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OVERVIEW OF INDONESIAN LAW AND INTERNATIONAL LAW ON TERRORISM AS AN EXTRAORDINARY CRIME

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ABSTRACT

In terms of unusual crimes, terrorism is one of the most heinous acts. One only needs to look at the crimes that have been committed across national borders to recognize how devastating they can be for the victims and their families. The research method employed in this study is a combination of the Statute Approach and the Literature Approach. Since there are a variety of criminal activities that have been branded as terrorist crimes yet their perpetrators' goals and backgrounds differ, there is no agreed-upon definition of terrorism, according to a study. As an example of a crime that has been condemned as an act of international terrorism at the national level, the WTO event of September 11, 2001, and the Bali Bombing incident of 2002 come to mind. Therefore, it is imperative that all parties, including legal professionals, agree on the limitations of terrorism, as well as work together to prevent this unique crime from occurring.

Keywords: Terrorism; National Law; International law; Extraordinary Crime

INTRODUCTION

Terrorism is not a recent occurrence in Indonesia; in fact, it has been in the international spotlight for some time. Since the 48th century AD, terrorism has been used by the Zealots to prolong their guerilla fight against Rome through the use of killings, including those carried out by Sicai.(Djelantik, 2010) During the late 1800s and early 1900s, terrorism began to spread around the globe as a means of political protest against the governing regime, such as the Armenian uprising against Turkish control or the IRA (Irish Republican Army) against the United Kingdom.(Nasution, 2017) After the terrorist attack on the World Trade Center (WTC) tower in New York City, the United States, on September 11, 2001, which claimed the lives of nearly 3,000 people and resulted in the destruction of two-thirds of the city's buildings, terrorism was once again thrust into the global spotlight.(Masengi, 2017) Because of the inadequacy of

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Indonesia's terrorism regulations following the Bali bombings in 2002, the government was obliged to issue Government Regulation in Lieu of Law No. 1 of 2002, which was later amended by it, in order to handle cases of terrorism immediately and prevent it from occurring again in the motherland.(Wibisono, 2020)

For many people, terrorism is a reaction to long-term injustices that they believe cannot be remedied.(Perdana, 2016) As a result, people are more likely to engage in extreme behaviour to draw attention from the public, government, and even other countries by instilling terror in the general populace.(Notanubun, 2020) They exploit the public's attention to promote their beliefs and demands to the larger community. In this way, terrorism is not only a violent crime that is so horrible but also a manner of transmitting a political goal by utilizing violence as a tool.(Armstrong, 2017; Usman dkk., 2014)

Terrorist attacks can have a devastating effect on the lives of hundreds or even thousands of innocent people, not just one. As a result, terrorism is classified as one of the "Extraordinary Crimes." Some things were revealed by Muladi that led to the designation of terrorism as an Extraordinary Crime, including that it poses a grave threat to the protection of human rights, that it targets random people, that it may use weapons of mass destruction, and that it could create negative synergies between national and international terrorist organizations.(Komariah, 2017) An unusual crime, according to Agus Raharjo, must meet the following conditions to be classified as such: An enormous number of victims; a method for carrying out an appalling crime; an effect on the broader community's mental health; and, finally, a psychological effect on the general public. An international body (the UN or another) has classified the act as a crime against humanity. Because of this, Agus Raharjo believes that the four criteria for establishing extraordinary crimes must be unified, so that different interpretations of the criteria are consistent.(Raharjo, 2008) Using the criteria above, it may be concluded that terrorism is an extremely serious offence that merits special attention.(Huda, 2017)

In light of the aforementioned issues, the author then narrows the scope of the study to a few key topics, including: How do national and international laws evaluate

the crime of terrorism? Why do terrorist crimes occur in Indonesia and around the world, and what are some examples of such acts that have occurred?

