

## **Economic Assistance as a Form of Non-Penal Policy in Countering Terrorism for Ex-Prisoners in Indonesia**

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### **Abstract**

This study highlights the critical role of economic assistance as a non-penal policy in countering terrorism among ex-prisoners in Indonesia. Economic stability emerges as a significant factor in mitigating criminal behavior, particularly terrorism, by addressing the economic roots of radical ideologies. Traditional counterterrorism measures in Indonesia have predominantly focused on punitive approaches, targeting individuals who have committed terrorism offenses through formulation, judicial application, and executive enforcement of penal policies. However, there is an increasing recognition of the limitations of solely punitive measures in preventing recidivism and addressing the

broader socio-economic factors that contribute to radicalization. The findings underscore the efficacy of economic interventions in disrupting the cycle of terrorism by providing viable alternatives to individuals vulnerable to radical ideologies due to economic hardships. By offering economic assistance, such as vocational training, job placement programs, and financial support, governments can empower ex-prisoners to reintegrate into society positively. This approach not only enhances the economic stability of former offenders but also reduces their susceptibility to re-engaging in terrorist activities. Moreover, integrating economic welfare assistance into broader counterterrorism strategies promotes a holistic approach that complements punitive measures with preventive measures. It acknowledges the need for synergy between punitive and non-penal policies to effectively combat terrorism. Such integrated strategies are essential for long-term success in reducing terrorism by addressing its socio-economic underpinnings and fostering sustainable peace and stability. In conclusion, this study advocates for the prioritization and implementation of economic assistance programs tailored for ex-prisoners in Indonesia as a crucial component of comprehensive counterterrorism efforts. By investing in economic stability, governments can effectively undermine the appeal of radical ideologies and contribute to lasting security and societal resilience.

## **Keywords**

*Economic Assistance, Ex-Prisoners of Terrorism, Non-Penal Policy*

## **Introduction**

The persistence of recidivist terrorism cases in Indonesia remains a significant threat despite the government's efforts through its deradicalization programs. The *Badan Nasional Penanggulangan Terorisme* (BNPT), established under Law Number 5 of 2018, which amended Law Number 15 of 2003 and Government Regulation in Lieu of Law Number 1 of 2002, is tasked with addressing terrorism-related issues, including the implementation of deradicalization initiatives.

The deradicalization program is an ongoing systematic process which planned and integrated, carried out to eliminate or reduce and reverse the radical understanding of terrorism that has occurred.<sup>1</sup> The definition of deradicalization is also in accordance with what is stated in the terrorism law.<sup>2</sup> Deradicalization is an important effort for the grand design of overcoming radicalism/terrorism in Indonesia.<sup>3</sup> One of the important factors in efforts to deradicalize former prisoners is their acceptance in society and being able to continue living a normal life and interacting normally with other people.

Until now, controlling radicalism and terrorism is still homework that is difficult to complete. This is not only a problem for developing countries, but also a serious problem for developed countries.<sup>4</sup> Various kinds of efforts were made, both directly and indirectly, against former

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<sup>1</sup> Moh. Djafar Shodiq and Moh. Ismed, "Deradikalisasi Penanganan Terorisme Secara Terintegrasi Di Indonesia," *Jurnal Penelitian Hukum Legalitas* 15, no. 2 (2021): 59–64, [http://repo.jayabaya.ac.id/1708/1/Deradikalisasi\\_Penanganan\\_Terorisme\\_Secara\\_Terintegrasi\\_Di\\_Indonesia.pdf](http://repo.jayabaya.ac.id/1708/1/Deradikalisasi_Penanganan_Terorisme_Secara_Terintegrasi_Di_Indonesia.pdf).

<sup>2</sup> Furthermore, it is emphasized that the problem with defining deradicalization in alignment with Indonesia's terrorism law lies in the practical implementation and effectiveness of these measures. While the law provides a framework for addressing radicalization, actual deradicalization efforts may face challenges such as ensuring consistency in program execution, addressing individual psychological needs, and measuring the success of these interventions. There may also be difficulties in balancing security concerns with rehabilitation, and ensuring that the programs genuinely address the root causes of radicalization rather than merely serving as a punitive measure. *See also* Ridho Dwiki Tastama, "The Urgency of Completing Revision of Indonesia's Anti-Terrorism Law." *Indonesian Journal of Counter Terrorism and National Security* 1, no. 1 (2022): 1-20; Ahmad Kamaludin, and Iskandar Iskandar. "Islamic Fanatism and Terrorism Cases in Indonesia the Perspective of Islamic Criminal Law." *El-Mashlahab* 12, no. 2 (2022): 153-163; Andi Najemi, Mohamad Rapik, and Rosmidah Rosmidah. "Remission for Terrorist Convicts: Challenges and Solutions to the Indonesian Law." *Jambe Law Journal* 5, no. 1 (2022): 67-79.

