

# Terrorism Tackling Policy in Indonesia

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**Abstract** – Terrorism is structural criminal not as a common criminal but if fact is a treat for a country. Public policy in way of reducing terrorism being the main focus meanwhile terrorism criminal is increasing recently. Research Methodology used normative law research approach by letter of law and comparative study. The aim of this research is factor of causing terrorism criminal and government public policy to reduce terrorism in Indonesia. Finding of the research showed economic imbalance, inequity, contradiction politics idealism, authorization allotment in a country, punishment sanction, as the main factor radicalism and terrorism. In law number 15, 2003 is not good enough effectively as the basic of terrorism punishment recently. Revision is one of the ways to reduce terrorism in Indonesia. The basic area of this law in the pattern of punishment sanction authorized by Indonesian Police, Indonesian Army, Institute of Intelligence, National Institute of Terrorism in their work coordination of terrorism in Indonesia.

**Keywords**—*Terrorism Policy, Punishment.*

## I. INTRODUCTION

Since Bali explosion 12 October 2002 Indonesia being focus International development of terrorism criminal. Terrorism as a criminal of human rights which being a threat for people in a country. Globally terrorism recognized as a crime for humanity.

Some scene of explosion which is made by terrorist in Indonesia republic country causes the feeling of scare around the society widely. The 1<sup>st</sup> and 2<sup>nd</sup> Bali explosion and any other same scene who made people died and losing their assets are disadvantage toward social life, economic, politics, and Indonesian relationship with other countries [1]. Fakhri Usmita stated There are 15 scenes of terrorism since 2000 – 2011 which attack general infrastructure not to government facilities or military. It causes many people died as a target of terrorism or even no [2].

Nasution quoted from Kofi Annan and Marry Robinson stated terrorism criminal classified as against humanity which is measured by killing civil people (non-combatant) [3]. Terrorism is not a common destructive crime, but a crimes against peace and security of mankind) [4]. On the other hands, terrorism causing physical decrease of wound to the victim but also psychology traumatic for the family. Individually stuck in their job carrier even losing their job after the scene [5].

Maulana Rahmat stated that limitation of terrorism etymological references from latin *terrere* means making scare. Indonesian big dictionary quoted by Rahmat stated that terrorism means violence to create fear to reach the goal (political purpose). Meanwhile terrorist is the people who make violence to create fears as political purpose [6]. Rahmat research resulted some lackness law of terrorism in Indonesia.

Kind of Terrorism and motivation in fact admitted as a crime. Anwar quoted United Nation limited meaning of terrorism as crime directly to the country and government leader, to create terrorism some people's mind, group and society [7]. Terrorism had a big attention reported by public journalism. Media publication in terrorism give the new spirit to the terrorist to do the next plan [8]. Hamzah Junaid stated that terrorism as ideology which is used violence, intimidation causing worries and fearness even victim and losing their assets. To enrich the goal individual or group in organization, which has wide network in scale national and International [9].

In plead the law terrorism is a part of important thing. Taking by repressive officer to people related as terrorism. Terrorism as a part crime specifically in law no. 15, 2003 about Government policy replacing law no. 1, 2002. About terrorism policy to be the law. There is other crime is law no. 9, 2013 about preventing and removing terrorism co-funding. These two laws have important meaning in national justice. Meanwhile in International relation the presences of those law stated a society and government of Indonesia to reduce terrorism as global problems.

Meanwhile repressive action got criticism by our own country. The first point of criticism is the effectiveness repressive maintenance. As a part of crime tackling repressive action doesn't effective as the first crime tackling. Some idea stated that criminal act of terrorism doesn't related to repressive action. Sometimes for some reasons terrorism criminal maintenance more humanity [10].

As the institution tackling policy of terrorism in Indonesia being integrated by some institution such Institution of Terrorism Tackling (BNPT), Police, National Army of Indonesia. Especially BNPT established by President Policy No. 46, 2010 about Institution of Terrorism Tackling (BNPT) then changed to President Policy No. 12, 2012. BNPT as government Institution Non- Ministry lead

by a chief who has responsibility to the president through Ministry of Security and Political law.

