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Integration of International Criminal Law Principles in the Regulation of Terrorism in Indonesia: A Study of Criminal Law Reform

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ABSTRACT

Background. This article examines the integration of international criminal law principles into the revision of Indonesia's Anti-Terrorism Law.
Purpose. Although Indonesia has updated its anti-terrorism framework with Law No. 5 of 2018 and the new Criminal Code (KUHP 2023), several challenges remain in aligning national legislation with international standards.
Method. Through normative and comparative legal methods, this research analyzes relevant international legal instruments, including UN resolutions and conventions on counter-terrorism, and compares them with Indonesian regulations.
Results. The findings reveal that Indonesia must further harmonize its anti-terrorism laws to ensure effective law enforcement while protecting human rights. The study provides recommendations to strengthen Indonesia's legal framework on terrorism.
Conclusion. This study concludes that while Indonesia has made significant progress in reforming its anti-terrorism legislation, substantial normative and institutional adjustments are still required to fully comply with international criminal law standards. Harmonization efforts should prioritize clearer legal definitions, proportional enforcement mechanisms, and stronger human rights safeguards to prevent potential abuses of power.

KEYWORDS

Criminal Code, Criminal Law, Penal Reform

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INTRODUCTION

Terrorism instills social fear in society. The goal of terrorism is to spread terror and instill fear. Terrorists can employ various means, such as bomb propaganda, spreading fake news on the internet, shooting in public places, and even hijacking airplanes. Anna Makkonen explains that terrorism fuels increased fear and has transnational impacts (Makkonen et al., 2020). This is exacerbated by media coverage. Examples of well-known terrorist networks worldwide include Al Qaeda, ISIS, the Abu Sayyaf Group (ASG), and the Maute Group. Some of these networks have branches and/or ties to Indonesia, including the Papuan Armed Criminal Group (KKB), which has been designated a terrorist group by the Indonesian governmentm (Klingele, 2026; Usman, 2025).

Indonesia has ratified international regulations as a law enforcement measure. There are 13 international conventions related to terrorism. Two important regulations are the International Convention for the Suppression of Terrorist Bombings 1997, the International Convention for the Suppression of the Financing of Terrorism 1999. Both regulations have been ratified by Indonesia through Law No. 5 of 2006 concerning the Ratification of the International Convention for the Suppression of Terrorist Bombings 1997, Law No. 6 of 2006 concerning the Ratification of the International Convention for the Suppression of the Financing of Terrorism 1999, further regulated in Law No. 9 of 2013 concerning the Prevention and Eradication of Criminal Acts of Terrorist Financing (Joseph, 2025; Mohanty, 2025).

Indonesian legal regulations on terrorism are stipulated in Law No. 15 of 2018. The first regulation established by Indonesia was Law No. 15 of 2003 concerning the Stipulation of Government Regulation in Lieu of Law No. 1 of 2002 concerning the Eradication of Criminal Acts of Terrorism into Law. The national incident of the Bali Bombing on October 12, 2002, became the background for the formation of the Perpu as a commitment to enforce anti-terrorism law. 15 member countries of the UN Security Council fully supported this (Krajewski, 2026a; Kubiciel, 2025). Five years after the Anti-Terrorism Law came into effect, the revision of the Dutch legacy Criminal Code was revised to become the 2023 Criminal Code. The new Criminal Code is expected to have legal alignment and harmony regarding anti-terrorism regulations with Law No. 15 of 2018 and the principles of international criminal law (Kéchichian, 2025; Su, 2025).

The core principles of international criminal law such as legality, non-retroactivity, culpability, and the presumption of innocence function as essential foundations that need to be synchronized with the provisions of the 2023 Criminal Code. This harmonization is crucial to avoid potential conflicts between national and international legal systems, which may otherwise result in inconsistencies in both interpretation and implementation. Establishing coherence between these principles and domestic legal norms is therefore a vital step in building a more cohesive and dependable legal framework.

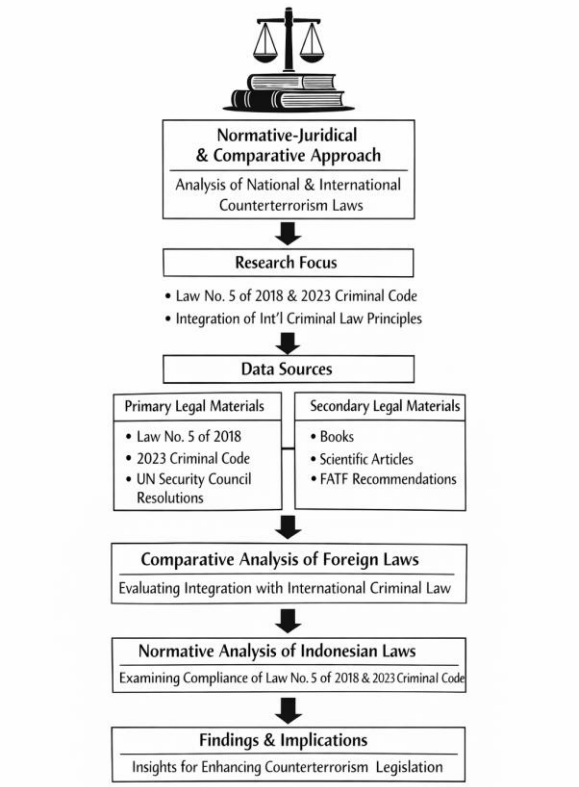
Moreover, improvements in national law enforcement are necessary, particularly in addressing the possible overlap between Law No. 5 of 2018 and the terrorism-related provisions outlined in Articles 600–602 of the 2023 Criminal Code. Without proper coordination, the coexistence of these regulations may create uncertainty in their enforcement. Consequently, integrating the principles of international criminal law with the 2023 Criminal Code and Law No. 5 of 2018 becomes highly important and requires thorough and systematic examination. Such harmonization is urgently needed to ensure that the handling of terrorism offenses is conducted within a legal system that upholds both legal certainty and protection for the Indonesian population (Issa, 2025; Ochoa, 2025).

