Eradicating members of terrorist organizations is not limited to actions such as prison sentences. However, it can be a persuasive approach through welfare and the installation of national values. This right attempts to help terrorists understand and return to the teachings of the Indonesian Constitution and the Unitary Republic of Indonesia. To address the nature, characteristics, motives, and objectives of terrorism, this research formulated the concept of a persuasive approach to members of the Jemaah Islamiyah (JI) terrorism organization based on Law Number 5 of 2018 concerning the Eradication of Criminal Acts of Terrorism. This paper also emphasizes the concept of deradicalization through a persuasive approach based on law Responsive to JI members involved in criminal acts of terrorism. This study employs a qualitative approach that is analyzed descriptively and normatively. According to the findings of this study, the essence of terrorism is an activity that causes unrest in people while masquerading as religion and has various characteristics and motives. Law enforcement is holistic, comprehensive, and long-term, both through a repressive legal approach model. The process of a repressive legal approach through the criminal justice system, in which the deradicalization process is expected to reform a terrorism prisoner from radical to moderate while in prison while serving a criminal sentence.
A. Introduction

The issue of terrorism in Indonesia is inseparable from the dynamics of global terrorism activities in various parts of other countries.¹ In the last two decades, one of the parameters that significantly influences the potential threat of terrorism in Indonesia is the socio-political and security situation that occurs in the Middle East Region, particularly concerning the activities of radical organizations such as Al-Qaeda and the phenomenon of political upheaval called the Arab Spring and the emergence of the Arab Spring armed radical group called ISIS (Islamic State of Iraq and Syria).² This is due to the affiliation between radical organizations in Indonesia and radical terrorist groups in the region.

After the capture and killing of Al-Qaeda leader Osama bin Laden in Pakistan in May 2011, the Arab Spring political turmoil subsided. The collapse of the Iraq-Syria border's power and power of the ISIS radical group, the potential threat of terrorism by radical groups such as Al-Jama'ah Islamiyah (JI) and Jama'ah Ansorut Daullah (JAD) in the territory of Indonesia also experienced a very significant decline. Furthermore, changes to Law Number 15 of 2003 to Law Number 5 of 2018 concerning the Eradication of Criminal Acts of Terrorism have a significant impact on the space for radical groups to carry out terrorist activities because these changes strengthen the authority possessed by the Police, specifically the Special Detachment 88 Anti-Terror Police, in carrying out detection and necessary legal steps against members of radical groups who pose potential threats to commit crimes of terrorism.³

This evidence is reinforced by the findings of survey data published by the Wahid Foundation in collaboration with LSI (Indonesian Survey Institute), regarding intolerance and radicalism conducted in 34 provinces showing that the potential for intolerance and radicalism in Indonesia is very open. Of the 1520 respondents (Muslims aged 17 years and over), 59.9% of them stated that they belonged to a hated group. There are 7.7% of respondents who are willing to take radical action if there is an opportunity and 0.4% have actually taken radical action. Although only 7.7% said they were willing to take action, this percentage was still worrying. Because, 7.7% if the projection is from 150 million Indonesian Muslims, it means that there are around 11 million people who are willing to act radically.⁴

After the amendment of Law Number 15 of 2003 to Law Number 5 of 2018 concerning Eradication of Criminal Acts of Terrorism, a new terrorist attack occurred again in March 2021, namely a suicide bomb attack at the Makasar Cathedral Church, South Sulawesi with a fairly large quality. After the attack, in a short time the National Police Anti-Terror Detachment 88 managed to arrest 56 people involved in the attack.⁵ The Anti-Terror Detachment 88 also made massive arrests of more than 150 members of the JI group in various regions in Indonesia, such as in Central Java, Lampung, Riau, Padang, North Sumatra, Banten, DKI Jakarta, West Java, and East Java. Of the many members of radical terrorism groups, both JI and JAD who were arrested by the Anti-Terror Detachment 88, most of their involvement in terrorism crimes or crimes was assisting perpetrators of terrorism crimes, either in the form of material or funding

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⁴ Musa Rumbaru Hasse J, Religious Radicalism Legitimating the Interpretation of Violence in Public Space, Al-Ulum Journal, Volume 16, Number 2 Year (2016) hlm. 368-386.
⁵ Internal Source of Detachment 88 AT Polri in 2021
assistance or assistance in hiding fugitives or DPOs List of People Wanted by the Police or the Anti-Terror Detachment 88 Police.