Meanwhile other policy to create program anti-radicalization to the prisoner about terrorism. Anti-radicalization program as part of Indonesian government main program supported by Institution of Terrorism Tackling (BNPT) Police, National Army of Indonesia, Institution of National Intelligence, Ministry of Religion. In the development of those policy Indonesian government realized that anti-radicalization will be effective the main stakeholders such as religion figure, social organization, political party, NGO, media, wisdom people [11].

Although until now in fact some those policy didn't effectively work to reduce terrorism criminal in Indonesia. There are some suicide explosions terror couple years ago which made people died. On 14 January 2016 in Plaza Sarina MH. Thamrin center Jakarta [12]. This attack killed 4 people, 24 people are wound meanwhile suicide explosion occur in 24 May 2017 at Bus Terminal Melayu Village Jatinegara East Jakarta killed 2 people included the police in the same place [13] [14]. In the last case found some fact by police there is related to international terrorism. In this case related with terrorism in United Kingdom and The Philippines.

From those references might be concluded that terrorism is not easier part to be maintenance. Related to this crime characteristic as great criminal which is threat human present for all around the countries in the world. It means that is need a special treatment to reduce terrorism crime Gang Luo research concluded urgency of low criminal in a country (China) to know terrorism relationship in a country with other countries [15]. The complex of terrorism should able to separate in ways of terrorism reducing.

There are 3 main points. Firstly, facto causing terrorism, Secondly, public policy of reducing terrorism, Thirdly, The rights of institution. In fact, those 3 things as unsuccessful program to reduce terrorism. Those problems are important to create solution about terrorism. It means that strategy of reducing terrorism shouldn't focusing on empowering law institution such Indonesian Police to identify terrorist and taking action. There should be understanding some factor causing of terrorism. And the about the rights conflict in a context of implementation act. In the main point still, a problem about law policy nationally about terrorism.

According to those background it means that there are 2 main problems which really needed to be discussed. Firstly, what are the factors of terrorism occurs in Indonesia? Secondly, how is the government policy related to terrorism in Indonesia?

This research generally is important to separate the real problem the reason of unsuccess result of terrorism management in Indonesia. Specifically, the result of this research will be useful to be consider for legislative members (DPR) and Government to revise law no. 15, 2003 about Government policy to replace law No. 1, 2002 about terrorism criminal tackling to be law for some problems as needed to get attention in academic text form the law product.

## II. RESEARCH METHODS

This is law normative research using low policy concept which implemented to the society [16] [17]. This research

using statute approach and comparative approach [18]. Using primer law, seconder law and any other. Material law primer such as statute related to terrorism. Material Seconder such as text book and journal of law which is related. Material of other such abstract of statute [18]. All of those material law primer and seconder analysis in way to answer research question.

## III. RESULTS AND DISCUSSION

### A. Factor causing Terrorism

In a part of factor causing terrorism some research stated there are relation between terrorism and religion [19]. The scene terror of a plane then crashing to WTC building and pentagon on September 2001 in United State of Amerika causing of this conclusion. It terrorism scene being the first of some terrorism scene in some city of other countries [20]. The Fact showed there is correlation between terror and motivation in the name of religion. In some terror scene include some explosion occur in Indonesia [21][22].

Terrorism can be understand based on 3 main questions which why terrorism occur, how terrorism works, what is social effect causing by terrorism [23]. How complex terrorism to reveal by some scientist form social psychology Jerrold Post stated that terrorism as social phenomenon should be learned by history, culture, and politics [22]. In the same ideology with Post, Joseph Pilat stated terrorism should be known by historical, culture, demography, economics, social and politics. There is terrorism occurs in social condition, economics, politics which have different variable [24].

