CAUSES OF RADICALISM BASED ON TERRORISM IN ASPECT OF CRIMINAL LAW POLICY IN INDONESIA

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Abstract

The phenomenon of radicalism based on terrorism in Indonesia shows a frightening symptom. This can be seen from a number of events that took place in several cities in Indonesia which took action in the name of acts of terror or terrorism such as the 2nd Bali Bombing which killed 22 people and 102 injured. The JW Marriot and Ritz Calton Hotel bombings in 2009 killed nine people and 50 people were injured and the Sarinah Plaza Bomb Jl. MH Thamrin Jakarta on January 14, 2016. With the many actions in the name of terrorism, it is necessary to take steps to anticipate similar actions not being repeated back. This study wants to examine and analyze further about efforts to counter terrorism-based radicalism in Indonesia through criminal law policy. The research method used is normative legal research, namely legal research conducted by examining library materials or secondary legal material while the problem approach is carried out using a legal approach and conceptual approach. The policy in counteracting terrorism in Indonesia is carried out through criminal law policies, namely criminal law policies through means of reasoning and non-reasoning. Penal means in the form of granting criminal sanctions for perpetrators of terrorism with the threat of imprisonment to the most severe threat in the form of capital punishment. But this effort has not provided a deterrent effect for the perpetrators. In criminal law, punishment is not an end in itself and is not the only way to achieve criminal objectives or objectives of the criminal justice system. Therefore another effort is needed which in criminal law is known as a non-reasoning effort.

Fenomena radikalisme yang berbasis ke terorisme di Indonesia menunjukkan gejala yang menakutkan. Hal ini dapat dilihat dari sejumlah peristiwa yang

terjadi di beberapa kota di Indonesia yang melakukan aksi dengan mengatasnamakan aksi teror atau terorisme seperti Bom Bali 2 tahun 2005 yang menewaskan 22 orang dan 102 orang mengalami luka-luka. Bom Hotel JW Marriot dan Ritz Calton tahun 2009 yang menewaskan 9 orang dan 50 orang luka-luka dan Bom Plaza Sarinah Jl MH Thamrin Jakarta tanggal 14 Januari 2016. Dengan banyaknya aksi yang mengatasnamakan terorisme tersebut perlu langkah-langkah dalam mengantisipasi agar aksi serupa tidak terulang kembali. Penulis dalam penelitian ini ingin menelaah dan menganalisa lebih lanjut tentang upaya menangkal radikalisme yang berbasis terorisme di Indonesia melalui kebijakan hukum pidana. Metode penelitian yang digunakan adalah penelitian hukum normatif, yaitu penelitian hukum yang dilakukan dengan cara meneliti bahan pustaka atau bahan hukum sekunder sedangkan pendekatan masalah dilakukan dengan menggunakan pendekatan undang-undang dan pendekatan konseptual. Kebijakan dalam menangkal terorisme yang ada di Indonesia dilakukan melalui kebijakan hukum pidana yakni kebijakan hukum pidana melalui sarana penal dan non penal. Sarana penal berupa pemberian sanksi pidana bagi pelaku terorisme dengan ancaman pidana penjara hingga ancaman yang paling berat berupa pidana mati. Namun upaya ini belum memberikan efek jera bagi pelaku. Dalam hukum pidana, pemidanaan itu bukanlah merupakan tujuan akhir dan bukan pula merupakan satu-satunya cara untuk mencapai tujuan pidana atau tujuan sistem peradilan pidana. Oleh karena itu perlu juga di tempuh upaya lain yang dalam hukum pidana dikenal upaya non penal.

Keywords: Radicalism, Terrorism, Criminal Law.

Introduction

Radicalism and terrorism are like two things that go hand in hand. Both are frightening specters for most of humanity, especially in the Unitary State of the Republic of Indonesia (NKRI). The phenomenon of terrorism re-emerged after a bomb blast on MH.Thamrin Street, Central Jakarta on Thursday, January 14, 2016. Indonesia was again reminded of the dangers of terrorism. This is a big question why terrorism cannot go away from the Unitary Republic of Indonesia, or is there something wrong in understanding the purpose of life so that radicalism can lead to acts of terror.

