

The Enforcement of Progressive Law in Indonesia: In the Treatment of Terrorist Convict

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Abstract

The treatment of terrorist inmates at the Nusakambangan Correctional Institution has not been running optimally. The impact is that there are still many terrorist prisoners who do not recognize Pancasila, the unitary state of the Republic of Indonesia, and are unable to reduce their criminal risk. The purpose of his research is to explore the application of Progressive Law in improving the treatment of terrorist inmates in the Nusakambangan Super Maximum Security Correctional Institution (SMAX) in Indonesia. The research method with a Socio-legal approach, by conducting direct research on terrorist inmates in the Nusakambangan SMAX prison, data collection techniques included in-depth interviews and observation of the lives of inmates in the Nusakambangan correctional institution. The results of the analysis show that the implementation of personality treatment for terrorist inmates in SMAX Prison is not carried out in a well-directed manner, in line with the goals of correction. Coaching is only carried out based on the concept that exists in correctional institution officers and community supervisors, at any time presented by Densus 88 Polri and the National Agency for Countering Terrorism. So that the coaching carried out using a progressive legal approach has not been implemented optimally due to the tightening of detention cells, there are no guidance standards, and terrorist prisoners do not follow the guidance properly because they have different understandings of religion from those of the government counselors. It is hoped that the government can pay attention to the model of fostering legal awareness by involving all related elements to the maximum, so that it can increase the awareness of the law of the nation and the state among terrorist prisoners.

Keywords: inmate personality, personality treatment, progressive law, terrorist convict

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INTRODUCTION

Acts of terrorism are among the extraordinary crimes that occur in Indonesia and the world. Acts of terrorism in Indonesia are mostly ideologically motivated. Misinterpretation of religious values has the potential to give birth to radical thinking, and if not prevented, it will result in acts of terrorism. Acts of terror in various countries are not only carried out by adults, but also by children. Acts of terrorism involving women have been carried out by several terrorist groups, such as the Syrian Social Nationalist Party (SSNP), Irish Republican Army (IRA), Boko Haram Group, and Red Brigades (Musfia 2017) (Yumitro et al., 2023). In general, delinquency increases during adolescence, followed by a decline in early adulthood (Skjærvø et al., 2024). In February 2015, three teenage girls from East London fled to Syria and disappeared into international headlines. According to a report in the Daily Mail, the young women Shamima Begum, Kadiza Sultana, and Amira Abase had been "brutally treated online" and "brainwashed in their bedrooms" (Cottee & Cunliffe, 2020).

In Indonesia, many have joined the Islamic State of Iraq and Syria (ISIS) (Jiménez & Lupton, 2021). ISIS is one of the cases being investigated for several reasons, including that the group is a direct descendant of Al-Qaida in Iraq, founded by Al-Zarqawi, which is a sectarian terrorism group to spur Sunni mobilization (e.g., Haykel, 2016; Weiss & Hassan, 2016) (Polo & González, 2020). Many members of Jamaah Islamiyyah in Indonesia, ansyari congregations, are studying the concept and doctrine of ISIS. ISIS is one of the terrorist groups that has received wide attention in the treatment of the dynamics of the current treatment of terror. ISIS aims to establish an Islamic Caliphate in the world (Rahmanto et al., 2020). The views of terrorist prisoners in correctional institutions are also the same as ISIS's thinking, namely, establishing an Islamic state centered in Syria. Such as in European countries in the fight against ISIS (Islamic State of Iraq), and the immigrant crisis (Avraham, 2021) (Dogru-Dastan & Tütüncü, 2024). Terrorist acts are jihadists (Cottee & Cunliffe, 2020), so they are not afraid of death.

Acts of terrorism are extraordinary crimes. Crimes involving people who have been specifically taught that suicide bombings are jihad for the perpetrators. Like an Iraq extremist-affiliated suicide bomber who carried out an attack on a shopping mall in Stockholm while Round 5 of the ESS was on the ground (Peri et al., 2023). The same as terrorist thinking in Indonesia, that suicide bombings are a Jihad to defend Allah's Religion. In fact, in times of peace, suicide bombing is haram and a major sin (Farid Azizullah dan Muhammad Alfajry, 2023). Then, since 2018, there have been as many suicide bombings as there have been in Indonesia, six in the Philippines and Malaysia in the second decade of the 21st century, and more than 500 suspects have been arrested (Subandi et al., 2023). This terrorist war is also a civil war (Polo & González, 2020) because the one who was bombed was his brother, who was in the country. Terrorism occurs a lot in the context of civil war; the proof is that at least 50% of global terrorist attacks are related to civil war (Findley & Young, 2012; Polo & Gleditsch, 2016; Stanton, 2013) (Polo & González, 2020). In addition to the danger of human death, suicide bombings are also dangerous, in particular, increasing business bankruptcies in developing and fragile countries (Dai, Eden, & Beamish, 2017; Tingbani, Okafor, Tauringana, & Zalata, 2019). Conditions like this require the presence of the state to provide understanding, thought, and strengthen the importance of citizens' understanding of the country by providing national insight, national history as part of a shared living space that must be maintained.

