

Digital Counter Terrorism: Legal Policy for Countering the Spread of Terrorist Content on Social Media

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Abstract. The increasing development of terrorist acts has led to a new form of terrorism, namely the spread of terrorist ideas and movements on social media, known as cyber terrorism. This study employs normative legal research with a conceptual and statutory approach. The findings confirm that the main issue related to the rise of cyber terrorism is the widespread dissemination of terrorist ideas and movements on social media, influencing the younger generation. One weakness in Indonesian legislation is the lack of comprehensive legal policy for preventive efforts to control the spread of terrorist content on social media. Digital counter-terrorism as a preventive strategy aims to minimize the spread of terrorist ideas and movements on social media through effective legal policies and community involvement, particularly of millennials.

Keywords: Cyber terrorism, digital, and legal policy

1 Introduction

Terrorism fundamentally constitutes acts of crime that are hostile to humanity as a whole or become enemies to the people worldwide. This is because terrorism generally justifies acts of violence, even allowing for massive killings.[1] Terrorism, too, evolves along with the progress of time in its practice. This means that terrorism is not only direct or conventional but can be carried out in line with the progress of the times, such as in the era of digitization, where terrorism begins to target digital spaces. Terrorism that occurs in digital spaces is essentially a "new style terrorism" that makes the practice of terrorism carried out massively on social media.

The practice of terrorism in the digital space begins with content containing invitations to commit terrorism based on various motives such as religious, ethnic, and other identities. The practice of terrorism in the digital space is also carried out through threats and psywar towards certain parties, indicating that terrorist activities will be conducted on specific days, times, and by certain parties. The practice of terrorism in the digital space in Indonesia refers to data from the National Counterterrorism Agency (BNPT) that by the end of 2023, there were 2,670 findings of digital content containing IRET (Intolerance, Radicalism, Extremism, Terrorism). From the 2,670 digital content of radicalism and terrorism found, a total of 1,922 content have been proposed for deletion or take down.[2] Most of the digital content related to IRET is

found on social media platforms such as Facebook and Instagram. The potential for exposure to radicalism is also higher among women, the younger generation, particularly Gen-Z, and those who are active on the internet.

The data above essentially indicates a tendency regarding terrorism activities attempting to enter the digital realm, hence prevention and counterterrorism efforts must be specific and not like conventional counterterrorism efforts that are oriented towards repressive actions such as optimizing the functions of the Indonesian National Police's Special Detachment 88 Anti-Terrorism or Densus 88 AT Polri. This study specifically aims to formulate legal policies for countering the spread of terrorism content on social media.

This study is a normative legal research with a focus on legal policy analysis, which involves analyzing legislation in relation to legal concepts, principles, and theories. The primary legal basis in this study is the General Law on Law Number 15 of 2003 concerning the Determination of Government Regulation Replacement Law Number 1 of 2002 concerning the Eradication of Terrorism into Law, Law Number 5 of 2018 concerning Amendments to Law Number 15 of 2003 concerning the Determination of Government Regulation Replacement Law Number 1 of 2002 concerning the Eradication of Terrorism into Law, Law Number 9 of 2013 concerning Prevention and Eradication of Terrorism Financing. Secondary legal materials include journal articles, books, and other research results focusing on terrorism and digital spaces. Non-legal materials include language dictionaries. The approach used is conceptual and legislative.

2 Result and Discussion

2.1 Characteristics of Terrorism in the Digital Space

In principle, acts of terrorism can occur anytime, anywhere, and affect anyone indiscriminately. The damage caused by acts of terrorism is immense. The prevalence of terrorist acts resulting in numerous casualties has proven that terrorism is a crime against humanity. Terrorism has demonstrated its reality as a tragedy against human rights. The physical impact caused by terrorism often affects not only those targeted but also victims who are unaware and uninvolved with the terrorists' objectives. Due to the familiarity of these terrorist acts being used as one of humanity's options, terrorism eventually shifts on its own. Terrorism is also generally recognized as an extraordinary crime and referred to as a crime of barbarity in the era of civilization because it sacrifices innocent human beings.

Generally, terrorism is perceived as the perspective of a group of people who happen to have different ideologies, strongly believing that their ideology is the right one, while any ideology outside of theirs is considered wrong and damaging to humanity, thus must be fought against.[3] Andrew Sinclair views terrorism as an activity that is likely a characteristic of modern civilization. Various studies on modern terrorism historically began in the 18th century when ordinary people were no longer seen as state property but as individuals who lived and became resources protected by the state. Subsequent developments are related to the ideas of liberal democracy that emerged after the revolutions in America (1775-1783) and France (1789-1795). Ironically, the term terrorism was first used when terror was perpetrated by states such as the French government post-revolution, which annihilated nobles and their relatives.[4] The ambiguous understanding of terrorism can only be clarified by tracing it through the history of terrorism. Based on its history, terrorism essentially constitutes criminal

acts characterized by a narrow view that truth lies only within oneself and one's group, while others are always wrong and subject to violence or even murder. Terrorism, in this sense, is a form of coercion that subsequently leads to violence and murder.

