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The Legal Politics of Regulating Special Terrorism Crimes under Law No. 1 of 2023 on the Criminal Code

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Abstract

Legal politics in the context of criminal law must be analyzed seriously, both in relation to material criminal law and formal criminal law. Law No. 5 of 2018 concerning Terrorism Crimes and Law No. 9 of 2013 concerning Terrorism Financing Crimes underwent changes after the enactment of Law No. 1

of 2023 concerning the Criminal Code (Indonesian Criminal Code). This amendment includes a bridge article relating to criminal acts of terrorism within the Criminal Code, which thus has implications for the elaboration of general and special rules. The purpose of this research is to find out how to use logical (Logische Specialiteit) or systematic (Systematische Specialiteit) specialties in interpreting this matter. The method used is juridical-normative with an analytical and conceptual approach based on various legal literature. This research obtained 2 (two) results, namely an explanation of the rules against terrorism in Indonesian positive law and an explanation of the bridging article in the reform of the Indonesian Criminal Code with logical specificity. So it is concluded that the regulation of special terrorism regulations in the Criminal Code does not mean that it weakens the Special Law, but instead strengthens these special regulations in the future if there is a criminal act of terrorism.

Keywords

Legal Politics, Special Crimes, Terrorism, New Criminal Code

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I. Introduction

As a *rechtstaat* (rule of law), Indonesia holds a constitutional obligation to establish a national criminal law system that is not merely technocratic in nature but is also firmly grounded in the ideological values of the state,

particularly Pancasila as the philosophical foundation and source of all legal norms. Since the enforcement of the *Wetboek van Strafrecht voor Nederlandsch-Indië* (WvSNI) on January 1, 1918, followed by the enactment of Law Number 1 of 1946 on Criminal Law Regulations, Indonesia has inherited a colonial penal code system for over seven decades.[1] This legal framework originates from a colonial context, characterized by values of individualism and liberalism inherent in the Continental European legal tradition (Romano-Germanic family), which are inconsistent with Indonesia's collectivist philosophy and social justice principles.

The renewal of Indonesia's penal law has become both a historical and ideological necessity. The promulgation of Law Number 1 of 2023 on the Criminal Code (KUHP) marks a constitutional milestone in the deconstruction and reconstruction of Indonesia's criminal law.[2] This new codification is not merely a normative transformation, but rather a reflection of the state's legal policy direction (politik hukum) aimed at establishing a criminal justice system that

[1] Heru Susetyo Nuswanto, "Terrorism as Socially Constructed Crime in Indonesia," *Padjadjaran Jurnal Ilmu Hukum* 6, no. 2 (2019): 266–86, https://doi.org/10.22304/pjih.v6n2.a4.
[2] Abdul Kadir and Suparji Achmad, "THE URGENCY OF MERGING SPECIAL CRIMES IN REFORMING THE CRIMINAL CODE," *International Journal of Accounting, Management, Economics and Social Sciences (IJAMESC)* 1, no. 6 (2023), https://doi.org/10.61990/ijamesc.v1i6.115.

embodies Indonesian identity, integrates local values, adat law (customary law), and *living law* into the formal legal system.[3]

A fundamental aspect of this reform is the inclusion of Special Criminal Acts (*Tindak Pidana Khusus*, or TP Khusus) within the body of the Criminal Code, including the regulation of terrorism offenses.[4] This inclusion demonstrates that the new Criminal Code functions not only as a *lex generalis*, but also as a comprehensive instrument of modern penal codification that incorporates developments from sectoral criminal regulations, particularly special offenses that were previously governed exclusively under separate laws.[5]

The regulation of terrorism offenses within the KUHP reflects the strategic position of the state in responding to extraordinary crimes. Terrorism represents a widespread societal fear that necessitates a unified criminalization approach embedded within the general criminal legal

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[3] Muhammad Azil Maskur, "Integrasi The Living Law Dalam Pertimbangan Putusan Hakim Pada Kasus Tindak Pidana Korupsi," *Pandecta (Jurusan Hukum Dan Kewarganegaraan, Fakultas Ilmu Sosial Universitas Negeri Semarang)* 11, no. 1 (2016): 18–30.

[4] Milda Istiqomah, Rika Kurniaty, and Rizky Kurnia, "The Role Of The New Criminal Code As An Effort To Eradicate Criminal Acts Of Terrorism In Indonesia," *International Journal Of Humanities Education and Social Sciences (IJHESS)* 3, no. 5 (April 10, 2024), https://doi.org/10.55227/ijhess.v3i5.990.

[5] Anis Widyawati et al., "The Urgency of Supervision Institutions in Implementing Prisoners' Rights as an Effort to Restructure Criminal Execution Laws," *Jambura Law Review* 7, no. 1 (January 5, 2025): 127–51, https://doi.org/10.33756/jlr.v7i1.27595.

framework.[6] The presence of terrorism provisions in the KUHP signals a paradigmatic shift whereby the state recognizes that counterterrorism cannot rely solely on specialized legislation but must be integrated into the core structure of the criminal justice system to ensure consistency, legal certainty, and effective enforcement.[7]

This systemic approach to terrorism regulation aligns with the theoretical frameworks of *Logische Specialiteit* (logical specialty) and *Systematische Specialiteit* (systematic specialty).[8] Logically, the provisions on terrorism within the KUHP can coexist with general criminal provisions, as they fulfill general offense elements while adding specific elements such as ideological motives, mass violence, or threats to national security. This allows for direct application of criminal law without contradicting sectoral legislation. Simultaneously, systematic specialty is observed when specific offenses governed by other statutes such as terrorism financing or transnational terror networks go beyond the scope of general provisions and therefore remain governed by specialized laws.

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[6] SHINTA AGUSTINA, "ASAS LEX SPECIALIS DEROGAT LEGI GENERALI DALAM PENEGAKAN HUKUM PIDANA" (Universitas Andalas, 2014), https://doi.org/10.25077/0931203003.

[7] Zora Arfina Sukabdi and Heriansyah Heriansyah, "Terrorism in the Indonesian New Criminal Code," *Saudi Journal of Humanities and Social Sciences* 9, no. 05 (May 21, 2024): 149–56, https://doi.org/10.36348/sjhss.2024.v09i05.002.

[8] Dr Dhoni Martien Dhoni, "Implementation Of The Principle Of Systematic Specification To Criminal Laws In Criminal Cases Of Corruption," *Pena Justisia* 21, no. 22 (2022).

The incorporation of terrorism offenses into KUHP also strengthens the application of bridging norms that connect general and special laws.[9] Article 187 of the KUHP affirms that the general provisions of Book One apply to offenses governed by other statutes, unless otherwise stipulated. This bridging article ensures coherence between the KUHP and special criminal laws, facilitating a legal system that accommodates both general and sector-specific offenses.

It is crucial to note that the presence of terrorism regulation within the KUHP does not diminish the authority of Indonesia's Anti-Terrorism Law as a *lex specialis*.[10] On the contrary, the KUHP reinforces its position by providing a foundation for logical and direct enforcement when general provisions apply, while enabling complementary use of special legislation for more complex or sector-specific issues.

The classification of terrorism offenses within Chapter XXXV of the KUHP, alongside other extraordinary crimes such as corruption, narcotics, and money laundering, indicates the state's recognition of terrorism as a strategic and

[9] Maidah Purwanti et al., "Inclusion Policy of People Smuggling and Passport Forgery Articles in National Criminal Code Law to Justify Indonesian Immigration Law in the Sustainable Development Goals (SDGS) Era," *Journal of Lifestyle and SDGs Review* 5, no. 1 (January 10, 2025): e03579, https://doi.org/10.47172/2965-730X.SDGsReview.v5.n01.pe03579.

