

**LEGAL CERTAINTY REGARDING THE IMPLEMENTATION OF  
GOVERNMENT REGULATION NUMBER 77 OF 2019 CONCERNING  
THE PREVENTION OF TERRORISM CRIMINAL ACTS AND  
PROTECTION OF INVESTIGATORS, PUBLIC PROSECUTORS,  
JUDGES AND CORRECTION OFFICERS**

**I Gusti Agung Bagas Sidhiwaskita<sup>1\*</sup>, Sujono<sup>2</sup>**

<sup>1,2</sup>Dirgantara Marsekal Suryamada University, Jakarta, Indonesia  
agungbagusaidhiwaskita@gmail.com<sup>1\*</sup>, merpatisjn@gmail.com<sup>2</sup>

Abstract

Terrorism poses a threat and intimidation to national security, as acts of terrorism constitute actions that create the greatest danger to human rights. To anticipate the issue of terrorism crimes, Indonesia, as a rule of law state, has the obligation and responsibility to live safely, peacefully, and prosperously, as outlined in the constitutional mandate of the 1945 Constitution of the Republic of Indonesia. Therefore, further research will be conducted on the legal certainty of the implementation of Government Regulation Number 77 of 2019 concerning the prevention of terrorism crimes and the protection of investigators, public prosecutors, judges, and correctional officers, and the roles of the National Counterterrorism Agency (BNPT) and Detachment 88 in the prevention and eradication of terrorism crimes. The research method used is normative juridical. The research findings indicate that the implementation of Government Regulation 77/2019 as the execution of Law 5/2018 provides legal certainty for investigators, public prosecutors, judges, and correctional officers in combating and preventing terrorism crimes, as Government Regulation 77/2019 serves as the basis for all actions in counterterrorism. BNPT plays a role in prevention, protection, and deradicalization efforts, as well as in enforcement and capacity building, including international cooperation in addressing terrorism challenges. Detachment 88's role is to investigate reports of terrorist activities, arrest individuals or groups confirmed to be members of terrorist networks that could endanger the integrity and security of the Republic of Indonesia. The research results suggest that improvements should be made by legalizing material criminal penalties that include aggravated criminal threats in cases of attacks against law enforcement officers handling terrorism crimes, and the government should establish a new Special Law concerning the Protection and Counterterrorism of investigators, public prosecutors, judges, and correctional officers in Laws, Regulations, Government Regulations, and Regulations of the Ministry of Law and Human Rights.

Keywords : Implementation, Legal Certainty, Terrorism

## INTRODUCTION

Terrorism is a crime that cannot be classified as an ordinary crime. Academically, terrorism is categorized as an extraordinary crime and also as an Extra Ordinary Crime or a crime against humanity (Muladi, 2004). Terrorist crimes are organized crimes with international networks, which are of great concern and have become a global issue. Terrorist crimes can occur at any time with unpredictable objectives due to their underlying typology, and their actions create widespread fear in society, cause significant loss of life and property damage, and have far-reaching national and international impacts on life (Wahid, 2004). Terrorism in all its forms is a serious crime that threatens humanitarian values, disrupts public security of people and property, and is often directed against nation-states or military/defense organizations. Generally, governments, vital and strategic objects, and other public gathering centers are targeted.

Currently, terrorism has a vast global network. Fear is present in life, manifested as a specter, a malignant virus, and a terrifying monster, creating national and global turmoil that encompasses manifestations of human tragedy, the emasculation of national dignity and history. A tragedy of Human Rights (Sunardi, 2005).

Terrorism poses a threat and intimidation to national security, as acts of terrorism constitute actions that create the greatest danger to human rights. The targets of terrorism are random or indiscriminate, tending to victimize innocent people, with a tendency for negative synergy between national and international terrorist organizations, and the possibility of cooperation between terrorist organizations and organized crime, both national and international (Hamzah, 2013). Therefore, terrorism is certainly not an ordinary crime and needs to be eradicated in a planned and continuous manner, so that the human rights of many can be protected and upheld. Terrorist acts that have occurred in Indonesia in the last ten years, including the recent suicide bombings, have taken place in several locations in Indonesia. Moreover, the nature of the acts, perpetrators, strategic objectives, motivations, expected and achieved results, targets, and methods of terrorism are now increasingly broad and varied. Seeing this, terrorist crimes are crimes that threaten the peace and security of mankind (crimes against peace and security of mankind) (Kusumah, 2022).

