

The Role of the Central Java Regional Police in Overcoming Religious and Political Radicalism Crimes

Prima Prasilia Sulpa  ORCID Link:
Faculty of Law, Semarang State University
Email : primaprasiliasulpa272@students.unnes.ac.id

Muhammad Azil Maskur
Faculty of Law, Semarang State University
Email : azilmaskur85@mail.unnes.ac.id

Abstract

This study examines the role of the Police as law enforcement officers in dealing with and preventing criminal acts of radical movements with an understanding that can give rise to rebellions that have similarities with terrorism because they are categorized as two threats to the unity and security of the state through religion and politics. The factor that causes this radicalism is because the understanding of religion is still fragmented, as a result of which they feel that religion and themselves are the most correct so that they have the desire to change the current system of government and replace it with Islamic law. This research uses a literature approach, namely by collecting data from various literatures which are then used to analyze and solve the problems studied. This research focuses on the crime of radicalism committed by the Islamic State of Indonesia with the intention of overthrowing the government with the arrest of the Governor of NII and several of his staff in the Central Java Police. The findings of this study are important for law enforcers, especially the Police because as law enforcement officers the Police must have a good strategy to be able to overcome, prevent, and overcome radicalism and terrorism. With this



research, it can be a very important support as a means of law enforcement to achieve legal certainty, create justice, and maintain public order.

KEYWORDS

Radicalism, Terrorism, Police, Prevention

Introduction

Indonesia to be able to become an independent country must face many challenges, not only against colonialism but also the challenge of uniting all the people into a single unit. In running the government, the sovereignty of a country is not spared from various disturbances that come from outside and from within the country itself. The integrity of Indonesia is influenced by its customs, culture, race, ethnicity, beliefs, religion, and language. From this diversity, it is feared that the Indonesian nation will experience internal conflicts that develop into movements that are not in line with the government, especially in the government system.

Various events that have colored the history of Indonesia's struggle show that crime has weakened the entire life of the people since independence. In addition, national problems are increasingly complex with the progress and modernization of the times. Crimes or criminal acts that threaten state security clearly violate the rule of law. The criminal act is committed by citizens who attack the government or the state power system. In order to create public order, the state becomes a forum for implementation to achieve national goals to maintain the integrity of the nation and state. It looks like a radical movement to overthrow the government.

The integrity of the nation and state can run well if the order and security are also good, so that disturbances to state order and security must be resolved based on existing regulations to ensure the rights of the community. In order to realize welfare in society, a country must and must have a law enforcement officer who can be a protector and guideline in

behavior, one of which is the Police. As law enforcement officers, the Police are required not only to handle criminal acts but also to be able to prevent a criminal act from happening again.

The police in carrying out the legal process are appointed as investigators who have the authority to investigate based on the Law which is the legal basis for carrying out their duties. This includes the Central Java Regional Police which has handled several cases of terrorism crimes and also radicalism crimes that lead to terrorism, namely the criminal act of radical movements to establish the Islamic State of Indonesia where the rebellion is categorized as one of the most difficult forms of rebellion that Indonesia has ever faced.

Establishing a state can be said to be an act of treason or an evil consensus which is a form of resistance to the legitimate government with the aim of overthrowing or opposing existing policies and turning them into provisions that are contrary to the law, either through the force of weapons or in other ways that begin with the beginning of implementation¹.

Radical movements from a political point of view are defined as ideologies that want a complete change in the government system. Meanwhile, from a religious perspective, radicalism is defined as a movement that seeks to completely overhaul the social order with violence. Radicalism in general is a behavior or response to ongoing conditions in the form of evaluation, rejection, and even resistance that arise for various reasons such as social, political, cultural, and religious².

Radicalism is also often associated with religion, especially Islam, although Islam has never justified and taught the use of violence in spreading religion. But there are still certain groups that still carry out coercion to achieve their goals or defend their ideology. However,

¹ Geraldly Armando Bawuno, "Prosecution of Perpetrators of Treason Crimes as Formulated in Article 104 of the Criminal Code," *Lex Crimen Journal* 11, no.1 (2022): 87, <https://ejournal.unsrat.ac.id/index.php/lexcrimen/article/view/38219>.

² Ridwan Arifin, Ali Masyhar, and Btari Amira, "The Great Invisible Wave: How Indonesia Fights Radicalism and Terrorism from a Public Perspective," *Journal of Integrative Islamic Studies* 6, no. 1 (2020): 107, <https://doi.org/10.58326/jurnallisyabab.v1i1.16>.

radicalism movements are not always accompanied by violent acts, but can also be in the form of rebellion and resistance, so that it often gives rise to the assumption that radicalism is terrorism.

Radicalism can be considered terrorism if the movement refers to an attempt to change the political, social, or economic, and religious system that seeks to improve the current social and political system³. Because radicalism and terrorism have similarities where they are two threats to state security. So, a radical movement that can be said to be an attitude or spirit that encourages actions to weaken and change the existing system by adding new ideas or ⁴understandings. Radical ideology arises due to a misunderstanding of a group or faction towards the government, which ultimately has an impact on religion which is used as a symbol of resistance⁵. So that this understanding is closely related to an act that falls into an act of Terrorism. One of the cases of radical movements that rebelled against the state was the radical movement to establish the Islamic State of Indonesia. This rebellion is very difficult to handle because the actions carried out by NII are in the form of leading various opinions, ideas, ideas, and also events such as brainwashing and even kidnapping. NII is of the view that Islam in Indonesia is not perfect or dirty so a revolution must be carried out. Therefore, the understanding carried out by NII is vulnerable to radicalization or it can be said that this movement is not a struggle for religion but a rebellion.

