

The Role of the Police in the Management of Criminal Acts of Terrorism

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Abstract

This research aims to discover the authority of the police in dealing with criminal acts of terrorism and the factors influencing terrorism crimes. A normative research was applied in this research by conducting library research. This study is hoped to provide information to legal academics who are experts in the subject of this study, and it is expected to be particularly valuable in the development of criminal legislation in the sphere of terrorism. In addition, this research is also intended to be useful to law enforcement authorities in dealing with terrorism-related crimes. In addition, this research can be used as a source of information and a description of the difficulties encountered in the practice of dealing with terrorism-related offences.

Keywords: criminal act, terrorism, role, police

Introduction

The Republic of Indonesia's Unitary State is a State of Law (Rechtsstaat), not a State of Power (machstaat). 1 As stated in Article 1 paragraph (3) of the Republic of Indonesian Constitution of 1945, "The State of Indonesia is a State of Law." 2 The logical consequence of the rule of law is that every action taken is beneficial to the community, and law enforcement officers must adhere to the essential norms enshrined therein. The standards in question are legal standards that apply in Indonesia (Wardani, 2007). The purpose of law, as a norm or rule that applies, is to create justice for society (Marzuki, 2014). That is, the law was created in an attempt to regulate people's behavior or the actions of law enforcement officers in order to create order and order in society, which eventually leads to the establishment of the rule of law (Justice).

As is well known, a legal state has a power division system and a constitution that governs the protection of human rights. Security As is well known, a legal state has a power division system and a constitution that governs the protection of human rights (Abdullah, 2004). The protection of human rights in question is the protection of fundamental rights bestowed upon humans at birth as a gift from God Almighty, and it is required. It is understood that these human rights are not derived from the state or the law, but rather from God as the creator of the universe and its contents, and thus cannot be reduced (non-derogable right).

Human rights protection entails not only a proactive state guaranteeing the protection of human rights in various policies (regulations), but also a reactive state acting quickly to take legal action in the event of a violation of human rights, as this is an indicator of the rule of law. If human rights are ignored or violated on purpose in a country, and the resulting suffering is not dealt with fairly, the country cannot be called a state of law and democracy in the true sense (Marzuki, 2014). Therefore, this article discusses the authority of the police in dealing with criminal acts of terrorism and the factors influencing terrorism factors.

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Method

This study is focused on normative or doctrinal legal research. This is also known as library research or document study because it is based on secondary evidence found in libraries (Moleong, 2006). The research data in the form of primary and secondary data were used to compile the materials for this thesis. The following methods are used to gather primary data: Literature review/document review and Interview, which is a direct question and answer session with a respondent sample.

Result and Discussion

The Factors Influencing Terrorism Crimes

Religion Factors

The spread of two understanding trends that exist in Islamic society: The first believes that religion is to blame for the collapse of Islam's ummah. So, if the ummah wants to excel at catching up, he must discard his religious garb now. Secularism, which is intellectually anti-religious, is the source of this idea (Hidayat, 2019). The second notion reflects his hostility to the domain of reality, which he regarded intolerable; the world, he felt at the time, would no longer provide benefits from Allah, would be full of humiliation, and the only road to salvation would be to return to religion. However, the path to religion is paved in a variety of ways that are limited, hard, dogmatic, and antagonistic to all things modern. Fundamentalism's biological child is this idea. If these two ways of thinking are allowed to flourish in society, they will produce counterproductive acts for the country and even the religion to which he follows. The two schools of thinking, one rejecting religion and the other inviting a deep religious knowledge will produce a reaction that is in direct opposition to Allah's objective in creating people in the cosmos as a creature that should bring prosperity to the world.

Fundamentalism and terrorism are phrases that are frequently associated with the Islamic world. On the one hand, this phenomenon has a bad impact on the cornered and disturbed situation of Islam and its believers; on the other hand, this phrase has a positive impact. This also applies to types of criminality that are fundamentally detrimental to the global continuity of human civilization. Approaches and methodology in the study and understanding of Islam become the main cause of many acts of terror in this setting. This is a common occurrence throughout the course of Muslim history. Because of differences of viewpoint, it is sometimes necessary to "solve" disputes by acts of terror. When a notion occurs in Islamic studies, it frequently sparks a dispute, which eventually snowballs into a conflict material. As a result, things are different in Indonesia. This type of thing frequently causes Muslim tension. Classic concerns such as jihad, qisash, shari'a, caliphate, and daulah are frequently the source of dispute within the ummah, especially if these concepts are used as a political agenda. The appearance of terrorist accusations against some Muslims is frequently linked to the phenomenon of rising radicalism among some Muslims. Murba Abu outlined ten variables that impact the emergence of radicalism among Muslims in Indonesia in his historical study (Abu, 2004).

