Crime Organized Transnational: Characteristics Terrorism and Threats Terrorism via Social Media

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Abstract: Advances in information technology are changing the propaganda patterns of terrorist groups from conventional methods to more modern methods by using cyberspace as a new means of carrying out acts of terrorism or often called cyberterrorism. Using normative legal research with a qualitative research approach, the author conducted research with the aim of discussing in more depth the reasons why terrorism is included in transnational crime and the characteristics of terrorism in cyberspace. literature study method with a legal approach and other secondary legal materials in order to obtain satisfactory results. The results of this research show that transnational organized crime includes many things, one of which is terrorism. The crime of terrorism in its most typical form is a combination of crime and the need to have work appropriate to the main crime or specific goals for terrorism itself. This is what causes the crime of terrorism to be included in transnational crimes because it can cover both national and international scope. Apart from that, there are at least 5 characteristics contained in this research which show that this crime is part of cyber crime and terrorism is also part of international crime.

Keyword: information and communication technology, terrorism, cyber terrorism

INTRODUCTION

Era of globalization changes all aspect life humans, especially in field technology information and communication (ICT). the widely known and undisclosed network of websites and the internet. limited develop along with development current globalization. Where is the development This take a very essential role in life human and can develop as weapon persuasi mass and can change method view think man moment this. change This give impact positive and negative for man as the user. (Kadir et al., 2019)

In addition to providing impact positive and negative, revolution this has also been increase connection between individual in a way wide and free, accuracy distribution such information fast and massive.

In development technology information and communication (ICT), cyber space (virtual world) is seen as receptacle second besides House For conquer life. The virtual world is considered as reality new in matter life human. (Maskun , 2013)

Indonesia can it is said as one of the countries experiencing development technology information very rapidly, in matter access one of the Network social via the internet. The number of user Network social via the internet in Indonesia due to the increasing complete and sophisticated development as well as facility internet access provided by the manufacturers.

Change behavior in demand humans who were originally nature conventional towards interaction social through the virtual world is influenced by many factors, things This No let go from easy access gained with access Network social via the internet. Such behavior home the more mushrooming in cyberspace is used as place For do interaction social without need do look at face. and convenience access information in a way wide and free causing cyberspace to be considered place the occurrence exchange information or message in the world of technology moment This.

Exposure information the make cyberspace as tool renewable valuable strategic for various purpose. Every individual can become subject at a time object in distribution intense information and communication . Decentralized decisions . is in the hands of each individual, so whoever can approach individual and build connection near with they own very good opportunity For think and act in accordance with condition economy, politics, ideology, etc. There are also options For prevent the spread of radicalism that he carries. (Yustia , 2010)

Virtual world and the internet are here with give convenience and benefits provided for public as its users, in matter convenience the among others can finish related issues with activity human, start from level simple difficulty to the complex. This is aiming for reach efficiency and effectiveness in all over activity settlement problems faced society. (Yustia, 2010)

The development of the Internet in Indonesia is really Not yet Once happened. In the last few decades, the Internet was known by a group of minority society that is fan computer. However in development globalization moment This amount This Keep going has grown very significantly, even though part big Internet users in Indonesia only For entertainment and experimentation solely.

With rapid development communication via the internet, various crimes were also committed via the internet. Can't denied that sophisticated and fast internet use has make crime become more complex and actors crime difficult identified. Because the Internet is a medium that is not visible (virtual) eyes, criminals can with easy cover footsteps they without identified with clear. In addition to the benefits associated with development technology industry processing information, lately This appears problem that a number of party can abuse network computers used by other parties for cause conflict interests. This is called crime computer. In other words, crime This called cybercrime. (Yustia, 2010)

In a world that is not limited this, change activity public has directed to change very big social so that Can it is said shrinking the world. Via your internet can direct see various events, pictures and news, incl crimes around the world, some of them in real time.

One of Topic cyber crime is cyber terrorism, where cyber terrorism is action terrorists who use the Internet and other forms of technology information and communication other for threaten or harm body with objective to obtain strength political or ideology through threat or intimidation. Some network terrorist get benefit No direct from development Internet technology, which can covers Lots aspect like propaganda, recruitment and networking purposes. (Kadir et al., 2019)

Indonesia has get attention international on his struggle and resistance to terrorism since bombings in Indonesia in 2002, in which two occurred explosions at the Sari Club and

Paddy's Bar, and one again outside US Consulate in Bali. Explosion the kill at least 202 people, 88 of whom is Australian. (Istiqomah et al., 2023)

Respond attack said , Indonesia took action fast For handle crime terrorists , who at the time That Not yet own applicable laws and regulations become runway law Indonesia's main in handle crime terrorists. This is interesting international attention Because action fast Indonesia in eradicate terrorism, replacing Constitution in 2002 with Regulation Government No. 1, which then approved become Constitution Action Criminal Terrorism No. 15 in 2003.

