

Correctional Institutions as a Place of Guidance to Counter Radicalism for Terrorist Prisoners in Indonesia

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Abstract

Correctional Institution as a place to house terrorist inmates have not managed to solve the problem of deradicalization to complete for terrorist inmates, so it is necessary to cooperate with other relevant state institutions. But the deradicalization process has obstacles such as inmates being unwilling to cooperate and the absence of synergy with other applicable state institutions. The parameters of the success of correctional institutions in conducting deradicalization are necessary to strengthen the process of returning terrorism convicts to the community, so that this research is important to do. This study uses the research method that is juridical normative by collecting primary data and secondary data. The results of this study describe the correctional institution to be the vanguard in the process of deradicalization of terrorism convicts to be ready to return to the community so that the implementation of effective deradicalization required cooperation from correctional institutions, relevant state institutions, and inmates. Correctional institutions are an important vector in the fight against radicalism. The role of correctional institutions in the deradicalization of terrorism prisoners is to synergize with other institutions to foster terrorist prisoners to become good human beings when they leave correctional institutions.

Keywords: Correctional Institution; Deradicalization; Terrorism

Introduction

To reform the criminal system and implementation, the term prison system in Indonesia has been changed to the correctional system, and the prison term is changed to a correctional institution. Correctional institutions in Indonesia are still in the public spotlight because they often experience various problems that do not end, ranging from overcapacity, the occurrence of illegal levies,

including being a place of terrorist recruitment. Inmates who experience problems will become people who are not accepted by society when they are free to make fertile ground for recruiters of would-be terrorists.¹ Terrorist inmates captured and put into correctional institutions are trying to build new terrorist cells inside the correctional institution. Like persuading a child to follow the wishes of terrorist inmates, of course, non-terrorist inmates are given an encouraging gift if they want to follow it.

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The process of coaching terrorist inmates can not be seen as the same problem as other inmates, such as perpetrators of corruption or drug crimes. Radicalism becomes the seeds that thrive in the womb of terrorism crimes that will further give birth to terrorist convicts.² Other inmates may regret the actions that led to them serving their sentences. That's not the case with terrorist inmates. Some terrorist inmates do not feel remorse for acts that society or the state view as terrorist acts.³

The motives of terrorist inmates are very different from the motives of other inmates. The motive of the actions of terrorist inmates is certain beliefs, ideologies, or understandings that are actualized fanatically as a life choice.⁴ For the sake of belief, ideology, or understanding, "sahid death" is the life choice of the inmates, and they do not hesitate to take actions to actualize those beliefs, ideologies, or understandings.⁵ Even among the perpetrators of terrorist crimes, some seem satisfied and proud after committing actions that the public or the state considers terrorist acts.⁶ They also did not feel pressured by the harsh international condemnation of many bombings that caused severe damage. They resulted in many victims suffering, injuries, hundreds died and caused a widespread impact.⁷

A particular problem in correctional institutions in Indonesia is that they should pay special attention to terrorist inmates. Terrorism convicts have a very different psychological and mental attitude than other case inmates.⁸ Terrorism convicts have an exclusive attitude by only gathering in groups, being uncooperative with the guard warden, and can teach their beliefs to other prison inmates or even to all guards and prison officers.⁹ The main plan to deal with terrorist inmates is to be given supervision and deradicalization coaching. The approach to terrorism convicts cannot be equated with the system to ordinary inmates. A special process or preferential treatment of terrorist convicts is necessary due to the risks and special needs of terrorism convict groups.¹⁰ One particular approach in the deradicalization of terrorism convicts is the placement of terrorist inmates in correctional institutions. As it is known that the characteristics of terrorist inmates are different from other inmates, namely the extreme radicalism and become a life belief that becomes a guide for the behavior of every terrorist convict.¹¹

The deradicalization process in correctional institutions faces several obstacles, including

excess prison capacity, limited personnel resources in quantity and expertise in the deradicalization process, infrastructure, and behavior of terrorist inmates released.¹² These obstacles make it difficult for correctional institutions to place terrorist inmates in prisons with special characteristics and a high-risk level.⁶ The placement of terrorist inmates in correctional institutions should be done considering the level of risk of each terrorist inmate, the implementation of the program of coaching, and the ability of penal institutions to foster terrorist inmates.¹³ The process of coaching on the placement of terrorist inmates is strongly related to the success of the deradicalization process to straighten out the ideology of terrorist inmates and eliminate the understandings of terrorism.¹⁴

Based on the description above of the problems that will be reviewed in this paper, First how the current correctional institution in dealing with terrorism, Second Why has not integrated handling of the perpetrators of terrorism crimes, in the sense that the handling of deradicalization of terrorism perpetrators seems to stop when they have been caught or convicted. The purpose of this paper is to find out how the implementation, consideration, and analysis in support of deradicalization for terrorist inmates in correctional institutions and to know the solutions to the obstacles faced.

