

**ANALYSIS OF THE CASE OF THE DEATH OF 6 FPI SOLDIERS IN THE
PERSPECTIVE OF LAW AND HUMAN RIGHTS**

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ABSTRACT;

On December 7, 2020, six members of the Islamic Defenders Front were shot near Kilometer 50 of the Jakarta–Cikampek Toll Road, raising serious questions regarding Indonesian law enforcement and human rights protection. This research looks at the police's criminal culpability, how human rights standards were used during the inquiry, and how the case affected public confidence. This study examines legal documents such the 1945 Constitution, the Criminal Code, Law No. 39 of 1999 on Human Rights, and the investigative report by , the National Human Rights Commission using a normative juridical approach. The results demonstrate that despite the police's claim of self-defense, two inmates' deaths suggested possible human rights breaches. The officers' acquittal by the court exposed flaws in openness and accountability. This case reflects the urgent need for reform in law enforcement and stronger protection of human rights in Indonesia.

Keywords: *human rights, criminal law, self-defense, public trust.*

INTRODUCTION

In the early hours of the date 7 December 2020, the atmosphere on the Jakarta-Cikampek toll road feels quiet. Among the vehicles that passed, there were Habib Rizieq Shihab's entourage of followers and bodyguards, the leader of the Islamic Defenders Front, who had just left the Sentul area towards Jakarta. The group was said to be about to return to Rizieq's residence after attending a family event. On the other hand, police officers from the Metro Jaya Police Performing Duties Research against the alleged violation of health protocols that occurred at the Islamic Defenders Front event a few days earlier. For this purpose, the police team carried out Stalking of motorcades Rizieq on the toll road.

At around 00.30 WIB, around KM 48-49 of the Jakarta-Cikampek toll road, a tense situation occurred. Based on police information, the car ridden by several members of the Islamic Defenders Front was said to be trying to obstruct and attack the police vehicle that was following. The police stated that the Islamic Defenders Front group was carrying sharp weapons and firearms, which triggered a shootout at the location. In that incident, four members of the Laskar were killed on the spot, while two others were successfully secured alive by the police. However, according to Islamic Defenders Front version, the actual situation is different. They emphasized that the soldiers were unarmed and only served as personal bodyguards to maintain Habib Rizieq's safety during the trip. Islamic Defenders Front said the incident was a unilateral attack and extrajudicial killing, as the soldiers who were captured alive were later found dead with gunshot wounds, which they said showed indications of an execution without resistance.

A few days after the incident, the National Human Rights Commission formed an independent investigation team to investigate the truth of the incident. After conducting an investigation for more than a month, , the National Human Rights Commission released an official report in January 2021. The investigation concluded that four members of the army were killed in an armed clash on the toll road, while two others died after being in police custody. the National

Human Rights Commission considers that the action against the last two victims is a violation of human rights, because they should be protected as prisoners under the responsibility of the state.

The case was then transferred to the Attorney General's Office and continued to the court. Two members of the police force were named as suspects and tried at the South Jakarta District Court in 2022. In the process, the panel of judges ruled that the two defendants were innocent, arguing that their actions were considered self-defense in carrying out their duties. This decision caused mixed reactions in the community, some considered that the law had not been in favor of substantive justice, while others considered the decision to be in accordance with legal procedures.

This event left a long mark on the history of law enforcement and human rights in Indonesia. The shooting case of six Islamic Defenders Front soldiers at KM 50 was not just an ordinary criminal event, but also a mirror of the relationship between law enforcement officials and citizens, and raised big questions about the limits of state authority in the use of deadly force. Until now, this incident is still often discussed in the context of transparency, accountability, and law enforcement reform in Indonesia.

