

DYNAMICS OF LEGAL POLICY ON RADICALIZATION AND DERADICALIZATION OF TERRORISM PRISONERS

Tegar Aria Taba, Iman Santoso
Polytechnic of Correctional Sciences, Indonesia
tegararia366@gmail.com, Imansantoso@poltekip.ac.id

ABSTRACT

The deradicalization program for terrorism prisoners is a crucial initiative in an effort to reduce the threat of terrorism in Indonesia. In this context, Law Number 22 of 2022 concerning the Prevention and Eradication of Terrorism is the legal basis that regulates various strategic aspects of this effort. This study aims to analyze the implementation and challenges in the deradicalization program of terrorism prisoners, focusing on the political aspects of law and its relevance in the international context. The research method used is a literature study to collect data and information related to the implementation of the deradicalization program, as well as policy analysis related to Law No. 22 of 2022. The results show that the deradicalization program of terrorism prisoners in Indonesia faces a number of challenges, including policy consistency, political consensus, and human rights protection. Nonetheless, successful international implementation offers views and best practices that can be applied to strengthen Indonesia's capacity to deal with the threat of terrorism. The conclusion of this study highlights the importance of multilateral cooperation, community-based inclusive approach, and human rights protection in the implementation of deradicalization programs. Based on these findings, it is recommended that the government strengthen international cooperation, improve related policies and regulations, improve education and training, and promote the values of moderation and tolerance as part of a sustainable strategy to address the threat of terrorism in Indonesia.

Keywords: Deradicalization, Terrorism Prisoners, Law Number 22 of 2022, Legal Political Challenges, International Application

This article is licensed under [CC BY-SA 4.0](https://creativecommons.org/licenses/by-sa/4.0/) 

INTRODUCTION

Terrorism has become one of the complex and persistent threats in modern global politics. The term includes a wide range of acts of violence committed with extreme political, ideological, or religious objectives. The phenomenon of terrorism not only threatens the national security of a country but also has a wide impact on social, economic, and political stability at the global level (Rajab, 2016). In Indonesia, as a country with the largest Muslim population in the world, the challenge of tackling terrorism has a unique dimension (Mohamad, 2002). Since a series of terror attacks that shook the country, such as the Bali Bombings in 2002 that killed hundreds of people, the Indonesian government has made continuous efforts to confront the threat of terrorism (Bonger et al., 1982) (Bonger & Kriminologi, 2007). These efforts include strict law enforcement against terrorist networks, increased intelligence capacity, and long-term prevention strategies, including deradicalization programs (Fahreza, 2020).

The deradicalization program is aimed at changing the thinking and behavior of terrorism prisoners (Hardiman et al., 2005), in the hope that they can be readmitted into society as productive and moderate citizens after their prison term. Terrorism inmates are individuals who engage in terrorist activities or attempts, and they often have high ideological bigotry that is difficult to change. According to the [Global Terrorism Index 2023] (<https://www.visionofhumanity.org/reports/>) , global terrorism remains a significant threat,

with an increase in the number of attacks and casualties in some regions. Indonesia has been the target of several deadly terror attacks in recent decades, and government efforts to counter this threat have yielded mixed results. Although major attacks such as the Bali attacks have decreased in frequency, the arrests of terrorism prisoners have continued to increase, showing that the threat of terrorism has not simply disappeared.

Indonesia's National Intelligence Agency (BIN) noted that since the early 2000s, the number of terrorism prisoners successfully identified and dealt with legally has increased significantly (Mareta, 2018). The data reflect better efforts in the prevention, detection, and countermeasures of terrorism, but also highlight the importance of long-term prevention strategies, such as deradicalization, to reduce the risk of re-radicalization among such inmates. The handling of terrorism prisoners through deradicalization programs involves a variety of complex challenges. In addition to the security aspects that keep an eye out for potential threats again, there are also psychological, social, and ideological aspects that must be handled with care. Terrorism inmates often experience complex psychological conditions, such as trauma, social isolation, and identities that are closely linked to their radical ideology. Therefore, a holistic and in-depth rehabilitation approach is needed to change their outlook and facilitate successful reintegration into society.

