

THE CONCEPT OF CRIMINALIZATION RADICALISM IS AN EFFORT TO COLLECT TERRORISM IN INDONESIA

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Abstract

The radicalism that instills ideas of violence is the embryo of the birth of terrorism. Radicalism is an attitude that wants total change and is revolutionary by overturning existing values drastically through violence and extreme actions. The main obstacle, namely overcoming radicalism through social media, is regulation. Radicalism through social media is only carried out through takedown action, this is certainly not a solution, because of the nature of social media, once a takedown is done, it will appear again. Therefore, determining to regulate radicalism in an offense needs to be done. The state must not lose to radicalism and terrorism. This is because the state is the main protector of people's safety. Therefore, to protect the safety of society from radicalism and terrorism, the state has the authority to establish a law that can tackle the spread of radicalism as a small matter so that it does not grow.

Keywords: Criminalization, Radicalism, and Terrorism

PRELIMINARY

Radicalism is an understanding or current that violently or drastically seeks social and political change or reform. This understanding and behavior become more extreme when it is based on ideology and beliefs that come from religious teachings. In addition, religious teachings that are understood in writing or textually are romantic.⁵ Radicalism itself is not a problem as long as it is only in the (ideological) thinking of its adherents. "However, when the radicalism of thought shifts into radical movements, it begins to cause problems, especially when their hopes to realize fundamentalism are blocked by other political forces because in this situation radicalism will be accompanied by violence."⁶

The thought of radicalism instilling the notion of violence is the forerunner of the birth of terrorism. Radicalism is an attitude that seeks total and revolutionary change, drastically distorting existing values through violence and extreme measures. Some of the characteristics seen in radical attitudes and understandings, namely intolerance (do not want to respect the opinions and beliefs of others). Has a fanatical nature (always feels

self-righteous; thinks others are wrong) and exclusive (separate from Muslims in general and revolutionary (tends to use violent means to achieve goals).⁷

It is quite easy to see public perception through radical understanding through social media, as illustrated by research conducted by the Survey Institute of the State Islamic University (UIN) Sunan Kalijaga, Yogyakarta. A study of around 2,500 students shows that students are more easily exposed to radicalism issues through social media. The study also revealed that students showed no interest in moderate Islamic sites or the websites of Nahdlatul Ulama (NU) and Muhammadiyah religious institutions. Ironically, many people are not aware that they are accessing websites that carry the notion of radicalism or terrorism because the content on these sites is very well packaged and touching.⁸

Although Indonesia already has a law to abolish criminal acts of terrorism with severe penalties, up to and including the death penalty, terrorism and radicalism still exist. A radical movement is an embryo to become a terrorist movement. For example, the suicide bombing at the Makassar Cathedral in 2021 shows that the terrorism threat law does not make people afraid to commit acts of terrorism. The same goes for radicalism. Law Number 5 of 2018 concerning Amendments to Law Number 15 of 2003 The stipulation of Government Regulation instead of Law Number 1 of 2002 concerning Criminal Acts of Terrorism can make overcoming the spread of radicalism through social media less than optimal so that the law is limited to taking countermeasures against acts of terrorism. Terrorism and is more directed at a criminal prosecution approach (repressive). Every radical spread does not always lead to bombing activity.

Based on the results of research conducted by the author, until the moment there have been no cases of radicalism through social media that have been carried out by law enforcement through Article 156, Article 156a, Article 157 of the Criminal Code, or Article 27 paragraph (3) and Article 28 paragraph (2) of Law Number 19 of 2016 concerning Electronic Information and Transactions (ITE) which is an amendment to Law no. 11 of 2008. Law enforcement by using criminal means only touches radicalism which ultimately turns into terrorism, so law enforcement by using criminal means against radicalism through social media that has not led to acts of terrorism has never been carried out. This has created a legal vacuum that needs to be addressed through the concept of criminalizing criminal acts of radicalism as an effort to counter terrorism in Indonesia.

