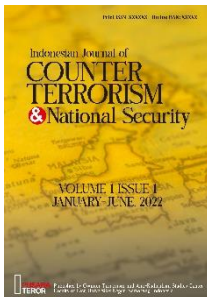


The Urgency of Completing Revision of Indonesia's Anti-Terrorism Law

Ridho Dwiki Tastama*

Universitas Negeri Semarang, Indonesia



ABSTRACT: On 18 October 2002, Anti-Terrorism Law was signed into law by Megawati Soekarnoputri. This kind of law has caused a significant legal controversy because this law was signed only six days after the infamous Bali Bombings took place on 12 October 2002. The Law itself had first been drafted in 2002 more precisely in April in response to the then most recent terrorist incident which opened the eyes of global citizens from the danger of terrorism, the 9/11 incident in New York 2001. From 2002, The Anti-Terrorism LAW has been used to punish and investigate those who involved in the many incidents such as the bombing of the Marriot Hotel in 2003, the Australian Embassy incident in September 2004, and the round two of Bali bombing which took place in October 2005. Since 2005 the proposed revision of the Anti-Terrorism Law has been getting stronger. The proposed revision mainly talks about the addition of term of arrest and detention.

KEYWORDS: Anti-Terrorism, Counter Terrorism, Anti Radicalism



Copyright © 2022 by Author(s). This work is licensed under a Creative Commons Attribution-ShareAlike 4.0 International License. All writings published in this journal are personal views of the authors and do not represent the views of this journal and the author's affiliated institutions.

How to cite:

Tastama, Ridho Dwiki. "The Urgency of Completing Revision of Indonesia's Anti-Terrorism Law". *Indonesian Journal of Counter Terrorism and National Security* 1, No. 1 (January-June, 2022): 1-20. <https://doi.org/10.15294/counterterrorism.v1i1.xxxx>

* Corresponding author's email: dodotastama@gmail.com

Submitted: 12/11/2021 Reviewed: 11/12/2021 Revised: 10/01/2022 Accepted: 20/01/2022

I. INTRODUCTION

Recent crimes, not only in the form of conventional crimes such as theft, murder, robbery, rape and so on, but have led to organized crime, white collarcrime, top hat crime, cyber crime, corruption, terrorist terrain. The latest crimes of crime can not be repudiated by regular conventional laws and regulations, because they are "extraordinary crimes" that require "extraordinary measures" as well. The crime of extraordinary crime which has recently become the focus, not only the Indonesian government but also the international spotlight, is terrorism.¹ This is because terrorists are "*humanist hostis generis*" enemies of mankind.² The fight against terrorism is like

¹ Francisco Galamas, "Terrorism in Indonesia: an overview." *Research Papers* 4, No. 10 (2015); Zora Sukabdi, "Terrorism in Indonesia: A review on rehabilitation and deradicalization." *Contemporary Voices: St Andrews Journal of International Relations* 6, No. 2 (2015); Aryono D Pusponegoro, "Terrorism in Indonesia." *Prehospital and disaster medicine* 18, No. 2 (2003): 100-105.

² The term terrorism was originally used to designate an enemy of a territorial or cultural dispute against an ideology or religion that commits acts of violence against the public. Meanwhile, terrorists are individuals who are personally involved in acts of terrorism. The international provisions that define terrorism are Article 1 paragraph (2) of The League of Nations by the adoption of a Convention for the Prevention and Punishment of Terrorism which states that: ... *acts of terrorism [as] criminal acts directed against a State and intended or calculated to create a state of terror in the minds of particular persons, or groups of persons or the general public*. Based on the characteristics of terrorism, there are similarities in characteristics with serious human rights violations, especially crimes against humanity regulated by international rules and the Law on Human Rights Courts. In terms of crimes against humanity in the 1998 Rome Statute, there are several important characteristics, namely the existence of attacks (attack), the existence of attacks that are broad (widespread) or systematic, the existence of actions that are part (as a part of) attacks that are broad in nature and systematic, and what is meant by knowledge of the attack. For futher discussion concerning to this issue *terrorism as hostis humani generis*, please see Guy B. Roberts, "Hostis Humani Generis: The threat of WMD terrorism and how NATO is facing the ultimate threat." *Defence against*

fighting against a guerrilla group with an opponent and an obscure strategy. The regime was made unprepared for terrorism in Bali in 2002. The condition is quite reasonable because Indonesia did not have a law that regulate the eradication of crime-terrorism.³

Before we start, it seems nice to begin with the definition of terrorism. Terrorism comes from the word Terror which comes from Latin *terrere*, which means “tremble” or “frighten.” Which is similar to fear, panic, and anxiety. In Indonesia term terrorism itself can be called new but in fact the term terrorism has been around for centuries. The term terrorism first mentioned in The Dictionnaire of The Academic Francaise in 1789 as *regime de terreur*.⁴