PROBLEM

1. What is the form of criminal accountability of the police in the case of the shooting of six Islamic Defenders Front soldiers at KM 50 from the perspective of criminal law and human rights in Indonesia?
2. Did the actions of the police in the shooting of six Islamic Defenders Front soldiers meet the element of "self-defense" as stipulated in Indonesia's positive law?
3. What is the role of the mass media in shaping public perception of the shooting case of six Islamic Defenders Front soldiers at KM 50?
4. To what extent is the implementation of human rights principles applied in the investigation and law enforcement process into the shooting case of six Islamic Defenders Front soldiers?
5. What is the social and legal impact of the shooting of six Islamic Defenders Front soldiers on public trust in law enforcement institutions in Indonesia?

RESEARCH METHODS

This study uses a descriptive qualitative methodology in conjunction with a normative juridical procedure. In the case of the shooting of six members of the Islamic Defenders Front at KM 50 of the Jakarta ke Cikampek Toll Road, legal norms and principles found in statutory regulations, international human rights instruments, and official documents are examined using the normative juridical method. The descriptive qualitative methodology seeks to offer an understandable and methodical examination of how Indonesian law enforcement procedures conform to human rights norms.

The research uses three types of legal materials:

1. The Republic of Indonesia's 1945 Constitution, the Indonesian Criminal Code, Law No. 39 of 1999 on Human Rights, Law No. 2 of 2002 on the Indonesian National Police, and international documents like the Universal Declaration of Human Rights (1948), the International Covenant on Civil and Political Rights (1966), and the Convention Against Torture (1984).

2. Secondary legal materials, including scholarly publications, court rulings, and National Human Rights Commission Investigation Report (2021).

3. Tertiary legal materials, which include online legal resources, news stories, and supporting books.

In the Islamic Defenders Front case, data are gathered through library research (literature review) and qualitatively examined, with a focus on interpretation and comparison between normative legal provisions and actual law enforcement activities.

DISCUSSION

A. Instrument Ham

Based on the shooting case of six Islamic Defenders Front soldiers at Kilometer 50 of the Jakarta-Cikampek Toll Road on December 7, 2020, the following description of relevant human rights instruments refers to the international, national legal tools, and mechanisms applied or related to these cases, particularly in the context of human rights enforcement, use of force by authorities, and investigation of violations.

1. International instruments

The Universal Declaration of Human Rights of 1948: The right to justice (Article 8), the right to life (Article 3), and the ban on torture and harsh treatment (Article 5) are all upheld in this basic constitution. National Human Rights Commission determination that two victims were killed while in police custody in this case raises the possibility of a violation of their right to life and legal protection because they should be safeguarded as prisoners.

Through Law No. 12 of 2005, Indonesia accepted the 1966 International Covenant on Political and Civil Rights (ICCPR). Article 6 protects the right to life, while Article 9 emphasizes the right to personal liberty and protection against arbitrary imprisonment. The matter concerns the alleged overuse of fatal force by the police, which may be prohibited if it does not meet the requirements for self-defense.

With Law No. 5 of 1998, Indonesia accepted the Convention Against Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment (CAT) 1984. Cruel treatment and executions without due process are prohibited under this constitution. Concerns over the use of this instrument were raised by the Islamic Defenders Front conclusions on the "execution" of the two victims who were captured alive, notwithstanding the court's decision in self-defense.

2. National instruments

Articles 28A to 28J of the 1945 Constitution safeguard human rights, including the right to life, justice, and legal protection. This case examines the applicability of the rights to respect before the law (Article 28D) and personal security (Article 28G), especially with regard to police use of force.

Law No. 39 of 1999 on Human Rights, the main national human rights instrument, regulates the prohibition on torture (Article 33), the right to justice (Article 17), and the right to life (Article 9). National Human Rights Commission utilized this provision as reason to find

human rights breaches against the two victims who died while in police custody since they were supposed to be safeguarded as prisoners.

The use of force by the National Police of the Republic of Indonesia is governed by Article 18 of Law No. 2 of 2002, which stipulates that it must be reasonable and adhere to human rights norms. In this case, the police claimed self-defense, but National Commission on Human Rights findings suggested that force may have been misused, which violates the police's obligation to protect human rights.