Terror or terrorism is always synonymous with violence.[1] Terminologically, terrorism is the use of violence to generate fear in order to achieve objectives specifically political goals.[2] While the perpetrators, called terrorists are people who use violence to cause fear, usually carried out to achieve political goals.[3] Whereas Radicalism is an extreme political or social view or religious nature that is not in line or contrary to the political, social and religious teachings that are recognized in the NKRI which can lead to social, political and inter-religious conflicts or within the same religion so that resulting in anxiety, peace and or disturbing order in people's lives.[4]

According to the fatwa of the Indonesian Ulema Council (MUI), terrorism is forbidden by anyone and for any purpose. In the MUI fatwa also explained the real difference between terrorism and jihad. Jihad is to make improvements (*iṣlāḥ*) even by means of war, the aim is to uphold the religion of Allah and/or defend the rights of oppressed parties, and be carried out by following the rules determined by the shari'a with clear enemy targets.[5]

Actions that take the name of terrorism have occurred a lot and caused many casualties, especially in Indonesia, for example the Bali Bombing 1 In 2002, there were 202 fatalities, and 209 people were injured so that this event was considered the biggest event in Indonesian history. The JW Marriot Hotel Bombing in 2003 killed 12 people and injured 150 people. Australian Embassy bombing in 2004 with the death toll of 11 people. The 2nd Bali bombing in 2005 which killed 22 people and 102 people were injured. JW Marriot and Ritz Calton hotel bombings in 2009 killed nine people and 50 people were injured and Bom Plaza Sarinah Jl. MH Thamrin Jakarta on January 14, 2016. The result of this terrorist attack, regardless of religious motives,

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[1] Charles Tilly, "Terror, terrorism, terrorists", *Sociological theory*, vol. 22, no. 1 (2004), p. 5. See also, Bruce Hoffman, "Defining Terrorism", *Social Science Record*, vol. 24, no. 1 (1986): 6-7.

[2] Charles L. Ruby, "The definition of terrorism", *Analyses of social issues and public policy*, vol. 2, no. 1 (2002), p. 9.

[3] Pusat Pembinaan dan Pengembangan Bahasa, *Kamus Besar Bahasa Indonesia* (Jakarta: Departemen Pendidikan dan Kebudayaan, 1994), p. 1048.

[4] Draft Law on Amendments to Law Number 15 of 2003 concerning Eradication of Terrorism Crime Article 1 paragraph (4).

[5] Mahmood Mamdani, "Good Muslim, bad Muslim: A political perspective on culture and terrorism", *American anthropologist*, vol. 104, no. 3 (2002), p. 766.

politics and so on, turned out to have such a huge impact on the civilization of human life. The extraordinary material and immaterial losses from terror attacks are felt in the life and existence of mankind. Terrorism attacks really have become a threat to human rights and cause tremendous psychological trauma for those who are directly or indirectly affected by the terrorist attacks.[6] Even though it can be said that terrorism is not a new problem, it is a problem that has existed for decades and even several centuries ago, but terrorism has become a frightening global threat today.

Terrorism continues to carry out its actions, both in developed and developing countries, and even underdeveloped countries.[7] Globalization that has been going on rapidly lately has made it easier to meet and unite the ideas and resistance actions of the world system through movements and acts of terrorism international.[8] Therefore, radicalism and terrorism must be resisted, especially in the country of Indonesia in appropriate and accurate ways so that they are no longer a problem that worries this nation in particular and the global world.

