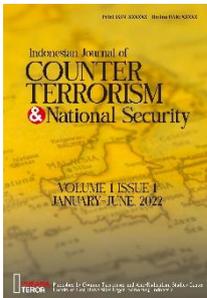


Terrorism and Islam in the Global Perspective

Hana Fairuz Mestika*

Universitas Negeri Semarang, Indonesia



ABSTRACT: Regarding terrorism, it is endless if discussed further. Nowadays the world or the international community often considers that Muslims are terrorists, and in their minds, they have been imprinted if there is a crime of terrorism, surely Muslims are the perpetrators. Even though it is a very, very big mistake. Muslims are never taught to be terrorists, they are never taught or educated to be criminals. Many in the international community do not want to make friends with people who convert to Islam because they are afraid. Why do so many people misinterpret the radical movement and relate to the religion of Islam. Of course, this is not true. We as a young generation must change the existing mindset, which has been imprinted in many of the thoughts of the international community regarding terrorism itself. In fact, terrorism is a criminal act that is currently the most troubling criminal offense in the world.

KEYWORDS: Terrorism, Islam, Global Perspective



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* Corresponding author's email: hana33566@gmail.com

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I. INTRODUCTION

The crime of terrorism is one of the forms of crime that has an international dimension, because all forms of actions that contain elements of terror that have been carried out are very frightening to the public and have taken many casualties that have occurred in various countries in the world. The international convention has also provided an explanation of the criminal act of terrorism which is included in one type of international crime that has an international aspect and can also be called a crime against the international community *Delicta Juris Gentium*. This is in line with the establishment of terrorist crimes in the Convention for The Prevention and Punishment of Terrorism in Geneva, 1937, the International Convention for The Suppression of Terrorism Bombing 1998 and the International Convention for The Suppression of The Financing of Terrorism, 1999 as transnational crimes.¹

Although terrorism is said to be an international crime, until now it has not been recognized as an international crime *International Crime* by the United Nations, even attempts to include terrorism in the jurisdiction of the International Criminal Court of the *International Criminal Court* in the Diplomatic Convention in Rome in 1998 have been rejected, especially by the OIC (Organization of Islamic Cooperation) countries and also the United States. Based on the

¹ Andri Desasfuryanto Abdussalam, *Hukum Pidana Internasional*, (Penerbit PTIK, Jakarta, Cetakan ke-3, 2012), p.22. See also Nasution, Aulia Rosa. "Penegakan Hukum Terhadap Tindakan Terorisme sebagai 'Extraordinary Crime' dalam Perspektif Hukum Internasional dan Nasional." *Talenta Conference Series: Local Wisdom, Social, and Arts (LWSA)* 1, No. 1 (2018); Anantaya, Windusadu, I. Dewa Gede Palguna, and I. Gede Putra Ariana. "Tanggung Jawab Negara Terhadap Kejahatan Terorisme Yang Melewati Batas-Batas Nasional Negara-Negara." *Kertha Negara* 3, No. 3 (2015).

establishment of terrorist crimes by several international conventions in 1937, 1998 and 1999 as Transnational Crimes.² Where transnational crime is a domestic crime or a crime that is national in nature but crosses the boundaries of the country's territory. This has been made clear in article 2 of the 2000 Palermo Convention, a convention against transnational organized crime which states, that crime is transnational if: (1) Performed by more than one country, (2) Carried out in one country but in the substantive part of its preparation, planning, briefing and supervision is carried out in another, (3) Conducted in one country but involving an organized crime group in which to participate in crime activities in more than one country, and (4) It is carried out in one country but can provide or cause considerable impact in another.³

Terrorism is not about who the perpetrators, groups or networks are. But, more than that, terrorism is an act that has roots in beliefs, doctrines and ideologies that can attack people's consciousness. The flourishing of terrorism comes from which land grows and develops. If it lives in arid lands, then terrorism is difficult to find a place, on

² Romli Atmasasmita, *Pengantar Hukum Pidana Internasional*, Bagian II, (Penerbit PT. Hecca Mitra Utama, Jakarta, 2004), p. 83. See also Simanjuntak, Shara Yosevina, and Tri Cahyo Utomo. "13. Analisis Kerja Sama Bilateral Indonesia dengan Australia Dalam Penanggulangan Terorisme Sebagai Kejahatan Transnasional Terorganisir (2002-2015)." *Journal of International Relations* 2, No. 3 (2016): 117-127; Fitriliani, Yulia. "Jurisdiksi Negara Dalam Kejahatan Terorisme." *ADIL: Jurnal Hukum* 4, No. 1 (2013): 207-224; Komariah, Mamay. "Kajian tindak pidana terorisme dalam perspektif hukum pidana internasional." *Jurnal Ilmiah Galuh Justisi* 5, No. 1 (2017): 97-112.

³ Huala Adolf, *Aspek-Aspek Negara dalam Hukum Internasional*, (Rajawali, Jakarta, 1991), p. 30. Concerning Palermo Convention, please also see and compare with Tennant, Ian. "Fulfilling the Promise of Palermo? A Political History of the UN Convention Against Transnational Organized Crime." *Journal of Illicit Economies and Development* 2, No. 1 (2021); Alix, Julie. "The Palermo Convention and the Fight against Terrorism." *Brill Research Perspectives in Transnational Crime* 3, No. 2-3 (2021): 60-66.

the contrary, if it lives on fertile land then it will quickly develop. The meaning of the fertile field according to Hendropriyono is a society polluted by extreme fundamentalism or religious radicalism.⁴

Therefore, this study aims to analyze concerning what is the point of view of international law in addressing or regulating the existence of terrorism crimes, and why do many people think that terrorism is carried out by Muslims.

