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DERADICALIZATION AS A PENAL INSTRUMENT FOR TERRORISM PERPETRATORS

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Abstract
Not all terrorism convicts have already been deterred after they underwent their sentence as the consequence for the crime that they have committed. The statement has been confirmed from the fact 116 ex-terrorism convicts of total 1,036 ex-convicts who have undergone their sentence turn into recidivists. 19 out of these 116 recidivists have still been in the correctional facility. Hence, such a high figure of terrorism recidivist certainly becomes concerning. On the contrary, deradicalization as a program that aims at changing individuals with radical understanding into the ones with moderate understanding cannot be forced to the terrorism convicts since this program is not compulsory for them. Hence, the current descriptive qualitative study will review the case from the legal perspective and the terrorism handling aspects so that deradicalization can be turned into the compulsory instrument in the terrorism perpetrator punishment. If the deradicalization can be turned into a compulsory instrument, then it can be expected that the case of terrorism recidivism can be reduced and the success rate of deradicalization can be improved for both the terrorism and the ex-terrorism convicts.

Keyword: Terrorism, Radicalism, Deradicalization, Terrorism Recidivism

Introduction
Terrorism is an unpredictable threat to the political stability. The impact of a terrorism attack can cripple the economy of a country recalling that domestic security is one of the factors that become the main consideration in maintaining the economic stability (Kabar Latuharhary, 2018). It cannot be denied that the conducive stability within the domestic security will maintain the national development. At the same time, the conducive domestic security will also open a wider opportunity for the entry of foreign investment as the foreign investment

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will deliver positive and significant impact to the national development. In turn, with the improving national development the welfare of the citizens in a country can be achieved so that a national can eventually reach a better future and becomes a developed and sovereign country.

The root cause behind the issue of terrorism is the massive spread of the radicalism itself in the society especially among the grassroot. The spread is enabled by the rapid advancement of the information communication and technology. One of the impacts of such rapid advancement is the birth of new communication technology known as social media. To put it simply, social media can be defined as an Internet-based content-sharing means that can be easily accessed from everywhere in accordance with the desire of the users (Qamaria, et al., 2022). The easiness offered by social media thus has encouraged the increasing numbers of the users especially among the technology-literate young generations. One of the reasons why social media has been massive used in establishing communication is that the content shared in the communication can be forward to multiple users and platforms without restrictions. Unfortunately, this characteristic has been benefitted by the terror groups to spread their propagandas with the objective of delivering their understanding for the sake of recruiting more people for their political cause (Hossain, 2018). When the propaganda has been spread and many people have been radicalized and incited to launch terror attacks, the terror groups will easily disappear to plan their true agenda.

The rapid advancement of radicalism spread has turned terrorism into one of the significant threats against the domestic security. Such threat is clearly an obstacle for the conduct of national development which main objective is to deliver the welfare for all Indonesian citizens as having been mandated by Pancasila and 1945 Constitution. From 2000 until 2021 alone, in total 552 terror acts have taken place in Indonesia (Gindarsah & Widjajanto, 2021). This figure has not included the terror acts that have been carried out independently which culminates on 2022 through a lone wolf attack agains Astana Anyar Sector Police in the City of Bandung, West Java. (CNN Indonesia, 2022). The lone wolf terrors alone have caused the security personnel quite overwhelmed because these acts have been more inspired by the movement of the true terror groups. This explains why the investigation results do not show any direct affiliation between the lone wolf terror perpetrators and the terror groups that become their role model. These lone terror acts have been taking place sporadically in several places, breaking away the concentration of the security personnel; this situation thus leads to the creation of vulnerability gap that can be exploited by the terror group for launching bigger actions.

These acts of terrorism, especially the lone ones, can be considered as the fruits of the radicalism that has been spreading rapidly especially in the grassroot since the grassroot people have not had the sufficient level of literacy. This situation takes place due to the fact that the information the grassroot people receive through the social media are not well-filtered because the information and communication technology advancement has made individuals retrieve information so overwhelmingly that they become unwilling to filter the information that has the been retrieved for the sake of attaining the valid truth (Hossain, 2018). The truth that has been deeply internalized becomes deeply rooted that there is not any space for dialogue or other alternative perspective.

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The statement has been clearly confirmed by the findings from the National Counter-Terrorism Agency as the Agency states that out of 1,036 ex-terrorism convicts 116 convicts become terrorists and 19 out of the 116 convicts are still locked behind the bars (CNN Indonesia, 2023). This figure clearly becomes a threat for the domestic stability since the domestic stability is one of the requirements for creating conducive security situations in order that the economy and the national development may keep running in accordance with the progress. As an anticipation, actually the government has taken an appropriate step namely implementing the deradicalization toward the convicts and the ex-convicts of terrorism. The implementation of deradicalization becomes a kind of complementary for the more coercive law enforcement initiative done against the terror perpetrators. Not to mention, the law enforcement is more of the hard approach while deradicalization is more of the soft approach. Both approaches are thus expected to be an effective effort in battling the terrorism for creating a more conducive domestic security situation. Unfortunately, in the practice the deradicalization initiative has not been given the main priority especially in terms of legislation since there has not been any single legislation nor any other regulations that promote deradicalization as an obligation in battling the terrorism in Indonesia. Hence, the focus of the discussion in the article lies in the deradicalization from the legal perspective within the terrorism handing and, consequently, through the article the deradicalization is afforded to be promoted into the main penal instrument for the terrorism convicts in order to prevent the occurrence of terrorism recidivism within the society.

Discussions
In this section, the researcher will outline the adoption of deradicalization as the main instrument that can be the complementary for the law enforcement so that the terrorism prevention can take place effectively and efficiently. The analysis in this section is based on the review toward radicalism – terrorism, deradicalization, and foundation for the adoption of deradicalization as part of law enforcement.

