IUS POENALE

Persuasive Approach to Terrorist Organization Members through the Welfare and Investment of National Values

I Ketut Widhiarto
Detasemen Khusus Kontraterorisme 88, Indonesia
kintanar4j4@yahoo.co.id

Article's Information	Abstract
	The eradication of terrorism extends beyond mere imprisonment to include more nuanced methods like persuasive approaches aimed at promoting welfare and instilling national values. This strategy seeks to reacquaint terrorists with the foundational teachings of the Indonesian Constitution and the principles of the Unitary State of the Republic of Indonesia. In response to the complex nature, characteristics, motives, and goals of terrorism, this study proposes a persuasive approach specifically tailored for members of the Jemaah Islamiyah (JI) terrorist organization, grounded in the provisions of Law Number 5 of 2018 on the Eradication of Criminal Acts of Terrorism. Highlighting the importance of deradicalization through legal and responsive persuasive means, this approach targets JI members implicated in terrorist activities. Utilizing a qualitative methodology with descriptive and normative analyses, the research underscores that terrorism, characterized by activities that create unrest under the guise of religion, demands a law enforcement strategy that is holistic, comprehensive, and sustainable. This includes a repressive legal framework within the criminal justice system designed to transition terrorists from radical ideologies to more moderate stances during their incarceration, thereby addressing the root causes and manifestations of terrorism effectively.

A. Introduction

Terrorism in Indonesia is deeply influenced by the global dynamics of terrorism, especially over the last two decades.[1] The socio-political and security developments in the Middle East, including the activities of radical organizations like Al-Qaeda, the Arab Spring's political upheavals, and the emergence of the radical armed group ISIS (Islamic State of Iraq and Syria) [2] have significantly impacted the terrorism threat in Indonesia. This connection stems from the affiliations between Indonesian radical organizations and these Middle Eastern terrorist groups.

The death of Al-Qaeda leader Osama bin Laden in May 2011 marked a turning point, leading to a decline in the Arab Spring's political turmoil. Subsequently, the collapse of ISIS's power and control over the Iraq-Syria border significantly reduced the terrorism threat from groups such as Al-Jama'ah Al-Islamiyah (JI) and Jama'ah Anshorut Daulah (JAD) within Indonesia. Moreover, the amendment of the law from Number 15 of 2003 to Number 5 of 2018 concerning the Eradication of Criminal Acts of Terrorism has further constrained the operational space for radical groups. These legal changes have enhanced the authority of the Police, especially the Special Detachment 88 Anti-Terror Police, enabling more effective detection and legal action against potential terrorist threats.[3]

Survey data released by the Wahid Foundation in collaboration with the Indonesian Survey Institute (LSI) highlights the prevalence of intolerance and radicalism across Indonesia's 34 provinces, revealing a significant openness to these ideologies. The survey, which engaged 1520 Muslim respondents aged 17 and over, found that 59.9% identified with groups that are often targets of hatred. Alarmingly, 7.7% expressed a willingness to engage in radical actions if given the opportunity, and 0.4% had already taken such actions. This willingness to act radically translates to approximately 11 million people out of Indonesia's 150 million Muslims, a figure that underscores the substantial risk of radical behavior.[4]

Despite legislative efforts to curb terrorism, including the revision of Law Number 15 of 2003 to Law Number 5 of 2018 on the Eradication of Criminal Acts of Terrorism, Indonesia witnessed a major terrorist attack in March 2021: a suicide bombing at the Makassar Cathedral Church in South Sulawesi. In response, the National Police's Anti-Terror Detachment 88 promptly arrested 56 individuals linked to the attack.[5] This unit has also conducted extensive operations, detaining over 150 members of the Jemaah Islamiyah (JI) group across regions including Central Java, Lampung, Riau, Padang, North Sumatra, Banten, DKI Jakarta, West Java, and East Java. Investigations reveal that the majority of those arrested were involved in supporting terrorism, whether through financial assistance, providing material resources, or helping to conceal wanted individuals from the police or Anti-Terror Detachment 88.