[10] Tri Ubayanto, Iwan Permadi, and Setyo Widagdo, "Legal Implications of the Arrangement of Authority of the Indonesian National Army in Overcoming the Armed Separatist Movement, Armed Insurgency and Terrorism," *Journal of Arts & Humanities* 9, no. 5 (2020).

substantive threat. These crimes are no longer viewed merely as specialized offenses but as integral threats to national security, constitutional integrity, and societal order.[11]

Within the framework of national legal policy, the decision to regulate terrorism within the KUHP represents an affirmative move to develop a responsive and transformative criminal justice system.[12] This reform is not limited to technical revisions but reflects the state's long-term vision of a penal system rooted in national ideology, legal sovereignty, and adaptive to contemporary threats.[13] The transformation from a colonial criminal law system to a national legal framework must be understood as an ideological process that is long and multidimensional.[14] Indonesia required 142 years from the adoption of the Dutch WvS in 1881 to enact its own national Criminal Code in 2023. This extended interval demonstrates that the reconstruction of criminal law is not merely a

[11] Torin Monahan, "Crime in an Insecure World," *Contemporary Sociology: A Journal of Reviews* 37, no. 5 (2008), https://doi.org/10.1177/009430610803700542.
[12] Dika Agusta, Abdul Madjid, and Nurini Aprilianda, "Reforming Indonesian Criminal Law: Integrating Supervision, Punishment, And Rehabilitation For Restorative Justice," *International Journal of Islamic Education, Research and Multiculturalism (IJIERM)* 7, no. 1 (February 25, 2025): 54–68, https://doi.org/10.47006/ijierm.v7i1.434.
[13] Ali Masyhar and Muhammad Azil Maskur, "Method and Strategy of the Universitas Negeri Semarang in Overcoming Student Radicalism," in *ICILS 2020: Proceedings of the 3rd International Conference on Indonesian Legal Studies, ICILS 2020, July 1st, 2020, Semarang, Indonesia*, 2021.
[14] Faisal et al., "Genuine Paradigm of Criminal Justice: Rethinking Penal Reform within Indonesia New Criminal Code," *Cogent Social Sciences* 10, no. 1 (2024), https://doi.org/10.1080/23311886.2023.2301634.

legislative process, but a product of evolving political will, social pressures, changes in crime typologies, and a continuous pursuit of justice.

In this context, comprehensive understanding of *Logische Specialiteit* and *Systematische Specialiteit* becomes essential to redefine and harmonize the relationship between general and special criminal provisions, particularly in regulating terrorism. These concepts serve as guiding principles in aligning specific elements of offenses with the overarching structure of criminal law, thereby avoiding normative conflicts in criminal enforcement. The placement of terrorism offenses within KUHP serves as concrete evidence that Indonesia is moving toward a criminal justice system that is not only normatively sovereign but also institutionally adaptive. The legal policy underlying the regulation of terrorism under Law Number 1 of 2023 represents the state's commitment to build a democratic, responsive, and constitutionally grounded national criminal law system.[15]

II. Method

This research is a qualitative legal study that employs a juridical-normative approach, focusing on the analysis of legal

[15] Joko Setiyono and Aga Natalis, "Universal Values of Pancasila in Managing the Crime of Terrorism," *Cosmopolitan Civil Societies* 15, no. 2 (2023), https://doi.org/10.5130/ccs.v15.i2.8084.

norms and doctrines through a structured and analytical lens.[16] The juridical-normative method emphasizes the interpretation of written legal norms as formulated in legislation and legal principles developed in scholarly doctrine.[17] This research is directed toward understanding the legal politics (*politik hukum*) behind the integration of terrorism as a special criminal offense in the *Nusantara Criminal Code* (KUHP) under Law Number 1 of 2023. The investigation seeks to explore the extent to which the criminalization of terrorism reflects a shift from colonial normative structures to an indigenous codification aligned with the values of Pancasila.[18] Two key approaches are employed: the statutory approach, which focuses on examining formally applicable laws and regulations, and the conceptual approach, which explores foundational legal ideas, doctrines, and principles especially the normative implications of *Logische Specialiteit* and *Systematische Specialiteit* to assess their harmonization within the national criminal law system.[19]

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[16] Mahmud Marzuki, *Penelitian Hukum: Edisi Revisi* (Prenada Media, 2017).
[17] Soerjono Soekarto, "Pengantar Penelitian Ilmu Hukum," *Bandung Conference Series: Law Studies* 2, no. 2 (2019).
[18] Ahmad Rivai Ardiansyah Harahap, Sayyid Al Farros, and Asmak Ul Hosnah, "Implementation of Pancasila Values in the Formation of Law No. 1 of 2023 (New Criminal Code)," *Formosa Journal of Science and Technology* 4, no. 1 (January 13, 2025): 27–38, https://doi.org/10.55927/fjst.v4i1.13001.
[19] Soerjono Soekanto and Sri Mamudji, *Penelitian Hukum Normatif*, 14th ed. (Jakarta: Rajawali Pers, 2012).

Legal materials utilized in this research consist of primary legal sources (statutory regulations, constitutional texts, legislative records), secondary sources (legal doctrines, scholarly publications, expert legal opinions), and tertiary sources (legal dictionaries, indexes, and encyclopedias).[20] The data validation process adopts source triangulation, where the credibility of legal data is tested through the comparison and corroboration of multiple legal sources to ensure consistency and reliability.[21] The reasoning process is deductive, moving from general legal principles to their application in specific normative issues related to the criminalization of terrorism. This research aims to uncover not only the black-letter law but also the philosophical and political underpinnings of penal reform, particularly the legislative intent and constitutional alignment behind embedding special criminal offenses such as terrorism into the KUHP as a means of affirming national legal identity and advancing a sovereign criminal justice system.[22]

III. Result & Discussion

[20] Nur Sayidah, *Metodologi Penelitian Disertai Contoh Penerapannya Dalam Penelitian*, *NBER Working Papers*, 2018.
[21] M Marzuki, *Penelitian Hukum* (Surabaya: Universitas Airlangga, 2010).
[22] Muhamad Zarkasih et al., "Terrorism Law Enforcement in Indonesia: Integrating Pancasila in The Fight Against Modern Threats," *Aliansi: Jurnal Hukum, Pendidikan Dan Sosial Humaniora* 2, no. 1 (January 9, 2025): 299–315, https://doi.org/10.62383/aliansi.v2i1.767.

A. The Special Regulations For Criminal Acts of Terrorism in Positive Law Outside The National Criminal Code

The threat of terrorist crimes is a major challenge in this modern era, affecting global security significantly. Terrorist attacks not only cause physical and financial losses, but also have a deep psychological impact on society. The terms "terrorist" and "terrorism" come from the Latin "*to frighten*", which describes the effect of making trembling or shaking. As a consequence, terror can cause deep fear in the hearts and minds of victims. However, until now, there is no universally accepted definition for "terrorism".[23] By Therefore, the crime of terrorism can be classified as a crime with an international dimension regardless of developing or developed countries with uncertain victims and the effects of fear and trauma.[24]

After World War II, the term terrorism was used by the people of Asia, Africa and the Middle East to show the existence of their countries against the colonialists who occupied their countries. This is considered natural because society's revolutionary resistance to colonialism must be met

[23] Folman P. Ambarita, "Penanggulangan Tindak Pidana Terorisme," *Binamulia Hukum* 7, no. 2 (2018): 141–56, https://doi.org/10.37893/jbh.v7i2.29.
[24] Ali Masyhar, "Urgensi Revisi Undang-Undang Terorisme," *Masalah-Masalah Hukum* 45, no. 1 (2016): 25, https://doi.org/10.14710/mmh.45.1.2016.25-32.

with a movement to fight against violence.[25] However, over time in the international world the view of terrorism shifted to become a movement of radical ideological entities which believed that the West had carried out a global conspiracy, and therefore needed a way to destabilize the West to control developing countries. This expression shows that people think the West is wrong and their group is right.[26] This shift has coloured acts of terrorism into a political tool to influence policy by means of violence or threats of violence to fight an arbitrary government.[27] So it can be seen in tragedy *World Trade Center* and *Pentagon* on September 11 2001, it was a witness that acts of terrorism focused on efforts to overthrow certain governments, by involving community groups who were already furious with the government, and even more so with the intention of disrupting the international political order.[28]

In Indonesia, the 2002 Bali bombing marked a critical turning point in the legal construction of terrorism-related

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[25] Dede Indraswara, *Pertanggungjawaban Pidana Korporasi Pelaku Terorisme Dalam Perspektif KUHP Nasional* (Penerbit Adab, n.d.), https://books.google.co.id/books?id=enFREQAAQBAJ.