RESEARCH METHODS

This research is legal research with a normative juridical approach and an empirical juridical approach. The normative juridical approach is used to examine the principles of law, the law in the abstract, in concrete, vertical and horizontal synchronization, legal comparisons, and legal history,⁹ where through this research the author identifies various rules (norms) related to the spread of radicalism, while empirical juridical research starts from the author's efforts to find various phenomena that occur in society is related to the spread of radical ideas, especially by using social media. These two approaches were chosen considering the aspects related to the spread of radicalism by

using social media not only within the scope of legal (juridical) norms but also empirically in which the public is the target of socialization. In addition, an empirical juridical approach is used to sharpen the analysis by using data on the spread of radicalism officially issued by various institutions in Indonesia, such as the National Counter-Terrorism Agency and the Indonesian National Police. This research was conducted through several stages, namely library research and field research. Field research was conducted to obtain primary data through interviews (interviews) with respondents/resources law enforcement officers, perpetrators, and victims in cases related to the spread of radicalism as well as experts in criminal law and criminology. The instrument used in the interview is an interview guide, where the instrument is prepared concerning the legal issues to be studied. Field research was carried out in several areas and police institutions, namely the North Sumatra Regional Police (Polda), Polda Metro Jaya, East Java Police, South Sulawesi Police, Kemenkominfo, and the National Counterterrorism Agency (BNPT).

DISCUSSION

The Urgency of Regulating Radicalism in Indonesia

Radicalism itself is not a problem as long as it is only in the (ideological) thinking of its adherents. "However, when the radicalism of thought shifts into radical movements, it begins to cause problems, especially when their hopes to realize fundamentalism are blocked by other political forces because in this situation radicalism will be accompanied by violence.¹⁰ The potential to think, act and act radically, with radical ideology (radicalism) and growing reactive to become radical (radicalization) is the initial capital for a person to become a terrorist (terrorist) or a person who understands terror (terrorist). There is no terror without radicalism. On the other hand, adherents of radicalism do not necessarily like violence (terror). Even so, there are similarities in the language used by radicalism and terrorism, namely the language of militancy or the language of militancy.¹¹ Radicalism through social media is an option for terrorists to generate thoughts that support acts of terrorism. With the internet, especially social media, it becomes easier for supporters of radicalism to exchange information, in addition to the weakness of supervision, there is a gap in monitoring the spread of radicalism through social media.

Relation of the concept of " The use of the internet for terrorist purposes " in this study is how the Internet technologically has advantages that are used to commit crimes in the form of acts that have caused fear and horror in the form of using the Internet as a tool for terrorist interests to carry out: propaganda in the form of spreading hatred / Incitement, Recruitment of terrorists such as Dwi Atmoko, Tutin Sugiarti, Rio Priatna, Endang Alias Abu Rafli, Maswandi, and Mukhamad Misbakhudin. This has resulted in the perpetrators daring to commit acts of terror, in addition to using the internet to seek funds/financing obtained illegally by hacking the websites of financial service institutions and channeling the proceeds of the crime as funds to finance acts of terror physically in the form of paramilitary training, purchase of goods assets. To operationalize terror

activities, including the use of the Internet to finance suicide bombing attacks in Indonesia.

The problem is that there is a clear gap between radicalism that is in (ideological) thought and radicalism that will or has been accompanied by violence. When the thought of radicalism is still a thought that has not become an act of terror, of course, it will not be a problem, but in fact, the thought has been written down, and spread through social media, even though there has not been an act of terror but the potential to divide the country through these ideas will always exist. This becomes a crucial problem when based on the results of the study it is known that the final process of taking action is through taking down. Even though it is well realized that the nature of social media, once a takedown is done, will appear again. This means that there is no deterrent for the perpetrators of spreading radicalism through social media. The perpetrators of radicalism on social media are like an iceberg that only looks small on the surface. He secretly devised a plan and was ready to stir up war with divisions, and intolerance, and in the end, what happened was not only terrorism but extremism and separatism.

