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INDONESIAN TERRORISM PRISONERS' TREATMENT: A CASE STUDY AT NUSAKAMBANGAN CLASS IIA CORRECTIONAL INSTITUTION

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Abstrak

Kata Kunci:

Radikalisme,
Terorisme,
Pembinaan

Pola pembinaan yang tepat dan efektif bagi para pelaku tindak pidana terorisme masih menjadi persoalan serius di Lembaga Pemasyarakatan (LP) di Indonesia. Pemahaman secara utuh terhadap ekstrimisme dan terorisme, masih menjadi kendala dalam proses pembinaan. Meskipun aksi dari para pelaku telah memakan banyak korban jiwa, tetapi mereka masih merasa tindakannya itu benar, dan telah sesuai ajaran Islam. Tingkat ketaatan para pelaku yang tinggi terhadap sang amir (pemimpin), menjadikan mereka sulit menerima pandangan dari pihak di luar kelompoknya. Melalui pendekatan kualitatif, dengan metode studi kasus pada LP Klas IIA Nusakambangan, di mana proses pengumpulan data dilakukan melalui observasi lapangan dan in-depth interview terhadap beberapa informan kunci terpilih, hasil studi menemukan bahwa pola pembinaan yang selama ini dilakukan belum berjalan maksimal. Pemahaman keagamaan para narapidana terorisme masih tergolong radikal. Hal ini disebabkan antara lain, rendahnya kualitas sumber daya manusia LP dalam proses pembinaan, kurangnya sarana dan prasarana yang dimiliki LP, dan pasifnya para narapidana dalam merespons program pemerintah.

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Abstract

Keywords:
Radicalism,
Terrorism,
Treatment

Proper and effective rehabilitation patterns for terrorist criminals remain a critical concern in Indonesian correction institutions. A thorough knowledge of extremism and terrorism remains a barrier to rehabilitation. Despite the significant loss of life resulting from the actions of the perpetrators, they maintain a conviction that their deeds are genuine and aligned with the principles espoused by Islam. The culprits' strong adherence to the *imam's* authority poses challenges to their willingness to consider perspectives that originate from their external groups. The results of this study showed that the pattern of rehabilitation that has been done has not been done to the fullest extent. This was found by using a qualitative approach and the case study method on the Nusakambangan correction institutions Class IIA, where data is collected through field observations and in-depth interviews with some key informants. The religious comprehension of incarcerated terrorists is deeply extremist. This is attributable, among other things, to the jail's poor quality of human resources in the rehabilitation process, the jail's lack of funds and supplies, and the convicts' inactivity in responding to government programs.

Introduction

The spread of terrorist phenomena in Indonesia is clearly detrimental to the nation as a whole. The acts of terrorism that have occurred have compelled the government and law enforcement agencies to formulate policies aimed at enhancing security measures to prevent the recurrence of such damaging acts in the future. On the other hand, continuous academic research is needed to assess the various aspects of these events from different angles. This is done to draw conclusions that can be used to formulate the most appropriate policies in the context of providing security for the public against acts of terrorism. Therefore, this research aims to examine the rehabilitation patterns of terrorism convicts exposed to radical Islamic movements. It seeks to evaluate the extent of rehabilitation efforts already undertaken and identify the obstacles faced in the rehabilitation process. Rehabilitation of individuals involved in terrorism is a crucial study in maintaining future security stability. This underscores the significant role of correctional institutions in rehabilitating terrorism convicts to prevent them from repeating their actions.

The approach to treating terrorism must be different from the approaches to treating other prisoners. In the implementation of existing guidance, the prison has tried to take a persuasive or personal approach to dealing with terrorist prisoners, but different understandings of terrorist prisoners mean that there is no single understanding of treating terrorist prisoners. Terrorist prisoners' understanding of the meaning of *jihad* is very different in the context of Islamic law in the state, so terrorist prisoners consider respecting the red-and-white flag to be *haram*. This certainly complicates the existing training in prison for terrorist prisoners. Terrorist prisoners who uphold Islamic values tend to feel they are more righteous and holier, often assuming that their surroundings are people who do not practice Islamic teaching properly. Therefore, terrorist prisoners carry out their own worship activities.

A significant development is required for terrorism prisoners because the majority of them maintain their innocence and firmly believe in the supremacy of Islamic law, despite having engaged in acts of terrorism resulting in numerous casualties.

The terrorism inmates at Class II A Nusakambangan Prison, boldly declare their refusal to participate in deradicalization programs. They assert that there is no need to respect the government, which they consider *taghut*,¹ including the mosque facilities within the prison for prayers or religious activities deemed *Dhiror*.² Terrorists are not street criminals working in isolation; they have infrastructure support for each active member. Terrorist groups are not just a bunch of individuals with fanatical and extreme beliefs; rather, they are organized groups with

¹ Laila Sari Masyhur, "Thaghut dalam Al-Qur'an," *Ushuluddin* 18, no. 2 (2012): 179–197, <https://ejournal.uin-suska.ac.id/index.php/ushuludin/article/view/708>; Carmelo Jesús Aguilera Galindo Pilar Rodríguez Martínez, Antonio Jesús Segura Sánchez, "Justification of Terrorism According to World Values Survey (2017–2020)," *Research in Globalization* 2, no. December (2022): 1–8, <https://www.sciencedirect.com/science/article/pii/S2590051X2200065?via=ihub>.