METHODOLOGY

The author of this paper uses qualitative research methods in conjunction with a normative juridical approach.(Arliman, 2018) While the juridical method focuses on the rules and regulations now in place, the normative approach is based on secondary facts in the law. Secondary data is made up of primary, secondary, and tertiary legal materials, which implies that when processing and analyzing these legal materials, it is impossible to avoid the numerous interpretations acknowledged in legal science.(Purwati, 2020)

RESULTS AND DISCUSSION

1. The Roots of Terrorism

After the French Revolution (1793-1794), the term "terrorism" was coined to describe the forceful nature of the reigning regime's policies.(Nasution, 2017) Terrorism has eluded categorization for far too long.(Sujasmin, 2017) For seven years, the Ad Hoc Committee on Terrorism has been meeting to try to come up with a definition of what constitutes "terrorism." "Terrere," which means "to frighten" in Latin, is the origin of the word terrorism.(Nasution, 2017) While terrorism is defined as "the use or threat of violence to intimidate or generate panic, especially as a method of altering political behaviour," according to the Black Law Dictionary.(Perdana, 2016) However, experts in defining terrorism are not all the same, such as the definition of terrorism put forward by the United States of America Federal Bureau of Investigation (FBI), namely: "Terrorism is the unlawful use of force or violence against person or property to intimidate or coerce a government, the civilian population, or any segment thereof in furtherance of political or social goals".(Muladi, 2002)

It differs from the Central Intelligence Agency's (CIA's) definition of terrorism, which takes an international perspective and holds that terrorists are

backed by an institution or state. An act of terrorism supported by foreign governments or organizations and/or intended to harm a foreign government or institution is considered terrorism, according to the definition provided by the Central Intelligence Agency (CIA). (Komariah, 2017)

Terrorism can be defined in different ways by different countries. For example, an act of terror committed by the Tamil Tigers (LTTE) in India was declared not to be terrorism by India's Supreme Court in May 1999 while the United States government designated the LTTE as a terrorist group on October 8, 1997. (Djelantik, 2010)

As there is no clear definition of terrorism, people's understanding of what constitutes terrorism varies greatly from person to person. As Walter Laquer points out, no single term will ever encompass all of history's acts of terrorism. Terrorism, according to Charles Kegley and Eugene Witkoff's data analysis, can be defined as a means to achieve specific aims through the irregular use of threats of violence to instil dread on as many people as possible (Sujasmin, 2017). All acts that meet the requirements for a criminal crime under Indonesia's Terrorism Law Number 15 of 2003, as amended by Law Number 5 of 2018, constitute terrorism, according to Article 1 Number 1 of the 2003 law. Articles six and seven provide the definitions of the elements of a criminal act listed in the article. Law No. 15 of 2003 jo. Law No. 5 of 2018 mentions various illegal acts that are considered acts of terrorism in paragraphs eight to 16A of that law.

2. Components of Terrorism Crime

The ingredients of criminal acts of terrorism in Indonesia are governed by Article 7 of Perppu Number 1 of 2002, which has been ratified into law by Law Number 15 of 2003, which has been amended by Law Number 5 of 2018. (hereinafter abbreviated as Law No. Terrorism Act). Article 6 of the Terrorism Law states that any person who intentionally uses violence or threats of violence to create an atmosphere of terror or widespread fear of people, or causes mass


casualties by depriving others of their freedom or causing loss of life and property, or causes damage or destruction to strategic vital objects or the environment, or public facilities or international facilities, shall be punished with imprisonment for a minimum of 5 years and a maximum of 15 years in prison.

According to Article 6 of the Terrorism Law, several elements must be present in a criminal act of terrorism, including a) the action is carried out by a legal subject; b) the act is done intentionally; c) the act is carried out using force or threats; d) the act instils fear in the crowd; e) these actions have a widespread and widespread impact on a large number of people; f) these actions have a significant and widespread impact on This type of action is carried out by depriving people of their liberty, life, and property, or by causing harm to strategic critical assets, the environment, public facilities, or international infrastructure.

