Reformulation of Legal Norms Regarding the Spread of Criminal Radicalism Through Social Media in Indonesia

Dwi Nugroho Marsudianto[1], Faisal Santiago[2]
Universitas Borobudur, Jakarta, Indonesia[1,2]
Email: dwi_shinchan@yahoo.com[1], faisalsantiago@borobudur.ac.id[2]

Abstract

The spread of radical ideology through social media has become a serious challenge that requires more effective legal attention and action. This research proposes the need for a revision of existing regulations, particularly in defining radicalism and establishing strict actions as radical offenses, as well as the formation of implementing regulations that support the monitoring of harmful content. Furthermore, the importance of social media platforms' responsibility in managing radical content is outlined as part of the cooperation between the government, digital service providers, and society. This research also emphasizes the need for a comprehensive implementation strategy and the active role of law enforcement agencies to ensure effective law enforcement, aimed at creating a safer environment free from the influences of radicalism.

Keywords: radicalism, social media, legal regulation, reformulation of legal norms

INTRODUCTION

Radicalism can be defined as a viewpoint or attitude that demands drastic changes in social, political, or economic structures, often through extreme and unconventional means. In this context, individuals or groups who embrace radicalism may believe that the existing system is irreparable and must be completely transformed, often using violence or terrorism as a means to achieve their objectives (Asrori, 2015). In the digital age, radicalism has undergone a significant transformation thanks to advancements in information and communication technology. Easy access to the internet and digital platforms has enabled radical ideologies to spread quickly and widely, reaching a larger and more diverse audience than ever before.

This phenomenon is further exacerbated by the emergence of social media, which provides a space for individuals and groups to share extreme thoughts, ideologies, and narratives. Social media not only allows for the rapid dissemination of information but also facilitates interaction and the reinforcement of communities among followers of radical ideologies (Mudjiyanto & Dunan, 2020). In some cases, these platforms become a means to recruit new members, organize collective actions, and build narratives that can evoke emotions and encourage individuals to engage in extreme activities. This creates new challenges for governments and law enforcement agencies in their efforts to combat radicalization (Budijanto & Rahmanto, 2021).

Social media plays a crucial role in the dissemination of radical ideologies, particularly among the younger generation. With features that allow users to share content quickly and easily, platforms such as Facebook, Twitter, Instagram, and TikTok have become primary channels for radical groups to spread their propaganda. The content presented is often engaging and emotional, making it easier to capture attention and garner support. Eye-catching videos,

memes, and infographics can quickly convey deep ideological messages in a short amount of time, making them more effective in spreading radical beliefs (Alyusi, 2019).

In addition, social media creates a space for discussion and interaction among users with similar views. These online communities often reinforce individuals' beliefs in radical ideologies through echo chambers, where they are only exposed to like-minded perspectives and disregard conflicting information (Kuncoro et al., 2023). In some cases, this social support can encourage individuals to take more extreme actions, including joining terrorist groups or committing acts of violence. Thus, social media is not only a tool for the dissemination of ideology, but it can also serve as a platform for organizing and mobilizing radical actions, which adds to the complexity of the challenges in countering radicalization in society (Susilawati & Kurnia, 2024).

Although the Law on the Prevention of Terrorism Crimes imposes severe penalties, including the death penalty, terrorists and radicalizers continue to carry out their actions. The suicide bombing at the Makassar Cathedral in 2021 is a real example that shows that the existing legal threats are not sufficient to deter terrorists (Sugianto, 2023). This illustrates how radical movements function as an embryo that has the potential to develop into more tangible and deadly terrorist acts. Despite various regulations being established to address the spread of radical ideologies, radicalization continues to persist (Khoir, 2021).

The Indonesian government has made efforts to strengthen the capacity of institutions responsible for combating terrorism, recognizing that terrorist actions are often rooted in radical understanding (Suryawijaya, 2023). One important step in this regard is the establishment of the National Counter-Terrorism Agency (BNPT) through Presidential Regulation No. 46 of 2010, which was later amended by Presidential Decree No. 12 of 2012. Although the legal framework governing radicalism through social media exists, there are fundamental questions regarding the effectiveness of these regulations as enforceable legal bases. This has become one of the focal points of the author's study to analyze whether the existing regulations can be used in law enforcement against radicalism occurring on social media (Adiwilaga & Kurniawan, 2021).