(noodweer), which is subject to Articles 49 to 54, in order to remove two police officers. However, as the National Commission on Human Rights report questioned, self-defense must respect proportionality norms and not violate human rights.

3. Applied Human Rights Mechanisms and Institutions

National Commission on Human Rights: In compliance with Law No. 39 of 1999, National Commission on Human Rights established an unbiased investigation team and released a report in January 2021. Four victims were murdered in armed confrontations, and two victims were killed while in police custody, which was considered a violation of their human rights, according to the study. This system serves as an independent oversight tool, even when court rulings do not fully recognize its results.

South Jakarta District Court: Using self-defense as justification, the court declared two police officers innocent. However, because it ignores National Commission on Human Rights findings, which highlight the conflict between criminal law and human rights, this raises questions regarding how human rights should be implemented.

The Mass Media's Function: Despite not being a formal tool, the media functions as a public scrutiny mechanism. Through public pressure for transparency, news coverage of these events creates perceptions but frequently biases that affect how human rights are implemented.

The aforementioned human rights instrument demonstrates that, particularly in light of National Commission on Human Rights conclusions, this case may constitute violations of the right to life and justice. However, court decisions that prioritize self-defense reveal implementation flaws that affect public confidence. Harmonization between criminal laws and human rights is necessary for reform, for example by enhancing National Commission on Human Rights function in the legal system. For a more thorough study, this analysis can be expanded upon using primary data from the white paper.

B. Legal Analysis Of The Case

1. What is the form of criminal accountability of the police in the case of the shooting of six FPI soldiers at KM 50 from the perspective of criminal law and human rights in Indonesia?

The criminal accountability of the police in the shooting of six Islamic Defenders Front members at KM 50, viewed from the perspective of Indonesian criminal law and human rights, is inseparable from the principle of equality before the law meaning that every individual, including state officials, is bound by the same legal standards. Under criminal law, a shooting that causes death constitutes a criminal act if it is carried out outside lawful procedures and fails to meet the requirements of self-defense (noodweer) as regulated in Article 49 of the Criminal Code. Consequently, if the police officers involved are proven to have exceeded their authority, they may be held criminally liable under Article 338

(murder) or Article 340 (premeditated murder) of the Criminal Code, depending on the degree of intent and premeditation. Article 28A and 28I paragraph (1) of the 1945 Constitution and Article 6 paragraph (1) of the International Covenant on Civil and Political Rights (ICCPR), which Indonesia has ratified through Law No. 12 of 2005, guarantee the right to life. From a human rights perspective, any act by state authorities that results in the loss of life without due legal process constitutes a violation of this right. As a result, the form of accountability in this instance includes not only criminal penalties for the offenders but also the state's obligation to maintain justice, guarantee the accountability of its authorities, and stop future infractions of this kind.

2. In the shooting of six FPI soldiers, they met the element of self-defense?

The actions of the police officers in this incident can be classified as excessive self-defense. This is because the officers fired multiple shots during the confrontation, and at the time of the incident, the officers were armed while the Islamic Defenders Front members were unarmed. Such circumstances indicate an imbalance that undermines the justification for self-defense. According to Article 49 paragraph (2) of the Criminal Code, acts of excessive self-defense caused by severe mental shock due to attack or threat are not punishable. Under coercive conditions, self-defense acts as a justification that eliminates an act's illegality (*wederrechtelijkheid* or *onrechtmatigheid*), serving as a basis for justification (*rechtvaardigingsgrond*), also known as *fait justificatif*. Because their acts are deemed justifiable under the circumstances, the police officers involved may be free from criminal culpability based on this legal logic.

