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Legal Politics of Pancasila Ideology against Radicalism in the State of Law Enforcement

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Submission	ABSTRACT
Track: Received:	Purpose of the study: This study aims to analyze the legal politics of Pancasila as an ideology to eradicate radicalism in Indonesia.
3 Juni 2021 Final Revision:	Methodology: The method employed in this study is a normative legal method using statutory, conceptual, and case approaches.
15 Januari 2022	Results: This study found that the fundamental problem in preventing radicalism within the framework of a rule of law is the
Available online:	inability to comprehend (ground) the basic values of ideology
6 Maret 2022	and the state constitution in a complete manner (<i>kaffah</i>) to manage and maintain the Unitary State of the Republic of Indonesia. The isolation and divides that negate the
Corresponding	constitutional foundation and the ideal foundation in managing and maintaining the dignity of the nation's and
Author:	state's sovereignty are another form of error in guiding the steps on the journey of the nation and the Indonesian State to
Sidik Sunaryo	the gate of bankruptcy as a sovereign nation and state.
sidik sunaryo@yahoo.co.id	Applications of this study: This research can be used by academics and practitioners in philosophical of law so that they can create an instrument to strengthen Pancasila as an ideology to combat radicalism. Novelty/Originality of this study: Legislation may not immediately have an impact on changes

and habits of people's behavior. Society does not abide by the law as autonomous individuals because principally, they are all social creatures. The social structure of a living society, called semi-autonomous social fields (SASF), gives rise to external regulations (national law) that are examined and interpreted. Therefore, the result of the encounter (clash) of internal rules with external rules in society is the formulation of strategic objectives of society that are constrasting with those originally intended by legislators.

Keywords: Pancasila, Radicalism, Legal Politic

INTRODUCTION

In the context of the rule of law in Indonesia, the schools and ideologies adopted in the system of national and state life, substance must not ignore the dignity of those who are weak and poor (Mu'ti & Burhani, 2019). Siding and choice of policy (law) are not limited by school of thought (flow) and ideology but should emphasize the essence of policy (law) to be able to prosper the society. The incomplete guarantee of welfare for the community will serve as a factor in the occurrence of injustice. The injustice allowed by the rulers of the state will justify acts of resistance and violence conducted by those who are granted to enjoy one. Thus, omission becomes a criminogenic factor (the cause) for the occurrence of crimes and violence committed by those who are allowed to enjoy injustice. Terrorism, radicalism, violence, intolerance, and the like that have arisen thus far in Indonesia have become a tangible form of omission (Al-Fatih & Aditya, 2019).

Laws or policies made to prevent and eradicate radicalism and intolerance must reflect legal values based on local wisdom (Aulia & Al-Fatih, 2017). Local values and wisdom-based legal values can be derived from tradition/customary law and religious law regarding the values of practicing good, polite, ethical, orderly, and correct principle. Local wisdom-based laws can obviate radical actions in order to prevent and eradicate radicalism and intolerance that have existed yet. According to Sulstyowati Irianto (Irianto, 2009), the law has many dimensions, therefore it must be studied by juxtaposing it with a holistic social, cultural, economic, political context. Many legal and social issues are complex and cannot be answered textually and normatively. Some descriptions of radicalism and intolerance cases in Indonesia are as follows:

Imparsial found that there were 31 cases of intolerance that occurred in Indonesia from November 2018 to November 2019. Most of the cases were the prohibition of worship.

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Imparsial observed at least 31 cases monitored through the media, violations of the right to religious freedom, or intolerance in Indonesia. The most diverse and dominant forms are the prohibition or dissolution of the reciting lectures or the implementation of religious or belief worship of 12 cases. The results of a study conducted by the Wahid Institute, approximately 0.4% or around 600,000 Indonesian citizens (WNI) had committed radical actions. There are also groups of people who are prone to be influenced by radical movements, specifically to perpetrate radical movements if invited or given the opportunity, reaching 11.4 million or 7.1%. Meanwhile, the attitude of intolerance in Indonesia, according to Yenny, also appears to increase from the previous 46% and currently to 54% (Institute, n.d.). Cases of religious intolerance are aggravating in Indonesia. This is shown from the data obtained by the Setara Institute. In the course of 2017, there were 155 violations of freedom of religion and belief in 29 provinces in Indonesia.