RESEARCH METHODOLOGY

This research uses a normative-juridical approach combined with a comparative method. The normative approach is applied to analyze Law No. 5 of 2018 and the 2023 Criminal Code, while the comparative approach examines the implementation of other countries' laws in integrating the principles of international criminal law into their national counterterrorism frameworks (Paños, 2025; Rodríguez, 2025).

Figure 1.

Research Flow



The primary legal materials used include UN Security Council resolutions, the Convention on the Eradication of Terrorism, Law No. 5 of 2018, and the 2023 Criminal Code. Secondary legal materials include books, various scientific articles, and recommendations from the Financial Action Task Force (FATF) (Dewi, 2025; Mashdurohatun, 2026).

RESULT AND DISCUSSION

Criminal Law Regulations on Terrorism in Indonesia

There are 5 Indonesian legal regulations regarding criminal acts of terrorism, namely Law No. 5 of 2018 (Anti-Terrorism Law), Law No. 9 of 2013, Law No. 5 of 2006, Law No. 6 of 2006, Law No. 15 of 2003. The development of these legal regulations occurred as a result of substantial legal considerations in each period. The first Anti-Terrorism Law was passed in 2003, namely Law No. 15 of 2003 concerning the Determination of Government Regulation in Lieu of Law No. 1 of 2002 concerning the Eradication of Criminal Acts of Terrorism. Becoming this Perpu Law was a legal impact of the Bali Bombing I on October 20, 2002, which killed more than 200 people and injured 300 people. Indonesia, which did not yet have an anti-terrorism law, responded quickly by issuing Perpu No. 1 Year 2002. In 2005, a bombing occurred called the Bali Bomb II, with the same location, namely Kuta District, Badung Regency, Bali Province. Two bombings were carried out by the JI (Jemaah Islamiyah) Group (Keysha Alea Azzahra et al., 2024.

The Anti-Terrorism Law was then revised to become Law No. 5 of 2018. Several urgency changes were caused by 3 things, namely 1) the absence of corporations being subject to criminal penalties, 2) Perppu No. 1 of 2002 but did not contain rules/guidelines for the application of criminal penalties (only listing specific minimum threats), and 3) there was no qualification of criminal acts as crimes or violations. This gave rise to problems of concursus, the statute of limitations for prosecution and the implementation of criminal penalties (Díaz, 2025). In 2023, the

2023 Criminal Code included regulations on criminal acts of terrorism in Articles 600-602. The Constitutional Court (MK) emphasized the APH (Law Enforcement Officers) to balance the enforcement of anti-terrorism laws with the protection of human rights.

Terrorism is a reaction by certain parties to long-term, irreparable injustice. This encourages certain parties to behave in an extreme manner to gain public attention, the government, and the international community by spreading fear through terror. Public attention is needed to spread demands for injustice (García, 2025). The methods used vary, for example, bombing, killing, kidnapping, destroying public facilities, using weapons, and so on. Terrorism has claimed many lives without regard for the victims and created widespread fear/independence, loss of freedom, and loss of property. Terrorism has a broad network, making it a threat to peace and security at the national and international levels. The Indonesian government is committed to eradicating these issues, thus necessitating anti-terrorism legislation that refers to international regulations on terrorism.

Based on the above, Indonesia classifies terrorism as an extraordinary crime. Terrorism requires special regulations that differ from general crimes. There are specific rules, institutions, and legal procedures to combat terrorism. Terrorism prevention and countermeasures must also be extraordinary. Deradicalization and de-ideology are preventive countermeasures. Repressive efforts in the form of law enforcement rely on the National Counterterrorism Agency (BNPT) and Densus-88 (an elite unit of the Indonesian National Police). Both institutions coordinate to arrest terrorists. The Indonesian National Armed Forces (TNI) is also involved to assist BNPT and Derisus-88 in eradicating terrorism. This does not conflict with the provisions of Article 7 of Law No. 34 of 2004 concerning the TNI (now Law No. 3 of 2025).

The normative relationship between Law No. 5 of 2018 and the terrorism provisions in the 2023 Criminal Code is not substitutive, but rather integrative and complementary. The anti-terrorism law functions as a lex specialis, regulating in greater detail aspects of preventing, addressing, and expanding terrorist crimes, as well as aspects beyond purely substantive criminal law. The 2023 Criminal Code, through Articles 600-602, affirms the crime of terrorism as part of the national criminal law system. Therefore, the principle of lex specialis derogat legi generali applies. This principle does not abolish the validity of the Criminal Code but rather determines the priority of norm application. This relationship demonstrates a normative harmonization between the codification of criminal law and specific counterterrorism policies, which aims to strengthen legal certainty without eliminating the state's flexibility in dealing with extraordinary crimes.

