Indonesian Journal of Counter Terrorism and National Security
Vol. 4 Issue 1 (2025) 87–124
DOI: https://doi.org/10.15294/ijctns.v4i1.26407
Available online since: September 29, 2022
Indonesian Journal of Counter Terrorism & National Security
https://journal.unnes.ac.id/journals/counterterrorism/index

Juridical Analysis of the Double Track System in Countering Terrorism Acts in Indonesia

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Abstract

Terrorism has become a serious concern crime in Indonesia, where the methods of countering it through law enforcement are currently faced with a number of challenges. Countering terrorism is faced with the situation of rapid modern terrorism development and the contradiction between the need to handle terrorism as holistically as possible with existing regulations and the renewal paradigm of modern law. This study aims to analyze the terrorism crimes regulation in Indonesia from the perspective of a double track system in imposing sanctions. This research is also intended to identify and elaborate on the need to reform the penal policy to

counter terrorism through the application of a pattern of imposing sanctions with a double track system for terrorism act. The method used in this study is doctrinal legal reasearch using a statutory approach and conseptual approach. The results obtained through this research are that the double track system has not been used and is firmly stated as a pattern for imposing sanctions for terrorism crimes in Indonesia. Furthermore, the double track system in imposing sanctions for terrorism crimes can be an idea for reforming penal policies in effective and holistic countermeasures of terrorism. The implementation of the double track system is based on the need of law to respond terrorism developments, increase the effectiveness of the Terrorism Law, and the renewal of the modern law paradigm.

Keywords : *terrorism, double track system, law enforcement*

Submitted: 26/07/2023 **Revised:** 29/08/2023; 11/09/2023 **Accepted:** 17/09/2023

I. Introduction

A number terror attacks have been recorded as tragic history for the international community, including Indonesia. Some of these actions include the hijacking of Garuda Indonesia Flight 206 known as Woyla 1981, the 9/11 attack that targeted the World Trade Center NYC and the Pentagon in Arlington, Virginia, in September 2001, the Bali Bombing I which targeted Paddy's Pub and Sari Club in Legian Kuta Bali 2002, the Bali Bombing II, JW Marriot bombing 2003, to Australian Embassy Bombing 2004 and several other acts of terrorism. Since then, the continuest of terror attack have changes the international perspective to prepare for these acts through a number of countermeasures and prevention policies.

Bali Bombing I, became a milestone for international including Indonesia to provide a firm response to terrorism through the structuring of counterterrorism policies. Various methods of policy approach are taken by the global, including Indonesia. The counterterrorism policy put forward by the US leads to *"the war model"* or the use of military force as resistance to terrorists, which is marked by the United States military invasion of the Al-Qaeda terrorist network, which is believed as the main actor in the 9/11 attacks.[1] In contrast to the US, the UK tends to be more prepared in counterterrorism policy that applied "*legal-approach"* through strengthening legal instruments and law enforcement against terrorism crimes.[2] A similar approach was adopted by Indonesia even though historically began with global pressure to condemn terrorism crimes, especially the Bali Bombing I incident.

Indonesian steps against terrorism were marked by the promulgation of Perpu Number 1 of 2002 concerning the Eradication of Terrorism which was later stipulated as a law through Law Number 15 of 2003. In the midst of global pressure to investigate the Bali Bombing I, this rule cannot be separated from the pros and cons.[3] However, this is still a progressive step for the

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[1] Michael B. Kraft and Edward Marks, *U.S. Government Counterterrorism: A Giude to Who Does What* (Boca Raton: CRC Press, 2012): 14-17.

[2] Kent Roach, *The 9/11 Effect : Comparative Counter-Terrorism* (New York: Cambridge University Press, 2011): 238-241. Roach argues that in responding to the events of the 9/11 Attacks, the UK is considered more prepared than the US. This is partly because the action was not targeted to occur in the UK territory, so that it did not have a direct impact on the UK, as well as the historical factor of terrorism in the UK before 9/11. So at the time of the 9/11 incident, the UK already had a legal regulation on terrorism "The United Kingdom's Terrorism Act, 2000"

[3] Ali Masyhar, Gaya Indonesia Menghadang Terorisme : Sebuah Kritik Atas Kebijakan Hukum Pidana Terhadap Tindak Pidana Terorisme di Indonesia (Bandung: Mandar Maju, 2009): 63-30. Ali Masyhar explained that the arguments against the promulgation of Perpu 1 of 2002 include the fact that

legal system in Indonesia with the legitimacy of counterterrorism policies through the criminalization of acts of terrorism labeled as extraordinary crimes. Furthermore, from the beginning of its establishment to the development of its amendments through Law Number 5 of 2018, it is positioned as a special criminal provision, by emphasizing prison sentences which aim to serve as a deterrent function for terrorism perpetrators.[4]

However, the enactment of the Terrorism Law as a criminal policy as an effort to counter terrorism crimes faces a number of challenges. The effectiveness existing Terrorism Law is faced with a number of facts that terrorism crimes in the last decade have experienced a wide and varied development of motives, forms, and methods.[5] In addition, considering that terrorism is qualified as an extraordinary crime, countering terrorism requires extraordinary measures as well.[6] In a legal perspective, need for extraordinary measures is still faced with a legal system that is still oriented towards a retributive nature. As a result, this provides a follow-up problem of overcapacity of prisons and non-optimal rehabilitative nature as an integral part of countering terrorism. Moreover, this begins to cause contradictions with the paradigm renewal of the legal system carried out by the Nusantara Criminal Code (Law

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it was formulated and promulgated in an atmosphere of haste and contains material defects in the form of retroactive enforcement of the Bali Bombing incident through Perpu 2 of 2002 and is considered as a reincarnation of Law Number 11/Pnps/1963 concerning the Eradication of Subversion Activities.

[4] Ali Masyhar, "Urgensi Revisi Undang-Undang Terorisme," *Masalah-Masalah Hukum* 45, no. 1 (2016): 29–30, https://doi.org/10.14710/mmh.45.1.2016.25-32.

[5] Arief Fahmi Lubis, "Perubahan Model Ancaman Terorisme Ditinjau Dalam Hukum Tata Negara Di Indonesia," *Ideas: Jurnal Pendidikan, Sosial, Dan Budaya* 7, no. 3 (2021): 251, https://doi.org/10.32884/ideas.v7i3.382.

[6] Rohadhatul Aisy, "Non-Penal Deradicalization Of Former Terrorist Prisoners (Study at Lingkar Perdamaian Foundation)," *Journal of Law and Legal Reform* 2, no. 2 (2021): 243–62, https://doi.org/10.15294/jllr.v2i2.46487.

Number 1 of 2023) as the head of materinial criminal law in Indonesia.

In some research, it concluded that modern era development has brought changes to the terrorism pattern through assimilation with digitalization, IoT, and artificial intelligence. This modernization makes terrorism an increasingly sophisticated crime that is no longer only carried out by conventional methods, but currently terrorism has the potential to occur through *Chemical, Biological, and Radioactive* (CBR) and Cyber space.[7]

Ali Masyhar, in a study entitled "Legal Challenges of Combatiting International Cyberterrorism" explained that cyberterrorism is a new threat in terrorism crimes which due to its transnational and borderless nature has posed challenges in disclosure and legal processes.[8] Furthermore, cyber media has been used as a medium of terrorism by terrorists as a method of recruitment and training for terrorist sympathizers.[9] Regarding cyberterrorism, Marthisian Anakotta in his article "AI: A New Lone-Wof Terrorism in The Digital Era (Preliminary Analysis)" discusses the potential role of AI in the development of terrorism crimes.[10] This article discusses the potential linkage of cyber digital technology in presenting national security challenges through acts of terrorism based on the use of automation technology, artificial intelligence, machine learning, and lone-wolf terrorism which are triggered and carried out self-taught by perpetrators with digital

[7] Lubis, "Perubahan Model Ancaman Terorisme Ditinjau Dalam Hukum Tata Negara Di Indonesia."

[8] Ali Masyhar et al., "Legal Challenges of Combating International Cyberterrorism: The NCB Interpol Indonesia and Global Cooperation," *Legality: Jurnal Ilmiah Hukum* 31, no. 2 (2023): 344–66, https://doi.org/10.22219/ljih.v31i2.29668.