The real understanding about terrorism is really important in ways of reducing terrorism criminal itself. According to Jerrold Post it means that the next question what is the basic the understanding of relation of culture, politics and history? Referend to anarchy protest referend from France revolution 1798. It can be stated France revolution being a role model of civil which develop from the next year until today toward the boss implemented directly and organized in part of violence.

In this context social gap problem, differences between social ideology politics. the way to rich the goal in a county being a reason go against the point. Social problem become a direct impact form this problem. Terrorism in this context do not separated form the result social process and social culture of the people.

Terrorism occurs suddenly. Gap, inequity, and the difference of politics ideology being a part of reason in a society to against each other. What is happening in fact in context of social life in a country and occur globally.

In fact, opposition occur practically using violence. This violence become a problem. Violence to against the value of humanity itself. Violence as a part of opposition to blame civil opposition.

From history background we can see somehow using by media to empowering authorization in a country. Violence used several times to create fearness to the people. Violence encourage in a culture of violence. Violence being automatically as product of social culture in certain time.

In a part of criminology what we can understand above strengthening general ideology that violence is good for war,

killing people understood as wide opinion about violence. Finally, it is impact widely to the society [25]. Mullins and Young stated there is relation between violence, and permission to increase violence criminal in society. Similarity, Ember stated there is correlation between war and permission to do violence, directly impacted to the people in the future [26].

Meanwhile in economic aspect some research stated economic discrimination being the first factor the developing of terrorism in a country. Piazza stated that Terrorist attack in local area of a country possibly happens in group of certain society [27]. A gap problem of poorness being a main factor the development of terrorism in a country [28].

In politics aspect terrorism is a tool of politics [29]. Terrorism action impacted directly to government management in a country. There is correlation between terrorism in a country and government management [30]. Governance has direct impact after terror action in a country. Issue of losing trust toward government as the central. It seems being the goal of terrorism. In fact, terrorism should be understood by the 3 correlation as psychological war: terrorism need ability to motivate, terrorism as a tool to rich the goal [29]. The problem of positioning share as a part which encourage terrorism act [31].

Meanwhile one unimportant aspect as part of terrorism is law criminal and its implementation. The fact about terrorism in Indonesia showed there is correlation law criminal implementation which dead penalty to terrorist. Most of terrorist have miss understanding about their organization about suicide explosion because they believe have a deep meaning about the action. It is causing dead penalty as a punishment in statute of terrorism being un effective to reduce terrorism in Indonesia.

According to Lolong dead penalty in Indonesia is received by the people approved by constitution. Somehow, in fact dead penalty cannot reduce terror criminal [32]. In this case dead penalty should be considered as the final decision.

#### *B. Public policy to redcue terrorism in Indonesia*

The way of taking action to reduce terrorism in Indonesia year by year is different. The difference context related to approach in use. In new order and reformation. In new order to reduce terrorism using Indonesian Army (TNI) as a tool of a country. According to the statute. Meanwhile in reformation era used statute no. 15, 2003 Government policy to replace statute about Terrorism Criminal to be statute [33].

Compare to Old Order used military and security approach. At the time military is very dominant for national security and defense. Mukhtar stated that Military used to keep the nation, power and taking action about terrorism [33].

At the new order development stability being the first priority of government. All government policies to encourage the process of county's development is maximum when the country still against terrorism. To strength intelligence got big attention in this context. According to the strategy, intelligence strategy to ignore radical idealism which causing terror in the future.

In the case of new order there is statute of no. 20, 1982 about the main points of security and defense in Indonesia.

the purpose of those things to state the power and function of military. By considering Indonesia is un separated from national defense to unite national ability as the basic point of development in a country is National Military of Indonesia. The security and defense of Indonesia included defense and security department as a one function in a country [34].

Considering stated included defense and security department as a statement and policy to do related to government program. Indonesian Military (Army and Police) stated by role and function I a statute letter 26 National Military has a function as security and defense as social power.

