

## THE CONCEPT COUNTER MEASURES THE SPREAD OF RADICALISM THROUGH SOCIAL MEDIA IN INDONESIAN LAW

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### Abstract

*The use of social media is now an important component in the spread of radicalism in Indonesia, and this is reinforced by the increasing use of the internet in the country. The aim of this study is to look at how Indonesia's criminal law controls the spread of extremism and investigate social media-based initiatives to do so. In addition, developing ideas for criminal strategies to stop the radicalization of Indonesian society through social media. According to research findings, Indonesia's positive law is not sufficient to address restrictions on the spread of radicalism through social media. In Indonesia, efforts to stop radicalization on social media are currently concentrated on criminal law. The three pillars of overcoming radicalism through social media in Indonesia are supervision, action, and collaboration between platforms and the community. These pillars constitute the basis of the criminal policy concept to counter the propagation of radicalism carried out through social media. Of course, the action taken goes beyond merely removing offensive content from social media and includes a review of the culprits' level of radicalization.*

**Keywords:** Countermeasures, Radicalism, and Social Media

### INTRODUCTION

Internet use in Indonesia continues to increase from year to year. According to data, there were around 170 million internet users in Indonesia in 2019; as of 2020, there are now 175.2 million. In fact, Indonesia is currently the fourth largest country in the world in terms of Facebook usage. Whereas social media is a significant contributor to the radicalization of Indonesian society.<sup>1</sup>

The findings of a study done by the Survey Institute of the State Islamic University (UIN) Sunan Kalijaga, Yogyakarta, demonstrate how simple it is for people to be exposed to radical views using social media. The study, which involved about 2,500 students, revealed that young people were more likely to encounter radicalization-related issues on social media. The phenomenon that students had no interest in moderate Islamic websites or those run by the organizations Nahdlatul Ulama (NU) and Muhammadiyah

was also discovered in this study. Ironically, because the information on these sites is so beautifully presented and relatable, many people accessing them are unaware that they are promoting radicalization or terrorism.<sup>2</sup>

Terrorism and radicalization still happen despite the Law on the Eradication of Criminal Acts of Terrorism's promises of harsh penalties, including the death penalty. The radicalism movement is developing into a movement for terrorism. For instance, the suicide explosion at the church of Makassar Cathedral in 2021 demonstrates that the threat of the Terrorism Law does not deter individuals from engaging in acts of terrorism. The same holds true for extremist behavior.

Since it is believed that radical ideology exposes terrorist actors, various regulations designed to support the prevention of the spread of radicalism have actually been implemented, either by increasing the capacity of institutions that have been tasked with fighting terrorism or by creating new institutions, such as the issuance of Presidential Regulation No. 46 of 2010 concerning the establishment of the National Agency for Combating Terrorism (BNPT).

The whole legal framework regarding radicalism through social media has indirectly been regulated, but can it really be used as a legal basis? This is also one of the authors' hypotheses, whether the series of regulations can be used in law enforcement against acts of radicalism through social media. Therefore, actions against radicalism using social media need to be studied, so that it can be seen the existing laws that are currently happening against radicalism through social media.

The birth of legal policies aimed at preventing the spread of radicalism, especially through social media, should be appreciated, however, in reality, various problems of radicalism are still found through social media. In addition, there is an impression that the law is more oriented towards a repressive approach (law enforcement) than prevention (preventive), it is feared that the policies issued can be a means to silence freedom of opinion, or even make revenge for the perpetrators' families, so as to maintain radicalism.

## RESEARCH METHODS

This study is a legal study that takes both an empirical and normative legal approach. In contrast to empirical juridical research, which begins with the author's efforts to identify various phenomena that occur in the community related to the spread of radical ideas, especially b, normative juridical research examines legal principles, law in abstracto, in concreto, vertical and horizontal synchronization, legal comparisons, and legal history.<sup>3</sup>While empirical juridical study begins with the author's efforts to locate various events that occur in the society linked to the dissemination of radical ideas, especially through using social media, this research identifies several rules (norms) that are associated to the spread of radicalism. These two methods were selected in light of the fact that components of the propagation of radicalism through social media fall within both empirical and legal rules, with the community serving as the aim of dissemination.