To anticipate the issue of terrorism crimes, Indonesia, as a rule of law state, has the obligation and responsibility to live safely, peacefully, and prosperously, and to actively participate in maintaining world peace. Therefore, the government is obliged to maintain and uphold sovereignty and protect every citizen from any destructive threats, both domestic and foreign (Aji, 2013), as explained in the constitutional mandate of the 1945 Constitution of the Republic of Indonesia. Actively participating in the maintenance of world peace. Indonesia itself only had a specific law regulating terrorism in 2002, through Government Regulation in Lieu of Law Number 15 of 2003 concerning the Enactment of Government Regulation in Lieu of Law Number 1 of 2002 concerning the Eradication of Terrorism Crimes into Law. Based on the 1945 Constitution of the Republic of Indonesia, a Perpu (Government Regulation in Lieu of Law) is a presidential right that can be issued in urgent circumstances. The issuance of the Perpu on the Eradication of Terrorism Crimes indicates that the President believes a condition of compelling urgency has occurred, namely the absence of a specific law regulating terrorism in Indonesia, so that there was no legal instrument that could be used to prosecute the perpetrators of the Bali Bombing I, which was condemned by the international community for killing hundreds of people, including several foreign nationals.

In addressing and anticipating these terrorist crimes, the government has responded by issuing several regulations governing terrorism crimes, namely: Law Number 15 of 2003 concerning the Enactment of Government Regulation in Lieu of Law Number 1 of 2002 concerning the Eradication of Terrorism into Law, and Law Number 16 of 2003 concerning the Enactment of Government Regulation in Lieu of Law Number 2 of 2002 concerning the

Implementation of Government Regulation in Lieu of Law Number 1 of 2002 concerning the Eradication of Terrorism Crimes. However, even after these regulations were ratified and issued, a series of terrorism cases continued to occur and develop in Indonesia, ranging from bomb terror acts, the killing of police officers deemed by them (terrorists) as anshorut thoghut, to terrorism acts in May 2018, with approximately five terrorism cases occurring during that month, including the terror at the Mako Brimob West Java, which killed five police officers and one terrorist, the bombings at three churches in Surabaya, and other terrorist incidents.

One of the terrorist organizations in Indonesia is Jamaah Islamiyah (JI). The actions carried out by JI can be seen from the series of terrorist acts in Indonesia that began in 2000 and continued until 2019, where the majority of the perpetrators were JI members. For example, in 2000, there were Christmas Eve bombings in various cities in Indonesia. This was followed by the 2002 Bali Bombing, which killed 102 people, the 2003 Marriott Bombing, the 2004 Australian Embassy Bombing, and the 2005 Bali Bombing.

Not to mention the various acts of terror carried out by JI members in Poso, ranging from the Tentena Bombing, the beheading of high school students, the Pig Market Bombing, and others. Meanwhile, in 2009, JI members carried out the Marriott and Ritz Carlton Bombings. JI's aspiration is to establish Islamic law through preaching and jihad. The intended meaning of jihad is jihad qital, or war, where terrorist acts are also believed to be a form of jihad. In the case of attacks against the far enemy, such as America and its allies, there seems to be no connection with jihad to establish Islamic law.

However, attacks against America and its allies are an effort to drain the energy of America and its allies to weaken them. After America is weak and can be defeated, JI believes that it is much easier to defeat the Indonesian government, which does not enforce Islamic law, because the party that Indonesia relies on, namely America, has been defeated, so that automatically the governments of Islamic countries that have been protected by America will also weaken and be easier to overthrow. JI applies Al Qaeda's strategy, which saw the case in the Soviet Union when the Soviet Communist regime was defeated, various other communist countries collapsed, such as Yugoslavia, East Germany, and others. Based on this understanding, JI members carried out various bombing operations, from the Christmas Bombings in 2000 to the Ritz Carlton and Marriott Bombings in 2009.

Although these cases were eventually handled by law enforcement, they still became a spotlight and seemed to prove that the prevention of terrorism crimes has not been successful in this country. Then, Law Number 5 of 2018 concerning Amendments to Law Number 15 of 2003 concerning the Enactment of Government Regulation in Lieu of Law Number 1 of 2002 concerning the Eradication of Terrorism into Law was issued, followed by Government Regulation Number 77 of 2019 concerning the Prevention of Terrorism Crimes and the Protection of Investigators, Public Prosecutors, Judges, and Correctional Officers.