[26] Ali Masyhar and Fendi Setyo Harmoko, "Peran Khutbah Jum,at Dalam Mengantisipasi Radikalisme Beragama," no. 5 (2019): 178–83.

[27] Melani McAlister, "A Cultural History of the War without End," *The Journal of American History* 89, no. 2 (September 2002): 439, https://doi.org/10.2307/3092165.

[28] Mahdi Abdullah Syihab & Muhammad Hatta, "Metode Penanggulangan Tindak Pidana Terorisme Di Indonesia" 1, no. 1 (2023), https://advokatkonstitusi.com/penanggulangan-tindak-pidana-terorisme-di-indonesia/.

crimes.[29] This incident prompted the government to issue Government Regulation in Lieu of Law (Perppu) Number 1 of 2002, which was later ratified as Law Number 15 of 2003 on the Eradication of Criminal Acts of Terrorism. Definitions of terrorism vary across legal literature. According to the Indonesian Dictionary (KBBI), terrorism is defined as the use of violence to instill fear in order to achieve objectives, particularly political ones. In *Black's Law Dictionary*, terrorism is defined as the use or threat of violence to incite panic and influence political conduct. The *Merriam-Webster Dictionary* describes it as "a state of intense or overwhelming fear; violence or the threat of violence used as a weapon of intimidation or coercion." These definitional differences have led to the absence of a single international legal consensus, making the enforcement of laws against terrorism highly dependent on each country's national legal system.

Countering criminal acts of terrorism requires a comprehensive legal approach, including community protection (*social defence*) and social welfare (*social welfare*).[30] Efforts that can be taken by criminal law can include non-

[29] Subkhan Subkhan and Widayati Widayati, "Politics of Law Handling of Criminal Acts of Terrorism (Case Study In The District of Kudus)," *Jurnal Daulat Hukum* 1, no. 4 (2018), https://doi.org/10.30659/jdh.v1i4.3930.
[30] B N Arief, *Bunga Rampai Kebijakan Hukum Pidana:(Perkembangan Penyusunan Konsep KUHP Baru)* (Jakarta: Kencana Prenada Media Group, 2011), http://library.stik-ptik.ac.id/detail?id=49266&lokasi=lokal.

penal and penal measures.[31] Penal legal measures have a preventive (prevention) and repressive (enforcement) nature.[32] Integration in penal law enforcement can be done in two ways. First, in the formulation of general laws such as the Criminal Code. Second, by establishing special laws that focus more on this problem, such as the Terrorism Law. The response policy must include planning for prohibited actions that have the potential to harm society, as well as sanctions that will be imposed on the perpetrators.[33] The judicial process must also be clearly regulated in legal regulations.[34] Currently, Indonesian citizens are aware that the regulation of Terrorism Crimes (TP Terrorism) is regulated in 2 (two) Special Laws, namely Law (UU) Number 5 of 2018 concerning Amendments to Law Number 15 of 2003 concerning Determination of Government Regulations in Lieu of Laws. Number 1 of 2002 concerning the Eradication of Criminal Acts of Terrorism Becomes Law (hereinafter referred to as the Terrorism Law) and Law (UU) Number 9 of 2013 concerning

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[31] Cahya Wulandari et al., "Penal Mediation: Criminal Case Settlement Process Based on the Local Customary Wisdom of Dayak Ngaju," *Lex Scientia Law Review* 6, no. 1 (2022), https://doi.org/10.15294/lesrev.v6i1.54896.

[32] Zainal Abidin, *Bunga Rampai Hukum Pidana*, *Pradnya Paramita* (Jakarta: Pradnya Paramita, 1983).

[33] Dede Indraswara, "Formulation of Criminal Liability of Corporations Perpetrating Criminal Acts of Terrorism in Law Number 1 of 2023 Concerning the Criminal Code" (Universitas Negeri Semarang, 2024), https://doi.org/https://doi.org/10.15294/arls.vol1i4.10213.

[34] Sulung Bayu Saputra and Amsori Amsori, "Upaya Preventif Dan Represif Terhadap Tindak Pidana Terorisme Di Indonesia," *Jurnal Ilmiah Publika* 10, no. 2 (2022): 249, https://doi.org/10.33603/publika.v10i2.7528.

the Prevention and Eradication of Criminal Acts of Terrorism Financing (hereinafter referred to as the Terrorism Financing Law).

Regulations regarding criminal acts of terrorism in Indonesia emerged because of a terrible incident in 2001. The first Bali bombing on October 12, 2002, was a collective warning about the need for regulations that can ensnare perpetrators of terrorism. With mixed conditions, the government quickly within 6 days after the first Bali bombing, namely 18 October 2002, passed Government Regulation in Lieu of Law (Perppu) Number 1 of 2002 concerning the Eradication of Criminal Acts of Terrorism to ensnare the perpetrators, including Amrozi bin H. Nur Hasyim, Abdul Azis alias Imam Samudera, Ali Ghufron alias Mukhlas, and Ali Imron bin H. Nur Hasyim alias Alik.[35] The implementation of Perppu No. 1 of 2002 has caused problems among legal researchers, because the Perppu is retroactive (retroactive). This is regulated directly in Article 46 of the Perppu *aquo* mentioned that:

> *"The provisions in this Government Regulation in Lieu of Law can be treated retroactively for legal action for certain cases prior to the entry into force of this Government Regulation in Lieu of Law, the*

[35] Ari Wibowo, *Hukum Pidana Terorisme: Kebijakan Formulatif Hukum Pidana Dalam Penanggulangan Tindak Pidana Terorisme Di Indonesia* (Graha Ilmu, 2012).

implementation of which is determined by a separate Law or Government Regulation in Lieu of Law".

Romli Atmasasmita emphasized that the issuance of Government Regulation in Lieu of Law (Perppu) Number 1 of 2002 represented a manifestation of the state's obligation, as a *rechtsstaat* (state governed by law), to uphold justice, peace, and legal certainty by establishing a solid juridical foundation for the prevention and eradication of terrorism-related crimes.[36] This includes the dimensions of investigation, prosecution, trial, and court examination, while also adhering to the principles of legal certainty, transparency, and accountability. This effort was not only intended to ensure social order and public security, but also to safeguard national sovereignty from terrorism threats at the local, national, and international levels. The Perppu was later enacted as Law Number 5 of 2003 on April 4, 2003, and underwent significant revision through Law Number 5 of 2018 on June 22, 2018, introducing four fundamental reforms: first, the state is obligated to guarantee protection for victims of terrorism through medical assistance, psychosocial and psychological rehabilitation, as well as the provision of compensation and financial aid, addressing the previous legal focus that was offender-oriented rather than victim-oriented;

[36] Romli Atmasasmita, *Masalah Pengaturan Terorisme Dan Perspektif Indonesia* (Departemen Kehakiman dan HAM RI, Badan Pembinaan Hukum Nasional, 2002).

second, although the state assumes responsibility for victim recovery, the victims' right to restitution remains intact as compensation for their suffering; third, these normative arrangements strengthen the guarantees of protection and compensation for victims' losses; and fourth, the paradigm of counter-terrorism shifted from a purely repressive approach to a comprehensive preventive strategy.[37]

Law Number 9 of 2013 on the Prevention and Eradication of the Crime of Terrorism Financing is a response to Indonesia's international obligation following its ratification of the 1999 *International Convention for the Suppression of the Financing of Terrorism*, which requires states to establish legal mechanisms to detect and interrupt the flow of funds used to support terrorist activities. This law, enacted on March 13, 2013, constituted a progressive step after a decade of the Terrorism Law failing to regulate terrorism financing and strengthened Indonesia's legal system by making terrorism financing part of the *lex specialis* regime. Although the regulation sparked controversy over the retroactive principle, such an approach must be viewed prudently, as not all terrorist actions could be prosecuted under previous laws, and the state must not allow perpetrators

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

to escape accountability due to legal vacuum (*non-impunity*).[38] Therefore, the adoption of retroactivity serves as a legal breakthrough in realizing the principle of substantive justice within the national criminal law system. [39]

The definition of terrorism can be found in the legal literature. Based on Article 1 paragraph (2) and Article 2 of the Terrorism Law:

> *"Terrorism is an act that uses violence or threats of violence that creates a widespread atmosphere of terror or fear, which can cause mass casualties, and/or cause damage or destruction to vital strategic objects, the environment, public facilities or international facilities. with ideological, political or security motives."*

Reflecting on this definition, it can be seen that initially the formation of this law was intended to be a basis for action, in accordance with the meaning of Article 2 of the Terrorism Law, which essentially functions to provide *"Actions and strategic steps to improve public order and safety, as well as ensure respect for law and human rights, must be non-discriminatory, whether based on ethnic, religious, racial or*

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[38] Ali Masyhar, "Formulation Model of Retroactive in the World (Comparative Study with Indonesian Penal Code)," *South East Asia Journal of Contemporary Business, Economics and Law* 12, no. 4 (2017): 65–69.