Research Methods

The research method is normative juridical, which is done by researching library materials or mere secondary materials.¹⁵ This research is Normative Juridical Research on correctional institutions as a place of development for deradicalization of terrorism convicts in Indonesia. Data analysis methods are carried out by collecting data through the analysis of library sources or secondary data that includes primary legal materials, secondary legal materials, and terrier legal materials, both in the form of documents and applicable laws and regulations relating to the normative juridical analysis of correctional institutions, terrorism convicts and radicalization. To analyze the legal materials that have been collected, in this study using qualitative data analysis method that is normative juridical presented descriptively, namely by describing a regulation related to deradicalization of terrorism narratives in correctional institutions in the legal system in Indonesia and further assessment of whether the application is by the normative provisions.

Result and Discussion

An important key of a terrorist organization is recruitment. Recruit member can use their skills to see, assess, and encourage potential recruits to follow the same path of struggle. The process carried out by terrorist recruitment has four recruitment schemes in extensive networks, information funnels, infecting, and crystal embryos.¹⁶

The recruitment scheme can be successful if the community or target group has a tangent way of thinking; for example, if all targets are interested in getting the same books to read or invited to regular meetings. In this case, the target is seen as having homogeneity, and the homogeneous group can be lured through a specific scripture or verses that are precisely the same in a pouch.¹⁷ Funnel patterns occur when a recruiter takes an incremental approach when they believe the target or population focus segment is the primary target that has a large following. This process requires an individual to have the right motivation and undergo a transformation in identity. Therefore individuals begin at one end of the process and are transformed into dedicated group members at the other end. Infection patterns occur when trusted agents are incorporated into the target population to raise potential recruits through direct personal appeal. Infections tend to succeed where most of the members are ordinary people; this allows intruders to convert disgruntled elected members.¹³ Finally, the embryo crystal pattern occurs when the target is challenging to access and very far away. It can be compared to lowering the temperature of the glass that is flooded with boiling water, waiting until the water in it becomes cold until then the ice crystals form as a form of total freezing or, in other words, an unconditional surrender to the doctrine. Al-Qaeda groups often adopt this approach and are claimed to be most successful in reaching populations in restricted and difficult areas, such as prisons.¹⁸

Terrorism in Indonesia is an extraordinary crime that attacks human rights, the economy and is a severe threat to national sovereignty because terrorism is an international crime that endangers peace, security, and welfare, as stated in the Universal Declaration on Human Rights.¹⁹ A planned and sustainable eradication can solve this act of radicalism to protect and protect human rights. A clear and severe criminal penalty must accompany terrorism as a crime, and there is no bargaining chip for it. A terrorist who has been sentenced to prison for committing a terrorism

offense should receive special attention. In sentencing, it is indiscriminate and does not matter whether terrorist convicts feel like citizens harmed by the state.

The placement of terrorist inmates and the awarding of criminal penalties are one form of punishment for actions that have been committed. There are several theories about the purpose of criminal law in criminal law, namely absolute theory (retributive), relative theory (deterrence/utilitarian), merger theory (integrative), treatment theory, and social defense theory. The theories of criminalization consider various aspects of the target to be achieved in criminal prosecution. Absolute theory (retributive theory) sees that criminalization is retaliation for the mistakes that have been made and is oriented towards the actions of the proceeds of the crime itself. The perpetrator must receive the criminal penalty for the offense he has committed. The basis of punishment must be given according to the crime itself because the crime has caused suffering to others; in return (vergingelding), the perpetrator must be given the suffering and criminal sanctions as well as in prison.