II. METHODS

Legal Research is a process to find a rule of law, legal principles or legal doctrine in order to answer a legal issue at hand.

1. The type of research used today is a normative type of research using the legal comparison method. The method of comparative law is applied by using elements of the legal system as its comparison. Comparisons can be made in a cumulative way or against all of them. With legal research methods can be carried out various legal sub-systems that apply in a particular society. When viewed from its nature, this study is descriptive.
2. Data Sources In this study are primary and secondary data, where the data sources obtained from the literature, which among others include official documents, books, research results in the form of reports and so on consisting of:
 - a. Primary Legal Materials

⁴ A. M. Hendropriyono, *Terorisme: Fundamentalisme Kristen, Yahudi dan Islam* (Jakarta: Buku Kompas, 2009), p. 13. See also Mukhlisin, Muhammad Ray Fauzan, and Muhammad Arsyam. "Genealogi Gerakan Fundamentalisme Islam di Indonesia." *Al-Ubudiyyah: Jurnal Pendidikan dan Studi Islam* 3, No. 2 (2022): 1-10; Mikail, Kiki. "Problem Doktrin Keagamaan dan Fundamentalisme dalam Membangun Budaya Multikultural." *Journal of Darussalam Islamic Studies* 1, No. 1 (2020): 12-19.

- 1) Article 2 of the United Nations Convention against Transnational Organized Crime
 - 2) Article 38 Paragraph I of the Statute of the International Court of Justice
 - 3) Law No.15 of 2003 concerning the Eradication of Criminal Acts of Terrorism
- b. Secondary Legal Materials
- All publications on the law that are not official documents include textbooks and legal dictionaries.
- c. Tertiary Law Materials
- Material that provides instructions and explanations to primary legal materials and secondary legal materials such as legal dictionaries, encyclopedias, compulsive indices and so on.⁵

IV. INTERNATIONAL ARRANGEMENTS REGARDING TERRORISM CRIMES

The source of law in the context of international law is in Article 38 Paragraph I of the Statute of the International Court of Justice which establishes the provisions of international law that the International Court of Justice can apply in resolving disputes submitted to it the source of law for international law also applies to the source of international criminal law. There are four sources of international law as referred to in the Statute of the International Court of Justice, namely:

⁵ Ashshofa, *Metode Penelitian Hukum*, (PT. Rineka Cipta, Jakarta: 1996), p. 103; Benuf, Kornelius, and Muhamad Azhar. "Metodologi penelitian hukum sebagai instrumen mengurai permasalahan hukum kontemporer." *Gema Keadilan* 7, No. 1 (2020): 20-33.

- a. International conventions whether general or particular, establishing rules expressly recognized by contesting states.
- b. International custom point as evidence of a general practice accepted as law.
- c. The General principle of law recognized by civilized nations.
- d. Subject to provisions of article 59, judicial decisions and the teaching of the most highly qualified publicist of the various nations as subsidiary means for the determination of rules of law.

In its outline, the four sources of law can be divided into two, namely, primary sources of law and secondary sources of law. International conventions, international customs, and general principles of law can be incorporated into primary sources of law. All three sources of law are binding in general. On the other hand, court rulings and the doctrines or teachings of jurists are classified as secondary sources of law. Thus, this secondary source of law cannot be binding in general. Court decisions are binding only on the parties to the dispute, whereas doctrine can only be a legal provision through primary sources of law. According to Sugeng Istanto, the four sources of law are divided into formal legal sources and material legal sources. Other sources of legal forms of international law include international conventions while other sources of material law are general principles of law and the teachings of legal experts. International criminal law as a sub-discipline has two sources of law that include laws derived from national criminal law as well as international law. These two sources have formed a split personality not necessarily challenged, but rather must be complementary and complementary

in the face of the problem of international crimes including the problem of terrorism.⁶⁷

One of the tangible manifestations of an interaction between national law and international law is in the scope of discussion of international criminal law with the object of study of criminal acts of an international transnational nature. International criminal law itself will provide a foundation for critical analysis in discussing the conception and characteristics of an international criminal no-one. The birth of international conventions that designate certain criminal acts as international crimes implies the beginning of the struggle to uphold the rights and obligations of states participating in the convention to the content of the provisions set forth in the international convention. One of the obligations of participating states (even if reservations are still allowed) especially for Indonesia, is to enter the results of the convention in question into the national environment in the sense of, among other things, carrying out ratification in advance of the results of the convention, before being poured in the form of a law, specifically regarding the object under discussion in the convention.

One of the international crimes in question is the crime of terrorism. And the source of international law governing the eradication of terrorism is the Convention on Criminal Terrorism established in the *Convention for the Prevention and Punishment of Terrorism* in Geneva 1937. *International Convention for the Suppression of Terrorism Bombing* 1998 and *international convention for the suppression of the financing of terrorism*, 1999 as Transnational Crimes. Despite the efforts

⁶ Sugeng Istanto, *Hukum Internasional*, (Penerbitan Universitas Atmajaya Yogyakarta, 1998), p. 2.

⁷ Mochtar Kusumaatmaja, *Pengantar Hukum Internasional*, (Jakarta, Binacipta, 1989), p. 38

of the United States to include terrorist acts in *International Crimes*, it is the jurisdiction of the *Rome Statute of the International Criminal Court*. Same with Genocide, Crimes against Humanity, War Crimes and Agressive Crimes. But all participating countries did not agree. In the 1937 Terrorist Convention, it has been agreed by the international community to protect vulnerable points that are easily used as financial targets, damage that can cause suffering to the population or society such as hydroelectric or nuclear facilities and for the supervision of training or the use of weapons, ammunition and explosives that can be used for acts of terror.

