

Criminalization of Perpetrators of Terrorism: A Criminal Law and National Security Approach

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ABSTRACT

The crime of terrorism is a serious threat that can undermine the political, social, and economic stability of a country, especially in Indonesia. Its handling involves various approaches, including criminal law and national security policy. Law No. 5/2018 is the main legal basis in eradicating terrorism, providing broad authority for law enforcement officials in taking action against perpetrators. This research aims to evaluate the application of criminal law and national security approach in combating terrorism in Indonesia. A juridical-normative approach is used in analyzing data obtained through interviews with law enforcement officers, BNPT officials, and legal experts, as well as the study of related literature. The results show that although law enforcement against terrorism perpetrators in Indonesia has been implemented with severe criminal sanctions, the main challenge lies in the rehabilitation and deradicalization of perpetrators. Non-optimal deradicalization program has the potential to fail in reducing potential long-term threats. In addition, monitoring the funding of terrorism and the use of digital technology are important elements in prevention. Therefore, law enforcement must be carried out with due regard to human rights principles, involving collaboration between various institutions as well as educational and religious-based approaches. Success in combating terrorism requires a comprehensive strategy and good coordination between the government, society, and international institutions..

Keywords: Counterterrorism; Criminal Law; Deradicalization; National Security

INTRODUCTION

The crime of terrorism is a serious threat that has a multidimensional impact on the political, social, and economic stability of a country. In the Indonesian context, terrorism cases are often linked to international networks that complicate the law enforcement process. Law Number 5 of 2018 concerning Amendments to Law Number 15 of 2003 is the main legal basis in handling terrorism cases. This law gives broad authority to law enforcement officials to take preventive action, such as arrest and detention before a criminal act occurs. Terrorism is not only considered a violation of criminal law but also a threat to national security that requires a multidisciplinary

approach.¹ This shows the importance of synergy between law enforcement and security policies to protect the community and the country's sovereignty. Efforts to eradicate terrorism also include the prevention of radicalization through education and deradicalization campaigns involving various elements of society. Therefore, the role of criminal law and national security approaches is an important element in facing this global challenge.

The criminal law approach in handling terrorism crimes emphasizes a fair and transparent court process to punish the perpetrators. Perpetrators of terrorism are subject to severe criminal sanctions, such as life imprisonment or the death penalty, according to the severity of their actions. Article 6 of Law Number 5 of 2018 stipulates that any act that uses violence with the aim of intimidating the community or destroying vital objects of the state can be categorized as a criminal act of terrorism. The effectiveness of criminal law in eradicating terrorism is influenced by the capacity of law enforcement officials to collect evidence and build strong indictments in court.² However, challenges in this approach often arise from the complexity of terrorism networks that operate in secret and in an organized manner. In addition, supervision of terrorism financing is also an important aspect regulated in the law to break the financial chain of terrorist organizations. This approach requires international cooperation, especially in tracking funds across countries. Thus, the approach to criminal law must be supported by modern technology and adequate human resource capacity to ensure its success.

The success of eradicating terrorism crimes also requires a national security approach that involves preventive and repressive measures. The national security approach aims to prevent terrorism attacks by utilizing comprehensive intelligence and surveillance. Article 43A of Law Number 5 of 2018 gives the government the authority to involve various agencies in prevention efforts, such as the National Counter-Terrorism Agency (BNPT). An effective national security strategy involves coordination between agencies, including the military, police, and intelligence agencies.³ However, this strategy must be implemented carefully so as not to violate human rights principles. For example, preventive detention must be carried out based on clear evidence to avoid abuse of authority. The emphasis on a national security approach also includes the protection of vital infrastructure, such as power plants, transportation facilities, and communication networks. These efforts ensure that the state is still able to continue its functions despite the threat of terrorism. Thus, the integration of the legal and national security approaches is key in creating a resilient system against the threat of terrorism.

Deradicalization is one of the important programs in efforts to prevent terrorism crimes in Indonesia. This program aims to change the ideological perspective of actors or individuals who are exposed to radical ideas to return to national values. Article 43D of Law Number 5 of 2018 requires the government to involve various parties, such as community organizations and religious leaders, in the implementation of deradicalization. An effective deradicalization program involves a personalized approach according to the

¹ Saputra, R., Sinaulan, R. L., & Farhana, F. (2023). Peranan Detasemen Khusus 88 Anti-Teror Dalam Penanganan Tindak Pidana Terorisme Dalam Perspektif Hak Asasi Manusia. *Jurnal Multidisiplin Indonesia*, 2(9), 2764-2786.