Radicalism and Radicalization
The deradicalization efforts cannot be set apart from the dichotomy between radicalism and radicalization, which triggers the occurrence of terror acts in Indonesia. Generally, radicalism can be defined as an attitude that demands total and revolutionary changes by replacing the already established values drastically through the use of violence and extreme actions. The changes through radicalism often become the foundation of the terrorism and violence movement that ends with sorrow, frustration, despair, and suicidal intention (Schmid, 2004). In the context of Indonesia, the radicalism is more inclined to the act of terrorism generally associated with the fundamentalism of certain religion. This kind of terrorism takes place due to the appearance of the presumption that the recent society has been more secular than religious according to certain groups of religious fundamentalisms (Townshend, 2002). The most fundamental root of the issue lies in the old ideology that has deviated based on the mystical perspective toward certain religion; hence, the target of radicalism is the segment of the marginalized society since this segment can be easily manipulated (Migaux, 2007). The impact caused by the presence of such fundamentalist groups is that

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the terror has been used massively in order to restore the world order to her original position namely the religious order; however, the order has been interpreted according to the understanding of the fundamentalist group. Thereby, it is no wonder that these groups will target all parties that they consider going against their understanding such action will bring about a new implication that the act of terrorism committed by these fundamentalist groups will have wide categories. Pertaining to the statement, the characteristics that can be identified from the people who have been exposed to radicalism are (BNPT, 2016):

Intolerant (unwilling to appreciate the argument and the belief of the other people);

Fanatic (always self-righteous and assuming other people are wrong);

Exclusive (differentiating themselves from the other Moslem people); and

Revolutionary (being inclined to use violence for achieving objective).

Radicalism can also be defined as an act of preparing themselves to be involved in an illegal political act related to violence (Singh, 2020) or the stance that has been taken in contrary to certain orientation that becomes the root of an issue (Nurish, 2020). In a further perspective, radicalism can be defined as an establishment that refers to all steps taken in the efforts to weaken or change the stable political order by using violence so that the old political order can be replaced with the new one (Rosadi, 2014). When all of these definitions are put together, the insight that can be taken is that radicalism refers to the attitude of aspiring revolutionary changes through the use of brief and immediate approach. Departing from the above definitions, radicalism thus can be interpreted as an understanding that has been designed by a group of people who aspire drastic social and political changes or renewal through the use of violence. From the perspective of religion, radicalism can be understood as a religious understanding that refers to the very fundamental religious foundation with the high religious fanatism (Asrori, 2015). It is this situation that later triggers the issues of radicalism in the society since the adherents of the understanding/school of thought use violence to people holding different perspectives with them as a form of actualization from the religious understanding that has been adopted and believed so that their understanding will be accepted and believed by force.

In general, radicalism can be divided into two categories namely radicalism at the paradigm level and radicalism at the action level. Pertaining to the radicalism at the paradigm level, radicalism serves as an abstract idea that can be supported with the use of violence in order to achieve the stated objectives. On the contrary, pertaining to the radicalism at the action level radicalism manifests itself into the actions such as violence and anarchy in order to achieve the stated objectives related to religion, social, politics, and economy. It is at this point that radicalism starts to be in touch with and contains the element of terror, resulting in the fact that the act of radicalism potentially develops into terrorism (Bakti, 2014).

The transition process from the radicalism at the paradigm level into the radicalism at the action level can be understood as a process of radicalization. More specifically, radicalization can be defined as a process that turns a passive individual into a revolutionary, militant, and even extremist individual. In this process, an individual or a group of individuals slowly internalize the extremist ideology from the religious, political, or even both understanding (Agastia, Perwita, & Subedi, 2020). This situation appears because of the concern toward the identity that have been previously existed and firmly held. For the case of

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terrorism in Indonesia, the identity is related to that of the majority religion and the concern toward the identity appears as an impact from the conflict that has been experienced with the identity constructed by the individuals who have been exposed to the radicalization. Such concern appears as the individual interacts with higher factor, such as geopolitics, local people's history, ideology, and identity groups. This kind of interaction has made the individual grew concerned as if he or she has been threatened by the factors that have been explained and the individual eventually opens himself or herself to the radicalization process as an effort to go against the pressure from the already mentioned factors.

As an alternative, radicalization can be understood as a social and psychological process from the commitment that has been developed gradually upon the extreme political or religious ideology (Belanger, et al., 2019). The statement thus results in the view that radicalization is a process in which the individual adopts extreme social, political, and/or political idealism and aspiration through the use of violence as the means for objective achievement (Dryden, 2017). Hence, the radicalization process can be viewed as a process in which an individual adopts extreme ideology and belief leading to the extreme behaviors (Knapton, 2014). Departing from the three alternative approaches, radicalism develops into a process that encourages an individual to adopt extreme attitude or believe and pour it into violence as a form of manifestation upon the attitude or the belief that has been adopted in order to achieve the aspired objective.

From several definitions that have been elaborated, the insight that can be gathered with regards to radicalization is that radicalization refers to the adoption or the internalization of the extreme belief that has manifested into violence for the sake of achieving the aspired objectives. Such process can be described by using a model known was "Staircase to Terrorism." According to the model, the stages that an individual goes through in the strain of radicalization process includes the individual social and psychological dynamics which can be elaborated as follows (Moghaddam, 2005):

The individual perceives a kind of injustice and frustration in his surrounding environment;

The individual looks for the solution for what he or she has perceived as an injustice;

The individual establishes the physical readiness for transferring the solution for the issue into the assault to what he or she has considered as enemies;

The individual identifies himself or herself by adopting the moral values of his or her group;

The individual does not leave small cell after he or she has joined a terror group;

The individual is ready and motivated to commit terrorism actions.

Terrorism

The further level of radicalization will lead to the act of terrorism. In general, terrorism refers to the use of intimidation or violence for spreading the sense of fear and insecurity toward certain groups of people or citizens. Hence, there are three factors that need to be given attention namely the essence that contains the violence or the threat of violence use, the target that refers to the civilians or the people not participating in a war operation, and the objective that relates to the efforts of wining or taking over some sort of political power by using fear or exerting a kind of social and political change through violence (Mensur, 2019).