In the perspective of law enforcement, one of the most basic changes in Law Number 15 of 2003 to Law Number 5 of 2018 concerning the Eradication of Criminal Acts of Terrorism is the criminalization or prohibition of a certain act or activity as a separate criminal act which in the previous Law the act was not is a criminal act.\textsuperscript{6} These criminalizations are generally in the form of formal offenses, so that the arrests made by the Anti-Terror Detachment 88 against members of the JI and JAD network groups are mostly suspected of using formal offenses.

The application of formal offenses in criminal acts of terrorism is very effective in preventing terrorist attacks, but referring to the purpose of law enforcement, namely a sense of justice, usefulness and legal certainty, it is certainly a big question to be able to realize these goals. Therefore, the application of formal offenses in criminal law enforcement should be of an ultimum remedium, where a repressive approach (action) is the last resort after persuasive approaches that are preventive in nature have been carried out.\textsuperscript{7}

The balance between prevention (preventive) and eradication (repressive) in law enforcement of criminal acts of terrorism must be translated as a legal approach that is not solely aimed at providing criminal penalties against the perpetrators, but which is no less important is a legal approach that is able to eliminate radical understanding of the perpetrators and their groups that trigger the crime of terrorism through a humanist approach, economic welfare and awareness of national values.\textsuperscript{8}

The novelty of this research is whereas the approach to law enforcement against perpetrators of crimes or acts of terrorism through the criminal justice system alone, has not been effective in eliminating the radical understanding of the perpetrators, this indication can be seen through 2 factors: 1) there are still many arrests. carried out by the National Police Anti-Terror Detachment 88 against members of radical groups who are recidivist; 2) the refusal of the perpetrators to make a statement of themselves leaving the terrorist organization and refusing to make a pledge of allegiance to the Republic of Indonesia.\textsuperscript{9}

Based on the description above, this research will examine several problems related to the concept of a persuasive approach to members of the JI network group. A persuasive approach is used to inculcate national values in these members. The problems that will be described in this research are 1) What are the nature, characteristics, motives and goals of terrorism? 2) What is the concept of a persuasive approach to members of the JI Terrorism Organization based on Law Number 5 of 2018 concerning the Eradication of Criminal Acts of Terrorism? 3) What is the Concept of Deradicalization through a Persuasive Approach based on Responsive Law against JI Members who are involved in criminal acts of terrorism? The method used in this research is a qualitative approach which is analyzed descriptively and normatively. To strengthen the juridical analysis, empirical data is used in the form of terrorism events and practices in the process of law enforcement for criminal acts of terrorism in Indonesia since the enactment of Law Number 15 of 2003 concerning Perppu 1 of 2002 concerning Eradication of Criminal Acts of Terrorism.


\textsuperscript{8} Iwan S., et al, Journal of Surya Society, Vol. 1 No. 2, Prevention of Radicalism Movements through Planting Pancasila Ideology and Community-Based Constitutional Awareness Culture, 2019, hlm.2

B. Discussion

1. The Nature, Characteristics and Motives of the Crime of Terrorism

There are many definitions and interpretations of terrorism. So it is necessary to understand the phrases "terror", "terrorist" and "terrorism" as keywords that are very important in this paper. Based on the Big Indonesian Dictionary, the definition of terror is "Creating fear, horror, or cruelty by a person or group", while terrorist is defined as "A person who uses violence to cause fear, usually for political purposes", and terrorism is defined as the use of violence or threats of violence that create an atmosphere of terror, or widespread fear, which can cause mass casualties, and/or cause damage or destruction to vital strategic objects, the environment, public facilities, or international facilities with ideological, political, or security disturbance motives.