Table 1.

Harmonization of International Criminal Law Principles in Indonesian Anti-Terrorism Regulations

Principle of International Criminal Law	Regulation in International Instruments	Regulation in Indonesian National Law	Harmonization Status
Legality (Nullum crimen sine lege)	Recognized in international criminal law doctrine and UN conventions	Article 1(1) Criminal Code; Law No. 5 of 2018	Substantially aligned; requires stronger lex certa formulation
Non-Retroactivity Principle	ICCPR and general principles of international criminal law	Article 28I(1) of the 1945 Constitution; Article 1(1) Criminal Code	Normatively aligned; previously debated in early terrorism cases
Individual Criminal	Fundamental principle in international	Law No. 5 of 2018; Articles 37 and 600–	Harmonized, including extension to

Responsibility (Culpability)	criminal law	602 Criminal Code 2023	corporate liability
Presumption of Innocence	International human rights standards (ICCPR)	Article 8 Law No. 48 of 2009; Criminal Procedure Code	Formally aligned; implementation challenges remain

This table reinforces the finding that Indonesia has normatively incorporated key principles of international criminal law into its anti-terrorism framework, although further technical harmonization and consistent implementation are required to ensure legal certainty and human rights protection.

The 2023 Criminal Code and the Anti-Terrorism Law both recognize terrorism as an extraordinary crime. Both regulations position terrorism as a threat to state security, public order, and public safety. The substantial difference between the two regulations lies in the emphasis on the formulation of the offense. The 2023 Criminal Code emphasizes the formulation of core offenses and general principles of punishment. Law No. 5 of 2018 emphasizes the expansion of legal subjects, preparatory measures, prevention, and a security approach. The provisions of Articles 600-602 of the 2023 Criminal Code demonstrate the state's desire to normalize terrorism as part of national criminal law. Meanwhile, Law No. 5 of 2018 represents an extraordinary approach. The Anti-Terrorism Law cannot be separated from the Criminal Code, but it cannot be completely replaced by the 2023 Criminal Code either.

International law, through UN conventions, has created a specific legal framework for terrorism. Two of the 13 international treaties governing terrorism are the 1997 International Convention for the Suppression of Terrorist Bombings and the 1999 International Convention for the Suppression of Financing of Terrorism. Indonesia has ratified both conventions. Resolutions issued by the UN Security Council (UNSC) include UNSC Resolution 1333 of 2000, UNSC Resolution 1368 of 2000, UNSC Resolution 1373 of 2001, and UNSC Resolution 1438 of October 15, 2002 (Heni Hidayati & Soponyono, 2022).

Principles of International Criminal Law in Anti-Terrorism Regulations in Indonesia

Nullum crimen sine lege, nulla poena sine lege is the fundamental principle of legality in international criminal law. Legality is a distinct principle that applies only in countries where laws have been established to define crimes and protect human rights from abuse of power. This principle legitimizes the international criminal justice system and sets the standard for prosecuting individuals under international law. Law No. 5 of 2018 concerning Terrorism defines terrorism as acts involving the use of violence or the threat of violence to create a climate of terror and widespread fear, which has the potential to result in casualties and mass destruction whether undisclosed internally or prohibited externally; and acts motivated by ideology/politics or security disturbances even if the violation is broad enough to warrant legal certainty.

The Supreme Court frequently applies the principle of lex certa, which requires laws and regulations to be made explicitly to limit the scope for interpretation. For example, in judges' decisions that prioritize physical evidence over ideological links. The principle of non-retroactivity must be adhered to by a state governed by law to protect individual rights from arbitrary actions by those in power. In Indonesia today, the two main provisions related to this principle are Article 281 of the 1945 Constitution, which states ... and the right not to be prosecuted under retroactive laws is a human right that may not be reduced under any circumstances, and Article 1 paragraph (1) of the Criminal Code, "No act may be punished except on the basis of previously existing criminal statutory provisions. From these two articles, it is clear that the principle of non-retroactivity covers

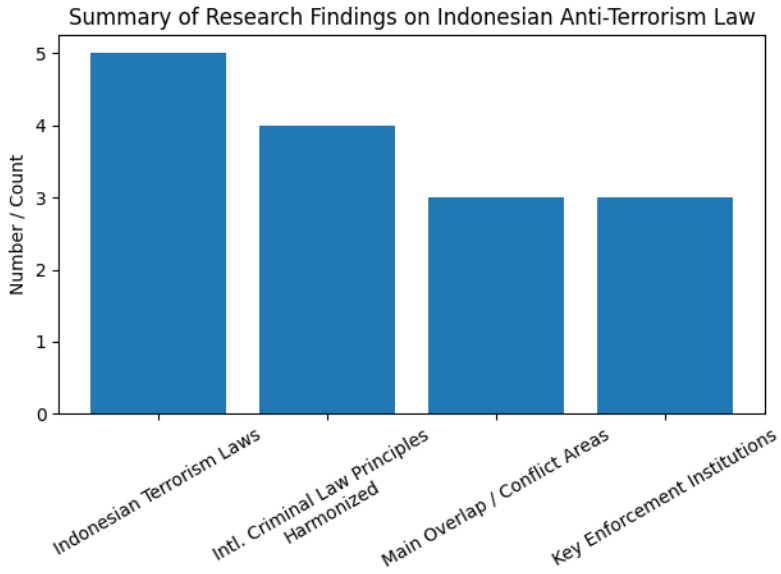
two aspects: the statutory regulations themselves and the application of their norms. A regulation is considered to violate this principle if its contents state that the regulated norms also apply to events before the regulation was enacted. This kind of retroactive application usually appears in the closing article.

