

COACHING EFFORTS FOR TERRORISM PRISONERS IN THE PERSPECTIVE OF INDONESIAN POSITIVE LAW

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Abstract: The crime of terrorism is a serious crime that requires special guidance methods in handling it. Efforts to handle terrorism cases in Indonesia are carried out through special approaches, namely a hard and a soft approaches. Deradicalization is an action that seeks to develop the mentality of national and religious ideology. This research is empirical legal research that examines Law Number 5 of 2018 concerning the Eradication of Criminal Acts of Terrorism. The research method applied is descriptive, which aims to describe the actual situation. This data is then analyzed using a quantitative approach, which means the data is analyzed selectively and described before finding a solution to the problem. This data was analyzed to determine the effects of implementing guidance according to Law Number 5 of 2018 concerning the Eradication of Criminal Acts of Terrorism. Efforts to deal with Based on the evidence, it can be concluded that those who commit terrorist crimes in Indonesia are generally quite good. The obtained data shows that former prisoners in terrorism cases in Indonesia have returned to be good citizens. Although Indonesia is making good efforts to combat terrorism, much more needs to be improved. The government, law enforcement agencies and society have to work together in fighting terrorism and avoiding cases of terrorism in the future.

Keywords: Terrorism, Deradicalization, coaching.

INTRODUCTION

Efforts to deal with terrorism cases in Indonesia are implemented using a special approach, namely hard and soft approaches. These approaches are part of the deradicalization program plan, based on cooperation and information exchange between the Directorate General of Prison Operations and the National Counterterrorism Agency (BNPT), who designed the program. Director General of Immigration and Director General of Justice Administration in the process of training inmates (Salas. Andhika Yovaldi & Anwar, 2021).

The efforts to foster Terrorism cases are applied in Indonesia based on the 2018 Law Number 5 concerning Eradication of the Criminal Acts of Terrorism through several stages, such as the development of national insight and understanding of the values of Pancasila. Terrorists who are imprisoned need to understand the importance of learning about unity in diversity. This aims to change the radical thoughts and beliefs they have and form a belief in the unity of the Indonesian nation. Thus, prevention efforts against radicalism and terrorism should be carried out in a comprehensive and sustainable manner (Adnan wahyu Noviandi, 2020).

Terrorism is a form of crime committed by individuals or groups with specific political, ideological, religious or economic objectives. Terrorism is often carried out with the aim of causing fear, creating instability, or fighting for certain goals such as gaining power or destroying political enemies. Terrorism is often carried out in a coordinated and well-planned manner, using various methods and strategies to achieve the goal in order to succeed. These acts of terrorism can affect people's daily lives, causing fear, insecurity, and disruption of social order (Sembiring & Zul Akli, 2021).

Deradicalization is an action based on an Indonesian state ideology of thought which tends to be nationalist and religious. It regulates the legal rights of the state and the rights of Indonesians residing in the jurisdiction of the Unitary State of the Republic of Indonesia. It also understands that everyone who resides

in the Unitary State of the Republic of Indonesia is obliged to continue to obey all regulations and orders regarding the sovereign territory of Indonesia, both state and state territory (Astuti, 2024).

Adnan Wahyu Noviandi and Cyndi Permata Sari stated that this paper wishes to explain the development of convicted terrorists. It must use a different and special approach because the convicted terrorists have an extreme mindset and potentially commit acts of terrorism again in the future. The coaching should aim to change their radical mindset and ideology, as well as provide an understanding of the importance of peaceful coexistence and tolerance. Thus, coaching for terrorism inmates is a very important step in preventing radical ideology and terrorism (Adnan wahyu Noviandi, 2020).

Padmono Wibowo said in his article; terrorist prisoners must receive special training that cannot be compared to other prisoners. In the case of terrorist prisoners, the implementation must be able to change their way of thinking. Therefore, later when they are released, terrorist prisoners do not return to their terrorist groups and are able to change their radicalization (Wibowo, 2022).