The 1997 convention as well as the 1998 convention have strengthened the 1937 convention to prevent and eradicate acts of bomb blasting carried out by terrorists. As well as the 1999 convention, it specifically prevents and eradicates funding or finance for terrorist activities, including states or parties that 32 receive or conceal the funds in question. The convention states that terrorism is a criminal act that results in death or serious injury or disability to civilians or to others. The criminal act includes everyone who provides assistance or organizes the crime. In proving the element of error, it is emphasized on two elements, namely the element of intentionality (intentional) equipped with the element of knowing the existence of intentionality referred to as knowledge of the intent) and the continuation of an act of violation (in furtherance of the offence)⁸

In the Patriot Act, stipulates the type of criminal act of terrorism consisting of Article 801 terrorist attacks and acts of

⁸ Romli Atmasasmita, *Kapita Selektta Hukum Pidana*, (Jakarta: CV. Utomo, 2004).

violence/violation of the law against mass transportation i.e., whoever knowingly and wants:

- a. Damages, causes exit of rails or lanes to burn or immobilize mass vehicles or ferries.
- b. Placing or causing the placing of biological materials or elements or toxins used as weapons, substances or destruction materials or means of destruction on, on or near mass transportation vehicles or ferries, without obtaining prior permission from the owner or manager of mass transportation, and with the intention of endangering the safety of passengers, or employees of mass transportation management, or rashly disregarding the safety of human life.
- c. Burn or put biological materials or elements or toxins (poisons) used as weapons, destruction materials, or destruction tools on pedestals, near workshops or pools, terminals, infrastructure buildings, provision or facilities used for operation, or to support the operation of mass transportation vehicles or ferries, without obtaining prior permission from the manager and knowing or having evidence that such activities will cause out of line or rails, disabling or damaging mass transport vehicles or ferries, which are used, operated or used by mass transport managers.
- d. Remove or move equipment and damage or otherwise damage the operation of a transport signal system, centralized signal sending system, or railway crossing signal which is the authority of the mass transportation manager.
- e. Disrupting, disabling or causing non-employment of signal delivery officers, motorists, captains or anyone who is working in sending signals, operating or managing the running of mass transportation vehicles or ferries, with the intent to endanger the

safety of passengers or employees of mass transportation management, rashly does not heed human safety.

- f. Committing an act including the use of a dangerous weapon with the intent of causing death or severe physical injury 34 to a passenger or employee when one of the persons mentioned earlier was on the permanent property of the mass transport manager.
- g. Sending or causing the transmission of misinformation, knowing that the information is erroneous, relates to an attempt, or that as a pretext is being made or is about to be made, or commits an act that constitutes a prohibited crime.
- h. Attempted threats or conspiracies to commit acts referred to earlier.⁹

Article 803 provides that, the prohibition against protecting terrorism, whoever protects or hides or with evidence worthy of trust, has committed an offence relating to the destruction/destruction of aircraft, with biological weapons, with chemical weapons, with nuclear materials, by burning and bombing of government property at risk or causing physical injury or death, by destruction of electrical power facilities, with the violation of the law against sea navigation, with weapons of mass destruction, with acts of terror that cross national borders, with fuel data bases or nuclear facilities, with hijackings/robberies of aircraft, will be subject to fines and or sentenced to imprisonment of not more than 10 years or both. Article 806 states that the assets of terrorist organizations are all assets located at home or abroad that:

⁹ R. Abdussalam, *Hukum Pidana Internasional*, (Jakarta: Restu Agung, 2006), pp. 28-29.

- a) The property of individuals, institutions or organizations involved in enlightening or committing acts of domestic or international terror against the United States, citizens or those residing in the United States or their permanent property and all assets whether domestically or abroad, allows anyone to be a source of influence on such institutions or organizations.
- b) Obtained or managed by anyone with the intent and purpose of supporting, planning, carrying out, or concealing acts of international terrorism or domestic terrorism against the United States, United States citizens or persons residing in the United States or their permanent property.
- c) Originate and engage in or are used or intended to be used to commit acts of international terror or domestic terror against the United States, citizens of the United States or persons residing in the United States or against their permanent property. Article 808 of the definition of a federal criminal act of terrorism adds elements to the definition of a domestic / domestic criminal act of terrorism, which relates to:
 - 1) By the destruction/destruction of aircraft or aircraft facilities.
 - 2) With lawlessness/violence at international airports
 - 3) By burning buildings/facilities within the territory of maritime authority/jurisdiction or special territories.
 - 4) With biological weapons, chemical weapons
 - 5) With the kidnapping and murder of members of congress, cabinet and Supreme Court.
 - 6) With nuclear materials, explosives/plastic bombs.
 - 7) By arson or bombing of government property remains that risks or results in the loss of one's life.
 - 8) By burning fixed property (buildings/facilities) used in trade between states.

- 9) By assassination or attempted assassination during an attack on a federal facility with a dangerous weapon
- 10) With a conspiracy to kill, kidnap, persecute anyone (U.S. citizens) abroad to the point of disability.
- 11) With officials of foreign countries, official guests, or persons protected by International law
- 12) With systems, transmission stations, or communication lines.
- 13) By damaging buildings or permanent property within the maritime authority/jurisdiction of the United States.
- 14) With terrorist attacks and other acts of violence or lawlessness against the mass transportation system.
- 15) By the destruction of utilities (centers of facilities), buildings and their land, or national land tools.
- 16) With platforms/buildings remaining offshore, destruction of marine navigation.

