

# Pemberlakuan Undang-Undang No.17 Tahun 2011 Tentang Intelijen Negara Sebagai Upaya Penguatan Peran Intelijen Negara Dan Jaminan Perlindungan Kebebasan Warga Negara. = Enforcement of Intelligence Service Act No.17 Of 2011 As Strengthening Role Effort State Intelligence Service And Guarantee Of Citizen Protecting Freedom

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## Abstrak

### <b>ABSTRAK</b><br>

Tesis ini mendeskripsikan diskursus pandangan politik, antara; kelompok yang menginginkan penguatan peran negara yang tercermin di dalam peran organisasi intelijen dan jaminan perlindungan kebebasan warga negara; mengkaji reformasi intelijen dalam kerangka negara hukum demokratis di Negara Indonesia; serta menganalisa wewenang khusus yang ada pada Badan Intelijen Negara (BIN) yang sesuai dengan prinsip-prinsip negara hukum demokratis. Penelitian tesis ini menggunakan metode penelitan yuridis-normatif dengan pendekatan perundangundangan, konsep, sejarah, dan analisis hal ini sejalan dengan karakter dari ilmu hukum, yakni preskriptif. Penelitian tesis ini juga memperoleh data berdasarkan studi lapangan serta studi kepustakaan. Hasil dari penelitian tesis ini menyarankan untuk (i) melindungi kebebasan warga negara tanpa mengurangi peran intelijen negara dalam menunjang pencapaian kepentingan nasional dan menegakkan keamanan nasional, diperlukan suatu pengawasan berlapis yang melibatkan mekanisme internal organisasi intelijen, lembaga eksekutif, lembaga legislatif, lembaga yudikatif, auditor negara (BPK), lembaga independen negara (KPK), dan dari masyarakat (media massa serta lembaga swadaya masyarakat), (ii) disamping itu juga diperlukan diferensiasi struktur dan spesialisasi fungsi dari organisasi intelijen agar intelijen dapat bekerja secara efektif di dalam negara hukum demokratis, (iii) selanjutnya diperlukan Undang-Undang Keamanan Nasional sebagai payung hukum bagi kegiatan aktor keamanan di Indonesia termasuk intelijen, dan Undang-Undang Penyadapan untuk melindungi hak privasi setiap warga negara.

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### <b> Abstract </b><br>

This thesis describes the discourse of political views, including: the groups who want a strengthening the role of state that is reflected in the role of intelligence organizations and the guarantee of freedom of citizens; assess the intelligence reform within the framework of a democratic constitutional state in Indonesia, as well as analyzing existing special authority on Intelligence State Agency (BIN) in accordance with the principles of a democratic constitutional state. This thesis research using normative-juridical research methods, approach to legislation, the

concept, history, and this analysis is in line with the character of legal science, which is prescriptive. This thesis study also obtained data based on field studies and literature studies. The results of this thesis research is (i) suggested to protect the freedom of citizens without reducing the role of intelligence in supporting the achievement of national interest and upholding national security requires; a multilayered oversight mechanism involving internal intelligence organization, the executive, legislature, judiciary, the state auditor (BPK), an independent state agency (KPK), and from the public (mass media and non-governmental organizations), (ii) as it also required the differentiation of specialized structures and functions of intelligence for intelligence organizations to work effectively in the democratic constitutional state, (iii) then required The National Security Act as a legal umbrella for the activities of security actors in Indonesia, including intelligence, and Interception Communication Act to protect the privacy rights of every citizen.