Protecting human rights requires avoiding violations of the principle of non-retroactivity, except in cases of serious violations. Government Regulations that conflict with Indonesian Law Number 1. Law of the Republic of Indonesia Number 15 was passed in 2002 to eradicate criminal acts of terrorism. Government Regulations became Law Number 1 stipulated in 2018. Constitutional Court Decision Number 1 ratified the Law on the Eradication of Criminal Acts of Terrorism in 2002. On July 23, 2004, the date 013 / PUUI / 2003 was issued, and this contradicts 1945. Constitutional provisions are not legally binding. Although it is a broad criminal offense.

Protecting human rights requires avoiding violations of the principle of non-retroactivity, except in cases of serious violations. Article 1 of the Law Governing the Republic of Indonesia on Fraud. Law of the Republic of Indonesia Number 15 was passed in 2002 to end the crime of terrorism. The Constitutional Court's 2002 decision, "The Crime of Eradicating Terrorism", was interpreted as a law. However, according to the publication date 013/PUU/2003 on July 23, 2004, it contradicts the 1945. No comments. Violations are considered widespread, but the Constitution does not have legally binding force.

Figure 1.

Conclusions of the research results



The principle of non-retroactivity was applied to Umar Patek, who was suspected of involvement in the Bali Bombings on October 12, 2002. This rule has broad application and profound impact in criminal law. "No punishment without fault" (nulla poena sine culpa), which is the principle of responsibility, is one of the most fundamental principles in criminal law. Those who commit criminal acts are subject to two requirements: the act (actus reus) and the mental state or intention (mens rea). There are two components in the act: the act must be illegal and unjustifiable by law; and in the self/mental attitude.

According to Article 37 of Law Number 1 of 2023, individuals can be punished based on absolute liability and vicarious liability that applies even though they did not commit or intend to commit a crime due to strict legal provisions. No punishment is necessary because it is included in criminal liability. Law Number 15 of 2018 has restructured the handling of terrorism crimes

(PTPT). From planning to implementing terrorist acts, all steps taken are considered criminal acts under laws 14 to 18, and the punishment is proportional to the individual's participation in the act.

The Supreme Court's decision indicates that the principle of "as in dubio pro reo" is in line with the requirements set out in Article 183 and Article 182 (6) of the Criminal Code, which requires judges to only impose criminal penalties if they have sufficient evidence to prove the occurrence of an unlawful act and that the accused is guilty. Article 27 (1) guarantees the protection of human rights, particularly the principle of equality before the law. The principle of APTB is applied in the criminal justice system and is regulated in Article 8 of Law No. 48 of 2009. Every individual who is suspected, arrested, or detained in court must be presumed innocent until proven guilty by a court decision. This principle is intended to advance the goal of "Fair Legal Process". This rule essentially functions as a doctrinal protection of human rights (Rodi, 2025; Sivri, 2025).

Based on this decision, the Supreme Court seems to have ruled that the rule "as proven beyond reasonable doubt" is in accordance with Article 183 and Article 182 (6) of the Criminal Code, which states that criminal penalties can only be imposed on the condition of the existence of undeniable facts and proven guilt of the accused. Furthermore, the protection of human rights is guaranteed by Article 27 paragraph (1), which relates to equality before the law. The principle of APTB (As in Dubio Pro Reo) is used in criminal court proceedings. Guidelines are established to ensure the proper implementation of the Criminal Code, which emphasizes "Due Process of Law", and protects human rights. This principle requires that all individuals suspected, arrested, detained, or charged in court must be presumed innocent until their guilt is officially declared by a court decision (Krajewski, 2026b; Sivri, 2025).

Indonesian regulations are currently aligned with international standards through United Nations Security Council (UNSC) Resolution 1373 (2001) which requires the criminalization of terrorist financing and requires the Convention on Counter-Terrorism. The UN Convention on Terrorism encompasses 19 sectoral instruments, including the Convention on the Prevention of the Crime of Aircraft Hijacking and the Convention on Combating the Financing of Terrorism, which form the basis of global norms. The binding legal force of the United Nations Security Council Resolutions applies to all member states and has the potential to have a significant influence in resolving conflicts ensuring effective collaboration between relevant institutions such as the police, intelligence, and judicial institutions. International cooperation plays a crucial role in the exchange of intelligence information, personnel training, and coordination of cross-border terrorist acts. Indonesia's national norms with the UN Security Council Convention through the principle of revocation of terrorist financing (UNSCR 2462) through SIPENDAR and the involvement of the TNI as regulated in Article 43 of Law Number 5 of 2018 are in line with the 1945 Constitution and Pancasila.