[9] Masyhar et al.

[10] Yeksi Marthsian Anakotta, "AI: A New Lone-Wolf Terrorism In The Digital Era (Preliminary Analysis)" 6, no. 2 (2024), https://doi.org/10.7454/jts.v6i2.1083.

technology interventions. In line with this, Kenyon, Baker-Beal, and Binder in a research entitled "Lone-Actor Terrorism-A Systematic Literature Review" found that there are indications of a link between the use of the internet and terrorism, especially lone-actor terrorism, through self-direct learning of motivations, tactics, tools, and planning forms and targets that legitimize acts of terrorism.[11] These research legitimize that terrorism have the potential to evolve the model, form and ease of carrying out their crimes, therefore the law needs to be prepared to criminalize terrorism development.

The development of terrorism form has a further impact on the problems faced by the criminal law system in Indonesia. The problem of overcapacity of correctional institutions can also be affected if the number of terrorism crimes continues to increase, especially the threat of sanctions on terrorism offenses in Indonesia leading to a single sanction in the form of imprisonment. Calvin Cameron and Azil Maskur in an article entitled "Modification of Prison Sanction As An Effort To Overcome Over Capacity In Prisons In Indonesia" stated that the orientation of a single sanction in the form of criminal charge and the tendency to impose prison penal sanctions cause other problems about prison overcapacity, therefore it is necessary to modify other alternatives in the imposition of sanctions that are still able to accommodate the purpose of punishment.[12] Furthermore, Cipi Perdana in a study entitled "*Rekonstruksi Pemidanaan Pelaku Tindak Pidana*

[11] Jonathan Kenyon, Christopher Baker-Beall, and Jens Binder, "Lone-Actor Terrorism–A Systematic Literature Review," *Studies in Conflict and Terrorism* 46, no. 10 (2023): 2038–65, https://doi.org/10.1080/1057610X.2021.1892635.

[12] Calvin Cameron and Muhammad Azil Maskur, "Modification Of Prison Sanctions As An Effort To Overcome Over Capacity In Prisons In Indonesia : Upaya Mengatasi Overkapasitas Dalam Lapas Di Indonesia," *Anual Review of Legal Studies* 1, no. 3 (2024): 741–66, https://doi.org/10.15294/arls.vol1i3.11200.

Terorisme Di Indonesia" stated that the double track system is ideal to be applied in countering terrorism, because it departs from the concept of determinism in the legal-positivism stream so that in the context of terrorism prevention, perpetrators need to be rehabilitated as the values contained in Pancasila.[13] In line with that, research conducted by Hariyono entitled *"Penanggulangan Tindak Pidana Terorisme Melalui Pencegahan Pendanaan Terorisme Di Perkotaan Dengan Penerapan Sanksi Double Track System*" states that legal reform is needed as an effort to prevent terrorism through a double track system approach that is oriented towards the goal of retributive but also involves elements of improvement of terrorists.[14]

The concept of the Double Track System as an extraordinary measure through a penal approach in countering terrorism has not been explicitly regulated in anti-terrorism regulations in Indonesia. Despite this, the principle of the Double Track System as an effort to counter terrorism crimes has been acculturated in the legal system and culture in Indonesia in efforts to counter terrorism in Indonesia. In line with the principle of applying the double track system, Rohadhatul Aisy in article entitled "Non-Penal Deradicalization of Former Terroristist Prisoners (Study at Lingkar Perdamaian Foundation)" stated that former terrorism prisoners after completing their sentences face a number of challenges in resocialization back into society due to the inherent radical understanding.[15] In this research, it is explained that the problem

[13] Cipi Perdana, "Rekonstruksi Pemidanaan Pelaku Tindak Pidana Terorisme Di Indonesia," *Jurnal Hukum IUS QUIA IUSTUM* 23, no. 4 (2016): 672–700, https://doi.org/10.20885/iustum.vol23.iss4.art8.

[14] Benny Hariyono, "Penanggulangan Tindak Pidana Terorisme Melalui Pencegahan Pendanaan Terorisme Di Perkotaan Dengan Penerapan Sanksi Double Track System," *Jurnal Hukum De Lege Ferenda Trisaksi* 3, no. 1 (2025): 1–8, https://doi.org/10.25105/ferenda.v3i1.22559.

[15] Rohadhatul Aisy, "Non-Penal Deradicalization Of Former Terrorist Prisoners (Study at Lingkar Perdamaian Foundation)," *Journal of Law and*

can be solved through NGO institutions engaged in the field of deradicalization designed through a non-penal approach. This research also legitimizes that solving the problem of terrorism can not only be overcome through criminal sanctions but also requires advanced coaching programs that encourage deradicalization.

The above description specifies that the reform of the sanctions system oriented to the Double Track System as an effort to counter terrorism crimes in Indonesia needs to be carried out. Moreover, this has been initiated through the enactment of the Nusantara Criminal Code through Law Number 1 of 2023 concerning the KUHP (Criminal Code). This reform is a total from the previous material criminal law which carries the concept of newness in three main substances, namely the issue of criminal acts, criminal liability, and criminal sentences.[16] In the concept carried out by the Nusantara Criminal Code, there is a paradigm shift from retributive to a paradigm based on a combined retributive and relative approach that positions criminal law as a means of retribution but also pays attention behavior improvement aspects for criminal offenders trough sentence and treatment as a types of sanctions.

Thus, it causes a difference construction of the law between the legal system reform through renewal Criminal Code paradigm and the exsisted regulation of terrorism act by the Indonesian Terrorism Law system. The regulation of terrorism acts needs to be reviewed and reconstructed on how effective and integrated it is in the new ecosystem of paradigm renewal of the criminal justice system in Indonesia in the future.

Legal Reform 2, no. 2 (2021): 243–262, https://doi.org/10.15294/jllr.v2i2.46487.

[16] Barda Nawawi Arief, *Bunga Rampai Kebijakan Hukum Pidana (Perkembangan Penyusunan Konsep KUHP Baru)* (Jakarta: Prenamedia Group, 2016) : 79-94.

Therefore, this research will focus on how the Double Track System is regulated and applied in the framework of exsisted regulation of Indonesian Terrorism Law, as well as how to formulate the ideal double track system as a policy to counter terrorism crimes in Indonesia. The concept of a double track system in imposing sanctions on terrorism crimes is expected to be able to become a concept of criminal law policy reform in overcoming the increasingly complex problem of terrorism crimes.

II. Method

This research is a doctrinal legal research with a qualitative method.[17] Through this method, the research conclusion results will be presented descriptively in the form of a qualitative description.[18] This research focuses on the analysis of legal norms in regulations that regulate the terrorism act and its countermeasures as a reflection of the principles, and doctrines that

[17] Soerjono Soekanto as quoted by Mukti Fajar and Yulianto Achmad, *Dualisme Penelitian Hukum Normatif & Empiris* (Yogyakarta: Pustaka Pelajar,2015)) explained that normative law research is research that aims to research norms, conformity, history, and comparative law in a normative perspective. Doctrinal legal research imagines law in a normative perspective. See also Depri Liber Sonata, "Normative and Empirical Legal Research Methods: Distinctive Characteristics of Legal Research Methods" *Fiat Justisia: Journal of Law 3, no 1(2015):15-35,* https://doi.org/10.25041/fiatjustisia.v8no1.283.

[18] Hari Sutra Disemadi, "Lenses of Legal Research: A Descriptive Essay on Legal Research Methodologies," *Journal of Judicial Review* 24, no. 2 (2022): 289, https://doi.org/10.37253/jjr.v24i2.7280.

develop in legal science,[19] trough statue and conseptual approach.[20] The analysis is concentrated to the regulation and implementation of the double track system regulated in the current laws in Indonesia, also both of evaluation and reconstruction of the ideal formulation for the implementation of the double track system in the countering of terrorism crimes in Indonesia. This study uses secondary data collected by bibliography, document, and archive study.[21] Sources of literature come from various legal materials, including primary, secondary, and tertiary.[22]

III. Results & Discussion

A. Double Track System in Existed Terrorism Regulation of Indonesia

Terrorism is not a new terminology in Indonesia that the issue of incidents of action and prevention terrorism continues toface complex challenges. The Bali Bombing I in 2002 marked the existence of terrorism entering a new chapter. Before the 2002 Bali

[19] Emi Puasa Handayani, Zainal Arifin, and Zico Junius Fernando, "Criminal Penalties in Cyberspace : Between the Development of Digital Democracy and Authoritarianism," *Indonesian Journal of Criminal Law Studies* 10, no. 1 (2025): 45–82, https://doi.org/https://doi.org/10.15294/ijcls.v10il.19652.