Government Regulation 77/2019 is the implementation of the provisions of Article 34 paragraph (3), Article 43B paragraph (5), and Article 43D paragraph (7) of Law 5/2018. Government Regulation 77/2019 states that National Preparedness is carried out by relevant ministries or institutions under the coordination of the National Counterterrorism Agency through: a. coordination meetings; b. exchange of data and information; and c. monitoring and evaluation. National Preparedness, according to Government Regulation 77/2019, is carried out through community empowerment, capacity building of apparatuses, protection and improvement of facilities and infrastructure, development of terrorism studies, and mapping of areas prone to radical terrorism ideologies.

Based on the issues mentioned above, the author is interested in conducting further research in the form of a Thesis, titled “gal Certainty Regarding The Implementation Of Government Regulation Number 77 Of 2019 Concerning The Prevention Of Terrorism

Criminal Acts And Protection Of Investigators, Public Prosecutors, Judges And Correction Officers”.

## **RESEARCH METHODS**

### **1. Type of Research**

In this thesis writing, the research method used by the author is the normative legal research method (normative juridical research). Normative legal research or library legal research is legal research conducted by examining library materials or secondary data only. This normative legal research or library legal research includes research on legal principles and research on the level of vertical and horizontal synchronization (Subagyo, 2004).

### **2. Research Approach**

With a legal research approach, researchers will obtain information from various aspects regarding the issue that is being attempted to be answered. In relation to normative research, several approaches can be used in this research, namely the statute approach (legislation approach). The legislation approach (statute approach) is carried out by studying the ontological basis of the birth of legislation, the philosophical foundation of legislation, and the ratio legis of the provisions of legislation relating to legal certainty regarding the implementation of government regulation number 77 of 2019 concerning the prevention of terrorism crimes and the protection of investigators, public prosecutors, judges, and correctional officers.

### **3. Type of Research Data**

The type of data used in this research is secondary data. Secondary data is data obtained from the results of library research or research on various literature or library materials related to the research problem or material (Fajar & Achmad, 2015).

### **4. Data Collection Technique**

The data collection technique used in this research is Library Research. This research is conducted by collecting library materials, in the form of primary, secondary, and tertiary legal sources, which are related to legislation and Court Decisions related to the issues to be studied.

### **5. Legal Material Sources**

Secondary data used in this research is obtained from legal material sources. These legal material sources consist of the following:

- a. Primary Legal Materials, namely materials that have binding legal force, in the form of normative data sourced from legislation.
- b. Secondary Legal Materials, materials that provide explanations regarding primary legal materials such as research results, implementing regulations, and books that can be used as guidelines for this research.
- c. Tertiary Legal Materials, namely materials that provide guidance on primary legal materials and secondary legal materials, including dictionaries, journals, and internet media.

### **6. Data Analysis Technique**

The data analysis technique used is the qualitative analysis method, which is by exploring and comparing the implementation of legislation in practice. Qualitative research is an investigation process to understand social problems based on the creation of a complete holistic picture formed by words, reporting informant views in detail, and arranged in a natural setting (Silalahi, 2009).

**RESULT AND DISCUSSION****A. Legal Certainty Regarding the Implementation of Government Regulation Number 77 of 2019 Concerning the Prevention of Terrorism Crimes and the Protection of Investigators, Public Prosecutors, Judges, and Correctional Officers**

Essentially, terrorism has developed since ancient times, starting with various forms of pure crime such as murder and threats aimed at achieving specific goals, which then evolved into religious fanaticism that turned into murder, whether carried out by individuals or groups against rulers or governments. In fact, historically, before World War II, almost all acts of terrorism consisted of political assassinations of government officials (Muladi, 2002). On the other hand, the existence of terrorism in history is also related to the French Revolution, where the term "terror" was first used in 1795, specifically referring to the terror policy implemented by Robespierre to defend the new and young French Republican government. Furthermore, historical records indicate that terror activities were also carried out by Emperor Tiberius (14-37 AD) and Caligula (37-41 AD) of Rome, where acts of terrorism occurred through elimination or exile, confiscation of property, and punishment of political opponents (Vermonte, 2003).

Meanwhile, in the modern era, terrorist activities can be seen in those carried out by the FLN in 1950 in Algeria, which popularized "random attacks" against innocent civilians, arguing that murder for the purpose of obtaining justice was not a matter of concern, and even targeted the innocent (Muladi, 2002). In another case found in the 1960s, there was a case of terrorism known as "media terrorism," involving random attacks against anyone for publicity purposes (Muladi, 2002).