The international world is always shocked by the acts of terror that occur in various countries. From 2001 to 2024, there have been many acts of terror (Qu et al., 2024) that have occurred. Terrorist acts of September 21, 2001, by Al Qaeda. Bali bombs in two tourist areas on Indonesia's tourist Islands have killed at least 26 people, including foreign nationals, and three others (Liputan6, 2021). Then from 2008 to 2020, there were 367 cases of terrorism, 1,325 people were arrested, 123 people were sentenced to death, 819 people were serving sentences in correctional institutions, and 196 people were free for the sake of the law. Of all the perpetrators of terrorism, 104 former terrorism inmates are not deterred and then take action again after being released from the penitentiary (Jerry & Aji, 2019; Subagyo, 2021).

The perpetrator of this terrorism was arrested and detained, put in prison (Pakes, 2023) to serve a criminal term in a penitentiary. Many of these terrorist inmates (Carthy & Schuurman, 2024) do not follow the coaching, and the impact is that the inmates do not get basic rights, including maximum coaching in the correctional institution. Rights that are not provided, such as the right to maximum guidance, because these factors weaken the ethical performance of the government, and their commitment to guaranteeing the rehabilitation function of prisons and respect for the human rights of prisoners (Coretti et al., 2023).

Coaching carried out in Correctional Institutions in Indonesia has been categorized with the regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 35 of 2018. That correctional institutions are classified into 4 classifications, namely Super Maximum Security Correctional Institutions (SMAX), Maximum Security Correctional Institution (MAX), Medium Security Correctional Institution (MED), and Minimum Security Correctional Institution (MS) (Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 35 of 2018 Concerning Correctional Revitalization, 2018). With this classification, it has an impact on the difference in coaching in each existing Correctional Institution. Loose coaching is carried out in the MS Correctional Institution. Coaching in the environment in the Correctional Institution is carried out in the MED Correctional Institution, coaching in the cell room at the

MAX Correctional Institution, and very little coaching does not even receive coaching treatment following the correctional regulations at the SMAX Correctional Institution.

Previous research has shown that the risk of placing terrorist inmates in correctional institutions that are not specifically designed for terrorists can incite and even find time to fight against what does not follow their ideology, and coaching cannot be carried out optimally (Permata & Wibowo, 2021). Then the next research is that this deradicalization process has not been maximized, so it takes extra hard efforts by all stakeholders involved and the community to work together in Countering and Preventing Terrorism in Indonesia (Kamaludin, 2021). Other research shows that the deradicalization of terrorist prisoners is not optimal due to the factors of facilities and infrastructure, the small number of officers, the lack of cooperation with stakeholders, and the unwillingness to change from terrorist prisoners to the cause or obstacle of deradicalization efforts (Febriyansah et al., 2017). The next research is that the implementation of individual treatment through religious awareness treatment programs, national and state awareness treatment, legal awareness treatment, and psychological counseling has not been optimal due to a lack of human resources, inadequate facilities, and infrastructure. Based on the four results of the above research, it shows that there has not been the implementation of proper coaching in fostering terrorist prisoners in Indonesia.

When terrorist prisoners are placed in general correctional institutions without special rehabilitation programs, there is a high risk of radicalization spreading to other prisoners. In addition, ideological resistance can make rehabilitation efforts ineffective because these people may reject guidance that is contrary to their beliefs. This will happen to terrorist prisoners who are placed in groups. But in prisons where one man is placed in one cell, it is rather difficult to happen because there is no close interaction between prisoners. A more targeted approach, such as specialized correctional facilities, structured deradicalization programs, and continuous monitoring by trained professionals, could improve rehabilitation outcomes. Strengthening collaborations between correctional institutions, psychologists, religious scholars, and law enforcement could also create more effective strategies to address extremist ideologies. The next research is that the implementation of individual treatment through religious awareness treatment programs, national and state awareness treatment, legal awareness treatment, and psychological counseling has not been optimal due to a lack of human resources, inadequate facilities, and infrastructure. Based on the four results of the above research, it shows that there has not been the implementation of proper coaching in fostering terrorist prisoners in Indonesia.

Coaching at SMAX Correctional Institution is very contrary to the purpose of correctional services, to carry out personality treatment and independence for each inmate. Life in an open prison is marked by happiness (Pakes, 2023). The placement of inmates in one cell violates the inmates' safety. In Denmark, as the lack of cells in prisons becomes more overcrowded, foreign prisoners who can be deported as a danger to the sustainability of the welfare state follow suit (Abellan-almenara, 2024). But in Indonesia, the placement of high-risk inmates is carried out specifically with one person per room, as long as it does not reduce the risk of the crime they commit. The requirements for receiving coaching for inmates in the SMAX Correctional Institution must reduce the risk of crimes committed by realizing their mistakes, recognizing the unitary state of the Republic of Indonesia, and recognizing Pancasila as a state ideology that must be respected and upheld. Then the need for the support of others, such as the availability of social support, is also significant (Hobbs, 2000; Mukasheva et al., 2024). If terrorist convicts are not aware of this, then until you finish serving your sentence, you will not get proper coaching in the Correctional Institution. Rehabilitation and reintegration are also not maximized, creating a safe environment, meeting individual needs for skills treatment, and transition support back into society is essential (Mukasheva et al., 2024). Then the treatment of legal awareness to return to the community properly cannot be done optimally. The purpose of penal punishment is the reintegration into society of the convicted person, which is the modern legal view of punishment (Coretti et al., 2023). This research aims to explore how the Application of Progressive Law improves the treatment of terrorist inmates in the SMAX Nusakambangan Correctional Institution in Indonesia.