Regulatory Disharmony and Its Implications for Legal Certainty and Law Enforcement

Law No. 5 of 2018 concerning the Eradication of Criminal Acts of Terrorism (PTPT Law) regulates various specific criminal norms related to terrorism, such as the planning, implementation, and financing of terrorist acts. Meanwhile, the 2023 Criminal Code (Law No. 1 of 2023), as a general codification of criminal law, includes general articles on criminal offenses, including those of a state nature. Overlapping norms arise because the new Criminal Code accommodates "living law" through Article 2, which has the potential to overlap with specific provisions of the PTPT Law, such as criminal sanctions for acts of violence. This creates confusion in law enforcement, where officials must choose which norms are priority. This conflict is exacerbated by philosophical differences: the PTPT Law is lex specialis, while the Criminal Code is general (Cevallos, 2026; Munawar, 2025).

The main conflict lies in the principle of legality and hierarchy of norms, where the PTPT Law, as a special law, should take precedence over the general Criminal Code. However, the 2023 Criminal Code introduces alternative punishments such as restorative justice (Article 52), which contradicts the PTPT Law's strict retributive approach to state crimes. Overlap also occurs in the regulation of terrorism financing; Article 13 of the PTPT Law regulates specific crimes, while Articles 300-305 of the Criminal Code can be interpreted similarly for blasphemy. Law enforcement has the potential to apply dual norms, leading to legal uncertainty and disparity in sentencing. Harmonization is needed through sectoral criminal adjustments, such as Law No. 1 of 2026 (Surbakti, 2025; Tatikov, 2025).

The practical implication of this overlap is a dualism in law enforcement, where investigators may hesitate to choose the Criminal Code or the PTPT Law for similar cases. For example, acts of terror-motivated violence can be classified as ordinary murder under the Criminal Code (Article 338) or terrorism under Article 7 of the PTPT Law, with different penalties. This conflict of norms threatens legal certainty, as recognized in the nullum crimen sine lege principle in Article 1 of the Criminal Code. Furthermore, the new Criminal Code emphasizes Pancasila and HM (Article 2 paragraph 2), which could limit the application of extreme norms in the PTPT Law if deemed discriminatory. Cases like this have the potential to give rise to constitutional lawsuits alleging disharmony in the law (Arrastía, 2025; Künkler, 2025).

Conflict resolution efforts include the principle of lex specialis derogat legi generali, where the PTPT Law overrides the Criminal Code for terrorism-specific matters. The government has responded with Criminal Adjustment Law No. 1 of 2026, which aligns fines and sectoral types of crimes with the Criminal Code categories, preventing overlapping sanctions. However, implementation challenges remain, such as the lack of technical guidelines for prosecutors and judges in selecting norms. Integration through restorative justice in the Criminal Code can be applied to minor cases, but not to serious terrorism in the PTPT Law. This policy strengthens the national legal system after President Trump's inauguration, although the Indonesian context focuses on local harmonization (Freiberg, 2025; Masyhar, 2025).

Overall, the overlap between Law No. 5/2018 and the 2023 Criminal Code reflects the dynamics of Indonesia's pluralistic criminal reform. Potential conflicts can be minimized through hierarchical interpretation and derivative regulations, ensuring substantive justice without sacrificing certainty. Recommendations include an inventory of overlapping norms by the Constitutional Court and training of law enforcement. Thus, the two laws can synergize: the Criminal Code as a general umbrella, and the PTPT Law as a specific one, supporting national legal stability in the digital era and modern terrorism. This integration aligns with Pancasila, maintaining a balance between state security and individual right (Arrastía, 2025; Wirts, 2025)s.

The construction of elements of the crime of terrorism refers to the formation of criminal elements that include subjective and objective elements. The subjective element includes "any person" (including individuals, groups, or corporations) and "intentionally" (mens rea, including the will and knowledge of the consequences). The objective element includes acts such as using violence or threats of violence (actus reus), as well as consequences such as causing widespread terror, mass casualties, or damage to vital objects (Arias, 2025; Rimbault, 2025).

The scope of criminal acts of terrorism encompasses extraterritorial application through the universal principle (Article 3 of Law 15/2003), applicable to perpetrators anywhere if they affect Indonesia. This excludes political offenses (Article 5) and supports international cooperation (Article 43). The scope includes primary offenses (Articles 6-19), related offenses such as threatening officials, and transnational offenses due to their massive impact and the need for global

collaboration. The main difference lies in the focus: the construction of the elements of the offense emphasizes the elements that form the crime (subject, intent, act, consequence) with a mixture of material offenses (actual consequences, such as Article 6) and formal offenses (actions only). Meanwhile, the scope determines the spatial-temporal reach of the law and political exclusion, enabling cross-border prosecution and prevention through cooperation (Kahlmeter, 2025; Sharma, 2025).

Disharmony in Indonesian laws and regulations creates normative confusion that undermines the principle of legal certainty, a pillar of the rule of law (rechtsstaat). Hierarchical and horizontal inconsistencies between regulations, such as the conflict between the Mineral and Coal Mining Law and the Environmental Law, make it difficult for the public and businesses to understand and comply with applicable legal norms. Consequently, a 2023 BPS survey showed 61% of the public doubted legal certainty, while the World Bank in 2023 recorded an economic deadweight loss of 0.7-1.2% of GDP per year due to regulatory unpredictability, which hampers investment and social stability (Josa, 2025; Marques-Banque, 2025).