These historical excerpts show that the existence of terrorism is inseparable from crimes committed by individuals or groups to achieve desired goals. Regarding what terrorism is, the definition of terrorism itself is still debated today. In other words, there is still no uniform definition of what terrorism is, and its definition returns to how each country defines it according to its national law to regulate, prevent, and combat terrorism. However, literally, the words terrorist and terrorism come from the Latin word "terrere," which means to make tremble or shake, or can also be interpreted as causing horror. This is in line with what Syed Hussein Alatas said, that terrorists are those who design fear as a weapon of conflict against opponents by attacking uninvolved people or property, without considering right or wrong from a religious or moral perspective, based on the calculation that everything is permissible to achieve the goals of the conflict (Wahid, 2003).

The definition of terrorism is also conveyed by T. P. Thomson, who defines terrorism as the use of terror as a symbolic act designed to influence policy and political behavior through extra-normal means, especially through the use of violence and threats of violence (Syafaat, 2003). This is consistent with the definition of terrorism according to Black's Law Dictionary, which is "The Use or Threat of Violence to Intimidate or Cause Panic; Especially as a Means of Affecting Political Conduct." From these definitions, it can be concluded that there are at least 3 elements of terrorism, including:

1. Acts or threats of violence.
2. Emotional reactions to extreme fear from victims or potential victims.
3. Social impacts that follow violence or threats of violence and the resulting fear.

Terrorism today is not just a local or national crime but has become a transnational and even international crime that poses a threat or danger to security, peace, and greatly harms the welfare of society and the nation. In Indonesia, several terrorism events have occurred, for example, the Bali Bombings 1 and 2, which have made the world community consider terrorism an international enemy, resulting in the deaths of 202 victims. The risk of terrorism in Indonesia is still high, as evidenced by the recent arrest of 20 suspected terrorists in Makassar.

This certainly needs serious attention, considering that acts of terrorism can take the form of physical terror that can cause death, such as beatings/mob violence, murder, bombings, and others, as well as non-physical (psychological) terror, which can be carried out through the spread of issues, threats, hostage-taking, intimidation, and so on, both of which can cause individuals or groups to feel unsafe and in a state of fear (traumatic). This is what causes the existence of terrorism to be part of severe human rights violations, which can be categorized as international and even transnational crimes.

The prevention and eradication of terrorism has become a commitment of the international community. As part of the international community, Indonesia should also support and take steps to eradicate terrorism as mandated in the establishment of the 1945 Constitution of the Republic of Indonesia, which states that the Indonesian Government is obliged to protect all Indonesian people and the entire Indonesian territory, and to participate in carrying out world order based on independence, lasting peace, and social justice.

Counterterrorism in Indonesia has been established through various policies and legislation that are expected to serve as a means to anticipate the growth and development of terrorism. The policies established by the government to anticipate and combat acts of crime or acts of terrorism.

As a country of law and as a manifestation of Indonesia's commitment to fulfilling the ratification of the 1997 International Convention for the Suppression of Terrorist Bombings, Indonesia regulates the eradication of this criminal act of terrorism through Law 15/2003 in conjunction with Law 5/2018. Basically, the terrorism law has the following special characteristics (Mulyadi, 2007):

1. There is protection for the human rights of suspects or defendants called "safe guarding rules".
2. It is an umbrella provision for other laws and regulations relating to the eradication of criminal acts of terrorism and is a special provision that is strengthened by criminal sanctions and is also coordinative and functions to strengthen the provisions of laws and regulations.
3. Adopts the exception that criminal acts of terrorism are excluded from political crimes or politically motivated crimes or crimes with political aims so that their eradication in the framework of bilateral and multilateral cooperation can be carried out more effectively.
4. There is a qualification that funding for terrorist activities is a criminal act of terrorism.
5. The provisions of this law provide the possibility for the President to form an anti-terror task force based on the principles of transparency and public accountability (sun shine principle) and/or the principle of effective time limitation (sunset principle).
6. The threat of criminal sanctions with a special minimum is known, acknowledged and maintained to strengthen the deterrent function against perpetrators of criminal acts of terrorism.

