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The Concept of Terrorism in Indonesia and Malaysia

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Abstract: The purpose of analyzing the concept of terrorism in Indonesia and Malaysia. This study is a normative legal study, to determine the differences and similarities between the legal systems of one country and another. Comparison of Indonesia and Malaysia. Application of the Concept of Terrorism in Positive Law Indonesia as we know that the Criminal Code (KUHP) has not specifically regulated and is not adequate enough to eradicate Criminal Acts of Terrorism, the Indonesian Government feels the need to form a Law on the Eradication of Criminal Acts of Terrorism, namely by compiling a Government Regulation in Lieu of Law (Perpu) number 1 of 2002, which on April 4, 2003 was ratified into Law number 15 of 2003 concerning the Eradication of Criminal Acts of Terrorism. Finally, with the issuance of Law Number 9 of 2013 concerning the Prevention and Eradication of Criminal Acts of Terrorism Funding, Indonesia positions itself as a country that participates internationally in efforts to eradicate terrorism funding. Meanwhile, the Implementation of the Concept of Terrorism in Malaysian Law is contained in the Internal Security Act of Malaysia or the Domestic Security Act, which is an act created by the Malaysian Parliament that applies in West Malaysia and East Malaysia. The Domestic Security Act of 1960 (Act 82), better known as the ISA, aims to prevent threatening actions by a substantial group of people, both from within and outside Malaysia. The definition of a terrorist contained in the Preliminary Internal Security Act of Malaysia, Interpretation section, refers more to individuals who are personally involved in acts of terrorism. The definition of a terrorist in the ISA is preferred because acts of terrorism can be carried out by individuals, groups of people or countries as an alternative to openly declaring war. Then, from that definition, further steps can be taken in an effort to protect domestic security, public order and eradicate terrorism, this is the basis for the TNI to be involved.

Keyword: Existence, Prevention and Eradication of Terrorism

INTRODUCTION

Terrorism lately is the most feared specter by society, and is always a threat that occurs at any time without regard to time and place. When and where people can become victims of this act of terrorism, it is natural that this movement has caused serious fear for nations in the world. Terrorism is not only a domestic threat to a country, but also a global threat to every nation. (M. Ali, p. 23: 2005.)

There were several demands from the terrorists to the Indonesian government at that time, the first demand was the release of 14 members of the Jihad Command who were arrested after the Cicendo Incident which occurred on March 11, 1981, the second demanded USD 1.5 million, the third demanded that 3 Israeli citizens be expelled from Indonesia, and the last demanded the removal of Vice President Adam Malik. M. Munir, p. 7 : 2011.)

To overcome the terror acts of the Jihad Command, the Indonesian government took action by deploying 30 members of Group-1 Para Commando Sandi Yudha Troops which is now known as the Special Forces Command (Kopassus), led by the Head of the Intelligence Center (the late) General Leonardus Benyamin Moerdani and the Operations Assistant, Lieutenant Colonel (Inf) Sintong Hamonangan Pandjaitan who came from the Armed Forces of the Republic of Indonesia (ABRI) which has now changed its name to the Indonesian National Army. (Eko Dimas Ryandi, 2016).

After the Woyla incident, acts of terror continued to occur in Indonesia. Data from the Indonesian National Police shows that in the period from 1999 to 2002, acts of terror using exploding bombs were recorded at 185, with 62 fatalities and 22 seriously injured. (Susilo Bambang Yudhoyono, p.7: 2002)

From 1985 to October of the year 2016, there were 35 acts of terror in Indonesia carried out using bombs, namely: 1. In 1985, there was 1 act of terror with a bombing, namely the Bombing of Borobudur Temple Magelang, Central Java, which occurred on January 21, 1985. In this incident, several explosions destroyed nine stupas in the temple, a legacy of the Syailendra Dynasty, and there were no victims in this incident. (Harian Kompas, 1985).

Terrorism is not a new thing in Indonesia. With different terms, terrorism has actually occurred since the old order era and the new order era. However, terrorism developed and received widespread attention after the reform era. In the period from 2000 to 2010 alone, if counted, the number reached hundreds. Bambang Abimayu, for example, noted that 12 in a period of four years alone (1999-2003), there were 193 cases of bomb explosions in several cities in Indonesia. (Bambang Abimayu, p. 81: 2005).