3. What is the role of the mass media in shaping public perception of the shooting case of six FPI soldiers at KM 50?

The public's impression of the KM 50 shooting incident is greatly influenced by the mass media. The public's interpretation and comprehension of the case are shaped by the media's coverage. The public's perception of whether the occurrence qualifies as a legitimate law enforcement operation or a violation of human rights is significantly influenced by the way information is presented, whether from the police, National Commission on Human Rights, or the family of the victims. While some media sites highlighted the police's assertion that they were acting in self-defense, others concentrated on alleged injustices and procedural irregularities. This discrepancy in reporting led to division in society over the case's veracity. As a result, the media not only disseminates information but also plays a significant role in influencing or eroding public confidence in law enforcement.

4. To what extent is the implementation of human rights principles applied in the investigation and law enforcement process into the shooting case of six FPI soldiers?

It is still unclear how human rights standards will be used in the inquiry and legal proceedings surrounding the shooting deaths of six Islamic Defenders Front soldiers at KM 50. Thanks to Law Number 39 of 1999 about Human Rights and Law Number 26 of 2000 concerning Human Rights Courts, Indonesia has a robust legal framework to guarantee the protection of human rights. The investigation should be guided by principles including the right to life, the right to a fair trial, and the obligation of law enforcement. However, there are signs that the investigation has not been completely impartial and open given the investigative agency's affiliation with the reported party. Despite National Commission on

Human Rights conducting an inquiry and stating that there are claims of human rights abuses by the police, the community and the victim's family have not received justice, and the legal follow-up of the results is still perceived as less thorough. This suggests that the application of human rights principles in this context is still formalistic and that the entire scope of human rights protection has not been addressed.

5. What is the social and legal impact of the shooting of six FPI soldiers on public trust in law enforcement institutions in Indonesia?

The victims, their relatives, and the neighborhood may feel the effects of the murder case that six members of the Laskar carried out. Due to the loss of a family member in an extremely unfortunate circumstance, the victim and their family may suffer from severe trauma and protracted bereavement. The victim's family may also experience social stigma and worry about being intimidated or subjected to oppressive measures by a higher authority. The local community may feel insecure as a result, as evidenced by the belief that a linked device may operate outside of its bounds. Additionally, the parties concerned may experience a severe crisis of confidence in this government.

C. Enforcement And Effectiveness Of Human Rights Instruments

The enforcement and impact of human rights mechanisms in the case involving the deaths of six Islamic Defenders Front soldiers at KM 50 are still insufficient, even though Indonesia has adequate legal frameworks such as Law No. 39 of 1999 on Human Rights, Law No. 26 of 2000 on Human Rights Courts, and independent organizations like National Commission on Human Rights. After conducting an investigation, National Commission on Human Rights found that police officers may have violated human rights, especially with regard to the right to life guaranteed by Article 28I paragraph (1) of the 1945 Constitution. However, there has been a lack of accountability and openness in the ensuing legal actions. The public believes that law enforcement officers are rarely held accountable since there are still few prosecutions of officials who are suspected of misconduct. This case shows that, despite the existence of human rights laws on paper, their actual efficacy in enforcing justice and holding authorities accountable is still limited. Therefore, to continuously maintain the rule of law, institutional reforms and a sincere commitment from the government are required.

CONCLUSION

The shooting incident at KM 50 on the Jakarta-Cikampek Toll Road, which included six Islamic Defenders Front soldiers, highlights serious issues with Indonesian law enforcement and human rights protection. This case demonstrates the tension between National Commission on Human Rights conclusions indicating breaches of the right to life of two victims who ought to have been protected by the state and the police's claim of self-defense. The criminal court system's lack of accountability and openness is demonstrated by the officials' acquittal. Furthermore, public opinion has been influenced by media coverage, leading to disagreements on the case's facts. Consequently, public confidence in law enforcement has declined, as it is seen as failing to deliver genuine justice. This case underscores the urgent need for thorough reforms in law enforcement and stronger adherence to human rights principles to ensure the state truly upholds justice and protects the right to life for all citizens.

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