In addition, the amendments to Law 15/2003 also regulate matters aimed at making the eradication of terrorism more effective, including:

1. New criminalization of various new modes of Terrorism Crimes such as types of Explosives, participating in military/paramilitary training/other training, both domestically and abroad with the intention of committing Terrorism Crimes;
2. Increasing criminal sanctions against perpetrators of Terrorism Crimes, including conspiracy, preparation, attempt, and assistance in committing Terrorism Crimes;
3. Expansion of criminal sanctions against Corporations imposed on founders, leaders, administrators, or people who direct Corporations;
4. Imposition of additional criminal penalties in the form of revocation of the right to own a passport for a certain period of time;

5. Specificity of criminal procedure law such as additional time for arrest, detention, and extension of arrest and detention for the benefit of investigators and public prosecutors, as well as research into Terrorism case files by public prosecutors;
6. Protection of Victims as a form of state responsibility;
7. Prevention of Criminal Acts of Terrorism is carried out by related agencies in accordance with their respective functions and authorities coordinated by the National Counterterrorism Agency; and
8. Institutional structure of the National Counterterrorism Agency, the role of the Indonesian National Army, and its supervision.

Legal certainty can be viewed from two perspectives: certainty within the law itself and certainty because of the law. Certainty within the law means that every legal norm should be formulated with sentences that do not contain varying interpretations. This will lead to behavior that is either obedient or disobedient to the law. In practice, many legal events arise where, when faced with the substance of the legal norm that governs them, it is sometimes unclear or imperfect, leading to different interpretations that result in uncertainty. Certainty within the law means that every legal norm should be formulated with sentences that do not contain varying interpretations. This will lead to behavior that is either obedient or disobedient to the law. In practice, many legal events arise where, when faced with the substance of the legal norm that governs them, it is sometimes unclear or imperfect, leading to different interpretations that result in uncertainty.

One aspect of legal life is certainty, meaning that the law intends to create certainty in the relationships between people in society. One thing closely related to the issue of certainty is the issue of where the law comes from. Certainty about the origin or source of law becomes important as law becomes an increasingly formal institution.

Furthermore, Badai Husain Hasibuan and Rahmi Purnama Melati state that in practice, in the field, we can see that many people seeking justice, especially those who are economically weak, feel that they do not receive legal certainty. This is because the judicial process in Indonesia is relatively long and costly, even though one of the purposes of establishing a court is to obtain legal certainty. Therefore, the meaning of legal certainty is also very important for society. Legal certainty as stated in a judge's decision is a result based on legally relevant trial facts and considered with the judge's conscience. Judges are always required to interpret the meaning of laws and other regulations that are used as a basis for application. This is very important because the existence of legal certainty will greatly affect the authority of the judge and the electability of the court itself. Because a judge's decision that contains elements of legal certainty will contribute to the development of legal science. This is because a judge's decision that has permanent legal force is no longer the opinion of the judge who decided the case, but has become the opinion of the court institution and a reference for society in daily interactions.

## **B. Roles of the National Counterterrorism Agency (BNPT) and Detachment 88 in the Prevention and Eradication of Terrorism Crimes**

The importance of legal rules in a state forms the basis for the realization of justice in society. In Indonesia, serious steps to address the threat of terrorism were taken during President Susilo Bambang Yudhoyono's second term in 2010. At that time, the National Counterterrorism Agency was established as the primary institution in the effort to eradicate terrorism in the country. In accordance with Presidential Regulation Number 46 of 2010 concerning the National Counterterrorism Agency, BNPT is responsible for operating its duties and functions in counterterrorism. BNPT coordination is carried out under the leadership of the Coordinating Minister for Political, Legal, and Security Affairs (Rajjab, 2016).

With a noble responsibility, BNPT plays a role in prevention, protection, and deradicalization efforts, as well as in enforcement and capacity building, including international

cooperation in addressing terrorism challenges (Monique et al., 2019). In carrying out its duties, BNPT has adopted a soft approach that relies on softer but effective efforts. Through this approach, BNPT designs various programs that include deradicalization, counter-radicalization, and national preparedness. Deradicalization, in general understanding, refers to efforts to change radical views into more moderate views. Previously, to address terrorism challenges, Indonesia has developed a national legal framework that has roles and responsibilities in dealing with various terrorism cases. In its role as an institution that deals with terrorism issues, BNPT becomes an important center for conducting analysis and crisis control efforts. As a primary facility for the President, BNPT has a crucial role in formulating policies and steps to handle crises, including the mobilization of resources needed to address terrorism threats.