The regulation of radicalism that has not been carried out in Indonesia has been carried out in several other countries such as Malaysia, Thailand, and Germany. Enforcement Prevention of Terrorism Act 2015 (Deed of Prevention) Malignancy that's how the Malay word for it) completes other laws before has validated as replacement The Internal Security A c t (ISA), i.e. Security Offences (Special Measures) Act 2012. In 2019 the Thai Government passed the Cybersecurity Act, BE 2562 (2019). Cybersecurity Act, BE 2562 (2019). In early 2018, the Hate Speech Countermeasures Act, known in German as Netzwerkdurchsetzungsgesetz (NetzDG), came into effect. This law requires major social media platforms such as Facebook, Instagram, Twitter, and YouTube, to immediately remove 'illegal content.' Of regulating radicalism in Indonesia in general and specifically in social media is also increasing with the absence of regulation at the level of laws and regulations that bind social media platforms in the spread of radicalism. Although there has been cooperation from platforms, be it Facebook, Google, Youtube, Twitter, or Telegram to reduce and eliminate the content of terrorism and radicalism, this is only goodwill or goodwill of the platform. Meanwhile, social media is like a double-edged knife whose sides can hurt anyone. When social media is used by terrorists, the platform will only say that knives can be used by anyone for any purpose. The decrease in content can only occur post factum (when it is reported/complained then it is taken down), so there is no guarantee that this understanding has not spread. Moreover, the large platform is a foreign platform, which cannot simply be subject to policies in Indonesia. It will be very possible if the platform does not follow the collaboration that has been initiated by the Ministry of Communication and Information. For example, on social media such as WhatsApp and Telegram that are not public such as tweeters, Facebook, and Youtube, it is very possible that these platforms do not supervise the transmission of their content. BNPT Prevention Director Brigadier General Pol R Ahmad Nurwakhid expressed the urgency of the law that could ensnare actors in ideological radicalism and religious extremism.¹² According to him, Law Number 5 of 2018 concerning the Eradication of Terrorism Acts

can only ensnare those who have committed acts of terror with an index indicator of the potential for terrorism radicalism. This is to the author's thoughts where, what happened to Dwi Atmoko, Tutin Sugiarti, Rio Priatna, Endang Alias Abu Rafli, Maswandi, and Mukhamad Misbakhudin, the perpetrators who used social media could be prosecuted because they had committed acts of terror with an index of potential radicalism. Terrorism and those who have entered into a terror network marked by an oath of allegiance by conducting war games. Thus, the perpetrators can be arrested and prosecuted before committing acts of terror through preventive strikes. However, what about radicalism that has not carried out acts of terror but has been disseminated through social media? Law Number 5 of 2018 concerning the Eradication of Terrorism Acts has not yet prohibited the ideology that animates it or its radicalism, including the ideology of the caliphate, Talulah, or other radical religious ideologies that have not been banned in Indonesia.

Currently, the only ideologies that are officially declared banned in Indonesia are Communism, Marxism, and Leninism. Meanwhile, the relevant religious radical ideology that currently threatens the existence of the state ideology of Pancasila and the integration of the Unitary State of the Republic of Indonesia does not yet exist. Thus, radical groups that have been dissolved by the government can still promote or inflame the radical religious ideology. Brigadier General Pol R Ahmad Nurwakhid also revealed that, for ideologues who carry out radicalization of perpetrators of terrorism, the terrorism law cannot be imposed. If the provisions of the article concerning treason or subversion against the state are used, this is certainly not appropriate. Thus, the absence of regulations prohibiting radical religious ideology is the main obstacle in efforts to prevent radicalism of terrorism in Indonesia.¹³ The main obstacle, namely overcoming radicalism through social media, is regulation. Radicalism and terrorism are two sides that must be equally eradicated. Like trees and fruit, radicalism or extremism is the tree, while terrorism is the fruit, so how long will it take to reap the fruits of terrorism if the tree of radicalism is still allowed to thrive and develop?