Terrorism Review 2, No. 1 (2009): 1-13; Elimma C. Ezeani, "The 21st Century Terrorist: Hostis Humani Generis?." *Beijing Law Review* 3, No. 4 (2012): 158-169; Douglas R. Burgess Jr, "Hostis Humani Generi: Piracy, Terrorism and a New International Law." *University of Miami International and Comparative Law Review* 13, No. 2 (2006): 293-341; Nuswantoro Dwiwarno, "Terrorism as Transnational Organized Crime and Government'S Attemp to Elliminate Terrorism." *IOP Conference Series: Earth and Environmental Science* 175, No. 1. (IOP Publishing, 2018); Aniel de Beer, "The Prohibition of Terrorism as Jus Cogens", in *Peremptory Norms of General International Law (Jus Cogens)*. (Leiden: Brill Nijhoff, 2021), pp. 600-628.

³ M. Zaki Mubarak, and Ahmad Fauzi Abdul Hamid. "The rise of radicalism and terrorism in Indonesia and Malaysia." *Review of Islam in Southeast Asia* 1, No. 1 (2018): 29-43; Choirul Mahfud, et al. "Religious Radicalism, Global Terrorism and Islamic Challenges in Contemporary Indonesia." *Jurnal Sosial Humaniora (JSH)* 11, No. 1 (2018): 8-18; Wahyudin Hafid, "Geneologi Radikalisme di Indonesia (Melacak Akar Sejarah Gerakan Radikal)." *Al-Tafaquh: Journal of Islamic Law* 1, No. 1 (2020): 31-48; Suprpto Suprpto. "Aksi Terorisme: Dari Gerakan Ideologis ke Gerakan Inkostitusional." *Jurnal Sosiologi USK (Media Pemikiran & Aplikasi)* 12, No. 2 (2018): 143-160.

⁴ For further comparison, please also see Juan Carlos Antúnez, and Ioannis Tellidis. "The power of words: the deficient terminology surrounding Islam-related terrorism." *Critical Studies on Terrorism* 6, No. 1 (2013): 118-139; Gregor Bruce, "Definition of terrorism social and political effects." *Journal of Military and Veterans Health* 21, No. 2 (2013): 26-30; Ami-Jacques Rapin, "What is

The term Terrorism began to widely know since 2001 to be precisely when the 9/11 incident occurs⁵. That incident makes many nations began to make its own Law including Indonesia who start making a draft about Anti-Terrorism Law in April 2002. The main function of the Anti-Terrorism Law is to be a source to make investigation, prosecution, and conviction of the terrorist much easier. Anti-Terrorism Law also provides substantial penalties which include death for people who commit, or attempt to commit, terrorist offences and people who incite and assist them.

In the historical aspect, the presence of terrorism is predicted to emerge thousands of years ago, to be precise in the days of Ancient Greece. At that time, Xenophon used psychological warfare tactics as an effort to weaken his opponent. Then, at the end of the 19th century, before the advent of World War I, terrorism occurred in almost all countries. The presence of terrorism in the 19th century was initiated by adherents of anarchy understanding from various countries, such as Western Europe, Russia, and America. They believe in anarchy that killing people in power or influence with guns and bombs is the most effective way to carry out a revolution. The emergence of terrorists is certainly triggered by various things. In fact, most people know that acts of terrorism are unlawful acts. If they do so, they will be subject to criminal penalties. So, why are there still cases of terrorism in Indonesia?

terrorism?." *Behavioral Sciences of Terrorism and Political Aggression* 3, No. 3 (2011): 161-175; Ami-Jacques Rapin, "Does terrorism create terror?." *Critical Studies on Terrorism* 2, No. 2 (2009): 165-179.

⁵ Brigitte L. Nacos, Yaeli Bloch-Elkon, and Robert Y. Shapiro. "Post-9/11 terrorism threats, news coverage, and public perceptions in the United States." *International Journal of Conflict and Violence (IJCV)* 1, No. 2 (2007): 105-126; Kent Roach, *The 9/11 Effect: Comparative Counter-terrorism*. (Cambridge: Cambridge University Press, 2011).

Tukina in the journal terrorism entitled *A Critical Review of Social: Terrorism in Indonesia* explains that there are at least seven factors that cause Indonesian terrorism. The following seven things need to be watched out for as a way to overcome terrorism in the surrounding environment.⁶

Furthermore, in the same context, the National Counterterrorism Agency of the Republic of Indonesia (BNPT) stated that over the past five years, the trend of the threat of terrorism in Indonesia has fluctuated. It increased in 2019, then decreased in 2020, and increased again in 2022 based on the 2022 Global Terrorism Index Report. The 2020 Global Terrorism Index (GTI) reports that Indonesia is ranked fourth in the Asia Pacific region most affected by terrorism. Indonesia got a score of 4,629. Globally, Indonesia is ranked 37th. In its report, GTI mentions religious extremism as a driving factor for terrorist attacks in several world countries, such as Pakistan, India, Indonesia, the Philippines, and others.⁷

Since its creation, the Anti-Terrorism Law never get out from controversy. The debate mainly concerned about is the Anti-Terrorism Law enough to stop any incident happen in Indonesia. Or why although there is Anti-Terrorism Law the terrorist incident in Indonesia never really stops? So, people begin to worry about the credibility of Anti-Terrorism Law and started to argue if the Anti-Terrorism Law need a revision.