International criminal law regulations regarding terrorism, international treaties have two forms, some are bilateral if the party is only two countries and multilateral if the party is more than two states. And conventions are one of the sources of international law both public and private. Other sources of law include treaties, pacts, charters, declarations, protocols, arrangements, accords, *modus Vivendi*, covenants, and so on. Conventions are generally used for multilateral international treaties governing large and important issues and are intended to apply widely, both in regional and general scope. Convention, *conventie*, *convention*, is also one of the terms commonly used in Indonesian to refer to the name of a multilateral

international agreement, whether initiated by states or by international institutions or organizations.¹⁰

V. WHY MANY PEOPLE THINK THAT TERRORISM IS CARRIED OUT BY MUSLIMS?

Radicalism is the embryo of the birth of terrorism. Radicalism is an attitude that yearns for total and revolutionary change by drastically overturning existing values through violence and extreme actions. There are several characteristics that can be recognized by radical attitudes and understandings. 1) intolerant (unwilling to value the opinions & beliefs of others), 2) bigoted (always self-righteous; considers others wrong), 3) exclusive (distinguishing oneself from Muslims generally) and 4) revolutionary (tends to use violent means to achieve goals). Having a radical attitude and understanding alone does not necessarily make a person fall into understanding and acts of terrorism. There are other factors that motivate a person to join a terrorism network. Such motivation is caused by several factors. First, domestic factors, namely domestic conditions such as poverty, injustice or feeling disillusioned with the government. Second, international factors, namely the influence of the foreign environment that provide the impetus for the growth of religious sentiments such as global injustice, arrogant foreign policy, and superpower modern imperialism. Third, cultural factors are strongly associated with superficial religious understanding and narrow and lexical interpretation of scripture (harfiyah). Radical attitudes and understandings motivated by the above factors often make a person

¹⁰ Boer Manua, *Hukum Internasional: Pengertian Peranan dan Fungsi dalam Era Dinamika Global*, (Bandung: Alumni, 2008), p. 8; Mochtar Kusumaatmadja & Etty R. Agoe, *Pengantar Hukum Internasional*. (Bandung: Bandung, 2003), p. 119; Wayan Partiana, *Hukum Perjanjian Internasional*, (Jakarta: Djambatan, Jakarta, 2002), p. 44

choose to join acts and networks of terrorism. In Law No.15 of 2003 concerning the Eradication of Criminal Acts of Terrorism, it is stated: Any person who deliberately uses violence or threats of violence creates a situation of terror or fear of people widely or causes mass casualties, by depriving others of property, or causing damage or destruction to strategic vital objects or the environment or public facilities or international facilities.¹¹

According to the Arab scholars (Shaikh Dr. Najih Ibrahim & Shaikh Ali Hasan al Halaby radicalism / terrorism in the name of Islam is due to 2 main factors; I. Takfiri (Paganism) II. Paham ekstrim thd Jihad. Terrorist Organizations: Basque Fatherland & Liberty (ETA), Communist Party of India (CPI) Maoist, Revolutionary Armed Forces of Columbia (FARC), Irish Republican Army (IRA) , Al Qaeda. The following Al-Qaeda Networks: Afghanistan (Taliban), Algeria (Al Qaeda Islamic Maghreb/Aqim), Saudi Arabia (AQAP), China (ETIM), Ethiopia (Eritrean Islamic Jihad Movement), Philippines (Abu Sayaf Group/ASG), Lebanon (Asbet Al Anshar), Nigeria (Boko Haram), Somalia (Asyabab), Iraq (ISIS/ISIL), Syria (Jabaah Al Nusrah), Malaysia + Indonesia (Jamaah Islamiah).

ASEAN itself on January 13, 2007, signed The ASEAN Convention on Counter Terrorism (ACCT). The ACCT defines terrorism in various UN conventions that criminalize acts of terrorism, such as the Convention for the Suppression of Unlawful Seizure of Aircraft 1970, the Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation 1971 and the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation 1988. Terrorism from the perspective of International Law is not a

¹¹ Law No.15 of 2003 concerning the Eradication of Criminal Acts of Terrorism

simple matter. The issue of terrorism in this International Law perspective is discussed systematically as follows:

1. In the discussion of history, it can be observed how each act of terrorism can be understood its meaning according to the context in which it occurred.
2. The role of the UN in dealing with this terrorism. With the UN as the parent organization, a UN Main Agency was formed which has the right to make its own regulations but must adhere to the principles of the UN charter. What steps the UN has taken in the face of terrorism.
3. Terrorism is a form of crime / violence that violates human rights, so it will be studied whether it is true that terrorism is a form of crime against humanity (Crime Againsts Humanity).
4. Terrorism will be linked to the International Humanitarian Law. Although terrorism is not the same as war, the impact of terrorism is related to aspects that have many similarities with an armed conflict In terrorism, the targeted range is what can be used as a symbol (intermediate target) for example foreign tourists or state officials, or representatives of foreign countries or places that are symbols of diversity such as cafes, discos, hotels and so on which are not uncommon in these terrorist attacks as well inflicting casualties among civilians outside the target such as orangmuslims who happen to be in the vicinity of terror sites.