Article 7 also stipulates that the intent to conduct a criminal act of terrorism is included in the definition of terrorism. Following the passage of Law Number 9 of 2003 about the Prevention and Eradication of Criminal Acts of Terrorism in 2004, the aspect of terrorist acts was further developed and codified. Articles 4, 5, and 6 of the United Nations Convention on the Rights of the Child (UN Convention on the Rights of the Child) prohibit the collection, giving, or lending of cash, either directly or indirectly, to use the funds in whole or in part for a criminal act of terrorism. In addition, anyone who supports or seeks to aid those who would finance criminal acts of terrorism may face criminal charges as a result of their actions.

3. Various Forms of Terrorist Criminal Acts

Terrorism is classified into numerous categories, depending on the distinction made. Terrorism is separated from its perpetrators, from the number of perpetrators, from its aim, from how terrorist acts are carried out, and from its activities and organization.

- 
- a. First; Terrorism is distinguished from its perpetrators. There are two types of terrorism in this form: state-sponsored and non-state terrorism. When a government uses terrorism as a tool of oppression against its populace, it is said to be committing acts of state-sponsored terrorism.(Nasution, 2017) Such acts of terrorism are common in nations with authoritarian governments, such as Iraq, North Korea, and Libya, to name just a few.(Muladi, 2002) State-sponsored terrorism, on the other hand, refers to the fact that the state simply provides funding to terrorist groups and does not directly participate in their activities.(Nitibaskara, 2002) When it comes to terrorist acts committed by non-state actors, such as the Al-Qaeda terrorist network, Basque Fatherland and Liberty, the Jema'ah Islamiyah and others, the term "non-state terrorism" is used.
 - b. Second; Terrorism can be classified according to the number of offenders. Acts of terrorism are classified into individual and group terrorism based on the number of offenders. Several types of terrorism are carried out in groups, some of which are national, transnational, and international in scope. Individual terrorism, on the other hand, refers to acts of terrorism perpetrated by a single person. Although terrorism is carried out alone, the fear that is transmitted remains the same as that which is spread by terrorism carried out as part of an organized organization. Kaczynski's 15-year-long string of terror bombings serves as an example of terrorist activity.
 - c. Third; Terrorism is distinguished by its intent. Terrorism of this nature might be classified as revolutionary, sub-revolutionary, or repressive. Revolutionary terrorism is carried out by citizens and aims to overthrow the established system. Sub-revolutionary terrorism is similar to revolutionary terrorism in that it is perpetrated by citizens, but the goal is to merely change policy, exact revenge, or punish public

officials who do not agree with the goals of the revolutionary movement instead. According to this theory, repression means using violence to restrict, eradicate, or eliminate particular groups that do not support the ruling class.

- d. Fourth; The type of terrorism perpetrated can be distinguished from the act itself. Terrorism of this nature can be classified as either physical or ideological.(Sujasmin, 2017) This includes bombs, kidnappings, terrorist suicide bombings, piracy, and other acts of terrorism that physically harm people. Ideological terrorism, on the other hand, refers to an act of terrorism aimed at persuading a target to agree with the ideology that the terrorists espouse. Ideological terrorism is more harmful than physical terrorism since it is the root of both.
- e. Fifth; Terrorism is characterized by the scope and structure of its operations. According to Paul Wilkinson, there are three types of terrorism depending on their behaviours and organizations: national, international and transnational terrorism. An organization that operates solely within the borders of one country can be classified as "national terrorism," as opposed to an organization that operates around the world. In the same way that transnational terrorism is an act of terrorism carried out by a global terrorist network, transnational terrorism prepares a global revolution for new world order. Terrorism as a whole comprises various distinct parts; for example; 1) To foreigners; 2). Organized by a government or organization from more than one country; 3) Attempts to influence foreign government policy (Soetradi, 2008).