² "Dhirar" refers to a mosque that is perceived as corrupting the imam in the view of terrorism inmates.

adequate structure and management components.³

The Indonesian government has made various efforts to prevent and enforce the law. Several legal institutions play an active role in this regard, such as the National Counterterrorism Agency (BNPT), which was established to focus on handling and preventing terrorism cases. The police, through *Densus 88*, take direct action and law enforcement against perpetrators of criminal acts of terrorism and delegate them to the legal court process. Correctional institutions are places of execution (sentences) that have been handed down by judges in the criminal justice process.

Terrorist prisoners do not feel remorse for the actions they have committed, so the motives for the actions of terrorism prisoners are very different from the motives of other prisoners. What is special about the motive for the actions of terrorism prisoners is the problem of certain beliefs, ideologies, and beliefs, which are then realized fanatically as a life choice. For the sake of belief, ideology, and understanding of martyrdom, terrorist actors do not hesitate to take actions to actualize these beliefs, ideologies, or understandings.⁴ Some perpetrators of criminal acts of terrorism are even satisfied with actions that are considered by society and the state to be acts of terrorism.

The values espoused by Islamic terrorists lead to radical values. Within the radical group itself, they have different understandings. These internal differences and debates depend heavily on who is considered the *amir* (leader). The characteristics of terrorism prisoners who tend to follow and adhere to the views of *amir*, make *amir* in a community or

³ Mark Shaw and Prem Mahadevan, “When Terrorism and Organized Crime Meet,” *Policy Perspectives* (Swiss, 2018), https://globalinitiative.net/wp-content/uploads/2018/10/PP6-7_2018-1.pdf; Thierry Lamote Giorgia Tiscini, “The Process of Radicalization in the Prison Environment: From Criminogenesis to Radicalogenesis,” *L'Évolution Psychiatrique* 84, no. 3 (2019): e59–e69, <https://www.sciencedirect.com/science/article/abs/pii/S0014385519300751?via%3Dihub>.

⁴ Lazar Stankov, “Psychological Processes Common to Social Conservatism and Terrorism,” *Personality and Individual Differences* 120, no. 1 (2018): 75–80, <https://www.sciencedirect.com/science/article/abs/pii/S0191886917305317?via%3Dihub>.

terrorist group very crucial. Not only is the figure and whereabouts of *amir* an important issue in interactions between terrorism prisoners in prisons, but differences in views or beliefs between groups of terrorist prisoners (cooperative and non-cooperative groups) often give rise to separate conflicts. There are terrorism prisoners who have radical fanaticism, which is still very strong because the influence of *amir* is still in the prison that gives instructions. But there are those whose bond of fanaticism weakens when their *amir* is no longer in his daily life in that prison.

In the rehabilitation framework, prison officers restrict terrorism-related inmates who show indications of radical Islamic ideology from engaging in religious preaching. The officers' argument for this is to prevent new recruitment within the prison. This aligns with the concept of deradicalization, which emphasizes the importance of distinguishing between religious preaching and radical preaching in the prison environment. The friction between these two can be seen as a minor issue within the prison, potentially increasing its vulnerability to radical Islamic proselytization.⁵ In Nusakambangan Prison for instance, terrorism inmates engage in actual activities to establish their own congregation for Friday prayers.

The outbreak of the phenomenon of terrorism in Indonesia is clearly very detrimental to the Indonesian nation as a whole. Acts of terrorism that have occurred have forced the government, in this case law enforcement officials, to make policies in order to provide extra security so that these detrimental acts of terrorism will not be repeated in the future. Therefore, the rule of law should be upheld in Indonesia, especially in matters relating to acts of terrorism, which have a very destructive impact on human survival. Perpetrators of criminal acts of terrorism must follow the criminal justice process as a whole, starting from the process of

⁵ Yusril Arinaldy Asdira, "Analysis of Development of De-Radicalization of Terrorist Prisoners in the Correctional Institutions in Indonesia," *Bisma The Journal of Counseling* 4, no. 1 (2020): 48–56, <https://ejournal.undiksha.ac.id/index.php/bisma/article/view/24231/pdf>.

investigation and investigation at the police level, prosecution at the prosecutor's level, examination at the court, and finally the penal institution, which is commonly referred to as a correctional institution.

The criminalization of terrorism is an important study for maintaining security stability in the future. This makes the correctional institution a place that really has a role in providing guidance to terrorist prisoners so they don't repeat their actions. The training pattern for terrorist prisoners is certainly different from that of other prisoners, where during the mental development period, terrorist prisoners are not allowed to preach. Correctional facilities for terrorist prisoners aim to foster and educate them to become better people. The paradigm shift in the place of punishment from prison to correctional institutions as stipulated in the Law on Corrections brings juridical consequences in the form of changing the purpose of punishment from retaliation to coaching.⁶ It is important to understand that in the process, someone who is incarcerated is not just punished for their past actions; the process evolves into raising awareness through rehabilitation programs. This way, those who have been found guilty and sentenced have the opportunity to transform for the better and gain the tools for goodness upon completing their sentences.

Within the framework of fostering prisoners, correctional institutions have two important roles, namely as a place and facility for re-education and re-socialization. Coaching in prison rests on the concept of social rehabilitation and reintegration.⁷ Rehabilitation must be carried out in a prison, while reintegration can be carried out in a prison or outside a prison. The implementation of the social rehabilitation and reintegration concept has not yet shown optimal results. This is observed in the fact that there are still many inmates who, after serving their sentences, repeat the

⁶ Meydianto Mene Trie Rahmi Gettari, Wira Okta Viana, "Hak Asasi Manusia dan Kebebasan Berekspresi di Indonesia," *Ensiklopedia of Journal* 5, no. 2 (2023): 228–232, <https://jurnal.ensiklopediaku.org/ojs-2.4.8-3/index.php/ensiklopedia/article/view/1590>.