Movement radicals establishing the Islamic State of Indonesia are very difficult to handle in Indonesia because this group bringing religion to actions that want to weaken and change the order of government and

³ Sumarwoto, Mahmutarom HR, and Ahmad Khisni, "The Concept of Deradicalization in an Effort to Prevent Terrorism in Indonesia," *Journal of Law* 07, no. 1 (2020): 40, <https://doi.org/10.25134/unifikasi.v7i1.2703>.

⁴ Wahyudin Hafid, "Genealogy of Radicalism in Indonesia (Tracing the Historical Roots of Radical Movements)," *Journal of Islamic Law* 1, no.1 (2020): 33, <https://doi.org/10.33096/altafaqquh.v1i1.37>.

⁵ Syaiful Rohman, and Siti Nurhasanah, "Understanding Radicalism Based On Religious Perspective," *Journal of Terrorism Studies* 1, no. 1 (2019): 21, <https://doi.org/10.7454/jts.v1i1.1001>.

replace it with a new understanding accompanied by a view to make a total change according to their interpretation of the religion or ideology they adhere to⁶. The act can be declared as a criminal act because the Laws and Regulations clearly regulate the act which is called the crime of treason and malicious conspiracy because it violates the law and is contrary to the norm committed by two or more persons to plan and commit a crime⁷.

Regulations regarding this criminal act are regulated in the Criminal Code, Law Number 1 of 2023 concerning the Criminal Code, and Law Number 5 of 2018 concerning Amendments to Law Number 15 of 2003 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2002 concerning the Eradication of Terrorism Crimes into Law. However, the weakness in the Law must exist because social dynamics will always develop, so that the various knowledge from the drafters of the Law cannot all *covered*. The existence of these weaknesses makes the need for more effective legal policies for the future whenever there are developments of the times and dynamics so that it will be perfect for the next stage.

Based on the background description above, the focus of the problems in this study is: the efforts made by the Central Java Regional Police in tackling religious and political radicalism crimes and the inhibiting factors of the Police in tackling religious and political radicalism crimes in the Central Java Police. Meanwhile, the purpose of this study is to find out the effectiveness of law enforcement against terrorism and radicalism crimes that have been committed by the Central Java Regional Police as well as the obstacles and obstacles that are often faced. The benefits obtained from this study are that the research researched by the author is obtained

⁶ Aska Nur, "Fundamentalism, Radicalism and Islamic Movements in Indonesia: A Critical Study of Islamic Thought," *Journal of Islamic Education and Studies* 02, no.1 (2021): 3. <https://jurnal.staiddimakassar.ac.id/index.php/aujpsi/article/download/16/16>.

⁷ Yuni Ristanti, Lalu Parman, and Ufran, "The Development of the Interpretation of Treason Delik in the Criminal Code in Indonesia," *Jurnal Kertha Semaya* 10, no. 1 (2021): 28, <https://doi.org/10.24843/KS.2021.v10.i01.p03>.

based on the main problems that stem from the direct knowledge and experience of the resource persons as well as from the literature data that comes from the research place itself.

This research is also expected to provide a benefit for many people, both theoretical and practical benefits that are useful for the government, society, and the Police as a legal interest that can be studied in the field of criminal law knowledge and examine more deeply related to the perpetrators of radicalism and terrorism in Indonesia.

The location of the research that the author used to obtain secondary data used as writing material is in Sub-Directorate I Unit I of the Directorate of General Criminal Investigation of the Central Java Regional Police which is located on Jalan Pahlawan No.1, Mugassari, South Semarang District, Semarang City, Central Java Province.

Methods

This research is a type of normative legal research that is doctrinal or also known as a type of *normative juridical* research, where the law is formulated as something written in laws and regulations (*law in book*) so that the law is conceptualized as the basis and benchmark for behavior. This normative juridical approach is then carried out based on the sources of existing legal materials, by studying, understanding, and analyzing data related to this research so that it can be used to make new ideas, legal comparisons, theories or concepts to solve the problems that will be ⁸faced.

This approach is also known as the literature approach, which is carried out by studying books, data, and laws and regulations as well as

⁸ Lexy J. Moleong, *Qualitative Research Methods* (Bandung: PT. Remaja Rosda Karya, 2007).

other legal materials related to this research⁹. Therefore, this research is subjective, because the author conducts direct interviews with sources so that the process uses analysis and is in accordance with the facts in the field¹⁰.

Thus, the materials or data obtained from the results of the research will be compiled systematically by the author so that it will be the conclusion of the problem being researched, in this case the problem is the role of the Central Java Regional Police in overcoming the crime of religious and political radicalism.

Result and Discussion

Legal regulation can be said to be a rule formed to regulate human behavior so that the community must obey it in order to create social order. An act can only be qualified as a criminal act if the act is declared legally prohibited by the provisions of existing criminal legislation. This concept is known as the principle of legality which is formulated in the adagium "*nullum delictum nulla poena, sine praevia lege poenali*" listed in Article 1 paragraph (1) of the Criminal Code which emphasizes a criminal act only based on the previous Criminal Law¹¹.

The Indonesian state runs its government based on law. Where the law is considered to be a means to create an orderly life of the nation and state. So that the law must always be enforced, obeyed, and obeyed by every citizen without exception In order to achieve the goals of the state and the

⁹ Kornelius Benuf, Siti Mahmudah, and Ery Agus Priyono, "Legal Protection of Financial Technology Consumer Data Security in Indonesia," *Journal of Law* 03, no.2 (2019): 145, <https://doi.org/10.24246/jrh.2019.v3.i2.p145-160>.

¹⁰ Muhammad Rijal Fadli, "Understanding the Design of Qualitative Research Methods," *Journal of Humanities* 21, no. 1 (2021): 33-54, <https://doi.org/10.21831/hum.v21i1.38075>.

