

Tinjauan terhadap implementasi prinsip freezing without delay dalam undang-undang Republik Indonesia nomor 9 tahun 2013 tentang pencegahan dan pemberantasan tindak pidana pendanaan terorisme = Review of the implementation of the principle of freezing without delay in the republic of Indonesia law number 9 year 2013 concerning the prevention and suppression criminal acts of terrorism financing

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Abstrak

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Terorisme yang dipandang sebagai kejahatan kriminal luar biasa dan pelanggaran berat HAM telah menjadi ancaman serius terhadap perdamaian, keamanan dan perkembangan sosial/ekonomi negara di berbagai kawasan. Indonesia secara konsisten mengutuk keras segala bentuk tindakan terorisme dan memiliki komitmen kuat dalam mencegah dan memberantas tindak pidana pendanaan terorisme. Mengingat jaringan dan operasi teroris/kelompok teroris merupakan masalah kompleks dan lintas negara sehingga perlu terus meningkatkan kerjasama internasional, baik dalam kerangka multilateral (PBB) maupun regional serta bilateral.

Maraknya aksi terorisme tersebut melatarbelakangi usaha melawan pendanaan terorisme. Pendanaan merupakan faktor utama dalam setiap aksi terorisme sehingga upaya penanggulangan tindak pidana terorisme diyakini tidak akan berhasil tanpa pemberantasan pendanaannya. Perhatian dunia internasional terhadap praktek pencucian uang dan pendanaan terorisme semakin meningkat setelah FATF mengeluarkan The Forty Recommendations dan DK PBB mengeluarkan UNSCR 1267 Tahun 1999, yang pada prinsipnya meminta agar setiap negara melakukan “pembekuan seketika (freezing without delay)” terhadap dana dan aset keuangan lainnya atau sumber ekonomis dari individu dan entitas yang berkaitan dengan Al-Qaida dan/atau Taliban atau kegiatan terorisme lainnya.

Dengan adanya UU No.6 Tahun 2006 dan Rekomendasi FATF serta kelemahan pada peraturan yang ada, maka Indonesia wajib membuat atau menyelaraskan peraturan per-UU agar sejalan dengan ketentuan dalam konvensi/rekomendasi tersebut sehingga terbit UU No.9 Tahun 2013 tentang Pencegahan dan Pemberantasan Tindak Pidana Pendanaan Terorisme.

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ABSTRACT

Terrorism is seen as extraordinary crime and gross violations of human rights has become a serious threat to peace, security and social development/economic countries in various regions. Indonesia consistently condemns all forms of terrorism and has a strong commitment to preventing and combating the financing of terrorism a criminal offense. Given the network and terrorist operations / terrorist groups is a complex issue and cross-country so it needs to continue to enhance international cooperation, both within the framework of multilateral (UN) and regional and bilateral.

The rise of terrorism are behind the fight against the financing of terrorism. Funding is a major factor in any act of terrorism so that the response to terrorism is believed to not be successful without suppression of funding. International attention to the practice of money laundering and financing of terrorism has increased

after the FATF issued the Forty Recommendations and the UN Security Council issued UNSCR 1267 of 1999, which, in principle, requested that each country undertake "immediate freezing (freezing without delay)" of the funds and other financial assets or economic resources of individuals and entities associated with Al-Qaida and / or the Taliban or other terrorist activities.

With the existence of Act 6 of 2006 and the FATF Recommendations as well as weaknesses in the existing legislation, the Indonesian establish or harmonize regulation by-laws to be in line with the provisions of the convention/recommendation so that rised Act No.9 Year 2013 Concerning The Prevention And Suppression Criminal Acts Of Terrorism Financing., Terrorism is seen as extraordinary crime and gross violations of human rights has become a serious threat to peace, security and social development/economic countries in various regions. Indonesia consistently condemns all forms of terrorism and has a strong commitment to preventing and combating the financing of terrorism a criminal offense. Given the network and terrorist operations / terrorist groups is a complex issue and cross-country so it needs to continue to enhance international cooperation, both within the framework of multilateral (UN) and regional and bilateral.

The rise of terrorism are behind the fight against the financing of terrorism. Funding is a major factor in any act of terrorism so that the response to terrorism is believed to not be successful without suppression of funding. International attention to the practice of money laundering and financing of terrorism has increased after the FATF issued the Forty Recommendations and the UN Security Council issued UNSCR 1267 of 1999, which, in principle, requested that each country undertake "immediate freezing (freezing without delay)" of the funds and other financial assets or economic resources of individuals and entities associated with Al-Qaida and / or the Taliban or other terrorist activities.

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