

Legitimacy of Social Justice in the Terrorism Regulations: Insight from Several Countries

Ali Masyhar^{a,1*}, Rohadhatul Aisy^{a,2} Akhmedova Mehrinigor Bahodirovna^{b,3} Gaini Mukhanova^{c,4}

^a Faculty of Law, Universitas Negeri Semarang, Semarang, Indonesia.

^b Bukhara State University, Uzbekistan.

^c Financial Monitoring Agency of the Republic of Kazakhstan, Kazakhstan.

¹ali_masyhar@mail.unnes.ac.id ²rohadhatulaisy@mail.unnes.ac.id ³m.b.axmedova@buxdu.uz ⁴gaini.mukhanova.aml.academy@gmail.com

*Corresponding author

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ABSTRACT

Indonesia continues to experience recidivist terrorism regularly as a result of the injustices it faces. As a result, it is critical to prioritize the legitimacy of social justice for both victims and perpetrators, as well as adopt a humanitarian approach to non-criminal terrorism to mitigate and avert criminal acts of terrorism. This research aims to analyze the legitimacy of social justice in counterterrorism environments. This research employs normative juridical research to compare the counterterrorism regulations of several countries that incorporate social justice legitimacy. The findings of this research show that, *first*, it is crucial to integrate procedural justice and legitimacy principles into counterterrorism initiatives to preserve public confidence in the justice system, prevent exploitation, and uphold human rights. *Second*, it is critical to compare other countries' terrorism regulations to understand and evaluate their strategies for enhancing international cooperation and preventing terrorist attacks. In response to persistent terrorist threats, the United Kingdom, Pakistan, and the European Union implemented more ambitious counterterrorism strategies and incorporated social justice into their policies. To achieve effective and socially just terrorism regulations, Indonesia must adopt regulations in these countries.



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1. Introduction

Social justice is a fundamental principle in democratic societies, and its definition differs across legal systems, such as Islamic, liberal, and socialist capitalist ones.¹ Social justice entails the establishment of fair and impartial laws, the preservation of secure and conflict-free institutions, and the equitable provision of justice. Security, which includes protection from the peril of terrorism, significantly impacts the integrity of a nation. The primary factor associated with terrorist actions is security. On the other hand, terrorist activities pose a significant security hazard that impacts not only individuals and groups

¹ De Cremer and Marius van Dijke, 'On the Psychology of Justice as a Social Regulation Tool', *Netherlands Journal of Psychology*, 65.4 (2009), 114–17 <https://doi.org/10.1007/BF03080133>

but also society, countries, and the world as a whole. Terrorism is a component of social dynamics evolving according to human civilization's advancement. The primary goal of prevention policies is to eliminate the potential for terrorism to spread in society.² This encompasses elements such as justice, democracy, reducing social disparities, surmounting poverty and unemployment, and a culture of corruption and violence. The management of terrorist attacks presents a multifaceted quandary regarding the optimal equilibrium between security and social justice. In general, social justice and regulations influence the formation of societies and international cooperation initiatives that aim to mitigate terrorism's threats to peace and security.³

Terrorism is not a new phenomenon. Since the late 20th and early 21st centuries, terrorism has become a critical global concern, affecting nearly every region of the world.⁴ Over the past two decades, terrorism has significantly transformed the areas most affected by it. South Asia, the Middle East, North Africa, and sub-Saharan Africa have since emerged in their place, whereas Latin America, the Caribbean, Europe, and Central Asia were previously centers.⁵ Therefore, countries devise counter-terrorism strategies incorporating various methods, such as the criminal justice system. The criminal justice response to terrorism comprises specific laws, strategies, policies, investigations, prosecutions, and sentences. The criminal justice system implemented a unique anti-terrorism law to enhance its ability to address and combat the current threat of terrorism.

Terrorism is an exceptional crime that necessitates extraordinary measures. This level of extraordinariness in Indonesia led to the establishment of government regulations in place of Law (*Perppu*) Number 1 of 2002 on the Eradication of Criminal Acts of Terrorism (from now on referred to as *Perppu* Terrorism), which subsequently became Law Number 15 of 2003 on the Establishment of Government Regulations instead of Law Number 1 of 2002 on the Eradication of Criminal Acts of Terrorism. This law was later revised to become Law Number 5 of 2018 concerning Amendments to Law Number 15 of 2003 concerning the Establishment of Government Regulations instead of Law Number 1 of 2002 concerning the Eradication of Criminal Acts of Terrorism. Terrorism occurs continuously, and arresting a terror offender does not guarantee that it will disappear.⁶ Despite the government's recent efforts to revise terrorism laws and implement a deradicalization program, the threat of recidivist terrorism cases persists in Indonesia.

² Kazeem B. Ajide and Olorunfemi Y. Alimi, 'Income Inequality, Human Capital and Terrorism in Africa: Beyond Exploratory Analytics', *International Economics*, 165 (2021), 218–40 <https://doi.org/10.1016/j.inteco.2021.01.003>

³ Emily Pica, David Ross, and Joanna Pozzulo, *The Impact of Technology on the Criminal Justice System* (New York: Routledge, 2024) <https://doi.org/10.4324/9781003323112>

⁴ Saman Omar, Asmar binti Abdul Rahim, and Mukhriz Bin Mat Rus, 'The Trajectory of International and National Anti-Terrorism Laws: An Appraisal of Counter-terrorism Legislation in Kurdistan, Iraq', *Studies in Ethnicity and Nationalism*, 2024 <https://doi.org/10.1111/sena.12429>

⁵ Subhayu Bandyopadhyay and Todd Sandler, 'Voluntary Participation in a Terror Group and Counterterrorism Policy', *Journal of Economic Behavior & Organization*, 215 (2023), 500–513 <https://doi.org/10.1016/j.jebo.2023.09.031>

⁶ Alfin Irfanda, 'Terorisme, Jihad, Dan Prinsip Hukum Islam: Alternatif Upaya Deradikalisasi', *Jurnal Wawasan Yuridika*, 6.1 (2022), 101–20 <https://doi.org/10.25072/jwy.v6i1.490>

Terrorism cases in Indonesia over the past five years tend to fluctuate. In 2019, terrorism cases increased, but in 2020, the number fell again and increased again in 2022.⁷

The issue of recidivist terrorism in Indonesia needs closer scrutiny as more than 100 prisoners are released each year.⁸ According to data released by the Institute for Policy Analysis of Conflict (IPAC) on September 4, 2020, since May 2020 there have been 94 recidivists of terrorism cases out of 825 existing terrorism convicts. That is, his recidivism rate ranges from around 10-11 percent. The series of terrorist events that have occurred in Indonesia, indicates that former terrorism convicts or recidivists have great potential to repeat their actions.⁹ Implementing effective prevention and response strategies is imperative to mitigating the consequences of terrorist attacks on social justice and security. Prevention may necessitate policies that promote deradicalization, social inclusion, and public awareness.

The Terrorism Law mandates the National Counterterrorism Agency (BNPT) to coordinate operations against terrorist criminal acts, including deradicalization programs. Nevertheless, the deradicalization program has not yet yielded optimal results, particularly in the case of former terrorism convicts. The numerous explosions committed by former terrorism prisoners inextricably link to this fact. The efficacy of a deradicalization program depends on the cooperation of government agencies with prisons, the presence of officers, the prisoners themselves, the infrastructure and facilities, and the community as a destination for prisoners to return after serving their sentences. The deradicalization program's success is contingent upon all these components' simultaneous operation.¹⁰

BNPT has consistently maintained that recidivists have not and have never participated in a deradicalization program. However, this is undeniable, given that recidivist terrorism suspects released from prison through parole perpetrated explosions in numerous locations in 2018. Consequently, the deradicalization program of the BNPT does not induce these prisoners to "repent" or revert to the correct course. Isnaini Ramdoni, a former prisoner who had participated in a program at the BNPT Deradicalization Center and had been released on parole for two months, was one of the cases of former prisoners who returned to their actions despite having undergone the BNPT deradicalization process. In 2018, the Surabaya bomb case led to Ramdoni's conviction and his subsequent involvement in bomb production.¹¹ In addition to the case of Ismarwan alias Ismail bin M Yusuf, one of the

⁷ Syariful Alam and others, 'Islamic Criminal Law Study on The Seizure of Corruptor Assets as an Indonesian's Criminal Sanction in The Future', *JURIS (Jurnal Ilmiah Syariah)*, 21.2 (2022), 143 <https://doi.org/10.31958/juris.v21i2.6722>

⁸ Yuliyanto, Donny Michael, and Penny Naluria Utami, 'Deradikalisasi Narapidana Teroris Melalui Individual Treatment', *Jurnal HAM*, 12.2 (2021), 193–208 <<https://doi.org/10.30641/ham.2021.12.193-208>>.