² Rohman, R., Muliadi, M., Pratama, F., Saputra, I., Firmansyah, A., Marwan, T., & Irfandi, I. (2024). Sistem Pembuktian dalam Hukum Pidana Indonesia dan Tantangan dalam Proses Peradilan. *Jimmi: Jurnal Ilmiah Mahasiswa Multidisiplin*, 1(3), 279-292.

³ Sumarlin, S., Adriyanto, A., & Warka, I. W. (2023). Pertahanan Maritim: Antisipasi Ancaman Militer Melalui Kolaborasi Sumber Daya Nasional. *Journal of Industrial Engineering & Management Research*, 4(6), 20-27.

level of radicalization of the individual.⁴ However, the implementation of these programs often faces obstacles, such as a lack of funds and trained human resources. In addition, a lack of support from local communities can also hinder the success of deradicalization programs. Therefore, this program requires synergy between the government and the community to create an environment conducive to behavior change. The success of the deradicalization program will have a direct impact on reducing the potential for terrorism crimes in the future.

Radicalization in correctional institutions is a serious challenge in handling terrorism crimes. Terrorism inmates often recruit new members or strengthen terrorism networks during their time in custody. Article 12B of Law Number 5 of 2018 stipulates that terrorism prisoners must be placed under special supervision to prevent the spread of radical ideology. Suboptimal management of correctional institutions can increase the risk of radicalization among inmates.⁵ One of the proposed solutions is the implementation of a rehabilitation program specifically designed for inmates in terrorism cases. The program involves psychological counseling, skills training, and close supervision during the detention period. In addition, strengthening the capacity of correctional officers is also a priority to ensure the safety and success of the rehabilitation program. With a holistic approach, correctional institutions can be a place to reduce threats, not strengthen them.

Prevention of terrorism crimes also includes strengthening oversight of terrorism financing networks, which are often transnational and hidden. Law Number 9 of 2013 concerning the Prevention and Eradication of Terrorism Financing Crimes complements regulations on the eradication of terrorism with a focus on cutting off the flow of funds from terrorist organizations. Terrorism financing often comes from illegal activities, such as human trafficking, money laundering, and fictitious charitable donations. The success of this supervision is highly dependent on financial technology and coordination with international institutions.⁶ For example, tracking suspicious financial transactions through cooperation with the Financial Action Task Force (FATF) allows the identification of the source of funds. In addition, the government has also developed a mandatory financial reporting system for financial institutions to detect activities that have the potential to support acts of terrorism. This step, while effective, requires significant resources and training for law enforcement officers to analyze funding patterns. With a comprehensive approach, funding monitoring can be one of the effective instruments in breaking the global terrorism network.

The use of technology and digital intelligence is an important element in eradicating terrorism crimes in today's digital era. Modern terrorism crimes often utilize information technology, including social media, to recruit new members, spread propaganda, and plan actions. In this case, Article 29 of Law Number 5 of 2018 authorizes law enforcement officials to conduct wiretapping and supervision of suspected digital communications. Big data analysis can help detect potential terrorism threats through

⁴ Supriadi, E., Ajib, G., & Sugiarto, S. (2020). Intoleransi dan Radikalisme Agama: Konstruksi LSM tentang Program Deradikalisasi. *JSW (Jurnal Sosiologi Walisongo)*, 4(1), 53-72.

⁵ Indrawan, J., & Aji, M. P. (2019). Efektivitas Program Deradikalisasi Badan Nasional Penanggulangan Terorisme Terhadap Narapidana Terorisme Di Indonesia. *Jurnal Pertahanan & Bela Negara*, 9(2), 1-20.

⁶ Fitriah, R., & Yusuf, H. (2024). Implikasi Hukum Internasional Terhadap Penanganan Tindak Pidana Pencucian Uang Di Indonesia. *Jurnal Intelek Insan Cendikia*, 1(9), 5347-5363.

monitoring online behavior patterns.⁷ However, the use of this technology often poses ethical dilemmas regarding privacy and freedom of expression. Therefore, law enforcement must be carried out while still complying with the principles of human rights as stipulated in Article 28G of the 1945 Constitution. Cooperation between the government and technology platforms is also key in suppressing the spread of radical content online. By combining legal and technological approaches, efforts to eradicate terrorism can be more responsive to the times.