The amendment from Law Number 15 of 2003 to Law Number 5 of 2018 on the Eradication of Criminal Acts of Terrorism notably includes the criminalization, or prohibition, of certain acts or activities as distinct criminal offenses, which were not considered criminal under the

---

[1] Arif Hidayat and Laga Sugiarto, "Strategi Penangkalan & Penanggulangan Radikalisme Melalui Cultural Reinforcement Masyarakat Jawa Tengah," *Jurnal Usm Law Review* 3, no. 1 (2020): 135, https://doi.org/10.26623/julr.v3i1.2203.

[2] A Faiz Yunus, "Radikalisme, Liberalisme Dan Terorisme: Pengaruhnya Terhadap Agama Islam," *Jurnal Online Studi Al-Qur An* 13, no. 1 (2017): 76–94, https://doi.org/10.21009/jsq.013.1.06.

[3] Yosaphat Haris Nusarastriya, "Radikalisme Dan Terorisme Di Indonesia Dari Masa Ke Masa (Tinjauan Dari Perspektif Kewarganegaraan) Yosaphat Haris Nusarastriya," *Humaniora Yayasan Bina Darma* 2 (2015).

[4] Musa Rumbaru Hasse J, Religious Redicalism Legitimating the Interpretation of Violence in Public Space, Al-Ulum Journal, Volume 16, Number 2 Year (2016) hlm. 368-386.

[5] Internal Source of Detachment 88 AT Polri in 2021

previous law.[6] This shift towards criminalizing specific actions primarily involves formal offenses, underlining most arrests carried out by the Anti-Terror Detachment 88 against individuals associated with networks such as Jemaah Islamiyah (JI) and Jemaah Ansharut Daulah (JAD).

While the use of formal offenses in addressing terrorism-related crimes has proven to be highly effective in preventing terrorist attacks, its alignment with the core objectives of law enforcement—justice, utility, and legal certainty—raises significant concerns. The application of formal offenses in the legal system, particularly in counter-terrorism efforts, suggests a lean towards repressive measures, potentially sidelining the principles of justice and fairness. Given this context, the utilization of formal offenses should ideally be considered an *ultimum remedium*, a last resort following exhaustive attempts at preventative, persuasive measures.[7]

Achieving a balance between preventive and repressive measures in the legal handling of terrorist acts necessitates an approach that extends beyond simply imposing criminal penalties on offenders. Equally critical is the adoption of a legal strategy capable of dismantling the radical ideologies that drive individuals and their groups to commit acts of terrorism. This strategy should incorporate a humanistic approach, promote economic welfare, and foster an appreciation for national values.[8]

This study introduces an innovative perspective by highlighting the limitations of relying solely on the criminal justice system for addressing the radical ideologies behind terrorism. The evidence for this inefficacy is twofold: first, the continued arrest of repeat offenders from radical groups by the National Police's Anti-Terror Unit 88 points to the inadequacy of existing deterrents; second, the steadfast refusal of these offenders to formally renounce their ties to terrorist organizations and to declare their loyalty to the Republic of Indonesia underscores the need for a more nuanced approach to deradicalization.[9]

This research examined the effectiveness of a persuasive approach toward the deradicalization of members within the Jemaah Islamiyah (JI) network, with an emphasis on embedding national values. Several research questions were proposed ; 1) What are the nature, characteristics, motives, and goals of terrorism? 2) What is the concept of a persuasive approach to members of the JI Terrorism Organization based on Law Number 5 of 2018 concerning the Eradication of Criminal Acts of Terrorism? 3) What is the Concept of Deradicalization through a Persuasive Approach based on Responsive Law against JI Members involved in criminal acts of terrorism? This in this qualitative research, data were descriptively and normatively analyzed. To strengthen the juridical analysis, empirical data were used which include data of terrorism events and practices in the process of law enforcement for criminal acts of terrorism in Indonesia since the enactment of Law Number 15 of 2003 concerning *Perppu* 1 of 2002 concerning Eradication of Criminal Acts of Terrorism.