[39] Ali Masyhar Mursyid, *Formulasi Retroaktif Ideal: Kajian Perbandingan Hukum Pidana Indonesia Dan Negara-Negara Dunia* (Depok: Rajawali Pers, 2023).

class factors.." If explained based on state philosophy, this article provides an understanding not just of ordinary legal actions. However, there are values that must be upheld, such as justice, humanity and togetherness in overcoming the threat of terrorism.[40] Eradicating terrorism makes the state a protector and enforcer of just laws, this is done by prioritizing an anticipatory and proactive nature in its actions. The hope is that these steps will be able to realize justice without being in a heterogeneous society with various ethnicities and thousands of islands.[41]

The crime of terrorism based on Article 6 of the Terrorism Law must fulfill the following elements:

> *"Any person who deliberately uses violence or threats of violence that creates an atmosphere of terror or widespread fear of people, causes mass casualties by taking away freedom or loss of life and property of other people, or causes damage or destruction to vital objects that Strategic, environmental or public facilities or international facilities shall be punished with*

[40] Muhamad Zarkasih et al., "Terrorism Law Enforcement in Indonesia: Integrating Pancasila in The Fight Against Modern Threats," *Aliansi: Jurnal Hukum, Pendidikan Dan Sosial Humaniora* 2, no. 1 (January 9, 2025): 299–315, https://doi.org/10.62383/aliansi.v2i1.767.

[41] Ahmad Muhammad Mustain Nasoha et al., "Pancasila Sebagai Pilar Dalam Sistem Hukum Anti Terorisme Di Indonesia," *Deposisi: Jurnal Publikasi Ilmu Hukum* 2, no. 4 (November 18, 2024): 123–31, https://doi.org/10.59581/deposisi.v2i4.4208.

imprisonment for a minimum of 5 (five) years and a maximum of 20 (twenty) years, life imprisonment or the death penalty."

The specificities contained in Law No. 15 of 2003 concerning the Eradication of Criminal Acts of Terrorism include:

1. Becomes the basis or foundation for other legal regulations related to criminal acts of terrorism and regulates terrorism funding as well as enabling the president to form an anti-terror task force;[42]

2. Contains special rules that guarantee the protection of the human rights of suspects or defendants, known as "*Safeguarding Rules*";[43]

3. Recently, the conflict in Indonesia has caused losses in national and state life, and even experienced a decline in civilization. Therefore, bilateral and multilateral cooperation in efforts to eradicate terrorism is

[42] L Mulyadi, Peradilan Bom Bali: Perkara Amrozi, Imam Samudera, Ali Ghufron, Dan Ali Imron Alias Alik (Djambatan, 2007), https://books.google.co.id/books?id=miE9PAAACAAJ. Pp. 14015

[43] Romli Atmasasmita, Sistem Peradilan Pidana (Criminal Justice System) : Perspektif Eksistensialisme Dan Abolisionisme (Bandung: Bina Cipta, 1996). Pp/ 110

becoming increasingly important to increase its effectiveness;[44]

4. Indonesia regulates criminal sanctions with specific minimums and maximums which vary in various articles. This results in heavier penalties compared to the Penal Code of Malaysia, so it is hoped that it will make terrorists more afraid to break the law;[45]

5. It is a special law which is the main legal basis which is coordinative in nature (*coordinating act*) to strengthen provisions in other laws and regulations related to the eradication of terrorism.[46]

To ensure robust legal certainty and effective protection for the public in facing the threat of terrorism-related crimes, as well as to proportionately respond to developments in positive law and the dynamics of social needs, a comprehensive, integrated, and balanced reformulation of legislation is required. Law Number 5 of 2018 concerning the

[44] Hery Firmansyah, "UPAYA PENANGGULANGAN TINDAK PIDANA TERORISME Di Indonesia," *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada* 23, no. 2 (June 7, 2011): 376, https://doi.org/10.22146/jmh.16193.
[45] Adji Rahmat Andre Setiawan and Rachmat Dwi Putranto, "Perbandingan Regulasi Penanganan Kejahatan Terorisme Di Indonesia Dan Malaysia," *Journal Evidence Of Law* 2, no. 2 (2023): 180–89, https://doi.org/10.59066/jel.v2i2.421.
[46] M., & Fahmiron, F. Rozaq, "Kebijakan Kriminal Dalam Penanganan Tindak Pidana Terorisme Di Indonesia," *UNES Law Review* 6, no. 2 (2023): 4985–93, https://doi.org/https://doi.org/10.31933/unesrev.v6i2.1320.

Amendment to Law Number 15 of 2003 on the Eradication of the Crime of Terrorism reflects a legislative policy direction grounded in the *precautionary principle* and the principle of human rights protection.[47] The special nature of this law (*lex specialis*), as articulated in its explanatory section, encompasses eight key areas of strategic regulation: first, the criminalization of new forms of terrorism, including the use of explosives and participation in military, paramilitary, or other training activities either domestically or abroad with the intention of committing acts of terrorism; second, the imposition of heavier criminal sanctions for conspiracy, preparation, attempt, and aiding and abetting; third, the expansion of criminal liability to include corporations, encompassing founders, leaders, managers, or individuals directing corporate actions;

Fourth, the introduction of additional penalties, such as revocation of passport rights for a specific period; fifth, the enactment of special procedural rules extending the periods of arrest, detention, and file examination by public prosecutors; sixth, the affirmation of the state's constitutional obligation to provide protection to victims; seventh, the strengthening of preventive mechanisms through inter-agency coordination led

[47] Ali Masyhar, "Non Penal Policy of Terrorism Mitigation in Indonesia," *SHS Web of Conferences* 54 (2018), https://doi.org/10.1051/shsconf/20185408016.

by the National Counterterrorism Agency (BNPT);[48] and eighth, the institutional reinforcement of BNPT and the involvement of the Indonesian National Armed Forces (TNI), along with provisions for oversight.[49] All of these provisions illustrate a progressive legal policy approach in addressing the complexity of terrorism, while maintaining a balance between national security interests and the protection of citizens' fundamental rights as mandated by the Constitution and international human rights instruments.[50]

The definition of terrorism financing can be found in legal documents. In accordance with Article 1 paragraph (1) of the Terrorism Financing Law:

> *"Terrorism Financing is any action in the context of providing, collecting, giving or lending funds, either directly or indirectly, with the intention of being used*

[48] Cecep Hidayat and Fajar Imam Zarkasyi, "The National Counterterrorism Agency's Efforts to Improve Intelligence Institution Collaboration in Countering Terrorism in Indonesia," *International Journal of Social Science and Religion (IJSSR)*, October 15, 2024, 419–40, https://doi.org/10.53639/ijssr.v5i3.271.

[49] Muhammad Arbi Alghiyats and Dini Dewi Heniarti, "Tinjauan Yuridis Pelibatan TNI Dalam Pemberantasan Tindak Pidana Teroris Dihubungkan Dengan UU No.5 Tahun 2018 Tentang Perubahan UU No 15 Tahun 2003 Tentang Perpu No. 1 Tahun 2002 Tentang Pemberantasan Tindak Pidana Terorisme," *Bandung Conference Series: Law Studies* 2, no. 2 (August 4, 2022), https://doi.org/10.29313/bcsls.v2i2.3365.