⁷ Yaza Azzahara Ulyana and Ahmad Riyansyah, "De-Radicalization Program: The Case Study of Indonesia," *International Journal of Business, Economics and Social Development* 2, no. 2 (2021): 78–88, <https://pdfs.semanticscholar.org/4b68/b22e9b6270d093aaa672f740497ec66f3646.pdf>.

same offenses and return to correctional institutions. The failure of training for terrorist prisoners can be seen in the many recidivists who repeat their actions.⁸ The doctrine adhered to by terrorism prisoners is difficult to get rid of, even though they have undergone training in a prison.

In a research report compiled by the Australian Strategic Policy Institute entitled "Jihadist in Jail: Radicalization and the Indonesian Prison Experience,"⁹ one of the questions raised is whether prison has become a fertile ground for developing terrorism. The fact disclosed in the report related to the activities of terrorist actors who are in prison is that it turns out that prison has provided an opportunity for them to be able to maintain or build a terrorist network.¹⁰ This can happen because prison management in Indonesia is considered to have no experience in providing treatment to terrorism prisoners. Terrorism prisoners receive the same treatment as other prisoners; they are placed in rooms or blocks that allow them to mingle with fellow terrorism prisoners and other convicted criminals. In fact, they can still establish communication with terrorist networks outside the prison. There is no special treatment that is considered to be able to prevent or reduce the radical ideas that they have adhered to so far.

What is contained in the research report at least gives us an idea that prisoners of terrorism cases must receive special treatment, in the sense that the treatment of prisoners of terrorism cases cannot be equated with

⁸ Yosua Praditya Suratman, "The Effectiveness of De-Radicalization Program in Southeast Asia: Does It Work? The Case of Indonesia, Malaysia, and Singapore," *Journal of ASEAN Studies* 5, no. 2 (2017): 135–156, <https://journal.binus.ac.id/index.php/jas/article/view/4302>.

⁹ Carl Ungerer, *Jihadists in Jail Radicalisation and the Indonesian Prison Experience an ASPI-RSIS Joint Report*, 2011, https://www.files.ethz.ch/isn/161633/SR40_jihadists_in_jail.pdf.

¹⁰ Bella Widya, "Deradicalization in Indonesia: Implementation and Challenge," *School of Strategic and Global Studie* 2, no. 1 (2020): 32–50, <https://scholarhub.ui.ac.id/jts/vol2/iss1/3/>; I Gede Widhiana Suarda, "Challenges of Implementing Deradicalisation Programs for Terrorist Prisoners: An Examination of Indonesian Prison Officers' Experiences," *International Journal of Criminal Justice Sciences* 15, no. 2 (2020): 173–190, <https://ijcjs.com/menu-script/index.php/ijcjs/article/view/250/187>.

the treatment of prisoners of other cases. The treatment of them must be as far as possible to eliminate the opportunity for them to be involved in terrorist activities both inside and outside the prison. In fact, at an ideal level, the treatment of terrorism prisoners can change their radical views as much as possible.

This study uses a qualitative approach utilizing a case study method. A qualitative study is more descriptive in nature or tends to prioritize analysis based on procedures for investigating a phenomenon of human and social problems. While the data collected through field observation was carried out in a structured manner on the symptoms studied, in order to get deeper information, an in-depth interview was also conducted with the selected purposive key informant, i.e., the head of the Nusakambangan correctional Institution, officers, terrorism inmates, and regular inmates. The documentation (documents, photos, videos, and other related things) was also collected to comprehend the data. While the data analysis using descriptive analysis was carried out by describing in detail.

Prisoners' Rights and Obligations

Harsono states that a prisoner is someone who has been found guilty by the law and must be punished, while Wilson argues that prisoners are individuals with issues who are separated from society to learn how to socialize properly.¹¹ Articles 9 and 10 of Law No. 22 of 2022 and Minister of Law and Human Rights Regulation No. 7 of 2022 about the Second Amendment to Minister of Law and Human Rights Regulation No. 3 of 2018 about the Requirements and Procedures for Granting Remission, Assimilation, Family Visit Leave, Conditional Release, Pre-release Leave, and Parole spell out the rules about prisoners' rights.

Article 9 specifies that prisoners have the right to practice their religion or beliefs, receive medical treatment both physically and spiritually, access education, teaching, recreational activities, and

¹¹ Kasmanto Rinaldi, *Pembinaan dan Pengawasan dalam Lembaga Pemasyarakatan*, ed. Puput Tri Cahyono (Batam: Yayasan Cendekia Mulia Mandiri, 2021), 14-19.

opportunities for personal development, receive adequate health services and nutrition according to nutritional needs, access information services, receive legal counselling and assistance, file complaints and/or grievances, access reading materials, and follow mass media broadcasts that are not prohibited. They are entitled to humane treatment and protection from torture, exploitation, and any actions that endanger their physical and mental well-being, as well as job security, wages, or work incentives, social services, and the right to accept or refuse visits from family, lawyers, counsellors, and the community. In addition to the rights mentioned above, Article 10, paragraph (1) states that prisoners who meet specific conditions, without exception, also have the right to receive remission or sentence reduction, participate in the assimilation program, obtain visiting or family visit permits, conditional leave, parole, and other rights as stipulated by the relevant laws and regulations. The specific requirements that prisoners must meet to be eligible for these rights include good behaviour, active participation in rehabilitation programs, and a demonstrated reduction in their risk level.

