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Concept of State based on Pancasila, the 1945 constitution in criminal radicalism

Concepto de Estado basado en Pancasila, la constitución de 1945 en el radicalismo criminal

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ABSTRACT

The purpose of this article is to analyze the functions of the Pancasila and the 1945 Constitution to fend off radicalism that has developed in Indonesia. This study concludes that the Indonesian government is following its function of fending off radical group movements in two ways, namely taking legal action and preventing them. The establishment of the Khilafah state is contrary to the concept of the Nation-State as built-in Indonesia. Indonesia was proclaimed on August 17, 1945; it was a Nation-State and not a religious State. The agreement of the founding fathers was stated in the 1945 constitution.

Keywords: Prevention, prosecution, radicalism, state functions.

RESUMEN

El propósito de este artículo es analizar las funciones de Pancasila y la Constitución de 1945 para defenderse del radicalismo que se ha desarrollado en Indonesia. La conclusión de este estudio es que el gobierno indonesio está en línea con su función de doblegar los movimientos de grupos radicales de dos maneras. El establecimiento del Estado de Khilafah es contrario al concepto del Estado Nación construido en Indonesia. Indonesia fue proclamada el 17 de agosto de 1945; era un Estado-nación y no un Estado religioso. El acuerdo de los padres fundadores se declaró en la constitución de 1945.

Palabras clave: Enjuiciamiento, funciones estatales, prevención, radicalismo.

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INTRODUCTION

The issue of radicalism has become a phenomenon that is widely discussed in the community. Even radicalism has become a global issue that is very alarming, because it is very disturbing to the people of almost all over the world, including in Indonesia. Radicalism is considered a very troubling global problem because it has taken many victims, both human and property. Through the news every day we can see human casualties, damaged buildings, destroyed public facilities, cities in ruins and destruction, both due to suicide bombings and because of fighting between the government and radical groups. We were unable to hold back the pain and tears when we saw the human body crumbling scattered by a suicide bombing. The building in the city was destroyed by a bomb hit. Many innocent people become victims, some die, disabled for life, orphaned, loss of loved ones, and refugees in other countries (Damayanti et al.: 2003, pp. 420-424).

Syria, Iraq, and Afghanistan are among the few world countries that have been devastated by radicalism. His country was in disarray because of the endless conflict. Many citizens become refugees in other countries seeking protection. They ultimately live in other countries based on the mercy of the international community. Many of the refugees later became homeless or beggars in other countries. Not infrequently among these refugees received injustice and abuse in shelters, because they are considered to be a burden on the host country (Idris et al.: 2017).

The problem then arises when the radicalism movement is associated with Islam. As a result, as said by Ahmad Rizky Mardhatillah Umar that after the Kuningan bombing, many parties tried to link the bombing with groups labeled "radical". This emerged from the media coverage of "Radical Islam" (Umar: 2010, pp. 169-186). Of course, this is very detrimental to the followers of Islam. Therefore, the author does not agree with the term "Radical Islam". According to the author, just a coincidence that this radical group is a Muslim who carries the name of Islam in its movement. So, it is not a radical Islam, but a radical group. Islam is the same as other religions is a religion that is peaceful and has never taught radicalism and hostility. Therefore, it is more accurately called a "radical group".

Another reason the author does not agree with the term "radical Islam" because there are radical groups that are also not Muslim. For example in Papua, the radical group is Papuans who are not Muslim. Likewise, radical groups in Europe, Africa, America and so on are also not Muslim.

Indonesia is also a country that is very troubled by the radicalism movement. Still not forgotten, hundreds of people died as a result of suicide bombings in Legian Bali, Saturday, October 12, 2002. The bodies of the victims were destroyed and scattered, and many were traumatized and disabled for life. Likewise, with suicide bombings at JW Marriot Hotel Jakarta, riots that occurred in Ambon, Poso, Tentena, Aceh, Papua have also brought many victims. Victims continue to fall because of suicide bombings in several places in Indonesia, such as stabbing carried out on police officers during their duties in Jakarta. When this article was written, on May 8, 2018 riots were carried out by terrorist detainees in the Mako Brimob detention house in Depok, which caused 6 victims of police on duty and 1 person to be persecuted. On May 13, 2018, 3 churches in Surabaya were bombed, which claimed 14 people died and dozens were injured. On the night of May 13, 2018, there was also a bomb at the Wonocolo Sidurjo apartment, on May 14, 2018, the bomb exploded again in the Surabaya Police Station, and on May 16, 2018, the bomb exploded again at the Riau Regional Police Headquarters. All claimed not a few victims (Indonesia: 2008).