<sup>3</sup> Mukhibat and Muhammad Ghafar, "Virtual Pesantren: New Trend of Islamic Education Model in Indonesia," *International Journal of Innovation, Creativity and Change* 5, no. 2 (2019): 105–17.

<sup>4</sup> Mohd Mizan Aslam, "Mencegah dan Melawan Ekstremisme Kekerasan: Pelajaran dari Negara-Negara Terpilih," *Islam Realitas: Jurnal Kajian Islam & Sosial* 6, no. 1 (3 2020): 87, [https://doi.org/10.30983/islam\\_realitas.v6i1.3152](https://doi.org/10.30983/islam_realitas.v6i1.3152).

perpetrators of terrorism. But terrorism still occurs.<sup>5</sup> It is even sadder if it is related to the data that some of the perpetrators of terrorism are those who have served prison sentences in correctional institutions. The next question is how effective is imprisonment in tackling terrorism crimes? Through these critical questions, other alternatives emerge in tackling terrorism crimes. One alternative is economic assistance for former perpetrators of terrorism.<sup>6</sup>

After leaving prison, many former terrorist convicts have difficulty finding work and returning to society. On the other side, they need to support their families, children, and wives. If the former terrorist has no one care for them, it is possible for them to return to committing the acts of terrorism again. These ex-convicts not only started from zero, but even from minus. This is because their access to society after leaving correctional institutions is limited, the social environment which then isolates and corners the families of those convicted of terrorism cases also becomes a new problem. According to Ali Masyhar, in relation to the eradication of criminal acts of terrorism, the criminal route is recognized as a step forward compared to previous policies, but the criminal route has limitations, especially when dealing with criminal acts of terrorism which are transnational organized crimes. Therefore, it must be supported by non-penal policies, for example education, economic prevention, a moral approach and so on.<sup>7</sup>

To be able to live a normal life in society, you must have a decent job to support your daily needs. It is impossible to live a decent life if there are life difficulties and economic pressure due to business/entrepreneurship difficulties. Based on existing preliminary data, generally former terrorism convicts, after serving their criminal term, find it difficult/difficult to start a new life by working like society.

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<sup>5</sup> Justin L Wejak, "Narasi Radikalisme Dan Ketakutan," *Jurnal Ledalero* 17, no. 1 (2018): 77, <https://doi.org/10.31385/jl.v17i1.128.77-94>.

<sup>6</sup> Ardyan Gilang Ramadhan, Maria Lusiana Br Ginting, dan Chintia Octenta, "Efektivitas Program Pembinaan Kemandirian Pada Lembaga Pemasarakatan Berbasis Industri," *Jurnal Ilmiah Kebijakan Hukum* 15, no. 2 (2021): 181, <https://doi.org/10.30641/kebijakan.2021.V15.181-198>. See also Ali Masyhar, Ali Murtadho, and Ahmad Zaharuddin Sani Ahmad Sabri. "The Driving Factors for Recidivism of Former Terrorism Convicts in Socio-Legal Perspective." *Journal of Indonesian Legal Studies* 8, no. 1 (2023): 379-404.

<sup>7</sup> Ali Masyhar, *Pergulatan Kebijakan Hukum Pidana Dalam Ranah Tatanan Sosial*, 1st ed. (Semarang: Universitas Negeri Semarang Press, 2008).

The jobs that are often their choice are home entrepreneurship/home industry and culinary businesses.

Economic assistance for former perpetrators of terrorism is an effort to help individuals who have been involved in terrorist activities to positively reintegrate into society and no longer be involved in terrorist activities. They are no longer interested in terrorist activities. So that it can break the chain of terrorism recidivism. Economic assistance is one aspect of a broader deradicalization program.<sup>8</sup> This economic assistance is a policy that is outside criminal law (non-penal policy).<sup>9</sup> If so, far the criminal law approach (penal policy) has been so massive in tackling criminal acts, then another offer is needed, namely a non-criminal law approach in the form of economic assistance.