⁹ Insan Firdaus, 'Penempatan Narapidana Teroris Di Lembaga Masyarakat', *Jurnal Penelitian Hukum De Jure*, 17.4 (2017), 429 <https://doi.org/10.30641/dejure.2017.V17.429-443>

¹⁰ Khairudin Khairudin and others, 'Cyber Security and Legal Protection for Dropshipping Transactions in Indonesia: Between State Law and Islamic Law', *JURIS (Jurnal Ilmiah Syariah)*, 23.1 (2024), 81 <https://doi.org/10.31958/juris.v23i1.11786>

¹¹ Usman Usman and others, 'Radicalism in Indonesia: Modelling and Legal Construction', *Journal of Indonesian Legal Studies*, 8.2 (2023) <https://doi.org/10.15294/jils.v8i2.71520>

former terrorism convicts who had participated in deradicalization but was again caught in November 2019.¹²

Attempting to prevent recidivism and mitigate the threat of terrorism by involving individuals in the deradicalization process during their incarceration or immediately following their release is insufficient to ensure long-term success. A practical, multifaceted strategy is necessary to combat terrorism effectively. This necessitates a comprehensive plan that addresses the fundamental causes of radicalization and security concerns.¹³ Law enforcement agencies implement preventive, repressive, and curative strategies to protect the public and enforce the law. Law enforcement has a broader scope than merely addressing known or suspected criminal activity and proactively predicting potential criminal behaviors. Preventive measures include legislative bodies, law enforcement agencies, the prosecutor's office, the judiciary, regional administrators, and ordinary individuals. Police are directly and authoritatively responsible for crime prevention.¹⁴

Society should prioritize social justice to combat terrorism. Social justice fosters a culture that values each individual, recognizes and protects their rights, and makes decisions fairly and honestly. The relationship between counterterrorism and social justice highlights the inextricable link between crime prevention and social justice considerations. This connection arises because economics, education, culture, and politics collectively shape the essence of social justice. The roots of targeted criminal activities lie in the intricate interplay of economic, educational, cultural, and political challenges within social justice, fostering the extraordinary development of such crimes.¹⁵

The deconstruction of the concept of social justice to establish the connection between the state's commitment to social justice and the occurrence of terrorism can be used to validate the claim. The primary goals of justice are to ensure human existence's stability and to maintain a harmonious equilibrium between individual and collective lives. Models prioritizing deterrence have significantly influenced the criminal justice and counterterrorism approaches to violence. Self-interest can motivate cooperation for two primary reasons relating to contemporary terrorism concerns. First, individuals may anticipate safety benefits as a result of participation in the identification of terrorists and the neutralization of a terrorist threat. Secondly, the individuals may participate in

¹² Budiyo, 'Counterterrorism in Indonesia: The Police Role in Ensuring Security', *Pakistan Journal of Criminology*, 16.2, 2024, 733–41 <https://doi.org/10.62271/pjc.16.2.733.741>

¹³ Masyhar Ali, Murtadho Ali, and Zaharuddin Sani Ahmad Sabri Ahmad, 'The Driving Factors for Recidivism of Former Terrorism Convicts in Socio-Legal Perspective', *Journal of Indonesian Legal Studies*, 8.1 (2023), 379–404 <https://doi.org/10.15294/jils.v8i1.69445>

¹⁴ Giuseppe Buonocore and Massimo Pettoello-Mantovani, 'Urging for the Protection of Children Suffering from the Escalating Violence of Terrorism', *Global Pediatrics*, 6 (2023), 100088 <https://doi.org/10.1016/j.gped.2023.100088>

¹⁵ Wenly Lolong and Adensi Timomor, 'Relation of Social Justice and Counter-Terrorism', in *Proceedings of the International Conference on Social Science 2019 (ICSS 2019)* (Paris, France: Atlantis Press, 2019) <https://doi.org/10.2991/icss-19.2019.103>

cooperative initiatives to prevent confrontations with law enforcement and proactively reduce police intervention in their community.¹⁶

Social justice should be the guiding principle in the discussion of countering criminal acts of terrorism. This includes establishing regulations to deter society from committing the crime, preventing unjust arrests upon apprehending the suspect, and facilitating the recidivist's reintegration into society. As a result, effective deradicalization methods such as education, economic prevention, and moral approaches must be used in conjunction. The new terrorism law has included deradicalization regulations, but its full implementation remains unfulfilled. The deradicalization program should not be terminated upon the completion of the prison sentence, as former terrorism convicts may become even more radicalized upon their release. The multidimensional relationship between social justice and terrorism regulation significantly influences the dynamics of counterterrorism efforts. This research underscores the significance of procedural justice in counterterrorism operations, as it fosters the intention of the public to disclose terror threats and increases social inclusion.¹⁷ Furthermore, the concept of justice is emphasized as a fundamental social regulatory instrument that influences the behavior and motivation of individuals, thereby emphasizing its significance in forming societal norms and interactions. Furthermore, the necessity of analyzing the correlation between terrorism and justice responses is underscored to enhance the likelihood of curbing the violence perpetrated by terrorists and the justice system. Understanding this relationship is critical to developing effective counterterrorism strategies that adhere to social justice principles.¹⁸

Comparing the terrorism regulations of other countries is crucial for understanding and analyzing their strategies to enhance international cooperation and prevent terrorist attacks. For instance, the European Union (EU) countries actively engage in counter-terrorism initiatives. In contrast, Pakistan, a country susceptible to terrorist attacks, has already implemented anti-terrorism legislation that has been compared to other nations. The EU has adopted Directive (EU) 2017/541 to align its legal framework with international standards. The directive concentrates on defining terrorist organizations and their operations, eliminating foreign fighters, and providing support to victims of terrorism.¹⁹ Meanwhile, in the United Kingdom regulates terrorism through a multifaceted process that combines legal measures and policies to combat various forms of terrorism. To combat issues such as promoting terrorism, the United Kingdom has implemented legislation such

¹⁶ Gary Lafree, Laura Dugan, and Raven Korte, 'The Impact of British Counterterrorist Strategies on Political Violence in Northern Ireland: Comparing Deterrence and Backlash Models', *Criminology*, 47.1 (2009), 17–45 <https://doi.org/10.1111/j.1745-9125.2009.00138.x>

¹⁷ Kristina Murphy, Adrian Cherney, and Marcus Teston, 'Promoting Muslims' Willingness to Report Terror Threats to Police: Testing Competing Theories of Procedural Justice', *Justice Quarterly*, 36.4 (2019), 594–619 <https://doi.org/10.1080/07418825.2018.1437210>

¹⁸ Hafiz Syed Mohsin Abbas and Xiaodong Xu, 'Topical Dynamics of Terrorism from a Global Perspective and A Call for Action on Global Risk', *International Journal of Disaster Risk Reduction*, 2024, 104659 <https://doi.org/10.1016/j.ijdr.2024.104659>

¹⁹ Christopher Baker-Beall and Gareth Mott, 'The New EU Counter-Terrorism Agenda: Preemptive Security through the Anticipation of Terrorist Events', *Global Affairs*, 7.5 (2021), 711–32 <https://doi.org/10.1080/23340460.2021.1995461>

as the Terrorism Act 2006.²⁰ Despite its controversy, the Prevent policy aims to prevent individuals from participating in or advocating for terrorism. The UK has also implemented powers that permit the detention of foreign terrorist suspects without trial, a matter that has been the subject of legal challenges and debate.²¹ In general, the United Kingdom's strategy for regulating terrorism is characterized by a delicate equilibrium between the necessity of proportionality in confronting the changing threat landscape, civil liberties, and security concerns.²²

Conversely, Pakistan, a nation that is susceptible to terrorism, has implemented its anti-terror laws and mechanisms to address this urgent matter. Pakistan's significant challenges in combating the financing of terrorism, which is critical for internal and international security, underscore the significance of national, EU, and international cooperation in addressing this issue even though it is not a member of the EU. Furthermore, the intersection of measures to combat terrorist financing and migrant remittances from the EU to third countries highlights the challenges and tensions of balancing financial support and security concerns.²³