Lately, the radicalism movement has become increasingly alarming. It has arrived at dividing nations and countries. This can be seen from the movement that wants to replace the basic state of Pancasila and the 1945 Constitution as the basis for statehood in Indonesia with the ideology they believe in. Through the media, they build SARA issues, especially religious issues to divide this nation. They also built the issue of the Indonesian Communist Party (PKI), poverty and state debt, to cause unrest in the community as well as hatred of the government and between groups (groups). Building on the issue of Islam in their movements was carried out to attract the sympathy of the people towards their movements because by chance Indonesian society was more Muslim. They try to attract the sympathy of the people with jihad (religious pretext) to support their mission.

In a systematic, structured, and massive manner they build opinions on how to create political noise in Indonesia. Of course, this should not be allowed. Indonesia as a sovereign country must take a firm stance to crack down on this radical group movement. What is more, the movement has led to the takeover of the government and the replacement of the basic state or legal system that has been valid in Indonesia with their ideology. We want Indonesia to be peaceful and conducive, and not want events like in other countries that are in ruins because of radicalism. Based on the things mentioned above, the authors are interested in researching how Indonesia based on Pancasila and the 1945 Constitution can fend off the understanding of radicalism group movements.

METHODS

This research is normative legal research. Following the purpose of this study, the nature of the research is descriptive-analytical research, namely by trying to provide an overview or description of the problems in this study. Furthermore, the research method used is adjusted to the formulation of the problem that is the focus of this research, namely what is the basis of the state to crack down on radicalism and how it is regulated in Indonesia, and how Indonesia based on Pancasila and the 1945 Constitution faced radicalism. This research is normative. As a consequence of normative legal research, this research uses normative and philosophical juridical methods. Legal materials used are primary, tertiary and secondary legal materials (Martynov et al.: 2019, pp. 800-807; Akhmetova et al.: 2019, 21-36).

RESULTS

Radicalism Movement

Etymologically radicalism comes from the word radical. At the implementation level, from the radical word the term meradikalkan, radicalization, and radicalism emerged. In the Big Indonesian Dictionary, radicals are interpreted as 1. Basically (to the principle); 2. Very hard to demand change (law, government); 3. Forward in thinking or acting (KBB, 2007). Based on this understanding, it can be interpreted that radicals involve actions or actions as well as mindset. If it concerns actions and actions, it must be done quickly. For example, if it concerns changes to the Law and government, the change is done quickly. Usually, the way it is done is outrageous methods, such as with a revolution or a *d'état coup*. If it concerns the mindset, quickly take policies and actions. People who think radically like this in taking actions and policies usually pay less attention to various considerations. He just wants to be finished instantly without considering the impact of his actions.

In this case, someone is educated or created to be radical. This is done through a process of radicalization, which is a process, a method, an act of radicalism: a strong attitude and attitude can alienate business groups in the country and stimulate polarization and society. In everyday terms, it is often referred to as regeneration and/or cadre. In this cadre, a person or group of people is educated to be radical in various ways, such as instilling certain doctrines and/or thoughts. In this cadre, they are usually taught at the same time various skills to take action.

Likewise, radicalism is interpreted in 3 terms, namely: 1. Radical political ideology or flow; 2. Understanding or sect that wants social or political change or renewal using violence or drastic; 3. Extreme attitudes in politics. Based on this understanding radicalism is an attitude that wants something to happen quickly. They take action using violence.

Damayanti et al (Damayanti et al.: 2003, pp. 420-424) said that radicals are derived from the word radix which means root, and radical is (something) that is fundamental or up to its roots. This predicate can be applied to certain thoughts or understandings so that the term 'radical thinking' appears and can also be 'movement'. Based on that, radicalism is interpreted as an ideology or hard line that wants social or political change or renewal in a hard or drastic way and the extreme attitude of a political stream.

As mentioned above, radicalism is an ideology or violent sect that wants rapid social and political change or renewal according to their will. In achieving their goals, they usually carry out various efforts in an extreme manner which became known as the radicalism movement, for example by conducting demonstrations, terror and so on. So that the term terrorism emerged.

Soeharto (Soeharto: 2007) says that terror means scaring, threatening, giving shock to violence or killing to spread fear. This method is a tactic that has been inherent in the struggle for power for a long time. They do not hesitate to murder cruelly in their struggle. Even though their victims are religious as they are, but because they are considered not in agreement with their ideology they are considered enemies, then halal to be killed. Under the pretext of jihad and/or martyrdom, they indoctrinate their followers to commit suicide bombings.

If seen from the impact of radical group actions or terrorism, their actions can be equated with the very vile crimes of humanity. That said because besides their actions caused many innocent human victims, their actions also caused social unrest and fear, disrupted the social order, and disrupted the country's economic order. Also, the issue of hatred between groups and groups that they spread and build can trigger horizontal conflicts that can threaten the sovereignty of each country. In Indonesia, this can be seen in cases of riots in Aceh, Ambon, and Poso and Tentena. In other countries, it can be seen in cases of riots in Syria, Iraq, Afghanistan and so on.