¹¹ Annisa Hafizah, Madiasa Ablisar, and Rafiqoh Lubis, "The Principle of Legality in Indonesian Criminal Law and Islamic Criminal Law," *Indonesia Journal of Law* 1, no. 1 (2022): 2, <https://doi.org/10.32734/mah.v1i1.8311>.

creation of order and security so that it becomes a welfare in the life of society, nation, and state.

The police as law enforcement officers have a big role in this regard, because considering that the rebellion in Indonesia does not only occur once, coupled with the increasingly modern era, it can give rise to new ideas for the rebels to carry out radical movements again in the future. So that it is necessary to take major police action against treason crimes in order to realize the principle of the State of law and to prevent the increasing number of treason acts that harm the community.

1. Efforts Undertaken by the Central Java Regional Police in Overcoming Religious and Political Radicalism Crimes

Legal arrangements related to the crime of radical movements in the provisions of laws and regulations are classified as treason crimes. Meanwhile, law enforcement arrangements can be seen from the politics of criminal law, especially in policy-making that is formulated and determined through regulations in order to achieve state goals. So that criminal law policy can be a means to realize good legal regulations through a body authorized to establish the Regulation so that it can achieve what is aspired to¹². Therefore, criminal law politics is intended to hold elections in order to achieve the best results in the sense of meeting the requirements of justice and utility.

Based on Article 28 of Law Number 15 of 2003 concerning the eradication of terrorism crimes, arrests are carried out for a maximum of 7 x 24 hours (the period for interrogation first until where the involvement can later be detained or not), and the handling period until it is handed over is 6-9 months. In order to create public order, the state becomes a forum for the implementation of efforts to achieve national goals to maintain the integrity of the nation and state. The integrity of the nation and state

¹² Barda Nawawi Arief, *Criminal Law Policy Development of the Draft of the New Criminal Code* (Jakarta: Prenada Media Group, 2010).

requires order and security, so disturbances to state security threats must be acted upon in accordance with existing regulations so that they can guarantee the right to life of every community.

The Police is one of the law enforcement agencies that has an important role in tackling and preventing the occurrence of criminal acts of radicalism and terrorism. Law enforcement carried out by the Police as a law enforcement officer is a process to realize community welfare¹³. Crimes of radicalism and terrorism still often occur in Indonesia as a form of rebellion from groups that want change, where it is not uncommon to use religion as a causative factor.

The relationship between radicalism and terrorism lies in an act to seize power by intimidating the government and the civilian population to achieve political or religious goals. Radicalism can be said to be the beginning of the emergence of terrorism so that it has a very close relationship, because it is carried out by imposing the will of others who are considered opponents by a group of terrorists with the aim of getting attention. Where both are categorized as two threats to state security.

Based on the data obtained by the author through the results of an interview with Mr. IPTU. Wazir Arwani Malik, S.H. as an investigator who handles terrorism cases and has been a member of Den 88 at the Directorate of Criminal Investigation of the Central Java Police Sub-Directorate I of State Security, he said the procedure carried out by investigators in handling terrorism crimes is the need for readiness from the National Police starting from the legal materials, including in terms of the relevance of the arguments submitted by the perpetrators so that they can condition the perpetrators regarding their understanding to return to the HOMELAND.

¹³ Noveria Devy Irmawanti, and Barda Nawawi Arief, "The Urgency of Criminal Objectives and Guidelines in the Context of Reforming the Criminal Law Criminal System," *Indonesian Journal of Legal Development* 03, no. 02 (2021): 225, <https://doi.org/10.14710/jphi.v3i2.217-227>.

He also revealed that radicalism in Indonesia has existed since the New Order period and has developed until now with new motives and movements, so Indonesia will be in danger if these radical ideas are allowed to develop. In addition, he revealed that Sub-Directorate I of the Central Java Regional Police Directorate of Criminal Investigation had handled several terrorism cases such as:

Table 1.

Data on Terrorism Cases in the Central Java Police in 2001 – 2011

No.	Time	Case	Analysis
1.	Year 2002	Explosives to be sent to Maluku	Before the Bali Bomb exploded, the Central Java Police arrested 4 suspects with evidence in the form of 1/2 ton of explosives. With the discovery of documents and evidence of movements that lead to the crime of radicalism, namely Arabic books that have been translated by investigators regarding explosives, tanks, mines, war strategies, and weapons.

2.	Year 2006	G7 Group (Noordin and Dr. Azhari Supporters)	Arrested 7 suspects when Noordin and Dr. Azhari were in the search for a terrorism case. Where they welcomed the arrival of the suspect to Semarang, then they also hid the suspect and even had time to make a video to go viral containing threats to the government and carrying firearms.
3.	Year 2010-2011	Islamic State of Indonesia	Arrested 9 suspects of the rebellion who were the Governor and staff of the NII who wanted to overthrow the government and replace it with Islamic law. This movement caused panic, acted treason, and spread hatred against the State of the Republic of Indonesia.

Source : Sub-Directorate I Unit I of the Directorate of Criminal Investigation of the Central Java Police (2024)

The focus of this research will analyze the case handled by Sub-Directorate I Unit I of the Directorate of Criminal Investigation of the Central Java Police, namely the case of the Islamic State of Indonesia which is categorized as the most difficult rebellion ever faced in Indonesia. Where the crimes committed by NII are in the form of eliminating people, brainwashing by providing doctrines to spread hatred against the Unitary State of the Republic of Indonesia so as to cause panic, and acting to overthrow the government so that this case is a radical movement that leads to terrorism. In addition, NII has a reach and attraction on a national and even international scale that instills hostility in society.