Numerous previous research have explored the deradicalization of terrorism and the role of social justice in terrorism regulations in Indonesia. We will expand on these findings in the following manner: Wenly R.J. LolongIna Rohana conducted the initial research in 2019 under the title "The Relationship of Social Justice and Counter-Terrorism." The primary goal of this research study is to investigate the relationship between social justice and terrorism development, as well as the need for changes to future counter-terrorism policy strategies. The research results indicate that social inequality is a contributing factor to the proliferation of terrorism in numerous countries, including Indonesia. Criminal law enforcement policies, despite expanding action types and increasing criminal sanctions, have not optimally reduced the number of terrorist crimes in Indonesia. The primary reason is the country's social justice issue.²⁴ Second, Mohammed Samir Elshimi's research, *The Constraints Hypothesis: Rethinking Causality in Deradicalization, Disengagement, and Reintegration Pathways. A Complex Systems Perspective* demonstrates no scientifically credible explanation for how terrorists use transformation to escape.²⁵ Third, research by Subhayu Bandyopadhyay and Todd Sandler, shows that a three-stage game examines the impact of a government's counterterrorism measures on the interaction between potential militants. In stage 1, the government anticipates the magnitude and attacks of a terrorist group and selects both proactive and defensive countermeasures. In the third stage, after

²⁰ John Jupp, 'From Spiral to Stasis? United Kingdom Counter-Terrorism Legislation and Extreme Right-Wing Terrorism', *Studies in Conflict & Terrorism*, 2022, 1–21 <https://doi.org/10.1080/1057610X.2022.2122271>

²¹ Clive Walker and Oona Cawley, 'The Juridification of the UK's Counter Terrorism Prevent Policy', *Studies in Conflict & Terrorism*, 45.11 (2022), 1004–29 <<https://doi.org/10.1080/1057610X.2020.1727098>>.

²² Ian Turner, 'Limits to Terror Speech in the UK and USA: Balancing Freedom of Expression with National Security', *Amicus Curiae*, 1.2 (2020), 201–32 <https://doi.org/10.14296/ac.v1i2.5130>

²³ Zeynab Malakouti Khah, *Counter-Terrorism Financing and Iran* (London: Routledge, 2023) <https://doi.org/10.4324/9781003297079>

²⁴ Lolong and Timomor.

²⁵ Mohammed Samir Elshimi, 'The Constraints Hypothesis: Rethinking Causality in Deradicalisation, Disengagement and Reintegration Pathways. A Complex Systems Perspective', *Studies in Conflict & Terrorism*, 2022, 1–25 <https://doi.org/10.1080/1057610X.2022.2043225>

radicalized individuals decide to join a terrorist organization in the second stage, group members split their time between work and terrorism. The game characterizes the extensive and intensive margins for the terrorist group's size and attacks, respectively, depending on wages and government counterterrorism efforts. Comparative statistics demonstrate that wage changes or population radicalization influence the optimal combination of defensive and proactive countermeasures. When wages are lower, we favor a more significant (lesser) proportion of proactive measures over defensive actions. The increased radicalization of potential militants necessitates a greater emphasis on defensive measures. Backlash terror attacks, which result from proactive-induced radicalization, also influence the combination of counterterrorism measures.²⁶ Fourth, previous research by Subhayu Bandyopadhyay and Todd Sandler in the title "Counterterrorism policy: Spillovers, regime solidity, and corner solutions", shows that the proactive countermeasures taken by the host developing nation against the resident terrorist group not only strengthen regime solidity or stability at home but also limit terrorism at home and abroad. Unexpectedly, developed countries may benefit from policy packages that increase global terrorism while decreasing global counterterrorism.²⁷

Based on the above-described results of several previous studies, it is evident that this research differs significantly from the other two. It examines and debates the legitimacy of social justice, not only for victims but also for criminals, to prevent terrorist acts by comparing the prevention of terrorism across various countries. Social justice issues significantly influence the prevention of terrorism. Criminal law enforcement alone cannot defeat terrorism, as it cannot be considered an ordinary offense. As a result, it is crucial to research the legitimacy of social justice in regulating terrorism cases to establish rules that are both socially just and capable of safeguarding the human rights of all citizens.

2. Research Method

This research uses a normative juridical research type and employs a qualitative approach. This research utilizes primary, secondary, and tertiary data as complementary sources.²⁸ The data collection technique utilizes interviews to supplement the primary data, along with a review of relevant regulations and literature related to the research. This investigation employs triangulation techniques to verify the accuracy of the data.²⁹ The analysis employs comparative comparisons with other countries, specifically the European Union, the United Kingdom, and Pakistan, to examine the social justice aspects of terrorism regulations, particularly deradicalization. To ensure the accuracy and reliability of the data, the author compares the obtained data, specifically the interview data, with document data and literature studies.³⁰

²⁶ Bandyopadhyay and Sandler, 'Voluntary Participation in a Terror Group and Counterterrorism Policy'.

²⁷ Subhayu Bandyopadhyay and Todd Sandler, 'Counterterrorism Policy: Spillovers, Regime Solidity, and Corner Solutions', *Journal of Economic Behavior & Organization*, 188 (2021), 811–27 <https://doi.org/10.1016/j.jebo.2021.05.031>

²⁸ Abdul Kadir Jaelani and others, 'Indonesia Carbon Tax Policy: A Key Role in Sustainable Development Goals', 2024, p. 020040 <https://doi.org/10.1063/5.0202042>

²⁹ Mohammad Jamin and others, 'The Impact of Indonesia's Mining Industry Regulation on the Protection of Indigenous Peoples', *Hasanuddin Law Review*, 9.1 (2023), 88–105 <https://doi.org/10.20956/halrev.v9i1.4033>

³⁰ Ali Masyhar and Silaas Oghenemaro Emovwodo, *Techno-Prevention in Counterterrorism: Between Countering Crime and Human Rights Protection*, *Journal of Human Rights, Culture and Legal System*, 2023, III <https://doi.org/10.53955/jhcls.v3i3.176>

3. Results and Discussion

3.1. *The Legitimacy of Social Justice in Terrorism Regulations Indonesia*

Terrorism is a crime against the peace and security of humanity.³¹ Terrorism is also an extraordinary crime with very complex impacts in the form of acts of violence and threats.³² Terrorist attacks appear to be perpetual. As long as the ideals of their struggle remain unrealized, terrorism will continue to pose a potential threat. Understanding this, any counterterrorism policy implemented will be ineffective if it fails to address the underlying issue. Every nation must implement a severe approach to terrorism, as it affects the country's perceived credibility in the eyes of the international community. Counterterrorism that operates at the surface level won't impact substantive and comprehensive countermeasures; instead, it will elicit skepticism.³³

Terrorism has a profound and immediate effect on human rights, resulting in catastrophic repercussions for the physical integrity, liberty, and life of victims. In addition to these individual costs, terrorism has the potential to destabilize governments, undermine civil society, jeopardize peace and security, and imperil social and economic development.³⁴ These also have a tangible effect on the enjoyment of human rights. The protection of individuals is a fundamental obligation of the government, as the security of the individual is a fundamental human right. Consequently, it is the responsibility of states to safeguard the human rights of their nationals and others by implementing proactive measures to protect them from the peril of terrorist attacks and to bring the perpetrators of such acts to justice.³⁵

The factors that contribute to terrorism are incredibly intricate and diverse; as a result, it is necessary to address criminal acts of terrorism through a variety of methods, including penal and non-penal measures. Even former terrorism convicts or the families of those convicted of terrorism are at risk of committing acts of terrorism again due to the injustice they experience during the arrest while serving their sentence and upon their release. In addition to the injustice experienced by ex-convicts, the family also faces discrimination from society.³⁶ Consequently, it is imperative to prioritize justice for both victims and

³¹ Anita Carolina, 'Deradikalisasi Berdasarkan UU Nomor 5 Tahun 2018', *Jurnal Ilmu Kepolisian*, 13.3 (2019), 216–24 <https://doi.org/https://doi.org/10.35879/jik.v13i3.190>

³² Melia Dwi Putri Heni Hidayati and Eko Sopyono, 'Kajian Penanganan Tindak Pidana Terorisme Dalam Perspektif Hukum Internasional', *Jurnal Ilmiah Dunia Hukum*, 6.2 (2022), 67–73 <https://doi.org/10.35973/jidh.v6i1.2662>

³³ Max Abrahms, Luis Alfonso Dau, and Elizabeth M. Moore, 'Should I Stay or Should I Go Now? Understanding Terrorism as a Driver of Institutional Escapism', *International Business Review*, 32.4 (2023), 102120 <https://doi.org/10.1016/j.ibusrev.2023.102120>