Statute letter 26 related to Indonesian Military ABRI stated positive impact and negative for Indonesia. The rights of ABRI was controlled for government politics. Critique as government controlled as part of democracy is rare at the time. Somehow should know terrorism in new order is decrease. Intelligence of Military running maximally to cover government system at the time. In this era can be concluded radicalism ideology pressed un effectively. Kidnapping and Kill toward civil people threat national stability of development.

When President Soeharto has fallen, in era of reformation public policy in a country related to defense and security has changed. In 2000 National Police of Indonesia (POLRI) as the new Institution separated from Military. Then ABRI Change in National Army of Indonesia called (TNI). There 3 main policy of new statute No. 2, 2002 POLRI and No. 34, 2004 about TNI.

After separating TNI and POLRI stated the function and power both institution for defense and security. POLRI obligated for national security. Terrorism is a part of crime whit threat the country. It means that terrorism is part of Indonesian Police obligation.

According to statute of Letter 2 No. 2, 2002 stated that function of POLRI is government function for security and social orderliness, justice, covering and serving the people. It means that terrorism crime is a part of POLRI responsibility. Similarity according to Letter 4 of Indonesian statute to create national security and orderliness, justice, serve the humans rights. POLRI's obligation stated on letter 5. In this statute POLRI called as the tool act to cover and serve society to create in a country [35].

The problem of security in country is police responsibility stated in statute No. 2, 2002 for terrorism not only as police responsibility. Other related institution National Institution Terrorism Tackling (BNPT), National Intelligence Institution (BIN), and National Army as related institution have the same responsibility about terrorism. Public policy to give the responsibility to those institutions. National Institution Terrorism Tackling (BNPT) specifically to handle this work. BIN and TNI also have the same responsibility.

BNPT as institution non-ministry work for terrorism tackling. Lead by a chief who has responsibility to the president through Ministry of Security and Political law. At the first time the chief of BNPT is equal to first echelon but after the new regulation of president number 12, 2012 substituted president policy number 46, 2010 National Institution Terrorism Tackling (BNPT). The chief of BNPT is equal to the ministry. BNPT have a responsibility to make

public policy, strategy and national program to tackle terrorism. To coordinate related institution implementing the policy. To implement policy in ways of terrorism tackling by creating coordinate of government institution related to the rights and each function. Terrorism tackling related to preventing, covering, and actioning [36].

BNPT had a function to make policy, strategy, and national program related to terrorism tackling; monitoring, analysis related to terrorism tackling; coordinate to tackle radical ideology of terrorism; coordination anti-radicalism; coordination related to cover the objects as potential target of terrorism; coordination of implementation guidance ability and national readiness; implementation of international network to tackle terrorism; planning, guidance, and controlling program, administration and human sources, institution collaboration; implementation of work to reduce, cover, -anti radicalism, actioning, preparation for readiness in national terrorism tackling.

Besides BNPT, BIN as non-ministry institution stated that had right to tackle terrorism in Indonesia. BIN established according to president policy about National Intelligence Institution (BIN) as structural under president responsibility. BIN had governmental job according to the statute [37].

According to President policy number 34, 2010 BIN functioning to evaluate and create national policy of intelligence department; manage and coordinate national leader intelligence security system; planning and implementing projects or national and international intelligence operation; manage, create and implementing intelligence product to be considered in governmental system; implementation coordination; facilitate and guidance government institution related to intelligence sector; guidance and administration service for finance; employment, outfit, law, organization and family of BIN; watching an controlling BIN's responsibility. Specifically stated for all those function BIN had main role to tackle terrorism. Policy decision generally related to terrorism tackling might happen terrorism activities doesn't disturb the institution. BIN as national institution under president command stated as main institution to tackle terrorism.

Separation responsibility to some institutions POLRI, BNPT, BIN and TNI is a gap made by government considering on bad and dangerous impact from terrorism criminal. Country development not only related to physical building but related to national defense about PANCASILA threaten by radical ideology of terrorism. This consideration being the first thing related to terrorism tackling. Separation responsibility to some institutions related to terrorism stated being the responsibility of all people in a country.