NII has been established since 4 years after the independence of the Republic of Indonesia. This understanding fought to establish an Islamic State with the vision of wanting to form a state like the Prophet PBUH in the Medina period where Muslims should not live in an infidel state and government order intended to build a just, prosperous, and highly civilized society in accordance with *Islamic law*. NII has an attraction that lies in its ideology where they also have a legal system such as the Criminal Code that regulates *jinayat*, *kifarat*, *qishos*, etc. NII also has a legal regulation called *Qonun Asasi* such as the Constitution which states the form of the state, the *Imamah Council*, and so on¹⁴.

The governor of the Central Java region of NII suspect TDH alias MS, who was arrested by the Central Java Police, said that he has a government administrator who is responsible for recruiting members and seeking funds. The suspect TDH alias MS stated that NII would establish a state within the Indonesian state, as stated in the proclamation of the establishment of the Islamic state of Indonesia. So that this radical ideology seeks to change or reform the political field drastically which arises based on the wrong religious ideology.

Distorted religious understanding is a very strong reason for the creation of radical ideas, especially the radical ideas that occur in Indonesia are shown directly to the government. Radical movements are closely related to terrorism because they are a way to seize power from other groups and to intimidate a government, the civilian population and its elements to achieve social or political goals that cause fear and anxiety in society with political goals¹⁵.

¹⁴ Sofyan Hadi, "The Islamic State of Indonesia: The Conception of Shajarah Tayyibah in the Construct of the Islamic State," *Journal of Qur'an and Hadith Studies* 2, no. 2 (2013): 88, <https://doi.org/10.15408/quhas.v2i1.1309>.

¹⁵ Ali Masyhar, *Indonesian Style Against Terrorism* (Bandung: CV. Mandar Maju, 2009).

There are 3 (three) law enforcement steps that can be taken to overcome the crime of radicalism and terrorism, namely¹⁶ :

1. Formulation Stage

This stage is carried out through choosing activities that are in accordance with the current and future circumstances and situations, then the results of the election are formulated in the form of the best laws and regulations in the sense of meeting the requirements of justice and usefulness.

2. Application Stage

This stage is carried out through the application of the law by law enforcement officials, starting from the police to the courts. Thus, the Police as law enforcement officers are tasked with implementing the criminal laws and regulations that have been made. In carrying out this task, law enforcement officials must adhere to the values of justice and utility.

3. Execution Stage

This stage is carried out through concrete implementation of the law by law enforcement officials. At this stage, the Police are tasked with enforcing the Laws and Regulations that have been made by the lawmakers through the application of criminal penalties that have been applied in court decisions.

Mr. IPTU. Wazir Arwani Malik, S.H. also stated that in terms of law enforcement to handle the development of the concept of radicalism in the Central Java Police, it can be done through:

¹⁶ Mawardi. "The Political Implementation of Criminal Law in the Enforcement of the Crime of Human Trafficking," *Journal of Legal Complications* 5, no. 2 (2020): 312, <https://doi.org/10.29303/jkh.v5i2.53>.

1) Persuasive Approach

The persuasive approach can be said to be an approach using a special method of communication by the Police with the perpetrator of a criminal act with the aim of being able to influence a person's attitude, opinion, and behavior both verbally and nonverbally. Persuasive communication is an approach that is carried out by persuading and influencing the perpetrator to be able to change his attitude and be more open about what problems cause him to violate the regulations that have been set¹⁷.

Against the crime of radicalism and terrorism NII, the persuasive approach carried out by the Police is:

- a) Cooperate between the National Police and the Ministry of Religion to prevent the emergence of exclusive cases so that the perpetrators become aware and can be guided to return their love to the Republic of Indonesia.
- b) Through the Ministry of Religion, religious extension workers are formed which are formatted to ward off or prevent in the context of the emergence of the rejection of the concept of the Indonesian state, where the religious extension is located in the religious affairs office of each sub-district and each village has a religious extension team.
- c) Holding a kind of seminar or in Arabic it is called (*halaqoh*) or like studies on the concept of the Medina Charter which is adapted in the context of Indonesia, namely Pancasila. Where Pancasila is a manifestation of the Medina charter which is drawn in precepts 1 to 5.

¹⁷ Win Kotawarmi, Achmad Surya, and Husni Fachri, "Persuasive Communication Strategies of General Crime Investigators of the Central Aceh Resort Police in Interrogating Witnesses," *Journal of Communication Sciences* 1, no. 1 (2022): 6, <https://doi.org/10.55542/jiksohum.v4i1.141>.

So a persuasive approach is not only carried out with laws and regulations but there is a persuasive approach regarding their perspective on religion to become an adult so that they no longer have an exclusive attitude, which is interpreted as an attitude that views that beliefs, views, thoughts, and themselves are the most correct while the beliefs and principles embraced by other religions are wrong and misguided so they must be avoided¹⁸. Therefore, a persuasive approach is carried out to form an inclusive attitude, which reflects the acceptance and recognition of differences in a particular society or environment. So that a good community environment will be created without discrimination.

2) Deradicalization Strategy

The deradicalization strategy is a measure to prevent criminal acts formed by the government and has been carried out by the Police as a law enforcement officer who aims to neutralize the thoughts of radical groups that have been exposed to a distorted mindset.

The main target of this deradicalization strategy is terrorists who are inside and outside prisons in order to neutralize their radicalism thoughts, such as the criminal acts committed by NII are directed at the government, namely the intention to replace the government that is currently in power because it is considered inappropriate or not in line with them.