This research uses a Socio-legal approach. The Socio-legal approach emphasizes looking at the social symptoms that occur. Social and legal studies can be researched using socio-legal studies (Dizon, 2024). The social phenomenon in question is the principles and thoughts of terrorist prisoners related to the implementation of criminal punishment. Correctional institutions not only serve as punishment for crimes but also effectively serve as detention for deportation (Pakes, 2023). This socio-legal approach provides symbolic meanings for social actors as seen in the interactions between them. Then, from a socio-legal perspective, to

establish effective laws and regulations and other necessary measures (Carballo Pineiro & Kitada, 2020). According to the Statement of Principles of Ethical Research Practice from Socio-Legal Studies Association's (SLSA), "Socio-legal studies encompass disciplines and subjects related to law as a social institution, with the social impact of law, legal processes, institutions and services and with the influence of social, political and economic factors on law and legal institutions" (Dizon, 2024).

This research was conducted to find the meaning contained in the views, attitudes, behaviors, and ideologies embraced by prisoners in correctional institutions. The author wants to know the views of terrorist inmates related to the application of coaching in correctional institutions. In addition, it is also possible to see regulations related to the regulation of terrorist inmate coaching and coaching in general. The Socio-legal approach also seeks and conducts in-depth interviews with terrorist inmates until they find the goals they want to achieve, the officers in the correctional institution for the implementation of effective coaching, or are not carried out in the SMAX correctional institution. Data Interviews were conducted in December 2022 and January 2023 at two Nusa Kambangan Correctional Institutions, the Supermaximum Security Class I Besi Correctional Institution and the Class IIA Supermaximum Security Correctional Institution Karang Anyar Nusa Kambangan. Data was collected by conducting in-depth interviews with 4 terrorist prisoners at 2 correctional institutions, 1 Community Guidance Officer, 1 Densus 88 Police Officer who handles the treatment of terrorist prisoners at 2 Nusakambangan Correctional Institutions, 1 Correctional Institution Guard who handles terrorist prisoners, and terrorist prisoners at the Nusakambangan Correctional Institution.

DISCUSSION

The Concept of Progressive Law in the Context of Terrorism

The law is not rigid, but adaptive to the social context of society

Law is not for law but law for humans, which is the basis for progressive legal views (Satjipto Rahardjo). Law is a tool to achieve social justice and the protection of human rights. Therefore, the law should not be rigid or absolute, but must be able to adapt to the dynamics of the development of the times and social reality in Indonesia. In the context of terrorism, that:

- a. Law enforcement is not enough to just punish, but must also look at the roots of social, economic, and psychological problems that cause someone to be involved in terrorism. The cause of terrorism is not caused by one factor alone, but many factors that must be considered, so many experts need to conduct in-depth studies of the root of the problem. Thus, the law is not the only tool to punish, but in other ways can help terrorist prisoners to return to living normally as good citizens.
- b. Law must function as a tool for social change, including preventing the cycle of violence and improving the system of reintegration of former perpetrators into society. When law is viewed in a social context, it can help people to be better. Law must be able to create people who are better than before.

Prioritizing Recovery, Not Just Retaliation

One of the main characteristics of progressive law is prioritizing substantive justice and restoration, compared to the traditional approach that only focuses on punishment (retributive justice). In cases of terrorism, progressive law focuses not only on imposing severe penalties (death penalty, life imprisonment), but also on restoring the relationship between the perpetrator, the victim, and the community. Implementing through psychosocial rehabilitation programs, counseling, ideological education, and social reintegration for repentant perpetrators. The main goal is so that the perpetrator does not repeat his actions, and can return to being a constructive member of society.

Law Enforcement Practices against Terrorists in Indonesia

The judicial process is predominantly repressive.

Law enforcement against terrorists in Indonesia is generally still based on a repressive approach (harsh action and severe punishment). The punishment given is more of a prison sentence approach. This can be seen in the perpetrators who were given prison sentences. As happened in the cases of Fauzi and Fauzan in the Class I Cipinang Prison and Zaenudin in the Class IIA Narcotics Prison Gunung Sindur, the dominant repressive application process can also be shown by: The legal instrument used in the criminal justice of terrorism is Law Number 5 of 2018 concerning the Eradication of Criminal Acts of Terrorism which gives great authority to the security forces to arrest, detain, and process the law of terrorists. The definition of a terrorist does not match the conditions at the time of the process. In its definition, it is said that a terrorist threatens the integrity

of the state, carries out actions, or damages public places, but cases such as Fauzi, Fauzan, and Zaenudin are not like the definition of a terrorist, but are rightly processed until they are convicted.