[20] Mukti Fajar and Yulianto Achmad, *Dualisme Penelitian Hukum Normatif & Empiris* (Yogyakarta: Pustaka Pelajar, 2015).

[21] Wiwik Sri Widiarty, *Buku Ajar Metode Penelitian Hukum* (Yogyakarta: Publika Global Media, 2024).

[22] Peter Mahmud Marzuki, *Penetilian Hukum Edisi Revisi* (Jakarta: KENCANA, 2017).pp. 141-150 explain that in doctrinal legal research, research data is more appropriate when using the term legal material, because this research method is oriented towards researching legal norms and rules that basically exist in the legal system, not data that refers to something that is informative and needs to be searched outside the legal system.

Bombing, Indonesia did not pay much attention to terrorism act, although in fact there were Indonesian citizens who had joined or at least were affiliated with this action.[23] However, after Bali Bombing I, terrorism act became a serious concern accompanied by pressure to take decisive steps in counter-terrorism through a series of policies.[24] Since then, names such as Imam Samudra and other terrorist, as well as their affiliations have become important issues on how to uncover what exists in the terrorism ecosystem in Indonesia.

Ironically, the 2002 Bali Bombing did not end the existence of terrorist acts in Indonesia. In fact, a number of terrorism acts continued to occur afterwards, as if this event further strengthened the initial signs for terrorist groups to show their existence. An article written by Bin Hassan, it was revealed that the terror incident in Bali was initiated by Jemaah al-Islamiah affiliated with Al-Qaeda by placing its sympathizers in certain tasks whose motivation is built by religious approach that they call "*jihad*".[25] A report by the Institute for Policy Analysis of Conflict entitled "Retribution vs Rehabilitation: The Treatment of The Bali Bombers" revealed that the perpetrators of this incident was initiated by many perpetrators, which had their own roles and duties.[26] This emphasizes that the

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[23] Kathrin Rucktäschel and Christoph Schuck, "An Analysis of Counterterrorism Measures Taken by Indonesia since the 2002 Bali Bombings," *Pacific Review* 33, no. 6 (2020): 1022–51, https://doi.org/10.1080/09512748.2019.1627485.

[24] Rucktäschel and Schuck.

[25] Muhammad Haniff Bin Hassan, "Imam Samudra's Justification for Bali Bombing," *Studies in Conflict and Terrorism* 30, no. 12 (2007): 1033–56, https://doi.org/10.1080/10576100701670896.

[26] Institute for Policy Analysis of Conflict, "The Released Operatives: Umar Patek, Idris, Masykur Abdul Kadir, And Hernianto," *Retribution Vs Rehabilitation:*, The Treatment Of The Bali Bombers (Institute for Policy Analysis of Conflict, May 18, 2023), http://www.jstor.org/stable/resrep51369.7.

many roles and functions of individual terror perpetrators, so it points to the breadth of the form of their acts, for example assistance or participation, in realizing the occurrence of criminal acts.

As a response to these terrorism acts, Indonesian counterterrorism policies are carried out through a law enforcement which defined as a series of litigation processes in court to the implementation of court decisions.[27] Law enforcement is carried out through the criminalization of each form of terrorism and the imposition of sanctions on the violators of terrorism offenses. The principle is that if there is a violation of terrorism offenses, the state threatens to impose sanctions on violators.

Criminalization of terrorism in Indonesia has begun since the handling of Bali Bombing I in 2002. In an atmosphere of pressure from the international, 6 days after the Bali Bombing incident, at that time the Government of Indonesia issued Perpu Number 1 of 2002 concerning the Eradication of Terrorism Crimes and 6 months after it was stipulated as a law through Law Number 15 of 2003.[28] In this atmosphere, policy to handle through a criminal law approach are concentrated on a retributive approach against the terrorism perpetrators for heinous acts that have injured humanity. Therefore, in the formulation against terrorism laws, emphasis is placed on sentences as the state's answer to terrorism. This paradigm continued till the renewal of the Terrorism Law through Law Number 5 of 2018. The actual Terrorism Law contains updates on the new criminalization of the development of terrorism modes, the imposition and expansion of sanctions on

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[27] Tiar Adi Riyanto, "Fungsionalisasi Prinsip Dominus Litis Dalam Penegakan Hukum Pidana Di Indonesia" *Journal Lex Renaissance* 6, no. 3 (2021): 481–492, https://doi.org/10.20885/jlr.vol6.iss3.art4.

[28] Masyhar, *Gaya Indonesia Menghadang Terorisme : Sebuah Kritik Atas Kebijakan Hukum Pidana Terhadap Tindak Pidana Terorisme Di Indonesia*.

forms of terrorism crimes, and the establishment of counterterrorism institutions and counterterrorism cooperation.[29] The Terrorism Law reform also carries the concept of non-penal countermeasures of terrorism through counter-radicalization and deradicalization efforts.[30]

In legal reform contexts, to achieve the legal goals of the modern criminal system, there is a *Double Track System* that separates sanctions by sentences and treatment. Each types of sanctions are on an equal position, and the idea departs from a monodualistic balance by placing sentence as a means of deterrence and treatment as a form of fostering perpetrators.[31] The monodualist balance defined as the equality of position between the interests of society and the interests of individuals.[32] The criminal system with a double track system departs from the neo-classical section idea that is oriented towards *daad-daderstrafrecht* whose emphasize the existence of a monodualistic balance. This means that the imposition of sanctions is aimed at protecting the interests of the community for the protection of a safe atmosphere and the interests of individuals (perpetrators) for their nature as

[29] Anggi Niasar, "Strategi Lobi Dan Negosiasi Proses Legislasi Undang-Undang Pemberatasan Tindak Pidana Terorisme," *Jurnal InterAct* 9, no. 1 (2020), https://doi.org/10.25170/interact.v9i1.1710.

[30] Saifun Sakti Hidayatullah and Muhammad Azil Maskur, "Pertanggungjawaban Pidana Terhadap Pelaku Tindak Pidana Terorisme Yang Berkualifikasi Residivis Di Indonesia (Studi Komparasi Negara Armenia)" 7, no. 1 (2025): 15–32.

[31] Arya Agung Iswara, A A Ngurah Oka, and Yudistira Darmadi, "Pengatuan Double Track System Pada ketentuan Pidana di Indonesia (Dalam Perspektif Pembaharuan Hukum Pidana)" *Jurnal Kertha Semaya* 11, no. 3 (2023): 535–544, https://doi.org/10.24843/KS.2023.v11.i03.p7.

[32] Bagus Satrio Utomo Prawiraharjo, "Implementasi Ide Keseimbangan Monodualistik Dalam Undang-Undang Nomor 1 Tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana," *Jurnal Hukum Progresif* 11, no. 2 (2023): 159–71, https://doi.org/10.14710/jhp.11.2.159-171.

human beings for whom corrective efforts can be made against their despicable behavior. The equality of each sanction is emphasized on the fact that sentences as an element of suffering and treatment as an element of coaching are equally important.[33]

Examining the regulation of terrorism crimes in Indonesia, it was found that the double track system does not have explicitly formulated. The absence of this double track system arrangement is due to the principle of the double track system has not been used as a pattern for imposing sanctions on terrorism acts in Indonesia. In the current Terrorism Law, the pattern of imposing sanctions is not guided by a double track system but emphasizes a single-track system so that the sanctions threatened in each formulation of terrorism offenses are a single type of sanction which is sentence. In fact, every terrorism offense is at least threatened with imprisonment. Meanwhile, sanctions other than the sentence ones that lead to the treatment sanction approach have still not been found.