The legislation of both the Criminal Code and the Correctional Act, which is associated with the theory of the purpose of criminalization, has the purpose of criminalization of terrorists using a combined theory (integrative), where terrorist inmates detained in correctional institutions, on the one hand, are a form of punishment and retaliation for acts of terrorism that have been committed, and on the other hand, aim to foster that convicted perpetrators can change and realize their mistakes. Therefore in placing terrorist inmates must be for common criminal purposes and bring about change. The placement of terrorist criminals in correctional institutions is part of the process of coaching inmates.²⁰ The current disciplinary paradigm focuses on the way inmates are trained, not just as a form of criminalization or retaliation for actions that have been taken. by the correctional system based on Pancasila and the Constitution of the Republic of Indonesia 1945, which is the final part of the criminalization system, terrorism convicts are given treatment to be target citizens in correctional institutions.

Inmates must be protected and guided by providing life support to become valuable citizens and accepted by the community after their release from the correctional institution. By giving the claim, it is clear that imprisonment is not intended as an act of revenge from the state. By Article 2 and Article 3 of Law No. 12 of

1995 concerning Correctional Services that correctional institutions as a place of inmate development have the purpose and function of fostering the target citizens to realize their mistakes and prepare the community can be harmonious and united with the district, so that when free inmates can be re-accepted by the community. The principle of imprisonment in a correctional institution is to retaliate against inmates' actions and bring about change to those inmates. By giving the claim, it is clear that imprisonment is not intended as an act of revenge from the state. The system of development in correctional institutions is carried out based on the principles: equal treatment and service, respect for human dignity and dignity, loss of independence, and guaranteed right to stay in touch with certain families and people regulated explicitly in Article 5 Correctional Law, The principles of Coaching in principle include three correctional thoughts that are as goals, processes, and methods. First. As a meaningful goal with the construction of correctional services, inmates are expected to be aware of their actions, straighten their views, and become citizens who obey the applicable laws. Second. As a process means a variety of activities that must be done during Coaching and mentoring. Third. As a method is a way that must be taken to achieve the goal of coaching and mentoring with the correctional system. Coaching is carried out through 3 stages, namely the first stage of the beginning (administration/orientation), the advanced stage (Coaching, assimilation), and the Final Stage (reintegration).

The guidance of inmates in prisons requires serious attention by paying attention to the condition of each perpetrator of the crime, as well as his relatives. The particular problem in dealing with terrorism convicts is integrating the handling of terrorism criminals,²¹ where the handling of terrorism perpetrators seems to stop when caught and sentenced. The construction of inmates of this category can not be seen as the same problem as other case inmates, such as perpetrators of corruption or drug crimes. Terrorist inmates are born from the womb of radicalism and terrorism. Special treatment needs to be given to terrorist inmates, where the treatment of terrorism convicts cannot be equated with the treatment of other case inmates. Their treatment should eliminate the opportunity for them to engage in terrorist activities inside and outside the Prison.

The motives of terrorist inmates compared to the reasons of other inmates' actions are very different. The motive of the activities of terrorist inmates is

certain beliefs, ideologies, or understandings that are actualized fanatically as a life choice. For the sake of religion, ideology, or understanding, "sahid death" is the life choice of the inmates, and they do not hesitate to take actions to actualize those beliefs, ideologies, or understandings. Even among the perpetrators of terrorist crimes, some seem satisfied and proud after committing actions that the public or the state considers terrorist acts.⁵ They also did not feel pressured by the harsh international condemnation of many bombings that caused severe damage. They resulted in many victims suffering, injuries, hundreds died, as well as causing a widespread impact. Special treatment or different treatment of terrorist inmates is also due to the needs and risks inherent in him. The moral basis of such therapy is that other treatment can not always be interpreted as violating the principle of equality of treatment and service (the principle of non-discrimination).

Personality development and self-reliance in line with the purpose of a correctional system that bridges and rehabilitates, changing the attitudes, mental and behavior of terrorist inmates towards a positive life through religious, socio-cultural, and economic approaches is a form of coaching terrorist inmates. The guidance can provide enlightenment of thought and open insight to terrorist inmates with peaceful and tolerant religious knowledge and national understanding within the framework of the Unitary State of the Republic of Indonesia. For Terrorist Prisoners, there is an addition in the process of coaching it while in prison, namely deradicalization, especially from the doctrines of terrorism, which is a program of the National Counterterrorism Agency (Badan Nasional Penanggulangan Terorisme (BNPT)).¹²

Collaboration between government institutions to combat deradicalization plays a significant role in building law and legal awareness or law-abiding culture in the community. Because the radicalism that triggers acts of terrorism has many sleeper cells that at any time can rise and threaten the sovereignty of the country, the problem of radicalism indicated by terrorist inmates should not be looked at in the eyes and is always the primary concern so as not to spread to other inmates in prisons or influence. In contrast, terrorist inmates return to communities that have not been affected by radicalism.