⁶ Tukina Tukina. "Tinjauan Kritis Sosial: Terorisme di Indonesia." *Humaniora* 2, No. 1 (2011): 731-742.

⁷ Joko Setiyono, "Regulatory Strategies and Legal Issues for Countering Terrorism in Indonesia." *Journal of Legal, Ethical and Regulatory Issues* 24, No. 1 (2021): 1-9; Daniel Hyslop, and Thomas Morgan. "Measuring terrorism with the global terrorism index", in *Understanding Terrorism*. (Bingley, West Yorkshire, UK: Emerald Group Publishing Limited, 2014).

The Government started to think the same and since then the plan to revise the Anti-Terrorism Law are getting serious. The pressure to begin revising Anti-Terrorism Law has gained a major urgency following the January 2016 terrorist attacks in Jakarta. This was the first attack since the 2009 bombings in JW Mariot Hotels and this attack also mark the first in Joko Widodo's presidential era which began in October 2014.

One of the main reasons why deliberations have been dragging on for so long is that the government and the House of Representatives of the Reoublic of Indonesia (hereinafter as DPR) have failed to reach on an agreement on what constitutes terrorism. While the government argue that terrorism is *"any deed that uses any violence or threats of violence on a public/massive scale, and/or causes damage to public/ strategic vital objects including the environment, public facilities or international facilities"*, the DPR argue that terrorism as a crime must include *"any deed that is based on a political and ideological motives or threats to state security."*⁸

II. METHODS

The method used in this paper is a data collection. The following is data on terorism incidents occurring in Indonesia from 1999 to 2009:

⁸ Kumi Iriani Morin, "Diplomasi DPR RI di Asia Pasifik dalam Rangka Mengatasi Terorisme Tahun 1998-2009". *Dissertation* (Yogyakarta: UPN Veteran Yogyakarta, 2012); Anggi Niasar, "Strategi Lobi dan Negosiasi Proses Legislasi Undang-undang Pemberantasan Tindak Pidana Terorisme." *Jurnal InterAct* 9, No. 1 (2020); Muhammad Fahrian Yovantra, M. Afifuddin, and Herlina JR Saragih. "Indonesia dan Kerja Sama Keamanan ASEAN Untuk Mengatasi Terorisme Melalui AMMTC." *Manajemen Pertahanan: Jurnal Pemikiran dan Penelitian Manajemen Pertahanan* 4, No. 1 (2019).

TABLE 1. BOMBING CASES IN INDONESIA (1999-2009)

No	Year	Bombing Cases
1	1999	1. Ramayana Bombings 2. Mall Kelapa Gading's Bombings 3. Hayam Wuruk Plaza Bombings
2	2000	1. Phillipine Embassy Bombings, August 1, 2000. Bomb exploded from a car parked in front of Duta's house Philippines Raya, Menteng, Central Jakarta. Two people killed and 21 others were injured, including the Ambassador Philippines Leonides T Caday. 2. Malaysia Embassy Bombings, Grenade exploded at the Malaysian Embassy complex at Kuningan, Jakarta. No casualties. 3. Jakarta stock exchange bombings 4. Christmast's night bombings in Jakarta
3	2001	1. Santa Anna Church Bombings 2. Atrium Plaza Jakarta Bombings 3. KFC Bombings in Makasar 4. Australia International School Bombings in Jakarta
4	2002	1. New Year's Eve Bombings in Jakarta 2. Bali Bombings 1 3. McDonalds Bombings in Makassar
5	2003	1. Mabes Polri Bombings 2. Soekarno Hatta Airport Bombings 3. JW Marriot Bombings
6.	2004	1. Palopo Bombings 2. Australia Embassy Bombings 3. Immanuel Church Bombings in Palu
7	2005	1. Ambon Bombings 2. Tentena Bombings 3. Bali Bombings 4. Palu Market Bombings
8	2009	1. JW Marriot Bombings

Since 1999 there has been an increase in action terrorism in the form of bombing in public places and with civilian targets compared to previous years. Between 1990 and with 1997 (as noted Forum Indonesia Peace quoted by Andi Wijayanto, 2003) occurred a

maximum of two bombing incidents in a year. New drastic increase occurred in 1988 (6 cases), and subsequently in 1999 (7 cases), 2000 (32 cases), and 2001 (81 cases). Increased frequency of bombings since 1999 compared with previous years brought many analysts mentioned that terrorism in Indonesia is related to the transition to democracy, or in other words, part of the problem of political transition when old and new political forces fought place in the political order that is being contested. Actions the bombardment subsided for about four or five years since 2005, then back with the bombing of the JW Marriott and Ritz Carlton ensured by the same terrorist group as the perpetrator bombings in Bali and some other places.⁹