Ahmad Nuriyan Masyhar and M. Abdim Munib said that coaching is the teaching of patterns resulting from reprimands, greetings, and greetings such as social interactions with prisoners. This creates a friendly relationship between officers and prisoners resulting in officers conducting real training. It is intended that officers can effectively carry out the task of coaching in the penitentiary by getting closer to the prisoners. An organized coaching structure will have a positive impact on prisoners in undergoing a period of guidance in the penitentiary. The basic principles of this coaching system include channeling, fair treatment and equal service, learning, guidance, respect for human dignity, and maintaining the right to communicate with family and certain people (Masyhar & Munib, 2022).

Indra Rukmana said the purpose of training terrorist convicts is so that the convicts are aware of their mistakes. Thus, when they return to society, they become better in the fields of religion, socio-culture, and morals. This creates harmony and balance in the midst of social life. To train those who are terrorized, the authorities must understand that the treatment of them also requires special treatment and supervision and training, the treatment of them is firmer, but they do not pass security checks. During the implementation of the criminal institution development program, convicted terrorists are treated specially (Rukmana, 2020).

Iip Kamaludin said that Deradicalization is an approach in overcoming terrorism today by making changes in the deradicalization strategy. Deradicalization, which is the latest strategy in dealing with the threat of terrorism, has a relationship with removing radical ideology. In an effort to fight radicalism, deradicalization is a step to change the views of those who initially supported terrorism, so they no longer have radical views or at least do not practice them in acts of terrorism. Deradicalization is an effort to stop, eliminate, or at least neutralize radicalism (Kamaludin, 2020).

This research is exceptionally different from previous studies described above. This research focuses on fostering terrorist criminals in the perspective of Indonesian positive law based on the results of interviews conducted by the author using a quantitative approach. Meanwhile, the previous studies described above used normative legal research methods with a qualitative approach.

Therefore, researchers are very interested in conducting research on the topic of "Handling terrorist offenders in the perspective of Indonesian Positive Law" and the formulation of the problem of how to handle terrorist offenders in Indonesia?

The author stated that this research is very different from previous research. It shows whether the handling of terrorist acts in Indonesia has been carried out properly or not in accordance with the Law of the Republic of Indonesia Number 5 of 2018 concerning Eradication of the Criminal Acts of Terrorism.

The purpose of this study aims to determine whether it has functioned properly and in accordance with applicable regulations. In theory, the results of this study provide researchers with a better understanding of the law, especially criminal law.

RESEARCH METHOD

This research is an empirical legal research that examines the 2018 Law Number 5 concerning Eradication of the Crime of Terrorism. The research method applied is descriptive, which aims to describe the actual situation, using data sources which include primary and secondary data. There are two sources in this study. The first source is a former perpetrator of terrorism and the second one is a national insight coach for former terrorism prisoners which contains objects or subjects that have certain qualities and characteristics determined by the author to be understood and then drawn conclusions.

This data is then analyzed with a Quantitative approach, which means that the data is described selectively and described before finding a solution to the problem. This data is analyzed to find the impact of the implementation of guidance according to the Law of the Republic of Indonesia Number 5 of 2018 concerning Eradication of the Crime of Terrorism.

RESULT AND DISCUSSION

In this research journal, the author directly interviewed former convicts of terrorism cases and national insight coaches for convicted terrorists. The purpose of the interviews conducted is to obtain information and resources on how the Indonesian government handles terrorism offenders with the procedures stated in the applicable laws.

The provisions regarding terrorism in Indonesia are listed in the 2018 Law Number 5 in lieu of the 2003 Law Number 15 regarding the Stipulation of Government Regulations replacing the 2002 Law Number 1 on the Eradication of the Criminal Acts of Terrorism as a Law (Rahmatullah, 2022)

Regarding the coaching mechanism for former convicted terrorists, it is stated in Article 34D Paragraph (5) of the 2018 Law Number 5 amending the 2003 Law Number 15 regarding the provisions of Government Regulations replacing the 2002 Law Number 1 regarding the Eradication of the Criminal Acts of Terrorism into Law, that "Deradicalization of persons or groups of persons as referred to in paragraph (2) letter E and letter F can be carried out through fostering national insight, fostering religious insight; and/or entrepreneurship."