A number of studies have been conducted to evaluate the effectiveness of terrorism prisoner deradicalization programs in various contexts. The study by Smith et al. (2021) highlights the importance of a holistic approach that includes psychological rehabilitation, moderate ideological education, and social reintegration to achieve sustainable behavior change among terrorism prisoners. On the other hand, research by Brown et al. (2019) emphasizes the role of local community involvement in supporting the deradicalization process, by creating support networks that can help in positive social reintegration. Nevertheless, despite increased knowledge about the factors that influence the success of deradicalization, there is still a gap in understanding how political and legal factors specifically affect the implementation and sustainability of deradicalization programs in Indonesia. These factors include the role of the legislature in establishing a legal framework, adequate funding, coordination between government agencies involved, and administrative and bureaucratic challenges in the implementation of the program.

This study aims to investigate the political and legal dynamics that affect the implementation of the deradicalization program for terrorism prisoners in Indonesia, taking into account the framework of Law Number 22 of 2022 concerning the Prevention and Eradication of Terrorism (Orlando, 2022) (Loqman, 1990). By identifying and analyzing these political and legal factors, this research is expected to provide a deeper understanding of the challenges and opportunities in handling terrorism at the national level. Its main objective is to make a significant contribution to our understanding of how legal policies can affect the effectiveness of re-radicalization prevention strategies and strengthen the social reintegration of terrorism prisoners. With a holistic and interdisciplinary approach, this research is expected to make an important contribution to the legal and political literature, national security studies, and international efforts in countering global terrorism (Azis & Harijanto, 2003). The results of this study are expected to be used as a basis for improving policies and practices related to the deradicalization of terrorism prisoners, as well as a foundation for further research in this field.

METHOD

The type of research that the author uses in the research here is using Types of Sociological Juridical Research (Kahmad, 2000). Sociological juridical is an approach with Based on binding norms or regulations, it is hoped that this approach can be known how the law, which is empirically a symptom of society, can be studied as a variable cause that causes consequences in various aspects of social life (Black, 1972).

RESULTS AND DISCUSSION

A. Implementation of the Deradicalization Program for Terrorism Prisoners in Indonesia

The deradicalization program of terrorism prisoners is an important part of the strategy to prevent the re-radicalization and social reintegration of terrorism prisoners into society. In Indonesia, this effort became crucial after a series of deadly terror incidents such as the 2002 Bali Bomb attack and a series of other attacks. This discussion will delve deeper into the various aspects involved in the implementation and effectiveness of the deradicalization program in Indonesia, focusing on the factors that affect its success. The deradicalization program aims to change the ideological views and radical behavior of terrorism prisoners so that they can be readmitted into society after their prison term. Terrorism inmates often have deep beliefs about radical ideologies, which affect their identity and interactions with society. Therefore, a holistic and multidimensional approach is needed to address these challenges, including psychological aspects, ideological education, and social reintegration.

1. Factors Affecting the Success of Deradicalization Programs

a. Psychological Rehabilitation Approach

Terrorism inmates often experience complex psychological conditions, such as post-terror trauma, social isolation, and stigmatization. An effective deradicalization program should include an adequate psychological rehabilitation component to help inmates cope with trauma and manage their emotions healthily. This approach may involve individual counseling, group therapy, or other approaches that suit the psychological needs of the inmate. A study by (Smith et al., 2023) highlights that success in changing the ideological views of terrorism inmates often depends on the ability to deal with the psychological aspects underlying their beliefs. Inmates who have had a traumatic experience may be more likely to maintain their belief in radical ideology as a way to overcome their fear or insecurity. Therefore, deradicalization programs need to adapt their approach to meet the psychological needs of individuals, so that they can redevelop a more balanced moderate outlook. A deep, focused psychological approach is key to providing terrorism inmates with the needed support in coping with trauma and building a strong psychological foundation for long-term behavior change. Understanding individual histories and experiences holistically helps service providers tailor their interventions to deliver maximum benefit.

b. Moderate Ideological Education

Ideological education in the deradicalization program aims to introduce terrorism prisoners to a more moderate and inclusive view of the ideology they adhere. It is not only about changing ideological beliefs, but also about providing broader insights into diverse interpretations of the same ideology and teaching the values of tolerance, peace, and democratic citizenship. This moderate ideological education

also includes teaching criticism of radical interpretations of certain religions or political ideologies. A study by Brown et al. (2019) emphasizes that a comprehensive, evidence-based educational approach to radical ideology can help terrorism inmates develop a more mature understanding of the complexity and variation in their ideological interpretations. This approach requires designing a well-structured curriculum, which includes modules on the history of ideology, critical analysis of radical narratives, and inter-religious or inter-ideological dialogue. Thus, terrorism prisoners can gain a broader and deeper understanding of the values that support a peaceful and inclusive society.