In Aceh, led by Daud Beureuh and Kahar Muzakkar in Sulawesi, this practice is becoming more widespread. The momentum for the development of DI/TII, which became the predecessor of the fight to establish an Islamic State in Indonesia, may be traced back to this radicalism movement (Dengel, at.al, 2001). Due to the New Order's actions and political pressure. In this age, Muslim political activity is seen as undesirable by the government, and as a result, the state machinery shuts down Muslim political outlets. 108 The Indonesian

government is putting pressure on this organization because it wants to modify the Pancasila and create an Islamic state. Abdullah Sungkar and Abu Bakr Ba'asyir, who left their nation to live in a neighboring country, have been named as victims of New Order politics. Even if it's difficult to prove, it's no surprise if both concentrate resources and mobilize through a network in Peshawar for military training chances.

Another case is Groups that were influenced by the 1979 Iranian Revolutionary Movement and the Middle Eastern Islamic Movement. In addition to being inspired by Khomeini's revolution in Iran, this group was also influenced by Hasan al-Muslim Banna's Brotherhood movement in Egypt. This group is undergoing a metamorphosis in Indonesia today, ranging from political parties to socio-religious organizations to university propaganda activities. The euphoria that this group exuded was founded on the assumption that the decline of Muslims is mostly attributable to the secular Western political system. They formed an Islamic revival based on Islamic formalism and the merger of Islamic and political forces as a challenge to this (Damanik, 2003). This group, according to Murba Abu, is divided into at least three groups as a result of varying levels of cohesion, such as performing acts through the KAMMI (Indonesian Muslim Student Action Union) organization, through the political party PKS, and through the media (Prosperous Justice Party).

Economic Factors

Terrorism, according to William Nock, author of "The Face of the New World," "has just evolved as a reaction to global economic inequity." Economic liberalism resulted in increased capital turnover, only benefits and is felt by the wealthy, resulting in a widening gap between the rich and the poor. If this type of economic trend persists on a global scale, international terrorism will emerge as a response. If this economic pattern is adopted at the state level, however, it will result in acts of national terrorism. Because a person's mindset can be influenced by poverty, unemployment, and economic persecution, a person's mindset might shift from one of goodness to one of cruelty and horror. It is particularly fitting if we consider the prophet's hadith, "Kaada al-Faqr u yakuuna Kufuran." It's almost as if poverty can drive people to commit kufr actions." Not the act of killing, wounding, blowing themselves up, terrorizing, which is kufr-like.

Inadequate economic conditions, combined with apathy toward the living standards of the surrounding environment, might be one of the motivating causes for the younger generation to engage in extreme behavior. Often, the younger generation lacks material pride and has a pessimistic perspective of the world's future prospects. Expensive school fees, which cause some of the younger generation to drop out of school and not have a job to support themselves, are sometimes used as a source of annoyance to the economic systems that are considered westernized or liberal, because the existing system is seen as not pro-people and does not provide welfare. Under these conditions, the martyrdom of himself and others is regarded natural, because the material that is not already obtained will be replaced with the delights of the afterlife in exchange for his struggle and sacrifice (Wiwaha, 2019).

Political Factors

It is evident that politics is a driving force behind the rise of radicalism and terrorism in Indonesia. Politics is the fundamental cause of radicalism and terrorism for two main reasons. To begin with, extreme organizations such as the Front Defenders of Islam (FPI) and Majelis Mujahidin Indonesia (MMI), to name a few, believe that Indonesia's democratic system (democracy) is incompatible with Islam. According to this organization, Indonesia, as the world's largest Muslim country, must adopt Islam as its state philosophy. They believe that democracy is a product of the West and that it should be completely discarded. Democracy is

sometimes thought to be incapable of resolving national issues. One of the indications why democracy cannot be deemed to bring solutions to numerous problems is the widespread phenomena of corruption, which is accompanied with chronic poverty rates, pervasive pornography, and the like. According to radical groups, Islam is the only governmental system that can help humanity. As a result of this reality, political turbulence ensued, prompting certain radical groups to take action in an attempt to overthrow the existing system.