Although the double track system has not been explicitly implemented, the basic idea of double-track system implementation can be identified in several Indonesian conter-terrorism regulations. However, the terminology used in the arrangement has not shown the individualizes existence of sentence and treatment sanctions. Sentence sanctions have been expressly enacted as a type of sanction for terrorism crimes and have been formulated explicitly. Meanwhile, the basic idea of treatment sanctioning can be identified in Chapter VIIA of articles 43A to 43D of the Terrorism Law concerning efforts to prevent terrorism crimes through national preparedness, counter-radicalization, and deradicalization.

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[33] M Sholehuddin, *Sistem Sanksi Dalam Hukum Pidana : Ide Dasar Double Track System & Implementasinya*, 1st ed. (Jakarta: RajaGrafindo Persada, 2004).

The Terrorism Law consist of the types of criminal charge by death penalty and imprisonment for the person subject, and for the corporate subject trought fines as principal sentence and revocation of permits as the addtitional sanction. Adapted from the Academic Manuscript of the Amendment to Law 15/2003, the death penalty is still applied as the highest penalty in the Terrorism Law, which is based on the retributive paradigm.[34] Even tought the death penalty is contrary to human rights, the death penalty is still ussed by criminal justice system because of its benefits in controling crime.[35]. In every formulation of terrorism act regulated by Terrorism Law, prison sentences with minimum and maximum qualifications specifically threaten all forms of terrorism crimes. The types of criminal sanctions regulated in the Terrorism Law against forms of criminal acts are formulated as follows

TABLE 1. Sanctions for Forms of Terrorism

Forms of Criminal Acts		Criminal Sanctions
Consensus	Article 15	Same as criminal act completed
Preparation	Article 15	Same as criminal act completed
Experiment	Article 15	Same as criminal act completed
Inclusion		
Perpetrator (Plegen)	Article 6	The Death Penalty Life imprisonment Prison (5-20 Years)
	Article 7	Imprisonment for life
	Article 8	The Death Penalty Life imprisonment Prison (5-20 Years)

[34] Adapted from the Academic Manuscript of Amendments to Law No. 15 of 2003

[35] Emi Nugraheni Solihah and Ali Masyhar, "The Implementation of Capital Punishment in Indonesia: The Human Rights Discourse," *Journal of Law and Legal Reform* 2, no. 2 (2021): 321–28, https://doi.org/10.15294/jllr.v2i2.46625.

	Article 9	The Death Penalty Life imprisonment Prison (3-20 Years)
	Article 10	The Death Penalty Life imprisonment Prison (5-20 Years)
	Article 10A (depending on the delicacy)	The Death Penalty Life imprisonment Prison Crimes
	Article 12	Prison (3-15 Years)
	Article 13 letters b - c	Prison (3-15 Years)
	Article 13A	<5 Years Imprisonment
Participation (Medeplegen)	Article 15	Same as criminal act completed
Organizer (Uitloker)	Article 14	*Intellectual Actor* Same as criminal act completed
Repetition	Not regulated yet	

Sources: Law Number 5 of 2018

Meanwhile, the treatment sanction terminologgy of the double track system on Indonesian terrorism law are still positioned not as a sanction, but as a program outside of sanctions. The Terrorism Law states this as the Prevention of Terrorism Crimes regulated in Chapter VIIA which contains Article 43A, 43B, 43C, and 43D. Efforts to prevent terrorism crimes in the Terrorism Law do not directly regulate toward subject of terrorism crimes, perpetrators who need rehabilitative measures, but positioning towards the state's obligation to carry out rehabilitation and prevention programs for terrorism acts through preparedness, counter-radicalization, and deradicalization.

In the Terrorism Law, the regulation of terrorism prevention efforts that have proximity to the principle of treatment sanction (*maatregel*) can be identified in the deradicalization program. Terrorist deradicalization is defined as an effort to change and neutralize understanding annideology from radical to non-radical with the disengagement from terrorist organizations.[36] Proximity to treatment sanctions is measured through the similarity perspective of deradicalization purpose with the purpose of criminalization through treatment sanctions. However, the Terrorism Law does not directly regulate how efforts to prevent this crime of terrorism are carried out but only mandates that this prevention be carried out by a special counterterrorism agency based on the principles of human rights protection and the principle of prudence. Article 43B, 43C, and 43D state that further rules regarding terrorism prevention efforts are regulated through Government Regulations. Set of regulations regarding the approach to treatment (maatregel) in the Terrorism Law as follows

TABLE 2. Treatment Sanctions Approach in the Terrorism Law

Regulation	Material
Article 43A paragraph (3)	Prevention of Terrorism crimes is carried out, through: a. National preparedness b. Counter-radicalization c. Deradicalization
Article 43D paragraph (2)	Deradicalization is carried out to: a. suspect b. defendant c. convicts d. inmate e. Former Terrorism Convicts

[36] Edy Syahputra and Zora A. Sukabdi, "Deradikalisasi Mantan Narapidana Terorisme: Studi Kasus MW Alias WG," *Journal of Terrorism Studies* 3, no. 2 (2021): 1–21, https://doi.org/10.7454/jts.v3i2.1036.

	f. Exposed people/groups
Article 43D paragraph (4)	Deradicalization is given through the stage a. Identification and assessment b. Rehabilitation c. Re-education d. Social reintegration
Article 43D paragraph (5)	Deradicalization can be carried out through a. National Vision Building b. Construction of religious insight c. Entrepreneurship

Sources: Law Number 5 of 2018

Because this prevention effort is a program, not sanctional, it presents a challenge in the effectiveness of its implementation. Because of this, deradicalization for people who are classified as terrorists does not have an achievement's measure of the implementation and deradicalization successness. The ineffectiveness of deradicalization is triggered by the absence of clear and firm regulations, which has implications for the unpreparedness of human resources and infrastructure.[37]

Even though the double track system is still not strictly regulated, implemented and still faces a challenge in countering terrorism in Indonesia, the basic idea of the double track system principle which refers to individualism of establishment and improvement has also begun to be implemented inexplicitly. It can be seen from several terrorism crime decisions that in the consideration of the panel of judges, the judge has considered that the purpose of imposing a sentence on terrorism defendants is rehabilitative and reintegrative. Data from *Central Detention*

[37] Pratama Maulidyawanto, Hernawati RAS, and Nandang Sambas, "Penanganan Radikalisme Melalui Program Deradikalisasi Sebagai Upaya Untuk Mencegah Tindak Pidana Terorisme Di Indonesia," *Jurnal Hukum Lex Generalis* 4, no. 2 (2023): 155–69, https://doi.org/10.56370/jhlg.v4i2.301.

Studies collects that from at least 2011 to 2025 there have been 219 decisions that have considered the rehabilitative factors of the purpose of imposing a penalty, including decision number 698/Pid.Sus/2024/PN.Jkt.Brt; decision number 2134/Pid.B/2011/PN. JKT. PST; and decision number 737/Pid.Sus/2022/PN Jkt.Tim.

In terms of the implementation of deradicalization as an effort to improve terrorism perpetrators, Aisy in study entitled "Non-Penal Deradicalization of Former Terrorist Prisoners (Study at Lingkar Perdamaian Foundation)" has shown the progress of rehabilitative efforts to improve the behavior of terrorism perpetrators.[38] This research also proves the flexibility of the implementation of deradicalization in Indonesia as an effort to counter terrorism without reducing the essence of the program's objectives can be implemented by NGO. The implementation of the deradicalization program is carried out through various short-term and long-term programs intended to empower survivors of terrorism in all aspects of life and society as well as disengagement from interactions that lead to terrorism. The prevention of radicalization still necessery as a part of terrorism preventive measures.[39]

In Indonesia, the renewal of the pattern of imposing sanctions with the concept of a double track system has been adopted in the Nusantara Criminal Code that will take effect in the future. In the Nusantara Criminal Code, the concept of guidelines for the imposition of future sanctions is based on the goal of a more dignified criminal justice system whose interests lead to the protection of the community and the development of

[38] Aisy, "Non-Penal Deradicalization Of Former Terrorist Prisoners (Study at Lingkar Perdamaian Foundation)."