Data on the rise of radicalism publicly released by various entities in Indonesia, such as the National Counter-Terrorism Agency and the Indonesian National Police, are also employed as part of an empirical juridical approach to the analysis to make it more precise.

There were various stages to this project's execution, including library research and field investigation. Interviews with respondents/sources, law enforcement personnel, offenders and victims in cases involving the spread of radicalism, as well as criminology and criminal law specialists, were undertaken as part of field research to gather primary data. Interviews are those that are used are direct interviews with predetermined sources. It is used to explore the legal topics to be studied. Field studies were carried out in a number of police institutions and organizations, including the National Counterterrorism Agency, East Java Police, South Sulawesi Police, North Sumatra Police, and Metro Jaya Police (BNPT).

## DISCUSSION

### Regulation of the Spread of Radicalism in Indonesian Criminal Law

Radicalism and terrorism are two different concepts but cannot be separated from each other. The only positive law that has so far been regulated in Indonesia is related to terrorism control. Government Regulation in Lieu of Law Number 1 of 2002 concerning the Eradication of Criminal Acts of Terrorism is the main one of the many laws and regulations in Indonesia that regulate terrorism. UU no. 5 of 2018 concerning Amendments to Law No. 15 of 2003 which only regulates some aspects of radicalism, so Law no. 15 of 2003 does not directly regulate the issue of radicalism through social media

Law on terrorism in the era of Government Regulation in Lieu of Law no. 1 of 2002 concerning the Eradication of Criminal Acts of Terrorism and Law 15 of 2003 at that time still prioritized the existence of a real action. According to Sudikno Mertokusumo, the goal of the rule of law is to influence people's behavior. The rule of law gives emphasis on outward, or visible, activities. Essentially, the rule of law is internal, not mental, and most importantly, it is not violated externally. 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 (*cogitationis poenam nemo patitur*).<sup>4</sup>

The ideology of radicalism is basically a thought that supports terrorism, while terrorism must be clearly visible and result in an incident of terrorism. The Bali Bombing I still uses PP 1/2002 because Law Number 15 of 2003 is retroactive, according to the findings of an interview with Brigadier General Pol. Drs. Sentot Prasetyo, SIK, Deputy Head of the Anti-terror Special Detachment (Densus). At that time, the task force was playing. Detachment was formed according to regulations per-Law 2003. In 2004 there was already a Densus, but its strength is still backed up by the Task Force. This condition continued, until 2018, we thought about why after the new terror incident was

arrested. The idea came up to revise the law, because from the old rules there were many problems where we couldn't catch people who wanted to plan power. We cannot do *law enforcement*. Finally, Law No. 5 of 2018 was revised.

Radicalism through social media is basically just a concept, not a positive rule of law that has a purpose, let alone the threat of punishment. This can be seen from the absence of a clear definition of radicalism. The results of an interview with Kasatgaswil Densus 88 AT Polri Kombes (Pol) Iwan Ristiyanto, East Java, stated that the understanding of roots that tend to claim to be the most correct is different from others and becomes the basis for bringing out violent activities based on their opinions.<sup>5</sup> According to the findings of the interview with Brigadier General Pol. Drs. Sentot Prasetyo, Deputy Head of the Special Detachment (Densus) Anti-terror, SIK, Article 1 of Law no. 5/2018 is explicit about terrorists, not radicalism specifically. Radicalism is the root of criminal acts of terrorism. The concept of radicalism develops from intolerance to implementation so that it joins a terror network. Therefore, in understanding the occurrence of radicalism, the police utilize theories from social science disciplines such as psychology and sociology. There are several theories about how ordinary people can turn into terrorists. Therefore, whether considered radical or not, Densus 88 usually uses an expert approach.<sup>6</sup>

In general, Law no. 5 of 2018 concerning Amendments to Law No. 15 of 2003 has not regulated the problem of radicalism, let alone radicalism on social media. However, Article 43B paragraph (4) of the latest Terrorism Law states as follows:

"National preparedness as referred to in paragraph (1) is carried out through community empowerment, capacity building of the apparatus, protection and improvement of infrastructure facilities, development of terrorism studies, and mapping of areas prone to radicalism."