The term terrorism generally carries negative connotations, similar to terms like genocide or tyranny. This term is prone to politicization. The ambiguity of the definition opens up opportunities for abuse. However, defining it also involves political decisions. Terror is a phenomenon with a long history. Intimidation, threats, shocking violence, or killing with the intent to spread fear are tactics that have been ingrained in power struggles long before they were labeled as terror or terrorism. Acts of terror can be carried out by states, individuals, or groups of individuals, and organizations. Perpetrators are usually part of an organization with political or religious aspirations, carried out by an individual or a group of people.[5]

The level of activity or passivity of terrorism that surfaces depends on the conducive or non-conducive nature of the societal environment it inhabits. Fundamentalism, such as that found in extremist movements like the Khawarij claiming to follow Wahhabi ideology, constitutes the most conducive environment for terrorism.[6] The movement has begun to infiltrate the minds of Indonesian Muslims. In practice, terrorism in Indonesia is directed towards a consensus that states the root cause of terrorism in Indonesia is radical Islamic ideology, accompanied by conditions of deprivation such as poverty and low levels of education (although academically there is no empirical evidence that poverty correlates with terrorism and that ideology is said to be only an intermediate cause and not the root cause). This view subsequently underlies the government's formulation of counterterrorism policies, both counterterrorism focusing on disrupting terrorist networks and counterterrorism, which until now still relies on ideas about deradicalization and counter-radicalization (winning hearts and minds).[7] The multi-factor causes of terrorism certainly cannot be addressed solely through legal measures, without non-legal approaches such as deradicalization. However, generally, terrorism cannot be narrowly understood as associated only with Muslims or a particular religion. In principle, terrorism occurs because of perspectives that later influence attitudes. This indicates that terrorism does not discriminate based on religion, ethnicity, or specific groups. All religions, ethnicities, or specific groups have the potential to commit terrorism as long as they have narrow views and adopt violent domination and efforts to kill or eliminate others. This also emphasizes that terrorism cannot be equated with a specific religion, ethnicity, or group alone.

There are two arguments regarding the root causes of the emergence of terrorist movements. The first argument (considered the old argument dominant until the events of 9/11) is based on the explanation that poverty, injustice, and social inequality are fundamental issues that cause powerlessness and drive groups feeling aggrieved to resist, and in this resistance process, religious elements are often used as weapons to fuel the resistance movement.[8] The second argument, although seemingly less popular, instead argues that it is the interpretation of the elements of religion that drives certain groups to carry out terrorist movements.

Theoretically, there are two causes of terrorism actions, which include internal factors and external factors of the perpetrator. Internal factors are more related to the personality and exclusive personal perspectives that tend to blame others and consider oneself and one's group as the most righteous. External factors related to terrorism can occur due to the influence of society and certain conditions that trigger terrorism such as disparities, poverty, and clear and evident injustices. Therefore, the government must be able to unravel the complexity of terrorism with all means, infrastructure, and professional human resources in the field. Efforts

to Prevent and Eradicate Terrorism Crimes Terrorism according to the General Explanation of Law Number 15 of 2003 concerning the Stipulation of Government Regulation in Lieu of Law Number 1 of 2002 concerning the Eradication of Terrorism Became Law is a transnational, organized crime, and even an international crime that has a wide network, threatening national and international peace and security. These provisions are reaffirmed in the General Explanation of Law Number 5 of 2018 concerning Amendments to Law Number 15 of 2003 concerning the Stipulation of Government Regulation in Lieu of Law Number 1 of 2002 concerning the Eradication of Terrorism Became Law, which states that terrorism is a serious crime committed intentionally, systematically, and planned with violence or the threat of violence, causing widespread terror or fear with targets including state apparatus, civilians randomly or not selectively, as well as vital strategic objects, the environment, and public or international facilities and tend to grow into symmetric dangers that threaten national security and sovereignty, territorial integrity, peace, prosperity, and human security, both national, regional, and international.[9]