In addition to legal and security aspects, efforts to eradicate terrorism crimes must involve a social approach to prevent radicalization in society. Radicalization often stems from individual dissatisfaction with social, economic, or political conditions that are then exploited by terrorist groups. Community-based prevention programs, such as strengthening multicultural education and poverty alleviation, are long-term strategies to reduce the potential for terrorism. Article 43E of Law Number 5 of 2018 regulates the importance of community involvement in the prevention of terrorism crimes through active participation in the supervision and reporting of suspicious activities. Research by Arief (2022) shows that empowered local communities tend to be more effective in countering the influence of radicalism than direct intervention from the government.⁸ However, the challenges in implementing these programs often lie in the limited resources and lack of public awareness of the importance of their role. Therefore, the government needs to continue to socialize and provide incentives to local communities so that they are active in prevention efforts. With this approach, society can be the first line of defense against the threat of terrorism.

Finally, law enforcement against terrorism crimes must be in line with the principles of justice and respect for human rights. In some cases, an excessively repressive approach by law enforcement officials can actually trigger public dissatisfaction and create a negative perception of the government. For example, the act of detention without a clear court process is often considered contrary to the principle of due process of law as stipulated in Article 28D paragraph (1) of the 1945 Constitution. The implementation of laws that are not transparent can damage the legitimacy of the government and complicate efforts to eradicate terrorism in the long term.⁹ Therefore, every action taken must be based on strong evidence and follow applicable legal procedures. In addition, the government also needs to build good communication with the public to ensure that law enforcement actions are understood as part of efforts to protect the public interest. With a balanced approach, public trust in the legal system can be maintained while strengthening efforts to eradicate terrorism.

By integrating approaches to criminal law, national security, technology, and community empowerment, efforts to eradicate terrorism crimes in Indonesia can run more effectively. This comprehensive approach focuses not only on law enforcement against perpetrators, but also on long-term prevention and rehabilitation. This shows that the eradication of terrorism is not only the task of law enforcement officials, but also a shared responsibility between the government, society, and the international community.

⁷ Iqbal, M., Ardie, H. J., & Hasan, Z. (2024). Analisis Hukum Dalam Melacak Jejak Digital Dan Memahami Tindak Pidana Pencucian Uang Dalam Era Teknologi. *Iqtishaduna: Jurnal Ilmiah Mahasiswa Hukum Ekonomi Syari'ah*, 286-298.

⁸ Musyafak, N., & Nisa, L. C. (2021). Dakwah Islam dan pencegahan radikalisme melalui ketahanan masyarakat. *Jurnal Ilmu Dakwah*, 41(1), 56-72.

⁹ ISMAIL NURDIN, M. S. (2017). *Etika Pemerintahan: Norma, Konsep, dan Praktek bagi Penyelenggara Pemerintahan*. Lintang Rasi Aksara Books.

Through good coordination on all fronts, the threat of terrorism can be suppressed and the stability of the country is maintained.

METHOD

This study uses a qualitative approach with juridical-normative methods to evaluate the application of criminal law and national security approaches in eradicating terrorism crimes in Indonesia. Primary data was obtained through in-depth interviews with law enforcement officials, BNPT officials, and criminal law experts, while secondary data came from legal documents, such as Law Number 5 of 2018 and Law Number 9 of 2013, as well as scientific literature and reports from international institutions. Data collection techniques include interviews, literature studies, and document analysis. The data was analyzed qualitatively descriptively with steps to identify the main issues, categorization based on themes (prevention, enforcement, rehabilitation, and funding supervision), and critical analysis of regulatory effectiveness. Triangulation is carried out to ensure the validity and reliability of data from various sources. The evaluation framework covers four main aspects: regulatory compliance, implementation effectiveness, operational challenges, and policy recommendations. This approach allows for an in-depth assessment of the synergy between criminal law and national security, while also producing practical recommendations to improve the effectiveness of counterterrorism strategies. This research is expected to make relevant scientific contributions to policymakers, law enforcement, and society in creating sustainable national security.

RESULTS AND DISCUSSION

1. Effectiveness of the Criminalization System against Terrorism Perpetrators

The penal system for perpetrators of terrorism in Indonesia involves various forms of punishment, including the death penalty and life imprisonment, which aims to provide a deterrent effect to perpetrators and prevent similar criminal acts from occurring. According to Law Number 5 of 2018 concerning the Eradication of Terrorism Crimes, the death penalty can be imposed on perpetrators of terrorism who are considered to be seriously damaging to national stability and dangerous to state security. Criminal penalties, both the death penalty and imprisonment, often cannot reduce further radicalization if they are not balanced with effective deradicalization programs.¹⁰ Detention not followed by rehabilitation can actually worsen the psychological condition of the perpetrator, increase feelings of alienation, and reinforce their extreme ideology, ultimately contributing to further radicalization.¹¹

The phenomenon of terrorism perpetrators returning to commit crimes after being released from prison is a big challenge in the penal system.¹² Although the perpetrators

¹⁰ Isnawan, F. (2018). The program deradicalizes radicalism and terrorism through the noble values of Pancasila. *FIKRI: Journal of Religious, Social and Cultural Studies*, 3(1), 1-28.