4. The motivations and causes of terrorist activities

The characteristics of terrorism-related violence are similar to those of other types of domestic violence. It is clear to Levin that the focus of conventional

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terrorism is often on monetary and political stability, but there is also a strain of terrorism aimed at social unrest and popular discontent that has the potential to destabilize a nation and lead to political upheaval (Perdana, 2016). The objective of this campaign is a large population, and it may even be able to reveal the safety and security of a nation. Moh. Faisal Salam, as cited by Luh N. Winarni, claims that there are several motifs from new action terrorism, including 1. To publish their ideas with a steady stream so that they spread quickly and massively; 2. To act as a catalyst for mass mobilization or militarization; 3. To prevent racial tensions and intercommunal strife; 4. To encourage mass protests and demonstrations; 5. To foster mass trust in government and the rule of law.(Winarni, 2016)

The complexity of the motives behind acts of terrorism cannot be denied. Many experts argue about what are the motives behind the occurrence of terrorism crimes, including.(Nasution, 2017)

First; Extremism and religious radicalization. Several acts of terrorism that have occurred recently are, in fact, the product of religious fanaticism and radicalization, as has been demonstrated. This understanding has developed into an act that is harmful to a variety of parties, with not even a few innocent people falling prey to the consequences. The radical, whether in the shape of their knowledge or ism, has become something that truly exists in humans, so anyone can embrace radicalism depending on how their environment is structured, according to Muzadi. (Yunus, 2017) This motif has become the standard justification for several groups to justify one religion, namely Islam, which has been the target of terrorist attacks in recent decades. Because of anti-Muslim propaganda that constantly ties Islam with terrorism, such as the recent acts against the Uighur community in China's Xinjiang region, Muslims are subjected to a disproportionate number of discriminatory treatment.(Purwanto, 2019)

Second; Tribal nationalism leads to separatism. However, even though Indonesia is considered to be a unitary state, the desire of tribes in a particular area to be independent of Indonesia (separatism) cannot be avoided. Let us

consider the plan of the GAM (Free Aceh Movement)(Efendy, 2014), which is an example of a separatist-terrorist movement that emerges as a result of dissatisfaction with the government or regime in power, while on the world stage, there are separatist schemes in Xinjiang, China.(Permata, 2016)

Third; certain interest groups seek to create chaos. This one reason emerges because there is a specific level of curiosity that produces turbulence in the transfer of an issue that has been highlighted. In most cases, domestic and international political considerations justify the use of this motif.

One can conduct an act of terrorism in the context of a variety of internal and external effects on the perpetrators of the crime of terrorism itself, as well as other factors. From the perspectives of politics, sociological analysis, and psychological analysis, many specialists have differing perspectives on why someone commits acts of terrorism. According to Joseph Margolin, the motivation for a terrorist's activities stems from a sense of frustration caused by his or her economic, political, or self-imposed necessities, leading him or her to believe that violence is the only way out of the situation. Following this concept, Paul Wilkinston asserted that "political terrorists cannot be comprehended until they are studied concerning the framework of ideologies, beliefs, and lifestyle" (Djelantik, 2010). Rapoport, as cited by James M. Lutz and Brenda J. Lutz, divides the causes of terrorism into four waves based on the period in which they occurred: 1) anarchism (1880); 2) anti-colonial ideology (1920); 3) violence associated with the notion of "the new left"; and 4) religious beliefs. Rapoport's classification is based on the period in which it occurred.(Lutz dkk., 2019)

5. Regulation of Terrorism as an Extraordinary Crime in International Law

According to Romly Atmasasmita, in its evolution, terrorists might cause jurisdictional problems that can disturb international relations between countries with an interest in managing criminal cases that are cross-territorial in nature (Komariah, 2017). At least since the ratification of the Convention for the Prevention and Suppression of Terrorism in 1937, measures to combat

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international terrorism in a more organized manner have become more operational and have become more focused.