[39] Ali Masyhar et al., "Digital Transformation of Youth Movement for Counter Radicalism," in *AIP Conference Proceedings*, 2022, 2573, https://doi.org/10.1063/5.0109808.

perpetrators.[40] This is represented in Chapter III on Criminalization, Sentence, and Treatment which states that criminalization aims to prevent the commission of criminal acts for the protection and protection of the community, socialize convicts, resolve conflicts due to criminal acts, and foster a sense of remorse for the perpetrator. In line with the double track system paradigm, therefore in imposing sanctions, the Nusantara Criminal Code regulates the form of criminal sanctions and actions as follows.

TABLE 3. Sanctions Types of the Nusantara Criminal Code

Sentence	Treatment
Base	Common
b. Prison sentences c. Criminal Cover d. Criminal surveillance e. Criminal fines f. Social work crimes	a. Counseling b.Rehabilitation c. Job training d.Treatment in the institution e. Corrections due to criminal acts
Addition	Special (Articles 38 and 39)
a. Revocation of certain rights b. Confiscation of goods c. Announcement of the Judge's Son d. Compensation Payments e. Revocation of certain permits f. Fulfillment of customary obligations	a. Rehabilitation b. surrender to someone c. Treatment at the institution d. Submission to the Government e. Psychiatric Treatment

[40] Noveria Devy Irmawanti and Barda Nawawi Arief, "Urgensi Tujuan Dan Pedoman Pemidanaan Dalam Rangka Pembaharuan Sistem Pemidanaan Hukum Pidana," *Jurnal Pembangunan Hukum Indonesia* 3, no. 2 (2021): 217–27, https://doi.org/10.14710/jphi.v3i2.217-227.

Death penalty (threatened alternative)

Sources: Law Number 1 of 2023

Regulation of imposing sanction's pattern through the Nusantara Criminal Code is a new regulatory model that explicitly regulates the implementation of the double track system in the criminal justice system in Indonesia. The formulation of the pattern of imposing sentence and treatment initiated by this criminal code can at least acted as a basis for the development of a double track system in the framework of counter-terrorism measure in the future law system. In addition, the foundation of this double track formulation can at least be used as a benchmark for the achievement of the implementation of the double track system principle in the Indonesian legal system. In the Indonesian context, sanction system reforms can be considered as a progressive step towards a legal system whose values are more fundamental to the state philosophy, Pancasila.[41] Because in fact, as a dignified Indonesian nation, the paradigm of building a legal system is built on the basis of Pancasila values.[42]

B. Ideal Formulation for Double Track System in Indonesia Terrorism Regulation

The current arrangement for countering terrorism crimes still faces imoptimality and challenges in solving the complexity of

[41] Iswara, Oka, and Darmadi, "Pengaturan Double Track System Pada Ketentuan Pidana Di Indonesia (Dalam Perspektif Pembaharuan Hukum Pidana)."

[42] Shidarta Shidarta, "Bernard Arief Sidharta: Dari Pengembanan Hukum Teoretis Ke Pembentukan Ilmu Hukum Nasional Indonesia," *Undang: Jurnal Hukum* 3, no. 2 (2020): 441–76, https://doi.org/10.22437/ujh.3.2.441-476.

terrorism problems in Indonesia. The Terrorism Law has not been able to comprehensively accommodate the aspects of countering terrorism. The law enforcement approach through the Terrorism Law, when viewed from the pattern of regulation and imposition of sanctions using a single-track system, still raises several ongoing problems that have not been resolved. Extraordinary measures in responding to terrorism in its position as an extraordinary crime have not been fully accommodated through a single sanction as a consequence of the law enforcement approach.

The current Terrorism Law is faced with the challenge of developing forms of terrorism crimes as a consequence of the development of motives and methods of terrorism crimes. Acts of terrorism continue to develop following the dynamics of the times. David C. Rapoport and added by Jeffrey D. Simon as quoted by Anakotta stated that there were five waves of terrorism evolution including the Anarchist Wave (1880s), Anti-Colinial Wave (1920s), New Left Wave (1960s), Religious Wave (started in 1979 and still ongoing today), and Technological Wave which is the embryo of a new-wave of terrorism whose trend is developing recently along with the development of digitalization technology.[43]

The Indonesia terrorism trends, which is and is still growing in the last decade, tends to be motivated by the last two waves, namely the religious wave and the technological wave. The two terrorism currents can each stand alone and can intervene with each other, for example, terrorism based on religious factors carried out with technological means. Technological intervention in terrorism has had a great influence on the dynamics of terrorism in the modern era in Indonesia. Through the use of technology, terrorism is now becoming more and more real even without direct attacks loaded with violent elements, but the effects or essential elements

[43] Anakotta, "AI: A New Lone-Wolf Terrorism In The Digital Era (Preliminary Analysis)."

of terror that provide a broad fear effect can be fulfilled. Information and communication technology through cyberspace has been used for terrorism perpetrators as a means of terror through the spread of propaganda, calls for action, recruitment, attacks on data and cyber facilities, as well as the spread of news and threats of a terror nature.[44]

This phenomenon will have the potential for the development of forms of criminalization and terrorism criminal acts in Indonesia that arises because of the easiest terrorism access to the community with various forms. This risk has occurred in the Boston Bombing incident whose investigation revealed that no background of affiliation and coordination of the perpetrators with terrorist groups was found and based the attack on ethnic disparities whose preparation was purely self-taught by the internet as a reference to form explosives.[45]

This trend has also been identified in Indonesia. Various terrorist attacks that are not concentrated on large attacks and do not involve a large number of perpetrators have been recorded in Indonesian jurisdiction, show that terrorism cells are still growing rapidly in Indonesia even though counterterrorism policies have been in place since the end of 2001. It can be reviewed from the National Counter Terrorism (BNPT) report in the book "Narrative and Propaganda Map of Radical Terrorism in Online Media in 2023" said that as of 2023, a number of content circulating through social media will still be found with content

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[44] Claire Seungeun Lee et al., "Mapping Global Cyberterror Networks: An Empirical Study of Al-Qaeda and ISIS Cyberterrorism Events," *Journal of Contemporary Criminal Justice* 37, no. 3 (2021): 333–55, https://doi.org/10.1177/10439862211001606.

[45] Daniel S. Hunt and Gerard Jalette, "The Boston Marathon Bombings: A Case Study in Visual Framing Ethics," *Journal of Media Ethics: Exploring Questions of Media Morality* 36, no. 2 (2021): 111–26, https://doi.org/10.1080/23736992.2021.1899825.

that leads to terrorism. BNPT considers that the content is radically built through a number of sensitive issues such as counter-government, religious issues, identity politics, and calls for war.[46] Such a condition certainly exacerbates the challenge of countering terrorism crimes in Indonesia. The wider the facilities, ecosystems, and undetected spread of terrorism actually increases the risk of the continued occurrence of various forms of terrorism crimes, both consensus, experimentation, and repetition of terrorist crimes. This is because they tend to be isolated and untouched by the counter-terrorism system.

Almost every act of terrorism is always based on motives and triggering factors. In the perspective of criminal sociology, Cohen and Marcus (1979) in an article entitled "Social Change and Crime Rate Trends" explain the theory called “Routine Activity Approach” which states that crime occurs due to the presence of three elements including the motivation of the perpetrator, suitable target, and inability to secure.[47] In terrorism that has occurred in Indonesia, these three elements are very crucial in the realization of acts of terrorism considering that this crime is a crime that is not simple because terrorism is a desire that is also the result of the accumulation of these three elements. The perpetrator's motivation can come from complex backgrounds such as ideology, religion, crime, and politics triggered by social inequality factors.[48] Looking at the terrorism incidents that have occurred, the pattern of

[46] See Lihat ‘Peta Narasi dan Propaganda Paham Radikal Terorisme Di Media Online Tahun 2023’ (2023), Subdit Kontra Propaganda Direktorat Pencegahan Deputi Bidang Pencegahan, Perlindungan, dan Deradikalisasi, BNPT RI.