The Meaning of Radicalism and Terrorism

Radical originates from the Latin language radix which means root. In English the word radical can mean extreme, comprehensive,

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[6] Sandro Galea, Jennifer Ahern, Heidi Resnick, Dean Kilpatrick, Michael Bucuvalas, Joel Gold, and David Vlahov, "Psychological sequelae of the September 11 terrorist attacks in New York City", *New England Journal of Medicine*, vol. 346, no. 13 (2002), p. 982. See also, William E. Schlenger, Juesta M. Caddell, Lori Ebert, B. Kathleen Jordan, Kathryn M. Rourke, David Wilson, Lisa Thalji, J. Michael Dennis, John A. Fairbank, and Richard A. Kulka, "Psychological reactions to terrorist attacks: findings from the National Study of Americans' Reactions to September 11", *Jama*, vol. 288, no. 5 (2002), p. 581.

[7] Paul R. Ehrlich, and Jianguo Liu, Some roots of terrorism." *Population and environment*, vol. 24, no. 2 (2002), p. 183. See also, Todd Sandler, and Walter Enders, "Economic consequences of terrorism in developed and developing countries, in *Terrorism, economic development, and political openness*, ed. by Philip Keefer and Norman Loayza (Cambridge: Cambridge University Press, 2008), p. 10.

[8] Poltak Partogi Nainggolan, "Terorisme, Human Scurity, Keamanan Internasional dan Tata Dunia Pasca Perang Dingin", in *Terorisme dan Tata Dunia Baru*, ed. by Poltak Partogi Nainggolan (Jakarta: Pusat Pengkajian dan Pelayanan Informasi Sekretariat Jendral DPR RI, 2002), p. 4.

fanatical, revolutionary, ultra and fundamental.[9] Whereas radicalism means doctrine or practice of adherents of radical or extreme understandings.[10] In the Big Indonesian Dictionary, radicalism is defined as a notion or flow that wants change in a hard or drastic way.[11]

Radicalism is the embryo of the birth of terrorism. Radicalism is an attitude that craves total change and is revolutionary by overturning existing values drastically through violence and extreme actions.[12] There are several characteristics that can be recognized by radical attitudes and understandings, namely: a) Intolerance (do not want to respect the opinions & beliefs of others); b) Fanatic (always feel right on their own; consider others wrong); c) Exclusive (differentiating themselves from Muslims in general) and; d) Revolutionaries (tend to use violent methods to achieve goals.[13]

Terrorism comes from the term terror. The term terror has long been used, before US President George W. Bush used the word terror after the WTC attack. In 1789, there was a French revolution, the revolution was motivated by Rosbepierre who used terror for French change. Since the incident, the people called it "The Reign of Terror". The Reign of Terror began when the king's power was unlimited so that the king's oppression, oppression of the common people could not be avoided, the life of the king and the nobility of the palace was very luxurious and majestic the source of state finance is from public

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[9] A. S. Hornby, *Oxford Advenced Dictionary of Current English* (UK:Oxford University Press, 2000), p. 691.

[10] Nuhrison M. Nuh, "Faktor-Faktor Penyebab Munculnya Faham/Gerakan Islam Radikal di Indonesia", *Harmoni*, vol. 8, no. 31 (2016), p. 35.

[11] Departemen Pendidikan dan Kebudayaan*, Kamus Besar Bahasa Indonesia* (Jakarta: Balai Pustaka, 1990), p. 354.

[12] Suaidatul Kamalia, Setyabudi Indartono, and Robitotul Islamiah. "The Role of Families on Internalization of the Tolerance Values for Millennial Generation to Decrease the Potential of Intolerant Conflict and Radicalism Behavior within the Multi Religion Society." In *International Conference on Social Science and Character Educations (IcoSSCE 2018) and International Conference on Social Studies, Moral, and Character Education (ICSMC 2018)*. Atlantis Press, 2019, p. 2.