³⁴ Tanveer Ahmad and others, 'Impact of Terrorism on Stock Market: Evidence from Developed and Developing Markets', *International Journal of Disaster Risk Reduction*, 70 (2022), 102786 <https://doi.org/10.1016/j.ijdr.2022.102786>

³⁵ Jeffrey Treistman, 'Social Exclusion and Political Violence: Multilevel Analysis of the Justification of Terrorism', *Studies in Conflict & Terrorism*, 47.7 (2024), 701–24 <https://doi.org/10.1080/1057610X.2021.2007244>

³⁶ Daniel Meierrieks and Laura Renner, 'Islamist Terrorism and the Status of Women', *European Journal of Political Economy*, 78 (2023), 102364 <https://doi.org/10.1016/j.ejpoleco.2023.102364>

perpetrators and take a humanitarian approach to non-criminal terrorism to reduce and prevent the occurrence of criminal acts of terrorism.³⁷

It is crucial to remember the primary goals of law enforcement, which are to ensure certainty, justice, and benefit. The justice procedure takes into account not only the victim but also the perpetrator. Human liberties are one aspect that demands attention. Theoretical criminal acts include violations of human rights, particularly those of victims, such as the right to life and freedom from terror and threats. Nevertheless, the perpetrators of theorists are human beings who, despite committing inhumane acts, retain human rights. Therefore, terrorism, despite its classification as an extraordinary crime necessitating special handling and enforcement, cannot be employed as a justification or a barrier to violating human rights (HAM) against the perpetrator, even though it will inevitably lead to its dilemma. To effectively address violent extremism and respect human rights, social justice is essential for the prevention of terrorism. Humane approaches, research, education, and policy advocacy in social work guide us to achieve this.³⁸ Everyone acknowledges the necessity of optimal law enforcement to eradicate criminal acts of terrorism. Human liberties also extend to terrorist suspects. National or international human rights instruments do not contain any provisions that deny a criminal, like a terrorist, the entitlement to human rights. As a result, the question arises: What are the components of human rights that apply to terrorist perpetrators who have caused damage to the public interest and killed people? Some contend that the human rights of terrorist perpetrators should not be guaranteed and protected, as their actions have deprived society of the right to life and the right to a sense of security.³⁹

This is the difference between approaches to terrorism eradication that are based on human rights and those that are not. Regrettably, the theory prioritizes the rights that victims can acquire when examining the laws and regulations about criminal activities. A human rights-based approach can be employed to localize terrorism perpetrators, preventing widespread dissemination throughout society. A humanist perspective views terrorists as both perpetrators and victims. They are the victims of indoctrination and the dissemination of inaccurate religious and radical perspectives through a variety of media and non-media, including the Internet.⁴⁰ As a result, terrorism convicts must continue to be socially and economically empowered and rehabilitated post-prison. The revised terrorism law in Indonesia, specifically Law Number 5 of 2018 on the Eradication of Criminal Acts of Terrorism, currently incorporates a deradicalization strategy. However, its implementation has not been successful. It is anticipated that the perpetrators, particularly their families, will experience a greater sense of justice by utilizing a humanist approach, such as the deradicalization program, to address the perpetrators. The Human Rights Approach also allocates a significant portion of the responsibility for combating terrorism to non-state actors, including social organizations, media, educational institutions, and NGOs. This is because state law enforcement officers, with their limited numbers and

³⁷ Kyle Hunt, Puneet Agarwal, and Jun Zhuang, 'On the Adoption of New Technology to Enhance Counterterrorism Measures: An Attacker-Defender Game with Risk Preferences', *Reliability Engineering & System Safety*, 218 (2022), 108151 <https://doi.org/10.1016/j.res.2021.108151>

³⁸ Royce A. Hutson, 'Preventing Violent Extremism and Social Work: Recent US History and Prospects', *Journal of Human Rights and Social Work*, 6.4 (2021), 298-306 <https://doi.org/10.1007/s41134-021-00177-x>

³⁹ Xingxing Wei, 'A Critical Evaluation of China's Legal Responses to Cyberterrorism', *Computer Law & Security Review*, 47 (2022), 105768 <https://doi.org/10.1016/j.clsr.2022.105768>

⁴⁰ G. Dom and others, 'Mass Violence, Radicalization and Terrorism: A Role for Psychiatric Profession?', *European Psychiatry*, 49 (2018), 78-80 <https://doi.org/10.1016/j.eurpsy.2018.01.001>

capabilities, cannot solely combat terrorism as an ideology and movement, given the vast and global scope of terror threats and movements.⁴¹

In Indonesia, non-governmental organizations, including ex-convict foundations, play a significant role in implementing deradicalization. The foundations of former terror convicts are utilized to build social support spaces and prevent recidivism.⁴² The government has committed injustice against certain terrorist prisoners, former terrorist prisoners, their families, and networks, which is why they continue to refuse to engage with government institutions. In addition to serving as a platform for former terrorism convicts to reintegrate into society, these foundations can also assist with BNPT programs to encourage jihadists to increase their transparency.⁴³ The BNPT is an agency created by Law Number 5 of 2018 on amendments to Law Number 15/2003 on the Transformation of the Implementation of Government Regulation instead of Law Number 1/2002 on the Eradication of Terrorism Crimes Into A Law changes to the old law on combating terrorist crimes. Its job is to carry out operations against terrorist crimes, and one of these is a deradicalization program. The deradicalization program implements a systematic, continuous, integrated, and planned process to eliminate or reduce the radical understanding of terrorism, thereby reversing it.⁴⁴ Deradicalization is defined by terrorism laws. The deradicalization program targets individuals and organizations exposed to radical terrorism, such as suspects, defendants, convicts, prisoners, and former terrorism convicts. The law-compliant deradicalization program includes identification and assessment, rehabilitation, reeducation, and social reintegration. Therefore, to facilitate the success of deradicalization programs, it is necessary to allocate the most appropriate resources.⁴⁵

The recent bombing at the Astana Anyar Police Station on December 7, 2022, has garnered public attention. Agus Sujatno, also known as Abu Muslim or Abu Abdullah, was the bomber and a former terrorism convict who received a four-year sentence in the Nusakambangan Correctional Institution. He was released in March 2021. Agus Sujatno was previously involved in the pan-bomb incident that occurred in Cicendo Bandung on February 27, 2017. Despite not being an executor of the suicide explosion at that time, Agus Sujatno assisted in the assembly and provision of the bomb for its use. Yayat

⁴¹ Ferroka Wathan and Megawati Barthos, 'Analysis of the Prevention of Terrorism in Indonesia', in *Proceedings of the 1st International Conference on Law, Social Science, Economics, and Education, ICLSSEE 2021, March 6th 2021, Jakarta, Indonesia* (EAI, 2021) <https://doi.org/10.4108/eai.6-3-2021.2306866>

⁴² Nidia Masithoh, Sapto Priyanto, and Muhammad Syauqillah, 'Ex-Terrorists Reintegration Programs on Conditional Release Period by Formers Foundation Yayasan Lingkar Perdamaian (YLP)', *Journal of Terrorism Studies*, 4.2 (2022) <https://doi.org/10.7454/jts.v4i2.1052>

⁴³ Cahya Intan Ayuningsekar, Abdul Kadir Jaelani, and Sapto Hermawan, 'Legitimacy Principle of Equality in Collection of Rural and Urban Land Tax', *Journal of Sustainable Development and Regulatory Issues (JSDERI)*, 1.3 (2023), 151–74 <https://doi.org/10.53955/jsderi.v1i3.15>

⁴⁴ Ludi Oktadhika, 'Upaya Deradikalisasi melalui Program Pembinaan Narapidana Teroris Berbasis Intelijen', *Literacy: Jurnal Ilmiah Sosial*, 2.2 (2020), 75–87 <https://doi.org/10.53489/jis.v2i2.20>

⁴⁵ Mohammed M. Ali, Kristina Murphy, and Adrian Cherney, 'Counter-Terrorism Measures and Perceptions of Police Legitimacy: The Importance Muslims Place on Procedural Justice, Representative Bureaucracy, and Bounded-Authority Concerns', *Journal of Criminology*, 55.1 (2022), 3–22 <https://doi.org/10.1177/26338076211030955>

Cahdiat, the person behind the Pan device, served a three-year sentence in the Tangerang Penitentiary as a former terrorism convict. He was released in 2015.⁴⁶

On January 14, 2016, a former terrorism convict carried out another terror attack in Thamrin. Recidist Afif, also known as Sunakim, received a seven-year prison sentence in 2010 for his involvement in terrorist militia training in Jalin Jantho, Aceh. He was the commander of the suicide bombing that succeeded in the firefight. Afif's actions were influenced by Bahrun Naim and Aman Abdurrahman's ideologies. Both are elderly "kingpins" of the terror network. While in prison, they had previous interactions with Densus 88. Other incidents include Nur Rohman's 2016 suicide bomb attack at the Surakarta Police Station and Juhanda alias Jo bin Muhammad Aceng Kurnia's explosion at the Oukimene Church in Samarinda, East Kalimantan. Both individuals have received terrorism convictions.

