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The Basic Idea of the Attentat Clause in Terrorism Related Criminal Offenses

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ABSTRACT

The application of the attentat clause in terrorism-related crimes mainly emerges in extradition proceedings, where perpetrators often invoke political motives to avoid surrender under the political offense exception, thereby hindering international cooperation. Essentially, the attentat clause affirms that murder or attempted murder of a head of state or other protected persons cannot be classified as political crimes, but rather as serious ordinary crimes with transnational implications. This study examines the legal implications of divergent national regulations on the attentat clause in the extradition of terrorism offenders, with particular attention to human rights protection. Employing a normative juridical method through statutory and comparative approaches, the research is supported by literature review and analysis of relevant legal materials. The findings show that Indonesia's regulation of the attentat clause is broadly aligned with international legal principles that recognize terrorism as a universal crime and reject the political offense exception. However, discrepancies between Indonesia's legal framework and those of several other states may generate legal uncertainty and weaken Indonesia's effectiveness and bargaining position in extradition processes. The novelty of this research lies in integrating the core concept of the attentat clause with comparative analysis and its practical implications for extradition, while emphasizing human rights considerations. Accordingly, harmonization between the Terrorism Law and the Extradition Law concerning the attentat clause is necessary to ensure legal certainty and uphold human rights in extradition proceedings.

Keywords: *Attentat Clause, Terrorism, Extradition.*

A. INTRODUCTION

The phenomenon of terrorism constitutes a serious threat to national security and legal order in Indonesia. Terrorism causes not only fatalities and

material losses but also undermines the very foundations of the state, disturbs social order, and endangers fundamental human rights, particularly the right to life and personal security. Within the framework of national criminal law, terrorism is classified as an extraordinary crime that necessitates a comprehensive and multidimensional response, both in terms of legal substance and the philosophical foundations underlying the formation of norms.

One legal concept that is particularly interesting to examine in relation to terrorism is the attentat clause. This clause essentially originates from the civil law tradition of Continental Europe, where it is known in the context of inheritance and general civil law as a prohibition against benefiting legally from wrongful acts committed against another person especially acts involving the taking of another's life for personal gain. However, when extended to the realm of criminal law, the attentat clause carries a much broader philosophical meaning, reflecting a universal moral principle that no one should gain benefit or legitimacy from an unlawful act that harms the public interest.

The applicability of the attentat clause provides a basis for affirming that an act which has been initiated but not completed or which has not yet resulted in the intended consequences can still be subject to criminal liability. This clause is rooted in general criminal law doctrine that recognizes stages of criminal conduct (strafbare poging) (Putu Diana Andriyani & Winarno Budyatmojo, 2014), whereby an intention that has been translated into concrete action may be regarded as a serious threat to protected legal interests. In terrorism cases, this clause plays an important role in prosecuting individuals involved in planning, preparation, or

the early stages of an attack, even if the intended results such as casualties or major damage have not yet occurred (Moeljatno, 2008).

Problems arise, however, when the attentat clause is applied to terrorism, which has very different characteristics from conventional crimes. These differences lie in the ideological motivations, decentralized actor networks, and operational methods that are difficult to detect before the main act takes place. Consequently, the use of the attentat clause in the context of terrorism raises issues regarding the boundaries between intent, preparation, and execution of a criminal act. The central question is to what extent the state is justified in determining that a particular action has entered the realm of criminal liability, without violating fundamental principles of criminal law such as nullum crimen sine lege (no crime without law) and the principle of culpability (schuld beginsel) (Sudarto, 1986).

Furthermore, in enforcing the law against terrorism offenders, issues arise concerning the expansion of criminal liability to individuals who are not directly involved in carrying out terrorist acts, but who support, plan, or provide resources. The attentat clause serves as a basis for the argument that every form of participation in an act leading to terrorism constitutes a punishable offense. However, such an expansion risks creating legal uncertainty if not supported by a clear juridical framework defining the limits and elements of culpability for each participant (Andi Hamzah, 2011).

From the perspective of criminal law theory (Marthen H. Toelle, 2014), the attentat clause serves to prevent greater harm by allowing law enforcement authorities to act before the intended consequences of a perpetrator's actions fully materialize. However, the use of this clause in the context of terrorism raises a

dilemma between protecting national security and upholding individual rights. The balance between public interest and the principles of justice lies at the heart of the issue, demanding an in-depth examination of the legal principles, the basis of criminal liability, and policy frameworks that distinguish between intensio criminis (criminal intent) and actus reus (criminal act) in acts of terrorism (Barda Nawawi Arief, 2014).