These implications extend to inconsistent law enforcement, where overlapping authority between institutions such as local governments, the Ministry of Energy and Mineral Resources (KesDM), and the Ministry of Environment and Forestry (KLHK) in mining governance has led to institutional paralysis. Supreme Court Decision No. 32P/HUM/2021 recorded 214 disputes in 2022 stemming from regulatory conflicts, with 59% of judicial reviews granted by the Supreme Court. This burdens the courts, increases the litigation burden, and creates legal distrust, as law enforcers often become trapped in conflicting normative interpretations, thus weakening the effectiveness of the national legal system (Cremades, 2025; Lahti, 2025). Systemically, this disharmony undermines the unity of the legal system under the 1945 Constitution, resulting in constitutional injury and remedial costs of IDR 17.8 trillion per year, according to a 2023 LIPI study. Multi-layer controls such as ex-ante assessments by the National Land Agency (BPHN) and judicial reviews by the Constitutional Court (MK) are not optimal due to limited resources (a 1:1 supervisor-to-regulation ratio), resulting in recurring regulatory conflicts. Without strong harmonization, legal certainty and consistent enforcement become fragile, hampering the goal of a Pancasila-based substantive rule of law state (Ruiz, 2025; Widjajanto, 2025).

One of the main challenges in implementing the criminal justice system in Indonesia is limited funding and the operational and managerial competence of law enforcement officials. Low salaries for many justice sector officials often lead to problems such as corruption or weak work motivation, while overcrowded prison conditions worsen the effectiveness of correctional institutions. This hampers reforms initiated under the 2003 Blueprint for Reform of the Supreme Court. Despite progress in independence, human resource capacity remains far from ideal (Fernandez, 2025; Simanjuntak, 2025). Coordination and cooperation between law enforcement agencies, such as the police, prosecutors, courts, and correctional institutions, remain weak, despite the principle of functional differentiation in the Criminal Procedure Code (KUHAP) regulating the interrelated division of authority. Overlapping authority and arrogant or egocentric attitudes among subsystem implementers often hamper the law enforcement process, including the implementation of restorative justice as stipulated in Attorney General Regulation Number 15 of 2020 and National Police Regulation Number 8 of 2021. These legal culture factors require structural, substantial, and cultural reconstruction to achieve an integrated system (Deffendini, 2026; Purwanti, 2025).

CONCLUSION

The criminal law regulation of terrorism in Indonesia has developed dynamically since the 2002 Bali Bombings, starting from Law No. 15 of 2003 to the latest revision of Law No. 5 of 2018, which now complements the 2023 Criminal Code through Articles 600-602. These two legal regimes complement each other in an integrative manner, with the Anti-Terrorism Law as a lex specialis that handles prevention, countermeasures, and extraordinary measures, while the Criminal Code normalizes terrorism into a general national criminal framework. The principles of international criminal law such as legality, non-retroactivity, culpability, individual accountability, presumption of innocence, and due process are strongly reflected in national regulations, which align with UN conventions and Security Council resolutions such as UNSCR 1373, to maintain a balance between state security and human rights protection. However, normative disharmony between Law No. 5/2018 and the 2023 Criminal Code, such as overlapping offenses, sanctions, and retributive versus restorative approaches, creates legal uncertainty and dualism in enforcement by the BNPT, Densus 88, and the TNI. The implications are confusion among officials, disparity in decisions, and potential constitutional challenges, which are addressed through the principle of lex specialis derogat legi generali and the Criminal Adjustment Law No. 1 of 2026. Overall, this harmonization strengthens Indonesia's commitment to combating terrorism as an extraordinary crime, with an emphasis on preventive deradicalization, international cooperation, and fair law enforcement based on Pancasila, in order to maintain national peace without sacrificing justice.

DECLARATION OF AI AND AI ASSISTED TECHNOLOGIES IN THE WRITING PROCESS

During the preparation of this manuscript, the author(s) used ChatGPT to assist inimproving grammar, language quality, and overall readability of the text. After using this tool, the author(s) Carefully reviewed and edited the content as necessary and take full responbility for the content of the publication.

AUTHORS' CONSTRIBUTION

Author 1: Conceptualization; Writing - review and editing.
Author 2: Project administration; Validation
Author 3: Formal analysis; Methodology; Writing - original draft.

DECLARATION OF COMPETING INTEREST

The authors declare that they have no known competing financial interests of personal relationships that could have apperead to influence the work reported in this paper.

REFERENCES

Arias, I. F. B. (2025). LEGAL SECURITY AND PUBLIC HEALTH: THE ROLE OF THE PLITHOGENIC IADOV METHOD IN THE FORMULATION OF A PENAL REFORM PROPOSAL IN ECUADOR. *Investigacion Operacional*, *46*(2), 249–258.