BNPT has consistently underscored that recidivist perpetrators are individuals who have not and have never participated in deradicalization programs conducted by BNPT. However, this is undeniable, given that recidivist terrorism suspects released from prison via parole perpetrated explosions in numerous locations in 2018. Consequently, the deradicalization program of BNPT does not induce these convicts to "repent" or revert to the correct course. Ismarwan, alias Ismail bin M. Yusuf, a former terrorism convict who has participated in deradicalization, presents an intriguing case. However, in November 2019, authorities once again apprehended him for committing acts of terrorism. In 2015, the government released Ismarwan and provided him with assistance funds worth Rp. 10,000,000. The government maintained this assistance amount in 2017. In 2018, we once again granted Ismarwan entrepreneurial capital assistance in the amount of Rp 15,000,000, a sum we maintained in 2019 at Rp 5,000,000. Furthermore, Ismarwan frequently participated in national insight initiatives and deradicalization events. However, it came to light that he had resumed his military training in North Aceh with the JAD Group.

The Institute for Policy Analysis of Conflict's research suggests that Indonesia may have a higher number of recidivists associated with terrorism, even if their initial offense was unrelated to terrorism. According to the International Crisis Group, there was an intriguing incident at Kerobokan Bali Penitentiary in which the primary perpetrators of the Bali explosions, Amrozi, Imam Samudra, and Mukhlash, were able to exert influence over other inmates and wardens. Ahmed (not his actual name), a Hindu prisoner who was convicted of drug offenses and bombing in 2001, was one of the inmates who was successfully influenced. The bomber trio's initial interactions with other inmates typically took place while they were tamping the mosque, including Ahmed, who claimed to be sympathetic to Amrozi's stance.⁴⁷

Furthermore, Noor Huda Ismail, the Director of Yayasan Prasasti Perdamaian, stated in a piece published in *The Jakarta Post* on August 27, 2010, entitled *Prison Radicalization and How It Happens: An Analysis into the Root Causes of Terrorism*, that radicalization is a direct result of imprisonment, regardless of whether the individual is convicted of terrorism or not. Huda further stated that Aman Abdurrahman, a hard-liner terrorist, had

⁴⁶ Daniel Auer and Daniel Meierrieks, 'Merchants of Death: Arms Imports and Terrorism', *European Economic Review*, 137 (2021), 103813 <https://doi.org/10.1016/j.eurocorev.2021.103813>

⁴⁷ Raquel da Silva and others, 'Tracking Narrative Change in the Context of Extremism and Terrorism: Adapting the Innovative Moments Coding System', *Aggression and Violent Behavior*, 47 (2019), 204–14 <https://doi.org/10.1016/j.avb.2019.05.002>

successfully recruited at least three detainees who had previously shown no interest in engaging in jihad at Sukamiskin prison in Bandung. The initial group consisted of three individuals. Yuli Harsono, a discharged military officer involved in terrorist activities, killed two police officers in Central Java. Ultimately, officers fatally shot him during an ambush on suspected terrorist Abdullah Sonata. Early August 2010 saw the arrest of Hamzah in Cibiru, Bandung. A significant attack purportedly targeted the president's convoy, heavily implicating Hamzah in the scheme. The third individual is Gema Awal Ramadhan, an STPDN graduate who participated in a training exercise in Aceh in February 2010. This experience suggests that anyone can be a target of radicalization.⁴⁸

A wide range of factors influence terrorism, making its management intricate. A superficial approach to counterterrorism will not affect substantive and comprehensive countermeasures; rather, it will elicit astonishment. This realization has led to BNPT's development of the prevention aspect as the frontline for countering terrorism, which is a gentle approach that aims to address the issue of terrorism from upstream to downstream. One such approach is deradicalization. The government is of the opinion that a gentle approach will be effective in the rehabilitation of former prisoners and their families.⁴⁹

Deradicalization has been in progress in Indonesia since 2012. In article 43D paragraph (2) of Law Number 5 of 2018, it is stated that deradicalization is conducted on suspects, defendants, convicts, ex-convicts, and individuals or groups of individuals who have been subjected to the radical ideology of terrorism to eradicate the ideology. Consequently, deradicalization should be a multifaceted and ongoing process that is not solely dependent on BNPT; it must also involve the non-governmental sector and the collaboration of all stakeholders.⁵⁰ It is imperative to develop a criminal justice process that aligns with the principles of restorative justice, given its widespread recognition as an appropriate approach to resolving conflicts or issues. In reality, Indonesian society has already incorporated the practice of restorative justice. However, certain prominent groups in society continue to adhere to this approach. The objective goal of restorative justice is to resolve criminal cases in a way that fully implements and achieves justice for the perpetrator, victim, and the victim community in general. The concept of restorative justice emphasizes the participation of all parties actively involved in a particular criminal act or an individual's vision of a form of justice.⁵¹ The implementation of restorative justice facilitates harmonious reconciliation between the perpetrator and the victim. In conclusion, Indonesian restorative justice implementation involves more than just perpetrators and victims; it also incorporates the terrorist network system as a necessary component, given its predictable nature. Consequently, in order to facilitate the implementation of restorative justice, a third party who is more impartial is required, despite the fact that the decision is still a part of the criminal justice system. This initiative is necessary because both

⁴⁸ Arief Budiono and others, *Cyber Indoctrination Victims in Indonesia and Uzbekistan: Victim Protection and Indoctrination in Practice*, *Journal of Human Rights, Culture and Legal System*, 2023, III <https://doi.org/10.53955/jhcls.v3i3.127>

⁴⁹ Margaretha Hanita osbenardus sirait, Muhamad Syauqillah, 'Deradicalization Program In Indonesia', *Journal of Terrorism Studies*, 3.2 (2021) <https://doi.org/10.7454/jts.v3i2.1040>

⁵⁰ Asmawi Asmawi and others, 'Measuring Human Rights and Islamicity of Indonesian Anti-Terrorism Law', *AHKAM : Jurnal Ilmu Syariah*, 19.2 (2019) <https://doi.org/10.15408/ajis.v19i2.13898>

⁵¹ Andri Winjaya Laksana and Sisca Dyah Octaviani, 'Implementation Of Law Enforcement Against Crime With Small Motive Patterned Restorative Justice In Police Sector Gayamsari Of Semarang City', *International Journal of Law Reconstruction*, 3.1 (2019), 20 <https://doi.org/10.26532/ijlr.v3i1.4366>

perpetrators and victims of criminal acts have valid reasons to isolate themselves from third parties.⁵²

Both the potential and challenges of implementing social justice in the regulation of terrorism are present. On the one hand, the integration of human rights standards into preventive criminal justice strategies can enhance respect for the rule of law and avert terrorist violence. Nevertheless, the strict anti-terrorism financial laws may exacerbate the factors that contribute to terrorism, potentially obstructing critical philanthropic support for Muslim civil society. Furthermore, procedural justice policing in the context of terrorism eradication can foster a more inclusive and cooperative approach to the eradication of terrorism by increasing social inclusion among Muslim communities and encouraging the intention to disclose terror threats to the police. Also, it is crucial to comprehend the intricacies of restorative justice in terrorism cases, particularly in the context of the forgiveness process between direct victims and society. By addressing these aspects, incorporating social justice into terrorism regulation can lead to more inclusive and effective counterterrorism measures.