In addition to meeting the aforementioned criteria, prisoners who are to be granted furlough before release or parole must fulfil the requirement of having served at least 2/3 (two-thirds) of their sentence, with a minimum sentence of nine (nine) months. The rights specified in Article 10, paragraph (1), do not apply to prisoners sentenced to life imprisonment or the death penalty. Apart from the rights of prisoners previously described, prisoners also have obligations as stipulated in Article 11 of Law No. 22 of 2022, which include adhering to rules and regulations, participating in rehabilitation programs in an orderly manner, maintaining a clean, safe, orderly, and peaceful living environment, respecting the human rights of every individual in their surroundings, working while considering their health condition, and being productive.

Crimes Against Humanity in Terrorism

Terrorism has recently become a modern phenomenon and has become the focus of attention for various international organizations, groups, and countries.¹² When the forces of imperialism, racism, and Zionism began to propagate the terminology of terrorism into political discussions and in various other fields, these people deliberately mixed up two phenomena that were substantially different, namely the criminality of terrorism and the resistance struggle of a nation in determining its own destiny. This has created a bias in the method of dealing with terrorism issues, including the definition of terrorism itself.¹³

The definition of terrorism was discussed for the first time in the European Convention on the Suppression of Terrorism (ECST) in Europe in 1977. There was an expansion of the paradigm meaning from crime against state to crime against humanity. Crime against humanity includes criminal acts committed to create a situation that results in individuals, groups, and the general public being in a tense atmosphere. Terrorism is categorized as a part of a widespread or systematic attack. The attack is aimed directly at the civilian population, especially innocent people's souls, as happened in Bali.¹⁴

Broadly speaking, radicalism and terrorism are two different things because radicalism is an understanding or tendency while terrorism is an act. But these two things are often linked to one another because there is one thing in common between the two, namely the open use of violence.

¹² Ghazi Naymat Malek Al-Zewairi, "Spotting the Islamist Radical within: Religious Extremists Profiling in the United State," *Procedia Computer Science* 113, no. (2017): 162–169, <https://www.sciencedirect.com/science/article/pii/S1877050917317465?via%3Dihub>.; Olga Fedotova, "Radicalism and Terrorism Problems in a Scientific Discourse of Russian Social Sciences," *Procedia - Social and Behavioral Sciences* 92, no. October (2013): 334–343, <https://www.sciencedirect.com/science/article/pii/S1877042813028127>.

¹³ Carmelo Jesús Aguilera Galindo Pilar Rodríguez Martínez, Antonio Jesús Segura Sánchez, "Justification of Terrorism According to World Values Survey (2017–2020)," *Research in Globalization* 5, no. 100085 (2022): 1–8, <https://www.sciencedirect.com/science/article/pii/S2590051X22000065>.

¹⁴ Debora Sanur Lindawaty, "Upaya Penanggulangan Terorisme ISIS di Indonesia," *Jurnal Politika Dinamika Masalah Politik dalam Negeri dan Hubungan Internasional* 7, no. 1 (2016): 25–47, <https://jurnal.dpr.go.id/index.php/politika/article/view/1116>.

Both radicalism and terrorism use instruments of open violence to achieve their interests.¹⁵ Although radical groups cannot always be classified as terrorists and vice versa, terrorist groups cannot always be said to have radical views.¹⁶

An understanding of the definition of terrorism is a fundamental and very important thing that needs to be mastered first before carrying out various countermeasures against terrorism. Even Magnis Suseno said that it turns out that law enforcement officials in Indonesia still need to understand the difference between terrorists, fundamentalists, and radicals.¹⁷ A terrorist can be a fundamentalist and a radicalist, while a fundamentalist and a radicalist are not necessarily terrorists. Lack of understanding of the meaning of terrorism can sometimes be the reason for the government labeling certain people or groups.

Islamic Radicalism in Indonesia

Islamic radical movements emerged due to various factors, namely social, cultural, economic, and political factors.¹⁸ The phenomenon of radical Islam can be described as a resistance movement that occurs due to social, economic, and political inequalities, formed by a culture that has existed for so long since the colonial period.¹⁹ Islamic radicalism is

¹⁵ Astrid Bötticher, "Towards Academic Consensus Definitions of Radicalism and Extremism," *Perspectives on Terrorism* 11, no. 4 (2017): 73–77, <https://www.jstor.org/stable/26297896>.

¹⁶ Riska Ayu Saputri, Rangkuti Fakhri Usmita, Kasmanto Rinaldi, "Upaya Perangkat Desa dalam Mencegah Berkembangnya Radikalisme," *BHAKTI NAGORI: Jurnal Pengabdian kepada Masyarakat* 2, no. 2 (2022): 179–185, https://www.ejournal.uniks.ac.id/index.php/bhakti_nagori/article/view/2614; Randy Borum, "Rethinking Radicalization," *Journal of Strategic Security* 4, no. 4 (2011): 1–6, <https://www.jstor.org/stable/26463909>.