From the principle of Cogitationis poenam nemo patitur to Salus Populi Suprema Lex Esto

One of the legal principles known as the principle of Cogitationis poenam nemo patitur literally means that "no one can be punished for what he thinks. People will not be punished or given legal sanctions just because of what they think or what is in their mind, meaning that no one can be punished for something that is thought or crossed in their mind (cogitation is poenam nemo patitur).¹⁴

The law requires human actions and does not care about the inner attitude of the legal subject. The will for legal awareness is the legal longing for the inner atmosphere that exists in humans. The reality also shows this, because the regulation of humans who see only their physical side will only cause a kind of restraint on humans themselves, even though humans are free by nature. Human restraint in any way including by law is a shackle on humans themselves and results in what is known as dehumanization or depersonalization.¹⁵

Ontologically, thinking becomes something that is not value-laden (value-free), except axiologically when it manifests in real form or action, then that is where it is bound by values (laden values), morality, or the law. This is the point where law meets freedom of thought. So, the mind ontologically is not bound by law, except in axiology or action.¹⁶

Judging from the history of Roman law to modern historiography, the idea or legal principle is that there is no punishment for criminal intent or design only if it has not been manifested concretely. Faisal Jamal and Fadli Andi Nassif stated that spreading thoughts or opinions in verbal or written form that fall into the category of axiology through any media including social media means that it is full of values, and the law works in that area. This means that the Cogitationis poenam nemo patitur principle whose domain is ontology (pre-action), does not work in terms of Expressing Opinions on Social Media (actions).¹⁷ However, the idea of radicalism has been put into writing and disseminated, this is included as an active category. Thus Cogitationis poenam nemo patitur cannot be used as a basis for perpetrators of spreading radicalism on social media so that they cannot be punished. The problem is that criminal penalties are based on probabilities or the law of possibilities to find a causal relationship between crimes in society. If there are no laws and regulations that contain penalties that can be imposed on criminals or violators for their actions, then the action in question is not an action that can be punished.

Criminal law seeks to link a criminal act with the results of proving that he has committed the act to lay down criminal responsibility. Criminal law is more concerned with the practical aspect, because it is only used after the occurrence of an evil act, so it places more emphasis on repressive actions. The main obstacle, namely overcoming radicalism through social media, is regulation. Radicalism through social media is only carried out through takedown action, this is certainly not a solution, because of the nature of social media, once a takedown is done, and it will appear again. Therefore, determining to regulate radicalism in an offense needs to be done.

Protecting the mind through the principle of Cogitationis poenam nemo patitur (read: Kojitatsionis Penam Nemo Patitur) is indeed important, but people's safety is the highest law' or Salus Populi Suprema Lex Esto becomes more important when dealing with a radicalism that can disrupt security and even disintegrate a country. The state must not lose to radicalism, therefore the state must be firm against radicalism.

The state must not lose to radicalism and terrorism. This is because the state is the main protector of people's safety. Therefore, to protect the safety of society from radicalism and terrorism, the state has the authority to establish a law that can tackle the spread of radicalism as a small matter so that it does not grow. Radicalism should not be taken lightly, because it is only spread through social media, the latent danger of radicalism will arise if political and social stability is disturbed, especially if there are threats from other countries that contribute to the development of radicalism and terrorism. Indonesia must not lose, by looking at examples such as Pakistan and India, Indonesia can apply laws against radicalism in its own country sovereignly, and this is because of Salus Populi Suprema Lex Esto.

Based on the description of these principles, the author's state that indeed based on the Cogitationis poenam nemo patitur principle as a knowledge and understanding, radicalism cannot be used as a crime, but as an attitude and behavior that supports radicalism and redistributes radicalism narratives, radicalism can made a crime. This is because the action has already occurred, not only in thought but has become action. Therefore, for the safety of the people, which is the highest law, radicalism must be made a crime, to prevent the occurrence of criminal acts of terrorism.

