

Managing the Spread of Radicalism through Social Media in Indonesian Criminal Law

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Abstract

Social media is now an important factor in the spread of radicalism in Indonesia, this is supported by the use of the internet which shows an increasing trend in Indonesia. This study aims to examine the regulation of the spread of radicalism in Indonesian criminal law, analyze policies to counter radicalism carried out through social media in Indonesia. In addition, it also builds the concept of a criminal policy to combat the spread of radicalism through social media in Indonesia. The results of the study state that the regulation of the spread of radicalism carried out through social media has not been comprehensively regulated in Indonesian positive law. Efforts to combat radicalism carried out through social media in Indonesia are currently focused on repressive law enforcement. The concept of criminal policy to combat the spread of radicalism carried out through social media in Indonesia is carried out through three points of overcoming radicalism through social media, namely supervision, action and collaboration between platforms and the community. The action taken is of course not only limited to taking down content on social media but also an assessment to determine the level of radicalization of the perpetrators.

Keywords

Countermeasures;
radicalism; social media



I. Introduction

Social media is now an important factor in the spread of radicalism in Indonesia, this is supported by the use of the internet in Indonesia which shows an increasing trend from year to year. Data shows that internet users in Indonesia in 2019 were around 170 million, now in 2020 there are 175.2 million. In fact, Indonesia is now the fourth largest country in the world that uses the Facebook social media application the most.

Ease with which people are exposed to radical ideas through social media is illustrated by the results of research conducted by the Survey Institute of the State Islamic University (UIN) Sunan Kalijaga, Yogyakarta. The study, with around 2,500 students, showed that students were more easily exposed to radicalism issues through social media. This study also found the phenomenon that students were not interested in moderate Islamic sites or websites belonging to the religious institutions of Nahdlatul Ulama (NU) and Muhammadiyah. Ironically, many people are not aware that they are accessing sites that spread the notion of radicalism or terrorism because the content on these sites is very well packaged and touching.

The Law on the Eradication of Criminal Acts of Terrorism with threats of severe punishments up to the death penalty does not deter the perpetrators, in fact terrorism and radicalism still occur. The radicalism movement is an embryo to become a terrorism movement. The suicide bombing at the Makassar Cathedral church in 2021, for example,

shows that the threat of the Terrorism Law does not scare people from committing acts of terrorism. The same applies to acts of radicalism.

Birth of a policy that aims to become an instrument to combat the spread of radical ideas, especially through social media, should be appreciated, however, there are still problems at the implementation level which are counter-productive for the government's efforts to increase public access to the use of digital instruments to support development. There is an impression that the law is more oriented towards a repressive approach (law enforcement) than prevention, it is feared that the policies issued can become a means to silence freedom of expression, last but not least, there is not yet strong synergy between institutions that role in the fight against radicalism.

II. Research Method

This research is a legal research with a normative juridical approach and an empirical juridical approach. The normative juridical approach is used to examine legal principles, law in abstracto, in concreto, vertical and horizontal synchronization, legal comparisons, and legal history, in which through this research the authors identify various rules (norms) that are related to the spread of radicalism, while empirical juridical research starts from the author's efforts to find various phenomena that occur in the community related to the spread of radical ideas, especially by using social media. These two approaches were chosen considering that aspects related to the spread of radicalism by using social media are not only within the scope of legal norms (juridical) but also empirical in which the community becomes the target of dissemination. In addition, an empirical juridical approach is used to sharpen the analysis by using data on the spread of radicalism officially issued by various institutions in Indonesia, such as the National Counter-Terrorism Agency and the Indonesian National Police.

This research was conducted through several stages, namely library research and field research. Field research was conducted to obtain primary data through interviews (interviews) with respondents/source persons law enforcement officers, perpetrators and victims in cases related to the spread of radicalism as well as experts in criminal law and criminology. The instrument used in the interview is an interview guideline, in which the instrument is prepared with reference to the legal issues to be studied. Field research was carried out in several police areas and institutions, namely the North Sumatra Regional Police (Polda), Polda Metro Jaya, East Java Police, South Sulawesi Police, Ministry of Communication and Information, and the National Counterterrorism Agency (BNPT).