Based on Consideration Letter a of the Regulation of the Chief of the Indonesian National Police Number 23 of 2011 concerning the Procedure for Handling Suspects of Terrorism Crimes, it is stated that terrorism crimes are extraordinary crimes and the most serious threat in social, national, and state life that has disturbed public security and order, thus the prevention and eradication of terrorism crimes need to be planned and continuous to maintain a safe, peaceful, and prosperous life.[10] Furthermore, based on the General Explanation of Law Number 6 of 2006 concerning the Ratification of the International Convention for The Suppression of The Financing of Terrorism, 1999 (International Convention on the Suppression of the Financing of Terrorism, 1999), it is stated that in order to prevent, combat, and eradicate terrorism crimes, the Government of the Republic of Indonesia has enacted Law Number 15 of 2003 concerning the Stipulation of Government Regulation in Lieu of Law Number 1 of 2002 concerning the Eradication of Terrorism Became Law and Law Number 15 of 2002 concerning Money Laundering Crimes as amended by Law Number 25 of 2003 concerning Amendments to Law Number 15 of 2002 concerning Money Laundering Crimes and in connection with active foreign policy.[11]

The eradication of terrorism crimes based on Article 2 of Government Regulation in Lieu of Law Number 1 of 2002 concerning the Eradication of Terrorism Became Law is a policy and strategic measures to strengthen social order, and community safety while upholding the law and human rights, non-discriminatory, based on ethnicity, religion, race, or intergroup. Furthermore, based on Article 43 of Government Regulation in Lieu of Law Number 1 of 2002 concerning the Eradication of Terrorism Became Law, it is emphasized that in order to prevent and eradicate terrorism crimes, the Government of the Republic of Indonesia carries out international cooperation with other countries in the field of intelligence, police, and other technical cooperation related to actions against terrorism in accordance with applicable regulations.[12] The eradication of terrorism crimes in Indonesia based on the General Explanation of Government Regulation in Lieu of Law Number 1 of 2002 concerning the Eradication of Terrorism Became Law is a proactive and anticipatory policy and measures based on caution and long-term perspective. This is based on several aspects, namely: : First, Indonesian society is a multi-ethnic society with diverse populations inhabiting hundreds of thousands of islands, some of which are located adjacent to other countries. Second, with the characteristics of Indonesian society, all components of the Indonesian nation are obliged to maintain and enhance vigilance against all forms of international terrorist activities. Third, conflicts that occur greatly harm the nation's life and statehood and represent a setback for

civilization, providing fertile ground for the development of international terrorist activities, whether carried out by Indonesian citizens or foreigners.[13]

The eradication of terrorism with the above three objectives, based on the General Explanation of Government Regulation in Lieu of Law Number 1 of 2002 concerning the Eradication of Terrorism, demonstrates that Indonesia is a nation that upholds human civilization and harbors aspirations for peace and prosperity. It also shows a strong commitment to maintaining the territorial integrity of the Unitary State of the Republic of Indonesia, which is sovereign amidst the ebb and flow of global peace and security.[14] The financing element, based on the Consideration Letter b of Law Number 9 of 2013 concerning the Prevention and Eradication of Terrorism Financing, is one of the main factors in every terrorist act. Therefore, efforts to combat terrorism must be accompanied by efforts to prevent and eradicate terrorism financing. Furthermore, according to Article 21 of Law Number 9 of 2013 concerning the Prevention and Eradication of Terrorism Financing, it is affirmed that efforts to prevent terrorism financing crimes are carried out through : (i) The application of the principle of recognizing Financial Service Users; (ii) reporting and monitoring compliance with Financial Service User (FSU) obligations; (iii) supervision of money transfer activities through transfer systems or other systems; and (iv) supervision of the carriage of cash and/or other payment instruments into or out of the Indonesian customs area.[15] Therefore, based on Article 41 of Law Number 9 of 2013 concerning Prevention and Eradication of Terrorism Financing Crimes, it is emphasized that in preventing and eradicating terrorism financing crimes, law enforcement agencies, PPATK, and other institutions related to the prevention and eradication of terrorism financing crimes can collaborate, both nationally and internationally. Combating terrorism in Indonesia, based on the General Explanation of Government Regulation in Lieu of Law Number 1 of 2002 concerning the Eradication of Terrorism Crimes, is not merely a legal and law enforcement issue but also a social, cultural, and economic issue closely related to national resilience issues. Therefore, the policies and steps for prevention and eradication are aimed at maintaining a balance in the obligation to protect national sovereignty, the human rights of victims and witnesses, as well as the human rights of suspects/defendants.[16]

Furthermore, terrorism activities are increasingly carried out through digital media, especially social media. Terrorism actions conducted through digital media, especially social media, are essentially a transformation, redirecting terrorism into digital spaces. Terrorism practices carried out through digital media, especially social media in Indonesia, can be understood because according to data from We Are Social, there were 139 million active social media users in Indonesia as of January 2024. According to the latest report from We Are Social, WhatsApp has become the most widely used social media application in Indonesia as of January 2024. Among all internet users in Indonesia aged 16–64 years old, the majority, or 90.9%, are recorded to use the application. Instagram ranks second with a user proportion of 85.3%, followed by Facebook at 81.6%, and TikTok at 73.5%. Then, there are 61.3% who use Telegram, and X (formerly Twitter) at 57.5%. With the increasing number of social media users, it is natural that terrorism has transformed from conventional actions to being digitally oriented. This subsequently makes digital terrorism, although equally threatening and violence-oriented, possess its own characteristics.[9]