The Concept of Criminalization of Criminal Acts of Radicalism

Radicalism is the embryo of the birth of terrorism. Radicalism is an attitude that longs for total change and is revolutionary by overturning existing values drastically through violence and extreme actions. Several characteristics can be recognized from radical attitudes and understanding.

- 1) Intolerance (don't want to respect the opinions and beliefs of others.
- 2) Fanatic (always self-righteous, thinks others are wrong.
- 3) Exclusive (differentiate themselves from Muslims in general, and
- 4) Revolutionary (tends to use violent means to achieve goals.

Other factors that motivate someone to join a terrorist network. This motivation is caused by several factors. First, domestic factors, namely domestic conditions such as poverty, injustice, or feeling disappointed with the government. Second, international factors, namely the influence of the foreign environment provide the impetus for the growth of religious sentiments such as global injustice, arrogant foreign policy, and modern imperialism of superpowers. Third, cultural factors are closely related to shallow religious understanding and narrow and lexical (Bhartiya) interpretations of scriptures. Radical attitudes and understandings motivated by the various factors above often make someone choose to join terrorist acts and networks.¹⁸

In radical individual character, a person will experience four stages, namely:

- 1) Pre-radicalization is when an individual is still carrying out activities and routines as they should.
- 2) Self-identification is where individuals begin to identify themselves and think radically.
- 3) Indoctrination, namely starting to intensify and focus confidence in the movement to be taken,
- 4) Jihadstasi, an individual carries out an action or action on his belief which is considered a form of jihad.

Radicalism is fanaticism (absolute) towards a belief and an attitude that does not want to compromise in defending their beliefs, with which they oppose the beliefs of other parties. The emergence of radicalism cannot be separated from the existence of religious polarization that gives rise to anti-cultural sentiments and narrow interpretations of doctrine, ideology, or theology. Radicalism in Indonesia occurs

because many community groups fail to integrate the values of plurality-based nationalism.

Radical groups can be seen from three patterns, namely:¹⁹

- 1) Method of conveying and framing ideas to the public (framing);
- 2) Mobilizing the source of movement (mobilizing);
- 3) Tactics and strategies (making decisions)

Commitment against a radical movement itself can refer to a person's level in the organization which is divided into:

- 1) First, Hard-core is described as those/members with the highest or deepest commitment, they have been with the organization for a long period and are usually involved in planning or carrying out violent activities.
- 2) Second, Activist points to members who often engage in violent activities, but they may not be long-standing members, and not every aspect of their lives is linked to the group.
- 3) Third, a Newcomer is a group of new members who join the group for a short period so they tend not to have closeness between layers and groups of the organization.
- 4) Fourth, Supporters are those who have fewer ties to the organization. They are not permanent members, only occasionally helping radical groups, for example, by protecting or housing members or providing them with funds.
- 5) Fifth, sympathizers is referring to those who are not actively involved with radical organizations, but they identify the goals and ideology of the group and so can passively help the group, for example, by not sharing the information they know with law enforcement officials.

Based on several opinions that explain Radicalism as a concept, the author concludes that Radicalism is a thought or attitude that is often contrary to the principles of social life in general which involve tolerance for pluralism, both culture, religion, and primordialism backgrounds in society.

As has been discussed, regarding the philosophical meaning of the principle of Cogitationis poenam nemo patitur towards Salus Populi Suprema Lex Esto, the law cannot judge the root of the mind. But the law judges something that has been done or done. Therefore, the meaning of radicalism here refers to something that has been done, for example, written and uploaded to social media.

Textually, for example, there is an utterance either written, video, or recorded that shows intolerance (don't want to respect other people's opinions and beliefs, Fanatic (always feels right for himself, thinks others are wrong), Exclusive (differentiate himself from Muslims in general, and Revolutionary). tend to use violent means to achieve goals) then it becomes a criminal offense. The context of radicalism must be concrete,

namely by inviting the use of violence, thus the radicalism referred to by the author has a clear and concrete address.