The concept of radicalism can also be seen based on the Constitutional Court Decision number 55/PUU-XVI/2018 which examines Article 1 point 1, Article 43A paragraph (3) letter b, Article 43C paragraph (1), (2), (3), and (4), as well as Article 43G letter a of Law 15/2018. The verdict added the phrase "terrorism is against Pancasila" and an explanation of what radical was proposed by the Petitioners, namely Zico Leonard Djagardo and William Aditya Sarana. The term radical in Law 5/2018 is aimed at counter-radicalization, de-radicalization and mapping of areas prone to radical understanding of terrorism. The problem that then occurs is how radical is defined in Law 5/2018, in addition to how radical standardization is and how to determine radical status in groups identified as radicals.

The use of the term radicalism in Law 5/2018 is actually more aimed at counter-radicalization, deradicalization and mapping of areas of radical understanding contained in Article 43A paragraph (3) letter c, Article 43B paragraph (4), Article 43C and Article 43D. However, this definition of radical is not regulated in Law 5/2018 or Law 15/2003. In addition, the definition and meaning of radical are not found in the explanation or general explanation of the article in the attachment of Law 5/2018. So the problem that

arises is how to interpret the radical context that will be directed at groups that are considered to have the potential to carry out acts of terrorism.<sup>7</sup>

The term “radical” in Law 5/2018 has been tested by the Constitutional Court in its decision no. 55/PUU-XVI/2018, one of which points to the terms “deradicalization” and “counter-radicalization”, which are considered to have created a paradigm in society where radicals are seen as terrorists and are also associated with radicals in terms of beliefs. The Petitioner for the Judicial Review then assessed that the act had hampered and resulted in constitutional losses in an effort to carry out worship sincerely and deeply in accordance with the orders of his religion. Articles 43A to 43D of Law 5/2018 which contain the terms "radical", "deradicalization", "counter-radicalization", and "area of radical understanding", are considered inappropriate by the Petitioner for a Judicial Review of Article 28D paragraph (1) of the Law. The 1945 Constitution of the Republic of Indonesia which regulates the legal certainty of the right to worship according to his views and beliefs.

The Constitutional Court in its consideration stated as follows:

*a quo* Law is not enough to only be done textually but must also be done contextually. Keeping in mind the title of the *a quo* Law, namely "Law 5 of 2018 concerning Amendments to Law No. 15 of 2003 concerning Stipulation of Government Regulations in Lieu of Law Number 1 of 2002 concerning Eradication of Criminal Acts of Terrorism into Law" then contextually what is meant by the terms 'counter-radicalization' and 'deradicalization' in the *a quo* Law is counter-radicalization and deradicalization in criminal acts of terrorism. Thus, without the need to add the word 'terrorist' behind the two terms, it has automatically covered what the Petitioners wanted, so that technically the legislation if it is added to the word 'terrorism' such a formulation becomes very redundant and *overbodied*.”

The radical phrase contained in Law 5/2018 applies automatically to criminal acts of terrorism without having to add the term terrorism behind the term radical because it will be considered excessive and excessive. However, the Constitutional Court stated that what is meant by radicalism is terrorism radicalism. Amar's Decision Number 55/PUU-XVI/2018 rejected the applicant's application on grounds that it was not legally grounded, but gave its own considerations.

BNPT Prevention Director Brigadier General Ahmad Nurwahid <sup>8</sup>stated that Law 5/2018 on Anti-terrorism has not been able to reach radical ideas unless they have entered a terror network and are ready to act with a number of indicators. "For example, based on the results of *surveillance* and intelligence analysis, they already have firearms, bombs, or *iddad* (paramilitary training) which indicate that they are strong enough to carry out terrorist acts, then they can only take action (arrest) or preventive *strike*." People who have radical ideas that have been declared by the government, such as HTI and FPI, cannot be approached through Law 5/2018 on Anti-terrorism, this is because they have not yet joined a terror group. Talking about radical terrorism cannot be partial but must

be holistic from upstream and downstream. Downstream is a terrorism network, upstream, which needs to prevent and take action against radicalism, both in writing and on social media.