III. THE PROS & CONS OF ANTI-TERRORISM LAW REVISION: SOME LEGAL DISCOURSES

The revision of the Anti-Terrorism Law is more necessary in view of the rise of new extremist groups specially in Indonesia and the growing threat of radicalism and terrorism worldwide. Furthermore, also to prevent the threat proposed by Indonesian returnees after

⁹ Andi Wijayanto, "Menangkal Terorisme Global." *Terorisme: Definisi, Aksi, dan Regulasi*. Jakarta: Koalisi untuk Keselamatan Masyarakat Sipil (2003). See also Zachary Abuza, "The social organization of terror in Southeast Asia: The case of Jemaah Islamiyah." *Countering the financing of terrorism*. (London: Routledge, 2007), pp. 79-106; David A. Wernick, and Mary Ann Von Glinow. "Reflections on the evolving terrorist threat to luxury hotels: A case study on Marriott International." *Thunderbird International Business Review* 54, No. 5 (2012): 729-746; Brek Batley, *The complexities of dealing with radical Islam in Southeast Asia: a case study of Jemaah Islamiyah*. (Canberra: Strategic and Defence Studies Centre, Research School of Pacific and Asian Studies, Australian National University, 2003).

fighting and also providing help for the radical Islamic State in Iraq and Syria also known as ISIS.¹⁰

Indonesia will be in a much stronger position to deal with international and also national terrorism if its anti-terrorism laws are stronger rather than what they have right now. The goal is to make the Indonesian police and its anti-terrorist department to act before terrorist violence had taken place rather than after the incident. Despite so far there are six major attacks and more than 25 minor attacks, Indonesia's anti-terrorism law has been so weak. With the goal of strengthening the anti-terrorism program, a number of new details has been proposed since the 2016 Jakarta incidents. These rules include widening the definition of terrorism and radicalism, strengthening detention powers and for heavier detention for various acts of terrorism including those who not actually involved.¹¹

Indonesia's government already making a draft to Indonesia's Anti-Terrorism Law, such as:

¹⁰ Poltak Partogi Nainggolan, *Ancaman ISIS di Indonesia*. (Jakarta: Yayasan Pustaka Obor Indonesia, 2018). See also Sidney Jones, "ISIS in Indonesia." *Southeast Asian Affairs* 2015, No. 1 (2015): 154-163; M. Zaki Mubarak, "Dari NII ke ISIS: Transformasi ideologi dan gerakan dalam Islam radikal di Indonesia kontemporer." *Epistemé: Jurnal Pengembangan Ilmu Keislaman* 10, No. 1 (2015): 77-98; Najamuddin Khairur Rijal, "Eksistensi dan Perkembangan ISIS: Dari Irak Hingga Indonesia." *Jurnal Ilmiah Hubungan Internasional* 13, No. 1 (2017): 45-60.

¹¹ Tamat Suryani, "Terorisme dan Deradikalisasi: Pengantar Memahami Fundamentalisme Islam dan Strategi Pencegahan Aksi Terorisme." *Jurnal Keamanan Nasional* 3, No. 2 (2017): 271-294; Luh Nila Winarni, "Kebijakan Hukum Pidana Non Penal dalam Penanggulangan Kejahatan Radikalisme Berbentuk Terorisme." *DiH: Jurnal Ilmu Hukum* 12, No. 23 (2016): 56-63; Muhammad Ali Zaidan, "Pemberantasan Tindak Pidana Terorisme (Pendekatan Kebijakan Kriminal)." *Law Research Review Quarterly* 3, No. 2 (2017): 149-180.

1. A change to period of captivity for those who involved in terrorism from six months to ten months
2. A change to period of arrest for those who involved in terrorism from seven days to thirty days
3. Tapping no longer need a permission from Chief Justice of District Court and only need permissions from the judge
4. Investigation and prosecution now can be given to corporation
5. There is expansion to the definition of terrorism including planning, attempting, and supporting any terrorism act
6. Revocation of passport for those who join military training in other country
7. Terrorist control
8. Rehabilitation for terrorist
9. Giving intelligences officers the right to arrest suspects of terrorism

There have also been discussions for more real and effective deradicalisation and counter-radicalisation measures. These programs include strengthening the prison system which is currently seen as the epicentre for the main terrorist recruitment in Indonesia.¹²