In addition, BNPT also carries out new tasks recognized by the enactment of Law 5/2018, which expands the scope of the institution's duties and functions (Amar, 2023). In terrorism crime situations, BNPT's role becomes very crucial as a Crisis Control Center. This Crisis Control Center function provides facilities that enable the President to formulate policies and take decisive steps in handling crisis situations, including efforts to mobilize resources needed to counter terrorism acts. Law 5/2018 strengthens BNPT's duties and functions in combating radical terrorism movements in Indonesia. The prevention of terrorism crimes is regulated in Law 5/2018, which includes National Preparedness Article 43 letter B, Counter-Radicalization Article 43 letter C, and Deradicalization Article 43 letter D. Law 5/2018 provides an important foundation in the prevention of terrorism crimes. Article 43 part A of Law 5/2018 outlines three important approaches in prevention efforts, namely national preparedness, counter-radicalization, and deradicalization. The following is the explanation:

1. National Preparedness

National preparedness is a strong foundation in maintaining vigilance against the threat of terrorism crimes. In a state of readiness, the government and related institutions work together in a planned and integrated manner, adopting a systematic approach, and maintaining the continuity of these efforts continuously. The goal is to prevent and anticipate the potential occurrence of terrorism crimes.

2. Counter-Radicalization

Counter-radicalization is a structured and planned effort to prevent the spread of radical terrorism ideologies. The focus is on individuals or groups at risk of exposure to these ideologies. The steps are carried out by the Government in coordination with the institution responsible for counterterrorism. Involving various related Ministries and Institutions, this effort is comprehensive, continuous, and integrated. Counter-radicalization operates through various approaches, both directly and indirectly, including confronting radical narratives, suppressing propaganda, and challenging ideologies that can trigger acts of terror.

3. Deradicalization

Deradicalization is a planned and continuous mechanism aimed at changing radical terrorism understanding into a more moderate view or eliminating it altogether. The focus of deradicalization is on individuals who have been exposed to these ideologies, including suspects, defendants, convicts, and former terrorism inmates. The government plays a role in implementing deradicalization, working with institutions that handle terrorism issues. The deradicalization approach involves related Ministries and Institutions and follows the stages of identification, assessment, rehabilitation, re-education, and social reintegration. Similar efforts are also provided for individuals or collectively who have been exposed to radical ideologies through fostering national insight, religious insight, and entrepreneurial potential.



This is also in accordance with Government Regulation 77/2019 as the implementation of the provisions of Article 34 paragraph (3), Article 43B paragraph (5), and Article 43D paragraph (7) of Law 5/2018. Government Regulation 77/2019 states that National Preparedness is carried out by relevant ministries or institutions under the coordination of the National Counterterrorism Agency through:

1. Coordination Meetings;
2. Exchange of data and information; and
3. Monitoring and evaluation. National Preparedness, according to Government Regulation 77/2019, is carried out through community empowerment, capacity building of apparatuses, protection and improvement of facilities and infrastructure, development of terrorism studies, and mapping of areas prone to radical terrorism ideologies.

BNPT plays a central role in coordinating various resources available under the government, including other Ministries and Government Institutions, to carry out terrorism prevention actions. Moreover, BNPT also functions as an institution that sets policy directions in efforts to prevent terrorism radicalism with an emphasis on effectiveness, efficiency, sustainability, and strong integration and institutionalization. In efforts to prevent the spread of radical ideologies and groups and terrorism, BNPT adopts strategic approaches that include socialization, preventive intelligence, and the organization of training. As an authorized institution, BNPT becomes a pioneer in leading education-based and engagement-based approaches that are effective in addressing terrorism threats in Indonesia.

Currently, the government's main focus in counterterrorism efforts in Indonesia is through a prevention approach carried out with a soft approach policy. In this framework, prevention efforts are aimed at stopping the spread of radical terrorism ideologies before they spread and affect the wider community. This approach aims to strengthen community resilience against the influence of radical terrorism ideologies, by encouraging active participation from various layers of society in order to prevent acts of terrorism.

In general view, various studies and written works reveal that efforts to counter terrorism have three main dimensions, namely pre-emptive/preventive, repressive, and rehabilitative/integrative approaches. The pre-emptive approach, which relates to early prevention, aims to eliminate the intentions and plans of individuals towards terrorism activities. The preventive approach focuses more on efforts to reduce the opportunities for individuals to engage in acts of terrorism. On the other hand, the repressive approach focuses on handling and direct law enforcement against acts of terrorism. Meanwhile, the rehabilitative/integrative approach involves deradicalization efforts in the religious and socio-psychological aspects, with the aim of directing former terrorists to a social reintegration process that allows them to contribute back to society. President Joko Widodo has firmly emphasized the need for a holistic approach in dealing with terrorism, which includes socio-cultural, educational, and religious aspects, beyond the security and legal framework. By carrying out various implementative actions, BNPT plays an active role in reducing incidents of terrorism crimes in Indonesia.