¹¹ Bardi, A. (2021). The Concept of Terrorism and Implementation of the Principles of Criminalization in the Law on the Eradication of Criminal Acts of Terrorism. *International Journal of Educational Research & Social Sciences*, 2(6), 1280-1293.

¹² Saragih, Y. M., Tarigan, C. A. P., Meliala, N. M. S., & Hutabarat, R. A. C. (2024). Peran Masyarakat dalam Pencegahan dan Penanggulangan Tindak Pidana Terorisme di Indonesia. *Ethics and Law Journal: Business and Notary*, 2(1), 139-147.

of terrorism are serving prison sentences, many of them have not undergone significant ideological changes.¹³ This is because deradicalization programs implemented during detention are often ineffective or even non-existent. According to Article 11 of Law Number 5 of 2018, every terrorist sentenced to prison is required to participate in a deradicalization program. The success of the deradicalization program depends heavily on a more personal approach and is based on understanding the psychology of the perpetrators, not just the cessation of extreme behavior.¹⁴ Thus, the lack of adequate coaching during the detention period led some perpetrators to rejoin radical groups after their release.

Cases of terrorism perpetrators who return to commit crimes after being released highlight the importance of more effective post-detention supervision. Post-detention supervision is urgently needed to ensure that individuals who have been involved in terrorism crimes are not exposed to extreme ideologies again.¹⁵ In this case, Article 14 of Law Number 5 of 2018 regulates the supervision of perpetrators of terrorism after being released from prison. Weak supervision, unclear procedures, and lack of communication between law enforcement agencies can lead to the re-recruitment of terrorism perpetrators. For example, prisons are often a recruiting ground for radical groups, which take advantage of the situation to spread their ideology. Therefore, effective and integrated post-detention surveillance with a deradicalization system is essential to prevent the resurgence of terrorist groups.

The effectiveness of the death penalty in providing a deterrent effect on perpetrators of terrorism is still a matter of debate. The death penalty does have the purpose of providing a strong deterrent effect to terrorism perpetrators, but the punishment does not necessarily reduce the level of radicalization.¹⁶ In contrast, the death penalty often tarnishes a country's image in the international world in terms of human rights violations, which can harm countries in diplomatic relations and arouse sympathy for perpetrators of terrorism.¹⁷ Terrorism is often triggered by ideological factors that cannot be stopped only by the provision of extreme punishment. Therefore, although the death penalty is applied in cases of terrorism, further evaluation of its effectiveness in the context of radicalization prevention and its impact on the image of the country needs to be carried out.

In order to increase the effectiveness of criminalization against terrorism perpetrators, a more holistic approach is needed that integrates criminal law policy and national security policy. Collaboration between various institutions, such as the police, BNPT, and rehabilitation institutions, is very important to formulate policies that not only punish but also prioritize recovery for perpetrators. Law Number 5 of 2018 clearly regulates the importance of inter-agency collaboration and rehabilitation programs for terrorism perpetrators. Rehabilitation involving psychological and social approaches is more

¹³ Kadir, Z. K. (2024). Menggugat Netralitas Hukum Pidana: Perdebatan Ideologis di Balik Kebijakan Kriminal di Negara-Negara Liberal. *Eksekusi: Jurnal Ilmu Hukum dan Administrasi Negara*, 2(4), 380-400.

¹⁴ Aisyah, N. (2024). *Rekonstruksi Perlindungan Hukum Pelaku Tindak Pidana Terorisme Berbasis Keadilan* (Doctoral dissertation, Universitas Islam Sultan Agung (Indonesia)).

¹⁵ Masyhar, A., Murtadho, A., & Sabri, A. Z. S. A. (2023). The Driving Factors for Recidivism of Former Terrorism Convicts in Socio-Legal Perspective. *JILS*, 8, 379.

¹⁶ Saputra, A. T. (2024). KEBIJAKAN HUKUM PIDANA DALAM PENANGGULANGAN TERORISME DI INDONESIA. *Tadulako Master Law Journal*, 8(1), 1-11.