Terrorism is one of the many terms and concepts in social sciences that are full of controversy and debate. This is inseparable from the fact that efforts to define terrorism cannot be separated from various interests, including ideological and political interests. So controversial, Laqueur even argued that a comprehensive definition of terrorism does not exist or will not be found in the future. (Zulfi Mubaraq, p. 241: 2012).

In Wardlaw's view (1989), efforts to define terrorism cannot be separated from moral issues. This moral issue is related to the reality that in defining terrorism it cannot be separated from an assessment that there are violent events that are justified on the one hand, and there are violent events that are not justified on the other. others. Therefore, efforts to define terrorism are not free from controversy. (Adjie S, p.446: 2005)

In legal science, terrorism has been interpreted differently according to expert views, and so far there has been no standard definition for defining terrorism. According to M. Cherif Bassiouni, an expert in international criminal law, it is not easy to have an identical understanding that can be universally accepted so that it is difficult to supervise the meaning of terrorism. According to Brian Jenkins, terrorism is a subjective view, which is based on who gives the limits at a certain time and condition. (Indriyanto Seno Adji, p. 35: 2003.)

Psychologists Jerrold M. Post, John W. Crayton, and Richard M. Pearlstein believe that terrorists suffer from mental damage, related to early development. (Jeanne N.Knutson, ed. p. 46: 1973)

The bottom line is that if primary narcissism is not neutralized through reality testing, then individuals become anti-social, arrogant, disrespectful of others, and maintain a sense of defeat and helplessness that leads to reactions to destroy the source of self-injury that culminate

in a special manifestation of anger towards oneself that causes terrorism in the context of self-harm. (Sukawarsini Djelantik, p.31: 2010)

Based on the background as mentioned above, the main problem that will be studied in this Journal. How is the concept of terrorism in Indonesia and Malaysia?

METHOD

This research is a normative legal research, to determine the differences and similarities between the legal systems of one country and another. Comparison of Indonesia and Malaysia. Application of the Concept of Terrorism in Positive Law in Indonesia. Using a qualitative descriptive approach using a systematic review that summarizes the results of primary research to present more comprehensive and balanced facts to find a description of a problem or topic being studied. Data collection techniques are carried out by collecting various documents related to the focus of the research. The data that has been collected is then studied in depth to find out the results of the research that can be trusted.

RESULT AND DISCUSSION

Terrorism Regulation in Indonesia and Malaysia A. Terrorism Regulation in Positive Law of Indonesia The series of bombings that occurred in the territory of the Republic of Indonesia have caused widespread fear in society, resulting in loss of life and property, thus causing an unfavorable impact on social, economic, political life, and relations between Indonesia and the international world. The bombings are one of the modes of terrorism that have become a common phenomenon in several countries. Terrorism is a transnational, organized crime, and even an international crime that has a wide network, which threatens national and international peace and security. The following will describe the regulation of terrorism in positive law in Indonesia. 1. Terrorism according to Law Number 8 of 1981 concerning the Criminal Procedure Code The Indonesian Government in line with the mandate as stipulated in the opening of the 1945 Constitution of the Republic of Indonesia, namely protecting all Indonesian people and all Indonesian territory, advancing public welfare, educating the nation's life and participating in maintaining world order based on freedom and eternal peace and social justice, is obliged to protect its citizens from every threat, whether national, transnational or international. The government is also obliged to defend sovereignty and maintain national integrity and integrity from all forms of threats, both from outside and from within. For this reason, it is absolutely necessary to enforce law and order consistently and continuously. Realizing this and based more on the current regulations, namely the Criminal Code (KUHP), which has not specifically regulated and is not sufficient to eradicate Tindak Pidana Terorisme, The Indonesian government felt the need to form a Law on the Eradication of Criminal Acts of Terrorism, namely by drafting Government Regulation in Lieu of Law (Perpu) number 1 of 2002, which on April 4, 2003 was ratified into Law number 15 of 2003 concerning the Eradication of Criminal Acts of Terrorism. The existence of the Law on the Eradication of Criminal Acts of Terrorism in addition to the Criminal Code and Law Number 8 of 1981 concerning Criminal Procedure Law (KUHAP), is a Special Criminal Law. This is indeed possible, considering that the provisions of the Criminal Law which are special in nature, can be created because the existing Law is considered inadequate for changes in norms and technological developments in a society, while changes to existing laws are considered time-consuming. An urgent situation so that it is considered necessary to create a special regulation to handle it immediately. The existence of a special act where if the process regulated in existing laws and regulations is used, it will experience difficulties in proof. As a special law, it means that Law Number 15 of 2003 regulates both materially and formally, so that there are exceptions to the principles generally regulated in the Criminal Code (KUHP)/Criminal Procedure Code (KUHAP) (lex specialis derogat lex generalis). The validity