Treatment of Terrorist Convicts in Nusakambangan

This research was conducted in two SMAX Correctional Institutions, namely SMAX Correctional Institution Class I Batu Nusakambangan and SMAX Correctional Institution Class IIA Karang Anyar Nusakambangan. In these two correctional institutions, the Correctional Revitalization Regulation is implemented with the classification of Correctional institutions with the classification of SMAX. These two correctional institutions are very strict, so the coaching activities are very minimal, including listening to the national anthem every morning and evening. In addition, coaching is carried out occasionally without a special schedule by presenting members of the Special Detachment 88 of the National Police of the Republic of Indonesia and bringing scholars or former terrorist prisoners to conduct counter-narratives and Islamic debates with terrorist prisoners in it based on the findings with such coaching conditions, terrorist prisoners who are aware of the law, recognize the unitary state of the Republic of Indonesia and the ideology of Pancasila very few. In 2022, the coaching by Densus 88 Polri in the two Correctional Institutions had a total of 45 terrorist inmates; there are only 11 people, or 24.44% who are conscious, can be deradicalized, and can be sent to the MAX Correctional Institution for further guidance. Meanwhile, 34 people or 75.55% remain in the SMAX Correctional Institution as long as they do not change their level of consciousness until the end of their sentence. To find out the change in consciousness, the correctional supervisor at the correctional center in Nusakambangan conducts an assessment every three months and is visited by Densus 88 Polri occasionally in the correctional institution.

The form of treatment of terrorist inmates in the SMAX Correctional Institution is very different from the treatment of inmates in other Correctional Institutions. Terrorist prisoners are placed in one person per cell and are not allowed to interact with each other. Human social interaction and behavioral aspects in individuals and societies have the potential to benefit a large portion of the population while potentially depriving them of population rights or developing economies with less access to the necessary tools and means (Brown et al., 2024). When met by officers to feed and coach, officers use high security equipment such as wearing thick vests, covering their faces and heads, and must not come into contact with inmates. This shows that the pattern of treatment given to terrorist inmates, such as the form of securing the prison system, does not use a correctional system that prioritizes humane treatment, providing their rights without limiting the treatment of rights obtained by inmates during their sentences. This shows that there are still main avenues of innovation in violations and victimization in prisons (van Ginneken & Wooldredge, 2024).

In this study, in-depth interviews were conducted with 4 (four) terrorist inmates at the two institutions. At the Class I SMAX Correctional Institution Batu Nusakambangan, conducted interviews with inmates with the initials SY and WH, while at the SMAX Class II Correctional Institution Karang Anyar Nusakambangan, conducted interviews with inmates with the initials ABR and AR. These four terrorist inmates are ideologue inmates who can mobilize others to become radicals and terrorists. The first terrorist inmate, with the initials SY, who came from Medan, had the principle that the state must be led by a caliph who came from Muslims and would not submit to an obedient state, and the rules used were made by humans who were considered thugs. SY inmates will not pledge to recognize Pancasila as the state ideology. If this is done, it has entered kafir in its understanding. This SY terrorist prisoner is religious and radical in the principles that are believed in and still follows the da'wah carried out by his terrorist community.

The second terrorist inmate, with the initials WH from Bima, West Nusa Tenggara, West Indonesia, controls the network under the Ansyori Daulah Network (ADN). These terrorist inmates are in the militant category because they can move others in the organization. His religious understanding is still lacking, but because of his very strong doctrine, it will not lower his level of awareness that he wants to create an Islamic state under the leadership of caliphs who come from Syam and Syria. This inmate has gathered a network of 300 people throughout Indonesia to carry out amaliyah, which is to carry out suicide bombings in every region and place they are going to. Initially, this inmate was only armed with learning from social media, meeting radical people, and gathering to carry out actions. These prisoners will not reduce the risk and are aware of the state and the ideology of Pancasila because they consider Pancasila not the foundation of religion that must be obeyed, and do not need to obey leaders who submit to Pancasila as the state ideology.

The third terrorist inmate with the initials ABR, who is in the category of ideologues, can influence others to follow his thoughts and beliefs. ABR initially had ideas from Jamaah Islamiyyah (JI) from Surabaya and studied at the Abu Bakar Islamic Boarding School and established its own Islamic Boarding School in the West Nusa Tenggara region of Indonesia. ABR explained that in his time to become a member of Jamaah Islamiyyah must be strictly selected, undergo two years of boarding school education, then take an organizational entrance test to determine whether it is feasible to join JI or not, after joining JI the members will be equipped with guidelines to achieve the main goal, namely upholding Islamic Sharia in Indonesia. Currently, ABR views that the State of Indonesia is an infidel country, this is assessed based on the Ijtihad of nadjed scholars that when a country implements Islamic sharia but the society is a Muslim minority, the country is an Islamic state (Daarul Islam), on the other hand, if a country does not apply Islamic sharia even though the majority of the people are Muslims, then the status of the country is an infidel state (Daarul Kufri). This strengthens ABR's thinking that the State of Indonesia is an infidel country that will not submit to its leaders and country before upholding Islamic law in the state of Indonesia.