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According to the 1989 United Nations Convention which states that terrorism is all forms of criminal acts committed directly against the state with the intention of creating terror against certain people or groups or the wider community. The era of globalization and borderless information has opened an understanding and reality that terrorism is a transnational crime because it is organized and has a wide network, thus threatening world peace and international security, especially national security. Petrus R. Golose defines terrorism as an act that is against the law by spreading terror widely to the public, through threats or other forms of violence, whether organized or not, causing physical and/or psychological suffering for a prolonged period, so that it is categorized as an extraordinary crime (extraordinary crime) and crimes against humanity (crime against humanity).

Crimes of terrorism have very different characteristics from crimes in general. Before carrying out their actions, the perpetrators of terrorist attacks will prepare in a planned, organized and systematic manner involving many parties who have their respective roles. In a terrorist attack, there are at least three groups that support the attack carried out, including: 1) hard cores are the people who are directly involved in planning and executing attacks; 2) supporting (support groups) are people who are not directly involved in planning and terrorist attacks, but contribute to the success of the attacks carried out, starting from their preparation, implementation and ending; 3) sympathizers (sympathizer groups) are people outside the hard

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15 Petrus Reinhard Golose, Deradicalization of Terrorism, Humanism, Soul Approach and Touching the Grassroots, YPKIK, Jakarta, 2009, hlm.6
core and support who are not directly or indirectly involved in terrorist attacks, but have the same ideology, mission or political attitude and agree with the attacks carried out.\(^{17}\)

From the complexity of the motives of terrorism and the characteristics of being an organized crime that has a very strong transnational organized crime network, causing an act of terrorism that occurs at a certain time and place can have a different motivational charge for each of the actors involved in it, depending on the reasons that prompted the perpetrator when he decided to take part in the act of terrorism. Likewise, acts of terrorism in various countries carried out by radical groups, of course, will have different motives influenced by the conditions behind the birth of the decision to take the action.\(^{18}\)

To find out the motives of the crime of terrorism, it can be done by tracing the causes that are the root of the problem of committing acts of terrorism, there are at least three things,\(^{19}\) namely: (1) poverty and despair motives. This reason can be found in various cases of terrorism in Indonesia, although sometimes the perpetrators do not want to admit it openly. In general, they argue that there have been social injustices and economic opportunities that have resulted in a very deep welfare disparity (poverty gap) between the poor and the rich; (2) the motive for the failure of a weak or bad state/government to become fertile ground for the development of terrorism (failed states).

This reason is also often found in terrorism events in poor countries and developing countries where the political and security situation continues to fluctuate, such as what happened in Pakistan, Afghanistan, Egypt, Iraq and several other countries in Africa; and (3) the motive for the clash of civilizations, this reason arises in the context of the radicalization of extreme Islamic groups (the clash of civilizations). This reason is the impact of the current global phenomenon, where advances in technology and information as a modern civilization on the one hand are widely used and enjoyed by radical groups for various activities of interest, but on the other hand this group also collides that various technological advances and This information is a form of "colonization" of a new model of civilization carried out by western countries (developed countries) which is the basis for the development of various technological and information advances, towards religious civilizations (conservatives) and is generally based in developing countries with the majority population. Muslim.