Numerous international treaties helped to strengthen the convention. Convention on Offences and Certain Other Acts Committed on Board Aircraft (Tokyo, 14 September 1963), the Convention for the Suppression of Unlawful Seizure of Aircraft (Hague, 16 September 1970), the Convention for the Suppression of Unlawful Acts Against the Safety for Civilian Aviation (Montreal, 23 September 1971), the Convention on the Prevention and Punishment of Crimes against Internationally Protected Person including Diplomatic Agents (New York, 14 Desember 1973), the International Conventions against the Taking of Hostages (New York, 17 Desember 1979), the Convention on the Physical Protection of Nuclear Material (Vienna, 3 Maret 1980), the Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (Montreal, 24 Pebruari 1988), the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation (Rome, 10 Maret 1988), the Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms located on the Continental Shelf (Rome, 10 Maret 1988), dan Convention on the Marking of Plastic Explosives for the Purpose of Detection (Montreal, 1 Maret 1991). In addition, the 1988 International Convention for the Suppression of Terrorist Bombing was ratified. Not long after, the International Convention for the Suppression of the Financing of Terrorism, 1999 was also born.(Kusumah, 2002)

According to Tien Saefullah, as quoted by Mamay Komariah, there are at least three elements of a criminal act of terrorism that qualify it as an international crime: the act is universal in the sense that it must be committed in all countries; the perpetrator is an enemy of mankind and his actions are against the interests of mankind, and the perpetrators of the crime must be subjected to a trial based on universal principles.(Komariah, 2017)

6. Regulation of Terrorism as an Extraordinary Crime in Indonesian National Law

Law No. 15 of 2003 on the stipulation of government regulation in lieu of Law No. 1 of 2002 on the eradication of terrorist crimes and Law No. 16 of 2003 on the stipulation of government regulation in lieu of Law No. 2 of 2002 on the enforcement of government regulation in lieu of Law No. 1 of 2002 on the eradication of terrorist crimes regulate terrorism in Indonesia.

The creation of these restrictions is founded on numerous factors, notably First, because the Bali bombing incident on October 2, 2002, produced an atmosphere of panic or anxiety for people broadly, resulting in loss of life and destruction of property. Second, the Bali bombings had a wide-ranging effect on social, economic, political, and international relations, and threatened international peace and security, so the United Nations issued resolution No. 1438 (2002) and resolution No. 1371. (2001). There was also no clear legal foundation for taking rapid action in the context of the Bali bombing investigation and prosecution at that time.(Aji, 2013)

Additionally, Indonesia has several laws and regulations that deal specifically with criminal acts that are linked to terrorism, such as Law No. 8 of 2010 on the Crime of Money Laundering.

There are some terrorism-related crimes in Indonesia's Terrorism Act, including:

- a. Destroy, render unusable or damage buildings to secure air traffic or thwart efforts to secure such buildings;
- b. Causing the destruction, inability to use or damage to buildings for air traffic security, or the failure of efforts to secure these buildings;
- c. Deliberately and unlawfully destroys, damages, removes, or removes a sign or device for flight safety, or thwarts the operation of the sign or device, or puts up an incorrect sign or device;

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- d. Due to negligence, the sign or device for flight security is destroyed, damaged, taken, or moved or causes the wrong sign or device for flight security to be installed.;
- e. Deliberately destroying or rendering inoperable an aircraft held in whole or in part by another individual, whether legally or unintentionally;
- f. Intentionally and unlawfully endanger, destroy, disable, or damage an aircraft in any way.;
- g. Due to negligence, the aircraft is injured, destroyed, unusable, or damaged;
- h. To benefit oneself or another, the insurer sets fire or explodes the insured aircraft, causes an accident, destroys, damages, or renders the insured cargo or the wages to be received for the delivery of the cargo unusable against the hazard, or A down payment has been made to secure the shipment;
- i. In an aircraft with an unlawful act, seizing or retaining the confiscation or controlling the aircraft in flight;
- j. In an aircraft by force or threat of violence or other forms of threat, seizing or retaining confiscation or controlling control of the aircraft in flight;
- k. As part of a malicious conspiracy, carried out in a premeditated manner, inflicting serious injury to a person or damaging an aircraft to impair its flight, carried out intending to deprive someone of their liberty or continue to deprive someone of their liberty;
- l. Deliberately and unlawfully commits acts of violence against a person on board an aircraft in flight, if the act can endanger the safety of the aircraft;
- m. Deliberately and unlawfully damage an aircraft in service or cause damage to the aircraft that renders it unable to fly or endangers flight safety;
- n. Deliberately and unlawfully placing or causing to be placed in an aircraft in service, by any means, tools or materials that can destroy the aircraft which