The fourth terrorist inmate with the initials AR is a prisoner who has a strong ideologue category because he can influence and has worshippers who faithfully follow his teachings. AR is a terrorist inmate who was part of suicide bombings in several places, such as suicide bombings in Kampung Melayu, Sarinah Thamrin bombing, Samarinda Church bombing, North Sumatra Regional Police Headquarters attack, and attack on police in Bima, West Nusa Tenggara. The series of incidents of unrest at the Kelapa Dua Detention Center, the suicide bombing in Surabaya, the Sidoarjo bombing, and the attack on personnel at the Riau Police Headquarters in early May 2022 have soared the news rating about the atrocities of the AR figure. AR was born into a non-fanatical Muslim family with an undergraduate education. In his current thinking, he learns from life and his support group, which originated from JAD, and is the author of books about jihad. AR is a terrorist prisoner in the ideologue category who can influence others to follow his thoughts, so it is said to be very dangerous when meeting other people. So with his thoughts, a lot of people have been trapped, and AR has been arrested many times since 2004 in the Ambon case, and for the actions he has taken, he has moved from outside the Nusakambangan prison to several correctional institutions until now. AR was re-arrested with the case of Thamrin being sentenced to death and just awaiting execution by the prosecutor's office. If noticed the results of the interview with AR, that the power of his thinking about jihad is very strong. To re-recognize the unitary state of the Republic of Indonesia is very difficult with the power of its thinking and the joining of AR with the way of thinking of ISIS. ISIS considers that a country that does not have Islamic law is considered an infidel and should not be subject to that state.

Implementation of Progressive Law in Prisoner Treatment in Indonesia

Progressive law is a legal concept that is not confined to the concept of legal text alone, but also pays attention to the sense of justice that lives in society (Aulia, 2018). In Indonesia, the Progressive law emerged around 2002 with its initiator, Satjipto Rahardjo. Progressive law is a legal perspective that sees law as a means to serve humans. The law exists for humans, not the other way around. Satjipto Rahardjo said: "When there is a problem in the law, it is the law that must be reviewed and improved, not humans who are forced to enter the legal scheme" (Faisal, 2023). According to Satjipto Rahardjo (2007), he then initiated progressive law, a breakthrough to break the law, which was dominated by a formal-legalistic regime. The breakthrough made by Satjipto is to reverse the philosophical assumption of the purpose of law, which originally tended to be "law for law" to "law for man". Man, here is a symbol or symbol for the underlying views, concerns, or legal tendencies to guide and serve society.

To be able to see the importance of progressive law, it is necessary to first explain the three basic values of legal objectives. According to Gustav Radbruch, in terms of legal objectives, three basic values become the *idee des recht*, namely: justice (*gerechtigkeits*), legal certainty (*rechtssicherheit*), and benefits (*zweckmassigkeit*). (Disyon et al., 2023). Some believe justice is the most important objective of the three legal objectives. Gustav Radbruch's opinion is that the conflict between justice and legal certainty is unsolvable, so only conditional priority is allowed. Then these conditional priorities operate to support legal certainty, and the primacy of legal certainty is revoked when injustice becomes unbearable (Disyon et al., 2023). In the implementation of progressive law, it approaches the theory of the Legal System from Lawrence M. Friedman that there are three components of the legal system in the implementation or application of law, namely, substance of the law, structure of law, and legal culture (Disyon et al., 2023).

Terrorist Inmate Coaching at SMAX Correctional Institution

The coaching program leads to two models, namely personality treatment and independence treatment. Fostering independence is aimed at training and equipping terrorism prisoners, sympathizers of terrorism movements, and former terrorism prisoners so that they can get out of the radical ideological network with the ability to support themselves. The independence coaching provided is in the form of work skills and expertise to be able to secure jobs. Meanwhile, personality treatment aims to improve self-esteem, improve spirituality, and provide spiritual mental coaching.

Progressive law in the treatment of terrorist inmates through the theoretical approach of Lawrence M. Friedman, legal substance by paying attention to the main purpose of placing terrorist prisoners in correctional institutions Classification with the implementation of Permenkumham 35 of 2018 is to reduce risks as explained in Article 8 paragraph (1) Revitalization of Prisoner Treatment as referred to in Article 3 letter b, carried out to improve the quality of the function of Prisoner Treatment in encouraging Behavioral changes and decreased risk levels. Sometimes the risk level is low or moderate (Seabra et al., 2020). In paragraph (2), the Revitalization of Prisoner Treatment as intended in paragraph (1) is held in: a. Super Maximum Security Prison; b. Maximum Security Prison; c. Medium Security Prison; or d. Minimum Security Prison. This condition occurred in the Classification Prison after the existence of the Indonesian Law and Human Rights Regulation 35/2018 (Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 35 of 2018 Concerning Correctional Revitalization, 2018).