B. Discussion
1. The Nature, Characteristics, and Motives of the Crime of Terrorism

The concepts of "terror," "terrorist," and "terrorism" are pivotal to this paper, given the multitude of definitions and interpretations that exist. As defined by the Indonesian Dictionary,

---

[6] Oki Wahju Budijanto and Tony Yuri Rahmanto, "Pencegahan Paham Radikalisme Melalui Optimalisasi Pendidikan Hak Asasi Manusia Di Indonesia," *Jurnal HAM* 12, no. 1 (2021): 57, https://doi.org/10.30641/ham.2021.12.57-74.

[7] Baidhowi, "Islam Tidak Radikalisme Dan Terorisme," *Seminar Nasional Hukum Universitas Negeri Semarang* 3, no. 1 (2017): 197–218.

[8] Iwan S., et al, Journal of Surya Society, Vol. 1 No. 2, Prevention of Radicalism Movements through Planting Pancasila Ideology and Community-Based Constitutional Awareness Culture, 2019, hlm.2

[9] Anastasia Yuni Widyaningrum and Noveina Silviyani Dugis, "Terorisme Radikalisme Dan Identitas Keindonesiaan," *Jurnal Studi Komunikasi (Indonesian Journal of Communications Studies)* 2, no. 1 (2018): 32–67, https://doi.org/10.25139/jsk.v2i1.368.

"terror" refers to the act of inducing fear, horror, or cruelty by an individual or group. Meanwhile, a "terrorist" is described as someone who employs violence to instill fear, typically for political aims.[10] Lexically, "terror" signifies chaos and arbitrary acts intended to disrupt societal order through cruel and menacing actions.[11] Both "terrorist" (the actor) and "terrorism" (the act) trace their origins to the Latin word "terror," implying a sense of shaking or causing horror.[12]

The legal framework in Indonesia, specifically Article 1 number 2 of Law Number 5 of 2018, which amends Law Number 15 of 2003 in conjunction with Government Regulation in Lieu of Law Number 1 of 2002 on the Eradication of Criminal Acts of Terrorism, provides a formal definition of terrorism. It characterizes terrorism as any act employing violence or the threat thereof, generating a climate of terror or widespread fear. Such acts may result in mass casualties, or the damage or destruction of vital strategic assets, the environment, public or international facilities, driven by ideological, political, or security disturbance motives.

The 1989 United Nations Convention defines terrorism as a range of criminal acts aimed directly at the state to instill terror in specific individuals, groups, or the wider community.[13] In the context of globalization and the era of borderless information, terrorism is recognized as a transnational crime due to its organized nature and extensive networks, threatening global peace, international security, and national safety.[14] Petrus R. Golose further delineates terrorism as an illegal act that spreads widespread terror among the public through threats or violence, whether organized or not, inflicting prolonged physical and psychological suffering. Such severity classifies it as both an extraordinary crime and a crime against humanity.[15]

Terrorism distinguishes itself from ordinary crimes through its preparatory phase, characterized by meticulous planning, organization, and the involvement of multiple parties each with defined roles. In the structure of a terrorist operation, there are at least three support groups[16]: the hard cores, who are directly involved in planning and execution; the support groups, who aid in the preparation, execution, and conclusion of the attacks without direct involvement in the violent acts; and the sympathizers, who, although not directly involved, share the ideology, mission, or political attitude, endorsing the actions taken by the attackers.[17]

Understanding the motives behind terrorism involves delving into the root causes that compel individuals to commit these acts.[18] First among these is the motive of poverty and despair. This rationale has been observed in various terrorism cases in Indonesia and elsewhere, though perpetrators might not always openly admit it. Typically, they cite social injustices and a lack of economic opportunities, leading to a significant welfare disparity between the wealthy

---

[10] Iwan Satriawan, Muhammad Nur Islami, and Tanto Lailam, "Pencegahan Gerakan Radikalisme Melalui Penanaman Ideologi Pancasila Dan Budaya Sadar Konstitusi Berbasis Komunitas," *Jurnal Surya Masyarakat* 1, no. 2 (2019): 99, https://doi.org/10.26714/jsm.1.2.2019.99-110.