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Interestingly, this definition intersects with the defition of terrorism from the foreign security agencies such as United States Department of State, which defines terrorism as a planned and politically motivated violence targeting the unarmed entities by the splinter cells or underground agents usually under the objective of influencing the public (Hudson & (ed), 1999).

On the contrary, terrorism can be considered as a form of specific violence that has been characterized by the function of communication in use (Crelinsten, 2021). The definition implies that the victims of terrorism are perceived as the signal in a propaganda war that can be related to bomb attacks, hijacks, assassinations, tortures, disappearances, and even massacres. The main function of such communication is to deliver a message to the audience outside the victims of the terrorism. In general, there are 10 dimensions that can serve as a reference for classifying the acts of terrorism and these dimensions are namely: (1) perpetrator-based; (2) victim-based; (3) case-based; (4) environment-based; (5) equipment-based; (6) political orientation-based; (7) motivation-based; (8) demand-based; (9) objective-based; and (10) target-based (National Research Council of the National Academies, 2002).

A number of other specific definitions can also be used as the foundation for understand terrorism better in relation to the adoption of deradicalization as the main instrument for terrorism prevention in the legislation. First, terrorism refers to an act that intentionally makes use of violence of threat of violence which aims at causing wide terror or fear or which aims at causing mass victims through the deprivation of freedom or the loss of life and property of other people, the destruction or the damage of strategic vital objects, living environment, or international public activities (Wardana & Ali, 2019). Second, terrorism refers to the organized used of violence for assaulting the non-combatants (or the innocent people) or their properties in order to achieve certain political objectives (Halwani, 2014). Third, terrorism refers to the efforts of using fear for achieving the political objectives and dividing the public (Lentini, 2008). Fourth, or the last one, terrorism refers to the efforts of intentionally creating massive fear with the objective of securing or maintaining control over the society (Cooper, 2001). Another alternative states that terrorism is a political activity that holds inevitable motive and target with the use of violence or threat of violence and that has been designed for gaining wide psychological impacts that exceed the immediate target or victim by an organization with a sequence of orders or by individuals or a small group of individuals that have been immediately influence, motivated, or inspired by the ideological objectives; alternatively, terrorism can be comprehended as an example of several terrorist movements in existence and/or by the leaders of the terror groups as these movements committed by the sub-national group or the non-state agency (Hoffman, 2006).

The synthesis of the three definitions pertaining to terrorism puts emphasis on the use of violence with political-related objective and motive that has been desired. Hence, the act of terrorism cannot be understood as an irrational act but, instead, it should be understood as an action resulted from the strategic choice so that the act of violence disguised in the act of terrorism should be understood as a conscious action and not as something undesirable; in other words, the perpetrator of terrorism is a conscious and rational actor (Crenshaw & Pimllot, 1998). Such characteristics imply that there cannot be an effective short-term solition for handling the issue of terrorism since individuals who are under the

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pressure by the terrorism group will not open themselves to the alternative argument or the second opinion. This implication thus delivers an understanding that the most effective anti-terrorist policy os the one that prevents the member recruitment (Post, 2003).

In order to understand terrorism better, the components and the elements that manifest the act of terrorism should be understood well (Panter, 2012). There are several factors that trigger the act of terrorism and one of these factors is poverty. Poverty is known to have close association with extremism especially in relation to the economic and social degradation that happens all in a sudden (Newman, 2006). In Indonesia, poverty has close association with extremism since people with poor economy background has more limited access to literacy and, therefore, this part of society tends to be easier to adopt the extremism and automatically becomes more vulnerable to be exposed to radicalism and radicalization. The limited or the low literacy level itself has been caused by the inability of the people with poor economy background to afford sufficient education, causing them to be easily deceived by the terror group especially when the terror group make use of the propositions from the majority religion.

Still in the context of terrorism, radicalism and radicalization is related to the worldview that aims at omitting "oppression" and replace the so-called oppresion with the order established upon the principles of "purity" or "purification" (Koomen & Van Der Pligt, 2016). This action is often encouraged by the injustice and worsened by the sense of frustration against the authority that does not heed to the public aspiration. Hence, it makes sense that such a paradigm can easily develop within the groups of individuals or the society with the low educational background and the high poverty level due to their inability to access better living (Moghaddam, 2005).

Background has main influence that can encourage the terrorism perpetrators to carry out their action. To put it simply, the motives of the terrorism perpetrators is related to the efforts of achieving political utility in maximum manner. The impact is that terrorists can be comprehended as the rational terror actors or perpetrators who attack civilians for achieving certain political objectives (Abrahms, 2008). The act of terrorism becomes the main alternative for the terror group when the desired political benefit subtracted by the cost expected to be incurred by the act of terrorism is much greater than the net amount and benefit that can be achieved from the other forms of protest. Such calculation explains why terrorism has always been the first option in the efforts of achieving political aspirations that the terrorists have been dreaming of. Pertaining to the statement, there are three assumptions that underlie the use of terrorism namely: (1) terrorists gain motivation from the relatively stable and consistent political preference; (2) terrorists evaluate the political return expected from the available option or at least from the clearest option; and (3) terrorism is committed when the expected political benefit is much greater than the alternative options that have been available. (Abrahms, 2008).

One of the efforts to deal with terrorism which has an effective and efficient approach is shown by the Italian Government through their amnesty program. The amnesty program is considered to be very effective and has an important role to play in preventing and eradicating terrorism. Through this amnesty program, the Italian government seeks to reduce support for terrorist groups in the social sphere around the community and at the national level. With this approach, the

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Italian Government is left to promote a long-term program related to amnesty. Thus, it cannot be denied that in the long run the most effective way to deal with terrorism is to reduce external support, facilitate exit from terrorism, and reduce the attractiveness of terrorists to isolated youths (Post, 2003).

Finally, funding related to acts of terrorism also needs attention. The funding aspect has a significant close relationship with terrorism. As long as funding is ongoing, the movement of terrorism can never be stopped because funding can be considered fueling acts of terrorism. In today's era of technological advances, banking technology greatly facilitates terrorism funders to send sums of money to related affiliates in a short time by breaking large amounts of funds into several parts to eliminate traces (Sorel, 2003).