[13] Badan Nasional Penanggulangan Terorisme, *Strategi Menghadapi Paham Radikalisme Terorisme–ISIS* (Jakarta: Belmawa, 2016), p. 1. See also, Sulistiyono Susilo and Reza Pahlevi Dalimunthe, "Moderate Southeast Asian Islamic Education as a Parent Culture in Deradicalization: Urgencies, Strategies, and Challenges", *Religions*, vol. 10, no. 1 (2019), p. 45.

tax. This condition resulted in a state financial deficit. This has an impact on politics in France, starting with the people's movement to fight against the government. Rebellion occurred in the corner of Paris and then spread to other cities. This resistance is supported by people who are pro-democracy. Events in France, make some people feel fear because of the actions of the authorities who arbitrarily against their people. This can be categorized as terror because it causes fear to humans.[14] In 1972 and 1973, the United Nations sought to formulate the definition of international terrorism as part of a convention that punished acts of terror. According to the United Nations formula as follows "Terrorism is an act of criminal acts aimed at the state and state officials, which are intended or taken into account to create a state of terror in the minds of certain people or groups and the general public."[15]

Terrorism means to be terrifying. This word comes from Latin, "terrere" which means, "raises a sense of trembling and anxiety". This word is generally used in the political sense, as an attack on the civil order, during the Reign of Terror of the French Revolution at the end of the 18th Century.[16] There are several notions of terrorism provided by several security institutions or institutions, including:

a) US Central Intelligence Agency (CIA). International terrorism is terrorism carried out with the support of foreign governments or organizations and or directed against a state, institution or foreign government.

b) US Federal Bureau of Investigation (FBI). Terrorism is the use of unlawful violence or violence against someone or property to intimidate a government, civilian population and its elements to achieve social or political goals.

c) US Departments of State and Defense. Terrorism is politically motivated violence and carried out by state agents or subnational groups against non-combatant targets. Usually to influence the

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[14] Maulana Rahmat, Politik Hukum Terhadap Tindak Pidana Terorisme Dalam Pembaharuan Hukum Pidana Indonesia", *Jurnal Wawasan Yuridika*, vol. 1, no. 2 (2017), p. 156-157.

[15] Yesmil Anwar, *Saat menuai kejahatan: sebuah pendekatan sosiokultural kriminologi, hukum, dan HAM* (Bandung: Refika Aditama, 2009, p. 50.

[16] Mark Juergensmeyer, "Terror in the mind of God: The global rise of religious violence", In *Violence & Abuse Abstracts*, vol. 9, no. 1 (New York: Sage Publications, 2003), p. 3.

audience. International terrorism is terrorism that involves citizens of a country or region more than one country.

d) United Nations Convention in 1937. Terrorism is any form of crime directed at the state with the intention of creating a form of terror against certain people or groups of people or the wider community.[17]

In the Great Dictionary of Indonesian Language terror is an effort to create fear, horror, and cruelty, by a person or group.[18] Terrorists are people who use violence to cause fear, usually for political purposes. While terrorism is the use of violence to cause fear in an effort to achieve goals (especially political goals). From this description, it can be drawn the understanding that terror is an act created by someone to harm a legal subject for people and/or countries to create fear in order to replace political power.[19]

Regarding terrorism crimes, Muladi argues that terrorism is an extraordinary crime that requires also handlers by utilizing extraordinary methods for various reasons. First, terrorism is an act that creates the greatest danger to human rights. In this case human rights to life and human rights to be free from fear. Secondly, the target of terrorism is random or indiscriminate which tends to sacrifice innocent people. Third, the possibility of using weapons of mass destruction using modern technology. Fourth, the tendency for negative synergies between national terrorist organizations and international organizations to occur. Fifth, the possibility of cooperation between terrorist organizations and organized crime, both national and transnational. Sixth, it can endanger international peace and security.[20]

Perpu No. 1 of 2002 which was passed into law No. 15 of 2003 concerning the Eradication of Terrorism Crime provides the understanding of criminal acts of terrorism is every action of a person who intentionally uses violence or threats of violence creates an

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[17] Mark Juergensmeyer, "Terror in the mind…", p. 5.

[18] Departemen Pendidikan Nasional, *Kamus Besar Bahasa Indonesia*, Fourth edition (Jakarta: Gramedia Pustaka Utama, 2008), p. 1454.