As stated by Muladi, the regulation of terrorism offenses reflects a tendency toward a legal system that is global, comprehensive, and compromise-oriented, emphasizing a broad criminal policy approach that includes both preventive and repressive efforts. This approach indicates that the state does not only focus on punitive action after a crime occurs but also places significant emphasis on prevention through the strengthening of regulations and cross-border coordination. In this context, the principles of criminalization serve as an important foundation to ensure that the expansion of state authority in combating terrorism operates within the legal framework and principles of justice. The extended use of criminalization principles, for instance, provides space for the establishment of new legal norms capable of addressing the increasingly complex forms of modern terrorism.

However, such an expansion must be balanced with the principle of non-discrimination or depoliticization, which asserts that terrorism offenses should not be associated with specific political motivesArticle 5 of Law of the Republic of Indonesia No. 5 of 2018, which amends Law No. 15 of 2003 concerning the enactment of Government Regulation in Lieu of Law No. 1 of 2002 on the Eradication of Terrorism Crimes into law (Anti-Terrorism Law), serves as

concrete evidence of the application of this principle, affirming that terrorism crimes are not considered political crimes that could obstruct the extradition process between states (Muladi, 2002).

This comprehensive approach also demands a complementary principle between national and international jurisdictions. This means national law must be capable of interacting with the legal systems of other countries to address the cross-border nature of terrorism (Agus Suntoro, 2020). The regulation of terrorism offenses is not only national in dimension but also transnational, considering that the threat of terrorism transcends territorial boundaries. In carrying this out, the protection of human rights remains a fundamental aspect that must not be overlooked. Law enforcement against terrorists must not violate human rights principles, whether for suspects, defendants, or the broader public. This principle embodies the balance between security and justice that characterizes a rule-of-law state.

The implementation of a special minimum criminal principle represents a clear and measurable law enforcement standard. This standard is essential to prevent sentencing disparities and ensure consistency in the imposition of criminal sanctions. Furthermore, terrorism legislation must not only focus on perpetrators but also give due attention to victims and witnesses. The principle of victim and witness protection serves as a crucial instrument in ensuring that the criminal justice system operates humanely and fairly. This protection includes not only physical security but also the right to justice and restitution. The regulation of terrorism offenses, as constructed through these various principles, represents a balanced legal response between national security interests and human rights

protection within the framework of interacting international law (Andi Hamzah, 2014).

As expressed by scholars such as Ibrahim Ambong, Muladi, and Romli Atmasasmita, there is a shared understanding that the attentat clause holds a strategic position within the international criminal law system, especially in the context of extraditing terrorism offenders. According to Ibrahim Ambong, the regulation of this clause is intended to prevent obstacles in the extradition process under the pretext that terrorism is a political crime. This view reflects the legislature's commitment to affirming that terrorism is a crime against humanity and public security, not merely an act driven by ideological or political motives. Consequently, the state has a strong legal foundation to deny political protection to terrorists, especially in the context of international cooperation requiring effective law enforcement across jurisdictions.

Muladi adds philosophical and juridical dimensions to the attentat clause by emphasizing that the distinction between political crimes and ordinary crimes often leads to subjective interpretations in extradition practice (Muladi, 2002). Therefore, criminal law should not assess the motive behind an act, but rather judge based on the perpetrator's mental state and the legal consequences of the act. This view aligns with the principle of mens rea in criminal law, which focuses on the perpetrator's intent and awareness at the time of the crime, rather than their ideological motives. In other words, a terrorist must still be held criminally accountable, even if their actions are driven by political aims, because the law does not judge the motive as good or bad it evaluates the act and its legal impact. This line of thinking reinforces the legitimacy of the attentat clause as a foundation

for objectivity in the extradition process and international law enforcement (Zeynab Kiani & Zeynab Purkhaghan, 2017).

Romli Atmasasmita expands the analysis by highlighting the extraordinary nature of terrorism both in terms of impact and modus operandi. Thus, he argues that criminal law should be positioned as primum remedium (a primary remedy), not merely ultimum remedium (a last resort). In this context, criminal law becomes a primary instrument for maintaining global security, not just a fallback when non-penal approaches fail. Romli asserts that terrorism must be included among extraditable offenses by setting aside the principle of "non-political crimes" in extradition treaties (Magdariza, Najmi, & Zahara, 2023.). This view represents a bold stance in prioritizing public protection and national security over individual political protections, while aligning with the development of modern international law, which increasingly emphasizes the principle of universal responsibility for extraordinary crimes (Romli Atmasasmita, 2021).