With these factors that give rise to epistemology, their actions must be based on religious moderation. One of the deradicalization efforts carried out against the crime of radicalism is religious moderation. Religious moderation is an effort to reduce violence and avoid extreme things in order to return to the truth of the religion

¹⁸ Purnomo, and Putri Irma Solikhah, "The Basic Concept of Inclusive Islamic Education: A Study on Islamic Inclusivity as a Basis for the Development of Inclusive Islamic Education," *Journal of Islamic Religious Education* 7, no. 2 (2021): 118, <https://doi.org/10.18860/jpai.v7i2.13286>.

adhered to¹⁹. So that the life of mankind related to behavior to carry out its religious teachings will be influenced by changes in the political, religious, economic, psychological systems, science, technological and information advances.

Therefore, they will interpret religion as no longer something mystical that talks about the hereafter but also talks about life or reality, thus the maturity will shape them to socialize with society and for divinity or *righteousness* as conveyed by God that religion is not limited by space and time, meaning will exist in every era and place.

Law in state life plays an important role as a means of protection to maintain order and create reforms so that it can be used as a tool to achieve state goals. Thus, a legal arrangement is intended to be effective or as a preventive function in order to reorganize the legal system, law enforcement, law enforcement, and law enforcement.

Legal arrangements related to radical ideology need to be carefully considered based on Indonesia's positive law so that the prevention efforts that have been established by the government can run optimally so that it can minimize the potential for future acts of terrorism.

Mr. IPTU. Wazir Arwani Malik, S.H. also said that it is undeniable that radicalism like NII in the future will definitely have the possibility of happening again, because the social dynamics of each person in understanding religion require a process so that in maturing religion they are not necessarily understood in terms of the overall concept but take time.

Therefore, regarding law enforcement, it will not necessarily be only legislation that will become a forum but also through a persuasive approach

¹⁹ Abdul Aziz, "Religious Moderation in the Perspective of the Qur'an (A Contextual Interpretation in Indonesia)," *Journal of al-Burhan Studies of Science and Cultural Development of the Qur'an* 21, no.2 (2021): 221, <https://doi.org/10.53828/alburhan.v21i02.383>.

and derakalization programs made by the government, so that it will prevent the exclusive nature to be changed to be inclusive and the perpetrators of radical crimes can be more open and live in a normal social society.

2. Factors Hindering the Police in Overcoming Religious and Political Radicalism Crimes in the Central Java Police

The police have duties and authorities as law enforcement officers who act as protectors and protectors of the community to realize order, security, and justice to the community so that they are protected from crimes that threaten security. The police in carrying out their duties as law enforcers must ensure legal certainty for every criminal offender through several procedures and stages, but law enforcement does not always run easily because there are obstacles and obstacles.

In dealing with criminal acts of radicalism and terrorism in Indonesia, the Police face many challenges. Based on the results of the interview, the obstacles faced by the police in dealing with terrorism crimes are where the threat of terrorism in Indonesia continues and their groups are able to develop and spread quickly according to the modernization of the times.

This is because they have an exclusive attitude where they view their beliefs, views, thoughts, and themselves as the most correct so that the beliefs held by other religions are wrong and misguided. This attitude then became an obstacle for the Police to overcome this crime because of the need for *undercover* from the officers to enter their territory, so that in the process it became a challenge for the Police to how law enforcement officers could enter their territory without being known. So that through the investigation information can be obtained about the conception or vision and mission in their movement.

The police must also find ways to improve their response to the threat of terrorism in the future, because with these efforts they can maintain

security and protect the public from the threat of terrorism. In addition to the obstacles mentioned above, there are also obstacles and challenges faced by the Police in tackling this criminal act, namely²⁰ :

1) External Factors

External factors are obstacles that come from outside:

- a) There is intimidation carried out by radical groups, namely suspects and former suspects who often still receive intimidation from their groups both outside and inside prison not to follow the deradicalization strategy given because it is considered haram. This is also an obstacle because the suspect himself is not required to participate in the deradicalization program.
- b) The negative stigma that comes from the community that former inmates can have a negative influence so that they are no longer accepted in the community. So that even though there are former suspects who have the intention to change from the understanding they adhere, to return to their original thinking and return to their group who will definitely accept it.
- c) Cooperation between law enforcement officials in preventing anti-terrorism is still not well established. Because there are still many law enforcement officials who have not taken concrete action to the maximum to carry out prevention.
- d) There are families who have the same understanding as the suspect, because often radical ideas come from their own families. So if the family has the same understanding, it will be more difficult to take a deradicalization approach to the suspect.

²⁰ Rifky Hidian Prabandaru, and Lilik Mulyadi, "The Role of Densus 88 Anti-Terror Police in Non-Penalty Policy as an Effort to Prevent Terrorism Crimes in the Jurisdiction of the Yogyakarta Police," *Journal of Legal Research Review Results* 5, no. 1 (2021): 29-31, <https://doi.org/10.37159/jmih.v5i1.1712>.

2) Internal Factors

- a) The lack of members of the Police apparatus is still an obstacle to this day, because to prevent radicalism, a deradicalization strategy must be carried out. The limited number of female Kepoolisian members is also an obstacle because these female police are urgently needed to approach the suspect's family.
- b) The facilities and infrastructure used in the prevention process are not yet available properly, still have to wait for submission which requires a very long process and there are difficult stages that must be done.

Other challenges that are also faced by the Police in an effort to overcome radicalism consist of 2 (two) factors, namely²¹ :

1) Internal Factors

Internal factors come from the Police itself in the form of a shortage of Police members who are placed in the territory of terrorist groups and a lack of human resources as support.

2) External Factors

External factors come from disturbances and threats from different regions plus geographical locations that are difficult to penetrate. Not only that, external factors also come from the lack of concern from the community for the surrounding environment, causing often radicalism groups to easily enter and even blend in with the community. So that they can easily influence their teachings because of the lack of knowledge from the community.