The characteristics of terrorism in the digital realm are inherently provocative, involve the dissemination of hoaxes, and are oriented towards hate speech against certain groups. In terms of being provocative, the dissemination of terrorist activities in the digital space is based on social media algorithms, following trends or developments on social media and then

infiltrating them with terrorist content. Terrorism in the digital space also commonly utilizes hoax information, making it easy to influence others. Terrorism in the digital space is also oriented towards hate speech against certain groups, aiming to incite one party to repeatedly hate another.

3.2 The Policy of Legal Measures to Counter the Spread of Terrorism Content on Digital Social Media Platforms

The increasingly massive development of terrorism, especially with the utilization of social media, actually requires special legal efforts and policies to address terrorism digitally. In general, efforts to address terrorism can be done in various ways, including : First, prevention is implemented through early detection and denial. Second, prevention is carried out to eliminate the growth of ideological and terrorist activities. Third, prevention is done to protect the population and safeguard the nation's assets. Fourth, prevention can be carried out by Ministries and Non-Ministerial Government Institutions, Government Apparatus, and the Community. Fifth, enforcement against individuals, groups, and organizations involved in planning, mobilizing, assisting, and participating in terrorist actions. Enforcement can be done by isolating, localizing, and eliminating networks, supporters, and perpetrators of terrorism while considering humane treatment. Sixth, counterterrorism enforcement may involve anti-terror units (TNI and POLRI) and relevant stakeholders. Seventh, recovery is carried out through rehabilitation and reconstruction to restore the situation to its original state from the consequences of terrorist acts. This recovery is an action and effort to restore the function and norms of life post-terrorism to provide a sense of security to the community. Recovery includes the physical and psychological recovery of victims as well as infrastructure improvement.[11]

Referring to the seven common counter-terrorism efforts carried out in various countries, especially in Indonesia, it can be argued that these efforts have not adequately accommodated specific steps and strategies related to counter-terrorism in the digital world. Digital terrorism inherently possesses specific characteristics, namely being provocative, spreading hoaxes, and being oriented towards hate speech against particular groups. The lack of specific regulations concerning digitalization-based terrorism prevention still results in conventional methods being used for preventing terrorism through digitalization, thus not addressing efforts to counter digitalization-based terrorism. However, efforts to counter digitalization-based terrorism are important as part of counter-terrorism measures.

Counter-terrorism theoretically consists of two parts: pre-crime counter-terrorism and post-crime counter-terrorism. Pre-crime counter terrorism refers to preventive actions taken before any act of terrorism occurs. Its categorization is broad, encompassing all types of actions aimed at prevention before any act of terrorism takes place. Unlike pre-crime counterterrorism, post-crime counterterrorism is carried out during and after acts of terrorism, typically conducted by law enforcement agencies.[17] Efforts to combat digital-based terrorism need to be undertaken as part of preventive pre-crime counter-terrorism measures and can be carried out by emphasizing community participation. Digital counter-terrorism efforts can actually be carried out with the crucial role of the National Counterterrorism Agency (BNPT) in educating and training young generations who are active on social media to become pre-crime counter-terrorism cadres, namely by countering narratives against various negative narratives on social media.[18] Digital counter-terrorism efforts with the

important role of the BNPT to facilitate active youth on social media will be optimal if legal products related to digital counter-terrorism are first issued as part of community participation-based pre-crime counter-terrorism efforts.

3 Conclusion

The characteristics of terrorism crimes in the digital space are inherently provocative, involving the spread of hoaxes, and oriented towards hate speech against specific groups. In terms of provocation, the spread of terrorism crimes in the digital space is carried out based on social media algorithms by following trends or developments on social media, which are then infiltrated by terrorist content. Terrorism crimes in the digital space also commonly utilize hoax information, making it easy to influence others. Additionally, terrorism crimes in the digital space are oriented towards hate speech against specific groups, aiming to incite one party to hate another repeatedly.

Legal policies to combat the spread of terrorism content on digital social media platforms can be implemented through digital counter-terrorism measures, starting with the issuance of relevant legal products related to digital counter-terrorism as a pre-crime counter-terrorism effort based on community participation. The regulations focus on the substantive role of BNPT (National Counter-Terrorism Agency) in educating and training young people active on social media to become pre-crime counter-terrorism cadres, who engage in counter-narratives against various negative narratives on social media.

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