¹⁷ Administrator, "Romo Magnis: Radicalism and Exclusivism, Challenges to Indonesian Nationhood," *ugm.ac.id*, last modified 2019, accessed July 31, 2019, <https://ugm.ac.id/en/news/18175-romo-magnis-radicalism-and-exclusivism-challenges-to-indonesian-nationality/>. Mochamad Thoyyib, "Radikalisme Islam Indonesia," *TALIM: Jurnal Studi Pendidikan Islam* 1, no. 1 (2018): 90–105, <http://e-jurnal.unisda.ac.id/index.php/talim/article/view/636>.

¹⁸ Greg Fealy and Aldo Borgu, *Radical Islam in Indonesia: History, Ideology and Prospects* (Australia, 2005), <https://www.jstor.org/stable/resrep04150.6>.

¹⁹ Muhammad Wildan, "Mapping Radical Islamism in Solo: A Study of the

religious behavior that requires drastic changes by taking on a tough character aimed at realizing certain goals in terms of instincts.²⁰

The term Islamic radicalism in Indonesia is used to describe Islamic groups in contemporary Indonesia for their literal religious understanding and their radical actions.²¹ These groups are different from other Islamic groups, which are called moderate.²² Indonesian Islamic groups identified as related to religious patterns like this are the Islamic Defenders Front (FPI), the Indonesian Mujahidin Council (MMI), the Laskar Jihad (Jihad Prameliterary Troops) (LJ), and the debatable one is Jama'oh Islamiyah.²³ Radicalism in Indonesia, viewed from the perspective of identity, has several indicators, namely: perceiving the Indonesian government as *taghut*; refusing the national anthem "Indonesia Raya" and showing respect for the national flag; having a stronger emotional connection to their group than to family, university, and work; conducting religious gatherings and studies in a closed manner; paying ransom for sins; wearing distinctive attire, such as baggy pants and a beard for men and wearing a headscarf for women; considering Muslims outside their group as sinful and infidels until they convert; and being reluctant to listen to speeches by individuals outside their group. Generally speaking, there are three aspects

Proliferation of Radical Islamism in Central Java, Indonesia,” *Al-Jami'ab* 46, no. 1 (2008): 35–70.; Nur Kafid, “Dari Islamisme ke ‘Premanisme’: Pergeseran Orientasi Gerakan Kelompok Islam Radikal di Era Desentralisasi Demokrasi,” *MASYARAKAT: Jurnal Sosiologi* 21, no. 1 (2016): 57–79, https://www.researchgate.net/publication/309734131_Dari_Islamisme_ke_Premanisme_Pergeseran_Orientasi_Gerakan_Kelompok_Islam_Radikal_di_Era_Desentralisasi_Demokrasi; Nur Kafid, “Political Clientelism as the Way of Survival of Radical Islamic Group Movement in Cianjur, West Java,” *Walisono: Jurnal Penelitian Sosial Keagamaan* 26, no. 1 (2018): 67–93, <https://journal.walisongo.ac.id/index.php/walisongo/article/view/2300>.

²⁰ Eka Prasetiawati, “Menanamkan Islam Moderat: Upaya Menanggulangi Radikalisme di Indonesia,” *Fikri: Jurnal Kajian Agama, Sosial dan Budaya* 2, no. 2 (2017): 523–570, <https://journal.iainnumetrolampung.ac.id/index.php/jf/article/view/152>.

²¹ Greg Fealy and Aldo Borgu, *Radical Islam in Indonesia: History, Ideology and Prospects*.

²² Saiul Anah, “Masyarakat Islam Indonesia pada Abad Modern dan Kontemporer,” *Jurnal Keislaman* 4, no. 2 (2021): 190–214, <http://ejournal.kopertais4.or.id/susi/index.php/JK/article/view/3332>.

²³ Askar Nur, “Fundamentalisme, Radikalisme, dan Gerakan Islam di Indonesia: Kajian Kritis Pemikiran Islam,” *Al-Ubudiyah: Jurnal Pendidikan dan Studi Islam* 2, no. 1 (2021): 28–36, <https://jurnal.staidimakassar.ac.id/index.php/aujpsi/article/view/16>.

of an indicator of radicalism:²⁴ first, a desire to bring about rapid change using violence in the name of religion. Second, declaring others infidels. Third, supporting, disseminating, and encouraging joining violent extremist groups.

The phenomenon of acts of terrorism that use violence, such as shootings, bombings, and suicide bombings that have been carried out by Muslim radicals, is to make *jihad* a justification as well as a theological basis. The understanding of *jihad* in the epistemology of radicalism is not in accordance with the true meaning of *jihad* in Islamic teachings.²⁵ This happens because of deviations in understanding the meaning of *jihad fisisabilillah*,²⁶ which is in accordance with the standard interpretation rules of the Koran and hadith, giving rise to misunderstandings that are misused by Muslim radicals to legalize violence in carrying out their actions. This deviation from the meaning of *jihad* also makes Orientalists view on Islam as a militant religion whose adherents are seen as fanatical soldiers who spread religion and its Sharia by using force of arms.

Positioning Prisoners as Treatment Subjects

Training and treatment are carried out through a system that is now known as the correctional system. In the correctional system, prisoners are referred to as inmates. Guidance carried out in correctional institutions is a means to prevent inmates from repeating their actions after leaving the institution. Through coaching programs, the inmates are expected to be accepted again by their social environment. This is the embodiment of the

²⁴ Zaki Mubarak, *Geneologi Islam Radikal di Indonesia*, 1st ed. (Jakarta: LP3ES, 2008), <https://cir.nii.ac.jp/crid/1130000796153928448>; M. Zaki Mubarak, "Dari Semangat Islam Menuju Sikap Radikal: Pemikiran dan Perilaku Keberagamaan Mahasiswa UIN Syarif Hidayatullah Jakarta," *Ma'arif: Arus Pemikiran Islam dan Sosial* 8, no. 1 (2013): 192–2017.; M. Zaki Mubarak, "Dari NII Ke ISIS: Transformasi Ideologi dan Gerakan Dalam Islam Radikal di Indonesia Kontemporer," *Episteme: Jurnal Pengembangan Ilmu Keislaman* 10, no. 1 (2015): 77–98, <https://ejournal.uinsatu.ac.id/index.php/epis/article/view/76>.