However in its implementation, provisions the No can push all type crime in case action terrorist in a way overall, because Constitution only push action criminal terrorists used For do action terrorist like bombing, shooting, and shooting behavior. violence other.

Development aspects of the internet provide make it easy groups terrorist in matter communicate, organize his organization, exchanging information, planning attack and recruit network. However development This the more rampant used For to launch action terror. Initially, the act the No Can convicted with implementation Constitution Number 15 of 2003. So that in 2018, Indonesia officially change Constitution previously. According to Constitution Number 5 of 2018.

Crime terrorism has set up in a way systematic in change Constitution Terrorism mentioned. Where the law This is the provisions deemed can used as step prevention and control crime terrorism start from before action terrorism the done.

In accordance with The provisions of Article 12A are explained that:

"everyone who with Meaning do act criminal terrorism in the territory of the Republic of Indonesia or in other countries, planning, mobilizing or organize act criminal terrorism with people who are at home and / or abroad or in foreign countries convicted imprisonment of at least 3 (three) years and a maximum of 12 (twelve) years. (Government of the Republic of Indonesia, 2018)

also explained in provision general in Constitution Terrorism that act criminal terrorism in essence nature transnational and organized Because own unique characteristics clandestine that is secret, stealth or underground movement land, across countries supported by the utilization of modern technology in the field communication. Informatics, transportation and modern weaponry so that need Work same at international level For overcome it. (Government of the Republic of Indonesia, 2018)

Crime organized transnational or often known with The term TOC is considered become non-traditional threats in studies relationships between countries. (Sulistyo, 2022)

Reported through the United Nations Office on Drugs and Crime (UNODC) in In his survey, 7% of UNODC member countries agreed that cyber terrorism is crimes that have impact serious bad when impact on a country. Thus information obtained in "Cyber Crime" Terrorist from Perspective Crime Organized International" by Okti Putri Andini. Where she stated , between 1996 to 2019, at least there are 17 events in the world that represent type terrorism cyber with different methods and objectives. (Andini, 2021)

Therefore that, TOC crime is a global problem that continues grow and have impact worldwide. The rapid improvement TOC crimes are caused by one factor main that is globalization and the ICT revolution as it has been writer explain previously.

With Thus, one of the challenge main to front is every country must capable in a way Keep going continuously adapt with development cyber terrorism crime as TOC crime.

In spreading radicalism terrorists, they moment This using known media with the theory of silence and trust general that public follow opinions that emerge and groups minority through another voice. remain silent. explore phenomenon its vastness reporting terrorist use perspective theoretical said. While news various media often broadcast news crime terror, other media that are indeed want to cover things besides terrorism must think twice about report it Because attention public more prioritize to news terror.

Terrorism requires the virtual world to get legitimacy public so that their actions sourced from orientation ideology and politics, without include reason personal. In fact, many case crime terrorism, perpetrators attack kill self is a victim of launching state action operation strength military oppose terrorism, or member group certain that are not agree with ideology as well as policy government enforced. However, the group This more put forward activity they featured in the media with nuance politics and ideology. So, seeing fact said, the government need effort more for prevent distribution ideology radicalism spread by terrorists. (Mitchell, 2016).

Reported through research one of observer crime terror of Solahudin University of Indonesia, ISIS has have at least 60 (six) tens) channels social Network Telegram social media that broadcasts at least 80-180 messages radicalism every the day. Imagine how the danger generation young Indonesia if follow messages radicalism Therefore. that, decision government boycotting Instagram is considered must balanced with mass religious literacy. According to O'Leary, cyberspace and the internet have become room revolutionary For increase understanding of religion and the process of its spread. Therefore that, it is necessary push literacy through social media and religious websites moderate on the internet to prevent distribution deliberate radicalism infiltrated by terrorists online through social media. (Putri, 2019).

Based on description the importance done study related act criminal terrorism as crime organized transnational: Characteristics Terrorism and Threats Terrorism via Social Media.

METHOD

The research conducted is normative legal research with a qualitative approach in searching for legal materials with a literature study with secondary materials such as laws, books, articles, journals, and other legal materials in examining all existing legal materials related to the crime of terrorism as a transnational crime.