Subsequently, in early February 2018, there were three serious violations. Among other things are the dissolution of the social service activities of the St Paulus Pringgplayan Catholic Church, Bantul, Yogyakarta, the expulsion of a monk in Tangerang, Banten, and the attack on the St Lidwina Catholic Church, Trihanggo, Sleman. The violation of religious freedom was executed by groups with radical views, most of whom were young people. Imparsial Director Al Araf assessed that the replacement should be an entry point to push the direction of changes in the Police to a more professional and modern direction. The new National Police Chief, said Al Araf, should be able to answer various challenges and security threats that are becoming more complex. Al Araf argued that the spread of intolerance, radicalism, and terrorism has so far been a problem in the context of diversity and nationalism as well as the security of the Indonesian community. Furthermore, Al Araf expressed, the issue of internal conflict in Indonesia also needs to be addressed by the new National Police Chief, both in vertical and horizontal dimensions.

The National Police, according to him, needs to put forward a more persuasive and anticipatory approach to overcome such issue. In addition, he asserted, the new National Police Chief should also seriously consider the issue of guarantee and protection for human rights defenders. Given that, there have been some cases of violence against human rights defenders (Imparsial, 2021). Law enforcement against intolerant acts in Indonesia is still deemed flawed (Aditya & Al-Fatih, 2017). This is because the government does not have a strong commitment to enforcing the law in intolerance cases. Moreover, according to Komnas

HAM's records, there has been growing cases of intolerance related to violations of the rights to religious and belief freedom from 2015 (87 reports) to 2016 (97 reports) (HAM, 2016). The main perpetrators of these vile acts of intolerance are religious groups with radical views. The political elite also has a role to play in stifling these intolerant actions. The political elite should not use intolerant groups for their benefit.

Chairman of the Indonesian Legal Aid Foundation, Asfinawati, also expressed corresponding implication. According to her, the cause of the widespread intolerance was because law enforcement in handling the case remained fragile. From the current condition description of radicalism and intolerance, it implies that the radicalism and intolerance problems can disrupt security, order, development, welfare, and even the defense and sovereignty of the Republic of Indonesia. Therefore, it must be addressed with serious intent from all parties, there should be synergy and collaboration of all elements to prevent and abolish acts of radicalism and intolerance in Indonesia.

Research Question

Based on the background of the problem above, the problem formulations in this study are as follows: What are the basic problems of legal politics in preventing radicalism?; and What is the justification for the standard conception of the basic values of Pancasila in preventing and eradicating radicalism to maintain and enforce the real rule of law?

Aims

This study provides a paradigm ideologically the basic concept of legal politics prevents radicalism and presents new explanations for the standard concept of the basic values of Pancasila in preventing and eradicating radicalism to maintain and enforce the true rule of law.

RESEARCH METHOD

The type of research applied is legal research, especially normative research. (Irwansyah, 2020). Quoting Peter Mahmud Marzuki, the purpose of legal research is a process to find legal rules, legal principles, and legal doctrines, to answer legal issues at hand (Peter Mahmud Marzuki, 2017). The research approach that is relevant for use empirically is approach sociological legal approach to legislation and case approach (Rahardjo, 2010). The

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case approach is essential in this research, which was conducted by analyzing radicalism cases that have received court decisions and have permanent legal force (Marzuki, 2014).