[11] Jhon M Echol, et al, *English – Indonesian, Jakarta, Scholastic Dictionary*, 1975 , hlm . 279

[12] Hery Firmansyah, Journal of the Pulpit of Law Vol. 23 No.1, Combating Criminal Acts of Terrorism in Indonesia, 2011, hlm. 378.

[13] et al., "Peran Kecenderungan Berpikir Tertutup Dan Kecenderungan Kebersetujuan Pada Potensi Perilaku Radikal Mahasiswa," *Psikologika : Jurnal Pemikiran Dan Penelitian Psikologi* 25, no. 2 (2020): 305–24, https://doi.org/10.20885/psikologika.vol25.iss2.art10.

[14] Muhammad Ali Zaidan, Semarang State University Law National Seminar Vol.3 No. 1, Combating Criminal Acts of Terrorism, 2017, hlm.5

[15] Petrus Reinhard Golose, *Deradicalization of Terrorism, Humanism, Soul Approach and Touching the Grassroots,* YPKIK, Jakarta, 2009, hlm.6

[16] Petrus Reinhard Golose, *Deradicalization of Terrorism, Humanism, Soul Approach and Touching the Grassroots,* YPKIK, Jakarta, 2009, hlm.6

[17] Ahmad Sholikin, "Potret Sikap Radikalisme Menuju Pada Perilaku Terorisme Di Kabupaten Lamongan," *Journal of Governance* 3, no. 2 (2018), https://doi.org/10.31506/jog.v3i2.3255.

[18] Rama Mani, et al, 2004, *The Root Causes of Terrorism and Conflict prevention,* dalam *Terrorism and the UN, Before and After September 11,* Indiana, University Press *Cit.,* hlm 224

and the poor. This gap fosters a sense of disenchantment and resentment, potentially driving individuals toward terrorism as a form of protest or expression of frustration.

Secondly, the failure of weak or corrupt states provides fertile ground for the development of terrorism, often cited in incidents within developing countries where political and security instability prevails, such as Pakistan, Afghanistan, Egypt, Iraq, and several African nations. Additionally, the motive of a clash of civilizations underscores the radicalization of extremist groups within the broader context of global technological and informational advancements. These advancements are perceived by some radical groups as a form of modern "colonization" by Western countries, leading to a cultural and religious clash, especially in predominantly Muslim developing countries. This perspective fuels the belief that actions against these perceived threats are justified, further exacerbating the motivations behind terrorism.

2. The Concept of a Persuasive Approach in Law Number 5 of 2018 concerning Eradication of Criminal Acts of Terrorism

The General Elucidation of Law Number 5 of 2018, which amends Law Number 15 of 2003 concerning the Stipulation of *Perpu* Number 1 of 2002 on the Eradication of Criminal Acts of Terrorism, underscores the necessity for a more solid legal foundation to ensure legal protection and certainty in both the prevention and eradication of terrorism. This amendment acknowledges the evolving legal needs of society and aims to establish a proportionate balance between the imperatives of law enforcement, the protection of human rights, and the socio-political conditions within Indonesia.[19]

