carried Out by Densus 88 Polda Bali, based on interviews with personnel from the Densus 88 Polda Bali task force regarding *preventive* measures carried out, namely through *online* and *offline* systems.

Offline Social Identification

One of the social identification efforts carried out by Densus 88 Bali Police is to hold seminars, workshops, or direct dialogues by the Densus 88 team specifically aimed at various elements of society such as students, community members, community organizations, religious and traditional leaders, and government agencies in the Bali Police. The social identification efforts carried out by the Densus 88 anti-terrorism team involve directly engaging with community members to conduct studies both academically and factually. Academic studies are conducted through discussions or knowledge-sharing sessions with educational institutions such as schools, education departments, and community organizations.

Some of the *online* efforts undertaken include:

- 1) The Densus 88 team conducts *cyber patrols* in the virtual world to monitor the conditions of the region and society in all cities and regencies across Bali.
- 2) Conducting counter-narrative campaigns against accounts suspected of radicalism and terrorism in collaboration with local social media communities.
- 3) Providing recommendations for the removal of accounts suspected of radicalism.

- 4) Forming media communities with local community elements such as the youth to contribute to vibrant media content with moderate messages.
- b) Identifying through deradicalization efforts by Densus 88 as part of their operations.

The prevention of terrorist crimes through an approach known as *deradicalization*. The emergence of the term *deradicalization* is primarily due to the proliferation of radical ideologies that claim to act in the name of religion, which then escalate into terrorism, destroying lives and livelihoods, disrupting religious practices and norms, as well as societal and state structures. Efforts are being made to encourage radical individuals, particularly convicted terrorists, former terrorist inmates, their families, and their networks, to return to the right path based on religious, moral, and ethical principles that align with the essence of all religions, which highly value diversity and differences (Undang-Undang Republik Indonesia Nomor 5 Tahun 2018).

Some of the steps mentioned above are efforts that have been and are currently being carried out by the Densus 88 team of the Bali Police through *online* social identification. *Online* social identification activities are one of the most effective measures to prevent radical ideologies from spreading through social media. The Special Detachment (Densus) 88 of the Indonesian National Police (Polri) plays a crucial role in preventing and combating terrorist crimes in Indonesia.

Their efforts include *repressive* actions against terrorists, *preventive* measures, and deradicalization. Additionally, Densus 88 conducts surveillance of suspected terrorists and collaborates with various parties to.

Conclusion

Densus 88 has broad authority, including the arrest, investigation, and prosecution of suspected terrorists. These authorities are regulated under Article 25 of *Law No. 15 of 2003*, as amended by *Law No. 5 of 2018*, and *Law No. 1 of 2002* on the Eradication of Terrorism-Related Criminal Acts. Investigations, prosecutions, and trials for terrorist crimes must be conducted in accordance with applicable legal procedures, unless otherwise provided by government regulations that supersede this law. Investigators have the authority to detain suspects for a maximum of six months for the purposes of investigation and criminal prosecution, with the possibility of extending the detention period by up to seven times 24 hours in the case of terrorist arrests, in accordance with Article 28 of the Anti-Terrorism Law. The efforts of the *Special Detachment 88 (Densus 88)* of the *Indonesian National Police* in preventing terrorist crimes include *preventive* measures in the form of socialization and education on terrorism to the public, guidance and assistance to prisoners and former prisoners convicted of terrorism in the social and economic fields, and cooperation with various stakeholders such as universities, schools, social services, and others. Preventive measures focus on reducing the likelihood of terrorism occurring, while *repressive* measures target the arrest and prosecution of terrorism perpetrators based on sufficient evidence.

To address these challenges, this research recommends several strategic steps: First, strengthening the capacity of human resources through specialized training in digital intelligence and modern investigative techniques. Second, developing an integrated technology system based on artificial intelligence for early detection and cyber patrol. Third, optimizing collaboration with local stakeholders such as tourism actors and indigenous communities. Fourth, preparing special protocols for handling terrorism in tourist areas that take into account

local wisdom. Fifth, improving Balinese culture-based deradicalization programs and assistance for former prisoners. The implementation of these recommendations is expected to create an effective terrorism-handling model while maintaining a balance between security and smooth tourism, as well as becoming a reference for other tourist areas in Indonesia. Further research is needed to test the effectiveness of this model in the context of the dynamic development of global terrorism.

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