RESULTS AND DISCUSSIONS

A. Basic Problems of Legal Politics Prevent Radicalism

August 17, 1945, is the basis for the justification of the Indonesian nation in finding its standard form which is then given the name of the Republic of Indonesia through a piece of paper where proclamation's handwriting found, this is often called the Proclamation Text. The simplicity of the document on the inscription of the independence history was then perfected on August 18, 1945, with the form of a unitary state based on the law (*rechstaats*). The concepts of a unitary state and a rule of law are still standardized even though there have been several changes to the state constitution. Finally, through the fourth amendment to the 1945 Constitution of the Republic of Indonesia, article 1 states that: (1) The State of Indonesia is a Unitary State, which is in the form of a Republic; (2) Sovereignty rests in the hands of the people and is exercised according to the Constitution; (3) The State of Indonesia is a constitutional state.

Since then, all laws that have been made must be following the direction and foundation set out in the preamble to the 1945 Constitution, namely: protecting the entire nation and all the blood of Indonesia, advancing public welfare, educating the nation's life, and implementing world order that is free, peaceful and just. These four values are often referred to as the constitutional foundation for the direction of legal politics in Indonesia. Then, to glue the four values hand in hand, they must also be framed with the values: Divinity, Humanity, Unity, Deliberation, and Justice. These five values are often referred to as the ideological direction and foundation of Indonesian legal politics. The birth history of these constitutional and ideal values must be the foundation and basis for formulating positive legal principles in Indonesia. Any law made in Indonesia must contain these basic values since the nine basic values are not only pronounced to be the basic values of the Indonesian nation personality before but de jure and de facto also have been agreed as the direction and foundation of the true legal state of the Republic of Indonesia. -There's perfect.

Today's shift in the understanding of human rights is a fundamental problem from the process of law formation to law enforcement in Indonesia. The fast-changing times have encouraged the birth of global nationalism in the development of legal politics properly. The

leaders of the State in every meeting facilitated by world institutions, often impose and unite their respective national interests under the shadow of the national interests of other States and nations, which are economically and politically stronger. They, the leaders of the country, suffer from allergic diseases to boldly declare their identity as a sovereign nation with basic values and principles that come from their nation - just because they experience the syndrome of fear of being labeled as a leader who lacks global insight. The basic values that form national identity are pawned and transacted simply to fulfill the desires of the interests of the State leader, behind the mask of pseudo modernity and momentary material interests hedonistically.

Indonesia is a sovereign country, sometimes its leaders also experience the same syndrome symptoms. We already have nine basic values as the basis for legal politics that must be created and enforced. However, these nine basic values are often used as transaction tools for the leaders of the State, whereas these nine basic values should inherently become normative standards in every law-making process up to law enforcement. The empirical facts of the legislative process in the legislative and the law enforcement process in the judiciary still reflect and emphasize the domination of the economic and political forces' interests of the State and other nations rather than maintaining the dignity and honor of the nation adequately.

In the philosophical perception, the law of preventing and the law of eradicating are paradigmatically different. A law that prevents has the consequence of strengthening the structure of the State, State facilities, and civil society in supporting its existence. By strengthening the structure of the State, State facilities, and civil society, placing law enforcers will have a social attitude and an active and proactive mental attitude. Law enforcers are not submissive and are waiting for new crimes to act. Strengthening the structure of the State and state facilities should sit in the area closest to the scope of the smallest one, and those structures and facilities of the State are supported by civil society in synergic fashion (Prakasa, Al-Fatih, & Haqqi, 2021). For example, radicalism in the form of terrorism, if it uses the legal paradigm to prevent, then the state structure, (for example BIN, Babinsa - Orba, mass organizations/civil society), must be set in the smallest government territory of the State, namely neighborhood (Rukun Tetangga/RT).