Furthermore, it is stated in Government Regulation 2019 Number 77 Article 31 regarding Prevention of Criminal Acts of Terrorism and Protection of Investigators, Public Prosecutors, Judges, and Correctional Officers that "Deradicalization carried out to suspects, defendants, convicts, and prisoners of Criminal Acts of Terrorism is provided through the stages of identification and assessment; rehabilitation; reeducation; and social reintegration.

There are three stages in conducting training for convicted terrorism cases, which are the initial, advanced, and final stages. The main briefing provided for prisoners begins when the convicts have spent 1/3 (one-third) of their prison term (Mu'arrif Nur Qowi, 2021).

The deradicalization program currently running in prisons in Indonesia has undergone several changes in its approach to group discussion activities. Focus groups used to discuss only religious-related topics. Now, however, the approach has been updated to three consecutive discussions covering different topics, such as emotional expression, cognitive flexibility, and religion in a democratic civil life (Djafar & Ismed, 2021).

In essence, terrorism is not new, but a series of developments in radical understanding that have been going on for a long time. (Hamja et al., 2021). Perpetrators of terrorist acts in Indonesia always use the term "Jihad" to follow the laws of Allah SWT and follow the teachings of the Prophet Muhammad SAW. The true meaning of this term can make someone act according to their understanding. (Irfanda, 2022).

As a special crime, terrorism also requires a special response. This is due to several factors such as: terrorism is the biggest threat to human rights, terrorism has random targets and also innocent people are affected, it is easy to make, buy, create explosive weapons (e.g. bombs), the existence of terrorist group cooperation at the national and international levels and threats to national and international security (Miski, 2021).

Experts have different opinions about terrorism. According to Yonah Alexander, the definition of terrorism is random violence against civilian targets that aims to intimidate or create deep fear to achieve a political goal (Taha et al., 2022).

In an interview with Nir, who is a former convicted terrorist and perpetrator of the Sarinah bombing, Nir confirmed the following about his initial entry into the terrorism network.

"He said that it all started with hatred towards my family for their harsh upbringing, so I sought peace outside and met the marginalized. When I met the marginalized, the hatred increased to hatred towards the state, then continued when I entered college, I met the Hizbut Tahrir (HTI) people and attended recitations, discussion forums, read books from the group so that my ideology and point of view changed towards the Indonesian state."

Based on the results of the explanation above, it can be concluded that the beginning of Nir's entry into the terrorism group was motivated by Nir's hatred of his parents due to harsh parenting so that Nir sought peace outside the home, where he met with marginalized groups that changed his mindset and perspective on the state.

One of the factors that can cause a person to be trapped in negative behavior can come from the parenting patterns applied in the family environment. Authoritarian parenting patterns and lack of empathy can make a child feel unappreciated and eventually fight against parents, thus encouraging the child to seek recognition from the outside environment which can lead to negative behavior. The situation is further exacerbated when children feel uncomfortable at home and end up seeking pleasure elsewhere, because they have been blinded by the eyes of their hearts, and closed all their hearing, so that they can remember the interests they seek (Khairinnas, 2023).

Parents must be aware of what their children are doing, actively provide direction and understanding, the growth process from children to adolescents is very sensitive to various outside influences. Even though they are at home, the use of social media and the internet is very open as it is now (Zulfikar & Aminah, 2020).

Interviewee Nir also recounted the beginning when he and his group introduced the Islamic State of Iraq and Syria (ISIS) sect to Indonesia by providing the following information.

"Starting from my entry into the terrorism group in 2009 which was connected from the center in the UK until 2012 when the Arab Spring occurred and the radical group ISIS emerged. At that time the central leader of my network merged with the Islamic State of Iraq and Syria (ISIS) and ordered the network under him to also join the Islamic State of Iraq and Syria (ISIS) at that time. At that time I also introduced the teachings of the Islamic State of Iraq and Syria (ISIS) throughout Indonesia by looking for groups in the regions and then holding events to introduce the teachings of the Islamic State of Iraq and Syria (ISIS). Around 2014 my group and I made a declaration of the Islamic State of Iraq and Syria (ISIS) network in Jakarta and also several times sent people from Indonesia to directly join the Islamic State of Iraq and Syria (ISIS) network in Iraq."