So far, eradicating terrorism has always been directed at criminal policy. Penal policy is society's rational effort to prevent criminal acts from occurring, using the means of criminal law. What is meant by criminal law here is the use of criminal law, the criminal justice process, and the implementation of criminal law. Thus, penal means include formulation/formative policies, judicial/applicative policies, and executive/administrative means.<sup>10</sup> Countering terrorism by criminal means only addresses the symptoms of terrorism. This means that countermeasures through criminal channels only target the outer layer and are not substantive towards the root of the problem.<sup>11</sup>

This research will review and discuss alternatives for resolving terrorism crimes through non-penal measures, especially in the form of

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<sup>8</sup> Jerry Indrawan dan M. Prakoso Aji, "Efektivitas Program Deradikalisasi Badan Nasional Penanggulangan Terorisme Terhadap Narapidana Terorisme Di Indonesia," *Jurnal Pertahanan & Bela Negara* 9, no. 2 (2019): 1, <https://doi.org/10.33172/jpbh.v9i2.561>.

<sup>9</sup> Syukri Kurniawan et.al., "Upaya Non Penal Dalam Menanggulangi Tindak Pidana Terorisme dengan Program Deradikalisasi Di Indonesia," *Jurnal Yustisiabel* 4, no. 1 (2020): 14, <https://doi.org/10.32529/yustisiabel.v4i1.468>.

<sup>10</sup> Ali Masyhar, "Modus Regenerasi dan Strategi Terorisme," *Jurnal Bisnis Kontemporer, Ekonomi dan Hukum Asia Tenggara*, 18, no. 4 (2019): 13–17. See also Oktii Putri Andini, "Cyber Terrorism Criminal Acts in the Perspective of Transnational Organized Crime." *Unnes Law Journal* 7, no. 2 (2021): 333-346.

<sup>11</sup> Andhika Yovaldi Salas and Umar Anwar, "The Development of Terrorism Prisoners in the Effort of Deradicalization in Super Maximum Security Penal Institutions," *Journal of Correctional Issues* 4, no. 1 (2021): 33–45, <https://doi.org/10.52472/jci.v4i1.51>.

economic assistance for former terrorism convicts. In this research there are several sub-discussions which include: First, the limitations of penal policy in tackling criminal acts of terrorism. Second, economic assistance as a non-penal effort to combat terrorism for former terrorism convicts. There are several previous studies that have discussed non-penal efforts in dealing with criminal acts of terrorism which will be explained as follows.

*First*, research conducted by Sumarwoto, Mahmutarom HR, and Ahmad Khisni which was published in the Journal of Unification Legal Sciences in 2020 with the title "The Concept of Deradicalization in Efforts to Prevent Acts of Terrorism in Indonesia". The results of research conducted show that deradicalization is a pattern of handling terrorism which is essentially a process of reinterpreting "deviant" beliefs or paradigms through efforts to (re)convince radical groups not to use and abandon violence (terror), as well as creating a sterile environment from radical movement which is the root cause of the growth of radical movements (terrorism) in Indonesia.<sup>12</sup> Second, research conducted by Rohadhatul Aisy which was published in 2021 in the Journal and Law Legal Reform with the title "Non-Penal Efforts to Deradicalize Former Terrorism Convicts (Study at the Lingkar Peace Foundation)". The research results show that the reality of former terrorism convicts in Indonesia after leaving prison is still radical. The deradicalization efforts carried out by the Lingkar Peace Foundation are to provide trust, independence in life, space for interaction and socialization with the wider community. So that you are protected from the stigma of being a former terrorist.<sup>13</sup>

Based on the results of the descriptions of several previous studies, it can be said that this research is clearly different from the two previous studies, considering that this research will review and discuss non-penal efforts in the form of economic assistance given to former terrorism convicts. Meanwhile, the two previous studies tried to discuss the

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<sup>12</sup> Sumarwoto Sumarwoto, Mahmutarom HR, and Ahmad Khisni, "The Concept of Deradicalization in an Effort to Prevent Terrorism in Indonesia," *UNIFIKASI: Jurnal Ilmu Hukum* 7, no. 1 (2020): 35, <https://doi.org/10.25134/unifikasi.v7i1.2703>.

<sup>13</sup> Rohadhatul Aisy, "Non-Penal Deradicalization of Former Terrorist Prisoners (Study at Lingkar Perdamaian Foundation)," *Journal of Law and Legal Reform* 2, no. 2 (2021): 243–62, <https://doi.org/10.15294/jllr.v2i2.46487>.

eradication of criminal acts of terrorism with non-penal deradicalization efforts in general and did not specifically explain the forms and stages of prevention.