VI. POSSIBLE WAYS TO REDUCE TERRORISM IN THE WORLD

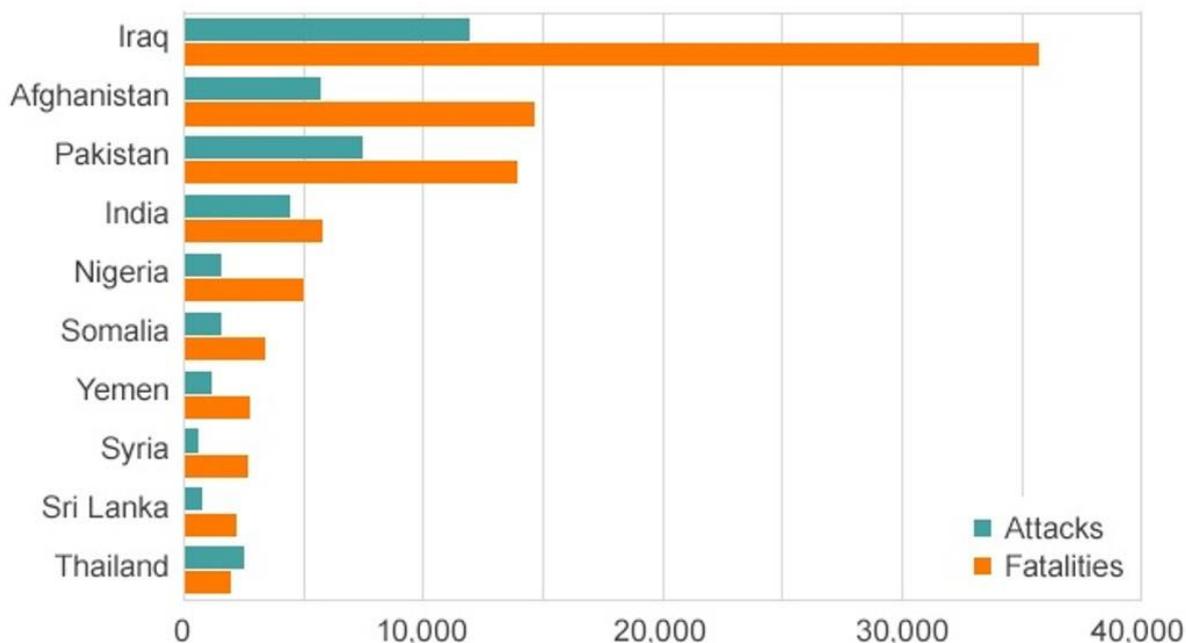
The issue of terrorism is different from 'war between countries'. In wars between countries, what faces is between the armed forces of

the country at war. Recent acts of terrorism are carried out in times of peace and do not have to go head-to-head with their enemies (e.g. suicide bombings). In the war between countries, the opposite is the armforce, while the terrorists who are the main targets are civilians, because of the nature of the attacks. Terrorism as an international security issue demands cooperation between countries to deal with it. A number of international organizations have defined terrorism according to their common interests. For example in The Agreement on Information Exchange and Establishment of Communication Procedures signed by Indonesia, Malaysia and the Philippines (The Trilateral Agreement) on May 7, 2002, terrorism is defined as: "Any act of violence or threat thereof perpetrated to carry out within the respective territories of the Parties or in the border area of any of the Parties an individual or collective criminal plan with the aim of terrorizing people or threatening to harm them or imperiling their lives, honor, freedoms, security or rights or exposing the environment or any facility or public or private property to hazards or occupying or seizing them, or endangering a national resource, or international facilities, of threatening the stability, territorial integrity, political unity or sovereignty of independent States."

The basic principles of international law underlying state responsibility make it a condition that against the fundamental principles of international law, the aggrieved state or party becomes entitled to indemnification for the losses suffered. Therefore, a state's liability will be with regard to the determination of what basis and on the circumstances in which the state may be deemed to have committed an internationally wrong act. The actions taken by the Indonesian government itself have been effective in dealing with this extraordinary crime, thereby reducing the spread of terrorism.

However, the actions taken by DENSUS 88 anti-terror Police of the Republic of Indonesia, leaving problems related to human rights violations of victims and their families.¹²

Countries with most fatalities from terror attacks, 2004-13



VI. EXAMPLE OF CASES

1. ISIS

ISIS emerged with the same spirit, resistance to Western colonialism. This is inseparable from the understanding that Islam has experienced its heyday, the islamic classical era (650-1250/8 AD.) But now that glory is just a memory and part of history, it all started because it was captured by the West through the destruction of

¹² Muhammad Nur Islami, *Terorisme Sebuah Upaya Perlawanan* (Yogyakarta: Pustaka Pelajar, Yogyakarta, 2017), pp. 14-15; Jawahir Thontowi, "HAM di Negara-negara Muslim dan Realitas Perang Melawan Teroris di Indonesia", *Pandecta Research Law Journal* 8, No.2 (2013).

Baghdad and its library. This was the beginning of the destruction of Islamic civilization. Now in the 21st century, they realize that the Islamic world has fallen further behind the West that once seized and destroyed its glory. Now they realize that the Islamic world has been colonized because of its backwardness, especially in terms of science. Now they do not see any initiative from the (Indonesian) government to catch up and reclaim the glory they once had. That is what nourished the doctrine of his 'hatred' spread from heart to heart of the members of his group, so that although the state succeeded in killing Nurdin M. Top, Imam Samudra, and succeeded in capturing Abu Bakr Baasyir, but the doctrine of hatred that had been spread from heart to heart could no longer be contained.