Arrastía, D. S. (2025). Military criminal accountability and forensic Psychiatry. *Revista Cubana De Medicina Militar*, *54*(4). https://www.scopus.com/inward/record.uri?partnerID=HzOxMe3b&scp=105022055931&origin=inward

Cevallos, K. H. (2026). Self-Defense and Chronic Domestic Violence in Ecuador: A Comparative Analysis. *Foro Revista De Derecho*, *2026*(45), 149–167. https://doi.org/10.32719/26312484.2026.45.8

Cremades, A. A. D.-B. (2025). Evolution of Fraud in Spanish Law: From Roman 'Dolus' to Modern Codification. *Journal on European History of Law*, *16*(2), 21–25.

Deffendini, S. N. H. de. (2026). Criminal Jurisdictional Immunities of State Officials and Universal Jurisdiction. Their Application to the Case Concerning Venezuela. *Anuario Mexicano De Derecho Internacional*, *26*(26). https://doi.org/10.22201/iij.24487872e.2026.26.19803

Dewi, E. (2025). Corporate Crimes and Penal Reform in Indonesia: Evaluating the Efficacy of the Criminal Code. *Jambe Law Journal*, *8*(1), 287–313. https://doi.org/10.22437/home.v8i1.525

Díaz, G. B. (2025). The substitution of the juvenile criminal sanction in the reform of Law 21,527. Proposal for interpretation regarding the minimum compliance time and progress in the intervention plan. *Politica Criminal*, *20*(39), 1–33. https://doi.org/10.4067/s0718-33992025000100001

Fernandez, A. M. (2025). Critical analysis of street harassment (Article 173.4 of the criminal code): From the scaffold to prison? *Cuadernos De Politica Criminal*, *2025*(146), 33–78. https://doi.org/10.14679/4386

Freiberg, A. (2025). Reflections on 50 years of sentencing reform: The good, the bad and the future. *Alternative Law Journal*, *50*(2), 140–144. https://doi.org/10.1177/1037969X251323921

García, G. S. (2025). The social construction of fear of crime or how mathematics is not always exact. *Revista Republicana*, *2025*(38), 83–108. https://doi.org/10.21017/Rev.Repub.1147

Issa, H. A. (2025). Common belief vs. Science: Scientific fallacies in proving the victim's consent and lies in sexual crimes. *Social Sciences and Humanities Open*, *12*(Query date: 2026-02-25 14:56:40). https://doi.org/10.1016/j.ssaho.2025.102124

Josa, P. F. R. (2025). Implications of the motivational component on the fight against organized crime. *Revista De Pensamiento Estrategico Y Seguridad Cisde*, *10*(1), 27–47. https://doi.org/10.54988/cisde.2025.1.1567

Joseph, B. (2025). Beyond Incarceration; Optimising Probation Use in India through Legislative Reform and International Best Practices. *Asian Journal of Human Services*, *28*(Query date: 2026-02-25 14:56:40), 351–377. https://doi.org/10.14391/ajhs.28.351

Kahlmeter, A. (2025). Justice by privilege? Social inequality in waivers of prosecution among youth. *Journal of Criminal Justice*, *101*(Query date: 2026-02-25 14:56:40). https://doi.org/10.1016/j.jcrimjus.2025.102497

Kéchichian, J. A. (2025). Challenges to Legal Reforms in Saudi Arabia. *Contemporary Review of the Middle East*, *12*(2), 123–140. https://doi.org/10.1177/23477989251326312

Klingele, C. (2026). Assessing the Early Influence of the Model Penal Code's Revised Sentencing Provisions. *Oxford Handbook of Sentencing*, (Query date: 2026-02-25 14:56:40), 373–387. https://doi.org/10.1093/9780197646137.003.0023

Krajewski, K. (2026a). Countries of the former Warsaw Pact. *Suspended Prison Sentences Elusive Punishment in Central and Eastern Europe*, (Query date: 2026-02-25 14:56:40), 41–52. https://doi.org/10.4324/9781003568667-6

Krajewski, K. (2026b). Suspended sentences as an alternative to imprisonment in Poland. *Suspended Prison Sentences Elusive Punishment in Central and Eastern Europe*, (Query date: 2026-02-25 14:56:40), 94–118. https://doi.org/10.4324/9781003568667-9

Kubiciel, M. (2025). Corporate Criminal Liability in Germany. *Pro Jure Revista De Derecho*, *63*(Query date: 2026-02-25 14:56:40), 205–218. https://doi.org/10.4151/s0718-68512024063-1474

Künkler, M. (2025). Reform from Within? Hākemiyat-e Qānun from the Reformist Era to 2022. *Rule of Law in the Islamic Republic of Iran Power Institutions and the Limits of Reform*, (Query date: 2026-02-25 14:56:40), 260–288. https://doi.org/10.1017/9781108630603.009

Lahti, R. (2025). Extended confiscation in Finland. *Extended Confiscation of Illicit Assets and the Criminal Law National and Eu Perspectives*, (Query date: 2026-02-25 14:56:40), 42–51. https://doi.org/10.4324/9781003536321-6

Marques-Banque, M. (2025). ILLEGAL PLASTIC WASTE TRAFFICKING UNDER THE EUROPEAN DIRECTIVE ON ENVIRONMENTAL PROTECTION THROUGH

CRIMINAL LAW. *Actualidad Juridica Ambiental*, *2025*(161), 194–227. https://doi.org/10.56398/ajacieda.00450