### **Efforts to Counter Radicalism Through Social Media in Indonesia**

Countering terrorism in Indonesia depends on two institutions, namely the National Police and BNPT (National Agency for the Eradication of Terrorism). The police handle specifically through the Special Detachment (Densus) 88 which has representatives spread across a number of provinces. Detachment 88 was originally an anti-terror unit initiated by Commissioner General Gregorius Mere and later inaugurated by the Jaya Police Chief Inspector General Firman Gani on August 26, 2004 before finally being based on a Decree of the National Police Chief. Number 30/VI/2003, changed to a separate agency, namely Densus 88 Anti-Terror. Densus 88 has the task of arresting and investigating terrorism crimes. Densus 88's vision is to protect the Indonesian nation from the threat of terrorism.

1. Carry out law enforcement for criminal acts of terrorism in a professional manner.
2. Developing capacity and accountability in tackling the problem of terrorism
3. Fostering cooperation with related parties in countering terrorism.

Densus 88 is a special agency that deals with terrorism and is directly under the National Police Chief. With these special powers, Densus 88 can act quickly if there is an act of terrorism in one place.<sup>9</sup> After the Anti-terror Detachment 88 was formed, all terrorism crimes were handled and investigated by Densus 88. Various kinds of terrorism criminal cases were handled, including the suicide bombing case at the Surakarta Police Station on July 5 2019, the Surabaya suicide bombing case on May 13 2018, and the case of a suicide bombing at the Makassar Cathedral Church on March 28, 2021.

Densus 88 is the foremost law enforcer in tackling terrorism. However, because terrorism and radicalism are different things, the action against radicalism that is currently being carried out must result in terrorist acts, so that the terrorism law can be applied.

The development of science and technology, causing social media to be used as a tool for terrorist planning, communication, radicalization, and funding for amaliyah, or suicide bombings. Facebook, Youtube, WhatsApp, and Telegram are some of the commonly used social media platforms. This shows that terrorists are increasingly sophisticated and are starting to look for safe, fast and efficient media in realizing their goals, namely amaliyah or bomb terror acts.

According to the results of an interview with Kasatgaswil Densus 88 AT Polri Kombes (Pol) Iwan Ristiyanto East Java, digital media has a significant impact on radicalism. Many people now use social media to interact in the electronic world. Today various

platforms are widely used to spread their views, recruit new members, and organize violent terrorist acts and bombings, making social media a very important tool.<sup>10</sup>

Radicalism is the root of an act of terrorism. Radicalism is an attitude that longs for total change and is revolutionary by overturning existing values drastically through violence and extreme actions. Rendy Adiwilaga & Agus Kurniawan stated, before the formation of a radical individual character, usually a person will experience four stages, namely; (1). Pre-radicalization, where an individual still performs activities and routines as they should; (2). Self-identification, individuals begin to identify themselves and think in a radical direction. (3). Indoctrination, starting to intensify and focus belief in the movement to be taken; (4). Jihadization, a person commits an act or deed based on his belief which is considered a form of jihad.<sup>11</sup>

In the first stage, namely pre-radicalization until the third indoctrination, there is no law enforcement that can be carried out by either the Anti-terror Detachment 88 or other law enforcement officers. This is certainly a weakness in law enforcement for the spread of radicalism on social media. The results of an interview with the Deputy Head of the Anti-terror Special Detachment (Densus) Brigadier General. Pol. Drs. Sentot Prasetyo, SIK stated that the current policy refers to two approaches, namely a hard approach, law enforcement and a soft approach or prevention, which oversees the Directorate of Prevention who plays in the upstream, this is because the seeds of radicals are in the upstream. Downstream is when law enforcement is carried out, when arrested there is no more violence. It enters us with a humanist, empathetic approach, with a heart and family approach. So we played downstream, which is already happening. This is the activity of the Densus Directorate. However, Densus 88 never caught a case purely because of status and was later arrested.<sup>12</sup>

Until now there has been no law enforcement against radicalism carried out through social media. Deputy Director of Cyber Crime Bareskrim Polri Kombes Himawan Bayu Aji said that in 2020 there were 4,250 cybercrimes from January to November. He said cyber crimes that occurred were closely related to money laundering crimes (TPPU), which were divided into two categories, namely fraud and illegal access. There are cases of terrorist radicalism, but we don't deal with them. Cases of radicalism are in the domain of Densus 88 Anti-terror and BNPT, not the Directorate of Cyber Crime, Bareskrim Polri. In this case, the Directorate of Cyber Police Headquarters only handles profiling of perpetrators of radicalism on social media.<sup>13</sup>