[50] 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), https://doi.org/10.15294/jllr.v2i2.46625.

> *and/or known to be used to carry out terrorist activities, terrorist organizations or terrorists."*

Meanwhile, the definition regarding the Crime of Terrorism Financing as regulated in Article 4 of the Terrorism Financing Law reads:

> *"Any person who intentionally provides, collects, gives, or lends funds, either directly or indirectly, with the intention of using them in whole or in part to commit a crime of terrorism, a terrorist organization, or a terrorist shall be punished for committing the crime of financing terrorism with a maximum prison sentence of 15 (fifteen) years and a maximum fine of IDR 1,000,000,000.00 (one billion rupiah)."*

The regulation of the Terrorism Financing Law is a response to every act of terrorism which is often timeless. Therefore, terrorism funding across national borders requires steps to prevent and overcome involving financial institutions, law enforcement, and inter-state cooperation to identify the flow of funds that may be used to support terrorist activities. Currently, there are several regulations related to preventing and overcoming the financing of terrorism, namely Law Number 15 of 2003 which updates Government Regulations in Lieu of Law Number 1 of 2002 concerning the Eradication of Criminal Acts of Terrorism into law, and Law Number 8 of 2002. 2010 concerning Prevention and Eradication of Money

Laundering. However, Law Number 15 of 2003 which deals with terrorism financing still has shortcomings. Likewise, the integration of criminal acts of terrorism into the list of main criminal acts in Law Number 8 of 2010 has not been implemented effectively in preventing and controlling the financing of terrorism.[51]

B. The Ideal Legal Politics of Changing The Crime of Terrorism in Law Number 1 of 2023 Concerning The Criminal Code

Legal politics, according to Moh. Mahfud MD, referring to the direction of legal policy (*legal policy*) which are determined by a country to achieve certain goals, which include the process of making new laws and changing existing laws. Classification in legal politics is divided into three dimensions:

1. Official direction regarding the law to be implemented (*legal policy*) with the task of achieving

[51] Adam Fenton and David Price, "Forbidden Funds - Indonesias New Legislation for Countering the Financing of Terrorism," *Australian Journal of Asian Law* 15, no. 1 (2014): 363–95.

state goals, including the renewal of existing laws and the establishment of new legal regulations;

2. Political background and other sub-systems that influence the legal formation process, including decisions regarding the implementation or abandonment of existing legal policies;

3. Problems related to law enforcement mainly focus on the implementation of established legal policies.[52]

From the components described, it can be explained that legal politics is the government's strategy in determining the direction and goals of state development, the methods of which are regulated and stipulated in the constitution and positive law in a country.

The politics of criminal law in the process of reforming the national criminal law (criminal law reform) through the Indonesian Criminal Code, especially in discussing criminal acts of terrorism.

Law No. 1 of 2023 concerning the Criminal Code (KUHP Nusantara) has the following structure:

[52] Moh Mahfud, *Membangun Politik Hukum, Menegakkan Konstitusi* (Jakarta: LP3ES, 2006).

- Book I : Consisting of 6 (six) Chapters and 187 Articles which are General Rules
- Book II : Consisting of 31 (thirty one) chapters and 437 articles concerning criminal acts, containing general explanations and explanations article by article

Overall, the Indonesian Criminal Code consists of 624 articles. As a comparison, the Colonial Criminal Code (WvS) consists of 569 articles in the form of: Book I which contains General Rules consisting of 9 chapters and 103 articles. Book II on Crime consists of 31 chapters and 385 articles. Book III concerning Violations consists of 9 chapters and 81 articles. The large number of articles in the Indonesian Criminal Code does not mean that "*overcriminalization*" but as a result of appreciation and consolidation of the development of criminal law outside the Criminal Code.

The development of criminal law outside the Criminal Code was a natural regulation and had to be carried out at that time because there were many aspects of new criminalization that were not regulated in the Colonial Criminal Code. This arrangement is due to 3 (three) aspects:

1. The existence of new legal interests driven by society as an effort to protect criminal law;

2. It is necessary for other fields of law (civil and constitutional/administrative law) because it functions

as a reinforcement of norms and values in the application of sanctions;

3. Post-independence adjustments to the rule of law to create a democratization process, as well as adjustments to international developments through conventions, whether ratified or not. On the other hand, there are also decriminalization and fractalization efforts.

The most fundamental challenge in developing Indonesia's national criminal law system lies in the stagnation of codification, which still refers to the Colonial Criminal Code (KUHP), particularly Book I on General Provisions, which ideally should serve as a universal benchmark in the enforcement of national criminal law. The provisions of the old criminal code are increasingly seen as inadequate in addressing the substantive justice needs of modern society, leading to the emergence of sectoral regulations in the form of laws outside the KUHP. These often deviate from the principle of *nullum crimen sine lege* and dilute the universal principles of classical criminal law. This pattern of legal development has produced special criminal sanctions in the realm of administrative penal law, which are ad hoc in nature and not systematically bound to codification principles. As a result, symptoms of criminal law fragmentation have arisen, which not only blur the structure of the legal system but also threaten the legitimacy of the national criminal justice system.

This phenomenon has given rise to a form of dualism in Indonesia's criminal law system, namely the coexistence of codified criminal law based on the KUHP and sectoral criminal laws scattered across various special laws outside the KUHP.[53] A similar condition is evident in criminal procedural law, leading to deviations from the normative standards of the Criminal Procedure Code (KUHAP). This dualism has resulted in legal disintegration and challenges in the application of universal principles of criminal law. The proposed solution is the urgent need for recodification and consolidation of criminal law by strengthening the principles of Book I of the KUHP Nusantara, positioning it as the core of a comprehensive, rational, and contextual national criminal law system, in line with the ideals of decolonization, harmonization, democratization, and actualization.

Initially, the Criminal Code (KUHP) was considered the foundation and manifestation of the process of codification and legal unification. However, as it developed, the Criminal Code was assessed:

a. Inadequate or unable to deal with various problems and dimensions of the emergence of new types of crime.

[53] Muhammad Rahmadianto, "Study of Law Number 1 of 2023 Concerning the Criminal Code (KUHP)," *Enigma in Law* 1, no. 2 (2024), https://doi.org/10.61996/law.v1i2.36.

b. Not in harmony with the socio-philosophical, socio-political and socio-cultural values that apply in society.

c. Not in accordance with the progress of thoughts/ideas and the needs and aspirations of society (both at the national and international levels).

d. It is not a complete criminal law system because several articles have been revoked, resulting in weaknesses in criminal law enforcement.

There has been a significant increase in the creation of new laws outside the scope of the Criminal Code (KUHP) which regulate specific crimes and special regulations. Even though the new law is a domestic product, it still refers to the general principles contained in the Criminal Code. Conceptually, the basic principles of colonial criminal law and the Criminal Code are still relevant within the Indonesian criminal law framework. Although these special laws stipulate different regulations from the Criminal Code, in practice, these laws develop without a clear pattern, are inconsistent, have juridical problems, and even threaten the integrity of the existing criminal law system. This is the main reason that supports the need for comprehensive restructuring of the national criminal law system in the form of more integrated codification and unification.

The recodification and reunification of national criminal law are strategic responses to the complex regulation of criminal offenses dispersed across various laws outside the Criminal Code (KUHP), particularly those classified as *extraordinary crimes*.[54] This phenomenon indicates a systemic need to consolidate fragmented criminal norms in order to align with the principles of modern codification. This process cannot be separated from the influence of transnational legal developments in the form of international conventions that have been ratified, such as the Convention Against Torture (1984), the Rome Statute (1998), and the United Nations Convention Against Corruption (UNCAC, 2003), which require domestic legal systems to adjust normatively. In addition, the gender-sensitive approach in contemporary criminal law construction reflects protection for vulnerable groups, particularly women, as part of the state's commitment to substantive justice. Offenses such as terrorism, genocide, war crimes, torture, human trafficking, and money laundering are key domains in this integrative effort.