Factors that Trigger the Occurrence of Terrorism
The basic problems of terrorism that occur both inside and outside the country are diverse and complex. A number of factors can also emerge and these factors can consist of ideological factors involving religion and extreme ethnonationalism and socioeconomic factors such as poverty and unemployment (Pradnyana, 2022). This situation is exacerbated by a weak government that is unable to keep up with the flow of globalization. The categories of the triggers for acts of terrorism can be divided into two typologies, namely preconditions of terrorism and precipitants of terrorism (Shodiq, 2018). The preconditions of terrorism refer to all the factors that provide the conditions which in the long run then give rise to terrorism, while the precipitants of terrorism refer to all certain specific events or phenomena which directly precede or trigger an act of terrorism. These two factors are further divided into four levels as follows (Shodiq, 2018):

The structural factors, namely the causative factors that influence people's lives at the macro (abstract) level that have not been realized such as demographic imbalances, globalization, very fast modernization, social transitions, increased individualism, disruption from roots and alienation in society (atomization), and class structure.

The facilitator (accelerator) factors, namely factors that cause terrorism to be an attractive choice to do. This factor is usually not the main driver of terrorism, such as the development of mass media in the modern era, the development of transportation, weapons technology, and the weak control of the state over its territory.

The motivational factors, namely the actual dissatisfaction (grievances) experienced at the personal level, which motivates a person to act. Ideologists or political leaders are able to translate the causes at the structural level and make them relevant at the motivational level through ideologies so that they can move people to act.

The triggering factors, namely the direct causes of terrorist acts. Trigger factors can be in the form of provocative events or certain political events or actions taken by the enemy that cause certain reactions.

The four levels above can be traced further in relation to the environment and also individuals associated with acts of terrorism; therefore, these two elements need to be given attention. The causes or triggers for criminal acts, including acts of terrorism, are related to the six dimensions below (Shodiq, 2018):

Social structure

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Intervening variable

Triggering factors

Main deviation

Sustainability by the actor from the final results

Crime pattern and role career

These six dimensions can be broken down into four categories of factors that promot the crime in a society. The four categories are (Shodiq, 2018):

The social structure factors, that generally refer to the cultural aspects and the important relational pattern within the society.

The social interaction factor, which includes all dynamic and processual aspects within the society as these aspects influence the reasoning, the behaving, and the acting manner of an individual in relation to crime.

The triggering factor, which is related to the individual and situational aspects that have direct relation to the act of crime.

The social relation factor, which includes all responses in the form of attitude, action, and wisdom that has been internalized by the society through the criminal justice specific from the variation of the response that has been shown on "informal" basis by the society.

In the context of terrorism, the triggering factors for the occurrence of crimes or criminality are found to intersect with other factors that encourage a person to commit an act of terrorism, especially after the person is exposed to radicalism. In general, these factors consist of economic, legal, political, social, and religious factors (Shodiq, 2018). Each of these factors can be outlined as follows:

Economic Factor

The economic factor is the main factor triggering acts of terrorism. This factor is influenced by poverty in society which encourages a person to commit violence which ultimately leads to acts or acts of terrorism. Someone can be influenced to join a terror group because there is a guarantee to be free from poverty and get a decent life.

Legal Factor

Law enforcement that has not been maximized by the government, especially for the middle to lower class society, can pave the way for the birth of groups that take action against the government. This resistance is carried out because there is an assumption that the government and its law enforcement officer have not been able to provide protection to the community, especially the lower middle class, and thus they cannot guarantee justice for them. The adopted form of resistance can also be in the form of violence using terror against the government.

Political Factor

Someone's belief in the adhered political ideology sometimes makes an individual or a group of individuals to take actions that violate the laws and regulations in a country. These actions are usually accompanied by acts of violence and terror against civilians and the government with the aim of replacing the state ideology with the ideology they adhere to. This action also created anxiety and fear among the community members and gave rise to public opinion, or polemic in certain cases, related to state security. In the long term, this public opinion or polemic can raise doubts and lose public trust because people think that the government cannot protect its citizens from acts of terrorism.

Social Factor

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The perception of injustice in society can encourage a number of individuals or groups of individuals to think that the government cannot provide welfare for its citizens. These individuals or groups of individuals are moved to express their aspirations regarding this injustice by using violence and acts of terror are one example of violence perpetrated by these parties. In the medium and long term, these acts of terror then develop into acts of terrorism that threaten the freedom of civilians.

Religious Factor

Religion can encourage acts of terrorism when there are radical and extreme religious thoughts that are developed and disseminated in society by certain groups according to their personal interpretations for the political interests that these groups are aiming for. In Indonesia, this factor can be found in the history of Jemaah Islamiyah which seeks to develop radical religious thoughts by teaching that jihad is important and recruiting many people to become members in order to carry out their acts of terror. This group has an interpretation of jihad itself where jihad is interpreted as a war against everyone or everything that has a different understanding of all parties who are considered enemies even though they are still in one country. It is the inadequate literacy of the people recruited by this organization that then drives them to commit acts of terrorism in Indonesia.

Deradicalization

Deradicalization can be said to be a new concept that has begun to be used in recent years as a response to acts of terrorism which are becoming increasingly complex in relation to a number of factors described in the previous section. The dynamics of terrorism today has undergone a significant shift compared to a few decades ago. As an illustration, around the 1970s the emergence of terrorism required the use of coercive power in eradicating and preventing terrorism. One example of a case that illustrates this situation well can be found in the history of *Sayeret Matkal*, an elite Israeli military force assigned to carry out a number of counter-terrorism missions as a counter-measure over the Black September incident which killed Israeli athletes at the Summer Olympics in Munich in 2010. September 1972 (Combs, 2018). By using this coercive power, Israel not only carried out acts of "revenge" for the Black September incident but also effectively and efficiently suppressed acts of terrorism committed against its citizens. However, the use of coercive power had an unwanted impact because *Sayeret Matkal* in one of his missions identified the target incorrectly, causing innocent casualties. This incident also makes the use of coercive power in this way must be considered very carefully.