[19] Anne Schwenkenbecher, "What Is Terrorism?", In *Terrorism: A Philosophical Enquiry*, ed. by Anne Schwenkenbecher (London, Palgrave Macmillan, 2012), p. 38.

[20] Muladi, 28 Januari 2004, *Penanggulangan Terorisme Sebagai Tindak Pidana Khusus, bahan seminar Pengamanan Terorisme sebagai Tindak Pidana Khusus*, Jakarta.

atmosphere of terror or fear of people in a widespread manner or causes mass casualties by seizing independence or loss of life and other people's property, or cause damage or destruction to strategic or environmental vital objects or public facilities or international facilities. Someone in the above sense can be an individual, group, civilian, military, or police officer who is responsible individually, or a corporation. The objectives of terrorism include:[21]

1) Publish a reason through acts of cruelty, because only through such actions can rapid and mass publication be possible;
2) Revenge against colleagues or group members;
3) Catalyst for militarization or mass mobilization;
4) Spread hatred and intercommunal conflict;
5) Announce enemies or scapegoats;
6) Creating a climate of mass panic, destroying public confidence in the government and the police

Overview of the Roots of the Emergence of Global Terrorism

Terrorism is a crime against civilization and is a serious threat to the sovereignty of every country because terrorism is an international crime which poses a danger to security, world peace and harms the welfare of the people so that it is planned and sustainable so that the rights of many people can be protected and upheld.[22]

Actually the term terrorism only emerged at the end of the nineteenth century and towards the onset of World War 1, and it occurred almost evenly on the entire surface of the world. History records in the 1890s the actions of Armenian terrorism against the Turkish government, which ended with the disastrous massacre of Armenians in World War 1. In the decade of World War 1, acts of terrorism were identified as part of the communist left-wing movement.[23]

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[21] Moch Faisal Salam, *Motivasi Tindakan Terorisme* (Bandung: Mandar Maju, 2005), p. 47.

[22] Romli Atmasasmita, *Masalah pengaturan terorisme dan perspektif Indonesia* (Jakarta: Departemen Kehakiman dan HAM RI, Badan Pembinaan Hukum Nasional, 2002), p. v.

[23] Carol Winkler, *In the name of terrorism: Presidents on political violence in the post-World War II era* (New York: Suny Press, 2012), p. 10.

In the decade after World War II, the world did not know peace. Various upheavals develop and take place continuously. The confrontation of a superpower which became an East-West conflict and dragged some Third World countries into it caused North-South conflict. The struggle against colonialists (colonial), racial upheaval, regional conflicts that attracted intervention (interference) from third parties, internal internal turmoil in many of the Third World countries, made the world unstable and turbulent. The instability of the world, and supported by the frustration of many developing countries in the struggle for rights that are considered fundamental and legitimate, opens opportunities for the emergence and spread of terrorism. The phenomenon of terrorism itself is a symptom or indiction that is relatively new which is post-World War II and has increased since the beginning of the decade of the 70s. Terrorism and terror have developed in the area of ideological disputes of sectarian or religious fanaticism, the struggle for independence, rebellion, guerrilla and even this terror is used by the authorities (government) in order to maintain their power.[24]

In the history of its development, terrorism has threatened countries, both local and international terrorists. The world reaction to threats originating from movements and local acts of terrorism which have international dimensions is now the same. They are both concerned and threatened even though there are different views on the basic causes of the emergence of these movements and actions. As a consequence, now the issue of human security is no longer just mass starvation that occurs in the world due to drought from environmental degradation, the occurrence of illegal migration of large numbers of people from other countries due to economic crisis and backwardness that have threatened economic prosperity and state social security advanced, as well as the massive flow of narcotics and drugs from developing countries that have threatened the young generation of developed countries and the existence of these countries in the future.[25]

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[24] Carol Winkler, *In the name…*, p. 15.

[25] Leonie Huddy, Stanley Feldman, Theresa Capelos, and Colin Provost, "The consequences of terrorism: Disentangling the effects of personal and national threat", *Political* Psychology, vol. 23, no. 3 (2002), p. 485.