¹⁷ Rusito, R., & Suwardi, K. (2019). Development of death penalty in Indonesia in human rights perspective. *Ganesha Law Review*, 1(2), 38-54.

effective in changing radical ideologies.¹⁸ Therefore, the success of eradicating terrorism does not only depend on the application of harsh punishments, but also on the sustainability of deradicalization and supervision programs that can minimize the risk of terrorism perpetrators committing crimes again after being released from prison.

2. Radicalization and Deradicalization in Correctional Institutions

Preventing the spread of radical ideology in correctional institutions is a complex challenge, considering that the existence of inmates involved in terrorism crimes is often the main target in the recruitment process and the spread of radical ideology. The process of radicalization often occurs within prison environments, where interaction between inmates who have extreme views can reinforce the ideology. Correctional institutions that are supposed to function as a place for social development and reintegration are often fertile places for the spread of radical ideas.¹⁹ Therefore, the role of supervisors, officers, and the existing supervision system is very crucial in preventing the development of this ideology. To support this effort, Law Number 12 of 1995 concerning Correctional Services stipulates that the development of inmates is carried out through various approaches that include physical, mental, and social aspects, with the aim of preparing inmates to return to society completely and responsibly. In addition, Law Number 15 of 2003 concerning the Eradication of Terrorism Crimes mandates the need for rehabilitation and deradicalization programs for terrorism perpetrators, in order to return them to a more moderate path. Government Regulation Number 99 of 2012 emphasizes the importance of coordination in the implementation of coaching in correctional institutions, including in terms of radicalization prevention, by regulating the rights and obligations of inmates related to social, religious, and psychological development. A number of studies have shown that prevention programs involving educational and religious-based approaches can reduce radicalization tendencies.²⁰

The success of the deradicalization program against perpetrators of terrorism shows the importance of a comprehensive approach based on psychological, social, and religious aspects. The deradicalization program carried out in correctional institutions must involve various parties, including law enforcement officials, social rehabilitation institutions, and religious leaders who have a deep understanding of moderate religious teachings. This is in line with the provisions of Law Number 15 of 2003, which requires perpetrators of terrorism crimes to undergo rehabilitation to restore their psychological and ideological conditions. In addition, the Regulation of the Minister of Law and Human Rights Number 3 of 2018 provides guidelines for the implementation of deradicalization programs with a religious, psychological, and social-based approach, to support the social reintegration of former prisoners. Research by the Collaboration between security, religion, and society

¹⁸ Kristiani, L., & Rahayu, E. (2020). Program Rehabilitasi Sosial Foreign Terrorist Fighter (FTF) dan Deportasi di Rumah Perlindungan dan Trauma Center (RPTC) Bambu Apus, Jakarta Timur. *Deviance Jurnal Kriminologi*, 4(1), 21-44.

¹⁹ Rizky, L. (2018). *Peran Badan Nasional Penanggulangan Terorisme dalam menanggulangi radikalisme di Indonesia (Studi atas program deradikalisasi pendekatan wawasan kebangsaan)* (Bachelor's thesis, Jakarta: Fakultas Ilmu Sosial dan Ilmu Politik UIN Syarif Hidayatullah).

²⁰ Nasrudin, A., Mubarak, M. G. A., & Islam, S. (2023). Penguatan Nilai-Nilai Tasawuf untuk Mencegah Radikalisme di Kalangan Pemuda: Studi Implementasi di Kecamatan Menes Pandeglang. *Babunnajah Jurnal Pengabdian Masyarakat*, 3(1), 1-20.

plays an important role in the success of deradicalization.²¹ In this case, the emphasis on the importance of cooperation between correctional institutions and religious leaders is a vital element to ensure that inmates exposed to radicalization can undergo effective coaching and can return to society without transmitting the extreme ideas they once adhered to.

However, while some deradicalization programs have shown success, there are significant challenges in ensuring that inmates who have participated in these programs have actually experienced changes in their views and behaviors. One of the main challenges is the resistance of perpetrators of terrorism crimes who are not fully willing to accept the coaching process or even continue to propagate their ideology to other prisoners. The process of deradicalization often faces obstacles in the form of individual tendencies to maintain ideological beliefs that have been deeply ingrained. Law Number 12 of 1995 concerning Correctional Services mandates that coaching be carried out comprehensively, but in practice, limited resources and supervision often hinder its effectiveness. Therefore, further efforts are needed to strengthen the monitoring system and collaboration between related institutions, including law enforcement officials, rehabilitation institutions, and other social institutions, so that the deradicalization program can run optimally. The application of appropriate and continuous psychological methods can increase the likelihood of success in changing the extreme mindset of inmates.²²