To put it simply, deradicalization can be understood as a formal or informal approach that aims to reduce the commitment of a person or group of people to extremist viewpoints that encourage acts of violence (Ahmad, 2017). In another occasion, deradicalization can be interpreted as the ability to escape from violence and return to a harmonious life so that this process is categorized as a process that goes beyond detachment (Dhami, Gooodman-Delahunty, Martschuk, Cheung, & Belton, 2020). From a psychological perspective, deradicalization can be understood as a social/psychological process experienced by an individual or group of individuals in which commitment to and involvement in violent radicalization is reduced to a level where the individual or group of

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individuals no longer has a risk of being involved or engaged in activities violence (Azam & Fatima, 2017). From the three definitions, it can be concluded that deradicalization refers to efforts or actions taken to release someone who has been exposed to radicalization in the form of extreme political or religious commitment so that the individual or group can return to their harmonious life. The basic objective of the concept of deradicalization is to return a person from being radical to being moderate. One of the efforts that can be made related to this objective is to keep the person away from radical groups or even terror groups where they belong. Thus, it can be understood that deradicalization does not mean an effort to present new understandings and insights but rather an effort to restore and realign a correct understanding of religion and insight into the state (Bakti, 2016). Hence, deradicalization can run optimally if there is involvement or collaboration between state actors and non-state actors. As an illustration, good collaboration between state actors and non-state actors can be found in Australia. In this country, the Muslim community values procedural fairness when they work with the police to prevent acts of terrorism (Madon, Murphy, & Cherney, 2016). With such initiative, the police and the Muslim community in Australia have the same view so that the legal process can be carried out properly and deradicalization initiatives can also be well received.

From the explanation above, deradicalization has a broad meaning that includes everything related to beliefs, legal handling, to correctional institutions in an effort to change someone from radical to moderate. This statement also encourages the understanding that deradicalization is an effort to neutralize radical understanding for people or groups of people who are involved in acts of terrorism, including sympathizers of terror groups, so that they all leave acts of violence (Hasani & Naipospos, 2010). The implication is that deradicalization becomes a kind of reversal or antithesis of the radicalization process that starts with recruitment, self-identification, indoctrination, and a misleading understanding of jihad. In this context, the deradicalization process begins with the identification and classification of convicts and ex-convicts, focusing on integrated treatment, with a humanist approach, soul approach, and ideology, multiculturalism, and independence (Septian, 2010).

Over the past few years in Indonesia, deradicalization has not only been related to rehabilitation efforts but also counter-ideological or de-ideologicalization efforts. This approach is necessary because the deradicalization program can prevent various influences from radical ideology as early as possible so that the influence of this ideology does not develop rapidly and massively in society. This explains why deradicalization is implemented for all parties involved in acts of terrorism, whether they are supporters, former terrorists, and prisoners in terrorism cases; In fact, deradicalization has been extended to civil society organizations considering that these organizations and the public have a strategic position, especially in relation to preventing acts of terrorism (Hikam, 2016). The implication of this statement is that the deradicalization program becomes a prevention program that needs to be implemented as early as possible to the wider community. This perspective in itself illustrates the importance of the deradicalization program to become a long-term policy, especially in relation to preventing or mitigating acts of terrorism in society (Hikam, 2016). This perspective then makes deradicalization increasingly popular in society as acts of terrorism become increasingly complex. In Indonesia, this complexity is mainly

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related to certain religious teachings so that deradicalization can also be interpreted as a counseling process carried out to change the elaboration of religious texts such as holy books, encourage the disengagement of someone from a particular jihadi group, or support efforts to rehabilitate and reintegrate terrorist convicts into in society (International Crisis Group, 2007).

The Paradigm of Deradicalization

Over the past few years, deradicalization has become an integral part of efforts to prevent and control terrorism or better known as counter-terrorism or counterterrorism. Counterterrorism itself can be divided into two categories according to its policies, namely proactive counterterrorism policies and defensive counterterrorism policies (Shodiq, 2018). In this position, deradicalization becomes part of a proactive counterterrorism policy because deradicalization seeks a dialogical approach that leads to disengagement. Deradicalization thus becomes a soft line approach that aims to change the mindset of jihad which is understood as a rigid and radical ideology. In this sense, through deradicalization the government seeks to take a dialogical approach that is more inclined towards psychological healing. Disengagement itself focuses on restoring social relations in the minds of perpetrators and former perpetrators of criminal acts of terrorism so that they do not return to the terror group where they took shelter before and repeat the same crimes.

The meaning of deradicalization also has a broad scope that spans from everything related to beliefs to legal handling and penalization of perpetrators and former perpetrators of criminal acts of terrorism (Shodiq, 2018). The ultimate objective is only to change people who were previously radical to become non-radical or moderate so that radical understandings can be neutralized among all perpetrators and sympathizers of acts of terrorism so that they are willing to leave these acts of violence. the implementation of this deradicalization program departs from the presence of a radicalization process in the midst of society so that a demand to break the chain of the radicalization process appears in the midst of society. Still on the question of deradicalization, the best basic framework for preventing terrorism is generally three, namely: (1) prevention; (2) law enforcement or prosecution; and (3) post-arrest rehabilitation. These three frameworks certainly require the cooperation of all parties so that the task of eradicating terrorism automatically becomes part of the responsibility of all elements of the state including the government, non-governmental organizations and civil society.

In Indonesia, the authority regarding the implementation of the deradicalization program is in the hands of the National Counterterrorism Agency and this deradicalization program consists of several strategies which include changes in ideology and changes in understanding while the target of this deradicalization program is all elements of society because, as explained earlier, the problem of terrorism is the responsibility of answer all parties without exception. In the strategic realm of efforts to prevent terrorism, this deradicalization program has at least two agendas, namely: (1) increasing the deterrent power of the community to prevent the actions and development of radical terrorism; and (2) reduce the level of radicalism of groups and individuals who have been exposed to radicalism (Shodiq, 2018). In a further understanding, it can be seen that preventing terrorism through de-radicalization has two targets, namely people

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who have not been exposed to radicalism and people who have been exposed to radicalism. Among people who have been exposed to radicalism (Shodiq, 2018). The priority for deradicalization is for community groups who have been exposed to radicalism, especially in relation to the policy of fostering former terrorist members.