Separation responsibility to some institutions as the role policy to tackle terrorism in Indonesia. In this case POLRI, BIN and TNI concepted to work together as each function according to the law.

The problems are those separation to four institutions doesn't effectively implemented to reduce terrorism criminal in Indonesia. Generally, might be reduced but it is impacted to value of humanity in Indonesia. It means there are problems with those model policies. There are frictions easily happen between those institutions because no limitation of their rights. Then the problems of financial for each institution. By establishing special work unit of POLRI

and TNI against each other in case of rights. The same thing happened to BNPT and BIN. Another problem related to statute for POLRI and TNI. While BIN and BTPN according to President Policy. BIN under president command meanwhile BNPT only by ministry.

Those problems related to institutional policy, in fact create a new problem of an effectiveness work for terrorism tackling in Indonesia. It is impacted to the result when terrorism can't easily prevent and reduce as quantity and quality. It means that by repairing system as the only way to tackle terrorism in Indonesia.

Somehow, a part of public policy to establish BNPT as independent institution had positive impact to tackle terrorism in this country. Meanwhile by separating TNI and POLRI bring impact to the policy of terrorism tackling. POLRI be the main spear which have responsibility to tackle terrorism. Meanwhile TNI stand by as a needed to help POLRI.

Civil approach to POLRI as institution which work security function in a country had positive impact to create democracy governance. Meanwhile terrorism tackling is hard for this current situation. Terrorism isn't national problem but also global problem. According to POLRI human resources is impossible to tackle terrorism criminal. Terrorism is organized crime nationally and globally. The problems of terrorism such as ISIS and Al Qaeda cause a fuse to many countries recently. In this case TNI is needed to tackle terrorism.

According to the fact of statute number 15, 2003 (shortly statute of Terrorism Criminal Tackling) related to some result of law products. Revision related terrorism tackling in the main point. It is important to strengthening TNI and POLRI's right. Same as BIN and BNPT need to be harmonized. Technique aspect related to terrorism criminal and crime responsibility should be a priority to be revised in terrorism's statute.

Related to institution rights in statute number 15, 2003 only belonging to the police. This is clearly stated in Letter 25 of terrorism criminal, TNI and BIN only related to collaboration of intelligence [38]. This a problem in work field. To justice fast and clear not only belonging to TNI, BIN, BNPT to tackle terrorism. Those correlation should be implemented in a special statute of terrorism. It is basic reason to revise statute of terrorism.

In statute number 15, 2003 there are 36 kinds classified as terrorism criminal. Some crime threat as dead penalty. Criminal Management of statute 15, 2003 will be revised conceptual according to the law. To tackle terrorism is need some revision basically related to terrorism criminal. It is strengthening POLRI, TNI, BIN and BNPT.

#### IV. CONCLUSION

Terrorism is organized crime which threaten a country. This threat related to security and national defense of a country. The threats related to security and national defense of a country need special policy.

There are some factor causing the development radical ideology about terrorism. Economic imbalance, social inequity, difference politics ideology, power division, criminal action which encourage terror ideology which

impacted toward terrorism action. Meanwhile according to the aspect of law product in a statute number 15, 2003 doesn't effectively used as the basic policy to tackle terrorism criminal. There are gaps related to terrorism tackling between the rights of POLRI, TNI, BIN and BNPT in their works to tackle terrorism.

Terrorism tackling policy not only focusing on law criminal policy. The way of terrorism tackling shouldn't by penalty. Developing human life quality of Indonesia in education and social justice as the real aspect to tackle terrorism non -penalty. Besides, there is statute number 15, 2003 as the main law to tackle terrorism.

To revise law product is needed in ways terrorism tackling in Indonesia. The main area to be revised are formulation of terrorism punishment, shape of criminal sanction, institution rights of POLRI, TNI dan BNPT to tackle terrorism in Indonesia. The aim of revision focusing to limited the quantity and quality of terrorism criminal Indonesia.

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