Thus, the actions of anyone who may pose radicalism in the form of terrorism following the elements of the criminal act of terrorism in the Law can be detected and prevented sooner (Prakasa et al., 2021). Persuasion efforts are more dominant than repression

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, and the function of law will run optimally —effectively-efficiently. Effectiveness and efficiency in the law enforcement process, supported by a reverse proof system, namely; a collection of legal facts (evidence), is carried out secretly or informally within the scope of law enforcement duties as an integral part. Once all legal facts (evidence) are complete, legal action is taken against a certain person based on the adequacy of the legal facts in question. Criminal law (Anti-Terrorism Law) was used in the early days (*premium remidium*) because the legal facts are quite complete, and certain people can be given 'status' as the perpetrator of certain crimes (Yani, 2012). The repressive actions of the State apparatus will only be carried out after all the legal facts collected informally are complete. In the legal paradigm that prevents, the togetherness of the State with the people to preempt, control and integrate diversity (Bhinneka Tunggal Ika), which is possessed and becomes a pillar of the Indonesian nation as the basis and basic direction for the formation of the Unitary State of the Republic of Indonesia, can be realized substantively.

The law is eradicating, not demanding the strengthening of the state structure, state facilities, and civil society. State structure and state facilities are sufficiently placed in certain areas with consideration of budget or cost efficiency. Civil society is not a subject and an integral part of comprehensive law enforcement. Law enforcers are passive, that is, waiting in state offices or institutions, while on guard or picketing if there is a crime. In carrying out their duties, law enforcers or state apparatus are oriented only to services, not focused on real proactive actions. Law enforcers wait for complaints or reports from the public about the existence of crimes, then take the necessary actions. The limited structure and facilities of the State become the fundamental reason for the passivity of law enforcers in anticipating and overcoming crimes. State structure and state facilities are simply placed in a city or regency area or simply in a provincial or central area.

B. Concept of Basic Value of Pancasila in Preventing and Eradicating Radicalism to Uphold the Rule of Law

In the context of radicalism, moral issues become very determinant, both the occurrence of radicalism and efforts to eradicate and prevent radicalism itself. Even the moral aspect is the only source of value in the process of creating laws and enforcing laws combating radicalism. From a paradigm and philosophical perspectives, the constitution of a country mirrors the morals of the nation itself. Thus, it should be appropriate if the law

regarding radicalism is made which is derived from the basic values of the Constitution, it should reflect the crystallization of moral values. It does not reflect the crystallization of transactional values of global politics, which is the door and process to achieve the sovereignty and dignity of the nation, adoring independence through hatred and elimination countering any form of colonialism.

The following are basic provisions that can be used as a basis and direction of reference for the justification of preventing radicalism in order to uphold the rule of law in Indonesia. The basic values therein should be 'cultivated' in every thought and action of the nation's young generation collectively, specifically to maintain the true authority of the rule of law. Seniority and juniority under the pretext of managing and maintaining the sovereignty of the nation and state must be viewed from an ideological perspective rather than a biological perspective. This is the core of the basic values ideologically and constitutionally which unite the diversity of the nation's wealth within the framework of the unitary state of the Republic of Indonesia based on law.

Plato formulated the necessity to limit power through the concept of moral leadership (philosopher-kings) - which later became known as ethics or morality of power (Tanya, Simanjuntak, & Hage, 2010). Morals can function as a self-control force over the temperament of power. But the reality proves that the power is too great to be tamed only by morals or ethics. Aristotle more clearly stated that humans are a rational moral core. Humans are guided by reason and morals. Reason (ratio, reason) guides the recognition of right and wrong with pure reason and simultaneously ensures which material goods are deemed proper for life. The moral function is to guide humans to choose a middle course between two opposing extremes, including finding justice. Morals lead to moderation.

The views of Plato and Aristotle above emphasize that law and morals are inseparable. Any law (except the law of God), its existence is held by humans, through the process of law making (legislation). Following the law, it will be enforced by humans and for humans as well. Thus, it is correct to argue that Plato and Aristotle imply that humans are a rational moral core because morals will integrate people who create laws and who enforce the laws of right and wrong with pure reason to choose a moderate path in seeking justice.