of lex specialis derogat lex generalis must meet the following criteria: a. that exceptions to general laws are made by regulations of the same level as themselves, namely laws. b. that the exceptions are stated in the special law, so that the exceptions only apply to the extent of the exceptions stated and the parts that are not excluded remain valid as long as they do not conflict with the implementation of the special law. Meanwhile, the criminalization of the Crime of Terrorism as part of the development of criminal law can be done in many ways, such as: 1) Through an evolutionary system in the form of amendments to the articles of the Criminal Code. 2) Through a global system through complete arrangements outside the Criminal Code including the specifics of its procedural law. A compromise system in the form of including a new chapter in the Criminal Code on the crime of terrorism. However, it does not mean that with the existence of something special in crimes against state security, law enforcers have more or unlimited authority solely to facilitate proof that someone has committed a crime against state security, but the deviation is related to a greater interest, namely state security which must be protected. Likewise, the arrangement of the chapters in the special regulations must be a complete order. In addition to these provisions, Article 103 of the Criminal Code (KUHP) states that all rules including the principles contained in Book I of the Criminal Code (KUHP) also apply to criminal regulations outside the Criminal Code (KUHP) as long as the Criminal Code does not regulate otherwise. Special Criminal Law, not only regulates the material criminal law, but also the procedural law, therefore it must be noted that these rules should still pay attention to the general principles contained in the general provisions contained in the Criminal Code (KUHP) for its material criminal law while for its formal criminal law must comply with the provisions contained in Law Number 8 of 1981 concerning Criminal Procedure Law (Criminal Procedure Code/KUHAP). As understood, the author explains the regulation of Article 25 of Law Number 15 of 2003 concerning the Eradication of Criminal Acts of Terrorism, that in order to resolve cases of Criminal Acts of Terrorism, the applicable procedural law is as stipulated in Law Number 8 of 1981 concerning Criminal Procedure Law. This means that the implementation of this special law must not conflict with the general principles of Criminal Law and the existing Criminal Procedure Law. However, in reality, there are provisions in several articles in the Law that are deviations from the general principles of Criminal Law and Criminal Procedure Law. These deviations reduce Human Rights, when compared to the principles contained in the Criminal Code. If indeed a deviation is needed, the basis for the deviation must be sought, because every change will always be closely related to Human Rights. Or maybe because of its nature as a special law, it is not a deviation of the principle that occurs here, but rather a specialization of the principle that actually uses a general basis, but is specialized in accordance with the provisions of a special nature regulated by the Special Law. According to the provisions of Law Number 8 of 1981 concerning Criminal Procedure Law, the settlement of a Criminal case before entering the trial stage in court, begins with the Investigation and Investigation, followed by the submission of the prosecution file to the Public Prosecutor. Article 17 of the Criminal Procedure Code/KUHAP, states that an Arrest order can only be made against someone who is strongly suspected of having committed a Crime based on sufficient Initial Evidence. Regarding the limitations of the definition of Initial Evidence itself, until now there has been no provision that clearly defines it in the Criminal Procedure Code (KUHAP) which is the basis for the implementation of Criminal Law. There are still differences of opinion among law enforcers. Meanwhile, regarding Initial Evidence in its regulation in Law Number 15 of 2003 concerning the Eradication of Criminal Acts of Terrorism, Article 26 states: (1) To obtain sufficient Initial Evidence, investigators may use any Intelligence Report. (2) Determination that sufficient Initial Evidence as referred to in paragraph (1) has been obtained or obtained must be carried out by the Chairman and Deputy Chairman of the District Court. (3) The examination process as referred to in paragraph (2) is carried out in private for a maximum of 3 (three) days. (4) If in the examination as referred to