¹² Abu Rokhmad, "Radikalisme Islam dan upaya deradikalisasi paham radikal." *Walisongo: Jurnal Penelitian Sosial Keagamaan* 20, No. 1 (2012): 79-114; Syaiful Arif, *Islam, Pancasila dan Deradikalisasi*. (Jakarta: Elex Media Komputindo, 2018); Mochamad Nurhuda Febriyansah, Lailatuh Khodriah, and Raka Kusuma Wardana. "Upaya Deradikalisasi Narapidana Terorisme di Lembaga Pemasyarakatan (Lapas) Kedung Pane Semarang." *Law Research Review Quarterly* 3, No. 2 (2017): 91-108; Baidhowi Baidhowi. "Islam tidak radikalisme dan terorisme." *Law Research Review Quarterly* 3, No. 2 (2017): 197-218; Benny Sumardiana, "Efektifitas Penanggulangan Ancaman Penyebaran Paham Ekstrim Kanan yang Memicu Terorisme oleh Polri dan BNPT RI." *Law Research Review Quarterly* 3, No. 2 (2017): 109-128; Harmaji Harmaji. "Tackling Terrorism, an Indonesian Style on Penal and Non-Penal Policy Perspective: A

Right now, special, and high security prisons for leading jihadists and ideologues already been proposed. The goal is to make Indonesia's anti-terrorism policies more effective and stronger. From that proposal, we can find a mixed reaction from public. For those who agree with that proposal argue that there is no mercy to those who involved in any terrorism act. And people who disagree with that proposal mainly argue about if we want to cope with terrorist, we have to see it from both eyes, the victim and the terrorist because sometimes terrorism initiated with something really personal and even taboo such as religion.

In the further context, a dreadful series of terror acts in the many cities in Indonesia including Jakarta, Depok and Surabaya within the past week have shocked the nation, once again. The attacks once again have put the country on high alert on the dangerous of terrorism. The terror acts, which killed many of people, including police officers and the terrorists themselves, shocked the nation, considering that the incident happen right before Ramadhan. The attacks were devastating not only for the victims and their group or family, but also for the people of Indonesia and citizen of the world. Worse, the Indonesian police—who are solely responsible for domestic security—looked not in a very good situation while dealing with such sudden attacks, prompting calls for the Indonesian Military (TNI) to making support in the fight against terrorism.

In fact, the presence of TNI has been a fresh air to Indonesia citizen in general because the presence of TNI around can make people feel safer and there have been many demands to make legal umbrella should the TNI legally join the fight against terror in the country.

Book Review Gaya Indonesia Menghadang Terrorisme, Ali Masyhar." *JILS (Journal of Indonesian Legal Studies)* 3, No. 1 (2018): 147-150.

But that does not mean that there is no problem with that. Many people including experts and human rights activists having doubt on making TNI a right to join in anti terrorist forces. This happen because particularly on measures to prevent human rights abuse in a fight against terrorism. Calls for a legal umbrella for the TNI's involvement in counterterrorism activities have come from a variety of circles, with President Joko "Jokowi" Widodo being the first to ask the House of Representatives to expedite the deliberation of a draft revision to the 2003 Terrorism Law. The amendment has been in limbo ever since the draft revision was submitted two years ago. The President has even threatened to issue a regulation in lieu of law on the Terrorism Law if the House fails to conclude deliberations on the amendment by June.

Furthermore, its a fact that Indonesia's Anti-Terrorism Law need to be powered with pre-emptive powers with the lines practised in Singapore and Malaysia. The Indonesia government's commitment to this is evident with the revision of anti-terrorism laws are to be added to the list of prioritised legislations. Indonesia is faced by the danger of terrorism especially from ISIS. There are allegedly more than a thousand Indonesians fighting in the name of ISIS. With hundreds of them return and already positioned in Indonesia, the moment when the green light is given by Islamic State for Indonesia to become their *jihadi* target, Indonesia would really need a strong and legal framework to back its hard and also soft approaches to deal with the looming threat.¹³

¹³ Okti Putri Andini, "Cyber Terrorism Criminal Acts in the Perspective of Transnational Organized Crime." *Unnes Law Journal: Jurnal Hukum Universitas Negeri Semarang* 7, No. 2 (2021); Ngboawaji Daniel Nte, Baba Ahmadu Abdulaziz, and Michael Uzorka. "Understanding Geospatial Intelligence and the Challenges of Effective Counter-Terrorism Strategy: A Case Study of

According to the Minister of Justice and Human Rights, Yasonna H. Laoly, the purpose of the revision of the Anti-Terrorism Act is for law enforcers to respond early if there are indications or threats of terrorism. In addition, the revision of the Anti-Terrorism Law will pay more attention to the rehabilitation and compensation of victims of terrorism crimes.

The Special Detachment (Densus) 88 Police representative, Kombes Faisal Thayib stated the same thing. According to him, the current Anti-Terrorism Law is minimally a preventive aspect. Faisal said that Densus 88 Police often follow terrorist suspects who do shooting exercises and make bombs, but can not arrest them because the Densus 88 Police can only catch when they want to commit acts of terrorism. This makes it difficult for the performance of Densus 88 Polri to suppress the criminal acts of terrorism in the field. Therefore, Faisal hopes that the prevention aspect is included in the revision of the Anterrorism Act, so that the victims can be minimized, and terrorism does not spread freely.