In light of radicalism's past experience, one of the legal initiatives (without violence) that militant groups have made is to assist the establishment of Islamic law (regional regulations/perda) in numerous areas of local government in Indonesia. They argue that Islamic law is a viable alternative to solving the country's challenges. According to Ismail Yusanto, a spokesman for Hizbu Tahrir Indonesia (HTI), Indonesia's secular system has relegated religion's function to that of a private matter (Hasan, 2007). Yusanto also stated that Islamic law (Sharia regulation) is thought to be able to reduce Indonesia's reliance on Western countries that have been unable to resolve the country's economic and political crises, and that sharia regulations are relevant to solving problems that cut across racial, cultural, and religious lines.

According to the findings of a poll conducted by the Center for Islamic Studies and Society (PPIM) of State Islamic University Jakarta in 2001, 2002, and 2004, Muslims' interest in the execution of Regional laws has increased. The percentage of people who support sharia law has risen from 61.4 percent in 2001 to 70.6 percent in 2002 and 75.5 percent in 2004. While those support the adoption of the law of severing hands for theft culprits climbed somewhat, to 28.9% in 2001, 33.5 percent in 2002, and 39.9% in 2003 (Anwar, 2009).

Socialization Factors

The prevalence of conflict conditions, which are common in society, is one of the variables that contribute to the creation of a skewed understanding. The amount of situations that capture the public's attention and result in anarchist acts has resulted in the antagonism of a group of people who act outside of society. Initially, this attitude of distancing oneself from society was designed to escape the turmoil that would occur. However, with time, this attitude evolved into one of disdain and antagonism toward society as a whole. If this group of people was purposefully gathered, then it will be very easy to use for specific reasons. They usually choose to make the opinions of personalities or scholars who are harsh and critical of government in splinter religious movements. Because they believe that a group of moderate scholars has been co-opted and is in collaboration with the authorities (Hidayat, 2003).

So that the moderate and rahmatan lil alamin teachings of Islam are not theirs, they prefer the rigorous understanding of critical academics. From here, hardliner thinking Islam is actually quite little, and it does not reflect the full face of Islam. His rash and uncontrollable gestures and deeds, on the other hand, make moderate Islam and the majority appears closed and uncontrollable.

The Authority of the Police in Dealing with Criminal Acts of Terrorism

The term authority is derived from the basic word authority, which is defined as the right and authority to do something. Formal power is defined as power granted by law or from executive administrative power (Masyhar, 2009). According to Ateng Syafrudin, there is a distinction between the notion of authority and authority. Authority (authority gezag) is what is known as formal power, or power derived from the power granted by law, whereas authority (competence bevoegheid) only applies to a specific "onderdeel" (part) of the authority. There is authority within authority (rechtsbevoegdheden) (Syafrudin, 2000). The Criminal Procedure Code is in effect. The Criminal Justice System, which means: a society's system for dealing

with the problem of crime (Reksodiputro, 2003). Criminal justice implementation is the working mechanism of law enforcement officers, beginning with the process of investigation and investigation, arrest and detention, prosecution and examination in court, and implementation of court decisions. Or, in other words, the work of the police, prosecutors, judges, and correctional officers, as well as the conduct of criminal proceedings or the operation of criminal procedural law (Muladi, 1995).

The police are law enforcement officers who perform the duties of "investigator" and "investigator," as stated in Article 1 of the Criminal Procedure Code, paragraphs 1 and 4, which declare that the National Police's role in the criminal justice system is that of an investigator and investigator. The investigator, according to article 1 paragraph 4 of the Criminal Procedure Code, is a state police official of the Republic of Indonesia who is allowed by law to conduct investigations. In the article, an investigation is defined as a series of measures taken by investigators to search out and locate an occurrence suspected of being a criminal violation in order to assess whether or not an investigation is conducted in accordance with the Criminal Procedure Code's approach (Mulyadi, 2009). Investigative is not a distinct function from the rest of the investigation process. However, it is simply one of the investigative procedures or tactics that precede further measures, such as arrest, custody, search, confiscation, inspection of letters, summons for examination, settlement, and submission of case files to the Public Prosecutor (Hamzah, 1993).