in paragraph (2) it is determined that there is sufficient Initial Evidence, then the Chairman of the District Court will immediately order an Investigation to be carried out. This results in the intelligence having a strong legal basis to arrest someone who is considered to have committed a Criminal Act of Terrorism, without supervision from the community or any other party. Whereas social control is very much needed, especially in very sensitive matters such as protection of the rights of every person as a human being which are fundamental and cannot be violated. Therefore, to prevent arbitrariness and legal uncertainty, it is necessary to have definite provisions regarding the definition of Initial Evidence and the limitations of Intelligence Reports, what can be included in the category of Intelligence Reports, and what the nature of Intelligence Reports is, so that they can be used as Initial Evidence. Especially because of the provisions of Article 26 paragraph (1) provides investigators with very broad authority to deprive them of liberty, namely arrest, of people suspected of having committed acts of terrorism, so clarity regarding this matter is very necessary so that there are no violations of human rights by arbitrary arrests by officers, in this case investigators. Many countries in the world have sacrificed human rights for the sake of implementing the Anti-Terrorism Law, including rights that are categorized as non-derogable rights, namely rights that cannot be reduced under any circumstances. The Anti-Terrorism Law is now being enforced in many countries to legitimize arbitrary detention, a denial of the principle of free and fair trial. The latest report from Amnesty International states that the use of torture in the interrogation process of people suspected of being terrorists tends to increase. This is what must be avoided, because the Crime of Terrorism must be eradicated for reasons of human rights, so its eradication must also be carried out with respect for human rights. According to Munir, there must be a national law regulating terrorism, but with a clear definition, it must not be against human rights. Fighting terrorism must be aimed at protecting human rights, not the other way around, limiting and fighting human rights. And what is also important is how it does not provide space for the legitimacy of abuse of power. In the interests of defense, suspects or defendants who are foreign nationals who are detained have the right to contact and speak with representatives of their country in facing the case process (Article 57). Suspects or defendants who are detained have the right to be informed of their detention by authorized officials, at all levels of examination in the trial process, to their family or other people in their household or other people whose assistance is needed by the suspect or defendant to obtain legal assistance or guarantees for their suspension (Article 59). Suspects or defendants have the right to contact and receive visits from parties who have family or other relationships with the suspect or defendant in order to obtain guarantees for the suspension of detention or to try to obtain legal assistance (Article 60). The suspect or defendant has the right to claim compensation and rehabilitation as regulated in Article 95 of the Criminal Procedure Code and further (Article 68). And all regulations in the implementation of the above procedures are contained in the Criminal Procedure Code and the explanation is written completely and clearly enough, and it explains how the procedures or procedures are in handling cases against anyone who becomes a suspect and who will eventually become a convict who must be processed properly according to the laws in force in Indonesia. Here the author relates the understanding of suspects and defendants by emphasizing the problem of terrorism. In accordance with Law Number 15 of 2003 which deals with the issue of Eradication of Criminal Acts of Terrorism itself has its own way in handling suspects or defendants in cases of terrorism. Such as in the protection of Human Rights of suspects or defendants in special criminal procedure law and those in the Criminal Procedure Code. The concept of human rights according to Jan Materson.124 Human rights are rights inherent in humans without which humans cannot live as humans. According to Burhanuddin Lopa, the sentence "impossible to live with humans" should be interpreted as "impossible to live as a responsible human being". The concept of human rights itself has two dimensions (Dual Dimensions), namely: Universality Dimension and Contextuality