[47] Fernando Miro, “Routine Activity Theory,” in *The Encyclopedia of Theoretical Crimonology* (Blackwell Publishing, 2014), https://doi.org/10.1002/9781118517390/wbetc198.

[48] Masyhar, *Gaya Indonesia Menghadang Terorisme : Sebuah Kritik Atas Kebijakan Hukum Pidana Terhadap Tindak Pidana Terorisme Di Indonesia*.pp 50-54

determining the target of attacks tends to lead to targets that are not defined but have a certain image to convey a message of terror to the wider community. In addition, terrorism acts are generally carried out in a trained way or method and a high level of skill, therefore this often creates gaps for the security system. Therefore, when viewed from the perspective of this theory, it is important that in terms of countering terrorism it is necessary to provide treatment to eliminate these three elements completely.

The current regulations raise a number of further problems, including the ineffectiveness of coaching programs through deradicalization for survivors of terrorism, the overcapacity of correctional institutions that increase the risk of radicalization and indoctrination in prisons, and the insynchronization of legal objectives with the implementation at a practical level regarding corrective efforts for survivors of terrorism as an integral part of countering terrorism due to vacancies law. The ineffectiveness of the implementation of deradicalization as an effort to improve behavior is a factor in the recurrence of terrorism crimes.[49] The repetition of terrorism acts can occur due to the influence of terrorist movements that are still strong, inherent labeling by the community, suboptimal deradicalization programs, and unwillingness of terrorism perpetrators to participate in deradicalization programs.[50] Imprisonment as a single sanction for terrorism acts can trigger over-capacity in correctional institutions so that sanctions modifications are needed that lead to the release of dependence on prison sentences.[51] Overcrowding in prisons that

[49] Hidayatullah and Maskur, "Pertanggungjawaban Pidana Terhadap Pelaku Tindak Pidana Terorisme Yang Berkualifikasi Residivis Di Indonesia (Studi Komparasi Negara Armenia)."

[50] Hidayatullah and Maskur.

[51] Cameron and Maskur, "Modification Of Prison Sanctions As An Effort To Overcome Over Capacity In Prisons In Indonesia : Upaya Mengatasi Overkapasitas Dalam Lapas Di Indonesia."

are not managed properly raises the risk of radicalization and indoctrination in prisons due to the absence of disengagement who are qualified for terrorism.[52]

From a legal perspective, this phenomenon concludes that the current Terrorism Law has not been able to present an integrative and total extraordinary measure so that it has an impact on the lack of optimal handling and countering terrorism in Indonesia. As a respond, the concept of reforming criminal policy through the implementation of a double track system can be used as a renewal ideal criminal policies formulation to optimization in overcoming terrorism crimes. Sentences can be used as a means of suffering for perpetrators with the intention of causing a deterrent effect. The deterrent effect of punishment is not only intended as a form of misery, but also a preventive effort so that crimes doesn't recur[53]. Meanwhile, treatment is a means of criminal law policy with the intention of resocializing perpetrators through the disengagement of radicalism-extremism cells that lead to terrorism.

"Het Recht Hink Achter De Feiten Aan" that the law will always lag behind the events it regulates becomes a necessity also in criminal law that criminal law needs to always develop and be renewed following the development of criminal offenses. Legal reform is a process of testing and formulation by law-making authority to assess whether the applicable legal norms have been effective in achieving legal objectives and closing *the legal gaps* between *das sein* and *das sollen*.[54] Progressiveness and

[52] Laode Arham, "Budaya Penjara, Subkultur Terorisme Dan Radikalisasi: Perspektif Kriminologi Budaya," *Journal of Terrorism Studies* 2, no. 2 (2020), https://doi.org/10.7454/jts.v2i2.1023.

[53] Cindy Dalli Puspitomanik, Mardika, and Rahady Dirgantara Siagian, "Penerapan Efek Jera Dalam Menjatuhkan Sanksi Pidana Narkotika (Studi Kasus Putusan Nomor 227/Pid.Sus/2018/PT.DKI)," *Justitia Jurnal Hukum* 1, no. 6 (2021): 1–16.

[54] Teguh Prasetyo, Pembaharuan Hukum Perspektif Teori Keadilan Bermartabat (Malang: Setara Press, 2017) : 5-7.

modernization of the law present several new views, thoughts, and schools of interpretation in the interpretation of law, one of which is the Neo-Classical sect whose realization of the purpose of criminal law is oriented towards criminal acts and perpetrators of criminal acts (*daad-dader strafrecht*).[55]

Therefore, departing from these legal facts, legal reform is needed in the form of a reformulation of the policy regulating the pattern of imposing sanctions on terrorism crimes in Indonesia. Based on the theory of policy formulation within the framework of crime prevention policy by Marc Ancel and Hoefnagels developed by Barda N. Arief,[56] the formulation of a double track system policy for countering terrorism crimes becomes logical and rational. The renewal of the formulation with the concept of a monodualistic balance of sanctions, penalties and actions, in a juridical perspective can legitimize efforts to take a penal and non-penal approach in countering terrorism in Indonesia. This has positive implications for a more measurable countermeasures pattern and has the same reference in every effort to tackle terrorism crimes. With the legitimacy of sentence and treatment as an effort to counter terrorism, it will facilitate a more centralized and coordinated law implementation practice.

Viewed from the perspective of legal theory, the implementation of the double track system as a step to reform the penal policy to counter terrorism in Indonesia can be strengthened by contemporary criminal theory. Contemporary criminal theory was pioneered by Wayne R. Lavafe which in Indonesia was popularized by Eddy O.S. Hiariej, emphasizing the combination of

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[55] Eddy O.S. Hiariej, *Principles of Criminal Law* (Yogyakarta: Cahaya Atma Pustaka, 2016): 31-34.

[56] Mahrus Ali, "Kebijakan Penal Mengenai Kriminalisasi Dan Penalisasi Terhadap Korporasi (Analisis Terhadap Undang-Undang Bidang Lingkungan Hidup)," *Pandecta* 15, no. 2 (2020): 261–72, http://journal.unnes.ac.id/nju/index.php/pandecta/article/view/23833.

three legal theories embodied in sub-theories including the deterrent effect, education, rehabilitation, social control, and restorative justice. Contemporary criminal theory emphasizes the existence of a special preventive effect through the separation of punishment from punishment as a crime (*poenae ut poenae*) and punishment as a medicine (*poenae ut medicine*) which is built from the philosophy of *"nemo prudens punit, quita pecatum, sed ne peccetur"* which means that a wise person does not punish for committing a sin (mistake), but so that sin does not occur again.[57]

The renewal of the concept of a double track system for the pattern of imposing sanctions on terrorism crimes in Indonesia is able to provide solutions to the complexity of counterterrorism problems. Departing from the framework of thought based on contemporary criminal theory, the countering of terrorism requires special measures which therefore cannot be seen through a retributive perspective alone. Facing the complexity of the development of terrorism with its various developments, on the one hand it requires a detterence effect but on the other hand cannot rule out the corrective and rehabilitative elements through deradicalization as an effort to combat terrorism totally. The two elements work holistically which will be optimal if they are moved within the framework of a double track system whose material properties are relatively similar.

As an idea to update the formulation, a double track system that carries a model of imposing monodualistic sanctions in the crime of terrorism, the formulation needs to be reformulated based on the needs of countering terrorism. In this research, the need to update the policy of the pattern of imposing sanctions through a double track system for terrorism crimes in Indonesia is based on: (1) the development of the forms, motives, and methods of

[57] Syarif Saddam Rivanie et al., "Perkembangan Teori-Teori Tujuan Pemidanaan," *Halu Oleo Law Review* 6, no. 2 (2022): 176–88, https://doi.org/10.33561/holrev.v6i2.4.

terrorism crimes due to the development of the times, (2) the ineffectiveness and lack of optimal law enforcement in countering terrorism through the Terrorism Law, and (3) the renewal of the national legal paradigm. The basis for the formulation of sentence and treatment in the idea of reforming sanctions for terrorism crimes can be traced through the Nusantara Criminal Code as the head of materinial criminal law in Indonesia which has separated sentence and treatment, and the Terrorism Law which has contained the basic idea of a double track system approach in countering terrorism in Indonesia. The ideal formulation form for type of sanction in terrorism crime can be

TABLE 4. Updating Idea of Sanctions of Terrorism Law

Sentence	Treatment
Base	Common
a. Prison Crimes b. Criminal Cover c. Criminal Supervision	a. Counseling b. Rehabilitation c. Job training d. Treatment in the institution
Addition	Special (for the child defendant)
a. Revocation of certain rights b. Confiscation of goods C. Announcement of the Judge's Decision d. Revocation of certain permits	a. Submission to parents b. Treatment in educational institutions
Death penalty (threatened alternative)	

Sources: author

The definition and reference to the implementation of criminal offenses refers to the head of the Criminal Code. Meanwhile, the treatments sanction in this formulation is intended as a step to improve behavior through a penal approach. This means

that if the judge decides that the defendant is sanctioned for treatment, the state is obliged to provide the means and facilities for the implementation of sanctions and the defendant is obliged to carry out the sanction verdict.