This elucidation highlights that the transition from Law Number 15 of 2003 to Law Number 5 of 2018 facilitates a more robust legal framework for addressing terrorism through a dual-pronged approach: preventative measures and repressive actions. It asserts that the law enforcement process must safeguard human rights, provide legal certainty, and foster socio-political harmony. Given the complexity of terrorism, characterized by diverse motivations and support systems, a comprehensive, holistic, and sustained law enforcement strategy is imperative. This strategy encompasses both a repressive approach, employing the criminal justice system to challenge terrorism, and a preventative, persuasive approach that addresses economic, ideological, and nationalist factors to counteract radicalization.[20]

Law Number 5 of 2018, which amends Law Number 15 of 2003 on the Eradication of Criminal Acts of Terrorism, introduces provisions for a comprehensive preventive approach that engages a broad spectrum of stakeholders across various sectors. This approach encompasses three main concepts: national preparedness, counter-radicalization, and deradicalization.[21] Such a multifaceted strategy acknowledges the intricate causes behind terrorism, advocating for a tailored legal approach that aligns with the specific motives and levels of involvement of individuals or groups in terrorist activities. Recognizing the complexity of these motives, the law posits that a purely repressive law enforcement method might not effectively mitigate or eradicate the zeal of those committing acts of terrorism for religious reasons. Similarly, when terrorism is motivated by perceived social and economic injustices, the law suggests a nuanced approach that offers special attention to social and economic grievances, aiming to foster a more equitable sense of justice.[22]

The objective of law enforcement is to ensure justice, legal certainty, and societal benefit. In combating terrorism as a criminal offense, it is crucial to strike a balance between a repressive and a persuasive approach. Such an approach aims to align law enforcement efforts

---

[19] Tamat Suryani, "Pengantar Memahami Fundamentalisme Islam Dan Terorisme Dan Deradikalisasi :," *Jurnal Keamanan Nasional* 3, no. 2 (2017): 271–94.

[20] Virda Altaria Putri Derina Rahmat, Dofa Muhammad Aliza, "MEDIA SOSIAL SEBAGAI UPAYA PENCEGAH RADIKALISME," *Jurnal Ilmu Komunikasi* 9, no. 2 (2019): 141–51.

[21] Article 43A paragraph (3) of Law Number 5 of 2018 concerning Eradication of Criminal Acts of Terrorism.

[22] Mahrus Ali, *Criminal Law on Terrorism Theory and Practice, Gramata Publishing, Bekasi*, 2012, hlm. 13

with societal expectations. Given terrorism's organized nature, each terrorist event typically involves multiple parties, both directly and indirectly linked to the crime, often united by shared ideologies or beliefs.[23]

Data spanning nearly two decades of law enforcement efforts by Densus 88 AT Polri, starting from the Bali bombing terror attack in 2002, reveal a persistent recurrence of terrorism-related offenses. Notably, several prominent figures associated with organizations like Jemaah Islamiyah (JI), such as Abu Bakar Ba'asyir (ABB) and others, continue to engage in terrorism-related activities despite law enforcement actions.[24] This data suggests that the repressive approach, primarily focusing on punitive measures, has failed to address the underlying radical ideologies fueling terrorism.

Another indicator of a convict's enduring radicalization during their incarceration is their refusal to seek remission, a legal entitlement afforded to inmates. For terrorism convicts, obtaining remission necessitates fulfilling administrative requirements, including pledging allegiance to the Republic of Indonesia and renouncing their ties to radical organizations like JI or JAD. However, data indicates that many former convicts opt to forego remission by refusing to fulfill these administrative obligations, indicating a persistent adherence to radical ideologies.

3. The Concept of Deradicalization through a Persuasive Approach based on Responsive Law against JI Members who are involved in criminal acts of terrorism

Deradicalization, or the process of shifting individuals' or societies' extremist worldviews towards more moderate perspectives, is crucial in addressing the repeated instances of violence and terrorism justified by the concept of jihad.[25] The persistence of such acts, despite stringent punitive measures against perpetrators, underscores the need for a deeper, more holistic approach. Deradicalization strategies must engage with the foundational aspects of radical or radicalism, derived from the notion of reaching the root or base of thought. While radical perspectives in the context of scientific or philosophical inquiry can be positive, fostering deep, nuanced understanding, the concern arises when these attitudes permeate religious social movements. Here, radicalism is often associated with fundamentalism, militarism, and extremism—movements that exceed the bounds of religious norms to the detriment of pluralistic societal coexistence.