This opinion is following what was said by Irfan Idris et al (Idris et al.: 2017) who said that terrorism is not an ordinary crime, but extraordinary crimes, humanitarian crimes, and transnational crimes, as well as crimes against state ideology. Broken one grows one thousand, so it seems that the spirit and militancy possessed by terrorists who skillfully package crime with religious language and symbols as if the ordinary people are judged as a sacred action, an effort of jihad required in Islam. Islam and other religions do not have anarchic radicalism, what else is a suicide bombing. In the explanation of the Government Regulation instead of the Law of the Republic of Indonesia No. 1 of 2002 concerning the Eradication of Crime of Terrorism also stated that terrorism is a crime against humanity and civilization and is one of the serious threats to the sovereignty of each country.

As mentioned by Endriyono (Endriyono: 2005) that terror has long existed, almost along with the history of human civilization, but only effectively moved in the Middle Ages when countries or kingdoms fought, and terror was echoed as a way to win the war. So that the term terrorism emerged. The word terror is often meant in political vocabulary. In the era of the cold war, terror was associated with the threat of nuclear weapons. At present terror is associated with poverty and religious inequality.

The phenomenon of terrorism became very frightening after the events of September 11, 2001, when the World Trade Center office building (WTC) and the United States Defense Department building (Pentagon) in New York were hit by a plane, which destroyed the WTC building and killed more than 4000 people. This radicalism and terrorism movement is increasingly becoming an issue and disturbing the international community with the emergence of Al-Qaeda groups in Afghanistan, Islamic Jama'at in Pakistan, and the Islamic State of Iraq and Syria (ISIS).

In Indonesia, the radicalism movement happened a long time ago. For example, it can be seen when Indonesia was just independent, there was a DI TII (Darul Islam Tentara Islam Indonesia) rebellion in 1949-1962. This armed rebellion aimed to establish an Islamic state carried out by Darul Islam led by Sekarmaji Kartosuwiryo. Then on January 21, 1985, there was a bombing of the Borobudur Temple, and on March 28, 1981 hijacking a Garuda "Woyla" plane on the Jakarta-Medan route. In Aceh, which is famous for the Free Aceh Movement, Fretilin in East Timor, and separatist movements in Papua which still exist. However, this terrorism received serious attention in Indonesia during a suicide bombing in Legian Bali, Saturday, October 12, 2002 (Thane: 2012).

According to the study of Turmudi & Sihbudi, there were several groups of Islamic organizations suspected of being radical groups in Indonesia, namely: Salafi Jamaat, Indonesian Islamic State (NII), Hizbut Tahrir Indonesia (HTI), Indonesian Mujahidin Council (MII), and Youth Front Surakarta Islam (FPIS). Also, there are two pesantren (Boarding School) which are considered to be the means of radical group education, namely: Al-Mukmin Islamic Boarding School, Ngruki, and Al-Islam Islamic Boarding School, Lamongan. Turmudi & Sihbudi

(2005) further said that from the Islamic group NII and HTI aspire to formalize Islamic law in an Islamic Caliphate (a global Islamic state). This group wants to establish an Islamic state in Indonesia by replacing Pancasila and the 1945 Constitution with its ideology. Both are fundamentalist organizations because both of them fundamentally do not recognize the joints of a secular state based on man-made law. HTI even in 2013 declared the establishment of a Khilafah state in Jakarta (Turmudi & Sihbudi: 2005). They at that time openly raised their flag and rejected the Pancasila and the 1945 Constitution which currently applies in Indonesia.

According to the author, the recent development of radicalism groups in Indonesia is because the government in the past was ambiguous in overcoming it. On the one hand, it seems that the government is strict with this radical group, but on the other hand, it looks like it is softening and even as omission occurs. What is more, there is a group of political elites, advocates, and ulama who openly defend this religious-based radicalism group, making the government increasingly nervous to take action. This can be seen when there was a suicide bombing in Legian Bali, on Saturday, October 12, 2002, there were political elites, advocates, and scholars who openly defended the perpetrators who were captured. The political elite, advocate, and cleric openly rejected the Government Regulation instead of the Law of the Republic of Indonesia No. 1 of 2002 concerning the Eradication of Terrorism Crimes issued by the government as a basis for acting against these terrorist perpetrators under the pretext of being contrary to human rights and democracy.