This is what Malala Yousafzai says that guns only succeed in killing terrorists but are incapable of killing them. Islamic State (IS) militants carried out terror to the Afghan Capital. Three gunmen disguised themselves as doctors and attacked the country's largest military hospital. The bombing at Sardar Daud Khan Hospital killed at least 38 people and injured more than 70. Within six hours, three ISIS fighters made the hospital in the Wazir Akbar Khan area a battleground. Armed with AK-47s and a host of explosives, they raided the hospital, which was able to accommodate 400 inpatients. The sound of bombs and bullets swirling at each other throughout the incident. The ISIS terror this time started with a suicide bomb blast. A man on foot blew himself up near the entrance, and then there were three men in white coats doctors opening fire in all directions. The target of the firing of the three militants was the 3rd floor. The Afghan Ministry of Defense reported that the terror at the military hospital ended at noon. After the incident, the Amaq news agency, which is the mouthpiece of ISIS, admitted that the deadly attack was their

doing. Previously, the government had accused the Taliban of being the masterminds of the attacks. The Terrorism Act has so far only succeeded in arresting or even killing figures and leaders of terrorist-charged groups, but the Act has failed to eliminate the spirit of hatred and resistance (terror.) Densus 88 succeeded in killing Nurdin M. Top, Imam Samudra, and imprisoning Abu Bakar Baasyir, but the doctrines and teachings of 'terrorism' could never be extinguished in Indonesia and the Islamic world at large. Malala Yousafzai, Nobel Peace prize laureate, said "With guns, you can kill terrorists, with education you can kill terrorism." An effort that further grows the seeds of hatred and a spirit of resistance. The state should read and arrest that terrorism is the doctrine of 'hatred': hate its backward Islamic-majority country, hate the country and its natural resources controlled by foreign parties, hate its leader for committing acts that are not commendable, corruption, playing women, etc. Ali Fauzi Manzi, a former terrorist, said there were two terrorist targets. First is the far enemy.) The way terrorists attack the far enemy is by attacking symbols that smell Western. The second is the near enemy.) Those who fall into the near enemy category here are the police and the army because both of them are considered to be blocking the jihadist movement to attack the far enemy or even cooperate.

2. Air India Flight 182 bombing

Air India flight 182 departed on June 23, 1985, from Montreal, Canada; bound for London, England, to land in New Delhi, India. This Boeing 737-237B aircraft was destroyed by a bomb explosion at an altitude of 31 thousand feet in the Irish sky and killed 329 passengers carried. The plane disintegrated in the air and crashed into the Atlantic Ocean just 45 minutes before reaching its destination. No warnings and no emergency calls were heard. As the plane

disappeared from radar sight, staff at London's Heathrow Airport immediately deployed an emergency rescue team. However, no survivors were found and only 131 bodies were successfully retrieved from the sea.

Authorities in Canada have named the Sikh militant group, Babbar Khalsa, as the prime suspect in the incident. It is alleged that the act was carried out in retaliation for a military operation by the Government of India to clean up Sikh militants who were in the vicinity of the Golden Temple, India. In 2003, a Canadian of Indian descent named Inderjit Singh Reyat was dragged to court on charges of involvement in the bombings. He pleaded guilty and was sentenced to 15 years in prison for making the bomb that detonated Air India 182. The explosion of Air India flight 182 was the first event of the bombing of a Boeing 747 jumbo jet. The dead passengers consisted of 268 Canadian nationals, 27 Britons and 24 Indians. It was the largest mass murder in Canadian history, and a terrorist attack involving the aircraft with the most fatalities before the events of 9/11. At the same time there was a bombing at Narita Airport, Japan, which investigators said had links to the bombing of Air India flight 182. The bombing was suspected to be a similar attempt by Sikh militants, but the bomb inside the suitcase was not successfully loaded onto the plane.

3. Bombing of Baghdad, Iraq

The epicenter of the bomb blast was near a shop selling auto parts at al-Sinak market, local police were quoted as saying by Reuters news agency. Two bombs exploded, and one of them is believed to be a suicide bombing, while the other was a bomb planted in a place, Iraqi interior ministry officials told Reuters. So far no one has claimed responsibility for the bomb attacks So far Baghdad, the Iraqi capital,

has often been the target of attacks by militant groups targeting crowd centers.

4. Hostage-taking at Beslan School Russia

On September 1, 2004, in a city in the superpower country of Russia, there was a case of hostage taking by a terrorism group from Chechnya, they took hostage to the city's largest school, SNO Beslan School. 1200 people were victims of hostage taking, including students, teachers, parents etc. The Riyadhus Salikhin Battalion (RAS), a terrorist group from the Chechen autonomous region headed by Shamil Basayev became the mastermind of the case. From the hostage-taking, they demanded the Kremlin (Russian Palace) to meet their demands, among others, asking for the Chechen region to be liberated from Russia, requesting a military withdrawal from the Chechen region and asking Vladimir Putin to step down from the Russian president. The hostage-taking also lasted for 3 days.

On the first day negotiations were carried out by the Federal Security Service of the Russian Federation (FSB) but failed, because the terrorist group only wanted to negotiate directly with the president. The terrorist group also wrote a threatening letter entrusted to one of the hostages who was given the opportunity to be free *"We demand the President's negotiations. If you kill one of us, we will shoot 50 hostages to pieces. If you guys hurt one of us, we will kill 20 hostages. If you kill 5 of us, we will blow up everything. And if you guys turn off the lights even for a while, we'll shoot 10 hostages"* On the second day, the terrorist group began to get angry because Russian media reported that the victims of the Beslan hostage taking were only 354 people and were in good condition. The news seemed to dampen the terrorists to the point of making them stop giving consumption to the hostages. On the second day, negotiations were conducted by an Afghan war general and

former governor of the Ingushetia region, Ruslan Aushev. During the negotiations, Ruslan was allowed to enter and the terrorist group left a letter of demand that must be given to the Kremlin. The demands of the letter are still the same, relating to the demand for independence for the territory of Chechnya. On the third day, the situation turned into a disaster. The Russian government immediately deployed military and heavy equipment such as tanks to attack terrorist groups in Beslan. 31 of the 32 terrorists were killed in the attack, but ironically, this attack strategy also left 385 people dead and victim.