The law enforcement process that will be used later becomes clear, namely through cyber patrols, profiling, prosecution, and assessment processes. This assessment process will later become a clear action, because the perpetrators of radicalism in social media will be tested for how much exposure to radicalism has occurred to them, and this will determine whether later the perpetrators will be fostered into deradicalization pesantren or through the criminal justice system.

Acts of radicalism through social media certainly have various aspects, namely intolerance, fanaticism, exclusion, and revolutionary violence. Every aspect of these elements can intersect with other legal rules, but still in one corridor. Radicalism through social media, of course, must be taken into account. This has a function as early detection of radicalism and also as a means of deterrence for people who make statements of radicalism. As a concretization of radicalism speech is as follows:

Indicator	Radicalism
1. Intolerance	Indonesia is ruled by infidel rulers, it is lawful to kill the President and his ministers.
2. fanatic	There is no meaning that one or three lives die because of a suicide bombing compared to the death of hundreds of infidels
3. Exclusive	Truly the most obligatory belief of the day is to oppose and fight the attacking enemy (Osama Bin Laden)
4. Revolutionary Violence	Peak highest Becomes man is jihad war fighting Christians in Poso or Ambon
	Redeem in time than with being a " bride " or donate herself is mujahid true
	Muslims must take the path of jihad like the ISIS fighters. Muslims must take the path of jihad like the ISIS fighters
	It is lawful to kill apostates from the congregation. That, in some authentic hadiths it says that killing apostates has a reward from Allah
	Suicide bombing is the solution to the victory of Islam. Died because of jihad, the angels will welcome us. Jihad is the solution to the victory of Islam.
	Apparatus security because pro-government Required fought. Because fighting government is Jihad
	Kafir is the enemy of Islam, let's eradicate it. It is better to die in honor than to live under the rule of infidels.

Based on the description of the elements, and examples of radicalism utterances, the formulation of the criminal act of radicalism is as follows:

Every person or legal entity intentionally and without rights disseminates information both visually and digitally aimed at causing hatred or hostility to certain individuals and/or community groups by using invitations to violence or threats of violence that can create an atmosphere of terror or fear widely by ideological, political motives, or terrorism security disturbances shall be punished with a maximum imprisonment of 5 (five) years.

Based on the formulation of the active formulation, the elements of the criminal act of radicalism include:

- 1) Each person
- 2) Intentionally and without rights
- 3) Disseminate information both visually and electronically
- 4) Intended to cause hatred or hostility towards certain individuals and/or groups of people
- 5) Using invitations to violence or threats of violence
- 6) Can create an atmosphere of terror or widespread fear
- 7) Ideological, political, or security disturbance motives for terrorism

The elements of the article are of course cumulative, not alternative, meaning that each element must be carefully proven, thus creating legal certainty. The element of each person refers to human actions as the right person. However, as the author has explained, the spread of radicalism is getting more massive with the existence of digital platforms. Therefore, legal entities in the form of companies can also be subject to criminal acts of radicalism. Intentional (*dolus/opzet*) is part of the error. The intention of the perpetrator has a closer psychological relationship to action than negligence (*culpa*). Therefore, the threat of punishment for an intentional act is much more severe, when compared to negligence. Deliberately means willing and knowing what he is doing or doing. Without rights here refers to the aspect of authority, where organizations such as BNPT, and Densus 88, the Government is the one who has the authority to provide an explanation of news or information about an event. Thus, if the government or the authorized apparatus explains terrorism as an effort to counter terrorism, it is not the act in question. The type of action that is regulated is to disseminate information both visually and electronically. What is meant by spreading is to make information accessible about terrorist understanding either through visuals, namely through pamphlets, billboards, books, and real written print media. Likewise, if the process of spreading radicalism is carried out online, through social media, the internet, or other electronic means. Electronic Information is one or a set of electronic data, including but not limited to writing, sound, images, maps, designs, photographs, electronic data interchange (EDI), electronic mail (electronic mail), telegram, telex, telecopy, or the like, letters, processed signs, numbers, Access Codes, symbols, or perforations that have meaning or can be understood by people who can understand them. Thus, each electronic data can also be used as a medium for spreading radicalism. Elements intended to create feelings of hatred or hostility towards certain individuals and/or community groups are elements that represent the essence of radicalism, namely intolerance, fanaticism, and exclusion. For example, if someone incites on the pretext of religion to bring down other religions, this is an intolerant attitude. However, such an act must be able to cause feelings of hatred or hostility to individuals and/or community groups. This is evidenced by the chaos and conflict in the community.