Furthermore, in an effort to prevent the spread of radical ideology, it is also necessary to evaluate the effectiveness of policies that have been implemented in the correctional system. Law No. 15 of 2003 emphasizes the importance of rehabilitation for perpetrators of terrorism crimes, but in practice, the evaluation of deradicalization programs is often hampered by complex bureaucracy and lack of adequate resources. In this case, Government Regulation Number 99 of 2012 also regulates the importance of preventive coaching to reduce the risk of recurrence of criminal acts, including radical ideology. Evaluation of deradicalization programs should involve assessing changes in prisoners' behaviour and attitudes as a whole, including after they have been released from prison.²³ By strengthening the evaluation of existing policies, the government can ensure that the deradicalization program is truly effective in reducing the threat of radicalization, as well as creating a more conducive environment for the social reintegration of ex-convicts. Therefore, the success of deradicalization efforts requires serious attention to the implementation of comprehensive and evidence-based programs, involving all relevant parties, both inside and outside the institution.

Finally, to strengthen efforts to prevent radicalization and support the success of deradicalization programs, it is important to develop more integrated and evidence-based policies. Law Number 8 of 2010 on the Prevention and Eradication of Money Laundering Crimes can also be relevant in this context, especially in terms of eradicating funding that may be used to support radical activities. By strengthening these policies, the government not only addresses the ideological aspect, but also reduces the potential for funding that

²¹ Mustofa, M. B., Isaeni, A., Iryana, W., & Najah, Z. (2024). Strategi Kolaboratif dalam Implementasi Program Moderasi Beragama Bagi Napi di Lembaga Pemasyarakatan Kelas I Bandar Lampung: Pendekatan Participatory Action Research. *Jurnal Pengabdian Pada Masyarakat*, 9(1), 244-256.

²² Agus, M. A. (2020). Peran Psikologi dalam Mengatasi Stres pada Narapidana. *Psikologi Penjara: Penerapan Psikologi Dalam Proses Pemasyarakatan*, 101.

²³ Pattiwaellapia, A. B., Priyanto, S., & Syauqillah, M. (2023). Deradicalization Program in Indonesia: The Process of Community Reintegration. *NUSANTARA: Journal of Social Sciences*, 10(4), 2074-2083.

can strengthen terrorism networks. Funding for terrorism activities often comes from hard-to-identify networks, so it is important to strengthen cooperation between law enforcement officials and other relevant agencies.²⁴ Therefore, by involving various stakeholders in this process, as well as strengthening continuous evaluation and monitoring, Indonesia can be more successful in preventing the spread of radical ideology and rehabilitating perpetrators of terrorism crimes into productive and tolerant members of society.

3. The Role of Law Enforcement in Maintaining National Security

Law enforcement plays an important role in maintaining national security, especially in the eradication of terrorism which is a threat to the stability of the country. Collaboration between law enforcement and the National Counter-Terrorism Agency (BNPT), which is regulated in Law Number 5 of 2018 concerning the Eradication of Terrorism Crimes, strengthens coordination between agencies in tackling terrorism. Synergy between the police, prosecutor's office, and BNPT accelerates the handling of terrorism through preventive measures, enforcement,²⁵ and rehabilitation. Law enforcement against terrorists also requires the use of technology and intelligence, in which BNPT plays a role in formulating national policies in the context of prevention and enforcement. The importance of cooperation between law enforcement agencies and BNPT, which allows for a more in-depth investigation of terrorist networks in Indonesia.²⁶ This collaboration not only speeds up the legal process, but also creates a more integrated defense system to safeguard national security more effectively. This is proof that cross-agency cooperation is the key to success in countering terrorism.

However, law enforcement processes against terrorism perpetrators often face a conflict between human rights and the need to maintain national security. In this regard, international law and national constitutions require states to protect the basic rights of individuals despite the threat of terrorism. In Indonesia, Articles 28A to 28J of the 1945 Constitution affirm the right to life, freedom from torture, and the right to humane treatment. In handling terrorism, the state must be careful in taking steps that could violate human rights, such as arbitrary detention or torture.²⁷ In addition, Article 9 of Law Number 12 of 2005 concerning the Ratification of the International Covenant on Civil and Political Rights obliges the state to comply with the principles of human rights protection in the legal process. The concept of balancing individual rights and state interests underscores that law enforcement must still pay attention to Indonesia's international obligations, as enshrined in the UN Convention on Civil and Political Rights, not to violate humanitarian principles.