The omission was also seen when there was a group of community organizations swiping or raiding houses of worship, entertainment venues, liquor, restaurants and so on. When the mass organization acted, there were police. However, the police seemed to allow the mass organizations to freely destroy houses of worship and disperse people who were worshipping. Looks like the police are guarding the mass organization in acting. The police should have banned the group that acted. But it was reversed, the police even stopped the worship activities when the action was carried out on certain religious activities for example. Whatever its purpose, mass organizations do not have the authority to carry out actions or raids on any activities. This authority only applies to law enforcement officials. The police should have prevented the mass organizations that swiped and did not let them do damage.

The omission also occurs when there are people or groups of organizations doing blasphemy against followers of certain religions. The blasphemy was carried out directly during religious lectures, through social media and so on. They refer to those who are not religious, religious but not like the infidel. The spread of the issue of hate in the name of religion and ethnicity also occurs without any concrete action from the government to take action. What is mentioned above, is a small example of radical group action that took place in Indonesia, because if there are many other cases, it seems that the government has allowed it. Even if it is dealt with, it is just rhetoric without firmness (Indonesia: 1945).

There are indeed terrorists who are sentenced to death, but to other actors, the punishment seems too light. As a result, terrorists have no fear of committing terror. Once they have finished serving their sentence, they return to their group to carry out a terror movement. All terrorists should be sentenced to severe punishment, in breaking the chain of movement. The author appreciates the steps of the Special Anti-terror Detachment 88 (Densus) 88 which was formed in 2002. Even though the National Police Detachment 88 action is suspected to violate human rights and democracy, but for the sake of state safety, Densus 88's actions are expected to reduce the movement of this radical group. Regarding the success of Detachment 88, Idris et al (Idris et al.: 2017) said that Detachment 88 was considered successful, successful, swift and worked fast, in handling terrorism in Indonesia, although not a few are skilled in dealing with these criminal acts of terrorism. But, as Idris et al. (Idris et al.: 2017) said further, the success of law enforcement officers has taken action against terrorists, not followed by efforts to prevent the emergence of crimes against humanity. spread in the middle of society, brainwashing efforts are still intensively happening among the younger generation, especially the educated in secondary schools, to universities. Hundreds of young people were successfully recruited who eventually sympathized with the actions of anarchism, radical mass in Syria and Iraq. This can also be seen in 2013 in Jakarta, HTI, which openly would establish a Khilafah state in Indonesia, and reject the Pancasila and the 1945 Constitution as the basis of the state, it seems that the government silenced it. As a result of the

omission, this movement began to infiltrate and build strength through political parties, the State Civil Apparatus (ASN), community organizations, mosques, pesantren (Boarding School) and the world of Education. Through the media, they spread their ideology. The government should have acted firmly to prevent the movement of HTI so that it did not have time to grow and spread everywhere (Pratiwi: 2017, pp. 281-297).

Based on what was said by Idris et al (Idris et al.: 2017) above, that the steps taken were not the only prosecution, but preventive measures for the emergence of crimes against humanity, incitement of hatred-hate speech, efforts to brainwash among the younger generation, especially educated students in secondary schools, to college must be done. Action and prevention measures should be carried out synergistically in fending off the radical group's understanding from the past. This is not the case. As a result, the government is currently overwhelmed in the face of this radicalism group movement. Moreover, their movements are wrapped up in religious issues, which in the end becomes difficult to sort out which radical group movements are religious movements. When the prosecution was carried out, an opinion was then "criminalized against the ulama". The situation is increasingly difficult when there are political elites who use it to gain power.

This can be seen in the gubernatorial election in Jakarta in 2017. In fact, following the functions and duties of the state (government), the Indonesian government does not need to hesitate in cracking down on this radical group movement. The government, through the General Election Commission (KPU), should disqualify election participants who use the Sara (discrimination) issue in their campaigns in every general election. The government did not make any efforts to eligible participants who used religious issues in their campaigns.

DISCUSSION

The Basic State in Taking Action on Radicalism Group Movement

As stated by Sidharta (Sidharta: 2009), that the state is a people who inhabit an area (part of the surface of particular earth). In this case, the state organizing itself politically in a public legal entity as a vehicle for democratically in a spirit of togetherness seeks to achieve equitable prosperity for all people. The government is domiciled as *primus inter pares* (not the owner or ruler of the state and the people), as the among, which carries the task of leading the community in organizing community and state life, specifically endeavoring to achieve the goal of the state. In the meantime, Budiardjo (Budiardjo: 2003) also said that the State is political integration, it is the main organization of political power.