c. Social Reintegration

Social reintegration is a crucial stage in the process of deradicalization, where terrorism prisoners must be reintegrated into their society after their prison term ends. The main challenge in this stage is to overcome the social stigma attached to former terrorism prisoners and build strong social support for them. The involvement of local communities can play an important role in supporting this social reintegration process. Communities can be agents that provide moral, social, and economic support to former terrorism prisoners, so that they feel welcome back into society without being shunned or excluded. Brown et al. (2019) show that successful deradicalization programs often involve close collaboration with local communities in providing a supportive environment for positive reintegration. Re-facilitating social engagement through skills training, job search support, or mentoring in community activities are concrete steps that can be implemented in deradicalization programs. Additionally, the importance of building a strong support network for terrorism inmates should not be overlooked, as this can help them stabilize their lives back after a traumatic detention experience. Despite the many potential successes, the implementation of the deradicalization program of terrorism prisoners in Indonesia is also faced with a number of significant challenges. Inter-Agency Coordination: Strong cooperation and effective coordination between government agencies, non-governmental organizations, and civil society are needed to ensure a holistic approach to the handling of terrorism prisoners. Uncertain Ideological Changes: The main challenge in deradicalization is to ensure continuous and not just superficial ideological change. This requires a continuous and in-depth education strategy.

B. The Role Of Law Number 22 Of 2022 In The Prevention And Eradication Of Terrorism

Law Number 22 of 2022 concerning the Prevention and Eradication of Terrorism (Law No. 22/2022) is an important legal instrument that aims to strengthen the framework and tools needed in efforts to prevent and counter the threat of terrorism in Indonesia (Abdullah, 2005). In this discussion, we will review various aspects of the role and implementation of the law, as well as its impact on national security policy. This law was passed in response to the increasing threat of global and domestic terrorism that is increasingly complex and diverse (Moeljatno, 2008). Indonesia, as a country with a significant history of terror attacks, feels the need to strengthen its legal framework to improve inter-agency coordination, law enforcement, and protection of the public from the threat of terrorism (Indrawan & Aji, 2019). Law Number 22 of 2022 regulates various

aspects including the definition of terrorism, terrorism crimes, prevention efforts, law enforcement, and rehabilitation of victims of terrorism. Some of the main provisions that need to be considered include:

1. **Definition and Regulation of Terrorism**, this Law provides a clear definition of what is meant by terrorism, including the elements that constitute the crime of terrorism. This firm definition is important to ensure that prevention and law enforcement efforts can be carried out appropriately and efficiently.
2. **Prevention of Terrorism**, this Law provides a legal basis to take preventive measures against suspected acts of terrorism before they occur. This includes monitoring radical groups, monitoring suspicious activities, and other preventive measures to reduce the risk of terrorist attacks.
3. **Law Enforcement and Sanctions**, Law Number 22 of 2022 gives greater authority to law enforcement officials to investigate, arrest, and prosecute perpetrators of terrorism and their networks. Strict sanctions are also regulated in this law as a form of deterrent for potential perpetrators of terrorism.
4. **Protection for Victims of Terrorism** This law also includes provisions for the protection of victims of terrorism, both in terms of physical and psychological rehabilitation. This reflects the country's commitment to providing comprehensive support to victims of terrorism attacks and their families.

Law Number 22 of 2022 has a significant impact on increasing the state's capacity to deal with the threat of terrorism, both in terms of prevention, law enforcement, and protection of victims. The positive implications include improving national security, reducing the level of terrorism threats, and providing a sense of security to the community. However, it is also necessary to conduct a continuous evaluation of the implementation of this Law to ensure that the provisions contained in it are carried out in a proportionate manner and in accordance with applicable legal principles. Close scrutiny from various parties, including law enforcement agencies and non-governmental organizations, is also important to ensure that the law is not misused for political purposes or violates human rights.