Existing regulations in Indonesia, especially in Law Number 15 of 2003 concerning the Eradication of Terrorism Crimes, provide a clear legal basis for handling terrorism,

²⁴ Fisabillah, A., Pujiyono, P., & Rozah, U. (2019). Kebijakan Pemberantasan Tindak Pidana Pendanaan Terorisme Sebagai Transnational Organized Crime Dalam Perspektif Hukum Pidana Di Indonesia. *Diponegoro Law Journal*, 8(4), 2462-2474.

²⁵ Vahzrianur, V., Wijatmika, R. D., & Hosnah, A. U. (2024). Tinjauan Yuridis Terhadap Tindak Pidana Terorisme dan Efektivitas Penanggulangan Terorisme di Indonesia. *SYARIAH: Jurnal Ilmu Hukum*, 1(4), 182-194.

²⁶ Zarkasih, M. (2024). Strategi Kerja Sama Regional dan Internasional Indonesia dalam menangani Ancaman Radikalisme dan Terorisme. *SANGAJI: Jurnal Pemikiran Syariah dan Hukum*, 8(2), 265-276.

²⁷ Utama, A. N., Mahesa, D., Hosnah, A. U., & DP, S. H. (2024). IMPLEMENTASI PRINSIP-PRINSIP HUKUM HUMANITER DALAM PENANGANAN TINDAK PIDANA TERORISME. *Causa: Jurnal Hukum dan Kewarganegaraan*, 5(11), 61-70.

including preventive measures, investigations, and prosecutions. Articles in the law also provide guidelines on the rights of suspected terrorists, including the right to legal redress and the right not to be treated arbitrarily. This strong regulation is important to prevent arbitrary practices by law enforcement officials. In this context, Indonesian law emphasizes the importance of applying the principles of justice in responding to the threat of terrorism, one of which is by granting legitimate rights to terrorism perpetrators in the judicial process. Furthermore, despite the urgency to tackle terrorism, law enforcement must not ignore the basic rights of suspected perpetrators of terrorism enshrined in the 1945 Constitution and other international regulations. Therefore, in its implementation, this law must ensure that the legal process against the perpetrators of terrorism remains in accordance with the principles regulated in domestic and international law.

In addition, law enforcement against terrorism must also pay attention to the social impact caused, both for the perpetrator's family and the community in general. A transparent and fair legal process can reduce the social stigma that often accompanies individuals or families involved in terrorism crimes. Rehabilitation for perpetrators of terrorism, as stated in Article 43B of Law Number 5 of 2018, is essential to help their social reintegration after serving their sentences.²⁸ This shows the importance of a legal approach that focuses not only on punishment, but also on social rehabilitation for suspected terrorists, so that they can return to contribute positively to society. Rehabilitation carried out with clear and fair legal principles is one way to mitigate the potential for further radicalization, as well as help create a more inclusive social environment. Research by Santoso (2020) also emphasizes the importance of a rehabilitation process in reducing the risk of recurring terrorism and strengthening society as part of a long-term solution to the threat of terrorism.

Supervision of law enforcement practices is a key element in ensuring that the policies implemented do not deviate from the principles of justice. Supervisory institutions such as the National Commission on Human Rights (Komnas HAM) have an important role in supervising the policies and actions of law enforcement officials in dealing with terrorism. Supervision carried out by independent institutions can minimize abuse of authority by law enforcement and ensure that actions taken are in accordance with applicable legal principles.²⁹ In addition, transparent supervision also helps the public to better understand the legal process undergone by terrorism perpetrators, as well as ensure that their rights are protected. In this case, Law Number 30 of 2002 concerning the Corruption Eradication Commission also includes supervision of the actions of law enforcement officers related to the eradication of terrorism. This approach is also in line with the view from the research that reveals that strict oversight of legal policies is important to ensure that the goals of law enforcement can be achieved without sacrificing the principles of justice and human rights

4. The Phenomenon of Terrorism Linked to Other Crimes

The phenomenon of linking terrorism to other crimes, such as financing through money laundering or illegal trade, has become an increasingly complex issue in

²⁸ Sofyana, M. I., & Marbun, R. (2022). Ratio Legis dan Keberlakuan Sosiologis Pembaharuan Kebijakan Pembebasan Bersyarat Bagi Narapidana Korupsi. *Journal Of Law & Family Studies*, 4(1), 44.