But on the other hand there have been new threats to human security originating from movements and acts of terrorism, which have to do with each other with the three new threats mentioned earlier. So that human security problems become more complex and at the same time very vulnerable today. Terrorism appears as an important issue that cannot be separated from discussions on human security in international forums. As with the problems of hunger, environmental degradation, illegal immigrants, poverty and narcotics (drugs), terrorism is a serious problem for the world today, because its implications can broadly influence the world order that exists in the post-cold war period. It can be said that, terrorism is a form of resistance from those who are dissatisfied with the present world order, they want a more just world order according to their version.[26] The perpetrators of terrorism, in a national or international context are very anti against the development of the world in the 21st Century, which is known as the era of globalization. This era of globalization was marked by the superiority of pragmatism, hedonism, and capitalism that controlled the world. At the international level the role of the United States as a political, economic, security, social and cultural hegemony in the world system has given rise to the image and assumption that this superpower and its allies are responsible for the phenomenon of global injustice.

For that various efforts from certain parties to warn the world, the main United States of America, is one of its main targets. The efforts of the world to respond to these problems have created various suppressive means for the United States and other developed countries to restructure, if not called to replace, a more equitable world order system. Various pressures from a number of government organizations and NGOs, politicians and the international public have played a significant role in the past decade. However, the slow response and resistance of the US and the West to the pressure has increasingly encouraged certain groups to use other methods that are considered to have a global echo effect and attract attention, because of the enormous impact on economic and political life, not only for the US and countries West alone but also the world.[27] Terror attacks

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[26] Poltak Partogi Nainggolan, "Terorisme, Human Scurity…", p. 4.

[27] Hariyadi, "Ketimpangan Tata Dunia: Analisis Sosio-Ekonomis Terhadap Fenomena Terorisme Internasional," in *Terorisme Dan Tata Dunia Baru*, ed. by Poltak

on an area that caused the killing of many people in the region were also felt as a threat and trauma by people who were outside the area or area where the terror attack took place. In other words, that a terrorist attack in an area can be indicative of such a wide psychological effect on the security of the soul and body for people who are outside the area far outside the area of the terror attack.

Terrorism in the Aspect of Criminal Law Policy in Indonesia

The anti-terrorism policy is actually a crime prevention policy or effort which is essentially an integral part of social protection efforts and efforts to achieve social welfare. Therefore, it can be said that, the ultimate goal or main objective of criminal politics is to protect the community to achieve the welfare of society.[28]

In criminal criminal law, it is not an end in itself and is not the only way to achieve criminal objectives or the purpose of the criminal justice system. Many ways can be taken, can use criminal law or by way of criminal law or outside the court. In terms of the economics of the criminal justice system, besides being inefficient, imprisonment that is not really needed should not be applied. Law enforcement by means of reasoning is just one aspect of the community's efforts to combat crime. Besides that, it is still known that community efforts to combat crime through non-criminal means. The business of non-reasoning in dealing with crime is closely related to the business of reasoning. This non-penal effort will naturally support the implementation of criminal justice in achieving its objectives. Prevention or overcoming crime must be made an integral approach, namely between the means of reason and non-reasoning. According to G. P. Hoefnagels, countermeasures which are part of social policy in essence are also an integral part of community protection efforts that can be taken with two paths. First, the line of reasoning, namely by applying criminal law. Second, nonpenal paths, namely by means of; a) Prevention without crime, including the application of administrative

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Partogi Nainggolan (Jakarta: Pusat Pengkajian Dan Pelayanan Informasi Sekretariat Jendral DPR RI, 2002, p. 44.