2. The Concept of a Persuasive Approach in Law Number 5 of 2018 concerning Eradication of Criminal Acts of Terrorism

In the General Elucidation of Law Number 5 of 2018 on Amendments to Law Number 15 of 2003 concerning the Stipulation of Perpu Number 1 of 2002 concerning Eradication of Criminal Acts of Terrorism, which states that in order to provide a stronger legal basis to ensure legal protection and certainty in the prevention and eradication of the Crime of Terrorism, as well as to meet the needs and development of the law of the community, it is necessary to make changes proportionally while maintaining a balance between the needs of law enforcement, protection of human rights, and socio-political conditions in Indonesia.\(^{20}\)

The General Elucidation emphasized that the amendment of Law Number 15 of 2003 to Law Number 5 of 2018 will provide a more solid legal basis for the concept of proportional handling of terrorism crimes through two models of legal approaches, between a preventive approach and a preventive approach. eradication (repressive) so that the law enforcement


\(^{18}\) Ronny Rahman Niti Baskara, Foreword in the book Deradicalization of Terrorism, by Petrus Reinhard Golose, hlm. v


process carried out can guarantee the protection of human rights, legal certainty and development as well as the socio-political conditions of the community. Based on the characteristics, motivations and groupings of the attitudes of those who support the terrorist attack, the handling of terrorism as a crime or criminal act requires a holistic, comprehensive and sustainable law enforcement concept, both through a repressive legal approach model (hard approach). Through the mechanism of the criminal justice system (criminal justice system) as well as a persuasive approach that is preventive in nature (soft approach) through the approach of economic welfare, reideology and nationalism or counter radical.  

Law Number 5 of 2018 on Amendments to Law Number 15 of 2003 concerning Eradication of Criminal Acts of Terrorism is clearly contained in provisions regarding the concept of a preventive persuasive approach that involves various stakeholders (stakeholders) across sectors, covering three approach concepts, namely national preparedness, counter radical and deradicalization. This is done considering that the causal factors of the criminal act of terrorism are complex, so that a preventive legal approach is used, adjusted based on the motives and involvement of each person or party in a terrorism crime. If the motive for the crime of terrorism is religious reasons, then a purely repressive law enforcement approach is certainly less effective in reducing and eliminating the aggressiveness of perpetrators of terrorism crimes. Likewise, if the motive for terrorism is carried out on the basis of reasons of social and economic injustice, then the approach taken is special treatment in the social and economic fields in order to create a balanced sense of justice.

The purpose of law enforcement is to provide a sense of justice, legal certainty and benefit to the community, therefore in law enforcement against terrorism as a crime or criminal act it is very important to apply a balance between a repressive approach and a persuasive approach so that what is the goal of law enforcement law obtains results in accordance with the expectations of society. Because of the characteristics of terrorism as an organized crime, every disclosure of a terrorism event will always find the involvement of many parties as perpetrators, both directly and indirectly involved in the crime committed and in general they are bound and united by a belief or belief same ideology. In such conditions, if the law enforcement process for terrorism crimes is only based on the concept of a normative approach in the form of rigidly applying formal offenses, it is almost certain that all members of radical organizations that have been designated as Terrorism Organizations such as JI can be processed through the criminal justice system.

Data on law enforcement carried out by Densus 88 AT Polri for almost two decades, namely since the suicide bombing terror attack in Bali in 2002 shows that the number of recidivist terrorism crimes is still quite high. Some of the recidivist names are leaders of the JI terrorism organization such as Abu Bakar Ba'asyir (ABB), Oman Abdurahman, Adung alias Abu Sohim, Abdullah Sonata, Abu Rusydan, Hasanudin, Sogir, Ramli alias Iqbal alias Rambo, and others. This shows that the repressive approach in the form of punishment has not succeeded in changing the radical understanding possessed by the perpetrators of the crime of terrorism. This data indicates that one of the main objectives of law enforcement for criminal acts of terrorism through the criminal justice system in addition to justice and legal certainty, namely the benefits of the ideological process from radical to moderate has not been realized.