²⁵ Indra Latif Syaepu, "Radikal Dulu, Teroris Kemudian: Gerakan Islam 'Garis Keras' Dulu dan Kini Dalam Tinjauan Sosio-Historis," *Empirisma: Jurnal Pemikiran dan Kebudayaan Islam* 26, no. 1 (2017), <https://garuda.kemdikbud.go.id/documents/detail/1074345>.

²⁶ Hilmy Bakar Almascaty, *Panduan Jihad untuk Aktivis Gerakan Islam* (Jakarta: Gema Insani, 2001), 13 <https://onsearch.id/Record/IOS3763.016788?widget=1>.

principle of justice, which is also mandated by the second principle of Pancasila, namely "just and civilized humanity."

Positioning the prisoners as coaching subjects shows a recognition of human existence.²⁷ Hence, the success of the development of prisoners in correctional institutions requires various facilities. These facilities include physical coaching facilities and non-physical or mental facilities.²⁸ Physical development facilities in the form of providing sports facilities, arts, skills, libraries with adequate books, houses or places of worship, and so on. Prison development is also supported by the provision of non-physical facilities such as health facilities, spiritual guidance, and psychologists. As one of the sub-systems in the criminal justice system in Indonesia, correctional institutions are regulated by Law Number 12 of 1995, which serves to run over court decisions, which are imprisonment, ensure protection of the rights of convicts, make efforts to repair prisoners, and prepare prisoners to return to society.²⁹

Referring to the Law on Corrections, the concept of social rehabilitation and reintegration in coaching in correctional institutions is the enforcement of the human rights of every existing convict. Correctional institutions are the spearheads of the implementation of the principle of protection, which is a place to achieve the goals of the correctional system through rehabilitation and reintegration.³⁰

²⁷ Apelete D. Allagan, "Choice Numbers, Ohba Numbers and Hall Numbers of Some Complete k-Partite Graphs" (Auburn University, 2009), <https://etd.auburn.edu/xmlui/handle/10415/1780>.

²⁸ C.L. Scott, "Correctional Mental Health," *Encyclopedia of Mental Health* (California: Academic Press, 2016), 358-361, <https://www.sciencedirect.com/science/article/abs/pii/B9780123970459002470?via%3Dihub>.

²⁹ Maya Sinta Resty Shelya Pujiani, Mutia Azizah Aksan, "Seeking Justice for Indonesian Children: The Juvenile Criminal Justice System in Indonesia in the Context of Criminal Justice Reform," *Indonesian Journal of Advocacy and Legal Services* 4, no. 2 (2022): 259–274, <https://journal.unnes.ac.id/sju/index.php/ijals/article/view/60033>.

³⁰ Ahmad Zaharuddin Sani Ahmad Sabri, Ali Masyhar, Ali Murtadho, "The Driving Factors for Recidivism of Former Terrorism Convicts in Socio-Legal Perspective," *Journal of Indonesian Legal Studies* 8, no. 1 (2023): 379–404, <https://journal.unnes.ac.id/sju/index.php/jils/article/view/69445>; Frank Neuner Rezhna Mohammed, "War Trauma, Mental Health, Aggression, and Violent-Extremism among AL-A'RAF– Vol. XX, No. 1 June 2023

Rehabilitation is carried out through coaching terrorist prisoners, including sports facilities. Mental development facilities are carried out through spiritual cleansing by correctional officers every 2–3 times a week. Non-physical guidance is also in the form of implementing the rights of prisoners, namely the right to visit family, leave before release, and leave on conditional terms. Terrorist activities at the Nusakambangan Class IIA Correctional Institution run like those of other prisoners, except that they are closely monitored by officers. The Nusakambangan Class IIA Correctional Institution itself consists of 6 terrorism prisoners. The following is a table of terrorism prisoners in the Nusakambangan Class IIA Correctional Institution:

Tabel 1. Data on Terrorism Prisoners in the Nusakambangan Class IIA

No	Name	Alias	Date of Birth	Final Decision Number	Penalty	Job
1	Syakban	Rahman	Bima, 07/11/1992	02/PID.SUS/2012/PN.TNG	15 th	Student
2	M. Hasan	Taslim	Palembang, 03/11/1973	2246/PID.B/2008/PN.JKT.SEL	18 th	Student
3	A. Haluta	Abufajar	Poso, 10/02/1984	2480/PID.SUS/2011	14 th	-
4	J. Fadillah	Ashim	Karawang, 27/07/1983	524/PID/2011/PT.M DN	10 th	Traders
5	A. Widodo	S. alfarisi	Pati,05/06/1982	537/PID.SUS.2013/PN.JKT.UT	8 th	Entrepreneur
6	M. Alamudi	A. Royan	Malang, 21/06/1964	1697/PID.SUS/2015/PN.JKT.BRT	6 th	Entrepreneur