Starting from the two opinions above, it appears that the state is the most powerful political organization. He was formed to organize and control various activities in realizing equitable prosperity for all people. The task is carried out by the government with a plan and subject to the rules of positive law by referring to the legal ideals, state goals and objectives of the state contextually. Also, the state can impose its authority legally on all other power groups in creating peace. The state can establish ways and boundaries to which power can be used in shared life, both by individuals and groups or associations, as well as their own countries. In the 4th paragraph of the Preamble of the 1945 Constitution, it is stated that the Indonesian government is obliged to protect all nations and spill the blood of Indonesia without exception. Based on this provision, the government should protect all Indonesian people without exception. That is, the government has the right to take action on any activities of community organizations that disrupt the safety and peace in the country. Precisely if the government is unable to protect the country, it is considered a failure in carrying out its functions (Pandjaitan, 2017). This is a violation of the constitutional mandate.

The Concept of the State-Based on Pancasila and the 1945 Constitution in counteracting the radicalism movement

When the founders of the country began to initiate the establishment of an Indonesian state, one of the centers of attention and the most difficult to conclude was what became the adhesive principle of this nation. It is the center of attention and it is difficult to conclude that it relates to the geographical location of the territory

of Indonesia, which at that time was the Dutch East Indies, which spread very wide. It is said that Indonesia is one and a half times wider than the continent of Europe, stretching in the ocean of the ocean with thousands of islands partially separated by free oceans. Indonesia stretches from Sabang Island to Rote. Indonesia is the largest archipelagic country in the world with 17,508 islands (Latif: 2011). In addition to its vast territory, its population is diverse in different ethnicities, languages, cultures, and religions. Indonesia is the largest archipelagic country in the world stretching on the strategic point of intercontinental and oceanic crossing. Certainly uniting this in one community of the country is not easy. Moreover, there are majority and minorities with different languages, cultures, and religions. Therefore, it is very necessary for the concept of the state that can unite it. The founders of the country tried to answer this challenge by giving birth to several national and state conceptions, including those relating to the state foundation, state constitution, state form, and national insights that were felt to be following the Indonesian character.

Departing from the problem as stated above, the founding fathers of the country gathered in BPUPKI (the Investigating Agency for the Preparations for Indonesian Independence), began to knit a concept of a state that was able to unite Indonesia in one political community. It is indeed not easy, but with full wisdom and policy, they pour it into one text, namely the text of the Constitution (UUD). The UUD Manuscript was on August 18, 1945, the day after Indonesia declared its independence, was declared a Constitution in Indonesia, which was later known as the 1945 Constitution of the Republic of Indonesia, abbreviated as the 1945 Constitution of the Republic of Indonesia. newly independent at that time (Nomor: 2003).

It should be noted that Indonesia was previously a Dutch colony, known as the Dutch East Indies. Independence is captured not easily but requires struggle and sacrifice. When Indonesia was diplomatic on August 17, 1945, the problem did not end. With the support of UN forces, the Netherlands wants to occupy Indonesia again. The Indonesian people, who were commanded by Soekarno worked for hand in hand to maintain that independence. The blood of the freedom fighters who spilled into bets in seizing and defending independence. Not a few lives were lost as well as property that was used up in seizing and maintaining that independence. These sacrifices must not be forgotten and must be respected and respected by the next generation of the Indonesian nation.

In understanding the concept of state initiated by the founding fathers of the country in the 1945 Constitution, it can be seen in the 1945 Constitution. In the third paragraph of the Preamble of the 1945 Constitution which among others said, "*... to have a free national life ...*". The fourth paragraph then says "*... which protects the entire nation and the whole of the bloodshed of Indonesia ... the Indonesian National Independence was prepared*". If this opening is observed, several words are repeated, namely: "*nationality*", all nations "and" Indonesian Independence". To understand the meaning of this word the author wants to explain the meaning of the word nationality first.

Etymologically the word national originates from the word nation. In the large Indonesian dictionary, the word nation is interpreted as a group of people who share their ancestry, customs, languages and history, and self-government. Between groups of people who are usually bound because of the unity of language and culture in the general sense, and occupy a certain area on the earth of the Nationality which marks the national group.

Listening to the meaning of the word nation and nationality as described above if it is related to the condition of Indonesia, there seems to be controversy. Because, the population of Indonesia consists of several different tribes of ancestral origin, customs, languages , and history, and spread across thousands of islands, which before independence had a government (own country), but must be called a nation. Based on this fact, the founding fathers hinted, so that their ancestral origins, customs, languages , and history differed and spread across thousands of islands, we are one namely: the Indonesian Nation. This was later known as Bhineka Tunggal Ika, so it was different but one, namely the Indonesian Nation. It implies that Indonesia is not a religious (primordial) country, but a nation-state.