Through comprehensive codification, the Indonesian criminal law system is expected not only to strengthen national legitimacy but also to ensure legal certainty and equality before

[54] Ali Masyhar and Gaya Indonesia menghadang Terorisme, "Sebuah Kritik Atas Kebijakan Hukum Pidana Terhadap Tindak Pidana Terorismeme Di Indonesia," *Mandar Maju, Semarang*, 2009.

the law in legal enforcement.[55] This restructuring aims to avoid the practice of sectoral hyper-legislation, which can lead to legal fragmentation and threaten the principles of due process and human rights protection. As a consequence, all forms of criminal regulation outside the KUHP should ideally adhere to the codification principle by integrating the general principles of Book I of the KUHP, unless explicitly excluded by *lex specialis* norms. Therefore, recodification is not merely a technical reform, but a repositioning of the national criminal law policy to build a unified, just, and globally responsive legal system.

Understanding of special criminal law in various criminal law literature is always linked to the principle of "*Special law derogate from General Law*' as stated in Article 125 paragraph (2) of the Indonesian Criminal Code which reads:

> *"An act regulated by general criminal rules and special criminal rules is only subject to special criminal rules, unless the law determines otherwise."*

The principle of criminal law regarding the lex Specialis principle, which is dynamic and limitative, has an important role in determining the application of special laws, both in situations where there are two or more special laws and

[55] Ruslan Renggong, "Reform of Criminal Law and Implications for Law Enforcement in Indonesia," *Journal of Studies in Social Sciences* 8, no. 2 (2014).

regulations, as well as in determining the applicable provisions in a law. special law.[56] Related to this, Schapffmeister in the principle of "*Special Law derogate from General Law*" states that there are two approaches to assessing whether a criminal provision is included in a special criminal provision or not. The first approach is by logical means, known as "*logical specialty*" (logical specialization), and the second approach is in a systematic way, known as "*systematic specialty*" (systematic specialization).[57]

In order to determine whether a criminal regulation actually includes a special criminal regulation, Noyon-Langemeijer, in line with Van Bemmelen, provides the following guidelines:[58]

a. A criminal regulation can be considered as a logical special criminal regulation ("*logical specialty*"), if apart from containing other specific elements, it also contains all the elements of a general criminal regulation.

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[56] I. S. Adji, "Korupsi: Kriminalisasi Kebijakan Aparatur Negara?," in *Kebijakan Aparatur Negara & Pertanggungjawaban Pidana* (Bandung: Asosiasi Pemerintah Provinsi Seluruh Indonesia (APPSI), 2010), www.appsi-online.com.

[57] A Z A Farid and A Hamzah, *Bentuk-Bentuk Khusus Perwujudan Delik (Percobaan, Penyertaan, Dan Gabungan Delik) Dan Hukum Penitensier* (RajaGrafindo Persada, 2006), https://books.google.co.id/books?id=Ajh9GQAACAAJ.

[58] Lamintang, P. (1983). *Hukum Pidana Indonesia. Sinar Baru*, Bandung. Hlm.47.

b. A criminal regulation can be considered as a special systematic criminal regulation ("*systematic specialty*"), even though it does not contain all the elements of a general criminal regulation, if it is clearly seen that the legislator intended to make the criminal regulation a special criminal regulation.

Provisions regarding acts of terrorism in the KUHP Nusantara are regulated in Articles 600 to 602, which are included in Chapter XXXV on Special Crimes. Article 600 addresses acts involving violence or threats of violence that create a widespread atmosphere of terror or fear, resulting in mass casualties, deprivation of liberty, loss of life or property, as well as damage to strategic vital objects, the environment, public or international facilities. The penalty ranges from a minimum of 5 years' imprisonment to the death penalty. Meanwhile, Article 601 regulates offenses committed with the intent or purpose of creating widespread terror or fear, or causing mass casualties and damage to vital objects, with a penalty of a minimum of 3 years' imprisonment up to life imprisonment. Furthermore, Article 602 stipulates that any person who provides, collects, gives, or lends funds, either directly or indirectly, with the intent of supporting acts of terrorism, terrorist organizations, or individual terrorists, shall be punished with a maximum of 15 years' imprisonment and a fine of up to category V. These three articles reflect the strengthening of the formulation of criminal elements and

sanctions related to terrorism within the KUHP Nusantara, as a form of integrating special norms into the national criminal law framework.

Looking at the system for formulating TP for terrorism in the Criminal Code indicates that TP for Terrorism has its own characteristics that need to be considered. The placement of this separate chapter is based on the special explanatory rules of Book II of the Indonesian Criminal Code number 4 which states that there must be:

A. *"the impact of victimization (victims) is large;"*
B. *"often transnationally organized (Transnational Organized Crime);"*
C. *"the criminal procedural arrangements are special;"*
D. *"often deviates from the general principles of material criminal law;"*
E. *It is. "the existence of law enforcement supporting institutions that have special characteristics and authority (for example, the Corruption Eradication Commission, the National Narcotics Agency, and the National Human Rights Commission, the National Counter-Terrorism Agency);"*
F. *"supported by various international conventions, both those that have been ratified and those that have not been ratified; And"*

G. *"is an act that is considered very evil (super mala per se) and reprehensible and strongly condemned by the community (strong people condemnation)."*

"With the regulation of the "Special Crimes Chapter", the existing authority of law enforcement agencies is not reduced and they continue to have the authority to handle Terrorism Crimes."

The development of modern criminal law shows that crimes such as terrorism are categorized as extraordinary crimes, as they deviate from the general principles of the Criminal Code (KUHP) and require different approaches to handling, including in procedural criminal law.[59] In response to these global challenges, the KUHP Nusantara adopts a new concept of substantive criminal law that integrates international norms, such as the International Convention for the Suppression of Terrorist Bombings (1997) and the International Convention for the Suppression of the Financing of Terrorism (1999), both of which were ratified through Law No. 6 of 2006.

In this context, the regulation of terrorism offenses in Chapter on Special Crimes of the KUHP Nusantara can be analyzed as a logical specialization (*logische specialiteit*), since

[59] John Griffiths, "Ideology in Criminal Procedure or A Third 'Model' of the Criminal Process," *The Yale Law Journal* 79, no. 3 (1970), https://doi.org/10.2307/795141.

the special provisions under this chapter contain specific elements while still being grounded in the general provisions found in Book I of the KUHP Nusantara. What differentiates these from laws outside the KUHP, apart from the terrorism offenses regulated within the KUHP itself, is that they are classified as direct logical specialities.

Essentially, the author defines logical speciality as comprising two types: direct logical speciality and indirect logical speciality. Direct logical speciality refers to criminal provisions formulated within the KUHP that contain specific elements but still include general criminal elements within the KUHP framework. In contrast, indirect logical speciality refers to provisions formulated outside the KUHP that also contain specific elements, yet still maintain general criminal principles consistent with the KUHP

IV. Conclusion

The special regulation of terrorism offenses in positive law outside the National Criminal Code (KUHP) essentially emerged as the state's response to a legal vacuum that the Colonial KUHP could not address especially in the aftermath

of the 2002 Bali Bombings and the growing threat of global terrorism. However, the existence of sectoral norms through specific laws such as **Law No. 5 of 2018** and **Law No. 9 of 2013** has led to fragmentation within the national criminal law system, as these laws operate outside the framework of the main codification. In this context, the partial integration of terrorism offenses into the **2023 KUHP** is not merely a supplement, but a form of **strategic recodification** that places extraordinary crimes like terrorism within a systemic, structured, and Indonesian-philosophy-based criminal law framework. The application of the principles of *logische specialiteit* and *systematische specialiteit* in **Chapter XXXV of the KUHP** does not eliminate the validity of special laws, but rather builds a **normative bridge between lex generalis and lex specialis**.