III. Discussion

3.1 Regulation of the Spread of Radicalism in Indonesian Criminal Law

Radicalism and Terrorism are things that go hand in hand so that they cannot be separated from one another. However, it is the regulation of terrorism that has so far become a positive law in Indonesia. A number of laws and regulations in Indonesia that regulate terrorism, starting from the Government Regulation in Lieu of Law no. 1 of 2002 concerning the Eradication of Criminal Acts of Terrorism and Law 15 of 2003 does not regulate radicalism, only Law no. 5 of 2018 concerning Amendments to Law No. 15 of 2003 which regulates some aspects of radicalism.

Law on terrorism in the era of Government Regulation in Lieu of Law no. 1 of 2002 concerning the Eradication of Criminal Acts of Terrorism and Law 15 of 2003 at that time still prioritized the existence of a real action. According to Sudikno Mertokusumo, the

content of the rule of law is aimed at the outward attitude of humans. The rule of law prioritizes external actions, namely visible actions. In essence, the rule of law is inwardly, not in the mind, and most importantly, outwardly does not violate the rule of law. People will not be punished or given legal sanctions just because of what they think or what is in their mind, meaning that no one can be punished for something that is thought or crossed in their mind (*cogitationis poenam nemo patitur*).

In general, Law no. 5 of 2018 concerning Amendments to Law No. 15 of 2003 has not regulated the problem of radicalism, let alone radicalism on social media. However, Article 43B paragraph (4) of the latest Terrorism Law states as follows:

"National preparedness as referred to in paragraph (1) is carried out through community empowerment, capacity building of the apparatus, protection and improvement of infrastructure facilities, development of terrorism studies, and mapping of areas prone to radicalism."

In addition, in 2018, the Constitutional Court issued a decision with register number No. 55/PUU-XVI/2018 regarding a judicial review regarding the addition of the phrase "terrorism is against Pancasila" and an explanation of the definition of radical, which was proposed by Zico Leonard Djagardo and William Aditya Sarana who acted as the petitioners. The material objects of the test are Article 1 point 1, Article 43A paragraph (3) letter b, Article 43C paragraph (1), paragraph (2), paragraph (3), paragraph (4), Article 43G letter a of Law 15/2018.

The term radical in Law 5/2018 is aimed at counter-radicalization, de-radicalization and mapping of areas prone to radical understanding of terrorism. The problem that then occurs is how radical is defined in Law 5/2018, in addition to how radical standardization is and how to determine radical status in groups identified as radicals.

The use of the term radical in Law 5/2018 is more intended in an effort to counter radicalization, deradicalization and mapping of areas of radical understanding contained in Article 43A paragraph (3) point c, Article 43B paragraph (4), Article 43C and Article 43D. However, this limitation in terms of the definition of radicals is not found in Law 5/2018 or Law 15/2003. In addition, the definition and meaning of the radical is not found in the general explanation or explanation of the article in the attachment of Law 5/2018. So the problem that arises is how to interpret the radical context that will be directed to groups that are considered to have the potential to commit acts of terrorism.

The Constitutional Court in its consideration stated as follows:

a quo Law is not enough to only be done textually but must also be done contextually. Keeping in mind the title of the a quo Law, namely "Law 5 of 2018 concerning Amendments to Law No. 15 of 2003 concerning Stipulation of Government Regulations in Lieu of Law Number 1 of 2002 concerning Eradication of Criminal Acts of Terrorism into Law" then contextually what is meant by the terms 'counter-radicalization' and 'deradicalization' in the a quo Law is counter-radicalization and deradicalization in criminal acts of terrorism. Thus, without the need to add the word 'terrorist' behind the two terms, it has automatically covered what the Petitioners wanted, so that technically the legislation if it is added to the word 'terrorism' such a formulation becomes very redundant and overbodied."