RESULTS AND DISCUSSION

Terrorism as a Transnational Crime

Transnational organized crime includes human trafficking, migrant smuggling and illegal arms trafficking, as well as corruption. Some of these are also covered by customary international law or constitute international crimes if committed in certain circumstances (e.g., as crimes against humanity). These crimes include those listed as "treaty crimes" in the draft Statute of the International Criminal Court ILC, but were not included in the Rome Statute during negotiations. (Nations, 2000)

Certain international crimes may in the future be treated as international crimes under the jurisdiction of an international court, if states believe that the values they are at odds with are important enough to the international community that international prosecution is an effective way to deal with them. Of course, the same is true of terrorism and the International Criminal Court. (Robert Cryer, Hakan Friman, Darryl Robinson, 2018)

The legal classification of terrorism raises some difficulties. The problem of defining terrorism is not unique to lawyers: "one person's radical (terrorist) group is another person's freedom fighter" is a problem that everyone who considers the concept has. But lawyers must also consider whether the legal category of terrorism is useful or necessary in law. However, terrorism can only be considered as a serious "ordinary" crime with a specific purpose. Some countries, including the UK, do not include specific "terrorist offences" in their domestic law and use ordinary criminal law to prosecute serious crimes of terrorist violence. Others argue that the classification of terrorism is dangerous because it can encourage countermeasures that ignore human rights. (Robert Cryer, Hakan Friman, Darryl Robinson, 2018)

The next difficulty is whether terrorism can be adequately and appropriately dealt with only by criminal means, or whether the use of armed force against terrorists is necessary and

justified. The United States and Britain regard the September 2001 bombings and terror attacks on the United States as an "armed attack" (under Article 51 of the UN Charter) justifying the use of military force in self-defense against Ali ibn Abi Talib. -Qaeda and the Taliban in Afghanistan. (*Letters from the President of the Security Council Concerning Working*, 2023) Forcing the Taliban to hand over those responsible for the attacks has not been successful, and law enforcement appears to be lacking. In terms of the Bush administration's war on terror, the use of armed force has included the detention of large numbers of people for medical treatment, widely seen as a violation of international humanitarian law and human rights standards. (Proulx, 2007) However, some responses to terrorism have led one commentator to conclude that "perhaps the central paradox of the war on terror emerged from the horrific lawlessness of September 11, 2001."

The current fight against terrorism is multifaceted (Grant, 2004) and includes UN initiatives, including economic sanctions. However, the main paradigm that terrorism must overcome remains criminal law, and acts of terrorism are crimes in one form or another. Both national and international systems are still struggling to classify and define who is and who is not a terrorist for legitimate criminal purposes. And includes measures imposed by the UN including financial sanctions.

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Terrorist acts can currently be prosecuted in international courts only if they amount to war crimes or crimes against humanity.

The elements of the crime of international terrorism at the national and international levels in the Terrorism Treaty explain that there are several ways, including:

1)   Random acts that usually constitute a crime.
2)   The purpose and/or intent of coercion carried out by a country or international organization is to cause public concern.
3)   Act Reus has a background in terrorism crimes.

There are sometimes additional requirements that are politically or ideologically motivated and, in the case of international terrorism, international in nature to the underlying activity (the impact of which is not confined to a single state). While there is specific dispute regarding terrorist actors as to whether the freedom of fighters and state agents is exempt, the practice is generally different.

The factor that distinguishes terrorism from other crimes is the purpose of the act taken. Like genocide, terrorism in its most typical form is a combination of crimes and the need to have a job that fits the main crime or specific purpose for terrorism itself (which differs from the common practice of distinguishing between intent and purpose) of criminal law. Often these terms are often used interchangeably. (Robert Cryer, Hakan Friman, Darryl Robinson, 2018)

There are two types of victims of terrorism: victims of the underlying crime and "real" victims, those who are the targets of terror. Spreading terrorism seems to be the most obvious goal, but this goal is broad and difficult to prove.

Some instruments are broader in scope. The EU Framework Decision covers "purposes" to "seriously weaken or destroy the basic political, constitutional, economic or social structure of a state or an international organisation" (meaning, for example, that anti-WCO protests would constitute terrorism if they caused such harm).

The OAU Convention includes the intention to "cause a general insurrection in any country". The purpose must be separated from the motive. Motive cannot justify a terrorist act, and once the purpose or intent is known, the crime need not be further limited by requiring that the act must have a political, religious or other motive.

This is what causes acts of terrorism to be considered as transnational crimes (national and international), in the sense that terrorism is categorized as a crime against humanity or war crime.

The use of organized terror is considered a war crime and a crime against humanity. When acts of terrorism are prohibited by international humanitarian law and are considered war crimes. Article 51(2) of the Additional Protocol to the Geneva Conventions for the Protection of Victims of International Armed Conflicts (Protocol I) of 12 August 1949 provides that:

"The civilian population, as well as individual civilians, must not be the target of attack. Acts or threats of violence whose primary purpose is to spread terror among the civilian population are prohibited."

In addition, Indonesian law, namely Law Number 5 of 2018, also explains that acts of terrorism are transnational criminal acts as explained in the following general provisions:

"The crime of terrorism is basically transnational and organized."

