



Legal Examination of Terrorism Glorification in Malaysia and Indonesia

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Terrorism has claimed the lives of many innocent people all over the world. It poses a significant challenge to nations and people, particularly now that social media have become an effective tool for terrorists to spread their ideologies. Young social media users are especially vulnerable to terrorist propaganda. Studies have shown that social media are being used for extremist propaganda, with innocent people being recruited to join terrorist organisations under the guise of political, ideological, and religious agendas.

The influence of terrorist social media platforms can be observed in a variety of ways, including the glorification of terrorism, which can be interpreted as support, encouragement, or approval of terrorists and their destructive acts, which will in turn prompt more similar acts or offences threatening society and terrorizing people.

Glorification of Terrorism

When a conduct is praised, there is a tacit approval or silent acceptance of that conduct. When society tolerates terrorism, it is vested with some kind of acceptance or support until it is normalized. This sends the wrong message to the entire community. Too often, there are people who can easily take things as they seem to be, thus agreeing to something without proper research or judgement. When social media influencers praise extremist ideology or a terrorist act, their followers will follow blindly .

Another problem with terrorism glorification on social media is the tendency of people to copy and circulate statements across these platforms. Given the ease to post comments to original posts (texts, images, or videos), uninformed users would easily show their likes, support, and love; they would even add more comments. At the end, glorification of terrorism easily multiplies across social media platforms .

For example, when a terrorist bombing occurred at a local night club in Malaysia, killing and injuring innocent people, some posted comments that ignorantly praised or endorsed the act instead of giving condolences. Even if some comments did not support terrorists, they sent the wrong message to readers. Though these comments and interactions may pose as personal opinions, they would certainly promote normalization and acceptance of terrorism.

Public encouragement motivates individuals to keep on doing the same things. A study made by a team of anthropologists at Balikesir University in 2015 shows that social support fuels the perpetration of the supported acts. This explains why the cheering of bystanders motivates marathoners to keep on running nonstop. Therefore, if we do nothing to curb the glorification of terrorism, it shall flourish. It is true that the glorification of terrorism on social media is not an actual act of terrorism. However, it shall further encourage terrorists to continue terrorizing people, and it sends the message that violence is the answer to every problem. Thus, it was necessary to stop this glorification by passing strict laws .

Legal Examination

As glorification of terrorism on social media is seen as a step towards terrorism itself, laws were enacted criminalizing it. The United Kingdom, for example, criminalizes the act of glorifying terrorists or terrorist acts. The Terrorism Act 2006 included new offences, such as the encouragement or glorification of terrorism, the dissemination of terrorist publications, preparation for terrorist acts, or training for terrorist purposes. Thus, posting anything praising terrorist acts has become a crime punishable by law. This includes direct or indirect encouragement of terrorist acts and offences online and over social media. The following paragraphs explore the Malaysian and Indonesian Laws in this respect.

Malaysian Law

The Penal Code in Malaysia addresses terrorism-related offences. It defines a terrorist as any person who commits, attempts to commit, participates in, or facilitates any terrorist act. The word “glorification” was not mentioned. Nevertheless, the law criminalizes the “promotion” or “support” of any terrorist act. It is very likely that the two offences share the same objective which is the glorification of terrorism .

The act of ‘glorifying’ terrorists equals the act of promoting and praising the perpetration of a terrorist act. Promoting may lead to encouraging too. The law defines

the term “support” as: using social media or any other means to advocate, support, promote, or facilitate the actions of a terrorist group .

Elaborating on the glorification of terrorism on social media, a High Court case (MLJ 702) in 2018 offers further some insights. The defendant was arrested by the police acting on a report that he was involved in supporting ISIS. Pictures related to ISIS were found on his phone. In addition, investigation established that the suspect had a Facebook platform with a large number of posts supporting ISIS and promoting terrorism. Based on these findings, the suspect was found guilty and convicted for the offence of giving support to a terrorist group under the Penal Code .

This case was based on the defendant’s show of “support” to terrorism via online postings only, without any intent to take up arms to commit terrorist acts himself. He claimed that he shared those postings on social media without knowing or realizing the sensitivity of the content. However, the court still held the accused guilty of supporting terrorism, even though it was solely on social media. An important remark was made by the judge who stated that hitting the ‘like’ button or any other form of applauding terrorist acts on social media would constitute the offence of supporting terrorism. He added that offences provided in the Penal Code criminalize a wide range of behavior, including violent and non-violent acts relating to terrorism, and giving support falls under this ‘non-violent’ act. It is worth highlighting here that the judge used the term ‘applauding’, which bears the same definition as the term ‘glorifying’. Thus, it is now clear that both terms have the same meaning .

Even though the Penal Code does not use the literal word ‘glorifying’, it uses other terms with similar connotations, such as ‘supporting’ and ‘inciting’. Therefore, in Malaysia, the glorification of terrorism or terrorists on social media is an offence punishable by law.

Indonesian Law

Law no. 5/2018, which criminalizes terrorist acts, is an amendment of the Anti-Terrorism Law of 2002. Article (1) provides that a terrorist act is the use of force, or threatening to use force, to terrorize people, resulting in destruction and injuries, or causing damage to strategic and vital institutions, the environment, or public or international facilities. This offense is committed with ideological or political motives or to destabilize security. While the Act criminalizes all forms of terrorism, there is no

direct provision that criminalizes the glorification of terrorism in general or on social media. This is explicitly different from the Malaysian approach .

The 2018 Law specifies in two places the types of electronic publications that may constitute terrorism-related offences. However, rather than criminalizing the posting of statements that glorify terrorism, only the substantive act of terrorism was addressed. According to Article (1), threats to use force can take various forms, including verbal and written statements, images, symbols, or gestures made via an electronic or non-electronic media. This includes the propagation of terrorism in general through social media. This, however, is not the same as glorifying terrorism. Without referring to statements that glorify terrorist acts committed by others, the Article refers to terrorist statements that amount to threatening to use force, which becomes the foundation of terrorism itself.

Article (13) criminalizes any reference or statement made online or through any publication platform that may provoke or incite others to use force or threaten to use force, which in turn leads to an act of terrorism. Again, this offence does not relate to the glorification of a terrorist act committed by others .

With the absence of a law on the glorification of terrorism on social media in Indonesia, other legislations should be examined to find a solution. In Law no. 11/2008 on Electronic Information and Electronic Transactions, there is something closer. The Law criminalizes the dissemination of information that is intended to incite hatred among individuals or a group of people based on religious, racial or sectarian sentiments. The same Law may be used against social media posts that glorify acts of terrorism. This may help to prevent any form of glorification of any act of terrorism .

Conclusion

From the analysis above, it can be noted that both Malaysia and Indonesia put forth some laws to prevent supporting, endorsing, or promoting acts of terrorism on social media. While the Malaysian law seems to be more specific and direct in penalizing the act of glorification of terrorism, the Indonesian law is less obvious. The different responses taken by different countries towards the glorification of terrorism do not simply mean different attention levels given to this appalling phenomenon. It is more about the different approaches to the whole issue, including social and political circumstances, such as pressures to allow more freedom of expression and fear of over-criminalization.

Terrorism remains a massive threat to the security of people. It requires developing more legal policies to detect and prevent terrorism and more counter-measures to keep nations and people safe and secure. Finally, laws should be clearer in defining and categorizing offences related to terrorism, including the glorification of terrorism. Ambiguous laws do not only jeopardize the social structure, but also compromise the freedom of expression and the optimal use of technology. In this digital era, legal and ethical guidance towards using social media has now become a necessity to ensure peace, security, and order.