The emergence of policies aimed at addressing the spread of radical ideologies through social media deserves attention. However, in practice, there are various issues that arise in the field, which can be counterproductive to the government's efforts to enhance public access to digital platforms (Zuhri, 2021). One of the main problems is the perception that the legal approach tends to be more repressive, emphasizing law enforcement rather than prevention. Moreover, there are concerns that the issued policies may threaten the freedom of expression, which should be protected in a democratic society. Another challenge faced is the lack of synergy among institutions involved in combating radical ideologies, which is crucial for creating comprehensive and effective strategies to address this issue.

The legal vacuum in combating radicalization crimes in Indonesia has become an increasingly pressing issue to address. Despite various regulations being established, the reality on the ground shows that there are still many loopholes that can be exploited by radical actors (Zein, 2020). One of the main factors is the lack of a clear definition of radicalism in existing laws. Without a firm definition, law enforcement faces difficulties in identifying and classifying actions that can be considered radicalism, making law enforcement ineffective. Furthermore, although there is a Law on the Suppression of Terrorism, many radical acts cannot be directly regulated under this law, as they often have not yet reached the stage considered as terrorism. This creates a challenge for law enforcement authorities to take action before a radical act evolves into a larger terrorist act (Susanti & Ismira, 2023). For instance, many individuals or groups involved in disseminating radical ideologies through social media cannot be penalized legally because their actions are deemed not to violate existing laws. This

vacuum has the potential to encourage more individuals to engage in radical activities without fear of real legal consequences.

In addition, the approach taken by the government in addressing radicalism often tends to be repressive and more focused on law enforcement rather than prevention. Preventive policies, such as education and deradicalization campaigns, have not been sufficiently developed or systematically implemented. This imbalance creates the impression that the government's efforts are more inclined toward suppressing freedom of expression, which should be protected in a democratic society. Thus, the legal vacuum is not only related to inadequate regulations but also reflects the need for a holistic approach involving various aspects, including education, understanding, and public support, to more effectively combat radicalism.

RESEARCH METHOD

The normative juridical research method is an approach that focuses on the analysis of written legal norms and their relevance to the issues being studied (Tahir et al., 2023). In this context, the research will explore the legislative regulations governing the eradication of radicalism crimes in Indonesia, such as the Anti-Terrorism Law and related regulations. The researcher will conduct an in-depth study of legal texts, as well as identify deficiencies and loopholes in the existing regulations. This approach allows the researcher to understand how legal norms are interpreted and applied in practice, and to provide recommendations for improving regulations that are more effective in addressing the issue of radicalism, especially those that arise through social media.

On the other hand, the conceptual approach aims to build a broader theoretical understanding of the phenomena of radicalism and terrorism offenses. In this approach, the researcher will examine various concepts and theories related to radicalism, terrorism, and its prevention. This includes an analysis of the definition of radicalism, the relationship between radicalization and terrorism, as well as the social impacts of these phenomena. By combining normative juridical and conceptual approaches, this research aims to provide a comprehensive picture of the existing legal situation, as well as to produce a theoretical framework that can support policy recommendations and strategies for more effective and inclusive radicalism mitigation. Thus, these two approaches complement each other in generating relevant and applicable findings.

RESULT AND DISCUSSION
Regulatory Gaps Related to the Eradication of Radicalism Crimes through Social Media in Indonesia

The eradication of radicalism crimes in Indonesia has become an increasingly pressing issue, especially with the rise of the spread of extremist ideologies through social media. Although various regulations and policies have been implemented, such as the Anti-Terrorism Law, practices on the ground indicate that gaps in these regulations still exist and can be exploited by radical actors (Aisy et al., 2019). Social media, as a highly effective platform for disseminating information, has become a new arena for the spread of radical ideologies, which not only harms individuals but also poses a threat to overall security and social stability (Mukhibat, 2014). With the increasing threat of radicalism, it is important to conduct an in-depth study of the gaps in the current legal regulations so that more effective and comprehensive measures can be taken to prevent the spread of extremist ideologies in society. Radicalism and terrorism are two interrelated phenomena that cannot be separated from one another. In the context of Indonesia, radicalism often serves as the embryo for the emergence of terrorist actions, where individuals or groups exposed to radical ideologies are likely to commit acts of violence as a form of struggle or ideological belief. Terrorism itself, as regulated