- renders it unable to fly or cause damage to the aircraft which may endanger safety in flight;
- o. Doing together 2 (two) or more people, as a continuation of a malicious conspiracy, committing it in a pre-planned manner, and causing serious injury to someone from the actions as referred to in letter l, letter m, and letter n;
 - p. Giving information that he knows is false and because of that action endangers the safety of the aircraft in flight;
 - q. In an aircraft, perform actions that can endanger the safety of the aircraft in flight;
 - r. In the aircraft, perform actions that can disrupt order and order in the aircraft in flight.

A criminal act of terrorism can result in the same punishment whether it is committed with the aim to use chemical weapons, biological weapons, radiological agents, microbes, radioactivity, or any of its components. Even the most recent anti-terrorism legislation contains a provision governing the involvement of minors in terrorist activities.

7. Terrorism Eradication and Prevention Strategy

The Prevention of Terrorism Branch of the United Nations Department of Peace (2006) proposed that the principle of "prevention is preferable to taking action and punishing" should be developed and implemented by countries by speeding up the paradigm shift from "reactive law enforcement" to "pro-active law enforcement" to combat international terrorism. Therefore, the state bears the obligation for ensuring that the civil and political rights of citizens are protected by enforcing laws and regulations, such as the ones listed below. According to the International Covenant on Civil and Political Rights (ICCPR), the state must protect human beings rather than only punish terrorists; b) the obligation to

protect the civilian population; c) the obligation to criminalize acts of terrorism without violating the rights of the civilian population; and D) the obligation to carry out "intervention in the preparation and planning of acts" of terrorism.

Indonesia employs a coercive strategy to prosecute terrorism-related crimes. According to Cronin and Lude, there are at least three ways in a coercive approach: military, intelligence, and law enforcement. Criminals who commit acts of terrorism in Indonesia are treated as criminals by the country's law enforcement authorities. At least a few conditions must be met for the model to work properly: (Kamasa, 2015) Law enforcement must be supported by a supportive community environment, cross-sector cooperation, and adequate infrastructure. These conditions can be met by having an equitable, strong, and transparent legal framework; professional, ethical, and effective law enforcement; a supportive community environment; cross-sector cooperation; and adequate infrastructure.

Penal and non-penal measures are used to combat acts of terrorism that violate international law. Terrorists who commit criminal activities are punished with penal measures, such as incarceration. These are repressive initiatives, as opposed to non-penal ones, which are more preventive. Both a) and b) can be classified as non-penal endeavours. Preventative measures that do not involve criminal penalties, such as administrative sanctions or civil law Changing the public's perception of crime and coaching through the media.