The agreement to establish a nation-state was taken by the founding fathers of the countries who were members of the Indonesian Independence Preparatory Business Entity (BPUPKI). Soepomo, one of the members of the BPUPKI, at the BPUPKI session, on 31 May 1945, said, among others:

Therefore, I recommend and I agree with the establishment that wants to establish a national state that is united in a totalitarian sense, as I described earlier, namely a country that will not unite itself with the largest group, but who overcome all groups and will heed and respect privileges of all groups, both large groups, and small groups. By itself in the united national state, religious affairs will be separated from the affairs of the state and automatically in the united national state religious affairs will be left to the relevant religious groups. And by itself in such a country someone will be free to embrace the religion he likes. Both the largest religious group, as well as the smallest group, will certainly feel united with the country (in foreign languages "*Zal Zich Thuis Voelen*" in their country (Kusuma: 2004).

Soekarno, one of the founders of the Republic of Indonesia in the BPUPKI session, June 1, 1945, among others said:

In short, the Indonesian people, Natie Indonesia, are not just one group of people who live by "*le de' sir D'entre ensemble above the area*" which is small like Minangkabau, or Madura, or Yogya, or Sunda, or Bugis ", but the nation Indonesia is all geopolitical according to the people who have been determined by Allah (peace be upon him), living in the vicinity of all Indonesian islands from the northern tip of Sumatra to Irian" (Kusuma: 2004).

Soekarno further said:

Let us practice religion, both Islam and Christianity, in a civil manner. What is the civilizing way? He is respectful of each other. The Prophet Muhammad s.a.w provided sufficient evidence about *Verdraagzaamheid*, about respecting other religions. Prophet Jesus also showed the *Verdraagzaamheid* (Kusuma: 2004).

The author only mentions the opinions of the two founding figures of the country as mentioned above. Based on this opinion, the establishment of a nation-state as outlined in the 1945 Constitution is an agreement of the founding fathers of the country. That means the founding fathers agreed that Indonesia is a nation-state and not a religion or primordialism. Despite the debate, the agreement was taken wisely by the founders of the country by looking at the geographical location and the very diverse conditions of the population. Pancasila and the 1945 Constitution were agreed as the glue of the nation and guiding principles in the life of the nation and state in Indonesia. This is a national consensus agreed upon by the founders of the country in the life of the state in Indonesia. Jimly Asshiddiqie (2006) said that if the general agreement collapses, then the legitimacy of the state's power collapses, and in turn, civil war or revolution can occur (Asshiddiqie: 2006).

The 1945 Constitution is a historical proof of how the concept of state was compiled by the founders of the country. Sri Soemantri said the Basic Law is a formal document that contains: 1) The results of the nation's political struggle in the past; 2) The views of national figures who want to be manifested, both for the present and for the future; 3) A desire (will), with which the development of the life of the state constitution life will be led; 4) The highest levels of national constitutional development. (Soemantri: 1969).

Furthermore, Soemantri (Soemantri: 1969) by quoting Van Maarseveen's opinion, a country's constitution is 1) A national document. That is, having a constitution is the will to show the outside world about its own state identity; 2) A Political Legal Document. That is, a constitution is a tool for the formation of a political system and legal system of one's own country. 3) A Birth Certificate). That is, the constitution is a sign of maturity (the people, the nation) and the birth sign of an independent national state.

Listening to what was stated by Soemantri (Soemantri: 1969) above, it appears how the position of the Constitution for a country. Therefore, as stated by Latif (Latif: 2011) that since it was constitutionally ratified on August 18, 1945, Pancasila can be said to be the basis (philosophy) of the state, outlook on life, national ideology, and ligature (unifying) in the national life and state of Indonesia. On that basis, all efforts made to replace Pancasila and the 1945 Constitution were a betrayal of the agreement of the founders of the country (Laureano et al.: 2018, pp. 4-7).

About the position of the Constitution in a country, Pancasila and the 1945 Constitution become the foundation in the life of the state in Indonesia. All policies must be following the core content contained in Pancasila and the 1945 Constitution. This is following the opinion of Asshiddiqie (Asshiddiqie: 2012) who said

that in practice, Pancasila and the 1945 Constitution must be reflected and interpreted seriously in public policy, in every policy state and government. All policies as outlined in certain legal forms must reflect the values of Pancasila and the 1945 Constitution as spirits and spirits. That way, the law, and constitution can be seen, read, correctly understood based on moral and ideological underlying. Pancasila not only contains the rationality of ideas but also contains the content of our moral principles and national ideology. Therefore, let is read state law and constitution with moral and ideological perspectives that are following our personalities that can evoke confidence and confidence that we are a respectable nation. Asshiddiqie (Asshiddiqie: 2015) further said that it needed a deep understanding of the core content contained in Pancasila and the 1945 Constitution. Through that understanding, we will be able to rise to become a confident and respectful nation in the world. Anyone who lives in Indonesia must understand that including leaders in Indonesia must realize that they belong to the Indonesian people who must protect all without exception (Ramadlon: 2016, 868-885).