As mentioned at the beginning of this sub-section, the authority to implement the deradicalization program rests with the National Counter Terrorism Agency (BNPT). As an institution that holds this authority, the programs compiled by the BNPT are divided into two categories, namely deradicalization programs outside prisons and deradicalization programs within prisons (Shodiq, 2018). The deradicalization program implemented outside the penitentiary targets: (1) the economic independence of the families of terrorism convicts; (2) the process of resocialization or reintegration of former terrorism convicts who have successfully completed the deradicalization program into mainstream society; and (3) prevention so that convicts and former convicts of terrorism do not repeat acts of terrorism they have committed. Then, the deradicalization program implemented in penitentiaries specifically targets convicts and ex-convicts who still adhere to their radical ideology. The focus of implementing the deradicalization program in this prison is changing radical ideology to moderate which goes through four stages, namely identification, rehabilitation, re-education, and socialization.

The characteristics of the deradicalization program implemented by the BNPT have the following characteristics: (a) involvement and cooperation with the general public; (b) implementation of special programs in prisons; (c) educational programs; (d) developing cross-cultural dialogue; (e) pursuit of social and economic justice; (f) global cooperation in countering terrorism; (g) monitoring of cyberterrorism; (h) improvement of statutory instruments; (i) rehabilitation program; (j) development and dissemination of good regional information; and (k) training and qualifications of agents involved in implementing counter-radicalization policies (Shodiq, 2018). Of the 11 elements, the deradicalization program implemented by the BNPT as a whole has six specific objectives which can be described as follows: (a) conducting counter terrorism; (b) preventing the process of radicalism; (c) prevent provocation, spread of hatred, enmity between religious communities; (d) preventing people from being indoctrinated; (e) increase public knowledge to reject terrorism; and (f) enriching the treasures of comparative understanding (Shodiq, 2018). The implementation of this program also has an important role in suppressing the development of radicalism so that it does not become more widespread among the inmates of correctional institutions.

The deradicalization paradigm implemented by the BNPT aims to strike a balance between the application of the theory of expediency (relative theory) and the theory of retaliatory punishment (retributive theory) in order to create a feeling of security, order and prosperity in society (Shodiq, 2018). From the perspective of sentencing objectives, the deradicalization program by the BNPT tends to lead to a combination of relative theory and retributive theory. Seeing the existence of a retributive theory in the implementation of the deradicalization program, it can be concluded that the judges in court have a close relationship with the deradicalization program when imposing sentences on the perpetrators of criminal acts of terrorism in accordance with the philosophy of punishment

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adopted by each judge (Shodiq, 2018). This relationship can be said to be quite relevant considering that the deradicalization program has its own unique paradigm as an applied theory in relation to the principle of legal expediency within the framework of the criminal justice system.

Foundation of Deradicalization
As a concluding remark for this section, there are a number of foundations that can be described as part of the adoption of deradicalization as a mandatory instrument in law enforcement efforts against acts of terrorism in Indonesia. This foundation can be specifically described as a philosophical, theoretical, juridical and sociological basis.

Philosophical Foundation
Indonesia is a legal state based on Pancasila and the 1945 Constitution; hence, Pancasila and the 1945 Constitution become the basis of the state and the way of life for every citizen. At the same time, Pancasila is also the source of all laws and regulations in force in this country. Thus, law enforcement and respect for human rights as part of the applicable law are two things that must be obeyed and paid attention to in every process and law enforcement efforts in Indonesia. Referring to the concept of a rule of law state as the philosophical foundation of a nation, the aim of a state being established is to carry out legal order based on and guided by applicable legal provisions (Shodiq, 2018). The implication of this statement is that the tools of government owned by the state must be based on law.
The objectives of the founding fathers in establishing the Unitary State of the Republic of Indonesia have been clearly stated in the Preamble to the 1945 Constitution of the Republic of Indonesia (1945 Constitution) in Paragraph IV (Shodiq, 2018). In this Paragraph, it is explained that the Unitary State of the Republic of Indonesia has been established with the aim of protecting all Indonesian citizens and promoting public welfare, educating the nation's life, and participating in carrying out world order based on the five principles of Pancasila (Shodiq, 2018). These objectives can only be realized through the establishment of a legal system that regulates orderly social life in society as emphasized in Article 1 of the 1945 Constitution Paragraph III. Thus, and based on the 1945 Constitution, all state administrators and government leaders together with citizens automatically must comply with the legal provisions stipulated in Pancasila and the 1945 Constitution. Pancasila as the ideology and philosophy of the nation in the 1945 Constitution is also the ideology and national identity of every country considering that Pancasila is the source of all sources of law. The implication of this statement is that all forms of law implementation in Indonesia, including law enforcement against terrorism, adhere to the five principles of Pancasila so that law enforcement is carried out firmly but still prioritizes respect for human rights (Shodiq, 2018).
Proactive policies that become patrons or benchmarks in the implementation of deradicalization programs can be adopted as anticipatory steps in eradicating acts of terrorism because these policies have a long-term impact to be achieved. Several reasons underlying the importance of implementing deradicalization as part of this proactive policy can be described as follows (Shodiq, 2018):

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Indonesia has various ethnic groups spread across hundreds of thousands of islands throughout the archipelago, including ethnic groups that are in the border areas of the country.

With these diverse ethnicities, Indonesian citizens have an obligation to maintain and increase awareness of various forms of acts of terrorism as a result of exposure to radicalism.

The conflicts that have occurred in the last few years have harmed the Unitary State of the Republic of Indonesia as radicalism has enjoyed rapid development in society, especially at the grassroots, especially with advances in information and communication technology that enable instant communication through social media platforms.

As an international crime, terrorism is an activity and action that is highly organized so that the government and citizens are obliged to increase vigilance and cooperation in order to maintain the integrity of the Unitary State of the Republic of Indonesia.