Counterterrorism efforts so far have yielded valuable experiences for all stakeholders and the community. However, it cannot be denied that various weaknesses in counterterrorism, especially in law enforcement, have shown that Law 5/2018 has not been fully optimal in its implementation. Penal counterterrorism efforts have in reality not been able to stop the terrorism movement in Indonesia and until now, terror, terrorists, and terrorism still threaten national security. This is due to the weakness of the legal umbrella, the still low quality of human resources, and the still weak quality of law enforcement apparatuses. This condition is a problem that must be solved and resolved by all components of the nation together. Regarding terrorism prevention in cyberspace, it can be done through efforts to improve facilities and infrastructure in the form of information and communication technology development and counter-radicalization through digital media. However, this has not been able to materialize well, considering

that there are still quite a lot of terrorism cases that use the means of current digital technology advancements.

## **CONCLUSIONS**

Legal Certainty Regarding the Implementation of Government Regulation Number 77 of 2019 Concerning the Prevention of Criminal Acts of Terrorism and Protection of Investigators, Public Prosecutors, Judges and Correctional Officers, with the existence of PP 77/2019 as the implementation of the provisions of Article 34 paragraph (3), Article 43B paragraph (5) and Article 43D paragraph (7) of Law 5/2018. PP 77/2019 states that National Preparedness is carried out by the relevant ministries or institutions under the coordination of the National Counterterrorism Agency through: Coordination Meetings, Exchange of Data and Information; and Monitoring and Evaluation provides legal certainty for investigators, public prosecutors, judges and correctional officers in eradicating and preventing criminal acts of terrorism because PP 77/2019 is the basis for all actions in countering terrorism. The importance of the rule of law in a country is the basis for the realization of justice and certainty in society. We can see legal certainty from two angles, namely certainty in the law itself and certainty because of the law. Certainty in law means that every legal norm must be formulated with sentences that do not contain different interpretations. As a result, it will lead to behavior that is compliant or disobedient to the law. In practice, many legal events arise, where when faced with the substance of the legal norms that regulate them, sometimes they are unclear or imperfect so that different interpretations arise which will result in uncertainty. Certainty in law means that every legal norm must be formulated with sentences that do not contain different interpretations. As a result, it will lead to behavior that is compliant or disobedient to the law. In practice, many legal events arise, where when faced with the substance of the legal norms that regulate them, sometimes they are unclear or imperfect so that different interpretations arise which will result in uncertainty. The legal certainty stated in the judge's decision is a result based on legally relevant trial facts and considered with conscience. Judges are always required to always be able to interpret the meaning of laws and other regulations that are used as the basis for application. This is very important, because with the existence of legal certainty it will greatly affect the authority of the judge and the electability of the court itself. Because the judge's decision containing elements of legal certainty will contribute to the development of science in the field of law.

The Role of the National Counterterrorism Agency and Densus 88 in Preventing and Handling Criminal Acts of Terrorism, BNPT is responsible for operating its duties and functions in countering terrorism. BNPT coordination is carried out under the leadership of the Coordinating Minister for Political, Legal and Security Affairs. With this noble responsibility, BNPT plays a role in prevention, protection and deradicalization efforts, as well as in the field of prosecution and capacity building, not to mention international cooperation in facing the challenges of terrorism. In carrying out its duties, BNPT has adopted a soft approach that relies on softer but more effective efforts. Through this approach, BNPT designs various programs that include deradicalization, counter-radicalization and national preparedness. Deradicalization, in general understanding, refers to efforts to change radical views into more moderate views. In its role as an institution that deals with terrorism issues, BNPT is an important center in conducting analysis and efforts to control the crisis. As the main facility for the President, BNPT has a crucial role in forming policies and stages to handle crises, including mobilizing resources needed to handle the threat of terrorism. BNPT plays a central role in coordinating various resources available under the government, including other Ministries and