Trias Palupi Kurnianingrum, a researcher on Legal Affairs, Research Center, DPR RI Expertise Agency, believes that the revision of Anti-Terrorism Law is necessary because terrorism is an extraordinary crime that needs special handling. In addition, the mode of carrying out acts of terrorism has grown. The existing Anti-Terrorism Act also

Nigeria's Boko Haram Challenge." *Unnes Law Journal: Jurnal Hukum Universitas Negeri Semarang* 6, No. 2 (2020): 163-186; Dewa Gede Sudika Mangku, and Ni Putu Rai Yulianti. "Indonesia's Role in Combating Terrorism in Southeast Asia." *Unnes Law Journal: Jurnal Hukum Universitas Negeri Semarang* 7, No. 1 (2021): 89-114; Ali Masyhar, and Muhammad Azil Maskur. "Method and Strategy of the Universitas Negeri Semarang in Overcoming Student Radicalism." *ICILS 2020: Proceedings of the 3rd International Conference on Indonesian Legal Studies, ICILS 2020, July 1st, 2020, Semarang, Indonesia.* (European Alliance for Innovation, 2021).

has several disadvantages, such as the definition of terrorism and terrorism that are multitafsir, the lack of regulation of the sale and distribution of explosive materials, the absence of protection on the rights of victims, there is no provision that regulates the handling mechanism of Indonesian citizen who returned to their homeland after joining radical groups abroad, such as the Islamic State of Iraq and Syria (ISIS), ineffective coordination among law enforcement agencies, and no affirmation of the meaning of unknown "*unexpected*" subject phrases in the Book The Criminal Law (Penal Code) and the Criminal Procedure Code (KUHAP).¹⁴

IV. CONCLUSSION

The revision of the Anti-Terrorism Act must be carried out appropriately, considering aspects in human rights. Thus, the handling of terrorism is not only on the side of broad users, but also must pay attention to the human rights protected UUD 1945. With human rights as an opinion in the revision of the Anti-Terrorism Act, the formulation of the articles regulated in the law, the law should be considered, for example to increase the deadline for arrest and detention. The time limits not up to the name of the human copyright stipulated in Article 9 paragraph of the International Covenant on Civil and Political Rights that everyone is entitled to freedom and

¹⁴ Ali Masyhar, "Urgensi Revisi Undang-undang Terorisme." *Masalah-Masalah Hukum* 45, No. 1 (2016): 25-32; Rinaldy Ardiansyah Siregar, "Mekanisme Penangkapan Pelaku Terorisme Pasca Revisi Undang-Undang Nomor 15 Tahun 2003 tentang Pemberantasan Tindak Pidana Terorisme Dikaitkan dengan Perlindungan Hak Asasi Manusia." *Prosiding Ilmu Hukum* (2019): 878-884; Khoiril Huda, "Penanganan Pelaku Tindak Pidana Terorisme dalam Perlindungan Hak Asasi Manusia." *Lex Scientia Law Review* 1, No. 1 (2017): 19-32.

privacy, and nobody can be exposed or arbitrary. In addition, in the revision of the Anti-Terrorism Act, there can be no elements existing in the law that can cause human rights suspected terrorists. Law enforcement officers are required to work professionally. Efforts to handle terrorism can proceed without addressing human rights.

ACKNOWLEDGMENTS

None.

COMPETING INTERESTS

The Authors declared that they have no competing interests.

REFERENCES

- Abuza, Zachary. "The social organization of terror in Southeast Asia: The case of Jemaah Islamiyah." *Countering the financing of terrorism*. (London: Routledge, 2007), pp. 79-106.
- Andini, Okti Putri. "Cyber Terrorism Criminal Acts in the Perspective of Transnational Organized Crime." *Unnes Law Journal: Jurnal Hukum Universitas Negeri Semarang* 7, No. 2 (2021).
- Antúnez, Juan Carlos, and Ioannis Tellidis. "The power of words: the deficient terminology surrounding Islam-related terrorism." *Critical Studies on Terrorism* 6, No. 1 (2013): 118-139.
- Arif, Syaiful. *Islam, Pancasila dan Deradikalisasi*. (Jakarta: Elex Media Komputindo, 2018).
- Baidhowi, Baidhowi. "Islam tidak radikalisme dan terorisme." *Law Research Review Quarterly* 3, No. 2 (2017): 197-218.
- Batley, Brek, *The complexities of dealing with radical Islam in Southeast Asia: a case study of Jemaah Islamiyah*. (Canberra: Strategic and