Source: *Class IIA Nusakambangan Correctional Institution*

The program of rehabilitation and social reintegration for terrorism inmates aims to break the chain of criminal activities through internalizing values within correctional institutions. Therefore, when they re-join society, former terrorism inmates no longer remain part of their networks and engage in terrorist activities again. This goal aligns with the objectives of criminal justice. In essence, there are three main ideas regarding the objectives to be achieved in a single sentence, which include: enhancing the criminal's personality; preventing individuals from committing crimes; and rendering certain criminals incapable of committing further crimes,

Former ISIS Terrorists,” *Journal of Affective Disorders Reports* 10, no. December (2022): 1–8, <https://www.sciencedirect.com/science/article/pii/S2666915322000919>.

meaning irreparable offenders cannot be rehabilitated in any other way.³¹

According to the officer, based on an informal interview at the Nusakambangan Class IIA Correctional Institution, the pattern of treatment of terrorism prisoners has not been very clear up to this point. The pattern of treatment for them is still the same as the pattern of treatment for prisoners in other cases. Even though, in fact, the Minister of Law and Human Rights has set a standard of treatment (standard procedure) for high-risk prisoners (including those convicted of terrorism cases), However, this standard procedure has not been implemented effectively due to several obstacles, such as lack of outreach, lack of training for officers on this standard procedure, and inadequate supporting facilities.

The handling of the perpetrators of terrorism has not been integrated, in the sense that the handling of the perpetrators of terrorism seems to stop when they have been caught or sentenced. Attention to how to treat perpetrators of terrorism crimes who have been sentenced to prison is often neglected. And as if the handling of them is solely the responsibility of correctional officers. The involvement of community or religious leaders in handling terrorism prisoners has not been maximized.

Crime learning is one thing that is very likely to happen in prison. The existence of a process of communication and interaction between prisoners for a sufficiently long duration and frequent intensity in prisons is what allows the learning process of these crimes to occur. This is what Sutherland called the differentiatinal association at the academic level.

The Self-development Problem of Terrorist Prisoners

The development of terrorist prisoners is an important program in the working area of correctional institutions. This is due to the characteristics of the crime of terrorism itself. Terrorism is an

³¹ Edi Setiadi & Kristian, *Sistem Peradilan Pidana Terpadu dan Sistem Penegakan Hukum di Indonesia*, ed. Dini Dewi Haniarti (Jakarta: Kencana Prenada Media Group, 2017), https://books.google.co.id/books?id=z_q2DwAAQBAJ&printsec=copyright#v=onepage&q&f=false.

extraordinary crime committed by an organized group. This group is not a collection of people who have average abilities but rather a group with quite high intellectual abilities, especially for actors who act as drafters. In their development, they no longer take direct action but instead use other parties to carry out acts of terrorism.

Eradicating criminal acts of terrorism does not mean eliminating the lives of the perpetrators of these crimes, but eliminating the causative factors of terrorists in carrying out their actions. One way to eliminate these causal factors is to carry out coaching in correctional institutions. Coaching in correctional institutions must be carried out to tackle crime, as is the approach in the criminal justice system, which requires cooperation from the investigation level to coaching in correctional institutions.

The development of terrorist prisoners is also a demand for international interests. Terrorism is not only a crime in a juridical sense but also a crime in a sociological sense that threatens world security. This threat must be mitigated by eliminating the factors that lead to crime; one way is through coaching. In the long term, coaching aims to prevent ex-prisoners from repeating their actions when they return to society.

In terms of legal substance, fostering efforts is a mandate from the Law on Corrections and Government Regulation of the Republic of Indonesia Number 99 of 2012 concerning the Second Amendment to Government Regulation Number 32 of 1999 concerning Terms and Procedures for the Implementation of the Rights of Correctional Inmates, which regulate remission, assimilation, and parole. Implementation of coaching is part of the duties and authorities of correctional institutions. Development efforts in correctional institutions are a form of protection for the community. Regarding the community protection movement, Siantur,³² argues that the protection of individuals and society depends on

³² Binsar H. Sianturi & Margaretha Hanita, "Optimalisasi Peran Polri dalam Penanganan Kelompok Kriminal Bersenjata di Papua," *Jurnal Keamanan Nasional* 6, no. 1 (2020): 73–94,

the proper formulation of criminal law. Crime is a humanitarian and social problem whose regulation cannot be immediately imposed in statutory regulations, and criminal policy is based on the conception of personal criminal responsibility (individual responsibility) so that it becomes the main force for offenders in the process of social adjustment. This responsibility emphasizes individual moral obligations toward the emergence of social morality.

In terms of legal culture, especially the legal culture of terrorism prisoners, the implementation of coaching in correctional institutions allows the remission of terrorist prisoners. Furthermore, the notion of individualism does not only mean that the sentence to be imposed is adjusted or oriented to considerations of the individual nature of the offender, but also allows for changes or modifications to the sentence by the judge to suit the changes and developments of the prisoners.³³ The coaching program is a bridge to obtain remission, assimilation, and parole for terrorism prisoners.

Some of the hindrance indicators that the researcher found in the field in the rehabilitation of inmates exposed to radical Islam in Class IIA Nusakambangan Correctional Institution are as follows: *first*, there is a lack of knowledge among correctional institution personnel about the Islamic religion. Terrorism inmates constitute a minority group with a deep understanding of Islamic teachings. Discussions between terrorist inmates and other inmates, including correctional officers, often revolve around Islamic teachings. If the correctional officers themselves do not have a solid understanding of Islam, their perspectives can be easily challenged by terrorist inmates. Bringing in experts such as Islamic scholars and psychologists would incur additional costs, while the budget for correctional institutions remains limited.