in positive law in Indonesia, has become a serious concern in efforts to maintain national security. Several legislative regulations have been implemented to address this phenomenon, starting with Government Regulation in Lieu of Law (Perppu) No. 1 of 2002 concerning the Eradication of Terrorism Crimes, followed by Law No. 15 of 2003. However, it is important to note that these regulations do not fully address the aspect of radicalism comprehensively. This is clearly visible in the existing regulations, where Law No. 5 of 2018 concerning the Amendment to Law No. 15 of 2003 focuses more on the actual actions of terrorist individuals or groups, without providing a clear definition or framework concerning radicalism as the underlying ideology.

In line with this, Sudikno Mertokusumo in his study points out that legal norms are essentially aimed at the outward attitudes and actions of human beings, where legal sanctions can only be imposed if there are actual actions that violate legal provisions. Thus, radicalism as an ideology cannot be criminalized solely based on a person's thoughts or beliefs but must manifest in concrete actions that threaten public safety and order. However, the facts on the ground indicate that an understanding of radicalism often leads to dangerous actions. In this regard, law enforcement agencies such as Detachment 88 Anti-Terror have implemented various approaches to understanding and handling the potential threats posed by individuals or groups with radical ideologies. Brigadier General Pol. Drs. Sentot Prasetyo, S.I.K, Deputy Head of Densus, stated that radical ideologies often begin with intolerance that evolves into radical understanding and culminates in terrorist acts.

On the other hand, the use of social media as a platform for the spread of radical ideologies is also a serious challenge in countering terrorism. Social media not only serves as a communication tool but also as a means to recruit members, spread propaganda, and plan terrorist actions. Data shows that terrorist groups are becoming increasingly sophisticated in utilizing technology to achieve their goals, with social media becoming a new arena for interaction and mobilizing support. This is reinforced by statements from the Head of the East Java Task Force of Densus 88, Kombes (Pol) Iwan Ristiyanto, who emphasized that social media plays a significant role in the spread of radicalism in Indonesia. The process of radicalization can occur through various stages, from pre-radicalization to jihadization, where individuals are exposed to extreme ideologies that ultimately drive them to commit acts of violence.

Although Law No. 5 of 2018 has established a legal framework for counter-terrorism, this regulation still faces various challenges in terms of enforcement and the definition of radicalism. In practice, there is ambiguity in establishing criteria for classifying individuals or groups as radical. Without a clear definition, law enforcement against radical ideologies becomes difficult and susceptible to abuse. The Constitutional Court through its ruling No. 55/PUU-XVI/2018 has attempted to address this by emphasizing that the term radical in a legal context relates to efforts in counter-radicalization and deradicalization. However, there are still shortcomings regarding standardization and the establishment of a radical status that can be applied fairly and objectively. Therefore, it is important to build a more comprehensive and inclusive legal framework to address radicalism while also protecting individuals' rights to practice their beliefs and worship.

The urgency of regulating radicalism in Indonesia is increasingly pressing, both in general context and specifically regarding the use of social media. Although there are currently no regulations that explicitly bind social media platforms to prevent the spread of radicalism, cooperation that has been established with several major platforms such as Facebook, Google, YouTube, Twitter, and Telegram to remove content related to terrorism and radicalism is often regarded as merely a good faith gesture. The handling of this content tends to be reactive, where deletions or downgrading of content are done only after reports from third parties or post factum. This creates a legal loophole that poses potential dangers, as there is no guarantee that

radical ideologies have not spread before action is taken. These major platforms, especially those from abroad, often cannot fully comply with the policies enforced in Indonesia. For instance, private platforms like WhatsApp and Telegram do not have the same oversight mechanisms as public platforms such as Twitter and Facebook, allowing for the spread of radical content without adequate supervision.

The Director of Prevention at the National Counter-Terrorism Agency (BNPT), Brigadier General Pol R Ahmad Nurwakhid, emphasizes the importance of having a Law that can penalize actors of radical and religious extremist ideologies. Currently, Law No. 5 of 2018 concerning the Eradication of Terrorism Crimes can only take action against individuals who have already committed actual terrorist acts based on potential radicalization indicators. This leaves a legal loophole for those spreading radical ideologies without directly committing terrorist acts. They can be prosecuted after committing terrorist acts, but there are no clear legal provisions for addressing the spread of radical ideologies before such acts occur.