Until now, there have been no cases of radicalism through social media carried out by law enforcers either based on Article 156, Article 156a, Article 157 of the Criminal Code as well as Article 27 paragraph (3) and Article 28 paragraph (2) of Law Number 19 of 2016 concerning Information and Electronic Transactions (ITE), which is an amendment to Law Number 11 of 2008. Thus, it is clear that law enforcement by using criminal means against radicalism through social media that does not lead to acts of terrorism has never been carried out.

The process of countering terrorism with an institutional action begins with the existence of cyber patrols, whether carried out by Densus 88 Anti-Terrorism or through the Directorate of Cybercrime, Criminal Investigation Unit of the Police. Then Densus will conduct an in-depth study of radicalism which has turned into the stage of Jihadization. Against radicalism content on social media that has been indicated, profiling and analysis is carried out either by the Anti-Terror Detachment 88 or through the Directorate of Cybercrime, Bareskrim Polri to be submitted to Kominfo and *take down* .

### **Concept of Criminal Policy to Combat Radicalism Spread Through Social Media in Indonesia**

Without any rules or regulations that can prevent social media platforms from helping the spread of extremism, controlling radicalism in Indonesia is a problem in itself. Therefore, the spread of radicalism through social media is becoming more urgent than ever. Although platforms such as Facebook, Google, Youtube, Twitter, and Telegram have worked together to limit and remove content that supports terrorism and radicalization, the spread of radicalism content remains a chore for law enforcement.

Moreover, the large *platform* is a foreign *platform* , which cannot simply be subject to policies in Indonesia. It will be very possible, *the platform* does not follow the collaboration that has been initiated by the Ministry of Communication and Information. For example, 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 ideological radicals and religious extremism . <sup>14</sup>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 in accordance with the author's thinking 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 Eradication of Acts of Terrorism has not yet prohibited the ideology that animates it or its radicalism , including the ideology of the caliphate, daulah, or other radical religious ideologies that have not been banned in Indonesia.

Currently, the only ideologies that are officially banned in Indonesia are Communism, Marxism, and Leninism. Meanwhile , the current religious radical ideology that is currently threatening 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 disbanded by the government can still promote or inflame the radical religious ideology .

Brigadier General Pol R Ahmad Nurwakhid also revealed that, what do these radicalizing ideologues use in their actions? You can't use the anti-terror law. At best, when we find evidence that we apply the article of treason, that is very thin. Or the ITE Law, or possibly the State Emblem Law, including the Law on the Flag and State Emblem. The absence of regulations that prohibit religious radical ideology is the main obstacle in efforts to prevent terrorism <sup>15</sup>radicalism in Indonesia.

The main obstacle, namely overcoming radicalism through social media, is regulation. Radicalism and terrorism are two sides that must be equally eradicated. Like a tree 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. One of the legal principles known as the principle of *Cogitationis Poenam Nemo Patitur* (read: *Kojitatsionis Penam Nemo Patitur* ) which 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 ( *cogitationis poenam nemo patitur* ).<sup>16</sup>

Criminal law seeks to link a criminal act with the results of proving that he has committed the act in order 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 *take down* action , this is certainly not a solution, because of the nature of social media, once a *take down is done*, it will appear again. Therefore, it is necessary to determine the regulation of radicalism in an offense.

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 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. Radicalism is not clearly regulated in Law 5 of 2018 concerning Amendments to Law 15 of 2003 concerning the Stipulation of Perppu 1 of 2002 concerning the

Eradication of Criminal Acts of Terrorism. Article 12B paragraph (3) of Law 5 of 2018 concerning Amendments to Law 15 of 2003 concerning the Stipulation of Perppu 1 of 2002 concerning the Eradication of Criminal Acts of Terrorism into Law also states that:

Any person who intentionally creates, collects, and/or disseminates writings or documents, both electronic and non-electronic to be used in training as referred to in paragraph (1) shall be punished with imprisonment for a minimum of 3 (three) years and a maximum of 12 (twelve) years. ) year.