One of the other indicators to know that a convict of a criminal act of terrorism remains radical while undergoing a criminal sentence process is the attitude of refusal to apply for

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22 Article 43A paragraph (3) of Law Number 5 of 2018 concerning Eradication of Criminal Acts of Terrorism.
remission which is the right of an inmate. Because for terrorism prisoners, remissions must meet one of the administrative requirements in the form of a Statement of Pledge of Allegiance to the Unitary State of the Republic of Indonesia and a Statement of Revocation or Cancellation of Bai'at as a member of a radical organization such asJI or JAD. Existing data shows that more ex-convicts refuse to make the Pledge of Allegiance and Revocation of Bai'at by choosing not to get remission while serving their criminal law.

3. The Concept of Deradicalization through a Persuasive Approach based on Responsive Law against JI Members who are involved in criminal acts of terrorism

Deradicalization or de-radicalization is a term that is often used to describe the process of changing or changing the view of people or society towards the world, which tends to be extreme towards a normal society. The concept of deradicalization becomes very important after seeing cases of violence and even acts of terrorism that occur repeatedly under the pretext of jihad in the name of religion even though the perpetrators have been dealt with very firmly and harshly. Strictly punishing and taking action against perpetrators of terrorism or radicalism will not immediately stop them.

As a concept of action, approaches and strategies for deradicalization must be linked to the root of the word itself, radical or radicalism. Radical means base or root. Radical attitudes and views if they are only in the realm of science, it is actually considered positive, because it is a characteristic of philosophical thinking. With this way of thinking, philosophy will be able to dive into the layers of meaning, not just the surface layer. Because the problem is if the radical attitude is in the realm of religious social movements, then the radical attitude is equated with fundamentalism, militarism and extremism movements, namely actions that are seen as exceeding the normal limits of religion, so that the impact is actually detrimental to the life of a pluralistic society.

Deradicalization of religion is carried out to tackle radicalism and terrorism, which often act in the name of religion. The approach through education is very important to provide an understanding of religion that is appropriate, contextual and upholds human values in religion to the community. Contextual understanding and grounding of religious human values will give birth to religious actions or implementations that are far from acts of violence, radicalism, and terrorism.

The meaning of deradicalization has recently been expanded, namely that what is meant by expansion of meaning is that deradicalization is not only understood as a moderating process of religious beliefs and the behavior of someone who was previously involved in radical organizations, but as: "early detection, deterrence from the start and targeting various layers of society". The potential with various forms and variants that are relevant to each group that becomes a meaning like this is starting to develop in Indonesia so that deradicalization is not only limited to ex-combatants who are arrested and put in detention, but can also be carried out in various public spaces and through various means media.

Deradicalization of religious ideology can be carried out in various ways, such as: forming religious harmony forums, early awareness teams, hierarchical countermeasures against radicalism and terrorism from the center to the regions, through peace education in formal educational institutions, non-formal, and informal, as well as the Government must also encourage all parties including mass organizations in the community to be involved together in countering radicalism. With the emergence of the deradicalization program carried out by the Government, it invites people who are exposed to radical ideas, especially terrorist prisoners, their families and networks, to be released and return to the essence of people's lives in line

with religious and state regulations. The deradicalization program is expected to be able to reach various aspects of people's lives, not only law enforcers and other government agencies but also the community and the elements in it. So it is hoped that with a good and correct deradicalization program, of course, by mapping the problem from upstream to downstream so that it can be right on target.²⁸

The concept of deradicalization cannot be separated from a persuasive approach to the approach to members of terrorism. Persuasion is a way to invite or appeal that is done very subtly. The use of persuasion is a method that is very suitable when used in making advertisements, promotions, campaigns, da'wah, and various other things whose purpose is to invite individuals and a wide audience. The relationship with JI is carried out by law enforcers to provide knowledge about national values to members of terrorism through a persuasive approach.

The persuasive approach is one of the most important approaches by law enforcement, in this case the Prosecutor's Office, where this approach aims to provide an understanding and maturation of the need for national values for JI members so that they do not follow religious beliefs and laws and regulations. This approach in relation to members of the terrorist organization Al-Jamaāh Al-Islamiyah (JI) who are involved in criminal acts of terrorism is used through an approach to provide an understanding of the importance of welfare and provide an understanding of the importance of national values.