Today's eradication of criminal acts of terrorism does not only involve law enforcement, but also socio-economic and cultural issues that are complex and interrelated with each other in relation to national security.

The impact of the above implications is that eradicating terrorism requires interrelated policies between one sector and another in order to maintain a balance in law enforcement against acts of terrorism as part of efforts to protect state sovereignty, the human rights of citizens, and even defendants. When linked to the context of deradicalization, the legal system adopted by a country will determine law enforcement to be carried out especially in relation to criminal acts of terrorism. Furthermore, the deradicalization program basically assumes that radicalism is the starting point for acts of terrorism. This statement also indicates that deradicalization can be an effective means of fighting terrorism. Through this deradicalization paradigm, preventing terrorism can take steps that are proactive and require careful consideration and consideration of the diversity of Indonesian society and its vulnerability to social conflict (Shodiq, 2018). Thus, deradicalization needs to be interpreted as a counter-terrorism ideology and institutionalized in the everyday life of citizens down to the grassroots level.

From the objectives, once again it can be emphasized that deradicalization is actually a process of turning things around from radicalization to moderate so that the deradicalization process can start from the identification and classification of convicts and ex-convicts for acts of terrorism, focusing on integrated handling involving the government and society, disengagement or termination by terror groups through a humanist approach, using a soul approach or a soul approach as well as ideology, multiculturalism and independence. The main essence of deradicalization itself is an alternative prevention strategy developed from the antithesis of a counter-terrorism strategy that uses violence or hard measure as the main approach.

Theoretical Foundation

In Indonesia, the directions of legal policy that will be designed aim at: (1) creating a national legal system; and (2) realizing the welfare of Indonesian citizens. In relation to this policy direction, the deradicalization program requires a systemic and comprehensive approach. Thus, several integral steps need to be implemented in order to ensure the functionalization or the operationalization of

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the legal policy and these integral steps consists of the following stages (Shodiq, 2018):

Formulation

Formulation is the stage of law enforcement that holds the *in abstracto* nature and it is carried out by the legislature. The formulation stage can also be referred to as the policy stage or the legislation stage, which refers to the plans or programs drawn up by the legislature in relation to plans to be implemented in dealing with certain issues.

Application

Application is the stage of law enforcement that holds the *in concreto* nature and it is carried out by law enforcement officials such as the police, prosecutors and courts. This second stage is also known as the judicial stage or the law enforcement stage.

Execution

Execution is the stage of concrete implementation of criminal law by all officials in charge of implementing and enforcing criminal law. This stage is also known as the execution or administration stage.

The three stages of law enforcement above are interrelated and influence one another and, uniquely, these three stages are also influenced separately or jointly by the development of the science of law (Shodiq, 2018). Recalling that Indonesia is a state of law and not a state of power, the government has an obligation to achieve a synergy between law enforcement based on the values of justice and efforts to achieve national objectives as the embodiment of general welfare for all citizens. From this statement, it is clear that the concept of a rule of law that applies in Indonesia has a close relationship with law enforcement so that the objectives of the law that have been determined can be realized in a real way in society. Thus, efforts to eradicate criminal acts of terrorism through the use of deradicalization programs are expected to be able to strengthen the integrity and sovereignty of the Unitary State of the Republic of Indonesia through the integral approach described above which has a close relationship with the functionalization of the deradicalization program itself.

Juridical Foundation

Law is manifested in legislations as an effort to achieve social change within the community so that it can be interpreted that legislation is part of a policy that has been formulated. the government can thus use law as a tool of the state to realize the main objectives of each policy that has been prepared. In relation to this statement, law has four attributes or attributes of law that function as social control (Shodiq, 2018). The four attributes can be explained in brief as follows:

Attribute of Authority

This attribute states that law consists of all decisions which aim to overcome all forms of tension that occur in society.

Attribute of intention of universal application

This attribute states that all decisions of the ruler will have a significant long-term impact in the future.

Attribute of Obligation

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This attribute states that all decisions of the ruler must contain obligations from the first party to the second party and vice versa.

Attribute of Sanction

This attribute states that all decisions of the ruler must be obeyed with sanctions based on the actual strength of the community.

The four attributes of law that have been described have very close relevance to the implementation of deradicalization programs within the framework of statutory regulations. This deradicalization program can also be the main defence against criminal acts of terrorism as terrorism becomes a common enemy. Terrorism itself has become a common enemy for Indonesian citizens because: (1) democracy and political freedom that are well-established make citizens complacent so that they do not anticipate potential threats to democracy and political freedom; and (2) terrorism itself is an extraordinary crime against humanity which is institutionalized through an organized movement. The second reason cannot be denied because recent technological advances have enabled terror groups to have global networks that are broad in nature, thereby threatening security and peace, peace and security within and outside the country (Hossain, 2018).

Recent technological advancement has also encouraged terrorism to develop into transnational crimes. This development also demands cross-national cooperation as acts of terrorism violate the jurisdictional boundaries of one or more countries. If this situation is not handled properly, it is feared that acts of terrorism could disrupt international relations and even shake geopolitical stability in a region. Taking into account this situation, the Government of Indonesia needs to take a serious stance in combating the threat of criminal acts of terrorism by understanding that (Shodiq, 2018):

Networks of terror groups around the world can make careful use of the convenience offered by advances in information and communication technology to achieve their objectives.

Acts of terrorism are always indiscriminatory against ordinary citizens who do not have any connection with the political objectives to be achieved by terror groups and also against state installations which are considered as legitimate targets according to their conventional understanding in relation to the adopted conception of war

Networks of terror groups no longer operate in an isolated condition as a number of facts show the development of acts of terrorism which cannot be separated from their nature as transnational crimes in various forms and forms, especially single acts of terror (Feldman, 2013).