Article 43A of Law 5 of 2018 concerning Amendments to Law 15 of 2003 concerning Stipulation of Perppu 1 of 2002 concerning Eradication of Criminal Acts of Terrorism into Law only states that:

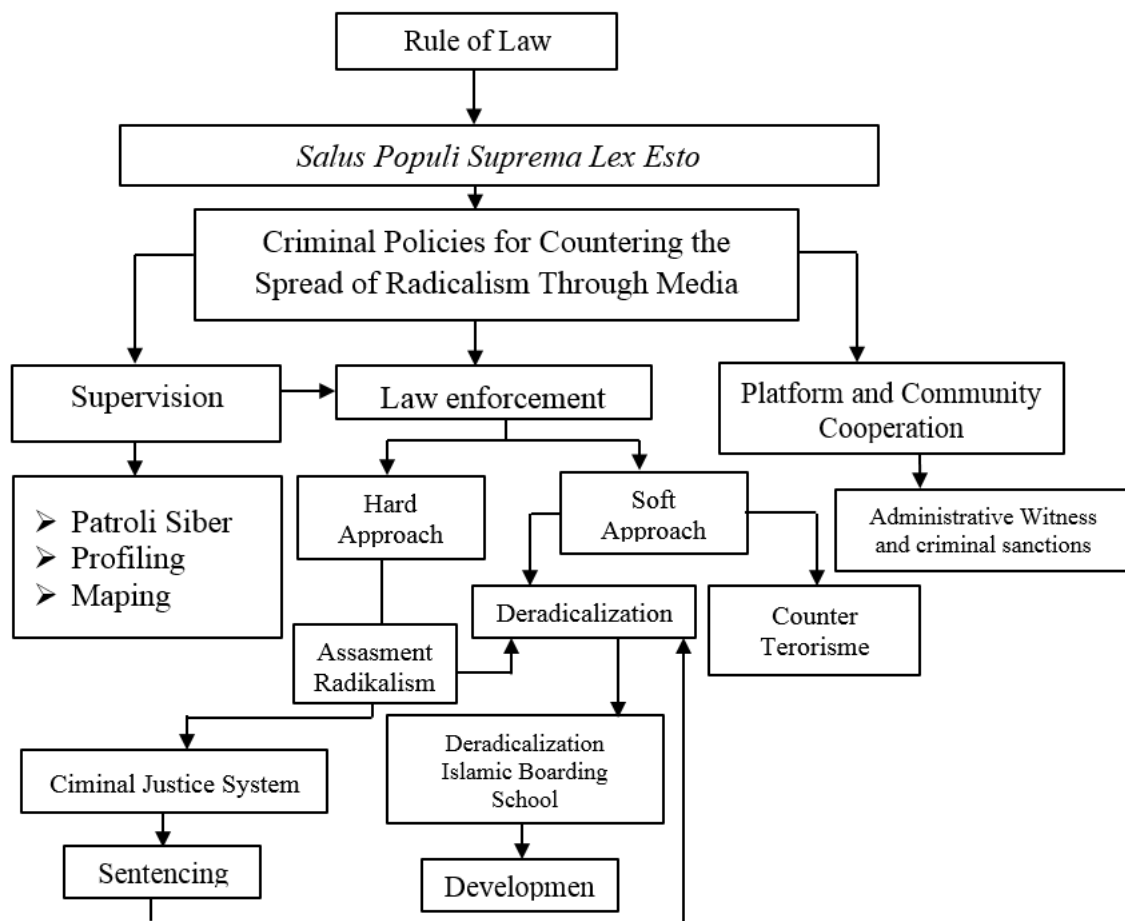
1. The government is obliged to prevent the crime of terrorism.
2. In an effort to prevent the Crime of Terrorism, the Government takes continuous anticipatory steps based on the principle of protecting human rights and the principle of prudence.
3. Prevention as referred to in paragraph (1) is implemented through:
  - a) national preparedness;
  - b) counter radicalization; and
  - c) deradicalization.