Dimension. These two dimensions influence the implementation of human rights ideas in the community of community life, nation and state, including Indonesia.2. Terrorism according to Law Number 3 of 2002 concerning National Defense We currently have Law Number 2 of 2002 concerning the Indonesian National Police, Law Number 3 of 2002 concerning National Defense, and Law Number 34 of 2004 concerning the TNI, but we do not yet have a Law concerning National Security. Based on Article 12 and Article 13 paragraph (1) of Law Number 3 of 2002 concerning National Defense, the management of the national defense system as one of the functions of the state government is aimed at protecting national interests and supporting national policies in the field of defense, and the President has the authority and responsibility for managing the national defense system. What is meant by coordination of the Department of Defense in this provision is that everything related to strategic planning which includes aspects of national defense management, budgeting policies, procurement, recruitment, management of national resources, and development of defense industry technology required by the TNI and other defense components. while the development of TNI strength related to education, training, preparation of strength, military doctrine is under the TNI Commander assisted by the Chiefs of Staff of the Armed Forces. In order to achieve effectiveness and efficiency in the management of national defense, in the future the TNI institution will be under the Department of Defense. Based on this provision, in addition to the TNI being under the President, in terms of policy, defense strategy and administrative support, the TNI is under the coordination of the Department Defense which is also an assistant to the President. The President's power in running the government is limited by the Constitution, so that he cannot deviate from it. In running the government, the President is assisted by state ministers and responsibility remains in the hands of the President. This shows that the 1945 Constitution adopts a presidential system, because the power and responsibility of government lie in the hands of the President. (Bagir Manan, p. 32: 1999.) The TNI as one of the state apparatuses under the executive power that carries out government functions in the field of Defense, therefore in carrying out his duties the President has the authority and responsibility in managing the state defense system. State Defense as formulated in Article 1 number 1 of Law Number 3 of 2002 concerning State Defense is all efforts to defend state sovereignty, the integrity of the territory of the Unitary State of the Republic of Indonesia, and the safety of the entire nation from threats and disturbances to the integrity of the nation and state. According to Sayidiman Suryohadiprojo, State Defense is one element of the national security system. National Defense is carried out to face and overcome physical military attacks carried out by other countries against Indonesia. By attacking Indonesia using military force, the country is waging war against Indonesia. (Sayidiman Suryohadiprojo, p.8: 2005). In Appendix point 4, Presidential Regulation (Perppres) No. 7 of 2008 concerning General Policy of National Defense, Indonesian National Security is formulated as a sense of security and peace of the Indonesian nation within the Unitary State of the Republic of Indonesia (NKRI). The scope of the concept of Indonesian national security includes all power and efforts to maintain and preserve the sense of security and peace of the Indonesian nation consisting of national defense, state security, public security and individual security. Indonesia's national interests consist of 3 (three) strata: a. Absolute, the continuity of the NKRI, in the form of territorial integrity, national sovereignty, and the safety of the Indonesian nation. b. Important, in the form of political and economic democracy, harmony in relations between tribes, religions, races, and groups (SARA), respect for human rights, and environmentally aware development. c. Supporters; Indonesia's involvement in supporting and realizing world peace and world order. Meanwhile, in the draft of the National Security Bill by the working group (pokja) of the Department of Defense in January 2007, it was stated that Indonesian National Security is: a. a government function carried out to ensure the upholding of the sovereignty and territorial integrity of the Republic of Indonesia, the security and survival of the nation and state, the lives

of the people, society and government based on Pancasila and the 1945 Constitution, and b. Security conditions that apply within the scope of part or all of the territory of the Republic of Indonesia. Furthermore, the concept of the Department of Defense in the National Security Bill divides security: a. Human Security is the function of government in enforcing the basic rights of every citizen. b. Public Security is the function of government in enforcing, maintaining, and restoring public safety and public order and security through law enforcement, protection, protection and public service. c. State Security is the function of government to overcome threats that arise within the country in order to uphold state sovereignty, territorial integrity, safety, and national honor. d. State Defense is the function of government to overcome threats from within and outside the country in upholding state sovereignty, territorial integrity, safety, and national honor. Similarities and Differences in the Application of the Concept of Terrorism in Positive Law in Indonesia and Malaysia Terrorism is a form of international crime that is very frightening to the public. In various countries in the world, terrorism has occurred in both developed and developing countries, the acts of terror that have been carried out have claimed victims indiscriminately. Terrorism as a crime has developed into a transnational crime. Crimes that occur in a country are no longer only viewed as the jurisdiction of one country but can be claimed to include the jurisdiction of criminal acts of more than one country. This caused the United Nations in its congress in Vienna, Austria in 2000 to raise the theme The Prevention of Crime and The Treatment of Offenders, among others, mentioning terrorism as a development of violent acts that need attention. (Soeharto, 2009). The English common law system, which consists of several characteristics of legal tradition, is naturally viewed as one of the main legal systems in the world, like the other two most influential systems. Although not the oldest legal system that has ever existed, the English legal system is the oldest national law that applies generally throughout the kingdom. The English legal system can also be compared to the oldest legal system, civil law, in terms of its spread throughout the world, and in terms of its extraordinary influence, having been adopted by many countries and cultures, even after its post-colonial era. Like the civil law system, the English legal system was born through a series of historical events, a series of different legal sources, ideologies, doctrines, institutions , and different modes of legal thought that collectively formed the English common law tradition. (Peter de Cruz, p. 141: 2010).Based on the regulation concerning terrorism in the country that adopts the common law legal system above, it can be identified that terrorism is the use or threat of action with the following characteristics: a) Actions involving serious violence against a person, serious damage to property, endangering a person's life, not the life of the person carrying out the action, creating a serious risk to the health or safety of the public or a certain part of the public or seriously designed to interfere with or disrupt electronic systems. b) Use of threats or designed to influence the government or intimidate the public or a certain part of the public. c) Use or threats made with the aim of achieving political, religious or ideological goals. d) Use or threats that are included in activities involving the use of firearms or explosives. (F. Budi Hardiman, p. 4: 2003). The term terrorism generally has a negative connotation, as do the terms “genocide” or “tyranny”. This term is susceptible to politicization. The vagueness of the definition opens up opportunities for abuse. Terror is a fairly old phenomenon in history. Scaring, threatening, giving violent shocks or killing with the intention of spreading fear are tactics that have been inherent in the struggle for power, long before these things were called terror or terrorism. Acts of terror can be carried out by the state, individuals or groups of individuals, and organizations. The perpetrators are usually part of an organization motivated by certain political or religious ideals carried out by one or several people/groups which as crimes against the state now include acts referred to as crimes against humanity where the victims are innocent people, all carried out with the crime of violence (violence as a goal), violence and threats of violence. (Bahtiar Marpaung, 2007).Muhammad, there are two causes of acts of terrorism, namely Terror is an evil reaction to actions that are considered "more evil"