According to F&K Benda-Beckmann, the notion of law should not be limited to state, international and transnational law, but should be used to refer to all those objectified cognitive and normative conceptions for which validity for a certain social formation is

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authoritatively asserted (Bedner, Irianto, Otto, & Wirastri, 2012). Law becomes manifest in many forms and is comprised of a variety of social phenomena. According to Benda, does not only the law contain normative conceptions, but cognition about the meaning of crime also varies in political and cultural contexts. In the context of radicalism, the evil value of radicalism may entail a different meaning between what is understood by the rulers of the State (politics) and what is understood by the community or actors of radicalism (culture). Therefore, the legal ideology governing radicalism must also balance these different meanings diametrically. In cognitive aspect, radicalism cannot be viewed by the whole society as a vile act that must be severely punished because since there could be transcendental morality reasons that justify such action. In the context of the rulers of the State, radicalism is a threat that can endanger stability.

Supomo, as the main designer of the 1945 Constitution, wrote that Indonesia is "rechtstaat" not "machstaat". However, does the concept of a legal state that we chose constitutionally separate moral affairs from legal matters? Thus, is the legal state conception contained in the 1945 Indonesian Constitution with the ideal basis of Pancasila to prevent radicalism - or does it justify and tolerate radicalism? Does radicalism contradict the values contained in the entirely or partially the substance of the articles and paragraphs of the 1945 Constitution of the Republic of Indonesia? Does radicalism contradict entirely or partially with the ideal values of Pancasila? To answer these questions, the following is the summary of the values of Pancasila and the provisions of the 1945 Republic of Indonesia Constitution, which can be used as starting material in answering and examining those questions.

- 1. The Basic Values of Pancasila such as: a) Divine; b) Humanity; c) Unity; d) Deliberation; e) Justice.
- 2. The Preamble to the 1945 Constitution of the Republic of Indonesia: a) Protect the nation and the land that has been struggled for; b) Promote the general welfare, c) Educate the life of the people; d) Participate in a world order based on freedom, perpetual peace, and social justice.
- 3. The Body of the 1945 Constitution of the Republic of Indonesia: Article 28 Article 30
- 4. Derivative Laws and Regulations related to Radicalism.
 - a) Law Number 1/PNPS/1965 concerning the Prevention of Religious Abuse and/or Blasphemy;
 - b) Law Number 39 of 1999 concerning Human Rights;

- c) Law Number 26 of 2000 concerning Human Rights Courts,
- d) Law Number 15 of 2003 concerning Stipulation of Government Regulation in Lieu of Law Number 1 of 2002 concerning the Eradication of Criminal Acts of Terrorism, becomes a Law,
- e) Law Number 16 of 2003 concerning Stipulation of Government Regulation in Lieu of Law Number 2 of 2002 concerning Enforcement of Government Regulation in Lieu of Law Number 1 of 2002 concerning the Eradication of Criminal Acts of Terrorism at the Bomb Blasting Incident in Bali on October 12, 2002 becomes a Law:
- f) Government Regulation in Lieu of Law Number 1 of 2002 concerning the Eradication of Criminal Acts of Terrorism;
- g) Government Regulation in Lieu of Law Number: 2 of 2002 concerning the Enforcement of Government Regulation in Lieu of Law Number: 1 of 2002 concerning the Eradication of Criminal Acts of Terrorism at the Bomb Blasting Incident in Bali on October 12, 2002;
- h) Law Number 32 of 2004 concerning Regional Government and its amendment laws;
- i) Law Number 8 of 2010 concerning Prevention and Eradication of the Crime of Money Laundering;
- j) Law Number 11 of 2008 concerning the Internet and Electronic Transactions;
- k) Law Number 36 of 1999 concerning Telecommunications;
- 1) Law Number 15 of 2002 concerning the Corruption Eradication Commission;
- m) Law Number 19 of 2002 concerning Copyright;
- n) Law Number 14 of 2008 concerning Public Information;
- o) Law Number 40 of 1999 concerning the Press;
- p) Law Number: 11 of 2005 concerning Ratification of the ICESCR;
- q) Law Number 12 of 2005 concerning Ratification of the ICCPR;
- r) Law Number 5 of 2009 concerning Ratification of the United Nations Convention against Transnational Organized Crime.
- s) Law Number 5 of 1998 concerning Ratification of the Convention Against Torture.
- t) Law No. 31 of 1997 concerning Military Courts;
- u) United Nations General Assembly: December 6, 2006, Sixty-First Meeting Number67 (b)