- Defence Studies Centre, Research School of Pacific and Asian Studies, Australian National University, 2003).
- Bruce, Gregor. "Definition of terrorism social and political effects." *Journal of Military and Veterans Health* 21, No. 2 (2013): 26-30.
- Burgess Jr, Douglas R. "Hostis Humani Generi: Piracy, Terrorism and a New International Law." *University of Miami International and Comparative Law Review* 13, No. 2 (2006): 293-341.
- de Beer, Aniel. "The Prohibition of Terrorism as Jus Cogens", in *Peremptory Norms of General International Law (Jus Cogens)*. (Leiden: Brill Nijhoff, 2021), pp. 600-628.
- Dwiwarno, Nuswantoro. "Terrorism as Transnational Organized Crime and Government'S Attemp to Elliminate Terrorism." *IOP Conference Series: Earth and Environmental Science* 175, No. 1. (IOP Publishing, 2018).
- Ezeani, Elimma C. "The 21st Century Terrorist: Hostis Humani Generis?." *Beijing Law Review* 3, No. 4 (2012): 158-169.
- Febriyansah, Mochamad Nurhuda, Lailatuh Khodriah, and Raka Kusuma Wardana. "Upaya Deradikalisasi Narapidana Terorisme di Lembaga Pemasyarakatan (Lapas) Kedung Pane Semarang." *Law Research Review Quarterly* 3, No. 2 (2017): 91-108.
- Galamas, Francisco. "Terrorism in Indonesia: an overview." *Research Papers* 4, No. 10 (2015).
- Hafid, Wahyudin. "Geneologi Radikalisme di Indonesia (Melacak Akar Sejarah Gerakan Radikal)." *Al-Tafaqquh: Journal of Islamic Law* 1, No. 1 (2020): 31-48.
- Harmaji, Harmaji. "Tackling Terrorism, an Indonesian Style on Penal and Non-Penal Policy Perspective: A Book Review Gaya Indonesia Menghadang Terrorisme, Ali Masyhar." *JILS (Journal of Indonesian Legal Studies)* 3, No. 1 (2018): 147-150.
- Huda, Khoiril. "Penanganan Pelaku Tindak Pidana Terorisme dalam Perlindungan Hak Asasi Manusia." *Lex Scientia Law Review* 1, No. 1 (2017): 19-32.

- Hyslop, Daniel, and Thomas Morgan. "Measuring terrorism with the global terrorism index", in *Understanding Terrorism*. (Bingley, West Yorkshire, UK: Emerald Group Publishing Limited, 2014).
- Jones, Sidney. "ISIS in Indonesia." *Southeast Asian Affairs* 2015, No. 1 (2015): 154-163.
- Mahfud, Choirul, et al. "Religious Radicalism, Global Terrorism and Islamic Challenges in Contemporary Indonesia." *Jurnal Sosial Humaniora (JSH)* 11, No. 1 (2018): 8-18.
- Mangku, Dewa Gede Sudika, and Ni Putu Rai Yulianti. "Indonesia's Role in Combating Terrorism in Southeast Asia." *Unnes Law Journal: Jurnal Hukum Universitas Negeri Semarang* 7, No. 1 (2021): 89-114.
- Masyhar, Ali, and Muhammad Azil Maskur. "Method and Strategy of the Universitas Negeri Semarang in Overcoming Student Radicalism." *ICILS 2020: Proceedings of the 3rd International Conference on Indonesian Legal Studies, ICILS 2020, July 1st, 2020, Semarang, Indonesia*. (European Alliance for Innovation, 2021).
- Masyhar, Ali. "Urgensi Revisi Undang-undang Terorisme." *Masalah-Masalah Hukum* 45, No. 1 (2016): 25-32.
- Morin, Kumi Iriani. "Diplomasi DPR RI di Asia Pasifik dalam Rangka Mengatasi Terorisme Tahun 1998-2009". *Dissertation* (Yogyakarta: UPN Veteran Yogyakarta, 2012).
- Mubarak, M. Zaki. "Dari NII ke ISIS: Transformasi ideologi dan gerakan dalam Islam radikal di Indonesia kontemporer." *Epistemé: Jurnal Pengembangan Ilmu Keislaman* 10, No. 1 (2015): 77-98.
- Mubarak, M. Zaki, and Ahmad Fauzi Abdul Hamid. "The rise of radicalism and terrorism in Indonesia and Malaysia." *Review of Islam in Southeast Asia* 1, No. 1 (2018): 29-43.
- Nacos, Brigitte L., Yaeli Bloch-Elkon, and Robert Y. Shapiro. "Post-9/11 terrorism threats, news coverage, and public perceptions in the United States." *International Journal of Conflict and Violence (IJCV)* 1, No. 2 (2007): 105-126.