The Police as an investigator of the crime of radical movements in carrying out their duties uses methods or methods based on and referring

²¹ Then Maftuh Abdul Razzaq, Jauhari D Kusuma, and Irma Istihara Zain, "The Role of the Police in Efforts to Counteract the Spread of Radicalism in the Usman Bin Affan Islamic Boarding School in the Dompu Regency Area," *Journal Unizar Recht* 1, no. 3 (2022): 377-378, <https://urj.unizar.ac.id/urj/article/view/7>.

to the Criminal Code, the Criminal Code, and the Terrorism Law as its material criminal law as well as the Police Law as its formal criminal law. Therefore, the performance of the Police as a law enforcement officer is also based on the effectiveness or not of an existing legal regulation.

Based on the theory of legal effectiveness which is the basis for this study, the effectiveness of a law is determined through the level of public compliance with the law, including with its law enforcers. So that a functioning legal system can be a sign that the law has achieved its goal, which is to protect the community and fulfill the legal justice that exists in society²².

So that the effectiveness or not of a law that has a positive and negative impact is influenced by 5 (five) factors, including²³ :

1) Legal Factors

Legal factors serve as a means to achieve justice, certainty, and utility. However, in its implementation, there must be challenges between legal certainty and justice, because legal certainty is real while justice is abstract or through the application of the Law only. So looking at the problem of radicalism and terrorism, the influencing legal factors are because the law is not only seen from written laws but there are many other rules that live and regulate life in society.

2) Law Enforcement Factors

Law enforcement factors include all parties who form or apply the law to provide certainty, justice, and usefulness. Law enforcement officials have the authority to carry out their respective duties and must pay attention to the ethics that apply in their profession.

²² Soerjono Soekanto, *Factors Affecting Law Enforcement* (Jakarta: PT Raja Grafindo Persada, 2008).

²³ Galih Orlando, "Legal Effectiveness and Legal Function in Indonesia," *Journal of Education, Religion and Science* 6, no. 1 (2022): 55-57, <https://www.ejurnal.stita.ac.id/index.php/TBQ/article/download/77/70>.

Judging from the problem of radicalism and terrorism, the law enforcement officers related here, namely the police, where carrying out their duties must be in accordance with the functions and duties of the Police as regulated in Law Number 2 of 2002 concerning the Indonesian Police. Often the obstacle is the limited ability to position oneself with society.

3) Factors of Facilities and Facilities that Support Law Enforcement

The factors of facilities and facilities that support law enforcement will run well if there are adequate facilities such as an educated community, adequate equipment, sufficient finance, and so on. In the case of radicalism and terrorism, legal certainty in resolving cases depends on the existing supporting facilities. This also includes the Police to increase their role in the prevention and eradication of crime and criminality.

4) Community Factors

Community factors are the basis that aims to achieve order in society. Society as a private law enforcer has a great influence on law enforcement because the good and bad of the existing law depends on the behavior pattern of the law enforcer itself. In the case of radicalism and terrorism, obstacles that originate from societal factors are often a problem. In this regard, people often obey the law not because of their direct belief that the law is good, but because they are asked and even imposed in state life or religious and belief orders.

5) Cultural Factors

Cultural factors are factors related to society because they concern customs and habits in society. Culture includes legal values that apply to what is considered good and what is considered bad so that it is avoided. Where the law has a direct and indirect influence that encourages social change. In terms of radicalism and cultural terrorism, it is an attitude of behavior that can make the law effective

if the community obeys the law. The role of society also affects so that the norms in state life do not deviate from what they should be, such as the formation of radical groups.

In addition to the factors described above, based on the results of an interview with the investigator, namely Mr. IPTU. Wazir Arwani Malik, S.H. he also pointed out other legal factors that affect the effectiveness of the law in terms of criminal acts of radicalism and terrorism, namely when the maturation of religion when Islam is understood is still a piece of incomplete (*kaffah*) so as to provide an understanding of the perpetrators of radical crimes feel that they are the most right. Where radicalism comes from a social gap that feels marginalized and far from power²⁴. That is a record for the National Police to make them aware.

Therefore, legal effectiveness is the most important supporting factor in order to achieve law enforcement in society. Because there must be weaknesses in the legal policies that have been carried out, because laws do not always become perfect because social dynamics are always developing so that the knowledge of the drafters of the law cannot be all *covered*. The existence of these weaknesses makes the need for more effective policies in the future for every development will be perfect for the next stage. So that criminal law policies are needed to analyze the movement to form, plan, and commit criminal acts in order to improve the law²⁵.

These obstacles and obstacles are quite difficult challenges for the Police to deal with radicalism which can occur at any time. Because in addition to the efforts of the Police, the role of the community is also needed. In this case, the Police prioritize preventive measures rather than

²⁴ Nurdin, Jamali, Slamet Firdaus, Didin Nurul Rosidin, Siti Fatimah, and Abas Hidayat, "Multicultural Awareness from the Perspective of the Qur'an and Prevention of Religious Radicalism-Liberalism," *Multicultural International Journal and Multireligious Understanding* 8, no. 10 (2021): 257, <http://dx.doi.org/10.18415/ijmmu.v8i10.3057>.

²⁵ Jeremia Ganesh, Nyoman PutraJaya Union, and Pujiyono, "Criminal Policies in Overcoming Treason Crimes in Indonesia," *Diponegoro Law Journal* 8, no.3 (2019): 2081, <https://ejournal3.undip.ac.id/index.php/dlr/>.

enforcement to anticipate before the crime occurs and if it has occurred in the form of a criminal act, be it terrorism, then the investigation process also needs to be carried out with an in-depth study so that it is appropriate in determining the suspect²⁶.