Mashdurohatun, A. (2026). Contemporary Reassessment of Punishment in Islamic Sharia and Secular Law: A Comparative Study of Justice and Penal Philosophy. *Milrev Metro Islamic Law Review*, *5*(1), 80–100. https://doi.org/10.32332/milrev.v5i1.11887

Masyhar, A. (2025). Reclaiming the Unwritten: Living Law's Prospects under Indonesia's 2023 Penal Reform. *Jambe Law Journal*, *8*(1), 255–285. https://doi.org/10.22437/home.v8i1.502

Mohanty, P. (2025). Beyond Human Bias: An LLM-Driven Comparative Analysis of the Indian Penal Code (1860) and Bharatiya Nyaya Sanhita (2023). *Statute Law Review*, *46*(1). https://doi.org/10.1093/slr/hmaf014

Munawar, K. A. S. (2025). Reversed Burden of Proof in Online Gambling Fraud: Consumer Protection Based on Islamic Law in West Java. *Jurnal Hukum Bisnis Bonum Commune*, *8*(2), 243–261. https://doi.org/10.30996/jhbbc.v8i2.12886

Ochoa, L. A. (2025). Comparative Study of the Crime of Transnational Bribery in Peruvian and Spanish Criminal Law. *Derecho Pucp*, (95), 79–114. https://doi.org/10.18800/derechopucp.202502.003

Paños, M. Á. C. (2025). The regulation of sexual offences in Germany. A view from criminal law and criminology. *Cuadernos De Politica Criminal*, *2025*(145), 159–202. https://doi.org/10.14679/4240

Purwanti, M. (2025). Criminal Law Reform Through the Classification: Toward a Restorative Sanctions in Indonesian Immigration Law. *Lex Scientia Law Review*, *9*(1), 1429–1458. https://doi.org/10.15294/lslr.v9i1.21929

Rimbault, E. (2025). Killing Two Birds with One Stone: Mandatory Therapy and the Prevention of Sex Crime in France. *Culture Medicine and Psychiatry*, *49*(1), 304–327. https://doi.org/10.1007/s11013-024-09882-4

Rodi, A. U. (2025). The Cassation Appeal in the Preliminary Criminal Investigation: Opening the Instance Following the Chacón Ruling. *Revista Juridica Austral*, *6*(1), 117–163. https://doi.org/10.26422/RJA.2025.0601.uli

Rodríguez, Y. G. (2025). The right to privacy in the digital era: A view from the application of electronic surveillance in the cuban criminal process. *Revista De Direito Estado E Telecomunicacoes*, *17*(2), 281–299. https://doi.org/10.26512/lstr.v17i2.57102

Ruiz, M. T. M. (2025). ELECTROCUTION OF BIRDS ON POWER LINES: FROM ADMINISTRATIVE SANCTIONS TO CRIMINAL LIABILITY. *Actualidad Juridica Ambiental*, *2025*(161), 88–123. https://doi.org/10.56398/ajacieda.00447

Sharma, H. (2025). INVISIBLE VICTIMS: CONSTITUTIONAL AND HUMAN RIGHTS PROTECTIONS FOR MOTHERS IN INDIAN PRISONS. *Msw Management*, *35*(2), 1876–1878. https://doi.org/10.7492/b6x3x680

Simanjuntak, J. E. (2025). Customary Law and Multiple Legal Systems in Criminal Justice: Indonesia's Penal Reform Experience. *Architecture Image Studies*, *6*(3), 1864–1880. https://doi.org/10.62754/ais.v6i3.528

Sivri, G. (2025). The birth of Ottoman penal biopolitics: Motherhood, pregnancy and child-protection in the criminal justice system (1850–1918). *Middle Eastern Studies*, *61*(2), 203–220. https://doi.org/10.1080/00263206.2024.2390630

Su, D. (2025). China's Legal Protection System for Pangolins: Past, Present, and Future. *Animals*, *15*(16). https://doi.org/10.3390/ani15162422

Surbakti, F. A. (2025). Regulation of criminal sanctions against corporations in administrative penal law in the context of criminal law reform. *Edelweiss Applied Science and Technology*, *9*(3), 2236–2248. https://doi.org/10.55214/25768484.v9i3.5779

Tatikov, R. (2025). Relevant problems of humanisation of the execution of liberty deprivation under the legislation of Kazakhstan: An international comparative analysis. *Social and Legal Studios*, *8*(1), 20–32. https://doi.org/10.32518/sals1.2025.20

Usman, M. I. (2025). Adultery Offenses in Indonesia's New Penal Code: Examining the Influence of Islamic and Customary Law. *Juris Jurnal Ilmiah Syariah*, *24*(1), 73–84. https://doi.org/10.31958/juris.v24i1.13208

Widjajanto, A. (2025). Decolonising restorative justice in Indonesia: A comparative study across Customary Law traditions. *Legality Jurnal Ilmiah Hukum*, *33*(2), 470–492. https://doi.org/10.22219/ljih.v33i2.40481

Wirts, A. M. (2025). Mixed Messages: How Criminal Law Fails to Express Feminist Values. *Criminal Law and Philosophy*, *19*(2), 241–261. https://doi.org/10.1007/s11572-024-09745-4