The United Nations Global Counter-Terrorism Strategy reiterates the inextricable connections between human rights and security, prioritizing the preservation of the rule of law and human rights as the cornerstones of national and international counter-terrorism initiatives. Through the strategy, Member States have pledged to guarantee the rule of law and respect for human rights as the fundamental foundation of the anti-terrorism campaign. To be effective, we should include the development of national counter-terrorism strategies that aim to prevent acts of terrorism, address the conditions that facilitate their spread, and prosecute or lawfully extradite those responsible for such criminal acts. Additionally, the active participation and leadership of civil society should be encouraged, and the rights of all victims of human rights violations should be given due attention. In addition to the necessity of promoting and safeguarding human rights in order to combat terrorism, it is imperative that state governments ensure that any counter-terrorism measures they implement are in accordance with their international human rights obligations.⁵³

As part of the fight against terrorism, states have an obligation to promote and safeguard human rights. The primary objective of national counter-terrorism strategies should be to prevent acts of terrorism, prosecute those responsible for such illicit activities, and promote and protect the rule of law and human rights. Nevertheless, states face significant practical obstacles in ensuring the promotion and protection of human rights, as well as the implementation of effective counter-terrorism measures. One such example is the dilemma that states encounter when it comes to safeguarding intelligence sources. This may necessitate restricting evidence disclosure in terrorism-related trials while simultaneously upholding the right to a fair trial for all individuals. These obstacles are not insurmountable. States can effectively fulfill their obligations under international law by utilizing the flexibility that is present within the framework of international human rights law. Human rights law permits restrictions on specific rights in very limited exceptional circumstances and allows for the implementation of deviations from specific human rights provisions. These two categories of restrictions are specifically intended to offer states the requisite flexibility in addressing extraordinary circumstances while simultaneously

⁵² Pujiyono Suwadi And Others, 'Measuring Restorative Justice In Handling Terrorism In Indonesia', *Russian Law Journal*, 11.1 (2023), 62–68 <https://doi.org/10.52783/rlj.v11i1.348>

⁵³ Yaser Esmailzadeh, 'Social Strategies of Terrorism', *International Journal of Social Science Research and Review*, 6.6 (2023), 76–85 <https://doi.org/10.47814/ijssr.v6i6.1214>

ensuring that they fulfill their obligations under international human rights law, provided that a specified set of conditions are satisfied.⁵⁴

The efficacy of counter-terrorism surveillance policies significantly influences public support for surveillance measures, with policy effectiveness serving as the primary predictor of public support. The public's perception of the efficacy of social justice in regulating terrorism is crucial, as it impacts the public's response and policy support. Justice is a fundamental aspect of social life, as it is a significant instrument of social regulation that influences individual behavior and motivation as per societal perceptions. Promoting economic equality between ethnic groups and increasing social inclusion reduces the risk of domestic terrorism, underscoring the significance of establishing socially inclusive societies. Understanding and resolving issues of injustice is crucial to preventing and mitigating violent social conflict, underscoring the significance of social justice in the battle against terrorism.⁵⁵

Therefore, the formulation of terrorism regulations is significantly influenced by the legitimacy of social justice, particularly in cases where terrorists are killed without a proper judicial process. The interplay between procedural justice and legitimacy is critical for preserving social stability and mitigating potential conditions that may result in social change. A crucial component of Sustainable Development Goal 16 is promoting social peace at all levels through establishing effective and accountable systems that ensure fairness, impartiality, and transparency in institutions.⁵⁶ The significance of individuals' perceptions of equity in legal processes is underscored by research on procedural justice and legitimacy, which influence compliance with the law and authorities. Consequently, it is essential to integrate procedural justice and legitimacy principles into counterterrorism initiatives to preserve societal trust in the justice system, prevent exploitation, and uphold human rights.

3.2. *The Terrorism Regulations in Several Countries*

Deradicalization efforts in Indonesia are currently either poorly coordinated or carried out independently. Additionally, the presence of sectoral personalities hinders effective collaboration between government and non-government institutions. Currently, the deradicalization program appears to have only reached the "output" stage, indicating its implementation but lack of "outcome" impact.⁵⁷ According to the aforementioned description, the implementation of terrorism prevention and control policies in Indonesia, which includes deradicalization, has not been successful. Upon their release from prison, the majority of former terrorism convicts recommitted acts of terror and experienced social injustice. Consequently, the following will be elaborated upon: provide a comparison of several countries that are also engaged in deradicalization.

⁵⁴ Fiona de Londras, 'Evaluation and Effectiveness of Counter-Terrorism', in *Socially Responsible Innovation in Security* (Routledge, 2018), pp. 117–28 <https://doi.org/10.4324/9781351246903-8>

⁵⁵ Marco Grasso, 'Legitimacy and Procedural Justice: How Might Stratospheric Aerosol Injection Function in the Public Interest?', *Humanities and Social Sciences Communications*, 9.1 (2022), 187 <https://doi.org/10.1057/s41599-022-01213-5>

⁵⁶ Sapriani Sapriani, Reza Octavia Kusumaningtyas, and Khalid Eltayeb Elfaki, 'Strengthening Blue Economy Policy to Achieve Sustainable Fisheries', *Journal of Sustainable Development and Regulatory Issues (JSDERI)*, 2.1 (2024), 1–19 <https://doi.org/10.53955/jsderi.v2i1.23>

⁵⁷ Johannes G. Jaspersen and Gilberto Montibeller, 'On the Learning Patterns and Adaptive Behavior of Terrorist Organizations', *European Journal of Operational Research*, 282.1 (2020), 221–34 <https://doi.org/10.1016/j.ejor.2019.09.011>

The European Union (EU), a distinctive region of justice, security, and freedom, must be able to trust in the effective safeguarding of their freedom and security. The principles of democracy, the rule of law, respect for fundamental rights, particularly the right to privacy, freedom of expression, freedom of religion, and appreciation of diversity, form the foundation of EU member states. The EU regulates counterterrorism measures through a multifaceted approach that encompasses the collective securitization of terrorism, the development of counterterrorism policy systems such as EUROPOL and EUROJUST, and governance reform through collaboration with neighboring countries.⁵⁸ The disruption, prevention, and deconstruction of terrorist financing networks have been a critical component of post-9/11 counterterrorism policy. A comprehensive and well-coordinated EU counterterrorism policy is necessary to unify the various actions taken by national and EU authorities. Emphasis is placed on this necessity. Anticipatory action, particularly preventive action that utilizes computer-based technologies like artificial intelligence and algorithms, distinguishes the new EU Counterterrorism Agenda. Regulatory supervision centers the agenda, ensuring the respect of fundamental rights and the provision of justice.⁵⁹

The European Union (EU) is adopting a more ambitious approach to counterterrorism in response to a persistent terrorist threat. The primary responsibility for combating crime and ensuring security lies with the Member States. However, the EU provides financial support, cooperation, coordination, and (to a certain extent) harmonization tools to address this borderless phenomenon. Moreover, the recognition of the relationship between development and stability, as well as between internal and external security, has influenced the EU's actions beyond the Union's boundaries. Over the years, the EU has increased its expenditure on counterterrorism to facilitate improved collaboration between national law enforcement authorities and increased support from EU bodies responsible for security and justice, including Europol, EU-LISA, and Eurojust. In recent years, the implementation of numerous new rules and instruments has primarily focused on harmonizing definitions of terrorist offenses and sanctions, exchanging information and data, protecting borders, preventing terrorist financing, and regulating firearms. Lamentation and assessment of the diverse measures are difficult. The European Parliament has been actively involved in the evaluation of existing tools and gaps, as well as the shaping of legislation, through the work of its Special Committee on Terrorism (TERR) in 2018.

In accordance with the Parliament's recommendations, the European Commission's priorities, and the counterterrorism agenda presented in December 2020, EU counterterrorism action has recently been concentrated on enhancing the resilience of critical infrastructure and the protection of public spaces to anticipate threats, counter-radicalization, and reduce vulnerabilities. In compliance with the recently implemented EU legislation regarding the dissemination of terrorist content online and the provision of digital services, the EU will also persist in addressing the online dimension of various forms of extremism.⁶⁰

⁵⁸ Alistair J.K. Shepherd, 'EU Counterterrorism, Collective Securitization, and the Internal-External Security Nexus', *Global Affairs*, 7.5 (2021), 733–49 <https://doi.org/10.1080/23340460.2021.2001958>

⁵⁹ Sung-Hoon Han and Chang-Seok Park, 'Review on the Counterterrorism in EU', *Han Yang Law Review*, 33.1 (2022), 91–105 <https://doi.org/10.35227/HYLR.2022.2.33.1.91>

⁶⁰ Kyle Hunt and others, 'Near-Repeat Terrorism: Identifying and Analyzing the Spatiotemporal Attack Patterns of Major Terrorist Organizations', *Expert Systems with Applications*, 249 (2024), 123712 <https://doi.org/10.1016/j.eswa.2024.123712>

The TREVI group (Terrorisme, Radicalisme, Extrémisme et Violence International), an intergovernmental network of justice and home affairs ministry representatives, established the origins of EU counterterrorism policy in 1976. Nevertheless, the September 11, 2001 (9/11) attacks in the United States significantly impacted its ensuing development, as they prompted the perception of the terrorist threat as global and borderless. The European Union implemented its initial action plan following 9/11. The Framework Decision on Combating Terrorism, which established a uniform definition of terrorist offenses throughout the European Union in June 2002, was a critical piece of legislation.⁶¹

In December 2020, the European Commission adopted a new counterterrorism agenda for the EU, articulating it around four strands: anticipate, prevent, protect, and respond. The agenda establishes the EU's actions for the years ahead and builds upon the accomplishments of previous years. It concentrates on the following objectives: the development of strategic intelligence and the improvement of preparedness and early detection capacity, particularly through research and new technologies; the countering of radicalization and extremist ideologies, particularly online; the enhancement of the resilience of critical infrastructures and the protection of individuals in public spaces; the security of external borders, including the closure of gaps in the use of SIS and the modernization of other EU information-sharing tools, such as the Prüm framework and the advanced passenger information (API) scheme; and, last but not least, the reinforcement of law enforcement and judicial cooperation through the planned adoption of an EU police cooperation code.