3.2 Efforts to Counter Radicalism Through Social Media in Indonesia

Countering terrorism in Indonesia relies on two institutions, namely the Police and the BNPT (National Agency for the Eradication of Terrorism). In the police, the handling agency is the Special Detachment (Densus) 88 which has representatives spread over a number of provinces. Special Detachment 88 was originally an anti-terror unit which was

pioneered by Commissioner General Gregorius Mere and then inaugurated by the Head of Polda Jaya Inspector General of Police Firman Gani on 26 August 2004 before finally, based on the Decree of the Head of the Police Number 30/VI/2003, it turned into a separate body, namely Densus 88 Anti-Terror. Densus 88 has the task of carrying out arrests and carrying out investigations into terrorist crimes. Densus 88's vision is to protect the Indonesian people from the threat of terrorism.

1. Carry out law enforcement for criminal acts of terrorism in a professional manner.
2. Developing capacity and accountability in tackling the problem of terrorism
3. Fostering cooperation with related parties in countering terrorism.

As a special institution for combating terrorism, the structure of Densus 88 is directly under the Head of the National Police. With a function like this, the Densus will move quickly if there is an act of terrorism anywhere. After the formation of Densus 88 Anti-Terrorism, all terrorism crimes were handled and investigated by Densus 88. Trials for terrorism crimes were also carried out in Jakarta. This, for example, occurred in the suicide bombing case at the Surakarta Police Station on July 5 2019, the Surabaya suicide bombing case on May 13 2018, and the suicide bombing case at the Makassar Cathedral Church on March 28, 2021.

Densus 88 Anti-Terror is at the forefront of using a hard approach to enforce law on terrorism. However, just as the two coins of terrorism and radicalism are the same thing, radicalism must end in an act of terrorism, and then it can be overcome by using the terrorism law. In other words, the potential for the birth of terrorist acts that are identical to bombings, suicide bombings and criminal acts such as robbery is a necessity (Priadi, 2018). Terrorism being a reality everywhere in the world, focusing on a historical and sociological approach (Dione, 2018).

Social media in this case is used as a means of planning terrorism, communicating, sharpening radicalism, and collecting terrorism funds to arrive at *amaliyah*, namely the act of terror bombing. In addition, other forms of social media platforms used include Facebook, Youtube, WhatsApp, and Telegram. This shows that theorists are increasingly sophisticated and are starting to look for safe, fast and efficient media in realizing their goals, namely *amaliyah* or acts of terror bombing.

The results of an interview with the Kasatgaswil of East Java Densus 88 AT Polri Kombes (Pol) Iwan Ristiyanto stated that the internet media is very influential in spreading the notion of radicalism. Currently, many use social media as their *modus operandi*. Terrorists are always easy to change the *modus operandi*. Currently, many channels are widely used to spread their ideas, recruit and plan a terrorist activity, namely violence/bombing, so that the role of social media is very large.

In the cyber field, it turns out that until now there has been no law enforcement against radicalism carried out through social media. Deputy Director of Cyber Crime, Bareskrim Polri Kombes Himawan Bayu Aji stated that, in 2020 there were 4,250 cybercrime from January to November. He said cyber crimes that occurred were closely related to money laundering crimes (TPPU) which were divided into two categories, namely fraud and illegal access. Regarding terrorist radicalism, it does exist, but we don't deal with it. With regard to radicalism, the Detachment 88 Anti-Terrorism and BNPT are in the domain, not us. In this case, the Directorate of Cyber Police Headquarters only handles profiling and even then when asked for help.

Either through Article 156, Article 156a, Article 157 of the Criminal Code or Article 27 paragraph (3) and Article 28 paragraph (2) of Law Number 19 of 2016 concerning Information and Electronic Transactions (ITE), which is an amendment to Law No. 11 of 2008 there have been no cases of radicalism through social media that have been carried

out by law enforcement. Thus, it is clear that law enforcement by using criminal means against radicalism through social media which has not led to acts of terrorism has never been carried out.