<https://www.researchgate.net/publication/342932819> Optimalisasi Peran Polri dalam Penanganan Kelompok Kriminal Bersenjata di Papua.

³³ Sugeng Widodo, "Implementasi Pelayanan Pengunjung di Lembaga Pemasyarakatan Kelas IIB Kota Blitar," *Jurnal Mediasosian: Jurnal Ilmu Sosial dan Administrasi Negara* 2, no. 1 (2018): 57–61, <https://ojs.unik-kediri.ac.id/index.php/mediasosian/article/view/208>.

Second, the indifference of correctional institution personnel towards training programs for terrorism inmates, both in the rehabilitation and social reintegration phases. This indifference stems from the difficulty in communicating with terrorism inmates, as they often believe they are always right and challenging to manage. In such situations, correctional officers choose not to engage in communication with terrorist inmates. *Third*, the training for terrorism inmates has not established a clear format, resulting in policy differences in each correctional institution that trains terrorism inmates. *Fourth*, there is no specialized staff to mentor terrorist inmates. Specialized officers are needed to maximize training for terrorist inmates. These specialized officers should possess leadership and mentoring skills, particularly in the religious domain, with the aim of aligning their perceptions of Islam as a peaceful doctrine and reducing the extremist beliefs of terrorism inmates. These officers can also engage in discussions with terrorist inmates. *Fifth*, there is a lack of training for correctional institution personnel in mentoring terrorism inmates. Rehabilitation for terrorism inmates requires special attention, given the characteristics of terrorism offenses, which are often rooted in the indoctrination of the perpetrators. Therefore, training in deradicalization is necessary for correctional officers. *Sixth*, according to the statements of Class IIA Nusakambangan Correctional Institution employees, there is a lack of integration between several institutions that should be used and leveraged for the effectiveness of mentoring terrorism inmates, such as the National Counterterrorism Agency (BNPT) and other organizations. The recurring issue revolves around limited funding, which hampers the maximum integration between these institutions for the sake of effective rehabilitation of terrorism inmates.

In essence, the purpose of imprisonment in a correctional institution must be to provide a deterrent effect. In its development, theorists explain punishment, which has several important indicators to carry out. Stanley E. Grupp, for example, explains in *Theories of Punishment* that the theory of punishment is a rational guide with various

perspectives regarding the purpose of punishment and the system of correction (coaching).³⁴ As also explained in The Mandela Rules, Rule 91, that "Treatment for someone who is sentenced to prison must be able to make them obey the law and be able to live independently after release. The treatment must encourage themselves to develop a sense of responsibility."³⁵

So, the coaching carried out for radical Islamic terrorism prisoners does not actually reflect the conditions that make prisoners law-abiding and able to live independently and creates a sense of responsibility if they are free or finish serving their sentence. This is based on the many problems or obstacles that occur in the pattern of coaching to prisoners of terrorism when they are serving their sentences.

Meanwhile, according to David Garland, in his book punishment and modern society: a study in social theory,³⁶ it is said that the sociology of punishment presents a framework that can be used to analyse the institution of imprisonment. At least in a sociological view, there are two perspectives in viewing the issue of punishment, namely, punishment as a form of control or social control over crime using an approach derived from penology research. Punishment is a moral issue that is epistemologically based on the philosophy of punishment, aiming to discover the root causes of why someone should be punished, why they committed the crime, and what the true meaning of punishment is. Therefore, by examining the concepts of various theoretical studies that address issues of punishment, it can be said that the intended punishment should provide rehabilitation for terrorism inmates so that they can once

³⁴ Christopher Heath Wellman, "The Rights Forfeiture Theory of Punishment," *Ethics* 122, no. 2 (2012): 371–393, <https://www.jstor.org/stable/10.1086/663791?origin=JSTOR-pdf>.

³⁵ Kasey McCall-Smith, "United Nations Standard Minimum Rules for the Treatment of Prisoners (Nelson Mandela Rules)," *International Legal Materials* 55, no. 6 (2016): 1180–1205, <https://www.jstor.org/stable/10.5305/intelegamate.55.6.1180>.

³⁶ S.J. Michael Kelliher, "Book Review: Punishment and Modern Society: A Study in Social Theory," *Theological Studies* 53, no. 2 (1992): 367–368, <https://journals.sagepub.com/doi/abs/10.1177/004056399205300224>.

again abide by the law and take responsibility for themselves as they should.

Conclusion

The results of the visit conducted at the Nusakambangan Class IIA correctional institution found that the coaching or treatment given to prisoners of terrorism crimes with radical Islam views was generally applied like prisoners of other cases. The treatment of prisoners of terrorism offenses does not run optimally due to the lack of existing facilities and infrastructure, the passivity of the prisoners themselves, and the low quality of the existing human resources. From the analysis, it was concluded that the coaching carried out for prisoners of radical Islamic terrorism did not achieve optimal results because the same training was applied to prisoners of other cases, and a special model of coaching program for prisoners of terrorism crimes should be needed. At the Nusakambangan Class IIA correctional institution, it is suggested that a special model be created for the development of prisoners of terrorism crimes, with an emphasis on changing their understanding or ideology. The coaching should involve more elements of the correctional triangle synergy, namely officers, prisoners, and the community, plus other agencies outside the correctional institution that are still related to the problem of terrorism.

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