The **ideal legal policy regarding the reform of terrorism offenses in Law Number 1 of 2023 concerning the KUHP** is reflected in their regulation under the Chapter on Special Crimes as a form of **logical speciality (logische specialiteit)**. Although it contains specific elements, this regulation continues to refer to and comply with the general principles found in **Book I of the KUHP**, making it not a standalone provision, but an integral part of the national criminal law system. The main difference between this regulation and sectoral laws outside the KUHP such as banking law, customs law, or environmental law lies in the

form of speciality: terrorism offenses in the KUHP fall under **direct logical speciality**, as they are regulated within the KUHP and still contain general criminal law principles, whereas sectoral laws are categorized as **indirect logical speciality**. With this model, the regulation of terrorism offenses within the KUHP not only strengthens the position of special criminal law, but also ensures the coherence between special norms and general legal principles in a systematic and consistent manner.

V. References

Abidin, Zainal. *Bunga Rampai Hukum Pidana*. *Pradnya Paramita*. Jakarta: Pradnya Paramita, 1983.

Adji, I. S. "Korupsi: Kriminalisasi Kebijakan Aparatur Negara?" In *Kebijakan Aparatur Negara & Pertanggungjawaban Pidana*. Bandung: Asosiasi

Pemerintah Provinsi Seluruh Indonesia (APPSI), 2010. www.appsi-online.com.

Agusta, Dika, Abdul Madjid, and Nurini Aprilianda. "Reforming Indonesian Criminal Law: Integrating Supervision, Punishment, And Rehabilitation For Restorative Justice." *International Journal of Islamic Education, Research and Multiculturalism (IJIERM)* 7, no. 1 (February 25, 2025): 54–68. https://doi.org/10.47006/ijierm.v7i1.434.

AGUSTINA, SHINTA. "ASAS LEX SPECIALIS DEROGAT LEGI GENERALI DALAM PENEGAKAN HUKUM PIDANA." Universitas Andalas, 2014. https://doi.org/10.25077/0931203003.

Ahmad Muhammad Mustain Nasoha, Ashfiya Nur Atqiya, Nancy Adhelia Frizzy, Wahyu Nur Hidayah, and Anisa Nur Khoirina. "Pancasila Sebagai Pilar Dalam Sistem Hukum Anti Terorisme Di Indonesia." *Deposisi: Jurnal Publikasi Ilmu Hukum* 2, no. 4 (November 18, 2024): 123–31. https://doi.org/10.59581/deposisi.v2i4.4208.

Alghiyats, Muhammad Arbi, and Dini Dewi Heniarti. "Tinjauan Yuridis Pelibatan TNI Dalam Pemberantasan Tindak Pidana Teroris Dihubungkan Dengan UU No.5 Tahun 2018 Tentang Perubahan UU No 15 Tahun 2003 Tentang Perpu No. 1 Tahun 2002 Tentang Pemberantasan Tindak Pidana Terorisme." *Bandung Conference Series: Law Studies* 2, no. 2 (August 4, 2022). https://doi.org/10.29313/bcsls.v2i2.3365.

Ambarita, Folman P. "Penanggulangan Tindak Pidana Terorisme." *Binamulia Hukum* 7, no. 2 (2018): 141–56. https://doi.org/10.37893/jbh.v7i2.29.

Andre Setiawan, Adji Rahmat, and Rachmat Dwi Putranto. "Perbandingan Regulasi Penanganan Kejahatan Terorisme Di Indonesia Dan Malaysia." *Journal Evidence Of Law* 2, no. 2 (2023): 180–89. https://doi.org/10.59066/jel.v2i2.421.

Arief, B N. *Bunga Rampai Kebijakan Hukum Pidana:(Perkembangan Penyusunan Konsep KUHP Baru)*. Jakarta: Kencana Prenada Media Group, 2011. http://library.stik-ptik.ac.id/detail?id=49266&lokasi=lokal.

Atmasasmita, Romli. *Masalah Pengaturan Terorisme Dan Perspektif Indonesia*. Departemen Kehakiman dan HAM RI, Badan Pembinaan Hukum Nasional, 2002.

Dhoni, Dr Dhoni Martien. "Implementation Of The Principle Of Systematic Specification To Criminal Laws In Criminal Cases Of Corruption." *Pena Justisia* 21, no. 22 (2022).

Faisal, Andri Yanto, Derita Prapti Rahayu, Dwi Haryadi, Anri Darmawan, and Jeanne Darc Noviayanti Manik. "Genuine Paradigm of Criminal Justice: Rethinking Penal Reform within Indonesia New Criminal Code." *Cogent Social Sciences* 10, no. 1 (2024). https://doi.org/10.1080/23311886.2023.2301634.

Farid, A Z A, and A Hamzah. *Bentuk-Bentuk Khusus Perwujudan Delik (Percobaan, Penyertaan, Dan Gabungan Delik) Dan Hukum Penitensier*. RajaGrafindo Persada, 2006. https://books.google.co.id/books?id=Ajh9GQAACAAJ.

Fenton, Adam, and David Price. "Forbidden Funds - Indonesias New Legislation for Countering the Financing of Terrorism." *Australian Journal of Asian Law* 15, no. 1 (2014): 363–95.

Firmansyah, Hery. "UPAYA PENANGGULANGAN TINDAK PIDANA TERORISME Di Indonesia." *Mimbar Hukum - Fakultas Hukum Universitas Gadjah Mada* 23, no. 2 (June 7, 2011): 376. https://doi.org/10.22146/jmh.16193.

Griffiths, John. "Ideology in Criminal Procedure or A Third 'Model' of the Criminal Process." *The Yale Law Journal* 79, no. 3 (1970). https://doi.org/10.2307/795141.

Harahap, Ahmad Rivai Ardiansyah, Sayyid Al Farros, and Asmak Ul Hosnah. "Implementation of Pancasila Values in the Formation of Law No. 1 of 2023 (New Criminal Code)." *Formosa Journal of Science and Technology* 4, no. 1 (January 13, 2025): 27–38. https://doi.org/10.55927/fjst.v4i1.13001.

Hidayat, Cecep, and Fajar Imam Zarkasyi. "The National Counterterrorism Agency's Efforts to Improve Intelligence Institution Collaboration in Countering Terrorism in Indonesia." *International Journal of Social*

Science and Religion (IJSSR), October 15, 2024, 419–40. https://doi.org/10.53639/ijssr.v5i3.271.

Indraswara, Dede. "Formulation of Criminal Liability of Corporations Perpetrating Criminal Acts of Terrorism in Law Number 1 of 2023 Concerning the Criminal Code." Universitas Negeri Semarang, 2024. https://doi.org/https://doi.org/10.15294/arls.vol1i4.10213.

———. *Pertanggungjawaban Pidana Korporasi Pelaku Terorisme Dalam Perspektif KUHP Nasional*. Penerbit Adab, n.d. https://books.google.co.id/books?id=enFREQAAQBAJ.

Kadir, Abdul, and Suparji Achmad. "THE URGENCY OF MERGING SPECIAL CRIMES IN REFORMING THE CRIMINAL CODE." *International Journal of Accounting, Management, Economics and Social Sciences (IJAMESC)* 1, no. 6 (2023). https://doi.org/10.61990/ijamesc.v1i6.115.

Mahdi Abdullah Syihab & Muhammad Hatta. "Metode Penanggulangan Tindak Pidana Terorisme Di Indonesia" 1, no. 1 (2023). https://advokatkonstitusi.com/penanggulangan-tindak-pidana-terorisme-di-indonesia/.

Mahfud, Moh. *Membangun Politik Hukum, Menegakkan Konstitusi*. Jakarta: LP3ES, 2006.

Marzuki, M. *Penelitian Hukum*. Surabaya: Universitas Airlangga, 2010.

Marzuki, Mahmud. *Penelitian Hukum: Edisi Revisi*. Prenada Media, 2017.

Maskur, Muhammad Azil. "Integrasi The Living Law Dalam Pertimbangan Putusan Hakim Pada Kasus Tindak Pidana Korupsi." *Pandecta (Jurusan Hukum Dan Kewarganegaraan, Fakultas Ilmu Sosial Universitas Negeri Semarang)* 11, no. 1 (2016): 18–30.