Addressing the challenge of religiously motivated radicalism and terrorism requires deradicalization efforts that prioritize education. Such initiatives aim to cultivate a contextual and nuanced understanding of religion, one that harmonizes with universal human values. By fostering an interpretation of religion that emphasizes compassion, tolerance, and peace, it is possible to inspire actions and practices within communities that starkly contrast with violence, radicalism, and terrorism. This approach not only challenges the extremist narratives but also reinforces the foundation of a more inclusive and understanding society.

The expanded concept of deradicalization in recent times goes beyond merely moderating the beliefs and behaviors of individuals formerly involved in radical organizations. It now encompasses early detection, prevention from the outset, and engaging various societal layers with methods tailored to each group's specific needs. This broader interpretation is gaining traction in Indonesia, allowing for deradicalization efforts to extend beyond just rehabilitating ex-combatants in detention to being implemented across various public spheres and through diverse media channels.[26]

---

[23] Ahmad Zamzamy, "Menyoal Radikalisme di Media Digital" *Dakwatuna: Jurnal Dakwah Dan Komunikasi Islam* 1, no. 1 (2020): 14–29.

[24] Internal Data Source of Detachment 88 Anti-Terror in 2021.

[25] Mifrohatul Musyarrofah, "Deradikalisasi Melalui Pendidikan Karakter Berbasis Khazanah Pesantren," *Jurnal Mudarrisuna: Media Kajian Pendidikan Agama Islam* 8, no. 1 (2018): 46–59.

[26] Musyarrofah. *Ofcit*, hlm 9.

Efforts to counter religious ideology radicalization can take numerous forms, including the creation of forums for religious harmony, early awareness initiatives, and comprehensive anti-radicalism and anti-terrorism measures that span from the national level down to local communities. This can be achieved through peace education in both formal and informal educational settings. Moreover, the government is urged to mobilize all societal factions, including community organizations, to combat radicalism actively. A significant aspect of the government's deradicalization program is to reintegrate individuals influenced by radical ideologies, particularly terrorist inmates, their families, and networks, back into society in a manner consistent with religious norms and state laws. This program aims to encompass various facets of societal life, engaging not only law enforcement and government bodies but also the wider community and its components. A well-structured deradicalization program, through accurate problem mapping from upstream to downstream, is vital for effectively targeting and mitigating the threat of radicalization.[27]

The use of persuasive approaches in addressing members of terrorism organizations like Al-Jama'ah Al-Islamiyah (JI) underscores a nuanced strategy in law enforcement, particularly within the realm of deradicalization. This method focuses on engaging JI members in a dialogue that emphasizes the importance of national values, welfare, and adherence to both religious beliefs and legal frameworks in a harmonious manner. By employing persuasion, law enforcers, including the Prosecutor's Office, aim to foster a deeper understanding and appreciation of national values among these individuals, steering them away from radical ideologies and behaviors. This approach is marked by its subtlety and is aligned with strategies used in advertising, promotion, and da'wah, aiming to influence individuals and broader audiences through appealing and inviting means.

In contrast, the concept of responsive law, introduced by Philippe Nonet and Philip Selznick, challenges traditional views of law as an autonomous institution, characterized by an objective and impartial system of rules and procedures. Instead, responsive law views the legal system as an instrument designed to serve social needs and interests, emphasizing the shift from strict adherence to rules towards principles and purposes that resonate with societal values. This perspective prioritizes the law's populist character, aiming to make it more accessible and aligned with the goals and needs of the broader community. Both the persuasive approach in deradicalization and the principles of responsive law highlight the importance of adapting legal and law enforcement strategies to address the complex social and ideological underpinnings of terrorism, emphasizing a more holistic and inclusive approach to countering radicalization.