The Beslan tragedy itself is included as one of the 10 greatest terrorism tragedies in the world, but this event lacks media attention. One of the things that makes this tragedy not as violent as other terrorism cases is that the Russian government has covered up a lot of facts and data related to the Beslan tragedy. It can be said that the Beslan tragedy was a failure of the Russian government in eradicating terrorism. Russia failed in negotiating with the Chechen group and was reluctant to meet its demands. Until finally Russia decided to attack the school directly with its heavy defense equipment. 31 of Basayev's 32 groups were killed but unfortunately, 385 were also victims of the Russian act of "selfishness". The closure of the data is also a step-in order to maintain Russia's dignity as a superpower country.

In fact, Russia's failure to negotiate is not unique to Beslan. On October 23, 2002, there was also the tragedy of the hostage-taking of the Dubrovka theater building by the Chechen terrorist group, with the same demands to liberate the territory of Chechnya. The terrorist group took hostage a theater building in Moscow of about 900 people. The hostage-taking also lasted for up to 75 hours, at the beginning of

the hostage-taking, negotiations were still going on as Chechen groups still gave foreigners & local Chechens the opportunity to be free. But at the end of the negotiations and when no agreement was formed. Russia, with its "selfish" actions, carried out a rescue action by introducing nerve gas into the theater building through ventilation holes. The entire Chechen militia and hostages were unconscious. At that time, the Russian military directly attacked the Chechen militia. But unfortunately, the hostages also became victims, with 130 people recorded dead due to the effects of nerve gas that was too strong. Some of Russia's failures in combating terrorism are also some of the factors why Russia has shut itself down a lot over terrorist tragedies that are internal problems of its country.

5. Iraqi attacks, July 2013

July was the bloodiest month in Iraq throughout 2013. According to Iraqi government and UN data, violence in Iraq killed at least 1,000 people throughout July. Based on Iraqi government data, a total of 989 people were killed -778 of whom were civilians-throughout July 2013. In addition, as many as 1,350 civilians were also injured in various deadly attacks. This makes July this year the bloodiest month since April 2008, when 1,428 people were killed in one month. Meanwhile, the UN released slightly different data. According to the UN throughout July 1,057 people were killed and another 2,109 people were injured.

6. Massacre in Trujillo Colombia

The 1988-1994 massacres in Trujillo, a region of Colombia's selastgan, involved a Cali cartel involving the country's active military and police. It is estimated that about 245 to 342 people were tortured and dismembered.

7. *Burning of Cinema Rex in Abadan Iran*

A tragic incident occurred in a cinema in Iran. The Rex Cinema in Abadan was set on fire by a group of people, shortly after the doors of the theater were closed. Just after hundreds of spectators occupied their respective seats to watch the movie *The Deers* around 8:21 p.m., four people at the door of the cinema doused gasoline from the cans and then ignited it with flames. The fire began burning outside of the three entrances to the main hall of the theater. While the attacker then fled and blocked the door from outside. Several people were trying to escape the roof as the fire started to burn. None of the three fire trucks heading to the scene of the fire had enough water.

Meanwhile, the police department, which is only 100 meters away, did not respond in a timely manner. Those two things caused so many casualties. Quoted from *The Economist*, at least 470 people lost their lives in the incident that occurred on August 19, 1978. But the death toll remains unclear. The media reported from 377, 410, 430, 422, or more than 800 people. A 1980 Amnesty International report stated that there were 438 victims. It also revealed the people who were tried and executed as a result of the fire incident. Iran's ruling government reported that Islamic militants were behind the arson incident. While anti-Shia protesters blamed the country's intelligence service, SAVAK as the culprit. Daniel L. Bynam of the *Washington Post* said in 2007 that the fire was "*the deadliest terrorist attack in modern history*", after the September 11, 2001 attacks; then the 2007 Kahtaniya bombing in Iraq that killed 796 people. The Rex Cinema fire was confirmed to be a key event that triggered the Iranian revolution in 1978.

8. Iraqi attacks, May 2013

Attacks in the form of bombings and mass shootings occurred in the central and northern regions of Iraq on May 15-21, 2013, killing 449 people and 732 wounded. Retaliatory attacks by Sunni groups into Shia areas and vice versa.

9. Yazidi Community Bombing, Iraq

On August 14, 2007, there was an attack on the Yazidi group's settlement of the cities of Kahtaniya and Jazeera near Mosul. Suicide bombings were spread across four points consisting of three cars and one fuel tank, killing about 500 people and 1500 injured. The Yazidis are a Kurdish-speaking ethnoreligious group in Iraq that practices the religion of syncretism i.e. the merger of Shia and Sufi Islam.