by the perpetrator, so it is not a stand-alone crime (interactionism) and can be grouped into revenge crimes (hate crimes). (Jeanne Darc Noviayanti Manik, p. 146: 2007).Terrorism crimes have specific characteristics that conventional crimes do not have, namely they are carried out systematically and widely, both in terms of recruiting brides, planning and being organized. Current terrorists in recruiting use subjective jihadist ideology indoctrination based on the doctrine of soft power which is interpreted as a way of enticing using various methods accompanied by a process of cooptation so that people willingly obey whatever the other party wants. (Soft Power is defined as the ability to get what you want through attraction rather than coercion, threats or payments)International Conventions that regulate terrorism as Extra Ordinary Crime Counter-terrorism regulations are the eradication, disclosure, and handling of cases of terrorism and terrorist perpetrators (terrorists). These regulations are in the form of determining actions that are included in terrorism, handling procedures (investigation, prosecution, and trial) and sanctions applied. Currently, there are several international and regional conventions that regulate terrorism, namely: 1. International Civil Aviation Organization, Convention on Offences and Certain Other Acts Committed on Board Aircraft. Signed at Tokyo on 14 September 1963 and entered into force on 4 December 1969. 2. International Civil Aviation Organization, Convention for the Suppression of Unlawful Seizure of Aircraft. Signed at The Hague on 16 December 1970 and entered into force on 14 October 1971. 3. International Civil Aviation Organization, Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation. Signed at Montreal on 23 September 1971 and entered into force on 26 January 1973. 4. United Nations, Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents. Adopted by the General Assembly by Resolution 3166 (XXVIII) of 14 December 1973 and entered into force on 120 February 1977. 5. United Nations, International Convention against the Taking of Hostages. Adopted by the General Assembly by resolution 34/46 of 17 December 1979 and entered into force on 3 June 1983. 6. International Atomic Energy Agency, Convention on the Physical Protection of Nuclear Material. Signed and repeated at Vienna and New York on 3 March 1980. Agreed at Vienna on 26 October 1979 and entered into force on 8 February 1987. 7. International Civil Aviation Organization, Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation. Supplement to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation. Signed at Montreal on 24 February 1988 and entered into force on 6 August 1989. 8. International Maritime Organization, Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation. Adopted at Rome on 10 March 1988 and entered into force on 1 March 1992. 9. International Maritime Organization, Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Placards Located on the Continental Shelf. Adopted at Rome on 10 March 1988 and entered into force on 1 March 1992. 10. International Civil Aviation Organization, Convention on the Marking of Plastic Explosives for the Purpose of Detection. Done at Montreal on 1 March 1991 and entered into force on 21 June 1998. 11. United Nations, International Convention for the Suppression of Terrorist Bombing. Adopted by the General Assembly by resolution 52/164 on 15 December 1997 and entered into force on 23 May 2001. 12. United Nations, International Convention on the Suppression of Financing of Terrorism. Adopted by the General Assembly by resolution 54/109 on 9 December 1999 and entered into force on 10 April 2002. 13. League of Arab States, Arab Convention on the Suppression of Terrorism. Signed at Cairo on 22 April 1998 and entered into force on 7 May 1999. 14. Organization of the Islamic Conference, Convention on Combating International Terrorism. Adopted at Quagadoudou on 1 July 1999 and not yet in force. 15. Council of Europe, European Convention on the Suppression of Terrorism. Signed at Strasbourg, France on 27 January 1977 and entered into force on 4 August 1978. 16. Organization of American States, Convention to Prevent and Punish the Acts of Terrorism Taking the Form of Crimes against Persons and