[28] Dwidja Priyatno, "Kebijakan legislasi tentang sistem pertanggungjawaban pidana korporasi di Indonesia", PhD Dissertation, (Program Doktor Ilmu Hukum Program Pascasarjana Universitas Katolik Parahyangan, 2003) p. 141.

sanctions and civil sanctions; b) Influence the public's views on crime and guidance through mass media.[29]

In a simple way, it can be distinguished, that efforts to deal with crime through the "reasoning" pathway focus more on the "repressive" nature (oppression) after the crime has occurred, while the "non-reasoning" line focuses on the "preventive" nature before the crime occurs.[30]

Penal's efforts

Reasoning effort is the prevention after the occurrence of a crime or before the occurrence of a crime, with the aim that the crime does not recur. Reasoning countermeasures in a criminal policy is crime prevention by giving criminal sanctions to the perpetrators so that other people do not commit crimes. Crime prevention efforts by using criminal (legal) sanctions which are the oldest, as old as human civilization itself. Until now, criminal law is still used and relied upon as a means of criminal politics. Criminal law is almost always used in legislative products to scare and secure various kinds of crimes that may arise in various fields.[31]

Prevention of terrorist crime through reasoning efforts is carried out in a repressive manner. The prevention of repressive crimes means the prevention of crime by putting pressure on the perpetrators of crime, so that the crime does not happen again. The repression of repressive crimes is aimed at the perpetrators of these crimes, which begin with attempts at arrest, prosecution and punishment.

In the beginning, in the attempt to reduce the turbulence of radicalism that led to terrorism there were two legal umbrella, namely: Law Number 15 of 2003 concerning the stipulation of Perpu number 1 of 2002 concerning Eradication of Crime of Terrorism into Law and Law Number 9 of the year 2013 concerning Eradication and

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[29] Gerardus Petrus Hoefnagels, *The other side of criminology: An inversion of the concept of crime*, trans. by Jan G. M. Hulsman (New York: Springer Science & Business Media, 1973).

[30] Barda Nawawi Arief, *Bunga rampai kebijakan hukum pidana: Perkembangan penyusunan konsep KUHP baru* (Jakarta: Kencana, 2008), p. 3. See also,

[31] Barda Nawawi Arief, *Beberapa Aspek Kebijakan Penegakan Dan Pengembangan Hukum Pidana* (Bandung: Citra Aditya Bakti, 1998), p. 10.

Prevention of Crime of Terrorism Funding. In Perppu No. 1 of 2002, that a criminal act of terrorism is any act that fulfills the elements of a criminal offense in accordance with the provisions in the Government Regulation in lieu of this Act. What is meant by elements of criminal offenses in accordance with this provision are all matters relating to terrorism, as in Article 6 it says that anyone who intentionally uses violence or threats of violence creates an atmosphere of terror or widespread fear of people or causes of casualties. mass, by seizing independence or loss of life and property of others, or causing damage or destruction to vital strategic or environmental objects or public facilities or international facilities, punishable by capital punishment or life imprisonment or the shortest imprisonment 4 (four) years and a maximum of 20 (twenty). Article 7 states that anyone who intentionally uses violence or threats of violence intends to create an atmosphere of terror or widespread fear of people or cause mass casualties by seizing independence or loss of life or property of others, or to cause damage or destruction for strategic vital objects, or the environment, or public facilities, or international facilities, punishable by imprisonment for a maximum of life.

Law No. 9 of 2013 is one of the efforts of the state to protect citizens and their sovereignty from acts of terrorism, by preventing the financing of terrorism itself, especially those through financial service providers such as banks, financial institutions, insurance companies, brokerage companies, financial institution pension funds.[32] Indonesia's efforts to criminalize funding for terrorism are also based on the ratification of the 1999 International Convention for the Suppression of the Financing of Terrorism (ratified as Law Number 6 of 2006 concerning the ratification of the International Convention for the Suppression of Terrorism 1999), so that Indonesia is obliged to enter and synchronize elements in the convention with the relevant positive law. Before this law was formed, Indonesia had long regulated it with Law Number 15 of 2003 concerning the Eradication of Terrorism, (LNRI 2003 Number 45, Supplement to LNRI Number 4284.