The persistent challenges and unrealized benefits of the repressive legal approach in the criminal justice system highlight the critical importance of deradicalization efforts within prison settings. Despite the aim of deradicalization programs to reform terrorist prisoners' ideologies from radical to moderate during their incarceration, data reveals high rates of recidivism and refusals to pledge allegiance to the Unitary State of the Republic of Indonesia and renounce ties to terrorist leaders and organizations such as JI and JAD. This underscores the need for a comprehensive evaluation of the weaknesses within the criminal justice system.

One of the key obstacles lies in the lack of coordinated sectoral understanding and collaboration throughout the process, from suspect investigation by the Police to prosecution by the Public Prosecutor and subsequent handling at the court and prison levels. The holistic, sustainable, and comprehensive approach required for addressing terrorism-related offenses demands enhanced coordination and synergy among multiple institutions involved in the process.

Furthermore, the concept and approach to addressing these challenges cannot disregard the principles of *Rechtstaat*, rooted in the Continental European legal system. Shaped by the

---

[27] Hendro Wicaksono and Mohammad Kemal Dermawan, "Alat Ukur Tingkat Radikalisme Berdasarkan Penilaian Kepribadian," *DEVIANCE: JURNAL KRIMINOLOGI*,4, no. 1 (2020): 84–102.

historical context of European development and the evolution from absolutist monarchies, *Rechtstaat* emphasizes the imperative for the state to operate within defined legal boundaries while preserving individual freedoms. This concept transcends mere maintenance of legal systems to encompass the state's obligation to uphold moral ideals within the framework of law, ensuring that state actions are grounded in legal legitimacy and adherence to principles of justice. In essence, the rule of law signifies not only the maintenance of legal systems but also the fulfillment of government purposes and protection of individual rights within a morally grounded legal framework.

Gustav Radbruch proposed that the law should embody three core values: the principle of legal certainty, the principle of justice (*gerechtigkeit*), and the principle of utility. Hans Kelsen, on the other hand, viewed the law as a system of norms. Legal certainty is achieved normatively when laws and regulations are crafted and promulgated with clarity and logical coherence, thereby minimizing the potential for multiple interpretations and avoiding normative conflicts or inconsistencies. Such conflicts, stemming from ambiguities in legal texts, can lead to contestations, reductions, or distortions of norms. The utility of the law serves as a complementary principle to those of justice and legal certainty, suggesting that practical considerations must be integrated into the enforcement of legal certainty and justice.

C. Conclusion

The essence of terrorism, characterized by activities that sow unrest under the guise of religion, requires a law enforcement approach that is holistic, comprehensive, and sustainable, incorporating both repressive and rehabilitative strategies through the criminal justice system. This system aims to transform radical ideologies of terrorist inmates towards moderation during their sentences. Despite these efforts, the persistence of high recidivism rates among ex-convicts and their refusal to renounce allegiances to terrorist leaders and organizations, such as Jemaah Islamiyah (JI) and Jamaah Ansharut Daulah (JAD), highlights the necessity for a thorough evaluation and enhancement of the criminal justice process.

References

Ahmad Zamzamy. "Menyoal Radikalisme Di Media Digital" *Dakwatuna: Jurnal Dakwah Dan Komunikasi Islam* 1, no. 1 (2020): 14–29.

Baidhowi. "Islam Tidak Radikalisme Dan Terorisme." *Seminar Nasional Hukum Universitas Negeri Semarang* 3, no. 1 (2017): 197–218.