Related Extortion that are of International Significance. Signed in Washington on 2 February 1971 and entered into force on 16 October 1973. 17. African Union (formerly Organization of African Unity), Convention on the Prevention and Combating of Terrorism. Adopted in Algies on 14 July 1999 but not yet in force. 18. South Asian Association for Regional Cooperation, Regional Convention on Suppression of Terrorism. Signed in Kathmandu on 4 November 1987 and entered into force on 22 August 1988. 19. Commonwealth of Independent States, Treaty on Cooperation among the States Members of the Commonwealth of Independent States in Combating Terrorism. Adopted in Minsk on 4 June 1999. This Convention essentially states that terrorism is an illegal act punishable under criminal law with the aim of undermining public safety, influencing by authority or terrorizing the population, and decision-making taking the form of, among other things, violence or threat of violence against natural or legal persons, destroying (damaging) or threatening to destroy (damage) property and other objects so as to endanger the lives of the public, causing major damage to property or the occurrence of other dangerous consequences for the public, threatening the lives of statesmen or public figures for the purpose of ending their state or other public activities or retaliating for such activities, attacking representatives of foreign countries or internationally protected staff members of international organizations as well as business premises or vehicles of internationally protected persons. (Sunarto, p. 161: 2007).In addition to the above conventions, other acts classified as terrorist are regulated in international legal instruments based on the Commonwealth of Independent States, Treaty on Cooperation among the States Members of the Commonwealth of Independent States in Combating Terrorism, namely the means carried out by the perpetrators of terrorism in the form of technology aimed at combating terrorism with the use or threat of use of (biological) nuclear weapons, radiology, chemical or bacteriology or their components, pathogenic microorganisms, radioactive substances or other materials that are harmful to human health, including seizure, shutdown of operations or destruction of nuclear, chemical or other facilities posing increased technological and environmental danger and utility systems of cities and other inhabited areas, if these acts are committed for the purpose of undermining public safety, terrorizing the population or influencing the decisions of the authorities to achieve political, mercenary or other ends, as well as attempts to commit one of the crimes listed above for the same purpose and leading, financing or acting as an instigator, accessory or accomplice of a person who commits or attempts to commit such a crime. ASEAN countries including Brunei Darussalam, Kingdom of Cambodia, Republic of Indonesia, Lao People's Democratic Republic, Malaysia, Union of Myanmar, Republic of the Philippines, Republic of Singapore, Kingdom of Thailand, and Socialist Republic of Vietnam as stated in the ASEAN Declaration on Joint Action to Combat Terrorism and Declaration on Terrorism which were respectively adopted at the ASEAN Summit in 2001 and 2002, have formed a joint agreement to eradicate criminal acts of terrorism with the target that serious dangers posed by terrorism to innocent people, infrastructure and environment, regional and international peace and stability, and economic development. For that reason, ASEAN countries consider it important to identify and effectively resolve the root causes of terrorism in formulating every step to eradicate terrorism. The steps to eradicate terrorism regulated in cooperation between ASEAN countries refer to the provisions of international conventions including: 1. Convention for the Suppression of Unlawful Seizure of Aircraft, signed in The Hague on December 16, 1970; 2. Convention for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, agreed in Montreal on 23 September 1971; 3. Convention on the Prevention and Punishment of Crimes Against Internationally Protected Persons, Including Diplomatic Agents, agreed in New York on 14 December 1973; 4. International Convention Against the Taking of Hostages, agreed in New York, December 17, 1979; 5. Convention on the Physical Protection of Nuclear Material, agreed in Vienna, 26 October 1979; 6. Protocol for the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention

for the Suppression of Unlawful Acts Against the Safety of Civil Aviation, agreed in Montreal, February 24, 1988; 7. Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, agreed in Rome, March 10, 1988; 8. Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf, agreed in Rome, March 10, 1988; 9. International Convention for the Suppression of Terrorist Bombings, agreed in New York, December 15, 1997; 10. International Convention for the Suppression of the Financing of Terrorism, agreed in New York, December 9, 1999; 11. Treaty on Cooperation among the states members of common wealth of independent states in Combating Terrorism, 1999; 12. Convention of Organization of Islamic Conference on Combating International Terrorism, 1999; 13. International Convention for the Suppression of Acts of Nuclear Terrorism, agreed in New York, April 13, 2005; 14. Amendment to the Convention on the Physical Protection of Nuclear Material, agreed in Vienna, 8 July 2005; 15. Protocol of 2005 to the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation, agreed in London on 14 October 2005; 16. Protocol of 2005 to the Protocol for the Suppression of Unlawful Acts Against the Safety of Fixed Platforms Located on the Continental Shelf, agreed in London, 14 October 2005. (ASEAN Declaration on Joint Action to Combat Terrorism and Declaration on Terrorism respectively) each accepted at the ASEAN Summits in 2001 and 2002.)The International Conventions as described above are the basic framework for regulating criminal acts of terrorism for countries that have ratified the conventions and the basis for making agreements both regionally and multilaterally within the framework of taking steps to eradicate criminal acts of terrorism. An example of this is cooperation on regional order, then the convention which is the basis for taking steps to eradicate criminal acts of terrorism is the Treaty on Cooperation among the states members of the common wealth of independent states in Combating Terrorism, 1999, which states that terrorism is an illegal act which is punishable by a lower criminal penalty than that carried out with the aim of damaging public safety, influencing policy-making by the authorities or the monetary population and taking the form of, among others: First, violence or threats of violence against ordinary people or people protected by law. Second, destroying or threatening to destroy property and other material objects so that endangering the lives of others. Third, causing damage to property or causing harmful consequences to society. Fourth, threatening the lives of statesmen or public figures with the aim of ending their public or state activities or as retaliation for such activities. Fifth, attacking representatives of foreign countries or staff of internationally protected members of international organizations, as well as business premises or vehicles of internationally protected persons. Sixth, other acts categorized as terrorist under recognized laws or legal instruments. internationally aimed at combating terrorism.

CONCLUSION

Based on the overall explanation in chapter [1] of the previous chapter, the author draws the following conclusions about the Existence of the Army in the Prevention and Eradication of Terrorism in Indonesia (Comparative Study Between Indonesia and Malaysia): 1. Application of the Concept of Terrorism in Positive Law Indonesia as we know that the Criminal Code (KUHP) has not specifically regulated and is not adequate enough to eradicate Criminal Acts of Terrorism, the Indonesian Government feels the need to form a Law on the Eradication of Criminal Acts of Terrorism, namely by drafting a Government Regulation in Lieu of Law (Perpu) number 1 of 2002, which on April 4, 2003 was ratified as Law number 15 of 2003 concerning the Eradication of Criminal Acts of Terrorism. Finally, with the issuance of Law Number 9 of 2013 concerning the Prevention and Eradication of Criminal Acts of Terrorism Funding, Indonesia positions itself as a country that participates internationally in efforts to eradicate terrorism funding. Meanwhile, the Implementation of the Concept of Terrorism in Malaysian Law is contained in the Internal Security Act of Malaysia or the

Internal Security Act, which is an act created by the Malaysian Parliament that applies in West Malaysia and East Malaysia. The Internal Security Act of 1960 (Act 82), better known as the ISA, aims to prevent threatening actions by a substantial group of people, both from within and outside Malaysia.The definition of a terrorist contained in the Preliminary Internal Security Act Malaysia, Interpretation section, refers more to individuals who are personally involved in acts of terrorism. The definition of a terrorist in the ISA is preferred because acts of terrorism can be carried out by individuals, groups of people or countries as an alternative to an open declaration of war. Then, from that definition, further steps can be taken in an effort to protect domestic security, public order and eradicate terrorism, this is the basis for the TNI to be involved.

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