As stated earlier, there are currently several community organizations that have been openly willing to replace the basic state of Pancasila and the 1945 Constitution with the ideology they believe in. There are some people and community organizations that openly say that they are affiliated with ISIS in changing the country's foundation. Of course, this should not be allowed, because replacing the basic state is the same as dissolving Indonesia. If this is allowed, it can lead to horizontal conflict in Indonesia. We do not want events like in the Middle East countries to occur in Indonesia. In line with that, the government issued Government Regulation instead of the Republic of Indonesia Law Number 1 of 2002 concerning Eradication of Criminal Acts of Terrorism. The general explanation of the Perpu, among others, said that: The Republic of Indonesia is a unitary state based on law and has the duty and responsibility to maintain a safe, peaceful and prosperous life and actively nurture world peace. To achieve these objectives, the government is obliged to maintain and enforce sovereignty and protect every citizen from any threat or destructive action from both domestic and foreign. Furthermore, the government issued a Government Regulation instead of Law of the Republic of Indonesia Number 2 Year 20017. As for the reason, the government issued the PERPU it appeared that the consideration was stated, as follows:

- a. That the State is obliged to protect the sovereignty of the unitary state of the Republic of Indonesia based on Pancasila and the 1945 Constitution;
- b. Whereas the violation of the principles and objectives of social organizations based on Pancasila and the 1945 Constitution of the Republic of Indonesia is a very despicable act in the view of the Indonesian morality regardless of the ethnic, religious and national background of the perpetrators;
- c. Whereas Law Number 17 of 2013 concerning Community Organizations urges immediate changes because it has not comprehensively regulated the norms that are contrary to Pancasila and the 1945 Constitution of the Republic of Indonesia so that there is a legal vacuum in the case of effective sanctions;
- d. Whereas there are social organizations which in their activities are not in line with the principles of the social organization following the articles of association of the community organization that has been registered and approved by the Government, and even factually proven to have the principle of social organization and activities that are contrary to the Pancasila and the Constitution of the Republic of Indonesia 1945;
- e. Whereas in Law Number 17 of 2013 concerning Community Organizations it has not adhered to the principle of contraries actus so it is ineffective to impose sanctions on social organizations that adhere to, develop, and disseminate teachings or understandings that contradict Pancasila and the 1945 Constitution of the Republic of Indonesia ;
- f. That based on the considerations as referred to in letter a, letter b, letter c, letter d, and letter e, it is necessary to stipulate Government Regulations instead of the Law concerning Amendments to Law Number 17 of 2013 concerning Social Organizations.

When this Government Regulation instead of Law (PERPU) was issued many parties including political parties refused it. There was a direct judicial review of PERPU. The DPR itself, in the plenary session of the PERPU ratification into law, three parties firmly reject it, namely: the National Mandate Party (PAN), the Prosperous Justice Party (PKS), and the Great Indonesia Movement (Gerindra). However, PERPU was later passed into law.

Through this PERPU, the government then dissolved the HTI mass organization. Even though there are still several organizations that are suspected of being included as radical groups that should also be dissolved, this government action should be appreciated. Because, as stated earlier, the HTI mass organization in 2013 declared openly the establishment of a Khilafah state in Indonesia by replacing Pancasila and the 1945 Constitution with their ideology. Efforts to establish this Khilafah state continuously they do. The government's actions to dissolve HTI should be appreciated, because as stated in the discussion above, that the government had previously allowed the movement of HTI in Indonesia. So that HTI moves freely to spread its ideology in Indonesia.

It is undeniable, acting and preventing the development of radicalism is indeed not easy, because their movements are wrapped up in religious issues, especially Islam. When their leaders are acted upon by law enforcement officials it is always said to be "criminalization of scholars". So that ordinary person who has minimal religious understanding is easily provoked. They are easily incited to be hostile to the government or those who are not in line with this radical group. Moreover, it is associated with the issue of economic inequality (poverty), the easier it is for them to spread their ideas. The situation is getting worse because there is a group of political elites who use this situation to gain power (Panjaitan: 2017).

In connection with the above problems, it is necessary to bring together all the children of the nation to face it. The author appreciates the steps of the National Police Headquarters Siber Team which succeeded in revealing and capturing members of disseminating hate issues through social media, namely members of the group The Family Muslim Cyber Army. This group is indeed very aggressively spreading the issue of hoaxes and hatred through social media to cause unrest in the community, inter-group hatred and religion, and hatred of the government. Therefore, people should not be easily provoked by the incitement of radical groups and must play an active role in rejecting any of these radicalism movements. If you know that there are activities of radical groups that are suspected of spreading hate issues, whether the issue of hatred between religion, ethnicity, and hatred of the government and incitement to reject Pancasila and the 1945 Constitution, it must immediately report it to law enforcement. Regarding this public report, law enforcement officers must act immediately and do not allow it. The government must also actively supervise this radicalism movement in state institutions, religious communities, houses of worship, Islamic boarding schools, political parties, mass organizations, and the world of education. The government should control the activities of the ulama who obviously in their lectures like to spread the issue of hatred and reject Pancasila and the 1945 Constitution. As stated earlier that Islam is a religion of peace and does not teach radicalism. That is what the government needs to hold in blocking this radicalism movement. So, there is no need to fear being accused of criminalizing ulama.