Historically (Elena, 2014), the existence of the attentat clause cannot be separated from the development of extradition law in Europe, particularly after the attempted assassination of Emperor Napoleon III by Jules and Celestin Jacquin in Belgium. Belgium's refusal to extradite them to France on the grounds that the act was a political crime sparked intense legal debate. To prevent similar issues in the future, Belgium amended its extradition law in 1856 by including the attentat clause, clearly stating that attempted or actual murder of a head of state and their family does not fall under the category of political crime (L. Brodowski, 2018). Since then, this clause has become a key reference in international extradition

treaties and has been adopted by various legal systems, including Indonesia through Article 5 of its Anti-Terrorism Law (R. Soesilo, 2008).

This clause reinforces the state's legal obligation not to grant political protection to terrorists and to ensure that perpetrators can be held criminally accountable regardless of legal system differences or ideological motives. The attentat clause represents a tangible application of the principle of aut dedere aut judicare, namely the obligation to either extradite or prosecute, which serves as a fundamental basis for effective and equitable international cooperation in the fight against terrorism.

Various legal provisions across jurisdictions demonstrate a consistent view that such crimes are not political crimes, but serious offenses threatening national stability and security. This is evident in Article 3(3) of the EU Extradition Agreement and Article 11(2) of the Dutch Extradition Act, both of which explicitly state that murder or attempted murder of a head of state or their family is not classified as a political crime. This norm serves as a conceptual foundation for other countries, including Indonesia, in formulating similar rules to reinforce the principle that crimes against heads of state are threats to international legal order and cannot be tolerated under the guise of politics (J.G. Starke, 1989).

Indonesia itself adopts the attentat clause in Article 5(4) of Law No. 1 of 1979 on Extradition, which affirms that the murder or attempted murder of a head of state or their family is not considered a political crime. Its explanatory note states that while such acts may be categorized as purely political crimes in substance, due to their severe impact on public order and national continuity, they are considered ordinary crimes for extradition purposes. Thus, this clause serves

to prevent the misuse of the non-extradition of political criminals principle, which is often invoked by perpetrators to escape accountability. A similar approach is taken in Indonesia's bilateral extradition treaties with Malaysia, the Philippines, and Thailand, all of which contain provisions that murder or attempted murder of heads of state or high-ranking officials is not categorized as a political crime. The consistency of this norm reflects a strong international legal awareness in upholding the aut dedere aut judicare principleMstates must extradite or prosecute perpetrators of serious crimes, regardless of political motives (Sudarto, 1986).

The inclusion of the attentat clause in Indonesia's Anti-Terrorism Law is a clear affirmation of a new paradigm in law enforcement against terrorism. Article 5 of this law states that terrorism is not classified as a political crime, a crime related to political crimes, or a crime with political motives or goals that can hinder extradition processes. This provision reinforces the principle of depoliticization in terrorism law that the focus is not on the perpetrator's motives, but on the nature and consequences of their acts. The principle of non-discrimination serves as the fundamental basis to ensure that all acts of terrorism, regardless of ideological motivation, are treated as crimes that endanger national security and international peace. This view aligns with Romli Atmasasmita's assertion that criminal law must serve as a primum remedium against terrorism, and with the views of Muladi and Ibrahim Ambong, who support the need for depoliticization as the foundation of objective and consistent law enforcement (Romli Atmasasmita, 2021).

Interestingly, the discussion of the attentat clause during the legislative process of the Anti-Terrorism Law did not occupy a prominent position in the debates between the government and the House of Representatives. At the time,

deliberations were more heavily focused on conceptual issues-such as whether terrorism constitutes an ordinary crime or an extraordinary crime, whether it requires regulation outside the Criminal Code (KUHP), and whether such laws could be applied retroactively.

Meanwhile, the philosophical and juridical basis for including the attentat clause was found only in the government's explanatory note to the DPR, proposed by Romli Atmasasmita as a logical consequence of applying the principle of depoliticization. This fact indicates that the regulation of the attentat clause in Indonesia is more a product of systemic necessity to ensure the effectiveness of extraditing terrorism suspects, rather than the result of in-depth theoretical debate. Nonetheless, this step can be seen as a form of national legal adaptation to international legal standards that frame terrorism as a global threat transcending political and ideological boundaries.