Budijanto, Oki Wahju, and Tony Yuri Rahmanto. "Pencegahan Paham Radikalisme Melalui Optimalisasi Pendidikan Hak Asasi Manusia Di Indonesia." *Jurnal HAM* 12, no. 1 (2021): 57. https://doi.org/10.30641/ham.2021.12.57-74.

Derina Rahmat, Dofa Muhammad Aliza, Virda Altaria Putri. "MEDIA SOSIAL SEBAGAI UPAYA PENCEGAH RADIKALISME." *Jurnal Ilmu Komunikasi* 9, no. 2 (2019): 141–51.

Nur Amalia Hamida, and Fathul Lubabin Nuqul. "Peran Kecenderungan Berpikir Tertutup Dan Kecenderungan Kebersetujuan Pada Potensi Perilaku Radikal Mahasiswa." *Psikologika : Jurnal Pemikiran Dan Penelitian Psikologi* 25, no. 2 (2020): 305–24. https://doi.org/10.20885/psikologika.vol25.iss2.art10.

Hidayat, Arif, and Laga Sugiarto. "Strategi Penangkalan & Penanggulangan Radikalisme Melalui Cultural Reinforcement Masyarakat Jawa Tengah." *Jurnal Usm Law Review* 3,

no. 1 (2020): 135. https://doi.org/10.26623/julr.v3i1.2203.

Musyarrofah, Mifrohatul. "Deradikalisasi Melalui Pendidikan Karakter Berbasis Khazanah Pesantren." *Jurnal Mudarrisuna: Media Kajian Pendidikan Agama Islam* 8, no. 1 (2018): 46–59.

Nusarastriya, Yosaphat Haris. "Radikalisme Dan Terorisme Di Indonesia Dari Masa Ke Masa (Tinjauan Dari Perspektif Kewarganegaraan) Yosaphat Haris Nusarastriya." *Humaniora Yayasan Bina Darma* 2 (2015).

Satriawan, Iwan, Muhammad Nur Islami, and Tanto Lailam. "Pencegahan Gerakan Radikalisme Melalui Penanaman Ideologi Pancasila Dan Budaya Sadar Konstitusi Berbasis Komunitas." *Jurnal Surya Masyarakat* 1, no. 2 (2019): 99. https://doi.org/10.26714/jsm.1.2.2019.99-110.

Sholikin, Ahmad. "Potret Sikap Radikalisme Menuju Pada Perilaku Terorisme Di Kabupaten Lamongan." *Journal of Governance* 3, no. 2 (2018). https://doi.org/10.31506/jog.v3i2.3255.

Suryani, Tamat. "Pengantar Memahami Fundamentalisme Islam Dan Terorisme Dan Deradikalisasi :" *Jurnal Keamanan Nasional* 3, no. 2 (2017): 271–94.

Wicaksono, Hendro, and Mohammad Kemal Dermawan. "Alat Ukur Tingkat Radikalisme Berdasarkan Penilaian Kepribadian." *DEVIANCE: JURNAL KRIMINOLOGI* 4, no. 1 (2020): 84–102.

Widyaningrum, Anastasia Yuni, and Noveina Silviyani Dugis. "Terorisme Radikalisme Dan Identitas Keindonesiaan." *Jurnal Studi Komunikasi (Indonesian Journal of Communications Studies)* 2, no. 1 (2018): 32–67. https://doi.org/10.25139/jsk.v2i1.368.

Yunus, A Faiz. "Radikalisme, Liberalisme Dan Terorisme: Pengaruhnya Terhadap Agama Islam." *Jurnal Online Studi Al-Qur An* 13, no. 1 (2017): 76–94. https://doi.org/10.21009/jsq.013.1.06.

Zulfikar, Muhammad, and Aminah Aminah. "Peran Badan Nasional Penanggulangan Terorisme Dalam Pemberantasan Terorisme Di Indonesia." *Jurnal Pembangunan Hukum Indonesia* 2, no. 1 (2020): 129–44. https://doi.org/10.14710/jphi.v2i1.129-144.