- Nainggolan, Poltak Partogi. *Ancaman ISIS di Indonesia*. (Jakarta: Yayasan Pustaka Obor Indonesia, 2018).
- Niasar, Anggi. "Strategi Lobi dan Negosiasi Proses Legislasi Undang-undang Pemberantasan Tindak Pidana Terorisme." *Jurnal InterAct* 9, No. 1 (2020).
- Nte, Ngboawaji Daniel, Baba Ahmadu Abdulaziz, and Michael Uzorka. "Understanding Geospatial Intelligence and the Challenges of Effective Counter-Terrorism Strategy: A Case Study of Nigeria's Boko Haram Challenge." *Unnes Law Journal: Jurnal Hukum Universitas Negeri Semarang* 6, No. 2 (2020): 163-186.
- Pusponegoro, Aryono D. "Terrorism in Indonesia." *Prehospital and disaster medicine* 18, No. 2 (2003): 100-105.
- Rapin, Ami-Jacques. "Does terrorism create terror?." *Critical Studies on Terrorism* 2, No. 2 (2009): 165-179.
- Rapin, Ami-Jacques. "What is terrorism?." *Behavioral Sciences of Terrorism and Political Aggression* 3, No. 3 (2011): 161-175.
- Rijal, Najamuddin Khairur. "Eksistensi dan Perkembangan ISIS: Dari Irak Hingga Indonesia." *Jurnal Ilmiah Hubungan Internasional* 13, No. 1 (2017): 45-60.
- Roach, Kent. *The 9/11 Effect: Comparative Counter-terrorism*. (Cambridge: Cambridge University Press, 2011).
- Roberts, Guy B. "Hostis Humani Generis: The threat of WMD terrorism and how NATO is facing the ultimate threat." *Defence against Terrorism Review* 2, No. 1 (2009): 1-13.
- Rokhmad, Abu. "Radikalisme Islam dan upaya deradikalisasi paham radikal." *Walisono: Jurnal Penelitian Sosial Keagamaan* 20, No. 1 (2012): 79-114.
- Setiyono, Joko. "Regulatory Strategies and Legal Issues for Countering Terrorism in Indonesia." *Journal of Legal, Ethical and Regulatory Issues* 24, No. 1 (2021): 1-9.
- Siregar, Rinaldy Ardiansyah. "Mekanisme Penangkapan Pelaku Terorisme Pasca Revisi Undang-Undang Nomor 15 Tahun 2003 tentang Pemberantasan Tindak Pidana Terorisme Dikaitkan

- dengan Perlindungan Hak Asasi Manusia." *Prosiding Ilmu Hukum* (2019): 878-884.
- Sukabdi, Zora. "Terrorism in Indonesia: A review on rehabilitation and deradicalization." *Contemporary Voices: St Andrews Journal of International Relations* 6, No. 2 (2015).
- Sumardiana, Benny. "Efektifitas Penanggulangan Ancaman Penyebaran Paham Ekstrim Kanan yang Memicu Terorisme oleh Polri dan BNPT RI." *Law Research Review Quarterly* 3, No. 2 (2017): 109-128.
- Suprpto, Suprpto. "Aksi Terorisme: Dari Gerakan Ideologis ke Gerakan Inkostitusional." *Jurnal Sosiologi USK (Media Pemikiran & Aplikasi)* 12, No. 2 (2018): 143-160.
- Suryani, Tamat. "Terorisme dan Deradikalisasi: Pengantar Memahami Fundamentalisme Islam dan Strategi Pencegahan Aksi Terorisme." *Jurnal Keamanan Nasional* 3, No. 2 (2017): 271-294.
- Tukina, Tukina. "Tinjauan Kritis Sosial: Terorisme di Indonesia." *Humaniora* 2, No. 1 (2011): 731-742.
- Wernick, David A., and Mary Ann Von Glinow. "Reflections on the evolving terrorist threat to luxury hotels: A case study on Marriott International." *Thunderbird International Business Review* 54, No. 5 (2012): 729-746.
- Wijayanto, Andi. "Menangkal Terorisme Global", in *Terorisme: Definisi, Aksi, dan Regulasi*. (Jakarta: Koalisi untuk Keselamatan Masyarakat Sipil 2003).
- Winarni, Luh Nila. "Kebijakan Hukum Pidana Non Penal dalam Penanggulangan Kejahatan Radikalisme Berbentuk Terorisme." *DiH: Jurnal Ilmu Hukum* 12, No. 23 (2016): 56-63.
- Yovantra, Muhammad Fahrian, M. Afifuddin, and Herlina JR Saragih. "Indonesia dan Kerja Sama Keamanan ASEAN Untuk Mengatasi Terorisme Melalui AMMTC." *Manajemen Pertahanan: Jurnal Pemikiran dan Penelitian Manajemen Pertahanan* 4, No. 1 (2019).

Zaidan, Muhammad Ali. "Pemberantasan Tindak Pidana Terorisme (Pendekatan Kebijakan Kriminal)." *Law Research Review Quarterly* 3, No. 2 (2017): 149-180.