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- v) The Provisions of General Assembly Resolution 2200 A (XXI) of December 16,
 1966 concerning the International Covenant on Economic, Social and Cultural Rights;
- w) The Provisions of General Assembly Resolution 2200 A (XXI) of December 16, 1966, concerning the International Covenant on Civil and Political Rights;
- x) Optional Protocol to the International Covenant on Civil and Political Rights;
- y) General Assembly Resolution 39/46 of December10, 1984, entered into force June 26, 1997, concerning the Covenant Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment;
- z) UN General Assembly Resolution Number 2106 (XX) December 21, 1965, concerning the International Convention on the Elimination of All Forms of Racial Discrimination;
- aa) UN General Assembly Agreement on December 20, 1989 concerning the Convention on the Rights of the Child;
- bb) Ratification of the Eighth United Nations Congress on the Prevention of Crime and the Management of Criminal Actors, August 27, to September 7, 1990;
- cc) Ratification of General Assembly Resolutions 40/32 on November 29, 1985 and 40/146 on December 13, 1985, concerning the Basic Principles of Judicial Independence;
- dd) General Assembly Resolution 47/133 on December 18, 1992, concerning the Protection of All Persons from Enforced Disappearance;
- ee) The Eighth UN ratification, Havana Cuba, August 27 September 7, 1990, concerning the Use of Force and Firearms by Law Enforcement Officials;
- ff) UN ECOSOS Council, Resolution 1989/65, on May 26, 1989, concerning the Prevention and Effective Investigation of the Execution of the Death Penalty Outside Arbitrary and Sumir Judicial Process;
- gg) United Nations General Session on December 9, 1988, General Assembly Resolution 43/173, concerning the Principle of All Persons in All Forms of Detention or Imprisonment;
- hh) General Assembly Resolution 45/110, December 14, 1990, concerning the Tokyo Regulations (Minimum Standards for Non-Custodial Measures);

- ii) United Nations General Assembly Resolution 37/194, on December 18, 1982, concerning Principles of Medical Ethics in Protecting Prisoners;
- jj) Ratification of the United Nations General Assembly on December 20, 1993, concerning the Declaration on the Elimination of Violence Against Women;
- kk) The 54th Session of the Human Rights Commission, Report of the Secretary-General's Envoy on Domestic Refugees (E/CN.4/1988/53/add.2;
- ll) General Assembly Resolution 40/34 on November 29, 1985, concerning Basic Principles of Justice for Victims of Crime and Abuse of Power;
- mm) Government Regulation Number: 38 of 2007 concerning the Division of Provincial and Regency/City Government Affairs;

Permanent Procedure Number: Protap/I/X/2010 regarding Anarchy Countermeasures, which in essence expresses that: a). anarchy is a form of law violation that endangers security and disrupts public order in society so it is essential to take appropriate and firm action while maintaining the principles of Human Rights (HAM) and following the provisions of the prevailing laws; b). so that anarchy can be handled quickly and regularly to eliminate a wider impact, it is required to develop a Standardized Procedure to serve as a guideline for all members of the National Police. Some of the statutory regulations as stated above can be the starting material for conducting an academic study, whether the 1945 Republic of Indonesia UUD, the values of Pancasila, and its derivative laws, that can preempt and abolish the ideology of radicalism in upholding the true legal state, or it is an emulsified factor for radicalism. Should we all meditate with pure reason and morals, to guide us in seeking truth and justice in connection to radicalism perpetrated by actors of society and by actors of state rulers.