In addition to the reformulation of the types and forms of criminal sanctions and actions, the effectiveness and optimization of the double track system as a counterterrorism policy also needs to be in accordance with the forms of terrorism offenses. As described above, terrorism continues to develop and mutates in increasingly varied forms of implementation, for example with the use of technology and cyberspace. For this reason, it is necessary to formulate how the type of sanctions are applied to forms of terrorism crimes. The enactment of the type of sanction action can be adopted from the concept of deradicalization as one of the goals of countering terrorism which is based on identification and assessment. Identification and assessment need to be carried out on the degree of delicacy and pay attention to the degree of radicalization and the position of the defendant in his involvement in terrorism. The form of adjustment of the type of sanction with the form of terrorism crime as an idea to update the pattern of imposing sanctions is as follows.

TABLE 5. Sanctions Pattern Renewal Ideas

Shape	Degree of Lightweight	Degree of Weight
Consensus	- Treatment	- Maximum penalty of 1/2 of the main threat - Treatment

Preparation	- Maximum penalty of 1/2 of the main threat - Treatment	- Maximum criminal offense of 2/3 of the main threat - Treatment
Experiment	- Maximum criminal offense of 2/3 of the main threat - Treatment	- Same as criminal act completed - Treatment
Inclusion		
Perpetrator (Plegen)	- Prison Crimes - Criminal Supervision - Treatment	- The Death Penalty - Prison Crimes - Criminal Supervision - Treatment
Participate (Medeplegen)	- Prison Crimes - Criminal Supervision - Treatment	- Prison Crimes - Criminal Supervision - Treatment
Organizer (Uitloker)	*intellectual actor* - Prison Crimes - Criminal Supervision - Treatment	*intellectual actor* - The Death Penalty - Prison Crimes - Criminal Supervision - Treatment
Repetition	- The Death Penalty - Prison Crimes - Treatment	- The Death Penalty - Prison Crimes - Treatment

Sources: author

IV. Conclusion

Countering terrorism through the Terrorism Law is still not optimal and still poses a number of further problems. The nature of terrorism in Indonesia continues to develop and be dynamic which is possible in various forms, including the use of technology. Terrorism occurs due to the accumulation of various factors, including the motivation of the perpetrators, suitable targets, and weak security and countermeasures against terrorism. In addition, the current regulators of terrorism in the current legal system are still faced with further problems regarding the effectiveness of the single-track system in the Terrorism Law as an integral part of countering terrorism and the renewal of the national legal paradigm carried out by Nusantara Criminal Code. The concept of a double track system can be presented as a solution in countering terrorism crimes based on a penal approach in the framework of handling through law enforcement. The idea of renewing the double track system sanction pattern that carries the monodualism of sanctions, criminals and actions, is built based on the need to counter terrorism including the development of the terrorism model, the need to modify the dependence on prison penalties, and the legitimacy of the coaching program as an effort to combat terrorism as a total through deradicalization. This idea of reform is built and carried out in line with the legal reforms that have been carried out through the Nusantara Criminal Code and the basic idea of the principle of establishment and behavior improvement that has been carried out in the Terrorism Law. Thus, the implementation of the double track system can be used as an integral part of holistic and total counterterrorism efforts.

V. References

Adi Riyanto, Tiar. "Fungsionalisasi Prinsip Dominus Litis Dalam Penegakan Hukum Pidana Di Indonesia." *Jurnal Lex*

Renaissance 6, no. 3 (2021): 481–92. https://doi.org/10.20885/jlr.vol6.iss3.art4.

Aisy, Rohadhatul. "Non-Penal Deradicalization Of Former Terrorist Prisoners (Study at Lingkar Perdamaian Foundation)." *Journal of Law and Legal Reform* 2, no. 2 (2021): 243–62. https://doi.org/10.15294/jllr.v2i2.46487.

Ali, Mahrus. "Kebijakan Penal Mengenai Kriminalisasi Dan Penalisasi Terhadap Korporasi (Analisis Terhadap Undang-Undang Bidang Lingkungan Hidup)." *Pandecta* 15, no. 2 (2020): 261–72. http://journal.unnes.ac.id/nju/index.php/pandecta/article/view/23833.

Anakotta, Yeksi Marthsian. "Ai: A New Lone-Wolf Terrorism In The Digital Era (Preliminary Analysis)" 6, no. 2 (2024). https://doi.org/10.7454/jts.v6i2.1083.

Arham, Laode. "Budaya Penjara, Subkultur Terorisme Dan Radikalisasi: Perspektif Kriminologi Budaya." *Journal of Terrorism Studies* 2, no. 2 (2020). https://doi.org/10.7454/jts.v2i2.1023.

Arief, Barda Nawawi. *Bunga Rampai Kebijakan Hukum Pidana (Perkembangan Penyusunan Konsep KUHP Baru)*. Jakarta: Prenamedia Group, 2016.

Cameron, Calvin, and Muhammad Azil Maskur. "Modification Of Prison Sanctions As An Effort To Overcome Over Capacity In Prisons In Indonesia : Upaya Mengatasi Overkapasitas Dalam Lapas Di Indonesia." *Anual Review of Legal Studies* 1, no. 3 (2024): 741–66. https://doi.org/10.15294/arls.vol1i3.11200.

Conflict, Institute for Policy Analysis of. "The Released Operatives: Umar Patek, Idris, Masykur Abdul Kadir, And Hernianto." *Retribution Vs Rehabilitation:* The Treatment Of The Bali Bombers. Institute for Policy Analysis of Conflict, May 18, 2023. http://www.jstor.org/stable/resrep51369.7.

Disemadi, Hari Sutra. "Lenses of Legal Research: A Descriptive Essay on Legal Research Methodologies." *Journal of Judicial Review* 24, no. 2 (2022): 289. https://doi.org/10.37253/jjr.v24i2.7280.

Fajar, Mukti, and Yulianto Achmad. *Dualisme Penelitian Hukum Normatif & Empiris*. Yogyakarta: Pustaka Pelajar, 2015.

Handayani, Emi Puasa, Zainal Arifin, and Zico Junius Fernando. "Criminal Penalties in Cyberspace : Between the Development of Digital Democracy and Authoritarianism." *Indonesian Journal of Criminal Law Studies* 10, no. 1 (2025): 45–82. https://doi.org/https://doi.org/10.15294/ijcls.v10il.19652.

Hariyono, Benny. "Penanggulangan Tindak Pidana Terorisme Melalui Pencegahan Pendanaan Terorisme Di Perkotaan Dengan Penerapan Sanksi Double Track System." *Jurnal Hukum De Lege Ferenda Trisaksi* 3, no. 1 (2025): 1–8. https://doi.org/10.25105/ferenda.v3i1.22559.

Hassan, Muhammad Haniff Bin. "Imam Samudra's Justification for Bali Bombing." *Studies in Conflict and Terrorism* 30, no. 12 (2007): 1033–56. https://doi.org/10.1080/10576100701670896.

Hiariej, Eddy O.S. *Prinsip-Prinsip Hukum Pidana*. Yogyakarta: Cahaya Atma Pustaka, 2016.