To be able to create a legal structure, in the treatment of terrorist prisoners, fostered in correctional institutions, to strengthen and increase awareness of the nation and state. The limitations of correctional institutions in fostering terrorist inmates are a burden for correctional institutions, as they are not able to provide maximum guidance. To realize the goal of coaching by the mandate of Law number 22 of 2022 concerning Corrections, the treatment of terrorist prisoners requires stakeholders to synergize with each other in improving the quality of coaching so that it can realize coaching that makes terrorist prisoners aware of recognizing the ideology of Pancasila and the 1945 constitution, which is the country's constitution.

If the reduction of the risk level cannot be implemented, then terrorist prisoners remain in the SMAX Correctional Institution. The provision of coaching at the SMAX Correctional Institution is very minimal, and even the guidance is limited to listening to the national anthem and occasionally bringing in the ustad to give religious lectures in the Correctional Institution. Including coaching is carried out with Densus 88 Polri and the National Counterterrorism Agency. So, the coaching program implemented at the SMAX Correctional Institution does not have a special coaching program for coaching and reducing the risk level for terrorist prisoners. In Article 9, the SMAX Correctional Institution, as referred to in Article 8, paragraph (2), letter (a), runs a coaching program for high-risk inmates to encourage behavior change and reduce the risk level. Article 10, paragraph (1) High-risk inmates as referred to in Article 9 are convicts who meet the following categories: a. endangering state security; and/or b. endanger public safety (Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 35 of 2018 Concerning Correctional Revitalization, 2018). In paragraph (2), each inmate referred to in paragraph (1) is placed in one residential room. This includes terrorist inmates who are in SMAX Prison.

The implementation of One Man One Cell aims to make it easier to communicate and interact so that they can influence and indoctrinate each other. Monitoring by officers is also not in direct contact, but with protective equipment, so that it is not easy to carry out doctrine by terrorist inmates while supervising their duty activities. So that the form of supervision is very strict, and coaching is sometimes ignored. In Article 11, paragraph (1), the provision of the inmate coaching program and the assessment time for changes in attitudes and behaviors of high-risk inmates in the SMAX Correctional Institution, as referred to in Article 10, is carried out based on the results of community research and the recommendations of the Correctional Observer Team session. The results of Community Research are carried out by community supervisors in coordination with the Correctional Guardian. In paragraph (2), the Prisoner Treatment Program, as intended in paragraph (1), includes: a. fostering religious awareness; b. fostering national and state awareness; c. fostering legal awareness; and d. psychological counseling. In paragraph (3), the implementation of the Prisoner Treatment program, as referred to in paragraph (2), is carried out using the method of individual separation to find out the concept of self-awareness of high-risk behavior in order to protect the community from bad influences (Krisnawati, 2021). Community supervisors and correctional guardians are very influential in assessing the

risk level of terrorist inmates to be categorized as low-risk and can be placed in the MAX Prison, and can participate in better coaching programs at the MAX Correctional Institution.

In Article 12, paragraph (1), the attitude and behavior of high-risk inmates, as referred to in Article 11, are observed and recorded by the Correctional Guardian in the daily report on the attitude and behavior of the inmate. In paragraph (2), the daily report on the attitude and behavior of inmates as referred to in paragraph (1) is used as a source of data for community supervisors in conducting assessments and preparing community research. In paragraph (3) If the results of community assessment and research as referred to in paragraph (2) show changes in attitudes and behaviors and a decrease in the level of risk by the indicators of successful coaching, the inmates are transferred to the MAX Correctional Institution (Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 35 of 2018 Concerning Correctional Revitalization, 2018).

If during the coaching period, terrorist inmates show that they are at risk again and endangering public safety (Qu et al., 2024), as explained in Article 25 paragraph (1) if based on the results of the prisoner's assessment and research shows a change in attitude and risky behavior, then the prisoner can be returned and transferred to a required institution by the results of the assessment and correctional research. In paragraph (2), the return and transfer of prisoners as referred to in paragraph (1) is carried out based on the recommendation of the correctional observer team. In Article 27, paragraph (2), inmates in the category of endangering state security and/or public safety who are placed in SMAX Correctional Institution are not given the right to remission, assimilation, leave to visit family, parole, leave before release, or conditional leave. So it can be said that prisoners who are in the SMAX Correctional Institution do not get any rights to the above as long as they do not pose a risk and are transferred to the MAX Correctional Institution.

The legal culture is also the central point in the treatment of terrorist prisoners. The behavior and desires of officers and stakeholders must be strengthened so that they have the same perception to realize the treatment of terrorist prisoners who are aware of the nation and state. Correctional wards and community supervisors in correctional facilities must pay close attention to coaching and assessment. Other stakeholders, such as Densus 88 Polri, the National Agency for Countering Terrorism, the Ministry of Religion, and other stakeholders, must also be maximally involved in improving the quality of coaching in correctional institutions. A legal culture that is equally committed to improving the treatment of terrorist prisoners for the better must grow from every stakeholder in coaching.

Based on the views and regulations above, according to the theory of progressive law, the law for human beings is not the law for the law. Prisoner coaching does not only look at the regulations, but the law that sees justice from the human side is not only written in the rules. The emergence of such thoughts and conditions must be expressed in a condition in society. Terrorist prisoners who refused to recognize the Unitary State of the Republic of Indonesia for reasons relevant to their thinking that the condition of the state that was considered thogut was certainly not accepted by prisoners who opposed their ideas about the state and religion. In his view, religion as the source of every legal instrument must be used properly and outlined in a regulation. So this contradictory thinking gives different meanings to the state and terrorist prisoners. With such conditions, the responsive law must look at social conditions, not only at existing regulations.