Law Number 22 of 2022 concerning the Prevention and Eradication of Terrorism is a crucial legal instrument in Indonesia's efforts to effectively address the threat of terrorism. By providing a strong legal foundation for the prevention, law enforcement, and protection of victims of terrorism, this law is expected to strengthen national security while maintaining democratic and human rights values. By continuing to improve coordination, legal capacity, and strict supervision, Indonesia can be better prepared to face the challenges of terrorism in the future more effectively.

C. Legal Political Challenges in the Implementation of the Deradicalization Program for Terrorism Prisoners in Indonesia

The implementation of the deradicalization program for terrorism prisoners in Indonesia is inseparable from complex political and legal challenges. The following is an in-depth analysis of the political and legal challenges that may be faced in deradicalization efforts: The deradicalization program of terrorism prisoners requires strong political support and consistency from various parties, including the legislature, executive, and judiciary.

Emerging legal and political challenges can significantly affect the implementation of this program.

1. Factors of Legal Political Challenges

a. Policy Consistency

The main challenge in the context of political and legal affairs is to maintain consistency in government policies related to deradicalization programs. Frequent policy changes or uncertainty in policy direction can hamper the implementation of this program. For example, a change of government or a change in political priorities can affect the allocation of resources and the focus of deradicalization programs.

b. Political Consensus

Broad political support from various political parties and other important stakeholders is important to maintain the sustainability of the deradicalization program. The challenge in building political consensus is often related to differences in ideological views or political interests between the parties involved.

c. Role and Independence of the Judiciary

Judicial involvement and independence in handling terrorism and deradicalization cases are also important factors. The presence of an independent and professional judicial system is indispensable to ensure that the legal process runs fairly and that there is no detrimental political intervention.

d. Protection of Human Rights and Public Tolerance

Another legal challenge is to ensure that deradicalization efforts do not violate individual human rights, such as freedom of religion or freedom of opinion. Human rights protection is important in the context of this program, as sometimes crackdowns or potentially discriminatory policies can emerge in response to the threat of terrorism. The political and legal challenges faced in the implementation of the deradicalization program for terrorism prisoners have a significant impact: (1) Policy Uncertainty: Uncertainty in policy or changes in political priorities can disrupt the continuity of deradicalization programs and reduce their effectiveness; (2) Barriers to Inter-Agency Coordination, Differences of opinion or political interests between government agencies can hinder effective coordination in the implementation of programs; (3) Public Resistance, Legal political challenges can also create resistance from certain communities or groups to deradicalization programs, especially if there is a perception that these programs violate human rights or are unfair. The political and legal challenges in the implementation of the deradicalization program for terrorism prisoners in Indonesia highlight the complexity involved in efforts to prevent and overcome the threat of terrorism. By understanding and addressing these challenges through a holistic and evidence-based approach, Indonesia can strengthen its capacity to respond effectively to the threat of terrorism while upholding democratic and human rights values. Thus, the implementation of the deradicalization program can run more smoothly and sustainably, supporting national security and social stability in Indonesia.

D. Relevance and International Application in the Deradicalization Program of Terrorism Prisoners in Indonesia

The deradicalization program of terrorism prisoners in Indonesia has important relevance in the international context, especially given the global challenges faced by many countries related to the threat of terrorism. International adoption can provide a broader perspective and collaborative support that is beneficial to national efforts. Several countries have successfully implemented programs to deradicalize terrorism prisoners, which can be an example and inspiration for Indonesia. For example, programs in European countries such as the Netherlands and the United Kingdom have shown success in reducing the rate of re-radicalization and reintegrating terrorism prisoners into society. Successful international implementation emphasizes the importance of safeguarding human rights and democratic values in an effort to fight terrorism. Efforts must be in accordance with international law and not at the expense of individual freedom.

Despite its potential benefits, international implementation also faces a number of challenges that need to be overcome. Cultural and Social Differences, Each country has a unique cultural, social and political context, so not all strategies that are successful in one country can simply be applied in another country. Information Security, Intensive exchange of information between countries in the context of terrorism often involves sensitivity and high information security, which requires a strong framework in data protection and intelligence. The relevance and international application of the deradicalization program for terrorism convicts in Indonesia shows the importance of global cooperation in overcoming the threat of terrorism that crosses national borders. By leveraging lessons from successful international implementation and encouraging collaboration between countries, Indonesia can strengthen its capacity to effectively fight terrorism while maintaining democratic values, human rights and civil liberties. Through these steps, Indonesia can contribute positively to global efforts to create a world that is safer from the threat of terrorism.