Deradicalization attempts to neutralize radical understandings through interdisciplinary approaches, such as law, psychology, religion,

and socio-culture for individuals who are radically influenced and like violence¹. The primary purpose of deradicalization is to make violent terrorists or groups willing to abandon or disengage themselves from acts and activities of terrorism. In particular, the goal of deradicalization is: first, to make the terrorists ready to leave acts of terrorism and violence. Second, radical groups support moderate and tolerant thinking. Third, radicalizes and terrorists can support national programs in building national and state life within the frame of the Unitary State of the Republic of Indonesia.

The implementation of deradicalization in Indonesia is described as an integrative, whole, and sustainable program with two kinds of coaching, namely deradicalization outside prisons and deradicalization in prisons. Deradicalization outside prison consists of the stage of identification, development of counter-radicalization, and monitoring and evaluation. Deradicalization in Prisons consists of the title, rehabilitation, reeducation, association, and monitoring and evaluation. Deradicalization programs are implemented gradually so that goals and objectives can be achieved effectively. Deradicalization efforts are essential for terrorist inmates in correctional institutions to straighten out the understanding or ideology of radicalized terrorist inmates. Because prison sentences do not necessarily make them aware, even the prison becomes a place to learn more deeply the ideology they believe in and does not close the possibility of disseminating its ideology to fellow inmates.

Prisons are vulnerable places, and it is easy to radicalize. Radicalization is the process by which inmates are recruited, instigated, and involved in extreme groups in prisons or processes where inmates who are already engaged in radical groups become more radicalized and spread that understanding to other inmates. The punishment and placement of terrorist inmates in correctional institutions is a form of punishment for terrorist crimes committed. The sentence given in disciplinary science is not only to create a deterrent effect and eliminate the right to physical independence. Still, it is part of the process of coaching conducted by the Correctional Institution and deradicalization programs that aim to make terrorist inmates aware of their mistakes, straighten out radicals and terrorism, and not repeat their actions and change in a more acceptable direction.

Three main aspects must be considered in the placement of terrorist inmates: the level of risk,

development programs and human resources capabilities, and correctional institutions' infrastructure. The three aspects are interrelated and affect the success of correctional institutions in conducting inmate training. Therefore the placement of terrorist inmates must be carried out carefully and adapted to the needs of coaching.

The constraints of the placement of terrorist inmates are still constrained by several things, such as: First, limited human resources of correctional officers both in quantity, quality and competence to conduct the coaching of terrorist inmates, mainly to conduct profiling and assessment. The standard provision of terrorist inmate training in correctional institutions must be at least four employees for special officers who build 10 - 20 terrorist inmates. The special employee must have competence, knowledge and educational background, among others, legal scholars, religious scholars and psychology scholars and have supporting experience. But in reality, the employees who have such special skills are relatively few and unevenly present in all correctional institutions. Second, Not ideally, most correctional institutions' conditions to foster and place terrorist inmates by the needs and adequate security standards are due to overcapacity, old-model building layout, security completeness, facilities, and supporting infrastructure. Third, Unconscionable and implantation of the system of coaching and placement of terrorist inmates by correctional officers. Fourth, Not optimal cooperation between the Ministry of Justice and Human Rights with other agencies, especially with BNPT in the framework of coaching terrorist inmates. In some prisons, the method of coaching for terrorist inmates that are not yet known by correctional officers, in addition to the limited data and information of convicted terrorists owned by correctional institutions, causes the pattern of inmate coaching does not run optimally. a Fifth is the behavior of terrorist inmates are largely uncooperative, unwilling to participate in coaching programs, be exclusive, closed, and potentially spread radicalism to other inmates or even to officers.

Conclusion

Correctional Institutions are at the forefront of deradicalizing terrorism convicts to be ready to return to society. So that in the implementation of effective deradicalization required the participation of correctional institutions, relevant state institutions, and inmates. Correctional institutions are an

important vector in the fight against radicalism. The role of prisons in the deradicalization of terrorism prisoners is to synergize with other institutions to foster terrorist prisoners to become good human beings when they leave Correctional institutions. The correctional institution in collaboration with BNPT and other institutions synergize with each other to deradicalize and relate terrorism convicts so that they can analyze policies and approaches, identify dilemmas, and create road maps while finding new ideas in countering radicalization and returning terrorist convicts to society.

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