The process of countering terrorism with an institutional action begins with the existence of cyber patrols, whether carried out by Densus 88 Anti-Terrorism or through the Directorate of Cybercrime, Criminal Investigation Unit of the Police. Then Densus will conduct an in-depth study of radicalism which has turned into the stage of Jihadization. Against radicalism content on social media that has been indicated, profiling and analysis is carried out either by the Anti-Terror Detachment 88 or through the Directorate of Cybercrime, Bareskrim Polri to be submitted to Kominfo and take down.

3.3 Concept of Criminal Policy to Combat Radicalism Spread through Social Media in Indonesia

The urgency of regulating radicalism in Indonesia in general and specifically in social media is also increasing with the absence of regulation at the level of laws and regulations that bind social media platforms in the spread of radicalism. Although there has been cooperation from platforms, be it Facebook, Google, Youtube, Twitter, and Telegram to reduce and eliminate content of terrorism and radicalism, this is only a good will or goodwill of the platform. Meanwhile, social media is like a double-edged knife whose sides can hurt anyone. When social media is used by terrorists, the platform will only say that knives can be used by anyone for any purpose. The decrease in content can only occur post factum (when it is reported / complained then it is taken down), so there is no guarantee that this understanding has not spread.

Moreover, the large platform is a foreign platform, which cannot simply be subject to policies in Indonesia. It will be very possible, the platform does not follow the collaboration that has been initiated by the Ministry of Communication and Information. For example, social media such as whatsapp and telegram that are not public such as tweeters, Facebook and Youtube, it is very possible that these platforms do not supervise the transmission of their content.

BNPT Prevention Director Brigadier General Pol R Ahmad Nurwakhid expressed the urgency of the law that could ensnare actors' ideological radicals and religious extremism. According to him, Law Number 5 of 2018 concerning the Eradication of Terrorism Acts can only ensnare those who have committed acts of terror with an index indicator of the potential for terrorism radicalism. This is in accordance with the author's thinking where, what happened to Dwi Atmoko, Tutin Sugiarti, Rio Priatna, Endang Alias Abu Rafli, Maswandi, and Mukhamad Misbakhudin, the perpetrators who used social media could be prosecuted because they had committed acts of terror with an index of potential radicalism. Terrorism and those who have entered into a terror network marked by an oath of allegiance by conducting war games. Thus, the perpetrators can be arrested and prosecuted before committing acts of terror through preventive strikes.

However, what about radicalism that has not carried out acts of terror but has been disseminated through social media. Law Number 5 of 2018 concerning Eradication of Acts of Terrorism has not yet prohibited the ideology that animates it or its radicalism , including the ideology of the caliphate, daulah, or other radical religious ideologies that have not been banned in Indonesia.

Currently, the only ideologies that are officially banned in Indonesia are Communism, Marxism, and Leninism. Meanwhile, the current religious radical ideology that is currently threatening the existence of the state ideology of Pancasila and the integration of the Unitary State of the Republic of Indonesia does not yet exist. Thus,

radical groups that have been disbanded by the government can still promote or inflame the radical religious ideology.

Protecting the mind through the principle of *Cogitationis Poenam Nemo Patitur* (read: *Kojitatsionis Penam Nemo Patitur*) is indeed important, but people's safety is the highest law' or *Salus Populi Suprema Lex Esto* becomes more important when dealing with radicalism that can disrupt security and even disintegrate a country. The state must not lose to radicalism, therefore the state must be firm against radicalism.

The state must not lose to radicalism and terrorism. This is because the state is the main protector of people's safety. Therefore, to protect the safety of society from radicalism and terrorism, the state has the authority to establish a law that can tackle the spread of radicalism as a small matter so that it does not grow. Radicalism should not be taken lightly, because it is only spread through social media, the latent danger of radicalism will arise if political and social stability is disturbed, especially if there are threats from other countries that contribute to the development of radicalism and terrorism.