The attentat clause carries not only juridical significance but also deep political and moral meaning within the modern international legal system. It symbolizes a state's commitment to reject all forms of political violence that threaten the safety of national leaders and the stability of governance. In the context of Indonesian law, the regulation of this clause also affirms the country's position as part of the global community that upholds universal justice and rejects any misuse of politics within criminal law.

In criminal law, the attentat clause intersects with terrorism, which is classified as a transnational crime. In many cases, perpetrators of terrorism may hide behind political justifications to avoid extradition, claiming that their actions carry political or ideological motives. This is where the core urgency of the

attentat clause lies: the notion that the murder or attempted murder of a head of state cannot be categorized as a political crime, but must instead be seen as a purely criminal act that endangers international peace and security.

Such a situation stands in contrast and can become a point of difference when compared to the regulatory frameworks in various countries such as Cuba, Ecuador, Nicaragua, Venezuela, and Ecuador, which stipulate that acts of terrorism are classified as political offenses and apply the principle of non-extradition of political criminals. In those countries, acts of terrorism are seen as having a close connection with ideological motives, political struggle, or resistance against state power, so perpetrators are not entirely treated as ordinary criminals. The juridical consequence of this construction is the continued application of the principle of non-extradition of political criminals, which is a principle that prohibits the surrender of perpetrators of political offenses to other countries, on the basis of protecting political rights and the potential criminalization of actions that are political in nature.

The qualification of terrorism as a political offense in those countries in turn creates complexity in international legal relations, especially in the context of cross-border law enforcement cooperation. When one country requests extradition of a terrorist, the requested country may refuse the request on the pretext that the act committed is a political crime, and therefore falls within the extradition exception. This situation has the potential to create a safe haven for terrorists and weaken the collective efforts of the international community in addressing terrorism as a transnational crime that threatens global peace and security.

This problem becomes even more muddled when linked to the legal position of Indonesia, which expressly does not qualify the crime of terrorism as a political offense. In the Indonesian legal system, terrorism is regarded as an extraordinary crime that is serious, systematic, and has a wide impact on state security, public safety, and public order. Therefore, the political motive underlying an act of terror cannot be used as a justification for granting special treatment as in the case of political crimes in the classical sense (Gilbert, Geoff. 2004).

The difference in these approaches gives rise to juridical and diplomatic implications in the practice of international cooperation, especially regarding extradition and mutual legal assistance. Indonesia, which rejects political status for the crime of terrorism, tends to promote the principle that terrorists must be able to be extradited and prosecuted, without being hindered by reasons of political crime. However, when dealing with countries that still maintain the principle of non-extradition of political criminals with respect to terrorism, a norm conflict can arise that hinders the process of surrendering perpetrators and the effectiveness of cross-border law enforcement (Paul Arnell, 2022)

Starting from these legal problems, this research is intended to present a scientific novelty located in the integration between the analysis of the basic idea of the attentat clause, a comparative approach across countries, and the study of its practical implications for the mechanism of extraditing perpetrators of terrorist crimes, while still placing human rights protection principles as the main foundation, especially in ensuring the rights to justice, legal certainty, and protection from arbitrary treatment in the cross-border law enforcement process,

which to date has still been relatively rarely studied comprehensively in the Indonesian criminal law literature.

Thus, the urgency behind the basic idea of the attentat clause highlights a critical legal issue the implications of differing regulations of the clause on the extradition process of terrorism offenders. Such differences can hinder inter-state cooperation in counter-terrorism efforts, create legal uncertainty, and provide opportunities for offenders to exploit legal loopholes to avoid criminal liability.

This research adopts a normative juridical method, chosen to formulate the foundational idea of the attentat clause within the context of terrorism offenses. The study aims to uncover the foundations of a policy, intensively evaluate the adequacy of existing regulations, and recommend reforms where necessary. It takes an interdisciplinary research form, using data sourced from literature, documents, and scholarly materials.

This study employs a normative juridical research method (Theresia Anita Christiani, 2016). The research is characterized by its aim to discover the basic framework of a policy, through intensive evaluation of existing regulations and by recommending reforms to achieve the desired legal framework. The form of this research is interdisciplinary (Peter Mahmud Marzuki, 2008). The types of data used in this study include library materials, document based data, and literature sources (Rianto Adi, 2010). The data were collected through teleological methods and external systematization, which involve the review of written information from legislation and judicial decisions. In terms of form, this study is descriptive in nature, using research to obtain recommendations and solutions to the issues

under investigation. The approaches used in this legal research are the statute approach and the comparative approach. (Soemitro Ronny Hanitijo, 2002).