In terms of investigation, Article 14 paragraph (1) letter g of Law No. 2 of 2002 concerning the National Police Republic of Indonesia emphasizes the task of the National Police, which is to conduct investigations and investigations of all criminal acts in accordance with the criminal procedure law and other laws and regulations. In accordance with the criminal procedure law, the formulation of this article comprises specifics of the duties of the police state of the Republic of Indonesia in the field of inquiry and investigation of illegal crimes. Investigators must perform the following tasks: searching for and locating an occurrence that is suspected of being a criminal crime; Identifying whether an investigation is feasible; Looking for and gathering evidence; Finding the criminal who is accused of committing the crime; Make it clear what kind of crime took place (Kelana, 2002).

Law No. 8 of 1981 entrusted the task of investigating and investigating criminal acts and criminal offenses (in general) to the police, with no restrictions on the power of the questions as long as they fall within the scope of public law. As a result, the police are essentially given the authority to conduct investigations and investigations into all criminal acts. "Investigators are police officers" of the Republic of Indonesia or some civil workers who are given specific authority by law to conduct investigations, according to Article 1 paragraph 1 of the Criminal Procedure Code. Arrangement Article 2 of Government Regulation No. 27 contains more information about investigators. The terms for investigators' rank and appointment were established in 1983, and they were as follows:

1. At least Assistant Second Lieutenant Police level in the State Police of the Republic of Indonesia;
2. Certain public officials who have the status of Young Registrar Level 1 (class II/b) or higher;
3. If a Police Sector does not have an investigating officer, the Police Sector Commander with the rank of NCO under Assistant Second Lieutenant of Police is assigned to investigate; State police investigators are appointed by the Chief of the Indonesian National Police, with the authority to delegate the appointment to other police officers;

4. Civil Servant Investigators are appointed by the Minister of Justice, with the Attorney General and the Chief of the Indonesian National Police taking into consideration.

In addition to the investigating officer as referred to in Article 10 of the Criminal Procedure Code, It is also determined about the assistant investigating officer. According to criteria Article 3 Government Regulation no. 27 of 1983 determined that investigators maid is:

1. Certain officers of the State Police of the Republic of Indonesia who at least the rank of Sergeant Two Police;
2. Certain Civil Servants within the State Police Republic of Indonesia, which at least holds the rank of Young Registrar (class II/a);

Meanwhile, according to the provisions of Article 1 paragraph 2, an investigation is a series of actions taken by investigators in accordance with and according to procedures regulated in this law to seek and collect evidence that, together with that evidence, reveals the nature of the crime that occurred and the location of the suspect. The investigation is a follow-up to the investigation, hence the terms investigation and investigation are interchangeable. When the investigator begins an inquiry, he can ensure that the incident under investigation is truly a criminal act and that there is adequate data and facts to conduct a criminal act investigation. The investigation's goal is to gather information in order to bring a criminal conduct to light and identify the perpetrator. Investigators start when they utilize their investigative authority in a way that directly affects the suspect's rights, such as coercion arrest (Kunarto, 2001). When utilizing such coercive methods, the investigator is required to notify the public prosecutor of the start of an inquiry into a criminal offense (Ridwan, 2013).

The Police have the following authorities when conducting an inquiry, as specified in article 15 paragraph (1) of Law No. 2 of 2002 concerning Police, namely:

1. Receiving reports and/or complaints;
2. Assisting in the resolution of community disputes that threaten public order;
3. Preventing and combating the spread of community disease;
4. Issue police regulations within the framework of administrative authority Police;
5. Conducting special inspections as part of the Police action in the context of preventive;
6. Taking the first action at the scene;
7. Taking fingerprints and other identifiers, as well as photographs of people;
8. Locating information and evidence;
9. Establishing a National Criminal Information Center;
10. Issuing licenses and/or certifications in the context of community service.
11. Assisting in the trial and execution of court decisions, as well as other agencies' and community activities;
12. Receiving and storing information.