Radicalism is not clearly regulated in Law 5 of 2018 concerning Amendments to Law 15 of 2003 concerning the Stipulation of Perppu 1 of 2002 concerning the Eradication of Criminal Acts of Terrorism. Article 12B paragraph (3) of Law 5 of 2018 concerning Amendments to Law 15 of 2003 concerning the Stipulation of Perppu 1 of 2002 concerning the Eradication of Criminal Acts of Terrorism into Law also states that:

Any person who intentionally creates, collects, and/or disseminates writings or documents, both electronic and non-electronic to be used in training as referred to in paragraph (1) shall be punished with imprisonment for a minimum of 3 (three) years and a maximum of 12 (twelve) years.) year.

Article 43A of Law 5 of 2018 concerning Amendments to Law 15 of 2003 concerning Stipulation of Perppu 1 of 2002 concerning Eradication of Criminal Acts of Terrorism into Law only states that:

1. The government is obliged to prevent the crime of terrorism.
2. In an effort to prevent the Crime of Terrorism, the Government takes continuous anticipatory steps based on the principle of protecting human rights and the principle of prudence.
3. Prevention as referred to in paragraph (1) is implemented through:
 - a. national preparedness;
 - b. counter radicalization; and
 - c. deradicalization .

Based on this, it is clear that there is a legal vacuum in regulating radicalism, especially radicalism through social media. In addition, Law Number 19 of 2016 concerning Information and Electronic Transactions (ITE) in Article 27 paragraph (3) only regulates insults and/or defamation and Article 28 paragraph (2) only applies to ethnicity, religion, race and religion. between groups (SARA). Thus there is a regulatory vacuum regarding radicalism through social media, while based on the rule of law the principle of legality is an important foundation so that all people (residents) must comply with applicable legal regulations and state equipment can work. If radicalism is not regulated, there will be legal stagnation.

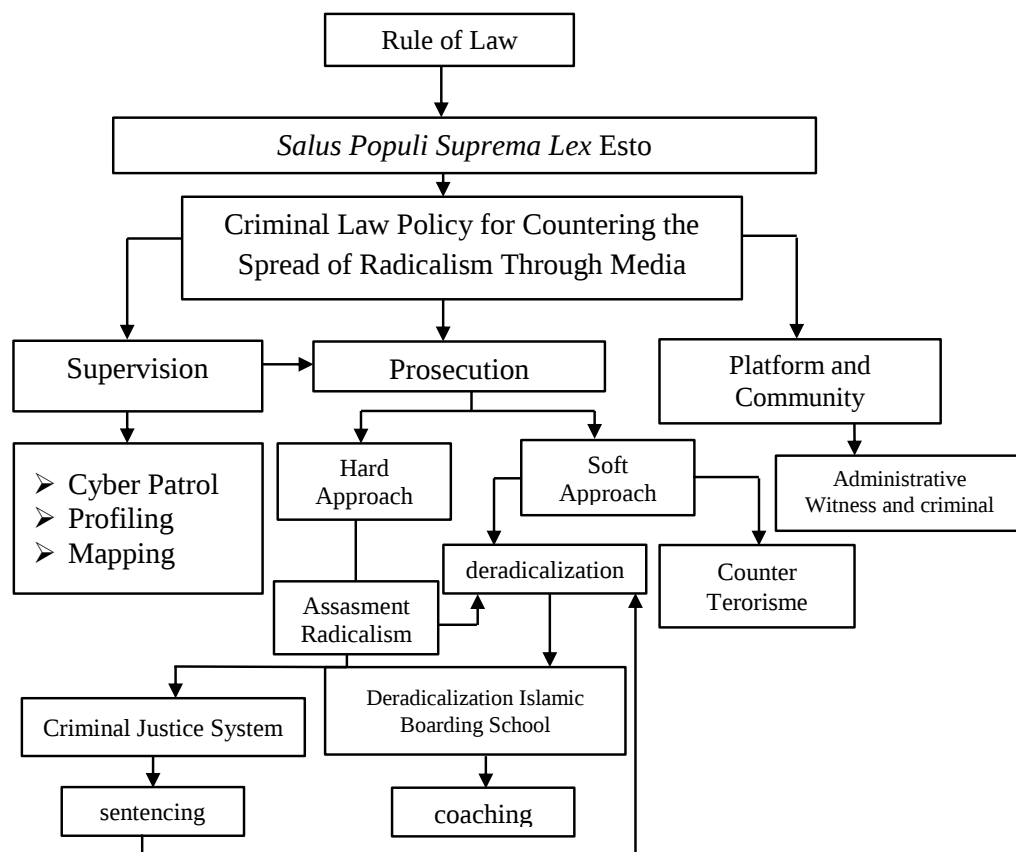
Law is an institution that aims to deliver humans to a just, prosperous life, and make humans happy.” Based on the 'law for man', then the law is not only for himself, but for something bigger and wider. Therefore, if there is a problem with the law, then the law can be revised and corrected, not humans who are forced to enter into the legal scheme. In the context of thinking that progressive law does not accept law as an absolute and final institution, but is determined by its ability to serve society, law is always evolving.