8. **Terrorism Cases and Legal Debates therein**

As previously mentioned, there is no definite formulation regarding what terrorism is in general so countries have a very broad scope to define and formulate what terrorism is in their respective national laws.(Boulden & Weiss, 2004) Moreover, the development of the discourse on terrorism which has only come into the spotlight at the beginning of the 21st century has caused many previous terrorism cases and even now that have caused a lot of debate in it, both nationally and internationally, such as the cases below:

a. **The First Bali Bombing Incident in Indonesia**

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One of the events that became the first terrorist act in Indonesia was the Bali Bombing I. This incident occurred on the night of October 12, 2002, which resulted in 202 fatalities and 209 injuries or injuries. (Ulfiyatun, 2015) Because Indonesia did not yet have a national law that regulates terrorism crimes, this case caused law enforcement officials to be perplexed as to how to punish the suspects. As a result, the Government Regulation in Lieu of Law (Perppu) Number 1 of 2002 concerning Eradication was enacted as a result of this event. Law Number 15 of 2003 on Terrorism was ratified on October 12, 2002, following the Bali Bombing Incident, and was then enforced with the issuance of Perppu Number 2 of 2002 concerning the Enforcement of Perppu Number 1 of 2002 concerning the Eradication of Criminal Acts of Terrorism on October 12, 2002, which was finally ratified into Law Number 16 of 2003, although this Law has now been replaced by Law Number 5 of 2018.

There are several advantages and disadvantages to the regulation of terrorism that legal professionals have discussed. This is because in Perppu No. 1 year 2002 jo. Act. No. 15 of 2003, jo. Perppu No. 2 of 2002 jo. Act. No. 16 of 2003, there is a provision that allows the use of the retroactive principle (retroactive application), namely in Article 46, which states that the provisions in this Government Regulation in Lieu of Law can be retroactively treated for legal actions in certain cases that occurred before the entry into force of this Government Regulation in Lieu.

The existence of this article is certainly very contrary to Article 1 paragraph (1) of the Criminal Code which is the basis for the legal principle that it is not retroactive. In full it reads: "An act cannot be punished, except based on the strength of the provisions of the existing criminal legislation."

The retroactive enforcement of the terrorism law is enforced to prevent the immunity of criminals, prevent a legal vacuum, and the principle of justice (Khamdan, 2016). Because it is well known that the Bali bombs occurred on October 12, 2002, although Perppu Number 1 of 2002 was

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stipulated on October 18, 2002, the terrorist law imposed the retroactive principle to ensure that the perpetrators of the Bali bombings did not get away with their crimes. However, some specialists have voiced their opposition to the application of the retroactive concept in this case. This can be observed in the proposed judicial review of Perppu No. 1 of 2002/Law No. 16 of 2003 by Masykur Abdul Kadir to the Constitutional Court, which is currently under consideration. Abdul Kadir argued in his petition that the Law and Perppu violated Article 28 I paragraph (1) of the Constitution, which states that the right to life, the right not to be tortured, the right not to be investigated, the right to freedom of thought and conscience, the right to religion, the right not to be enslaved, the right to be recognized as a person before the law, and the right not to be prosecuted based on retroactive law are all human rights that cannot be violated.

Afterwards, a panel of judges from the Constitutional Court rendered a decision on the application on July 23, 2004, in Constitutional Court Decision Number 013/PUU-I/2003, which declared that Perppu Number 1 of 2002/UU Number 16 of 2003 was declared to violate the 1945 Constitution and therefore had no legal effect. The verdict was reached even though there were four dissenting opinion judges (MK Decision Number 013/PUU-I/2003). In response to the declaration that Perppu Number 1 of 2002 or Law Number 16 of 2003 was contrary to the 1945 Constitution, the attorney for the defendant or the perpetrators of the Bali Bombing I applied for judicial review, which was ultimately rejected by the Supreme Court because "the decision of the Constitutional Court is not new evidence" (novum) (SEMA Number 257/PAN/VII/2008). Law Number 5 of 2018 amended the terrorist statute, stating that the law and perppu were no longer in conformity with contemporary needs. Article 46 of the most recent terrorist law, which applied the retroactive concept, has been repealed, and several new chapters have been added.

b. The Emergence of 'Al-Qaeda' as Amphibolous Terrorism

The attack on the World Trade Center on September 11, 2001, is one of the most well-known incidents in the development of international terrorism in recent history. The incident occurred on the morning of September 11, 2001, and resulted in the deaths of at least 2977 people, including more than 25.000 people who were wounded, and a monetary loss of more than ten million dollars (Morgan, 2009). Al-Qaeda launched the attack, which consisted of eight waves of attacks that began with plane hijacking and ended with the destruction of the World Trade Center, the Pentagon, and the Pennsylvania State Capitol. The fourth attack failed to reach its intended target because it had to travel through Pennsylvania. Al-Qaeda claimed responsibility for the attack.