Good laws must be competent and also fair. Such a law should be able to recognize the will of the public and have a commitment to the achievement of substantive justice. The treatment of regulations to revitalize the implementation of correctional institutions so that the current categorization of correctional institutions does not provide and refer to the direction and goals of corrections that look at coaching for every inmate in the correctional institution. Coaching can also be said to provide education and life provisions for inmates. The need for coaching is also carried out by involving the world of education to reduce the level of radicalization among terrorist prisoners. Some view and observe that many individuals who radicalize and engage in violent extremism will, at some point in their lives, interact with educational institutions (Christodoulou & Szak'acs, 2018; Carthy & Schuurman, 2024). Many have done previous research with different approaches. The aim is to reduce radicalization by increasing coaching for terrorist prisoners.

One of the special conditions that is not obtained from terrorist prisoners, for example, does not reduce the risk by not recognizing the Unitary State of the Republic of Indonesia, then the impact will be in the SMAX

penitentiary until the completion of the criminal term. This shows the state's failure to reduce the risk and allow terrorist prisoners to remain free in society with their radical thinking. The state should have better coaching goals and directions so that these terrorist inmates do not stick to their thinking by making coaching that prioritizes their people, not prioritizing security, which reduces the coaching goals that are to be achieved in correctional institutions.

The law for humans, not the law that will further punish convicts to get sick, suffer more and more, and the state increasingly shows its power to hurt convicts so that they suffer more in SMAX correctional institutions, because they do not reduce the risk of convicts. With the direction of the correctional goals initiated by Sahardjo and Law 22/2022, it has not succeeded in convincing terrorist prisoners to return to becoming law-conscious human beings, recognizing the Unitary State of the Republic of Indonesia, the constitution and Pancasila which are made based on religious guidance (Law Number 22 of 2022 Concerning Correctional Services, 2022). Thus, the benefits of the law have not been maximized in increasing the treatment of terrorist prisoners.

The state must be able to explore the law in the living environment of terrorist prisoners, not impose existing laws so that the more convicts are punished, the more they suffer. Law enforcement officials who arrest, investigate, uncover cases, and others must also see and interpret the terrorism law comprehensively (Regulation of the Minister of Law and Human Rights of the Republic of Indonesia Number 35 of 2018 Concerning the Implementation of Correctional Revitalization, 2018). Regulations must also interpret which are categorized as terrorists who must be arrested, detained, investigated, prosecuted, and decided in a court by considering the elements of their actions, so as not to arrest someone because it is limited only to their thoughts, but must be based on their actions. The definition and meaning of terrorism laws must also be corrected so that everyone is not treated based on power, but on the basis of the deeds committed. So there is a need for legal certainty in carrying out good coaching for terrorist inmates.

Robert B. Seidman's Theory of Action Approach and Progressive Law in the Treatment of Terrorist Prisoners
Robert B. Seidman's theory is that any action that will be taken by the role holder should be contributive, the rule enforcement and sanctioning policies (van Ginneken & Wooldredge, 2024), and resuscitate terrorist inmates after serving their sentences. Role holders such as the legislature must make laws that can sensitize and strengthen coaching for prisoners, not ensnare them with severe punishments, and have the effect of resistance and revenge on terrorist prisoners. So the holder of this role must be able to make a regulation that can improve the treatment of terrorist prisoners and the awareness of terrorist prisoners about their way of thinking. Then, the implementing institutions and lawmakers are always within the scope of the complexity of social, cultural, economic, and political forces, and so on. In making laws, it is necessary to receive input from former terrorist prisoners who are aware of the situation to ensure proper guidance for terrorist prisoners who are still in the strong category with the ideology they believe in. Because regulations that provide a basic understanding can be implemented in the implementation of coaching, it will make it easier for the executive as the implementer of the law to make guidelines for the implementation of coaching for terrorist inmates. Social, cultural, economic, and political forces, and so on, must be included to know the results of the regulations and coaching for terrorist prisoners can be implemented in the lives of terrorist prisoners in correctional institutions.

All social forces always work in every effort to enforce the applicable regulations, apply their sanctions, and in all the activities of their implementing institutions. The existence of social forces that are part of the coaching process and apply sanctions in the event of violations in its implementation. In the goal of corrections, the task of coaching must be a collaboration of 3 (three) components, namely correctional officers, the community, and inmates. So, the task of the community is in the social category, which will be involved in the rehabilitation activities of terrorist prisoners while serving their sentences. The correctional institution must involve the community to facilitate the process of coaching and supervising whether these terrorist inmates are aware or not during the coaching period in the correctional institution.