According to Satjipto, law should be a real institution that continuously builds and changes itself towards a better level of perfection. The level of quality of perfection can be verified into factors of justice, welfare, concern for the people and so on. Thus, according to Satjipto, the essence of "law is always in the process of becoming."

As the problem that has been described by the author, the pot holes that occur in overcoming radicalism through social media include, among other things, that radicalism has not been regulated in several legal regulations, and if these laws are not regulated, overcoming radicalism through social media will only end in take down content . Therefore, it is necessary to do three points of overcoming radicalism through social media, namely supervision, action and cooperation between platforms and the community.

Currently, the supervision is carried out by each institution, including the Anti-Terror Detachment 88, the Directorate of Cybercrime, the Criminal Investigation Body of the National Police, BNPT and Kominfo. The supervision must be integrated into one, so as to produce optimal results. Although each still has a supervisory function, an integrated supervision must be needed, so that it can produce fast, precise and accurate decisions.

The framework of thinking in overcoming the spread of radicalism through social media in Indonesia can be described as follows:



The surveillance functions required include cyber patrols, profiling, and mapping. The cyber patrol function is to obtain external data that is scattered quite a lot, then the catch is analyzed and also profiled word for word, who the author is, whether the account is fake, where the content was written, what the IP address is, to the stage where the coordinates of the perpetrator are located. . In addition to profiling, I also need to do a mapping, when the content is uploaded, where the content is usually uploaded, what the

conversation is, what is the purpose to be carried out and others, so that when the mapping can be done, law enforcement officers can recognize and analyze the potentials that can occur.

Of course, the action taken is not only limited to taking down content on social media. This of course will only lead to the birth of a million similar radicalism content on social media. Therefore, as a mapping material, the action taken is by two approaches, namely the hard approach and the soft approach as well as the prevention of criminal acts of terrorism.

The hard approach referred to here is not only about arresting, fingerprinting, prosecuting, trial and imprisonment, but an assessment is carried out first. The assessment process aims to find out how radical a person is, whether hardcore, activist, newcomer, supporters or just a sympathizer. With this analysis, of course, it will be able to determine the appropriate deradicalization actions for the perpetrators. For example, there is an actor uploading allegiance to ISIS, blaming the government as an infidel government, thogut and others, but when confirmation or arrest is made, he does not have the ability to make bombs, has no affiliation, and only follows suit, and cooperative, then it does not enter the judicial process, but the pesantren is deradicalized.

Continuing to use punishment that only leads to imprisonment is certainly an ineffective action for adherents of radicalism. Showing that the government is an organization that can make its people happy, can be fair, uphold the law, is not corrupt and other positive things are very important. Therefore, imprisoning the contents of one's head is useless if it is not followed by guidance that shows that, this government is not infidel, there are also many government individuals who are of the same religion, not corrupt, fair, wise, so that they can dwarf radicalism thoughts so that they accept the Unitary State of the Republic of Indonesia with joy. .