According to Philippe Nonet and Philip Selznick, the State is an abstraction, in which in practice special bodies are formed to maintain order and enforce sovereignty (Nonet & Selznick, 2017). This specialty exhibits its peculiar dynamic. Strengthened by the government's dependence on their expertise and loyalty, and often removed from direct civilian control, these bodies gained the power and opportunity to expand their organizational interests. They can interpret the meaning of order according to their needs and perspectives. The outcome is the state shares its "monopoly" with the coercive apparatus it has formed.

According to Suteki, the frail implementation of the law is not caused by deficiencies stemming from the inherent evil character traits of the Indonesian nation itself, but on its

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social structure which has not been fully developed so that it can serve as a suitable basis for the legal system (Suteki & Taufani, 2018). Social Effects Theory Falk Moore and Griffiths (Suteki, 2008) legislation may not immediately affect changes and habits of people's behavior. Society does not obey the law as autonomous individuals because fundamentally, they are all social creatures. The social structure of a living society, called Semi-Autonomous Social Fields (SASF), gives rise to external regulations (national law) that are examined and interpreted. Consequently, the result of the encounter (clash) of internal rules with external rules in society is the formulation of strategic objectives of society that are different from those originally intended by legislators. The opinion of Nonet and Selznick, Suteki and Moore and Griffiths, deserves to be material for reflection on all components of the Indonesian nation, having the constitutional and idiosyncratic values embodied in the 1945 Indonesian Constitution and Pancasila are sufficient to prevent radicalism in upholding the rule of law that in fact.

CONCLUSION

Radicalism cannot be singularly perceived at the level of tangible physical actions that occur manifestly but what is more dangerous is the latent thoughts and actions. The disparity in the meaning of diversity substantially from all components of the nation is a latent threat that undermines the existence of a sovereign rule of law. The fundamental problem in preventing radicalism within the framework of a rule of law is the inability to comprehend (ground) the basic values of ideology and the state constitution completely (*kaffah*) in managing and maintaining the Unitary State of the Republic of Indonesia.

The isolation and divides that negate the constitutional foundation and the ideal foundation in managing and maintaining the dignity of the nation's and state's sovereignty are another form of error in guiding the steps on the journey of the nation and the Indonesian State to the gate of bankruptcy as a sovereign nation and state. If not immediately realized, in time this State and the Indonesian nation may arrive at a decision and status as a Bankrupt State in the social system of the State and nation in the world. May God Almighty continue to give His Mercy and Blessings, so that the noble desire of all Indonesians to truly arrive at the gates of independence will soon be realized.

REFERENCES

Aditya, Z. F., & Al-Fatih, S. (2017). Democracy and Human Rights As A Solution To Resolve The Humanitarian Crisis In Muslim Countries. *Conference On Islamic Studies (ICIS)*. Yogyakarta.

Al-Fatih, S., & Aditya, Z. F. (2019). The Legal Protection Against Terrorism Suspects In Indonesia (Case Study of The Arrest Process of Terrorism Suspects By Densus 88). *Legality: Jurnal Ilmiah Hukum*, 27(1), 14–26. https://doi.org/10.22219/jihl.v27i1.8954

Aulia, F., & Al-Fatih, S. (2017). Perbandingan Sistem Hukum Common Law, Civil Law dan Islamic Law dalam Perspektif Sejarah dan Karakteristik Berpikir . *Legality : Jurnal Ilmiah Hukum*, 25(1), 98–113. Retrieved from http://202.52.52.22/index.php/legality/article/view/5993

Bedner, A. W., Irianto, S., Otto, J. M., & Wirastri, T. D. (Eds.). (2012). *Socio-Legal Study. Series of Elements of Building a Rule of Law*. Denpasar: Pustaka Larasan.

HAM, K. (2016). Komnas HAM National Inquiry Summary April 2016.