Embracing the world of education to reject various movements of radicalism also needs to be done. This step needs to be done because the movement of radical groups also spreads educational institutions. This can be seen when there were several students from the Bogor Agricultural Institute (IPB) in the past stating that they supported the establishment of a Khilafah state in Indonesia. One member of the group The Muslim Family of the Army who was arrested by the Indonesian Police Headquarters Siber Team was an active lecturer at the Indonesian Islamic University of Yogyakarta. We appreciate that almost all leaders of universities throughout Indonesia gathered in Bali in September 2017 who agreed to reject this radicalism movement on campus.

The dissemination of state life based on Pancasila and the 1945 Constitution seems necessary. Therefore, it is appropriate for President Jokowi to issue Presidential Regulation No. 54 of 2017 concerning the Presidential Work Unit for the Development of Pancasila Ideology. In the consideration of this Perpres, it is stated, that: a) that in the framework of the actualization of Pancasila values in the life of the nation and state it is necessary to

develop the Pancasila ideology towards all state administrators; b) that the Pancasila ideology fostering program that has been and must be carried out needs clear, systematic and integrated direction.

Then in Article 3, it is stated, that:

Presidential Work Unit for the Development of Pancasila Ideology (UKP-PIP) has the task of assisting the president in formulating general policy directions for fostering Pancasila ideology and carrying out coordination, synchronization, and control of the development of comprehensive and sustainable Pancasila ideology.

In Article 4 it is then stated that:

In carrying out the tasks referred to in Article 3, the UKP-PIP carries out functions: a) the formulation of the direction of the general policy of fostering the Pancasila ideology; b) compilation of the outlines of the ideals of the Pancasila ideology and the road map for fostering the Pancasila ideology; c) coordination, synchronization, and control of the implementation of the Pancasila ideology development; d) implementation of advocacy for fostering Pancasila ideology; e) monitoring, evaluation, and proposing steps and strategies to facilitate the implementation of the Pancasila ideology development; and f) the implementation of cooperation and relations between institutions in implementing the Pancasila ideology.

Based on the Presidential Regulation above, it appears that the president tried to actualize Pancasila values in the life of the nation and state through fostering the Pancasila ideology. The Pancasila ideology development program needs clarity of a planned, systematic and integrated direction. Only when this writing was made did the implementation of this presidential regulation stretch out.

International cooperation in tackling radical groups also needs to be done. The aim is to monitor the movement and spread of the teachings of radicalism. Because this radical group also cooperates between countries. This can be seen from sending volunteers from Indonesia to join ISIS in Syria. The volunteers were first fostered and trained in Indonesia to carry out observations and join ISIS. Volunteers who joined ISIS then returned to Indonesia and began to move to Indonesia. Of course, this is very dangerous.

All steps as stated above need to be done in maintaining the integrity of the Republic of Indonesia Unitary State based on Pancasila and the 1945 Constitution. Indonesia as a sovereign country must maintain the peace and comfort of its citizens. All efforts made by radicalism groups to replace Pancasila and the 1945 Constitution by replacing them with their ideologies must be confronted together. The community and the government must work together to fend off this radical group. Without togetherness, we will be destroyed.

CONCLUSION

Based on the description as mentioned above, conclusions can be stated as follows: 1) The government foundation in taking action and preventing the movement of radicalism groups is Pancasila and the 1945 Constitution. In the face of the radicalism movement, the government issued a Government Regulation instead of the Law of the Republic of Indonesia No. 1 of 2002 concerning Eradication of Terrorism Crimes and Government Regulations Substituting the Law of the Republic of Indonesia Number 2 of 2017 concerning Amendments to Law Number 17 of 2013 concerning Community Organizations; 2) The concept of the state agreed upon by the founders of the country as stated in Pancasila and the 1945 Constitution is the concept of a nation-state with the form of a unitary state in the form of a republic. That is, Indonesia is not a state of religion and or primordialism. The agreement was taken wisely and wisely by the founders of the country by looking at the geographical location, as well as the condition of a very pluralistic population. Pancasila was agreed as the glue of the nation and guiding principles in the life of the nation and state. This concept is used as a basis for fending off radical group movements in Indonesia.

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