Efforts to eradicate terrorism cannot only be carried out by using a hard approach or strict law enforcement against the perpetrators of terrorism because this approach will only breed hatred or even greater hatred towards law enforcement officials and the government. It is in this position that deradicalization as part of the soft approach can play its role as a counterbalance to the hard approach so that a more subtle or subtle approach can be used to soften the hearts of the perpetrators of acts of terror so as to open gaps to open their understanding of other, more moderate views (Shodiq, 2018). This situation can be considered as a situation that has encouraged a number of countries, such as Yemen, Egypt, Saudi Arabia and Singapore, to implement deradicalization programs as part of efforts to eradicate terrorism. Then, basically the implementation of

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deradicalization aims to break the chain of violence related to terror groups where a person takes shelter by creating an environment that can prevent the growth of both radicalism and movements; This action is carried out by understanding the root causes or root causes that encourage the growth of radicalism understandings and movements (Shodiq, 2018). Violence must be disengaged in the deradicalization chain because violence is an idea that is always present in every act of terrorism.

The existence of law in society aims at giving the guarantee of public order and security and providing opportunities for the community to achieve the coveted prosperity in line with the state and the laws that are applied to be the umbrella for these two objectives. The same law does not only serve a protection for society against threats to their freedom but also a means of regulating the relationship between one citizen and another. In the context of eradicating terrorism, the deradicalization program is of course a practical necessity in order to create public order and security and to open up opportunities for the creation of welfare within the community. These characteristics explain the reasons why deradicalization programs are realized in the form of motivational reorientation, re-education and re-socialization programs; At the same time, these characteristics also explain why the deradicalization program strives for social welfare and equality with community members for terrorism convicts and former terrorism convicts and their families (Shodiq, 2018). Through this perspective, it is expected that convicts and former convicts of terrorism can participate properly in society so that they can revive their love for the Unitary State of the Republic of Indonesia. The growth of love for the country or a sense of nationalism is the key to the success of the deradicalization program implemented by the government (Hikam, 2016). In addition, through the four legal attributes above, it is expected as well that the deradicalization program can be adopted as the main instrument in the form of a law so that the eradication of criminal acts of terrorism can be carried out long before a person or group of people commits an act of terrorism.

Sociological Foundation
The deradicalization program is important to implement in Indonesia in line with increasingly massive acts of terrorism occurring in recent years. The increasing number of terrorism is closely related to the understanding of radicalism which is getting stronger, especially among the grassroots, as a result of the massive use of social media without adequate information filters (Hossain, 2018). This situation requires efforts to eradicate terrorism that pay attention to non-penal factors or factors outside of punishment such as economic factors, psychological factors, and social factors. This approach automatically makes the enforcement of terrorism unique but more complex because it opens up a very large space for participation for government agencies, non-governmental organizations and the public considering that many institutions have the capability to carry out the eradication of criminal acts of terrorism.

Widespread acts of terrorism along the rapid development of radicalism requires substantial and institutional cooperation between law enforcement officials. The success in handling acts of terrorism through this cooperation mechanism should refer to the substance, structure, and also the culture of society apart from the facilities and infrastructure available. The substance, structure and culture of the

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society will be the key to success for law enforcement against criminal acts of terrorism through a systemic approach. The key to this success is urgently needed considering that the notions of radicalism and acts of terrorism in Indonesia are more driven by religious fundamentalism which leads to the desire to carry out religious doctrines that are adhered to in its entirety up to the level of government as this group seeks to develop its own political constellation and international political concept without regard to diversity in Indonesia (Shodiq, 2018).

From a sociological point of view, the deradicalization program aims at analyzing all aspects of personality among the perpetrators and within the members of the terror group as well as the sympathizers of radicalism who often become the perpetrators of lone-wolf terrorism (Bakti, 2014). This aspect can be studied from the motivation to be involved in terror groups, the process when joining terror groups, the pressure to carry out terror group missions, and the justification for using violence to achieve objectives. The main priority in the deradicalization program thus lies in increasing collective awareness in the midst of society regarding the dangers of terrorism for the life of the nation and state and also the preparedness of the government and society in dealing with acts of terrorism that can occur unexpectedly (Shodiq, 2018). Thus, the extent to which the government is able to suppress or eliminate radicalism in society will be a measure of the success in implementing the deradicalization program. Given the collaborative nature required of law enforcement against acts of terrorism through deradicalization, a sociological perspective in this context will also determine the success of the implemented deradicalization program.

Conclusions

The rampant acts of terrorism in Indonesia are encouraged by the rapid development of radicalism in society, especially at the grassroots level. In today's era of technological advancement, the development of this radical understanding is increasingly enabled by social media because the social media makes it easy to communicate at low cost. It is these characteristics that encourage terror groups to use social media as a means of spreading their propaganda. Citizens who are persuaded by their propaganda then become radicalized and on certain occasions involve themselves in acts of terror against the state and society even though they are not directly affiliated. The urge to carry out acts of terror becomes stronger when individual terrorists develop a kind of perception that the state is unable to help them achieve prosperity and make a better life.

Overall, this situation indicates that eradicating terrorism cannot rely solely on coercive law enforcement; instead, the enforcement needs a more humane approach so that the enforcement can understand the reasons behind the acts of terror and accommodate the needs of these perpetrators. This position can be played significantly by the deradicalization program as the deradicalization program offers a dialogical process with the perpetrators of terrorism, thereby opening up space for dialogue to accommodate the real needs of the terrorists. With these needs accommodated, acts of terror can undoubtedly be suppressed so that conducive public order and security can be realized and the public can achieve their welfare through such conducive public order and security.

Seeing the significance above, the deradicalization program should be given a legal framework to provide legal certainty in its implementation. This legal certainty will in turn help law enforcement officials to have a joint commitment

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to upholding terrorism law with an upstream prevention paradigm, namely in the person of the perpetrators or candidates for acts of terrorism, so that these acts of terrorism can be prevented before they occur and cause harm to society. Providing this legal framework will also support the implementation of the deradicalization program in the long term so as to create continuity in efforts to prevent and eradicate terrorism. With the continuous prevention and eradication of terrorism, conducive public order and security can be realized so that in turn the citizens are able to achieve the coveted prosperity and the Indonesian nation can lead to a better future.

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