B. RESULT AND DISCUSSION

1. Legal Implications of Differences in the Regulation of the Attentat Clause in Relation to the Extradition of Terrorism Offenders

Within the framework of the interaction between national and international law, the synchronization and harmonization of criminal justice systems constitute an essential necessity (Miftakhul Nur Arista & Ach. Fajruddin Fatwa, 2020). National legal systems cannot operate in isolation from universally accepted principles and norms, particularly in addressing transnational crimes such as terrorism. Muladi underscores that international conventions on the prevention and suppression of terrorism ratified by Indonesia must be expressly integrated into the domestic legal order to avoid normative inconsistencies. He further asserts that legal synchronization between national criminal law and international criminal law serves as a fundamental basis for the formulation of counter-terrorism legislation. Thus, the harmonization of legal norms becomes a key factor in maintaining the effectiveness of law enforcement against transnational terrorism offenders (Muladi, 1997).

Similarly, Romli Atmasasmita stresses that the drafting of terrorism eradication legislation must consider three main reference frameworks (P.A.F. Lamintang, 1997): (1) international legal standards, (2) national legal standards, and (3) legal standards from other countries such as Cuba, Ecuador, Nicaragua, Venezuela, and Ecuador.” He argues that in legal policies with international dimensions, the substance of international conventions recognized by the Indonesian government must be

consistently adopted. Even conventions that have not yet been ratified can serve as guidelines, insofar as they contain values, spirit, and principles aligned with Pancasila and the 1945 Constitution of the Republic of Indonesia. This approach reflects that Indonesia must position itself within the global legal system while considering national interests and upholding the principle of universal justice.

P.A.F. Lamintang also underscores the importance of respecting universally recognized principles of international law. Every country, including Indonesia, has a moral and legal obligation to align its criminal law with international criminal law principles to avoid detrimental legal consequences resulting from normative discrepancies particularly in the application of laws involving inter-state interests. In this context, violations of international principles can lead to jurisdictional conflicts and hinder international legal cooperation, including in the extradition of terrorism offenders (Ayuk Y. Etta-Nyoh, 2020).

Indonesia's obligation to align national law with international law is further affirmed in the explanatory note of Article 8 of the Draft Criminal Code (RKUHP). The explanation affirms that Indonesia, as a member of the international community, is bound to respect and comply with international law. Accordingly, where provisions of domestic law conflict with international legal norms recognized by Indonesia, such national provisions cannot be applied. As a result, Indonesia’s accession to various international conventions signifies that the operation of national criminal law is constrained by the standards and principles of international law (Romli Atmasasmita, 2021).

At the global level, the commitment to uphold the principles of international law in combating terrorism is also mandated by United Nations General Assembly

Resolutions No. 54/164 and 57/219, which explicitly emphasize the protection and promotion of human rights in the implementation of counter-terrorism measures. These resolutions affirm that any action taken to combat terrorism must strictly comply with relevant provisions of international law, particularly those relating to human rights and fundamental freedoms. This provision underscores that preventive, repressive, and legislative measures in counter-terrorism efforts must be carried out in accordance with international legal principles in order to prevent violations of human rights and to safeguard the sovereignty of other states.

Within this framework, it can be concluded that Indonesia's national criminal law, particularly regarding the eradication of terrorism offenses, must be drafted in accordance with principles upheld in international criminal law as well as in the criminal laws of other nations. This aims to maintain consistency, effectiveness, and the legitimacy of national law in the eyes of international law. However, in practice, the regulation of the attentat clause in Article 5 of the Anti-Terrorism Law does not fully align with provisions in various international conventions and differs from the legal systems of other countries (United Nations General Assembly, 2002).

The following table outlines the differences in regulation and implementation of the attentat clause in criminal and extradition law across several countries:

Table I.I. Existence of the Attentat Clause and Political Crime Classification of Terrorism Offenses in Criminal Law in Several Countries

No	Country	A	B	C	D
1.	Cuba	+	+		
2.	Ecuador	+	+		
3.	Nicaragua	+	+		
4.	Venezuela	+	+		
5.	Ecuador	+	+		
10.	Indonesia			+	+

Source: Primary Legal Materials, processed (2025).

Explanation:

1. A: Does not explicitly regulate the attentat clause in national law.
2. B: Terrorism is classified as a political crime, with the non-extradition of political criminals principle applied.
3. C: Applies the attentat clause to terrorism offenses.
4. D: Terrorism is not classified as a political crime; therefore, the non-extradition of political criminals principle does not apply to terrorism offenders.