Indonesia's Counter-Terrorism Efforts

In mid-2018, the House of Representative and the Government enacted Law No. 5 of 2018 Concerning Amendments to Law No. 15 of 2003 Concerning Stipulation of Government Regulations in Lieu of Law No. 1 of 2002 Concerning Eradication of Criminal Acts of Terrorism into Law. The Law on Combating Terrorism serves as the foundation for combating terrorism. Terrorism policies must always be based on two principles: (1) the protection of civil liberties and (2) the respect for and protection of individual rights. Such limitations on democratic rights can only be imposed for a limited time and in the public interest on rights that are not included in non-derogable rights (human rights that cannot be reduced under any

circumstances). (2) the limitation and prevention of the state's abuse of power. This can be accomplished by fully implementing the principle of checks and balances in the formulation and decision-making processes, specialization of policy-implementing institutions' functions, and the availability of public accountability mechanisms for policy implementers.

Terrorism eradication focuses on criminal punishment, because criminal law is part of the law, and criminal law should serve the purpose of law, namely, order. Criminal law, as a branch of public law, regulates the relationship between citizens and the state, which in this case includes the relationship between individuals and society. The state has the authority and power to impose penalties (criminals) on people who have committed acts. Law No. 5 of 2018 Concerning Amendments to Law No. 15 of 2013 Concerning Stipulation of Government Regulations in Lieu of Law No. 1 of 2002 Concerning Eradication of Terrorist Criminal Acts into Law.

Terrorist acts in Indonesia are a serious crime that jeopardize state ideology, ruegoata security, state sovereignty, human values, and various aspects of community life, nation and state, as well as transnational, organized, and have a wide network and a specific purpose, so their eradication requires special, planned, directed, integrated, and coordinated efforts. Terrorism could be the engagement of a person or group of people, as well as Indonesian citizens, in groups at home and/or abroad that seek to perpetrate an evil conspiracy that leads to criminal acts of terrorism, posing a threat to society, nation, and state, as well as international peace. Changes to Law No. 15 of 2003 concerning Stipulation of Government Regulation in Lieu of Law Number 1 Year 2002 Concerning Eradication Criminal Acts of Terrorism must be made to provide a better legal basis strong enough to ensure protection and certainty law in the eradication of criminal acts of terrorism, as well as to meet the needs and developments law in society.

According to Article 6, anyone who intentionally uses violence or threats of violence to create an atmosphere of terror or fear among the general public, causing serious mass casualties by robbing others of their independence or causing damage or destruction to Strategic Vital Objects, the environment, public facilities, or international facilities is punished with a minimum sentence of imprisonment. Any person who plans, moves, or organizes a crime of terrorism with people who are in the country and/or abroad or a foreign country with the intention of doing so in the Territory of the State Unitary Republic of Indonesia or in other countries shall be punished with a minimum of 3 (three) years and a maximum of 12 (twelve) years in prison, according to Article 12A. Everyone who joins or recruits others to join established and/or terminated corporate courts as terrorist organizations is sentenced to a minimum of 2 (two) years in jail and a maximum of 7 (seven) years in prison. The Founder, Leader, Administrator, or Person in Control of the Corporation as defined in paragraph (2) is sentenced to a minimum of 3 (three) years and a maximum of 12 (twelve) years in prison.

Conclusions

The authority of the police in dealing with criminal acts of terrorism is granted by law, which includes Law No. 8 of 1981 concerning the Criminal Procedure Code, Law No. 2 of 2002 concerning the National Police of the Republic of Indonesia, and Law No. 5 of 2018 concerning Amendments to Law No. 15 of 2003 concerning Stipulation of Government Regulations in Lieu of Law No. 1 of 2003. The police are tasked with implementing counter-terrorism in collaboration with the Indonesian army and other agencies, as well as the community, with this authority. The religious, economic, political, and socialization factors are

some of the elements that influence terrorism. To break the chain of terrorism, the police must raise public awareness about the dangers of terrorists and improve their monitoring of terrorists and ex terrorists. The administration appears to be more responsive to the community and fair to all levels of society, preventing the formation of new terrorist networks. The majority of terrorists are developed as a result of a lack of justice from the state and a sense of being neglected.

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