It is imperative to identify radicalization processes at an early stage in order to implement disengagement activities in a timely manner. The government will enhance EU action in three critical areas: rehabilitation, reintegration, and prisons. Many European countries implement rehabilitation programs for offenders who have not received a terrorism conviction. In general, these programs are of a limited scope and concentrate on a limited number of perpetrators. This initiative is entirely optional. The objective of this rehabilitation program is to alter the behavior (disengagement) and ideology (deradicalization) of former prisoners. The program typically commences while the perpetrators are still in prison, as they are deemed susceptible to radicalization exposure.⁶²

The European Commission established the Radicalization Awareness Network (RAN) in Europe to implement the deradicalization program. Since 2011, this initiative has been operational in Europe. Despite its foundation in existing literature, RAN is an empirical program based on experiments and practice. The Center of Excellence of the program coordinates a variety of professionals, including psychologists, teachers, social workers, police, and NGOs. Various professionals are involved in this endeavor.

The United States is the EU's primary counterterrorism partner. There is a significant amount of political discourse regarding justice and home affairs issues, such as counterterrorism. This discourse is characterized by regular meetings at the ministerial and senior official levels, as well as interagency collaboration. An EU-US 2016 "umbrella

⁶¹ F.G. Wilman, 'Two Emerging Principles of EU Internet Law: A Comparative Analysis of the Prohibitions of General Data Retention and General Monitoring Obligations', *Computer Law & Security Review*, 46 (2022), 105728 <https://doi.org/10.1016/j.clsr.2022.105728>

⁶² Ahmed M. Abozaid, 'Counterterrorism Strategy and Human Rights in Egypt after the Arab Uprising: A Critical Appraisal', *Aggression and Violent Behavior*, 51 (2020), 101385 <https://doi.org/10.1016/j.avb.2020.101385>

agreement" established a comprehensive data protection framework for EU-US law enforcement cooperation. In order to prevent, detect, investigate, and prosecute criminal offenses, including terrorism, the EU and the US exchange all personal data, including names, addresses, and criminal records. Since the most recent US presidential election, exchanges regarding domestic violent extremism have escalated, and both sides of the Atlantic now acknowledge it as a significant security concern.

Secondly, the Violence Prevention Network (VPN) is one of the organizations in Germany that receives funding from the German government to address deradicalization. This organization was established in 2001. By the mid-2010s, former ISIS combatants had further complicated the deradicalization process via VPN. The rehabilitation program would have been conducted with greater intensity since the arrival of ISIS prisoners if it had been conducted in groups previously.⁶³ In the meantime, a particular prison unit in France will oversee terrorist convicts who undergo radicalization. A high level of security equips this unit. Furthermore, they segregate into distinct segments as needed. Deradicalization social workers typically conduct the deradicalization process through in-person encounters with terrorist convicts. The court will assign these terrorist convicts to participate in a deradicalization program at deradicalization centers situated in four cities across France: Paris, Marseille, Lille, and Lyon, upon their release from prison. Psychologists, clergy members, and tutors will oversee the program.⁶⁴ However, accusations of France encouraging domestic radicalization through discriminatory repression in marginalized suburbs highlight the unintended consequences of its policies.⁶⁵

The Dutch government's deradicalization program in the Netherlands is known as Terrorists, Extremists, and Radicals (TER). Established in 2012, this program is a conditional release incorporating special measures to deradicalize terrorism convicts. TER will provide supervision to convicted individuals upon their discharge from prison. Intelligence agencies have installed GPS technology to monitor them in certain instances. Only eight of the 189 terrorist prisoners monitored between 2012 and 2018 exhibited symptoms of relapse. Denmark and numerous other European countries establish conditions for the release of terrorist convicts, including participation in the Back on Track program. The Césure program in Belgium is a nine-month initiative that encourages voluntary disengagement. Numerous prisons in Spain are currently implementing a deradicalization initiative. This initiative is implemented by motivating terrorist prisoners to engage in rational discussions regarding religion and to re-learn democratic principles. In 2018, none of the 23 participants in this program returned to their radical ideology, as per the *El Periódico* report cited by the BBC.

As previously explained, the European Union designs its counterterrorism regulations to strike a balance between security measures and the principles of social justice. The EU's counterterrorism strategy emphasizes the prevention, protection, pursuit, and response of violent extremism and radicalization in prisons while also adhering to human rights

⁶³ Jean-Loup Samaan and Andreas Jacobs, 'Countering Jihadist Terrorism: A Comparative Analysis of French and German Experiences', *Terrorism and Political Violence*, 32.2 (2020), 401–15 <https://doi.org/10.1080/09546553.2017.1415891>

⁶⁴ Roxane De Massol De Rebetz and Maartje Van Der Woude, 'Marianne's Liberty in Jeopardy? A French Analysis on Recent Counterterrorism Legal Developments', *Critical Studies on Terrorism*, 13.1 (2020), 1–23 <https://doi.org/10.1080/17539153.2019.1633838>

⁶⁵ Nadav Morag, 'International Counterterrorism Laws and Practices', *International Criminal Justice Review*, 28.2 (2018), 162–76 <https://doi.org/10.1177/1057567718763249>

standards. To effectively combat terrorism and preserve democratic values and the rule of law, the EU prioritizes accountability, cooperation, and human rights.

The primary framework for the United Kingdom's counterterrorism powers is still the Terrorism Act 2000. This regulation contains the primary authority to conduct arrests and extend pre-charge detention in cases of terrorism and significant terrorism offenses outside the ordinary criminal law, such as membership and support for prohibited organizations. In addition, the United Kingdom's 'Prevent' policy plays a crucial role in shielding individuals from engaging in or endorsing terrorism.⁶⁶

Currently, there are four primary anti-terrorism laws: the Terrorism Act 2000, the Anti-Terrorism Crime and Security Act 2001, the Prevention of Terrorism Act 2005, and the Terrorism Act 2006. The 1997 Special Immigration Appeals Commission is also pertinent to the ongoing discussion regarding the UK's counterterrorism powers. Since 2005, the United Kingdom government has endeavored to identify and intervene with individuals who are considered to be at risk of radicalization, radical extremists, or convicted of terrorism-related offenses.⁶⁷ Currently, the Channel Program is responsible for managing individuals who are considered "at risk." At the same time, the Desistance and Disengagement Program (DDP) is responsible for managing those in prison or on license. The DDP is complementary to the deradicalization program, Healthy Identity Intervention, and has been in place for the past 16 years. In summary, the Channel Program was initially implemented in 2012. This program is administered as a security measure, is typically implemented in pre-crime areas, and is entirely voluntary. The Channel oversees programs with unique "interventions" to prevent radicalization or terrorism in "vulnerable individuals."⁶⁸ These programs provide personalized appeals to motivate individuals at risk to choose a course of action that aligns with their interests and steer clear of potential violence.⁶⁹

Even though social and security policies have always intersected in intricate ways, recent advancements in counter-terrorism policy indicate that Western European states, notably the United Kingdom, are expediting the "securitization of social policy." This refers to social policy actors' heightened submission and practices to security and social control logic.⁷⁰ The emphasis on human rights discourse in developing counter-terrorism strategies underscores the significance of democratic accountability and the necessity of balancing security measures with social justice considerations.⁷¹

⁶⁶ Nani Widya Sari and others, 'The Enactment of Positive Law against Perpetrators of Sexual Deviancy in Public Space in Indonesia', *JURIS (Jurnal Ilmiah Syariah)*, 22.2 (2023), 343 <https://doi.org/10.31958/juris.v22i2.9065>

⁶⁷ Douglas Weeks, 'Doing Derad: An Analysis of the U.K. System', *Studies in Conflict & Terrorism*, 41.7 (2018), 523–40 <https://doi.org/10.1080/1057610X.2017.1311107>

⁶⁸ U.K. Home Office, 'Case Study: The Channel Programme', 2018.