Based on the results of the explanation above, it explains that when he entered into a radicalism group centered on the British state and then when the Arab Spring event occurred, the central leadership in the UK merged with the radical group Islamic State of Iraq and Syria (ISIS) and ordered all groups under his control to merge with the Islamic State of Iraq and Syria (ISIS) and disseminate the teachings to their respective regions.

At that moment, the speaker and his group conducted a roadshow to find leaders of radicalism groups in all regions in Indonesia to recruit members and disseminate the Islamic State of Iraq and Syria (ISIS) in Indonesia by conducting recitations, seminars, and discussion forums that were open to the public.

The influence of ISIS has begun to spread in this country. Jemaat Laska jundullah, Tauhid Wal Jihad, Mujahidin Indonesia, Al Muhajirun, and other domestic groups have all declared their loyalty to ISIS since ISIS successfully spread its message in Indonesia in mid-2014 (Eni Susanti, Andi Ismira, 2023).

Interviewee Nir also recounted his role during the terrorist bombings in Thamrin and Mapolresta Surakarta and the process when he was caught by the police by providing the following information.

"My role in the terrorist bombing tragedy in Thamrin was funding, so I looked for money through the internet by scamming and then from the results of the scamming I put the money into bitcoin and then when the market price of bitcoin was high I sold it to get even more money, from the proceeds of the sale of bitcoin I then distributed it to the executors of the terrorist bombing to buy all the preparations for the terrorist bombing action. In the Surakarta bomb tragedy I also played a role in funding to buy supporting preparations to support the bombing action in Surakarta. But because it did not go according to plan, the perpetrators were caught and investigated by the police, so I found out that I was the one who sent money for the terrorist bombing at the Surakarta police station."

Based on the results of the explanation above, it explains that the informant plays a role in finding money to fund his terrorism group by scamming on the internet to take money and put it into a trading application to double the money.

The results of this interview show that terrorists are educated people as explained by this source. People who enter this radical group have special skills and get roles according to their respective skills.

In general, funds for terrorist groups come from two main sources, such as financial support donated by organizations that unite and provide these funds to terrorist organizations or groups. Another source of funding for terrorists or terrorist organizations is income directly from money-making activities. Funding is the immigrant community where the organization comes from. The method used by terrorists and their groups to obtain money from illegal activities is no different from that used by conservative criminal groups (Firmansyah & Myharto, 2022).

Interviewee Nir recounted what he got in the coaching for convicted terrorists during his detention period with the following confirmation.

"I received coaching starting from the prison with an approach through chatting and casual discussions by calling several ustadz from the Indonesian Ulema Council (MUI) and others, starting with coaching inviting discussions from light things such as discussing family to heavy discussions discussing ideology to religion, which I feel their

coaching is 3H (Heart, hand, head). I was also invited to discussions by the Detachment and the National Counterterrorism Agency (BNPT) with meetings every 2 weeks to conduct guidance on me by conducting heavy discussions to change my mindset to return to the Unitary State of the Republic of Indonesia (NKRI). When I was transferred to the National Counterterrorism Agency (BNPT), the training I received was even more intensive. At the National Counterterrorism Agency (BNPT), there are scheduled Monday-Thursday training ranging from national insight, religion, entrepreneurship, and psychology. Until finally I was sworn in to become a citizen of the Unitary State of the Republic of Indonesia (NKRI) again before being released back to the community."

According to the results of the explanation above, it explains that the guidance he gets from Detachment 88 to the National Counterterrorism Agency BNPT center is in accordance with what is stated in the 2003 Law Number 15 regarding the Stipulation of Government Regulations replacing the 2002 Law Number 1 regarding Eradication of the Criminal Acts of Terrorism into Law and Government Regulation 2019 number 77.

Coaching means action, process, result or progress, improvement, growth, development of possibilities, development or improvement of something. The definition has two elements, namely first, training which means expressing an activity, process or goal, and second, training refers to "improving" something (Yuliyanto, Donny Michael, 2021).

The coaching process starts gradually from being invited to chat about small things such as personality, family, etc. to heavy discussions about ideology, religion, and the state as well as further coaching at the National Counterterrorism Agency (BNPT) in accordance with applicable laws, namely getting guidance on national insight, religion, entrepreneurship, and psychology. BNPT only tackles certain indicators of terrorism problems and is not comprehensive (Daniealdi, 2022).