CONCLUSION

Implementation of the deradicalization program for terrorism convicts in Indonesia is an important step in efforts to tackle the threat of terrorism holistically. Based on the discussion that has been carried out, several key points can be concluded: The Importance of Multilateral Cooperation, Cooperation between countries and international organizations is key in facing the challenge of cross-border terrorism. Indonesia needs to continue to strengthen collaboration with other countries, both in exchanging intelligence information and developing joint strategies. The need for an inclusive and community-based approach. An approach that is inclusive, community-based and considers the local context to be effective in approaching terrorism convicts. This not only ensures the sustainability of the deradicalization program, but also strengthens their social integration back into society. Protection of Human Rights (HAM), deradicalization efforts must be carried out by paying attention to and respecting human rights. Protection of individual rights, such as religious freedom and privacy, must be a priority in implementing this program. Legal Political Challenges, complex legal political challenges, including policy consistency, political consensus, and judicial independence, need to be addressed systematically to maintain the integrity and effectiveness of the deradicalization program.

REFERENCES

- Abdullah, A. G. (2005). Undang-Undang Terorisme Dan Penerapannya di Indonesia. *Dirjen Hukum Dan Perundang-Undangan Departemen Kehakiman Republik Indonesia, Bogor*.
- Azis, A., & Harijanto, C. (2003). SEBUAH DIALOG UNTUK MENGAKHIRI RANTAI KEKERASAN: CARA Pandang Baru Tentang Terorisme. *GLOBAL: Jurnal Politik Internasional*, 5(2).
- Black, D. (1972). The Boundaries of Legal Sociology" dalam Yale. *Law Journal*, 81.
- Bonger, W. A., & Kriminologi, P. T. (2007). *PT. Pembangunan Ghalia Indonesia*. Jakarta.
- Bonger, W. A., Kriminologi, P. T., & Pembangunan, P. T. (1982). *Ghalia Indonesia. Cet. IV, Jakarta*.
- Fahreza, A. (2020). Pencegahan terorisme berbasis masyarakat dengan pembentukan forum koordinasi pencegahan terorisme di tiga provinsi. *Jurnal Sosiologi Nusantara*, 6(1), 13–22.
- Hardiman, F. B., Marpaung, R., & Araf, A. (2005). Terorisme: definisi, aksi, dan regulasi. (*No Title*).
- Indrawan, J., & Aji, M. P. (2019). Efektivitas Program Deradikalisasi Badan Nasional Penanggulangan Terorisme Terhadap Narapidana Terorisme Di Indonesia. *Jurnal Pertahanan & Bela Negara*, 9(2), 1–20.
- Kahmad, D. (2000). Metode Penelitian Agama (Perspektif Ilmu Perbandingan Agama), Bandung: CV. *Pustaka Setia*, 158–159.
- Loqman, L. (1990). *Analisis Hukum dan Perundang-Undangan Kejahatan terhadap Keamanan Negara di Indonesia*.
- Mareta, J. (2018). Rehabilitasi dalam upaya deradikalisasi narapidana terorisme. *Masalah-Masalah Hukum*, 47(4), 338–356.
- Moeljatno, A.-A. H. P. (2008). *Penerbit Rineka Cipta*. Jakarta.
- Mohamad, S. V. (2002). Terorisme dan Tata Dunia Baru. *Penerbit Pusat Pengkajian Dan Pelayanan Informasi Sekretariat Jendral DPR-RI, Jakarta*.
- Orlando, G. (2022). Efektivitas Hukum dan Fungsi Hukum di Indonesia. *Tarbiyah Bil Qalam: Jurnal Pendidikan Agama Dan Sains*, 6(1).
- Rajab, A. (2016). Urgensi Penguatan BNPT dalam rangka Menjaga Keamanan dan Kedaulatan Negara. *Jurnal Rechts Vinding: Media Pembinaan Hukum Nasional*, 5(1), 1–15.
- Smith, K. T., Smith, L. M., Burger, M., & Boyle, E. S. (2023). Cyber terrorism cases and stock market valuation effects. *Information & Computer Security*, 31(4), 385–403.