10. September 11, 2001 attacks

On September 11, 2001, 19 militants from the Islamic extremist group, Al-Qaeda, hijacked four planes and carried out suicide attacks targeting United States citizens. Two hijacked planes, flying in the direction of the twin towers of the World Trade Center in New York, the third plane crashed into the Pentagon, and the fourth crashed in Pennsylvania. About three thousand people were killed as a result of the 9/11 terrorist act. World Trade Center On September 11, 2001, at 8:45 a.m., an American Airlines Boeing 767 plane with 20 thousand gallons of fuel, crashed into the north tower of the World Trade Center in New York. The collision left a gaping hole and caught fire near the 80th floor. Killing hundreds of people at once and leaving those on higher floors trapped (WTC consists of 110 floors). While the evacuation was underway, shortly afterwards -- exactly 18 minutes after the first collision -- another plane again steered its body towards

the World Trade Center and slammed into it. Splits the south tower near the 60th floor. Both collisions caused huge explosions. Making debris fall into the streets below. Residents, who initially thought the event was a mere accident, began to realize that the U.S. was being attacked by terrorists. Osama Bin Laden, The perpetrators of the attacks were several terrorists from Arab countries. The attack was funded by the Osama Bin Laden-led Al-Qaeda group. They carried out this action as an act of revenge for American support of Israel.

It is known that some terrorists have lived in the US for more than a year and took classes driving planes at several flight schools. Meanwhile, the rest sneaked into the U.S. a few months before Sept. 11 – acting as "muscles" in the operation. The 19 terrorists easily smuggled box-cutters and knives while passing through security at three airports before entering four planes that wanted to depart for California. The planes were chosen because they were filled with fuel for long transcontinental journeys. Then, after takeoff, the terrorists opened fire on the crew of the plane and took control. Turning an ordinary passenger plane into a missile. Pentagon attack When millions of U.S. citizens didn't understand what was happening at the WTC, American Airlines Flight 77 plane circled around Washington, D.C, before finally crashing into the west side of the Pentagon's military headquarters, at 9:45 a.m. Jet fuel from the Boeing 757 caused a 'hell of destruction' -- leading to the collapse of a giant concrete building that also housed the US Department of Defense. There were about 125 military personnel and civilians killed at the Pentagon as a result of the attack. Meanwhile, the death toll from the plane reached 64 people. The twin towers collapsed Less than 15 minutes after the Pentagon attack, horror in New York is back. The south tower of the WTC, which was previously hit by a plane, collapsed and fell to ground level. Creating a giant dust cloud. The steel structure of the

skyscraper, which can brave the wind at a speed of 200 miles, was ultimately unable to withstand the tremendous heat generated by the fuel. At 10:30 a.m., the north tower overtook its twin and collapsed. Only six people in the WTC building survived the disaster. About 10 thousand people suffered quite severe injuries.

Meanwhile, a fourth plane – United Airlines Flight 93 – was also hijacked, 40 minutes after leaving Newark Liberty International Airport in New Jersey. However, because they had previously experienced delays, the passengers already knew what happened in New York and Washington from cell phones and loudspeakers. Aware that the plane they were on did not return to the airport as the terrorists had promised, a group of passengers and flight attendants planned an uprising. One of the passengers, Thomas Burnett Jr, told his wife over the phone: "I knew that we were all going to die. However, there are three of us who are going to do something. I love you, baby." Another passenger, named Todd Beamer, can also be heard saying: "Are you guys ready? Let's implement it!" The passengers tried to fight off four plane hijackers and attacked the cockpit with fire extinguishers. The plane then capsized and drove to the ground at a speed of 500 miles per hour -- crashing into the countryside in Western Pennsylvania at 10:10 a.m. About 44 people who were on board were killed in the incident. The main purpose of the terrorists in Flight 93 is unknown. However, some theories suggest that their main target is likely to be the White House, Camp David in Maryland, or one of the nuclear power plants along the East coast.

A total of 2,996 people were killed in the 9/11 attacks, including 19 terrorists who hijacked four planes. At the WTC, 2,763 people were killed after two planes crashed into the twin towers. This number

includes 343 firefighters and paramedics, 23 police, and 37 officers who are trying to evacuate employees on higher floors. At the Pentagon, 189 people died, including 64 who were on American Airlines Flight 77. On Flight 93 that crashed in Pennsylvania, 44 people were killed. It is known that some terrorists have lived in the US for more than a year and took classes driving planes at several flight schools. Meanwhile, the rest sneaked into the U.S. a few months before Sept. 11 – acting as "muscles" in the operation. The 19 terrorists easily smuggled box-cutters and knives while passing through security at three airports before entering four planes that wanted to depart for California. The planes were chosen because they were filled with fuel for long transcontinental journeys.

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VI. CONCLUSION

The source of law in the context of international law is in Article 38 Paragraph I of the Statute of the International Court of Justice which establishes the provisions of international law that the International Court of Justice can apply in resolving disputes submitted to it the source of law for international law also applies to the source of international criminal law. Radicalism is the embryo of the birth of terrorism. Radicalism is an attitude that yearns for total and revolutionary change by drastically overturning existing values through violence and extreme actions. Examples of terrorism cases that have occurred include: ISIS, Indian Air Flight 182 Bombing, Iraqi Baghdad Bombing, Hostage-taking at Russia's Beslan School, July 2013 Iraqi Attack, Massacre in Trujillo Colombia, Burning of Cinema Rex in Iranian Abadan, Iraqi Yazidi Community Bombing, and the most phenomenal Attack of September 11, 2001

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COMPETING INTERESTS

The author declared that they have no competing interests.

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*The fundamental source of conflict
in the world today is the
socioeconomic deprivation of
billions of people across the globe,
coexisting with islands of enormous
wealth and prosperity within and
among countries.*

Thabo Mbeki
President of South Africa