Imparsial. (2021). Radikalisme dan Intoleransi Perlu Jadi Perhatian Kapolri. Retrieved from Kompas website: https://nasional.kompas.com/read/2021/01/14/15385131/imparsial-intoleransi-radikalisme-dan-terorisme-perlu-jadi-perhatian-kapolri .

Institute, W. (n.d.). Survei Wahid Institute Toleransi dan Radikalisme Cenderung Naik. Retrieved from Media Indonesia website: https://mediaindonesia.com/politik-dan-hukum/284269/survei-wahid-institute-intoleransi-radikalisme-cend-naik

Irianto, S. (2009). *Moving Law Review of Legal Anthropology*. Jakarta: Obor Foundation.

Irwansyah. (2020). *Penelitian Hukum: Pilihan Metode & Praktik Penulisan Artikel* (A. Yunus, Ed.). Yogyakarta: Mirra Buana Media.

Marzuki, P. M. (2014). Penelitian Hukum. Jakarta: Kencana Prenada Media Group.

Mu'ti, A., & Burhani, A. N. (2019). The limits of religious freedom in Indonesia: with reference to the first pillar Ketuhanan Yang Maha Esa of Pancasila. *Indonesian Journal of Islam and Muslim Societies*, 9(1), 1–29. https://doi.org/10.18326/ijims.v9i1

Nonet, P., & Selznick, P. (2017). *Toward Responsive Law: Law & Society in Transition*. Retrieved from https://books.google.co.id/books?hl=id&lr=&id=3R0uDwAAQBAJ&oi=fnd&pg=PT8&dq=p hilippe+nonet&ots=gu3Yj8XQ5g&sig=5i6ObwgV6Km7q2fLhi8006P10P4&redir_esc=y#v= onepage&q=philippe nonet&f=false

Peter Mahmud Marzuki. (2017). *Penelitian Hukum: Edisi Revisi* (Cetakan ke). Retrieved

https://books.google.co.id/books?id=CKZADwAAQBAJ&printsec=frontcover&dq=Marzuki, +Peter+Mahmud,+(2014),+Penelitian+Hukum,+Cetakan+ke-

9,+Jakarta:+Kencana+Media+Group.&hl=id&sa=X&ved=0ahUKEwiNlIjqlbTpAhXWWisKHWktCXAQ6AEIMjAB#v=onepage&q&f=false

Prakasa, S. U. W., Al-Fatih, S., & Haqqi, A. R. A. (2021). Terrorism Eradication in ASEAN Countries: Human Rights Perspective. *Al-Ihkam: Jurnal Hukum Dan Pranata Sosial*, *16*(2), 327–361. https://doi.org/https://doi.org/10.19105/al-lhkam.v16i2.5021

Rahardjo, S. (2010). *Sosiologi Hukum Perkembangan Metode dan Pilihan Masalah*. Yogyakarta: Genta Publishing.

Suteki, S. (2008). REKONSTRUKSI POLITIK HUKUM TENTANG HAK MENGUASAI NEGARA ATAS SUMBER DAYA AIR BERBASIS NILAI KEADILAN SOSIAL (Studi Privatisasi Pengelolaan Sum ber Daya Air). Universitas Diponegoro.

Suteki, & Taufani, G. (2018). Metodologi Penelitian Hukum (Filasafat, Teori dan

Website: http://journals.ums.ac.id/index.php/jurisprudence

Praktik). Depok: Rajagrafindo Persada.

Tanya, B. L., Simanjuntak, Y. N., & Hage, M. Y. (2010). Teori Hukum Strategi Tertib Manusia Lintas Ruang dan Generasi. Yogyakarta: Genta Publishing.

Yani, Y. M. (2012). Keharmonisan Kerjasama Kontra Terorisme Negara-Negara Anggota ASEAN dalam Kerangka ASEAN Security Community. Jurnal Sosial Politik, 1(2), 72–84. Retrieved from http://jurnal.unpad.ac.id/jsp/article/download/4103/2452