The table above illustrates the differences in regulation and application of the attentat clause in criminal law and extradition law across various countries with regard to perpetrators of terrorist acts. Some countries still classify terrorism as a political offense. In contrast, Indonesia takes a different position. Based on Article 5 paragraph (4) of Law Number 1 of 1979 on Extradition, Indonesia recognizes the attentat clause, which stipulates that the murder or attempted murder of a head of state and/or their family is not considered a political crime. However, this provision has not been fully integrated into the legal regime for combating terrorism, particularly following the enactment of the Law on Terrorism Crimes, which governs the prevention and prosecution of terrorist acts.

In contrast, Indonesia adopts a somewhat distinct approach. Pursuant to Article 5 paragraph (4) of Law No. 1 of 1979 on Extradition, Indonesia acknowledges the attentat clause, which provides that the killing or attempted killing of a head of state and/or members of their family does not constitute a political offense. Nevertheless, this provision has not been comprehensively incorporated into the counter-terrorism legal regime, particularly following the enactment of the Anti-Terrorism Law, which regulates the prevention and prosecution of terrorism-related crimes.

This situation indicates that while Indonesia has applied the attentat clause (column C) and excludes terrorism as a political crime (column D), its implementation still depends on national legal interpretation and bilateral extradition agreements. Therefore, Indonesia's position can be seen as transitioning from a conventional legal system toward harmonization with modern international legal principles, which regard terrorism as a universal crime (extraordinary crime) not protected by political status.

The difference in regulation creates a serious legal problem in the context of extradition cooperation. For example, if a Venezuelan national commits an act of terrorism in Indonesian territory and then flees back to their country, even though under Indonesian law terrorism is not considered a political crime (because it is subject to the attentat clause), Indonesia’s extradition request could potentially be rejected by the Venezuelan government. Such a refusal could be based on the legal argument that, under the Venezuelan legal system and the applicable principles of criminal law, terrorism is still categorized as a political crime and therefore subject to the non-extradition of political criminals exception (Barda Nawawi Arief, 2005).

Conversely, if an Indonesian citizen commits an act of terrorism in Venezuela and then flees to Indonesia, Venezuela’s request for extradition cannot be rejected by the Indonesian government on the grounds that the offense is a political crime. This is because Article 5 of the Indonesian Law on Terrorism Crimes explicitly states that acts of terrorism are not political crimes, so the principle of non-extradition of political criminals cannot be applied.

This situation highlights an imbalance in the legal positions between Indonesia and other countries in the extradition mechanism. Although the attentat clause was initially intended to strengthen international cooperation in combating terrorism, in

practice, it may weaken Indonesia's negotiating position on the international stage. Other countries may refuse Indonesia's extradition requests based on differing legal interpretations, while Indonesia lacks strong legal grounds to reject similar requests from those same countries (Romli Atmasasmita, 2021).

In the Venezuelan legal system, terrorism offenses are often placed under the jurisdiction of military courts. As a consequence, Venezuela adheres to the principle that it does not extradite legal subjects who fall under the jurisdiction of military tribunals. These differences in legal principles and systems further complicate the mechanism of extradition cooperation between the two countries. (Armed Forces, 2019).

Therefore, the differences in the regulation of the attentat clause between Indonesia's national law and international law have significant legal implications for the effectiveness of extradition cooperation concerning terrorism offenders. This situation calls for revision and harmonization of national legislation with international legal instruments, so that Indonesia can uphold its sovereignty while actively participating in the global criminal justice system. Such harmonization is not only a legal necessity, but also a moral responsibility of Indonesia as part of the international legal community in upholding justice and global peace.

C. CONCLUSION

The regulation of the attentat clause in relation to the extradition of terrorism offenders under Indonesian criminal law is, in principle, consistent with international law, which classifies terrorism as a universal crime rather than a political offense. This alignment is reflected, inter alia, in the recognition of the attentat clause and the

explicit rejection of the principle of non-extradition of political criminals. Nevertheless, there are fundamental regulatory differences between Indonesian criminal law and the criminal law systems of several other countries, particularly with regard to the classification of terrorism offenses and the application of the attentat clause. These regulatory disparities give rise to significant legal implications for the effectiveness of international cooperation in law enforcement, especially within extradition mechanisms, as they may create legal uncertainty and weaken Indonesia's bargaining position when submitting extradition requests to states that continue to classify terrorism as a political offense and apply the principle of non-extradition of political criminals.

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