The deradicalism pesantren approach is basically intended as a half soft approach, this is because the perpetrators of the radicalism utterances that are collected will be taught about the right things, thus eroding and destroying the radicalist understanding that has been exposed in it. The approach is dialogical, but centered and far from prison. In the deradicalism pesantren, the perpetrators will be fostered directly, and of course an assessment will be carried out whether they are allowed to go home or have to study at the pesantren.

After the assessment, it turned out that there were perpetrators who were in the hardcore category, he had recruited, was able to make bombs, had affiliation with other terror organizations and had scheduled amaliyah, so the criminal justice process could be carried out. Thus, the law is used clearly, namely to deter the perpetrators of radicalism. By cutting radicalism, the fruit of radicalism, namely terrorism, can also be suppressed, so that security stability can be created.

Perpetrators who are acted on through the criminal justice process must also be de-radicalized, this of course as a correctional process, where the convicts are also re-washed with the right thoughts. So that when he is released he will not do the same thing a second time. The soft approach taken is also about counter terrorism. The government must always spread positive propaganda, and fight terrorist propaganda through social media.

The criminal law policy to prevent the spread of radicalism through the media is the platform and community collaboration. Social media platforms must be committed to eradicating radicalism through social media. Social media platforms can be subject to administrative sanctions in the form of revocation of permits and criminal sanctions if they openly support radicalism on social media. The public is also expected to be able to help provide information about existing radicalism content by way of public complaints.

Radicalism is the embryo of the birth of terrorism. Radicalism is an attitude that longs for total change and is revolutionary in nature by overturning existing values drastically through violence and extreme actions. There are several characteristics that can be recognized from radical attitudes and understanding.

- 1) Intolerance (don't want to respect the opinions and beliefs of others.
- 2) Fanatic (always self-righteous, thinks others are wrong.
- 3) Exclusive (differentiate themselves from Muslims in general, and
- 4) Revolutionary (tends to use violent means to achieve goals.

There are other factors that motivate someone to join a terrorist network. This motivation is caused by several factors. First, domestic factors, namely domestic conditions such as poverty, injustice or feeling disappointed with the government. Second, international factors, namely the influence of the foreign environment that provides the impetus for the growth of religious sentiments such as global injustice, arrogant foreign policy, and modern imperialism of superpowers. Third, cultural factors that are closely related to shallow religious understanding and narrow and lexical (harfiyah) interpretations of scriptures. Radical attitudes and understandings and motivated by the various factors above often make someone choose to join terrorist acts and networks.

Radical individual character, a person will experience four stages, namely:

- 1) Pre-radicalization, where an individual is still carrying out activities and routines as they should.
- 2) Self-identification, where individuals begin to identify themselves and think radically.
- 3) Indoctrination, namely starting to intensify and focus confidence in the movement to be taken,
- 4) Jihaditstasi, an individual carries out an action or action on his belief which is considered a form of jihad.

Radicalism is basically fanaticism (absolutely) towards a belief and an attitude that does not want to compromise in defending its beliefs, with which they oppose the beliefs of other parties. The emergence of radicalism cannot be separated from the existence of religious polarization that gives rise to anti-cultural sentiments and narrow interpretations of doctrine, ideology or theology. Radicalism in Indonesia occurs because many community groups fail to integrate the values of plurality-based nationalism.

Radical groups can be seen from three patterns, namely:

- 1) Method of conveying and framing ideas to the public (framing);
- 2) Mobilizing the source of movement (mobilizing);
- 3) Tactics and strategies (making decisions)

Commitment to a radical movement itself can refer to a person's level in the organization according to Golose divided into:

- 1) First, Hardcore described as those/members with the highest or deepest commitment, they have been with the organization for a long period of time and are usually involved in planning or carrying out violent activities.
- 2) Second, Activist points to members who often engage in violent activities, but may not be long-standing members, and not every aspect of their lives is linked to the group.
- 3) Third, Newcomer is a group new members join the group for a short period so they tend not to have closeness between layers and groups of the organization.
- 4) Fourth, Supporters are those who have fewer ties to the organization. They are not permanent members, only occasionally helping radical groups, for example, by protecting or housing members or providing them with funds.