The main problem faced is how to address radicalism that has already spread through social media but has not manifested in the form of terrorist acts. Law No. 5 of 2018 does not regulate a ban on the ideologies underlying terrorism, such as caliphate beliefs, daulah, or other religious radical ideologies that remain legal in Indonesia. Without clear legal provisions to combat the spread of these radical ideologies, individuals or groups disseminating them might escape legal consequences. This creates a risk for the broader society, considering that the spread of radical ideologies on social media can be an initial step toward more concrete acts of violence.

The legal loopholes in the regulation of radicalism in Indonesia, particularly concerning social media, create serious challenges in addressing the spread of extremist ideologies. Although Law No. 5 of 2018 concerning the Eradication of Terrorism Crimes has provided a legal foundation for prosecuting individuals who have committed terrorist acts, this law does not cover preventive measures against the spread of the ideologies that underpin such actions. This means that individuals or groups spreading radical beliefs through social media platforms can do so without fear of legal repercussions, as long as they have not committed actual terrorist acts. As a result, there is a significant risk that these radical ideologies will spread and influence others, potentially triggering violent actions in the future. The inability to take action against ideologies that have not yet directly resulted in violence creates a legal loophole that can be exploited by malicious actors.

This legal loophole is exacerbated by the global characteristics of social media platforms that do not fully adhere to national regulations. Most major platforms, such as Facebook and Twitter, have policies that allow them to delete content that violates their guidelines. However, these actions are often reactive and depend on user reports, which can slow response times to the spread of radical content. Moreover, private platforms like WhatsApp and Telegram do not have the same oversight mechanisms, making the potential spread of radical ideologies in these private spaces even harder to control.

Reformulating Legal Norms to Enhance the Prevention and Mitigation of Criminal Acts Related to the Dissemination of Radical Ideologies on Social Media

The legal vacuum related to the handling of radicalism in Indonesia is becoming increasingly apparent, especially in the dissemination of extremist ideologies through digital platforms. Currently, existing regulations are more repressive in nature, often functioning only as a response after malicious actions have occurred, rather than preventing potential threats from spreading. This approach creates a gap within the legal system that needs to be filled in order for efforts against radicalism to be more comprehensive and proactive. Within the current legal framework, radicalism has not been clearly defined. Law No. 5 of 2018 only addresses this issue in general terms, and the provisions in the Electronic Information and Transactions Law (ITE) do not specifically address radicalism. This lack of clarity leads to uncertainty in

law enforcement, making it difficult for authorities to take decisive action against practices that may endanger public safety.

The removal of radical content from social media, although a common step taken, has proven to be insufficiently effective. After one piece of content is removed, similar content often appears again, creating a cycle that is difficult to break. This highlights the need for more specific regulations concerning radicalism in criminal law, emphasizing the protection of public safety. In this context, the principle of "Salus Populi Suprema Lex Est" (The Safety of the People is the Supreme Law) is highly relevant, as unchecked radicalism can disrupt the stability and security of the state. Consequently, the necessity for more comprehensive regulations that focus on the prevention of radicalism is becoming increasingly urgent.

To tackle the spread of radical ideologies on social media more effectively, there is a need to reformulate legal norms that are clear and focused. Proposals for formulating new legal norms should include a specific definition of radicalism as well as actions classified under radical offenses. Additionally, it is essential to regulate radical content more stringently, providing social media platforms with clear guidelines regarding the types of content that are prohibited. This also involves establishing objective criteria to assess content that may be harmful, along with severe penalties for individuals or groups involved in disseminating such ideologies. This more comprehensive regulation aims to create a legal framework that can address the challenges arising from the use of social media as a means of spreading radicalism.

In discussing the legal aspects that need to be strengthened, the regulation of social media platform responsibilities is crucial. Currently, many platforms tend to rely on user reporting systems without conducting in-depth assessments of the reported content. Therefore, new legal norms need to clearly establish responsibilities for platforms in monitoring and removing content deemed radical. Furthermore, there should be mechanisms for periodic evaluations of content monitoring policies on these platforms, as well as enforcement of sanctions for those who violate established provisions. By reinforcing these aspects, it is expected that effectiveness in preventing the spread of radical ideologies will improve.