Hidayatullah, Saifun Sakti, and Muhammad Azil Maskur. "Pertanggungjawaban Pidana Terhadap Pelaku Tindak Pidana Terorisme Yang Berkualifikasi Residivis Di Indonesia (Studi Komparasi Negara Armenia)" 7, no. 1 (2025): 15–32.

Hunt, Daniel S., and Gerard Jalette. "The Boston Marathon Bombings: A Case Study in Visual Framing Ethics." *Journal of Media Ethics: Exploring Questions of Media Morality* 36, no. 2 (2021): 111–26. https://doi.org/10.1080/23736992.2021.1899825.

Irmawanti, Noveria Devy, and Barda Nawawi Arief. "Urgensi

Tujuan Dan Pedoman Pemidanaan Dalam Rangka Pembaharuan Sistem Pemidanaan Hukum Pidana." *Jurnal Pembangunan Hukum Indonesia* 3, no. 2 (2021): 217–27. https://doi.org/10.14710/jphi.v3i2.217-227.

Iswara, Arya Agung, A A Ngurah Oka, and Yudistira Darmadi. "Pengaturan Double Track System Pada Ketentuan Pidana Di Indonesia (Dalam Perspektif Pembaharuan Hukum Pidana)." *Jurnal Kertha Semaya* 11, no. 3 (2023): 535–44. https://doi.org/10.24843/KS.2023.v11.i03.p7.

Kenyon, Jonathan, Christopher Baker-Beall, and Jens Binder. "Lone-Actor Terrorism–A Systematic Literature Review." *Studies in Conflict and Terrorism* 46, no. 10 (2023): 2038–65. https://doi.org/10.1080/1057610X.2021.1892635.

Kraft, Michael B., and Edward Marks. *U.S. Goverment Counterterrorism : A Giude to Who Does What*. Boca Raton: CRC Press, 2012.

Lee, Claire Seungeun, Kyung Shick Choi, Ryan Shandler, and Chris Kayser. "Mapping Global Cyberterror Networks: An Empirical Study of Al-Qaeda and ISIS Cyberterrorism Events." *Journal of Contemporary Criminal Justice* 37, no. 3 (2021): 333–55. https://doi.org/10.1177/10439862211001606.

Lubis, Arief Fahmi. "Perubahan Model Ancaman Terorisme Ditinjau Dalam Hukum Tata Negara Di Indonesia." *Ideas: Jurnal Pendidikan, Sosial, Dan Budaya* 7, no. 3 (2021): 251. https://doi.org/10.32884/ideas.v7i3.382.

Marzuki, Peter Mahmud. *Penetilian Hukum Edisi Revisi*. Jakarta: KENCANA, 2017.

Masyhar, Ali. *Gaya Indonesia Menghadang Terorisme : Sebuah Kritik Atas Kebijakan Hukum Pidana Terhadap Tindak Pidana Terorisme Di Indonesia*. Bandung: Mandar Maju, 2009.

———. "Urgensi Revisi Undang-Undang Terorisme." *Masalah-*

Masalah Hukum 45, no. 1 (2016): 29–30. https://doi.org/10.14710/mmh.45.1.2016.25-32.

Masyhar, Ali, Muhammad Azil Maskur, Sri Redjeki Prasetyowati, Aldita Evan Prihama, Roy Priyono, and Ahmad Alif. "Digital Transformation of Youth Movement for Counter Radicalism." In *AIP Conference Proceedings*, 2573, 2022. https://doi.org/10.1063/5.0109808.

Masyhar, Ali, Indah Sri Utari, Usman, and Ahmad Zaharuddin Sani Ahmad Sabri. "Legal Challenges of Combating International Cyberterrorism: The NCB Interpol Indonesia and Global Cooperation." *Legality: Jurnal Ilmiah Hukum* 31, no. 2 (2023): 344–66. https://doi.org/10.22219/ljih.v31i2.29668.

Maulidyawanto, Pratama, Hernawati RAS, and Nandang Sambas. "Penanganan Radikalisme Melalui Program Deradikalisasi Sebagai Upaya Untuk Mencegah Tindak Pidana Terorisme Di Indonesia." *Jurnal Hukum Lex Generalis* 4, no. 2 (2023): 155–69. https://doi.org/10.56370/jhlg.v4i2.301.

Miro, Fernando. "Routine Activity Theory." In *The Encyclopedia of Theoretical Crimonology*, 1–7. Blackwell Publishing, 2014. https://doi.org/10.1002/9781118517390/wbetc198.

Niasar, Anggi. "Strategi Lobi Dan Negosiasi Proses Legislasi Undang-Undang Pemberatasan Tindak Pidana Terorisme." *Jurnal InterAct* 9, no. 1 (2020). https://doi.org/10.25170/interact.v9i1.1710.

Perdana, Cipi. "Rekonstruksi Pemidanaan Pelaku Tindak Pidana Terorisme Di Indonesia." *Jurnal Hukum IUS QUIA IUSTUM* 23, no. 4 (2016): 672–700. https://doi.org/10.20885/iustum.vol23.iss4.art8.

Prasetyo, Teguh. *Pembaharuan Hukum Perspektif Teori Keadilan Bermartabat*. Malang: Setara Press, 2017.

Prawiraharjo, Bagus Satrio Utomo. "Implementasi Ide Keseimbangan Monodualistik Dalam Undang-Undang

Nomor 1 Tahun 2023 Tentang Kitab Undang-Undang Hukum Pidana." *Jurnal Hukum Progresif* 11, no. 2 (2023): 159–71. https://doi.org/10.14710/jhp.11.2.159-171.

Puspitomanik, Cindy Dalli, Mardika, and Rahady Dirgantara Siagian. "Penerapan Efek Jera Dalam Menjatuhkan Sanksi Pidana Narkotika (Studi Kasus Putusan Nomor 227/Pid.Sus/2018/PT.DKI)." *Justitia Jurnal Hukum* 1, no. 6 (2021): 1–16.

Rivanie, Syarif Saddam, Syamsuddin Muchtar, Audyna Mayasari Muin, A.M. Djaelani Prasetya, and Ali Rizky. "Perkembangan Teori-Teori Tujuan Pemidanaan." *Halu Oleo Law Review* 6, no. 2 (2022): 176–88. https://doi.org/10.33561/holrev.v6i2.4.

Roach, Kent. *The 9/11 Effect : Comparative Counter-Terrorism*. New York: Cambridge University Press, 2011.

Rucktäschel, Kathrin, and Christoph Schuck. "An Analysis of Counterterrorism Measures Taken by Indonesia since the 2002 Bali Bombings." *Pacific Review* 33, no. 6 (2020): 1022–51. https://doi.org/10.1080/09512748.2019.1627485.

Shidarta, Shidarta. "Bernard Arief Sidharta: Dari Pengembanan Hukum Teoretis Ke Pembentukan Ilmu Hukum Nasional Indonesia." *Undang: Jurnal Hukum* 3, no. 2 (2020): 441–76. https://doi.org/10.22437/ujh.3.2.441-476.

Sholehuddin, M. *Sistem Sanksi Dalam Hukum Pidana : Ide Dasar Double Track System & Implementasinya*. 1st ed. Jakarta: RajaGrafindo Persada, 2004.

Solihah, Emi Nugraheni, and Ali Masyhar. "The Implementation of Capital Punishment in Indonesia: The Human Rights Discourse." *Journal of Law and Legal Reform* 2, no. 2 (2021): 321–28. https://doi.org/10.15294/jllr.v2i2.46625.

Syahputra, Edy, and Zora A. Sukabdi. "Deradikalisasi Mantan Narapidana Terorisme: Studi Kasus MW Alias WG." *Journal of Terrorism Studies* 3, no. 2 (2021): 1–21.

https://doi.org/10.7454/jts.v3i2.1036.
Widiarty, Wiwik Sri. *Buku Ajar Metode Penelitian Hukum*. Yogyakarta: Publika Global Media, 2024.

Acknowledgment

None

Funding Information

None

Conflicting Interest Statement

There is no conflict of interest in the publication of this article.

Publishing Ethical and Originality Statement

All authors declared that this work is original and has never been published in any form and in any media, nor is it under consideration for publication in any journal, and all sources cited in this work refer to the basic standards of scientific citation.