- 5) Fifth, Sympathizer is referring to those who are not actively involved with radical organizations, but they identify the goals and ideology of the group and so can passively help the group, for example, by not sharing the information they know with law enforcement officials.

Based on several opinions that explain Radicalism as a concept, the author concludes that Radicalism is a thought or attitude that is often contrary to the principles of social life in general which involves tolerance for pluralism, both culture, religion, and primordialism backgrounds in society.

As already discussed, regarding the philosophical meaning of the principle of Cogitationis poenam nemo patitur towards Salus Populi Suprema Lex Esto that, the law cannot judge the root of the mind. However, the law judges something that has actually been done or done. Therefore, the meaning of radicalism here refers to something that has been done, for example, written and uploaded to social media.

Textually, for example, there is an utterance either written, video or recorded that shows intolerance (don't want to respect other people's opinions and beliefs, Fanatic (always feels self-righteous, thinks others are wrong), Exclusive (differentiating from Muslims in general, and Revolutionary) tend to use violent means to achieve goals) then it becomes a criminal offense. The context of radicalism must be concrete, namely by inviting the use of violence, thus the radicalism referred to by the author has a clear and concrete address.

IV. Conclusion

Radicalism through social media has not been comprehensively regulated in Indonesia's positive law. Law 5 of 2018 concerning Amendments to Law 15 of 2003 concerning Stipulation of Perppu 1 of 2002 concerning Eradication of Criminal Acts of Terrorism. Article 12B paragraph (3) only talks about distributing writings or documents, both electronic and non-electronic for use in training, while Article 43A of Law 5 of 2018 only talks about deradicalization and counter radicalization.

Efforts to overcome radicalism carried out through social media in Indonesia currently focused on repressive law enforcement . Law enforcement carried out against perpetrators of radicalism through social media are perpetrators who have actually committed acts of terrorism. Densus 88 Anti-Terror cannot effectively enforce the law against perpetrators of radicalism who have not committed acts of terrorism. Meanwhile, through non-penal means , counterterrorism begins with cyber patrols, either carried out by the BNPT or through the Directorate of Cyber Crime , the Criminal Investigation Department of the Police in collaboration with the Ministry of Communication and Information to take down radicalism content on social media.

The concept of criminal policy in overcoming the spread of radicalism carried out through social media in Indonesia is carried out through three points of overcoming radicalism through social media, namely supervision, action and collaboration between platforms and the community. The surveillance functions required include cyber patrols, profiling, and mapping. Of course, the action taken is not only limited to taking down content on social media. This of course will only lead to the birth of a million similar radicalism content on social media. Therefore, as a mapping material, the action taken is by two approaches, namely the hard approach and the soft approach as well as the prevention of criminal acts of terrorism. The hard approach referred to here is not only about arresting, fingerprinting, prosecuting, trial and imprisonment, but an assessment is carried out first . The deradicalism pesantren approach is basically intended as a half soft

approach , this is because the perpetrators of the radicalism utterances that are collected will be taught about the right things, thus eroding and destroying the radicalist understanding that has been exposed in it. The criminal law policy to prevent the spread of radicalism through the media is the platform and community collaboration. Social media platforms must be committed to eradicating radicalism through social media. Social media platforms can be subject to administrative sanctions in the form of revocation of permits and criminal sanctions if they openly support radicalism on social media.

Based on this, the government and the DPR should revise the Law 5 of 2018 concerning Amendments to Law 15 of 2003 concerning Terrorism by including the definition of radicalism, criminal acts of radicalism and the process of overcoming radicalism through social media. Supervision of radicalism on social media must be integrated, so as to produce optimal results. Although each still has a supervisory function, an integrated supervision must be needed, so that it can produce fast, precise and accurate decisions. In addition, it is necessary to regulate administrative sanctions and criminal sanctions for social media platforms that support and facilitate the spread of radicalism on social media.

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