Interviewee Jun (national insight coach for former convicts of terrorism cases) in this interview he explained about the coaching material for prisoners convicted of terrorism cases.

"In general, the material of national insight is similar to national insight in general, namely discussing Pancasila, citizenship, the history of the Unitary State of the Republic of Indonesia (NKRI), and the like. The delivery of this national insight is delivered in stages with reference to government regulation 2010 number 19."

Based on the results of the interview above, it explains that the coaching team has provided guidance by delivering material that has been regulated in Law Number 15 of 2003 regarding the provisions of Government Regulations replacing Law Number 1 of 2002 regarding the Eradication of the Criminal Acts of Terrorism into Law.

Insight into Nationality is a thorough understanding of a person's or group's statehood, nationality, and nationalist identity. The understanding of nationality contains an understanding of various aspects of civic life, including political, social, economic, cultural, and legal. The national vision is important for creating social unity, national identity and solidarity. Through a correct understanding of the national vision, individuals or groups can tolerate, strengthen a sense of unity and love for the country (E. Kurniawan et al., 2023).

Reviewing the results of these interviews, the Development Team has carried out what is regulated by law in the process of fostering convicted terrorists, so that the development of convicted terrorists in Indonesia has run smoothly in accordance with current regulations.

Interviewee Jun (national insight coach for former convicts of terrorism cases) explained about the method of delivering national insight material for prisoners convicted of terrorism cases.

"The method generally depends on what material will be delivered to the terrorism prisoners, some methods are like teaching in college, some are group discussion methods that will be divided by the coach, there are also ice breaking methods, puzzle methods, there are also methods of finding traces."

Based on the results of the interview above, it is explained that the method of delivering national insight material is divided into several ways. The method is useful to change the mindset and understanding that they have believed is wrong.

Deradicalization education in its simplest sense has the meaning of planned, structured, and related progress carried out to remove or reduce the radical understanding of terrorism that has occurred (Hardiagio & Syafrinaldi, 2022).

With the method used to deliver the national insight material, it is effective enough so that the prisoners can be changed gradually and are not bored with the delivery of material if it is done monotonously.

Interviewee Jun (national insight coach for former convicts of terrorism cases) also elaborated about the schedule and the number of meetings to deliver national insight material for prisoners convicted of terrorism cases.

"In delivering this material in a year, there are a total of 16 meetings with the provisions of the National Counterterrorism Agency (BNPT) policy which schedules an average of 2 meetings a month and is divided into several classes for the delivery of material to prisoners of this terrorism T-shirt."

The explanation above explains that during the detention period of convicted terrorists, the schedule of guidance for convicted terrorists is carried out in 16 meetings a year with each meeting with different materials in accordance with the contents of the current law.

The coaching model is tailored to the character of the prisoner and is clearly conceptualized. Of course, the training provided is carried out in stages, so that the guardian responsible for the training of individual terrorist prisoners can monitor the progress of the prisoner's further training. The training provided must be sustainable based on the achievement of behavior change and risk reduction (Akhsan & Mitro Subroto, 2021).

With the explanation above, it is actually very lacking in meetings for coaching convicted terrorists because many are caught again in terrorism cases after completing their detention period. This fact shows the lack of intensity of guidance carried out and must be improved by adding the time of guidance so that convicted terrorism cases are well equipped before being released back to the community.

Interviewee Jun (national insight coach for ex-convicts of terrorism cases) explained about further guidance for prisoners convicted of terrorism cases.

"In coaching at the National Counterterrorism Agency (BNPT), there is further guidance which is divided into 4 fields, namely the fields of national insight, religion, entrepreneurship, and psychology."

In the explanation of the results of the interview above, this further coaching is the last stage before being released back to the community. The division of these 4 fields is in accordance with what is stated in the 2003 Law Number 15 regarding the Stipulation of Government Regulations replacing the 2002 Law Number 1 regarding the Eradication of the Criminal Acts of Terrorism into Law in paragraph 5 of article 43D.