⁶⁹ Shelley Piasecka, 'Performing PREVENT: Anti-Extremist Theatre-in-Education in the Service of UK Counter-Terrorism, a Freirean Analysis', *Critical Studies on Terrorism*, 12.4 (2019), 715–34 <https://doi.org/10.1080/17539153.2019.1615660>

⁷⁰ Lucia Zedner, 'Countering Terrorism or Criminalizing Curiosity? The Troubled History of UK Responses to Right-Wing and Other Extremism', *Common Law World Review*, 50.1 (2021), 57–75 <https://doi.org/10.1177/1473779521989349>

⁷¹ Katherine E. Brown, 'Gender, Governance, and Countering Violent Extremism (CVE) in the UK', *International Journal of Law, Crime and Justice*, 72 (2023), 100371 <https://doi.org/10.1016/j.ijlcrj.2019.100371>

Pakistan has implemented both military and non-military strategies as the primary determinants of its counterterrorism policy to mitigate the risks associated with terrorism. Pakistan initiated various security operations against the militants in its northern regions. In its densely populated cities such as Islamabad, Karachi, Lahore, Peshawar, and Rawalpindi, Pakistan also implemented the policy of intelligence-based "search and capture" actions, which resulted in the apprehension of numerous leaders of terrorist organizations, including the Taliban and al-Qaeda. In addition, the Islamabad administration prioritized non-military alternatives, including legislative and negotiation tactics. The Pakistani government has executed various peace agreements with militants and extremist individuals.⁷² Nevertheless, various presidential acts and ordinances have remained an additional and practical counterterrorism policy perspective. At the same time, different governments in Pakistan have chosen legislative aspects and passed distinct anti-terrorism laws since 9/11. To counteract the objectives of the dissidents, the Pakistani government occasionally implemented stringent measures against the terrorist network and prohibited militant organizations.⁷³

Implementing criminal policy is a response to crimes like terrorism. Criminal policy, a component of crime prevention initiatives, includes penal policy. Criminal policy is a component of social policy that aims to address the issue of crime by employing both penal and non-penal measures to achieve its objective, society's well-being. Consequently, eradicating criminal acts of terrorism must be achieved through two channels: penal and non-penal. Humanist approaches must also conduct de-radicalization efforts alongside the apprehension and punishment of terror perpetrators.⁷⁴ Pakistan maintains six significant deradicalization initiatives nationwide: Sabaoon Rehabilitation Center (sabaoon is the initial ray of light at dawn), Mishal, Sparley, Rastoon, Pythom, and Heila. The first three programs aim to offer prisoners formal education, encompassing corrective religious education, vocational training, counseling, therapy, and discussion modules that tackle social issues and involve sessions with the student's families. The perpetrators will be categorized into multiple categories based on their age and level of indoctrination, typically between 18 and 45. The training will be administered as usual for six months to one year.

In addition, numerous civil society organizations are also conducting their deradicalization initiatives, which involve the establishment of madrassas and interreligious dialogue to counteract religious institutions that promote violence. The Pakistan Army in Swat operates Project Mishal, which concentrates on adult detainees. Project Sparley expands this initiative to include prisoners' families. Pakistani authorities also offer limited assistance in finding employment. The primary objective is to facilitate the reintegration of former terrorists and radicalized individuals into civil society. The nation, particularly Punjab, implements other initiatives, albeit with limited resources. The police run several of these, and their success stems from their ability to maintain surveillance even after the release of detainees. Additionally, specific initiatives, such as

⁷² Aisha Azhar, Muhammad Nasir Malik, and Asif Muzaffar, 'Social Network Analysis of Army Public School Shootings: Need for a Unified Man-Made Disaster Management in Pakistan', *International Journal of Disaster Risk Reduction*, 34 (2019), 255–64 <https://doi.org/10.1016/j.ijdr.2018.11.024>

⁷³ Fazal Wahab, 'The Consequences of Pakistan's Counterterrorism Policies: Socio-Cultural and Political Transformation in Tribal Districts', *Critical Studies on Terrorism*, 2024, 1–25 <https://doi.org/10.1080/17539153.2024.2360271>

⁷⁴ Muhammad Feyyaz and Sadaf Husnain Bari, 'Understanding India and Pakistan's Intriguing Terrorism Discourses', *Critical Studies on Terrorism*, 2024, 1–25 <https://doi.org/10.1080/17539153.2024.2360274>

those in Swat, offer vocational skills training to detainees and incorporate therapy to facilitate psychological release.⁷⁵

Indonesia can learn a lesson from the comprehensive and effective deradicalization policies implemented by several countries listed above. These countries conduct deradicalization through a team of government and non-government institutions, unlike Indonesia's current individual approach. The team, with a government-appointed chair or coordinator responsible for terrorism management, brings together practitioners, academics, and institutions with the necessary expertise. This comprehensive and effective approach is crucial for successful deradicalization.⁷⁶

The deradicalization activists significantly increases the likelihood of deradicalization success. Additionally, it is crucial to identify terrorist perpetrators to determine the appropriate program, as is the case in Pakistan. Identification is the initial stage of deradicalization in Indonesia, during which Counterterrorism Special Detachment 88 of the Indonesian Police (*Detasemen Khusus 88 Anti Terrorisme Polri*) will apprehend individuals implicated in terrorist activities. Following the capture of the terror perpetrator, Counterterrorism Special Detachment 88 will investigate its use in the judicial process. During this stage, deradicalization should begin with identifying or evaluating suspects. This identification stage must be conducted with the utmost care and a humanitarian perspective, without the use of any form of violence, whether verbal or nonverbal.

4. Conclusion

Based on the discussion that has been mentioned, it can be concluded that, *First*, terrorism has a profound and immediate effect on human rights, resulting in catastrophic repercussions for the physical integrity, liberty, and life of victims. Therefore, terrorism, despite its classification as an extraordinary crime necessitating special handling and enforcement, cannot be employed as a justification or a barrier to violating human rights (HAM) against the perpetrator, even though it will inevitably lead to its dilemma. Both the potential and challenges of implementing social justice in the regulation of terrorism are present. On the one hand, the integration of human rights standards into preventive criminal justice strategies can enhance respect for the rule of law and avert terrorist violence. Nevertheless, the strict anti-terrorism financial laws may exacerbate the factors that contribute to terrorism, potentially obstructing critical philanthropic support for Muslim civil society. Understanding and resolving issues of injustice is crucial to preventing and mitigating violent social conflict, underscoring the significance of social justice in the battle against terrorism. *Second*, the European Union designs its counterterrorism regulations to strike a balance between security measures and the principles of social justice. The EU's counterterrorism strategy emphasizes the prevention, protection, pursuit, and response of violent extremism and radicalization in prisons while also adhering to human rights standards. Then, in the United Kingdom, the emphasis on human rights discourse in developing counter-terrorism strategies underscores the significance of democratic accountability and the necessity of balancing security measures with social justice considerations. Meanwhile, Pakistan has implemented both military and non-military strategies as the primary determinants of its counterterrorism policy to

⁷⁵ Fatemeh Shayan, 'A Critical Perspective on Terrorism: Case Study of Jundallah and Jesh Ul-Adl in Iran', *Critical Studies on Terrorism*, 13.3 (2020), 441–63 <https://doi.org/10.1080/17539153.2020.1759956>

⁷⁶ Zora A. Sukabdi, 'Bridging the Gap: Contributions of Academics and National Security Practitioners to Counterterrorism in Indonesia', *International Journal of Law, Crime and Justice*, 65, February (2021), 100467 <https://doi.org/10.1016/j.ijlcrj.2021.100467>

mitigate the risks associated with terrorism. Pakistan's anti-terrorism laws, while deemed sufficient, urgently require effective implementation to address the growing challenges posed by terrorism, particularly in the realm of social justice. Indonesia can take lessons from counterterrorism regulations, including a comprehensive and effective deradicalization policy implemented in several countries above.

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