Each of these actions must of course be specific. This is what distinguishes the act of hate speech against SARA in the Electronic Information and Transaction Law, and the Criminal Act of Radicalism, namely the invitation to violence or threats of violence. This element can be exemplified, namely " There is no meaning that one or three lives die because of a suicide bombing compared to the deaths of hundreds of infidels" or " Kafir is the enemy of Islam, let's eradicate it. It is better to die in honor than to live under the rule of infidels." The crime of radicalism is not a rubber or elastic crime. This crime really must be proven, that is, it creates an atmosphere of terror or widespread fear. This is one of the hallmarks of terrorism. Thus, the radicalism referred to in the formulation of the criminal act of radicalism is terrorist radicalism and nothing else. The word "can" here refers to the potential for an atmosphere of terror or widespread fear. Thus, proving the element that can create an atmosphere of terror or fear broadly also applies to the types of terrorism that can be prevented, because they are traced through the terrorism network. Radicalism can also be linked to networks that support terrorism.

For example, Aman Abdurahman wrote a book about the ideology of Jihad which was recorded and also distributed through electronic media, which supports the JAD organization, so even though there is no widespread terror or fear such as the explosion of a bomb, this potential can be categorized as a form of a criminal act of radicalism. As has been explained, radicalism is the root, then it spreads to terrorism, then turns into extremism and separatism. Therefore, as supporters of the movement, they must have ideological, political, or terrorist motives for security disturbances. Thus, criminal acts of radicalism must also have an ideological, political, or security disturbance impetus from terrorism. For example, establishing a state with a certain religious ideology, establishing a state with communist, left-wing, or right-wing views, and other ideologies or ideologies that are not by the Pancasila ideology. The sentence the author chooses is a maximum of 5 years, this of course aims to allow someone who has spread radical ideas to be arrested. The detention process is very much needed because the perpetrators are of course connected to network cells so law enforcement should not make other networks wary of information leaks.

Each element of the article is certainly not easy to just apply. Therefore, it is necessary to have an assessment of radicalism to determine whether the perpetrator is a terrorist radicalized or just joining in. This also avoids the paradigm that the government is too repressive in using criminal law. Therefore, the author tries to create a strong net, so that it can filter out perpetrators who are truly terrorist radicals, and save people who have just become seeds of terrorism through non-penal approaches which will be explained next. With the assessment of people who are radicalized, they will be punished, while those who have not entered the hardcore category, can be coached in Islamic boarding schools, and they can add data collection that can strengthen the mapping of radicalism so that this process (assessment) is multipurpose which produces benefits other than being repressive. As well as preventive.

CLOSING

The main obstacle, namely overcoming radicalism through social media, is regulation. Radicalism through social media is only carried out through takedown action, this is certainly not a solution, because of the nature of social media, once a takedown is done, and it will appear again. Therefore, determining to regulate radicalism in an offense needs to be done. The state must not lose to radicalism and terrorism. This is because the state is the main protector of people's safety. Therefore, to protect the safety of society from radicalism and terrorism, the state has the authority to establish a law that can tackle the spread of radicalism as a small matter so that it does not grow. Based on the urgency, the formulation of the criminal act of radicalism regulates that every person or legal entity intentionally and without rights disseminates information, both visually and electronically, aimed at causing hatred or hostility to certain individuals and/or community groups by using invitations to violence or threats of violence. Which can create an atmosphere of terror or widespread fear with ideological, political motives, or terrorism security disturbances, shall be punished with imprisonment for a maximum of 5 (five) years.

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