Masyhar, Ali. "Formulation Model of Retroactive in the World (Comparative Study with Indonesian Penal Code)." *South East Asia Journal of Contemporary Business, Economics and Law* 12, no. 4 (2017): 65–69.

———. "Non Penal Policy of Terrorism Mitigation in Indonesia." *SHS Web of Conferences* 54 (2018). https://doi.org/10.1051/shsconf/20185408016.

———. "Urgensi Revisi Undang-Undang Terorisme." *Masalah-Masalah Hukum* 45, no. 1 (2016): 25. https://doi.org/10.14710/mmh.45.1.2016.25-32.

Masyhar, Ali, and Fendi Setyo Harmoko. "Peran Khutbah Jum,at Dalam Mengantisipasi Radikalisme Beragama," no. 5 (2019): 178–83.

Masyhar, Ali, and Muhammad Azil Maskur. "Method and Strategy of the Universitas Negeri Semarang in Overcoming Student Radicalism." In *ICILS 2020: Proceedings of the 3rd International Conference on*

Indonesian Legal Studies, ICILS 2020, July 1st, 2020, Semarang, Indonesia, 2021.

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*, Vol. 2573, 2022. https://doi.org/10.1063/5.0109808.

Masyhar, Ali, and Gaya Indonesia menghadang Terorisme. "Sebuah Kritik Atas Kebijakan Hukum Pidana Terhadap Tindak Pidana Terorismeme Di Indonesia." *Mandar Maju, Semarang*, 2009.

McAlister, Melani. "A Cultural History of the War without End." *The Journal of American History* 89, no. 2 (September 2002): 439. https://doi.org/10.2307/3092165.

Milda Istiqomah, Rika Kurniaty, and Rizky Kurnia. "The Role Of The New Criminal Code As An Effort To Eradicate Criminal Acts Of Terrorism In Indonesia." *International Journal Of Humanities Education and Social Sciences (IJHESS)* 3, no. 5 (April 10, 2024). https://doi.org/10.55227/ijhess.v3i5.990.

Monahan, Torin. "Crime in an Insecure World." *Contemporary Sociology: A Journal of Reviews* 37, no. 5 (2008). https://doi.org/10.1177/009430610803700542.

Muhamad Zarkasih, Sri G M Hatta, Timbo Mangaranap Sirait, and Wagiman Wagiman. "Terrorism Law

Enforcement in Indonesia: Integrating Pancasila in The Fight Against Modern Threats." *Aliansi: Jurnal Hukum, Pendidikan Dan Sosial Humaniora* 2, no. 1 (January 9, 2025): 299–315. https://doi.org/10.62383/aliansi.v2i1.767.

———. "Terrorism Law Enforcement in Indonesia: Integrating Pancasila in The Fight Against Modern Threats." *Aliansi: Jurnal Hukum, Pendidikan Dan Sosial Humaniora* 2, no. 1 (January 9, 2025): 299–315. https://doi.org/10.62383/aliansi.v2i1.767.

Mulyadi, L. *Peradilan Bom Bali: Perkara Amrozi, Imam Samudera, Ali Ghufron, Dan Ali Imron Alias Alik*. Djambatan, 2007. https://books.google.co.id/books?id=miE9PAAACAAJ.

Mursyid, Ali Masyhar. *Formulasi Retroaktif Ideal: Kajian Perbandingan Hukum Pidana Indonesia Dan Negara-Negara Dunia*. Depok: Rajawali Pers, 2023.

Nuswanto, Heru Susetyo. "Terrorism as Socially Constructed Crime in Indonesia." *Padjadjaran Jurnal Ilmu Hukum* 6, no. 2 (2019): 266–86. https://doi.org/10.22304/pjih.v6n2.a4.

Purwanti, Maidah, Koesmoyo Ponco Aji, Anindito Rizki Wiraputra, Tony Mirwanto, and Muhammad Alvi Syahrin. "Inclusion Policy of People Smuggling and Passport Forgery Articles in National Criminal Code Law to Justify Indonesian Immigration Law in the Sustainable Development Goals (SDGS) Era." *Journal of Lifestyle and*

SDGs Review 5, no. 1 (January 10, 2025): e03579. https://doi.org/10.47172/2965-730X.SDGsReview.v5.n01.pe03579.

Rahmadianto, Muhammad. "Study of Law Number 1 of 2023 Concerning the Criminal Code (KUHP)." *Enigma in Law* 1, no. 2 (2024). https://doi.org/10.61996/law.v1i2.36.

Renggong, Ruslan. "Reform of Criminal Law and Implications for Law Enforcement in Indonesia." *Journal of Studies in Social Sciences* 8, no. 2 (2014).

Romli Atmasasmita. *Sistem Peradilan Pidana (Criminal Justice System): Perspektif Eksistensialisme Dan Abolisionisme*. Bandung: Bina Cipta, 1996.

Rozaq, M., & Fahmiron, F. "Kebijakan Kriminal Dalam Penanganan Tindak Pidana Terorisme Di Indonesia." *UNES Law Review* 6, no. 2 (2023): 4985–93. https://doi.org/https://doi.org/10.31933/unesrev.v6i2.1320.

Saputra, Sulung Bayu, and Amsori Amsori. "Upaya Preventif Dan Represif Terhadap Tindak Pidana Terorisme Di Indonesia." *Jurnal Ilmiah Publika* 10, no. 2 (2022): 249. https://doi.org/10.33603/publika.v10i2.7528.

Sayidah, Nur. *Metodologi Penelitian Disertai Contoh Penerapannya Dalam Penelitian*. *NBER Working Papers*, 2018.

Setiyono, Joko, and Aga Natalis. "Universal Values of Pancasila in Managing the Crime of Terrorism."

Cosmopolitan Civil Societies 15, no. 2 (2023). https://doi.org/10.5130/ccs.v15.i2.8084.

Soekanto, Soerjono, and Sri Mamudji. *Penelitian Hukum Normatif*. 14th ed. Jakarta: Rajawali Pers, 2012.

Soekarto, Soerjono. "Pengantar Penelitian Ilmu Hukum." *Bandung Conference Series: Law Studies* 2, no. 2 (2019).

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). https://doi.org/10.15294/jllr.v2i2.46625.

Subkhan, Subkhan, and Widayati Widayati. "Politics of Law Handling of Criminal Acts of Terrorism (Case Study In The District of Kudus)." *Jurnal Daulat Hukum* 1, no. 4 (2018). https://doi.org/10.30659/jdh.v1i4.3930.

Sukabdi, Zora Arfina, and Heriansyah Heriansyah. "Terrorism in the Indonesian New Criminal Code." *Saudi Journal of Humanities and Social Sciences* 9, no. 05 (May 21, 2024): 149–56. https://doi.org/10.36348/sjhss.2024.v09i05.002.

Ubayanto, Tri, Iwan Permadi, and Setyo Widagdo. "Legal Implications of the Arrangement of Authority of the Indonesian National Army in Overcoming the Armed Separatist Movement, Armed Insurgency and Terrorism." *Journal of Arts & Humanities* 9, no. 5 (2020).

Wibowo, Ari. *Hukum Pidana Terorisme: Kebijakan Formulatif Hukum Pidana Dalam Penanggulangan*

Tindak Pidana Terorisme Di Indonesia. Graha Ilmu, 2012.

Widyawati, Anis, Muhammad Azil Maskur, Rohadhatul Aisy, Papontee Teeraphan, and Heru Setyanto. "The Urgency of Supervision Institutions in Implementing Prisoners' Rights as an Effort to Restructure Criminal Execution Laws." *Jambura Law Review* 7, no. 1 (January 5, 2025): 127–51. https://doi.org/10.33756/jlr.v7i1.27595.

Wulandari, Cahya, Esmi Warassih Pujirahayu, Edward Omar Sharif Hiariej, Muhamad Sayuti Hassan, and Juan Anthonio Kambuno. "Penal Mediation: Criminal Case Settlement Process Based on the Local Customary Wisdom of Dayak Ngaju." *Lex Scientia Law Review* 6, no. 1 (2022). https://doi.org/10.15294/lesrev.v6i1.54896.

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