The persuasive approach also cannot be separated from responsive legal adanay. Responsive law is a concept coined by Philippe Nonet and Philip Selznick as a form of criticism of the practice of Liberal Legalism which presupposes law as an independent institution with an objective, impartial and autonomous system of rules and procedures. In a responsive legal perspective, law is not a goal but a tool or instrument to serve social needs and interests. Responsive law has two dominant characteristics, namely:²⁹ Shift from emphasis on rules to principles and purposes of law and Prioritizing populist (populist) character both as a legal goal and ways to achieve it.

Referring to the data on the unrealized benefits of the repressive legal approach process through the criminal justice system, where the deradicalization process is expected to be able to reform the ideology of a terrorism prisoner from radical to moderate while in prison while serving a criminal sentence. In fact, the existing data shows that there are still high numbers of ex-convicts who become risidivist or who refuse to declare the Pledge of Allegiance to the Unitary State of the Republic of Indonesia and the Revocation of Bai'at from their Obedience Association to Terrorist Leaders and Organizations such as JI and JAD. This of course needs to be carried out a thorough evaluation, where the weakness of a criminal justice system process is. A simple analysis that is often one of the obstacles in a system that involves several institutions is that the existing sectoral lists coordination and understanding process is not maximized. The approach process taken to the perpetrators of terrorism crimes is not holistic, comprehensive and sustainable, starting from the status of a suspect at the level of investigation by the Police, the status of a defendant at the level of prosecution by the Public Prosecutor, and the status of a convict at the Court level and while in prison.

The concept and approach cannot be separated from the existence of the Rechtstaats understanding which is basically based on the Continental European legal system, much influenced by the history of European development when the system was developed, namely "king absolutism". The state must become a state of law that is the motto and actually the driving force of development in the new era. The state must determine as carefully as possible

the roads and the limits of its activities, how the environment (atmosphere) of freedom is impenetrable. The state must realize or impose moral ideas from the state's point of view, also directly, no further than it should be according to the legal atmosphere. This is the definition of the rule of law, not for example, that the state only maintains the legal system without the purpose of government, or only protects the rights of individuals. The rule of law in general does not mean the purpose and content of the state, but only the means and ways to make it happen.

According to Gustav Radbruch, the law must contain 3 (three) identity values, namely as follows: the principle of legal certainty, the principle of legal justice (gerechtigheid) and the principle of legal expediency. Normative legal certainty is when a statutory regulation is made and promulgated with certainty, because it regulates clearly and logically, it will not cause doubt because of the existence of multiple interpretations so that it does not clash or cause a conflict of norms. Norm conflicts arising from the uncertainty of laws and regulations can take the form of norm contestation, norm reduction, or norm distortion. According to Hans Kelsen, law is a system of norms. The benefit of law is the principle that accompanies the principles of justice and legal certainty. In implementing the principle of legal certainty and the principle of justice, the principle of expediency should be considered.

C. Conclusion
Based on the description of the results above, the essence of terrorism is an activity that creates unrest in the community under the guise of religion and has different characteristics and motives. The concept of law enforcement that is holistic, comprehensive and sustainable, both through a repressive legal approach model. The process of repressive legal approach through the criminal justice system, where the deradicalization process is expected to be able to reform a terrorism prisoner from radical to moderate while in prison while serving a criminal sentence. In fact, the existing data shows that there are still high numbers of ex-convicts who become risidivist or who refuse to declare the Pledge of Allegiance to the Unitary State of the Republic of Indonesia and the Revocation of Bai’at from their Obedience Association to Terrorist Leaders and Organizations such as JI and JAD. This of course needs to be carried out a thorough evaluation, where the weakness of a criminal justice system process.

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