This further development is a mandatory material that must be delivered in detail and clearly to convicted terrorists so that their radical mindset can be reduced and even disappeared and can return to being a good Indonesian citizen.

Deradicalization relates to ministries and other institutions to follow the stages of identification, assessment, rehabilitation, retraining, and reintegration. Deradicalization is also carried out for the benefit of individuals and collectives exposed to radical ideologies that promote national vision, religious vision, and entrepreneurial potential (Tantimin et al., 2023).

Interviewee Jun (national insight coach for former convicts of terrorism cases) stated about the assessment carried out after the delivery of coaching material for prisoners convicted of terrorism cases.

"At the end of the material delivery meeting, there is an assessment form filled in by the coach with an assessment of how to understand the material provided, what kind of interaction with fellow inmates, what kind of interaction with the coach. So there is an assessment form that must be filled in by the coach who is also accompanied by a team of facilitators and the facilitator team also makes a report on the results of coaching at the end of each meeting."

The explanation above explains that the coaching team provides an assessment of each individual to convicted terrorists regarding what they have learned from the delivery of the material that has been carried out. The assessment is useful to see their development during this coaching period.

To change the character after terrorist convicts have gained religious awareness, efforts are also made to place them in communities or groups, including the freedom to interact with ordinary prisoners. The goal is to shape themselves by categorizing themselves as members of a group, which ultimately leads to the phenomenon of depersonalization or the weakening of personal identity as a convicted terrorist (Naldo, 2022).

Based on this assessment, the facilitator team makes a report on the results of the coaching meetings that have been held and from the results of this report, it will be considered whether the coaching carried out has run smoothly or not.

Reviewing the results of interviews with the two interviewees that have been carried out, it explains that the coaching obtained from the correctional institution to the deradicalization center of the national counterterrorism agency is running well, structured, and systematic. The coaching that has been running until now has followed what is stated in the 2003 Law Number 15 regarding the provisions of Government Regulations replacing the 2002 Law Number 1 regarding the Eradication of the Criminal Acts of Terrorism into Law. This coaching process is said to be quite successful as it has made many former convicts of terrorism cases realize the mistakes they made and return to being good citizens. With the coaching carried out, it also prepares former convicts of terrorism cases to return to society and blend in and also be equipped with entrepreneurial knowledge to open a business when released. Most former convicts of terrorism are struggling to get a job and are still undervalued by the community.

In addition, cooperation between law enforcement agencies, the state, and also the community has an important role in efforts to deal with terrorism. With a good collaboration, it is expected to be more effective in preventing and handling terrorism cases in Indonesia. Thus, there must be serious attention from the state, related institutions, and the community with the aim of increasing the effectiveness of guidance for prisoners of terrorism cases. In this way, it is hoped that it can reduce the risk of former terrorists returning to radical groups and can also help prevent terrorism cases in Indonesia.

The deradicalization program in Indonesia is carried out by the National Counterterrorism Agency (BNPT) in collaboration with other agencies such as the National Police, correctional institutions (LAPAS), the Ministry of Religion, the Ministry of Social Affairs, community organizations and other parties that play an important role in the implementation of the deradicalization program. Deradicalization programs are implemented especially for those arrested for terrorist offenses (A. Kurniawan & Darwis, 2023).

Overall, Indonesia's counter-terrorism efforts are good, but there is still room for improvement. BNPT employs experienced, credible, and communicative presenters to deliver anti-radicalization messages. They are religious experts (national and local scholars), academics, practitioners, and NGOs. (Sugiarto, 2020).

CONCLUSION

The handling efforts of perpetrators of criminal acts of terrorism in Indonesia is quite good. This is based on the data obtained that shows former prisoners of terrorism cases in Indonesia. When released, very few are caught again in terrorism cases and the majority return to be good citizens and are able to continue their lives by opening businesses with the knowledge gained during coaching and being able to open jobs. With the material provided during coaching, it is very effective to restore the mindset of former convicted terrorism cases. With the running of the coaching process as stated in the applicable law, it can be concluded that the coaching carried out has been running properly and it is hoped that this coaching will continue to improve to prevent former terrorism prisoners from returning to the world of terrorism.

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