

Former Supreme Court Judge Djoko Sarwoko Earns Doctorate at UGM

Wednesday, 26 April 2017 WIB, By: Marwati



Former Chief Justice, Djoko Sarwoko, has earned doctoral degree *cum laude* from Universitas Gadjah Mada (UGM) on Tuesday (27/4) at UGM Graduate School.

Djoko Sarwoko in his dissertation entitled *Legal Politics for Prevention and Eradication of Terrorism Funding in Indonesia* said there were legal political shift for regulations on the prevention and eradication of terrorism funding as stated in Law No.9 Year 2013 (Terrorism Funding Law) and Law No. 15 Year 2003 (Terrorism Law).

“In both laws there are legal political shifts related to the concept of *mens rea* and *actus reus* related to the concept of criminalisation of terrorism funding that can be brought to court,” he said.

Djoko Sarwoko described there are differences in legal concept of regulation for the prevention and eradication of terrorism funding in Indonesia that is regulated in the Terrorism Funding Law as opposed to those in Terrorism Law. Terrorism Funding Law knows the concept of follow the money while the Terrorism Law knows the concept of follow the suspect. Funding is interpreted more widely in the Terrorism Funding Law which includes qualification and criteria of such terrorism

funding.

Perpetrator in the Terrorism Funding Law is extended to “person” and “corporation”. Terrorism Law only knows the concept of “person”. Terrorism Funding Law further knows the concept of prevention acts and acts of blocking, listing names of people and corporations as terror suspects and organisations. It also includes the concept of right protection efforts for legal subjects whose funds are blocked or being enlisted among suspects.

Djoko Sarwoko further explained prevention and eradication of terrorism funding such as through sentencing of convicts, prevention of fund use by blocking, monitoring of person or corporation enlisted as suspects.

However, “There are barriers in the implementation of prevention and eradication of terrorism funding such as monitoring the development of non-profit organisations in the domestic and international scale. This is difficult to do as it requires international cooperation,” he said.

In his opinion, regulations and improved synergy between material and formal laws need to be done for prevention and eradication of terrorism funding. This is immediate to do remembering the dangerous nature of terrorism funding to Indonesia and the international community.

“It requires legal enactment proactive approach without ignoring the rule of law and legal principle as well as international cooperation,” he said.

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