Strategies to counter radicalism and terrorism can be carried out by the Police through preventive efforts which are clearly stated in the general explanation of Law Number 2 of 2002 concerning the National Police of the Republic of Indonesia that preventive measures are still prioritized through the development of preventive principles and the provisions of Article 19 Paragraph (2) which states that in carrying out its duties and authorities, the National Police of the Republic of Indonesia prioritizes preventive measures. Because to prevent a criminal act committed by a radicalism group, it must have a strategy based on the conditions that cause it. This means that the Police are required to first find out the causes of radicalism such as educational, economic, cultural, religious, technological and information factors.

Then based on the results of the interview with Mr. IPTU. Wazir Arwani Malik, S.H. he also expressed his hope as a law enforcement officer, that the means to handle terrorism and radicalism cases should not only use laws and regulations but must be able to prevent and have ways and form new strategies to make these radical perpetrators more open and return to normal social life.

Conclusion

Based on the results of the research and discussion that the author has described previously, a conclusion is obtained. First, law enforcement can be realized properly if the effective performance of law enforcement officials is the most important indicator to overcome criminal acts. The

²⁶ Riad Tia Wardana, and Dahlan Ali, "Efforts to Prevent Terrorism Crimes by the Directorate of Security Intelligence," *Student Scientific Journal of Criminal Law* 3, no.3 (2019): 488, <https://doi.org/10.14710/dlj.2019.24587>.

police in carrying out their duties must be based on the applicable laws and regulations. Legal arrangements regarding radicalism and terrorism must be implemented properly in order to achieve the goals of the Indonesian state. So that the Police is a means to realize this goal to maintain the integrity of the nation and state from all disturbances and threats. Law enforcement steps that can be taken by the Police are through the formulation stage, application stage, and execution stage. In addition, there are also other approaches that must be taken by the Police, such as a persuasive approach to form an inclusive attitude of perpetrators of criminal acts and a deradicalization strategy which is a step aimed at restoring thoughts that have been exposed to radicalism.

Second, the Police in carrying out their duties as law enforcers do not always run well, because there must always be challenges, obstacles, and obstacles faced. The obstacles faced are very diverse, in overcoming the crime of radicalism and terrorism obstacles faced where the threat of radical groups continues and develops and spreads rapidly. It also includes challenges for the Police because they need *Undercover* from law enforcement officials to enter their territory without knowing so that they can obtain a lot of information. In addition, the police must also look for ways to improve the response to terrorism threats in the future in order to protect the community. So this is a quite difficult obstacle for the Police because this crime can happen at any time.

Recommendations

Based on the conclusion as previously described by the author, the author gives some suggestions as follows:

1. For the government, in order to be at the forefront of law enforcement to provide protection to the community and fulfill community justice through legal certainty. In this case, the government can also pay attention to existing laws and regulations related to criminal acts of radicalism and terrorism because social

dynamics are always developing so that not all problems can be *covered* properly. So that it is necessary to amend the Law every time there is a development which will then be perfect for the next stage.

2. For law enforcement officials, it is the most important factor for the realization of the State's goals. The police must be more responsive, professional, and fast in terms of tackling and overcoming criminal acts of radicalism and terrorism. The police must be able to create new strategies that are adapted to the development of the times and social dynamics. So that it can ensure the realization of community welfare, create order in the state, and the fulfillment of justice.
3. For the community, in order for the legal function to work properly, it is hoped that all members of the community can participate in helping the government and the Police to prevent and overcome criminal acts of radicalism and terrorism. By carrying out preventive prevention from an early age by fortifying oneself and not understanding religion one-sidedly or partially, so that maturity will be achieved in understanding religion in accordance with the concept that Islam is a religion *of rahmatan lil alamin* understood in *kaffah*.
- 4.

References

- Arifin, Ridwan, Ali Masyhar, and Btari Amira,. "The Great Invisible Wave: How Indonesia Fights Radicalism and Terrorism in a Public Perspective." *Journal of Integrative Islamic Studies* 6, no. 1 (2020): 35-41. <https://doi.org/10.58326/jurnallisyabab.vii1.16>.
- Aziz, Abdul. "Religious Moderation in the Perspective of the Qur'an (A Contextual Interpretation in Indonesia)." *Journal of al-Burhan Studies of Science and Cultural Development of the Qur'an* 21, no.2 (2021): 218-231. <https://doi.org/10.53828/alburhan.v21i02.383>.
- Benuf, Kornelius, Siti Mahmudah, and Ery Agus Priyono. "Legal Protection of Financial Technology Consumer Data Security in Indonesia." *Journal of Law* 03, no.2, (2019): 145-160. <https://doi.org/10.24246/jrh.2019.v3.i2.p145-160>.
- Bawuno, Geraldly Armando. "Prosecution of the perpetrators of treason crimes as formulated in Article 104 of the Criminal Code." *Lex Crimen*