Characteristics of Terrorism in Cyberspace

Barry Collin first mentioned the concept of cyber terrorism in the 1980s. Collin argued that the convergence of these two worlds, the virtual world and the physical world, is the cause of cyber terrorism. The virtual world is an abstract world, and the physical world is where we live. The increasing convergence of physical space and cyberspace is becoming more complex and giving rise to cyber terrorism. (Kadir et al., 2019)

Professor Dorothy Denning defines cyber terrorism as: (Sulistyo, 2022)

" The convergence of terrorism and cyberspace. This can be generally understood as unlawful attacks and threats of attacks on computers, networks and the information stored therein when carried out to intimidate or coerce governments or their citizens in order to achieve political or social goals.

In addition, in relation to the requirements for fulfilling the elements referred to as cyber terrorism , the attack must involve violence against people or property, or at least cause casualties so large as to cause fear. Examples include crimes resulting in death or personal injury, explosions, aircraft espionage, water pollution, or some crimes that cause significant financial loss. A large-scale attack on critical infrastructure may be considered cyber terrorism, depending on its impact.

Council Book of Europe Cyber-terrorism : The Use of the Internet for Terrorist Purposes (Terrorism and Law) defines that cyber -terrorism is any activity carried out by terrorist cells or individuals via the Internet. In addition, the United Nations Office on Drugs and Crime classifies 6 (six) ways of using the Internet for terrorist activities: dissemination of propaganda (indoctrination, radicalization and revolution), financing, implementation, planning (use of covert communications and open source information) and execution of cyber attacks . (Kadir et al., 2019)

So far the international community has not decided on a clear and universally applicable definition of terrorism. However, the US State Department defines terrorism as: planned and politically motivated aggression carried out by subordinates or secret agents against non-belligerent objectives. (Dimitar Kostadinov, 2012)

Barry Collin coined "cyber terrorism" in the 1980s. The fact that terrorism carried out by kinetic force is not covered by international doctrine undoubtedly complicates the precise definition of the subcategory. cyberterrorism . On the other hand, defining cyberterrorism is difficult because it is abstract, so it certainly affects the understanding of certain events in cyberspace. (Dimitar Kostadinov, 2012)

According to NATO (2008), cyber terrorism is "a cyber attack that uses or exploits computer or communication networks to cause sufficient damage to instill fear or intimidate a population to achieve ideological goals". (Dimitar Kostadinov, 2012)

Another definition of cyber terrorism is given by the US National Infrastructure Protection Center, which is part of the Department of Homeland Security: "criminal acts carried out via computers that result in violence, death, and/or damage, and create terror to force a government to change its policies." (Wilson, 2003)

Cyberterrorism or terrorism in cyberspace usually refers to the use of cyberspace in terrorist activities. On the other hand, terrorism crimes utilize internet access to carry out illegal activities and intimidate governments to achieve their goals. Thus, terrorism and internet use are closely related. Terrorist groups and individual terrorists use the internet as a platform to spread messages of hatred and violence. On terrorist group sites, terrorists use encrypted emails to plan activities that include political and social goals.

International cyberterrorism crimes are referred to in Article 3 of the UN Convention against Transnational Organized Crime when the terrorist attack is carried out across more than one state; is carried out in one state but is an essential part of the preparation, planning, management or control of another state; is carried out in one state but involves an organized criminal group carrying out criminal activities in more than one state; or is carried out in one state but has a significant impact on other states. (*United Nations Officee on Drugs and Crime* , nd)

Based on this description, it can be seen that the elements contained in cyber terrorism include several characteristics, namely:
1) This crime uses technological media, specifically computer systems.
2) Main actions of Cyber objectives Terrorism itself is carrying out acts of terrorism. The perpetrators are terrorists, a group or organization.
3) A form of crime in the form of threats or destruction of computer systems that causes large-scale damage.
4) The impact of these crimes can be in the form of physical attacks in the form of injuring or oppressing (causing fear) the community or government of a country.
5) This crime can be committed anywhere, between different countries.

The elements of cyber terrorism above show that this crime is part of cyber crime and terrorism is also part of international crime. This is shown by the conformity of the elements of *cyberterrorism* with the characteristics of international crimes contained in Article 3 of the United Nations Convention against Organized Crime (UNCCR).

Preventing and punishing international crimes requires cooperation between governments and law enforcement agencies. Increasingly, treaties are being drawn up to regulate such crimes as drug trafficking, (Against, 1989) piracy, slavery, terrorism offences, torture, apartheid and enforced disappearances.

CONCLUSION

Crime transnational organized crime includes many things such as human trafficking, migrant smuggling, drugs, slavery, illegal arms trade, corruption, terrorism and so on. The factor that distinguishes terrorism from other crimes is the purpose of the action taken. Like genocide, terrorism in its most typical form is a combination of crime and the need to have a job that matches the main crime or specific purpose for terrorism itself. This is what causes terrorism crimes to be included in transnational crimes because they can cover both national and international scopes.

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