The terrorist attacks of September 11, 2001, were a watershed moment in the efforts of international criminologists to clarify and organize new international norms surrounding what constitutes terrorism. In terms of terrorist organizations, Al Qaeda is the most recent to emerge, and it exhibits a distinct personality that has never been seen before in a terrorist organization. Because of its flexible organizational structure, it does not have a distinct and complex organizational structure. When Al Qaeda first emerged, it was difficult to categorize the organization as a terrorist organization. For this reason, due to the collaboration of state and non-state actors through corporate networks, financial assistance, and criminal links, Al Qaeda cannot be classified as non-state terrorism. The organizational structure is vague, as are the individuals involved and the methods employed, and the combination of non-state terrorism and state terrorism with a variety of objectives at the local, national, international, and transnational levels is a source of consternation.

Behind the scenes, many actors and actresses are distinctive and unusual in both their forms and ways. When it comes down to it, Rama Mani divides terrorist acts into three categories based on the actors involved. He

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includes actions such as those carried out by Al Qaeda and labels them as "amphibolous terrorism" in his final classification. According to Mani, "amphibolous terrorism" is a type of terrorist attack that is carried out by mixing acts of terrorism performed by a state (such as the attack that occurred in Palestine) with acts of terrorism committed by non-state actors (the attack by Amrozi cs) (Westra, 2012).

There are advantages and disadvantages to categorizing a crime as a criminal act of terrorism because of the broad scope of amphibolous terrorism, which includes both the actors and the techniques and targets targeted by the victims. It is the opinion of Jane Boulden and Thomas G. Weiss Amphibian terrorism's dynamic nature has enabled authorities throughout the globe to categorize an endless number of activities as suspects, ranging from ordinary criminal activities such as money laundering to traditional militaristic acts such as the production of biological, chemical, and nuclear weapons. It was also mentioned. In the words of one writer, "the strange combination of precision and vagueness that characterizes the terrorist alert has become typical during this nervous and befuddled year".(Boulden & Weiss, 2004)

The appearance of assaults by Al-Qaeda gave a major blow to the evolution of acts of terrorism, which have been considered by analysts as a movement carried out by the state or by groups other than the state. The most difficult challenge in defining acts of terrorism and distinguishing them from acts of war or genocide, as well as determining the mode and backdrop of these crimes, is that they are difficult to describe. During this talk, Rama Mani remarked that "terrorism is not an ideology or a movement." It is a process. To emphasize the obvious, the hunt for core causes is fruitless because the definition of terrorism itself is always altering" (Westra, 2012). Thomas Homer-Dixon, on the other hand, believes that examining the source of the problem is not a pretext for determining terrorist acts, but

rather for determining how to prevent them from occurring again (Homer-Dixon, 2001).

CONCLUSION

Several implications may be derived from the discussion above, including the fact that terrorism is considered a crime, including an extraordinary crime that must be dealt with in an extraordinary manner. Terrorism is also considered a crime because of the motives, activities, and individuals participating in it. For example, the application of retroactive principles in the investigation and prosecution of the perpetrators of the Bali Bombing I in Indonesia, as well as the terrorist attacks on the World Trade Center twin towers and the Pentagon on September 11, 2001, are examples of criminal acts of terrorism. Accordingly, sensible and proper activities are required in addition to developing standard agreements for delineating the boundaries of terrorism crimes and researching preventative measures that will ensure that these crimes do not emerge or cause harm to the order of human life.

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