- Journal 11, no.1, (2022): 87-96. <https://ejournal.unsrat.ac.id/index.php/lexcrimen/article/view/38219>.
- Devy Irmawanti, Noveria, and Barda Nawawi Arief. "The Urgency of Criminal Objectives and Guidelines in the Context of Reforming the Criminal Law Criminal System." *Indonesian Journal of Legal Development* 03, no. 02, (2021): 217-227. <https://doi.org/10.14710/jphi.v3i2.217-227>.
- Fadli, Muhammad Rijal. "Understanding the Design of Qualitative Research Methods." *Journal of Humanities* 21, no. 1, (2021): 33-54. <https://doi.org/10.21831/hum.v2i1.38075>.
- Ganesh, Jeremiah, Nyoman PutraJaya Union, and Pujiyono. "Criminal Policies in Tackling Treason Crimes in Indonesia." *Diponegoro Law Journal* 8, no.3, (2019): 2076-1095. <https://ejournal3.undip.ac.id/index.php/dlr/>.
- Hadi, Sofyan. "The Islamic State of Indonesia: The Conception of Shajarah Tayyibah in the Construct of the Islamic State." *Journal of Qur'an and Hadith Studies* 2, no. 2 (2013): 87-104. <https://doi.org/10.15408/quhas.v2i1.1309>.
- Hafid, Wahyudin. "The Genealogy of Radicalism in Indonesia (Tracing the Historical Roots of Radical Movements)." *Journal of Islamic Law* 1, no.1 (2020): 31-46. <https://doi.org/10.33096/altafaqquh.v1i1.37>.
- Hafizah, Annisa, Madiasa Ablisar, and Rafiqoh Lubis. "The Principle of Legality in Indonesian Criminal Law and Islamic Criminal Law." *Indonesia Journal of Law* 1, no. 1, (2022): 1-10. <https://doi.org/10.32734/mah.v1i1.8311>.
- Hidian Prabandaru, Rfky, and Lilik Mulyadi. "The role of Densus 88 Anti-Terror Police in non-penal policy as an effort to prevent terrorism crimes in the jurisdiction of the Yogyakarta Police." *Journal of Legal Research Review Results* 5, no. 1 (2021): 19-35. <https://doi.org/10.37159/jmih.v5i1.1712>.
- Kotawarmi, Win, Achmad Surya, and Husni Fachri. "Persuasive Communication Strategy of General Crime Investigators of the Central Aceh Resort Police in Interrogating Witnesses." *Journal of Communication Sciences* 1, no. 1 (2022): 1-11. <https://doi.org/10.55542/jiksohum.v4i1.141>.
- Maftuh Abdul Razzaq, Lalu, Jauhari D Kusuma, and Irma Istihara Zain. "The Role of the Police in an Effort to Counteract the Spread of Radicalism at the Usman Bin Affan Islamic Boarding School in the Dompu Regency Area." *Journal Unizar Recht* 1, no. 3 (2022): 372-378, <https://urj.unizar.ac.id/urj/article/view/7>.
- Masyhar, Ali. *Indonesian Style Blocks Terrorism*. Bandung: CV. Mandar Maju, 2009.
- Mawardi. "The Political Implementation of Criminal Law in the Enforcement of the Crime of Human Trafficking." *Journal of Legal Complications* 5, no. 2 (2020): 308-322. <https://doi.org/10.29303/jkh.v5i2.53>.

- Moleong, Lexy J. *Qualitative Research Methods*. Bandung: PT. Remaja Rosda Karya, 2007.
- Nawawi Arief, Barda. *Criminal Law Policy Development of the Draft of the New Criminal Code*. Jakarta: Prenada Media Group, 2010.
- Nur, Aska. "Fundamentalism, Radicalism and Islamic Movements in Indonesia: A Critical Study of Islamic Thought." *Journal of Islamic Education and Studies* 02, no.1, (2021): 1-9. <https://jurnal.staiddimakassar.ac.id/index.php/aujpsi/article/download/16/16>.
- Nurdin, Jamali, Slamet Firdaus, Didin Nurul Rosidin, Siti Fatimah, and Abas Hidayat. "Multicultural Awareness: Qur'anic Perspective and Religious Prevention: Radicalism-Liberalism." *Multicultural International Journal and Multireligious Understanding* 8, no. 10, (2021): 256-261. <http://dx.doi.org/10.18415/ijmmu.v8i10.3057>.
- Orlando, Galih. "Legal Effectiveness and Legal Function in Indonesia." *Journal of Education, Religion and Science* 6, no. 1 (2022): 49-58. <https://www.ejurnal.stita.ac.id/index.php/TBQ/article/download/77/70>.
- Purnomo, and Putri Irma Solikhah. "The Basic Concept of Inclusive Islamic Education: A Study on Islamic Inclusivity as a Basis for the Development of Inclusive Islamic Education." *Journal of Islamic Religious Education* 7, no. 2, (2021): 114-127. <https://doi.org/10.18860/jpai.v7i2.13286>.
- Ristanti, Yuni, Lalu Parman, and Ufran. "Development of the Interpretation of Treason Delik in the Criminal Code in Indonesia." *Kertha Semaya Journal* 10, no. 1, (2021): 26-38. <https://doi.org/10.24843/KS.2021.v10.i01.p03>.
- Rohman, Syaiful. and Siti Nurhasanah, "Understanding Radicalism Based On Religious Perspective." *Journal of Terrorism Studies* 1, no. 1 (2019): 21. <https://doi.org/10.7454/jts.v1i1.1001>
- Sumarwoto, Mahmutarom HR, and Ahmad Khisni. "The Concept of Deradicalization in an Effort to Prevent Terrorism in Indonesia." *Journal of Law* 07, no. 1 (2020): 35-41. <https://doi.org/10.25134/unifikasi.v7i1.2703>.
- Soerjono Soekanto. *Factors Affecting Law Enforcement*. Jakarta: PT Raja Grafindo Persada, 2008).
- Tia Wardana, Riad, and Dahlan Ali. "Efforts to Prevent Terrorism Crimes by the Directorate of Security Intelligence." *Scientific Journal of Students in Criminal Law* 3, no.3, (2019): 488-490. <https://doi.org/10.14710/dlj.2019.24587>.

Laws and Regulations

Criminal Code (KUHP).

Law Number 1 of 2023 concerning the Criminal Code.

Law Number 5 of 2018 concerning Amendments to Law Number 15 of 2003 concerning the Stipulation of Government Regulations in Lieu of Law Number 1 of 2002 concerning the Eradication of Terrorism Crimes into Law.

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