Cooperation between the government and social media platforms is a strategic step in strengthening oversight of content that may be harmful. This collaboration model could involve the formation of a joint task force consisting of representatives from the government, legal experts, and members from social media platforms. This team would be tasked with developing joint guidelines for identifying and handling radical content, as well as formulating quick and effective responsive actions. Joint responsibility in preventing the spread of radical ideologies could also include training and educating content moderators on social media platforms regarding the characteristics of content that may contain radical elements.

Moreover, this cooperation could also involve the use of technology to monitor and analyze trends in the dissemination of radical ideologies on social media. Through data analysis, both the government and social media platforms can identify potential threats early on and take necessary preventive measures. This collaboration must be based on the principles of transparency and accountability, so that the public can also supervise the processes of monitoring and handling radical content being undertaken.

The implementation of new legal norms requires a well-thought-out strategy, considering the challenges that may arise during the enforcement process. One of the main challenges is the diversity of social media platforms, each with its own policies and practices for managing content. Therefore, a flexible and adaptive approach to law enforcement is needed, allowing for adjustments according to the characteristics of each platform. The roles of law enforcement officials and relevant agencies are crucial in implementing these new legal norms. They must be equipped with adequate training and resources to understand the dynamics of radicalism spreading on social media, as well as having access to technology that supports monitoring and content analysis.

In facing the challenges of the spread of radical ideologies, it is essential to develop better and more comprehensive regulations. Existing regulations often fail to respond to the dynamics evolving in the digital space, where information and ideologies can spread rapidly. Therefore, revising existing laws, especially those related to handling radicalization issues, becomes a crucial step. This revision should include clearer definitions of radicalism as well as the establishment of actions deemed radical offenses. With more specific regulations in place, law enforcement can be carried out more effectively and accurately.

The establishment of implementing regulations is also necessary to support the new regulations that will be enacted. These implementing regulations should provide clear technical guidance for law enforcement officials, social media platforms, and the general public in handling radical content. For example, this regulation can cover mechanisms for monitoring, reporting, and removing content that contains elements of radicalism on social media. Additionally, provisions need to be established that regulate platform responsibilities in overseeing and following up on reports concerning radical content, ensuring clarity in the actions to be taken.

One important aspect of the new regulations and implementing regulations is the protection of human rights. In dealing with radicalism issues, it is important to ensure that the measures taken do not violate individual rights, including freedom of expression. Therefore, during the drafting of these regulations, principles of human rights protection should be integrated, so that the policies applied are not only effective in addressing radicalism but also fair and non-discriminatory. With this holistic approach, it is hoped that better regulations can create a balance between security and civil liberties, as well as effectively support the prevention of the spread of radical ideologies.

Furthermore, socialization and education regarding these new regulations are also an important part of their implementation. The public needs to be adequately informed about the dangers of radicalism and the importance of their participation in combating the spread of these ideologies. Through public awareness campaigns, it is hoped that the community can become more vigilant and proactive in reporting potentially radical content. With close collaboration between the government, social media platforms, and the public, better regulations and effective implementing regulations can be realized, significantly reducing the spread of radical ideologies in the digital space.

CONCLUSION

In facing the challenges posed by the increasing spread of radical ideologies, it is crucial to develop and implement more effective regulations. This includes revising existing laws to provide a clear definition of radicalism and to establish strict actions as radical offenses. With supporting implementing regulations, supervision of radical content on social media can be carried out more systematically and transparently. Additionally, regulating the responsibilities of social media platforms in managing harmful content is an important aspect to ensure sustained preventive actions. This effort must be balanced with the protection of human rights so that the policies implemented not only focus on security but also respect individual freedoms.

The success of these regulations depends on cooperation between the government, social media platforms, and the public. Synergistic collaboration can promote public awareness about the dangers of radicalism and the importance of community participation in preventing its spread. By increasing education and socialization, the public can become the first line of defense in reporting radical content. In this context, the role of law enforcement and relevant agencies is crucial to ensure consistent implementation and enforcement of the law. Overall, with a comprehensive and integrated approach, the new regulations are expected to create a safer environment and prevent the spread of radical ideologies in the digital world.

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