Reasoning efforts against terrorism have since already existed. In the Old Order period, for example, counter-terrorism policies and strategies were implemented with a security approach through military

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[32] Jazuli Ahmad, "Menangkal Radikalisme Melalui Revisi Undang-Undang Pemberantasan Terorisme", *RechtsVinding Online*, 2016, p. 4

operations on the basis of the Subversive Law. Similar to the Old Order, counter-terrorism in the New Order era also based on the Subversive Law with more emphasis on intelligence operations. In the era of reform, democratization, freedom and human rights perspectives in various sectors have also influenced terrorism prevention policies and strategies that put forward the law enforcement aspects such as the issuance of Law Number 15 of 2003 concerning Eradication of Terrorism Crimes after the 2002 Bali Bombing tragedy in Legian Bali.

In subsequent developments in 2010 the government issued Presidential Regulation No. 46 of 2010 concerning the establishment of the National Counter Terrorism Agency (BNPT), which in 2012 was amended by Presidential Regulation No. 12 of 2012. The establishment of BNPT is a state policy in carrying out terrorism in Indonesia as a development of the Terrorism Eradication Coordination Desk (DKPT) made in 2002. In the national policy BNPT is the leading sector that has the authority to formulate and make policies and strategies as well as coordinating in the field of counter-terrorism. Led by a head, BNPT has three policies in the areas of prevention of protection and deradicalization, the field of enforcement and fostering the capabilities and fields of international cooperation.[33]

Non penal's efforts

Non Penal's efforts occupy a key strategic position in overcoming the causes of crime and the conditions that cause crime. Non-Penal crime prevention efforts are more about preventing a crime, which focuses on problems or social conditions that can directly or indirectly cause or grow the crime of crime. non-reasoning facilities need to be intensified also because of the emergence of doubts about the reasoning line which is deemed not capable of preventing or overcoming the occurrence of crime. So, it is important to explore and make effective all non-reasoning efforts to complement the shortcomings of the existing penal facilities.

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[33] Badan Nasional Penanggulangan Terorisme, *Strategi Menghadapi Paham Radikalisme Terorisme–ISIS*, Jakarta: Belmawa, 2016.

Non-reasoning tools that can be taken in the prevention of terrorism can be carried out through religious and moral education from an early age, providing understanding and efforts to raise awareness of terrorists and radical understanders, strengthen coordination and cooperation between agencies to take preventive measures together.[34] Education is one of the most important elements in building the future of a nation and the standard of living of a society. Errors in education can create a fragile moral foundation that causes easy SARA-based radical understanding to enter. Education about religion and morals must be instilled early on from children who are actually the next generation of the nation. In addition, non-reasoning efforts can be carried out with First. The actions of radical bidders need to be activated. Campaigns about the dangers of radicalism, such as the anti-narcotics movement can be done. The family group system plays a major role in increasing tolerance and is willing to accept differences so that ideology is not interpreted narrowly and ultimately results in deskrutif. And what is not less important for the government is formulating the right rehabilitation for terrorism convicts.

Conclusion

Terrorism is not related to followers of a particular religion because it is done not based on religious teachings, because terrorism is an enemy of security and peace and an enemy of all humans, so the eradication of criminal acts of terrorism cannot rely solely on criminal law policy alone. The penal criminal policy has not been said to be effective in counteracting the dangers of radicalism that leads to terrorism. This is evidenced by a number of criminal regulations relating to terrorism which contain criminal accusations for terrorists who have not provided a deterrent effect for the perpetrators. Therefore, non-criminal criminal law policies are expected to be more able to counteract radicalism that leads to terrorism, of course not only relying on the work of the legal apparatus but also by involving all elements of society so that. So that any ideology or stream that

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[34] Luh Nila Winarni, "Kebijakan Hukum Pidana Non Penal Dalam Penanggulangan Kejahatan Radikalisme Berbentuk Terorisme", *DiH: Jurnal Ilmu Hukum*, vol. 12, no. 23 (2016), p. 56.

wants social or political change or renewal by means of violence or drastic so-called radicals leading to terrorism can be anticipated earlier.

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