Based on this, it is clear that there is a legal vacuum in regulating radicalism, especially radicalism through social media. In addition, Law Number 19 of 2016 concerning Information and Electronic Transactions (ITE) in Article 27 paragraph (3) only regulates insults and/or defamation and Article 28 paragraph (2) only applies to ethnicity, religion, race and religion. between groups (SARA). Thus there is a regulatory vacuum regarding radicalism through social media, while based on the rule of law the principle of legality is an important foundation so that all people (residents) must comply with applicable legal regulations and state equipment can work. If radicalism is not regulated, there will be legal stagnation.

Law is an institution that aims to deliver humans to a just, prosperous life, and make humans happy.”<sup>17</sup>Based on the 'law for man', then the law is not only for himself, but for something bigger and wider. Therefore, if there is a problem with the law, then the law can be revised and corrected, not humans who are forced to enter into the legal scheme. In the context of thinking that progressive law does not accept law as an absolute and final institution, but is determined by its ability to serve society, law is always evolving. According to Satjipto, law should be a real institution that continuously builds and changes itself towards a better level of perfection. The level of quality of perfection can be verified into factors of justice, welfare, concern for the people and so on. Thus, according to Satjipto, the essence of "law is always in the process of becoming."

As the problem that has been described by the author, the pot holes that occur in overcoming radicalism through social media include, among other things, that radicalism has not been regulated in several legal regulations, and if these laws are not regulated, overcoming radicalism through social media will only end in *take down content* . Therefore, it is necessary to do three points of overcoming radicalism through social media, namely supervision, action and cooperation between platforms and the community. Currently, the supervision is carried out by each institution, including the Anti-Terror Detachment 88, the Directorate of Cybercrime, the Criminal Investigation Body of the National Police, BNPT and Kominfo. The supervision must be integrated into one, so as to produce optimal results. Although each still has a supervisory function, an integrated supervision must be needed, so that it can produce fast, precise and accurate decisions.

The framework of thinking in overcoming the spread of radicalism through social media in Indonesia can be described as follows:



The surveillance functions required include cyber patrols, profiling, and mapping. The cyber patrol function is to obtain external data that is scattered quite a lot, then the catch

is analyzed and also profiled word for word, who the author is, whether the account is fake, where the content was written, what the IP address is, to the stage where the coordinates of the perpetrator are located. . In addition to profiling, I also need to do a mapping, when the *content* is uploaded, where the content is usually uploaded, what the conversation is, what is the purpose to be carried out and others, so that when the mapping can be done, law enforcement officers can recognize and analyze the potentials that can occur. Of course, the action taken is not only limited to *taking down content* on social media. This of course will only lead to the birth of a million similar radicalism *content* on social media. Therefore, as a mapping material, the action taken is by two approaches, namely the *hard approach* and the *soft approach* as well as the prevention of criminal acts of terrorism. The *hard approach* referred to here is not only about arresting, fingerprinting, prosecuting, trial and imprisonment, but an assessment is carried out *first*. The assessment process aims to find out how radical a person is, whether *hardcore, activist, newcomer, supporters* or just a *sympathizer*. With this analysis, of course, it will be able to determine the appropriate deradicalization actions for the perpetrators. For example, there is an actor uploading allegiance to ISIS, blaming the government as an infidel government, *thogut* and others, but when confirmation or arrest is made, he does not have the ability to make bombs, has no affiliation, and only follows suit, and cooperative, then it does not enter the judicial process, but the pesantren is deradicalized. Continuing to use punishment that only leads to imprisonment is certainly an ineffective action for adherents of radicalism. Showing that the government is an organization that can make its people happy, can be fair, uphold the law, is not corrupt and other positive things is very important. Therefore, imprisoning the contents of one's head is useless if it is not followed by guidance that shows that, this government is not infidel, there are also many government individuals who are of the same religion, not corrupt, fair, wise, so that they can dwarf radicalism thoughts so that they accept the Unitary State of the Republic of Indonesia with joy. .