Government Institutions, to implement counter-terrorism measures. The Role of the National Counterterrorism Agency and Densus 88 in Preventing and Handling Criminal Acts of Terrorism, BNPT is responsible for operating its duties and functions in countering terrorism. BNPT coordination is carried out under the leadership of the Coordinating Minister for Political, Legal and Security Affairs. With this noble responsibility, BNPT plays a role in prevention, protection and deradicalization efforts, as well as in the field of prosecution and capacity building, not to mention international cooperation in facing the challenges of terrorism. In carrying out its duties, BNPT has adopted a soft approach that relies on softer but more effective efforts. Through this approach, BNPT designs various programs that include deradicalization, counter-radicalization and national preparedness. Deradicalization, in general understanding, refers to efforts to change radical views into more moderate views. In its role as an institution that deals with terrorism issues, BNPT is an important center in conducting analysis and efforts to control the crisis. As the main facility for the President, BNPT has a crucial role in forming policies and stages to handle crises, including mobilizing resources needed to handle the threat of terrorism. BNPT plays a central role in coordinating various resources available under the government, including other Ministries and Government Institutions, to implement counter-terrorism measures.

## **ACKNOWLEDGMENT**

Legalization of Material Criminal Punishment is made which is a threat of aggravated criminal penalties if there is an attack on law enforcers who handle acts of terrorism. The government must form a new special law, related to the protection and handling of terrorism crimes against investigators, public prosecutors, judges and correctional officers in the Law, Legislation, Government Regulations, Permenkumham.

## **REFERENCES**

- Aji, A. M. (2013). Pemberantasan tindak pidana terorisme di Indonesia (analisis terhadap UU No. 15 dan 16 Tahun 2003). *Jurnal Cita Hukum*, 1(1).
- Aisy, B. R., Ibrahim, D. O., Khatimah, K. H., & Tindage, M. A. (2019). Penegakan kontra radikalisme melalui media sosial oleh pemerintah dalam menangkal radikalisme. *Jurnal Hukum Magnum Opus*, 2(1).
- Amar, B. R. (2023). *Vaksin mencegah ideologi terorisme*. Jakarta: Balai Pustaka.
- Fajar, M., & Achmad, Y. (2015). *Dualisme penelitian hukum-normatif dan empiris*. Yogyakarta: Pustaka Pelajar.
- Hamzah, J. (2013). Pergerakan kelompok terorisme dalam perspektif Barat dan Islam. *Jurnal Sulesana*, 8(2).
- Hasibuan, B. H., & Melati, R. P. (2025, Desember 9). Asas kepastian hukum dalam peradilan Indonesia. Diakses dari <http://www.amiyorazakaria.blogspot.com>.
- IDN Times. (2024, Oktober 23). 5 kasus teror di Indonesia selama Mei. Diakses dari <https://www.idntimes.com/news/indonesia/margith-juita-damanik/5-kasus-teror-diindonesia-selama-mei/full>.
- Kalo, S. (2025, Desember 8). Penegakan hukum yang menjamin kepastian hukum dan rasa keadilan masyarakat. Diakses dari <http://www.academia.edu.com>.
- Kusumah, M. W. (2002). Terorisme dalam perspektif politik dan hukum. *Jurnal Kriminologi Indonesia*, 2(3).
- Muladi. (2002). Hakikat terorisme dan prinsip pengaturan dalam kriminalisasi. *Jurnal Kriminologi Indonesia*, 2(3).

- Muladi. (2004). *Penanganan terorisme sebagai tindak pidana khusus (extra ordinary crime)*. Jakarta: Bahan Seminar.
- Mulyadi, L. (2007). *Peradilan Bom Bali: Perkara Amrozi, Imam Samudra, Ali Ghufron dan Ali Imron alias Alik*. Jakarta: Jambatan.
- Rajjab, A. (2016). Urgensi penguatan BNPT dalam rangka menjaga keamanan dan kedaulatan negara. *RechtsVinding*, 5(1).
- Silalahi, U. (2009). *Metode penelitian sosial*. Bandung: Refika Aditama.
- Subagyo, J. (2004). *Metode penelitian dalam teori dan praktik*. Jakarta: Rineka Cipta.
- Syafaat, M. A. (2003). *Terorisme, definisi, aksi, dan regulasi*. Jakarta: Imparsial.
- Undang-Undang Dasar Negara Republik Indonesia Tahun 1945 (UUD NRI 1945).
- Wahid, A. (2004). *Kejahatan terorisme: Perspektif agama, HAM, dan hukum*. Bandung: Refika Aditama.
- Wahid, A. S. (2005). *Kejahatan: Perspektif HAM dan hukum*. Bandung: Refika Aditama.