Progressive law places the presence of law in close relation to humans and society (law for humans), not looking at law solely from the lens of punishment itself (law for law). In this sense, the main purpose of law, according to progressive law, is to bring justice and benefit to human beings. Law is a means for justice and creates benefits for human beings to obtain happiness. Through this priority, progressive law encourages the

community of legal workers to make breakthroughs and reforms in the practice of law. The law is not seen as a final scheme or something that has been completed; it needs to be implemented (legal certainty), but is open to change (law process) to bring justice and real benefits to human beings (justice seekers/judicial).

To be able to realize a progressive law, it is necessary to amend Permenkumham 35 of 2018 by emphasizing coaching with a progressive legal theory approach by attaching importance to improvement and guidance to terrorist prisoners rather than strengthening security which emphasizes more on state retaliation for the actions committed by terrorist prisoners if they cannot reduce the risks that exist in their thinking. By further tightening the conditions of terrorist prisoners in individual cells for many years, it prolongs their thinking and concept of the state's inability to rehabilitate terrorist prisoners in SMAX correctional institutions.

Comparison of Terrorist Program Rehabilitation with Other Countries

The two countries that are used as comparisons in implementing training programs for terrorists and terrorist prisoners are Saudi Arabia and Malaysia. Saudi deradicalization programs began in 2004, when the Interior Ministry responded to a series of domestic terrorist incidents by transforming its counterterrorism strategy, taking steps to balance traditional security efforts with techniques that address ideological sources of violent extremism. One critical component of this new approach was the rehabilitation of extremists in prison through religious reeducation and psychological counseling. Over time, the Saudi rehabilitation program grew in scope and prestige as graduates appeared to reintegrate successfully into society. Since its inception, about four thousand Ministry of Interior prisoners have participated in a six-week rehabilitation course, counseling sessions, and an after-care program that helps reintegrate them into Saudi society. The initiative is overseen by committees of clerics, psychologists, and security officers who handle religious, psycho-social, security, and media-related programming (Brief & Porges, 2010).

In the efforts to combat terrorism, the Malaysian government is using Countering Violent Extremism (CVE) as a theoretical framework in its implementation. CVE is an approach that is often used today by most countries in the world in efforts to combat terrorism. The CVE approach was initially formed due to the ineffectiveness of the military approach taken by the United States military in efforts to combat terrorism. To prevent the emergence of extremist actions before they appear in a region, community, or individual. In the efforts to combat terrorism, the Malaysian government is using Countering Violent Extremism (CVE) as a theoretical framework in its implementation. CVE is an approach that is often used today by most countries in the world in efforts to combat terrorism. The CVE approach was initially formed due to the ineffectiveness of the military approach taken by the United States military in efforts to combat terrorism. To prevent the emergence, the concept also strongly avoids military involvement in counter-terrorism. The CVE concept is used in an effort to prevent the radicalization process originating from its center. The CVE approach has two ways, each of which has different characteristics. The two ways of the CVE approach are: First, Disengagement A subtle approach to handling terrorism where individuals from a terrorist organization are invited not to use and participate in violent actions that lead to support for acts of terror by extremist organizations, and second, Deradicalization A preventive action in counter-terrorism efforts where there is the use of strategies to neutralize ideologies that are considered radical and can be dangerous by using a non-violent approach. The non-violent approach is interdisciplinary, meaning the use of religious, psychological, educational, socio-cultural, and other aspects. Extremist actions before they appear in a region, community, or individual (Berger, 2016; Mujib et al., 2022).

CONCLUSION

Based on the results of the above analysis, it can be concluded that: the coaching of terrorist inmates in SMAX correctional institutions has not been implemented optimally because of the tightening of correctional institutions by implementing one room and one cell, restrictions on interaction between inmates and officers, limited coaching carried out only limited to listening to the national anthem every morning and evening and coaching by other parties without being specifically scheduled. The application of progressive law should be carried out in SMAX Correctional Institutions so that they can apply the law by paying attention to its justice, usefulness, and legal certainty for terrorist prisoners. The law applies not only to the applicable law, but also pays attention to prisoners who carry out their crimes in order to ensure proper guidance in increasing legal awareness with a progressive legal approach. The treatment of terrorist prisoners must look at the legal structure by improving existing regulations, the legal structure by coordinating with each stakeholder to participate in the treatment, and the legal culture by improving the goals of all stakeholders that the guidance

to improve the quality of awareness, recognition of Pancasila and the unitary state of the Republic of Indonesia can be realized to the maximum. This research still has shortcomings, so further research is needed to see the coaching of terrorist inmates from other aspects of science.

SUGGESTION

For a more effective approach, policymakers could consider:

1. Adjusting Security Levels Based on Rehabilitation Progress – Implementing phased security reductions for inmates who demonstrate positive behavioral changes.
2. Enhancing Psychological & Educational Programs – Allowing greater access to deradicalization initiatives without compromising institutional safety.
3. Involving Multiple Stakeholders – Strengthening cooperation between correctional officers, psychologists, religious leaders, and community organizations to create a comprehensive support system.
4. Reviewing Policies at the Ministry Level – Regular assessments by the Ministry of Immigration and Corrections to ensure that security measures align with rehabilitation goals.
5. Optimizing policies in these areas could improve reintegration efforts while maintaining necessary security standards.

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