The deradicalism pesantren approach is basically intended as a *half soft approach*, this is because the perpetrators of the radicalism utterances that are collected will be taught about the right things, thus eroding and destroying the radicalist understanding that has been exposed in it. The approach is dialogical, but centered and far from prison. In the deradicalism pesantren, the perpetrators will be fostered directly, and of course an assessment will be carried *out* whether they are allowed to go home or have to study at the pesantren. After *the assessment*, it turned out that there were perpetrators who were in the *hardcore category*, he had recruited, was able to make bombs, had affiliation with other terror organizations and had scheduled amaliyah, so the criminal justice process could be carried out. Thus, the law is used clearly, namely to deter the perpetrators of radicalism. By cutting radicalism, the fruit of radicalism, namely terrorism, can also be suppressed, so that security stability can be created.

Perpetrators who are acted on through the criminal justice process must also be de-radicalized, this of course as a correctional process, where the convicts are also re-washed with the right thoughts. So that when he is released he will not do the same

thing a second time. The *soft approach* taken is also about counter terrorism. The government must always spread positive propaganda, and fight terrorist propaganda through social media. The criminal law policy to prevent the spread of radicalism through the media is the platform and community collaboration. Social media platforms must be committed to eradicating radicalism through social media. Social media platforms can be subject to administrative sanctions in the form of revocation of permits and criminal sanctions if they openly support radicalism on social media. The public is also expected to be able to help provide information about existing radicalism content by way of public complaints.

Radicalism is the embryo of the birth of terrorism. Radicalism is an attitude that longs for total change and is revolutionary in nature by overturning existing values drastically through violence *and* extreme actions. There are several characteristics that 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).

There are 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 that provides the impetus for the growth of religious sentiments such as global injustice, arrogant foreign policy, and modern imperialism of superpowers. Third, cultural factors that are closely related to shallow religious understanding and narrow and lexical (*harfiyah*) interpretations of scriptures. Radical attitudes and understandings and motivated by the various factors above often make someone choose to join terrorist acts and networks.<sup>18</sup>

Radical individual character, a person will experience four stages, namely:

1. Pre-radicalization, where an individual is still carrying out activities and routines as they should.
2. Self-identification, 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. Jihadtstasi, an individual carries out an action or action on his belief which is considered a form of jihad.

Radicalism is basically fanaticism (absolutely) towards a belief and an attitude that does not want to compromise in defending its 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:<sup>19</sup>

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 to a radical movement itself can refer to a person's level in the organization according to Golose divided into:

1. First, *Hardcore* described as those/members with the highest or deepest commitment, they have been with the organization for a long period of time and are usually involved in planning or carrying out violent activities.
2. Second, *Activist* points to members who often engage in violent activities, but may not be long-standing members, and not every aspect of their lives is linked to the group.
3. Third, *Newcomer* is a group new members 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, *Symphathizer* 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 involves tolerance for pluralism, both culture, religion, and primordialism backgrounds in society.

As already discussed, regarding the philosophical meaning of the *principle of Cogitationis poenam nemo patitur towards Salus Populi Suprema Lex Esto* that, the law cannot judge the root of the mind. However, the law judges something that has actually 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 self-

righteous, thinks others are wrong), Exclusive (differentiating 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.

## CLOSING

The regulation on the spread of radicalism in Indonesian law has not been specifically regulated because it still refers to the Criminal Code, Law no. 5 of 2018 concerning Amendments to Law No. 15 of 2003 concerning the Eradication of Criminal Acts of Terrorism. Efforts to overcome radicalism carried out through social media in Indonesia currently focus on repressive approaches rather than preemptive and preventive approaches so that these efforts have not been able to resolve the root cause and result in the continued spread of radicalism. The concept countermeasures spread of radicalism through social media in Indonesia is carried out by focusing on 3 (three) aspects, namely supervision, action and cooperation between platforms and the community. The action taken is not only limited to taking down content on social media. This of course will only lead to the birth of a million similar radicalism content on social media. Therefore, as a mapping material, the action taken is by two approaches, namely the hard approach and the soft approach as well as the prevention of criminal acts of terrorism. The hard approach referred to here is not only about arresting, fingerprinting, prosecuting, trial and imprisonment, but an assessment is carried out first. The deradicalism pesantren approach is basically intended as a half soft approach, this is because the perpetrators of radicalism utterances that are collected will be taught about the right things, thus eroding and destroying the radicalist understanding that has been exposed in it.

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