²⁹ Resmadiktia, N. M., Utomo, Y., & Aiman, L. (2023). Pertanggungjawaban Pemerintah dalam Mewujudkan Good Governance sesuai Hukum Administrasi Negara. *Jurnal Ilmiah Wahana Pendidikan*, 9(11), 685-697.

international security studies. In many cases, terrorist groups use the global financial system to conduct illegal transactions to fund their terrorism activities. Transnational crimes such as money laundering and illegal trade are often the main channels for terrorist groups to obtain funds.³⁰ For example, terrorist groups can use the proceeds from narcotics trafficking or human trafficking to finance terrorist attacks. Money laundering facilitates the movement of terrorist funds through international financial networks that are difficult to trace, making countering terrorism even more difficult.

The legal steps taken by countries in the world to break the chain of this crime have been regulated in various international conventions. UN Security Council Resolution No. 1373, which requires member states to adopt anti-terrorism financing measures, is an important basis for international cooperation. As a follow-up, Law No. 9 of 2013 on the Prevention and Eradication of Terrorism Financing provides strict provisions for financial institutions to supervise suspicious transactions that can finance terrorism. International cooperation in implementing regulations such as the FATF (Financial Action Task Force) has proven effective in narrowing the space for terrorist groups to conduct unauthorized financial transactions.³¹ The consistent implementation of this regulation can reduce the negative impact of terrorism financing using illegal channels.

In addition, the link between terrorism and illegal trade such as drugs and human trafficking also has a strong basis in criminological studies. Terrorist groups are often involved in the narcotics trade as the main source of funding. The profits made from the drug trade can be used to buy weapons and fund terrorist operations. In this context, Law No. 35 of 2009 on Narcotics and Law No. 21 of 2007 on the Eradication of Trafficking in Persons provide a strong legal basis to overcome these crimes. The linkage between terrorist groups and narcotics networks increases the urgency of stricter law enforcement against illegal trade that funds acts of terror.

In addressing the link between terrorism and transnational crime, the state needs to increase collaboration between domestic and international law enforcement agencies. Strengthening the international criminal justice system is essential for handling cross-border crime cases. Indonesia has adopted these principles by implementing Law No. 15 of 2003 on the Eradication of Terrorism Crimes, which gives law enforcement officials the authority to investigate and prosecute perpetrators of terrorism involved in international networks. Effective cooperation between countries can speed up the law enforcement process and break the financing chains used by terrorist groups, as well as prevent the expansion of international criminal networks.

Finally, in addition to strict law enforcement, prevention and rehabilitation approaches are an important component in overcoming the link between terrorism and other crimes. The deradicalization program, regulated in Law No. 5 of 2018 concerning Amendments to Law No. 15 of 2003, has been implemented to prevent individuals from the path of terrorism by providing education, training, and rehabilitation. Radicalization prevention and deradicalization programs can reduce reliance on terrorism networks, reduce the number of recruitments, and reduce the influence of terrorist groups on more vulnerable individuals. Therefore, these measures are essential to prevent the recurrence

³⁰ Supriyo, D. A., & Suwardi, K. (2020). Dampak Tindak Pidana Pencucian Uang Terhadap Sektor Ekonomi Dan Bisnis. *Jurnal Media Komunikasi Pendidikan Pancasila dan Kewarganegaraan*, 2(1), 133-143.

³¹ RAHMAN, A. A. (2023). *Penegakan Hukum Tindak Pidana Pencucian Uang (Studi Kasus Putusan Pengadilan Negeri No. 59/Pid. Sus-TPK/2019/PN Bna)* (Doctoral dissertation, Fakultas Magister Hukum, Universitas Islam Sumatera Utara).

of the link between terrorism and various other crimes, as well as to create a safer and more stable society

CONCLUSION

In conclusion, the effectiveness of the penal system against terrorism perpetrators in Indonesia faces major challenges, especially in terms of effective rehabilitation and deradicalization. Although severe punishments such as the death penalty and life imprisonment are applied, research shows that a more comprehensive, psychologically based approach to the perpetrator is needed to effectively reduce radical ideology. Inadequate or poorly implemented deradicalization programs often lead to failure to prevent perpetrators from rejoining terror groups. Therefore, post-detention supervision and evaluation of rehabilitation programs are essential to prevent further radicalization. Law enforcement must also be carried out by complying with human rights, avoiding abuse of authority that can damage the image of the state. Collaboration between various institutions, both inside and outside correctional institutions, plays an important role in preventing the spread of radical ideology. A moderate educational and religious-based approach can provide more positive results in social reintegration. Evaluation of existing policies needs to be carried out periodically to ensure the effectiveness of the penal system. Thus, Indonesia needs a more holistic approach to confronting the threat of terrorism and maintaining national security.

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