Based on the existing studies, this research uses normative research methods. Using analysis and approach from secondary data collected.<sup>14</sup> This research uses data collection techniques in the form of literature / document studies, both from books, journals and official websites from BNPT as an institution directly related to countering radicalism and terrorism. Literature / document study technique, is a data acquisition technique directed at obtaining secondary data from both primary, secondary, and non-legal legal materials. The tool used for document study is a document recording form.<sup>15</sup> The appropriate method to understand the meaning of text is hermeneutic.<sup>16</sup> Legal hermeneutics is a method of interpretation of legal texts, laws and regulations, and the results of legal studies. Included in this is the interpretation of one's meaning of doctrine and worldview.

## Penal Policy Limitations in the Crime of Terrorism

Terrorism as a crime phenomenon is an anti-social symptom that must be eradicated, for the sake of the smooth running of society. Indeed, as long as society exists, there will always be crime. To borrow a term from Benedict S. Alper, crime is the oldest social problem.<sup>17</sup> Therefore, the only effort that can be made is to prevent and reduce crime in society. This is because crime has always existed and developed along with society as society's culture progresses. Crimes that were once only known as conventional models have now turned into modern

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<sup>14</sup> Mukti Fajar and Yulianto Achmad, *Dualisme Penelitian Hukum: Normatif & Empiris* (Yogyakarta: Pustaka Pelajar, 2010).

<sup>15</sup> Mark Van Hoecke, "Methodology of Comparative Legal Research," *Law and Method*, December 2015, 1–35, <https://doi.org/10.5553/REM/000010>.

<sup>16</sup> Duncan Kennedy, "The Hermeneutic of Suspicion in Contemporary American Legal Thought," *Law and Critique* 25, no. 2 (2014): 91–139, <https://doi.org/10.1007/s10978-014-9136-6>.

<sup>17</sup> Benedict S. Alper, A. E. Bottoms, and R. H. Preston, "The Coming Penal Crisis: A Criminological and Theological Exploration.," *Contemporary Sociology* 11, no. 2 (1982): 183, <https://doi.org/10.2307/2067025>.

crimes. Even now with the development of the virtual world, there are also cybercrimes that have not been covered by current positive law.<sup>18</sup>

Although the law is a means to regulate social life,<sup>19</sup> one interesting thing is that it almost always lags the object it regulates. Law has always lagged the society it regulates. The lag of the law - in the sense of positive law, must always be accompanied by new arrangements in tackling crime. Crime must be tackled because if not, crime can lead to consequences:<sup>20</sup>

1. Interfering with or damaging and hindering the achievement of national goals; and
2. Prevent the optimal use of national resources.

Talking about crime prevention means that we are talking about criminal policy. According to Barda Nawawi Arief, crime prevention policies or efforts are essentially an integral part of efforts to protect society (social defense) and efforts to achieve social welfare. Therefore, it can be said that the ultimate goal of criminal politics is the protection of society to achieve public welfare.<sup>21</sup> In short, criminal politics is a rational effort from society in tackling crime.<sup>22</sup> When addressing crime, criminal law is often the primary focus; however, it is not the sole approach within criminal politics. Besides penal measures, non-penal strategies (outside of criminal law) can also be employed. Penal crime prevention is primarily repressive, aiming to eradicate crime, whereas non-penal measures are preventive, focusing on deterrence. Non-penal

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<sup>18</sup> Imran Awan, "Cyber-Extremism: Isis and the Power of Social Media," *Society* 54, no. 2 (April 15, 2017): 138–49, <https://doi.org/10.1007/s12115-017-0114-0>.

<sup>19</sup> Sulaiman Sulaiman and Derita Prapti Rahayu, "Pembangunan Hukum Indonesia Dalam Konsep Hukum Progresif," *HERMENEUTIKA: Jurnal Ilmu Hukum* 2, no. 1 (2018), <https://doi.org/10.33603/hermeneutika.v2i1.1124>.

<sup>20</sup> Latipah Nasution, "Hak Kebebasan Berpendapat Dan Berekspresi Dalam Ruang Publik Di Era Digital," *ADALAH* 4, no. 3 (2020), <https://doi.org/10.15408/adalah.v4i3.16200>.

<sup>21</sup> Ali Masyhar, Siti Mursidah, and Ali Murtadho, "Formulating Institutional Harmonization of UNNES Legal Entity Organs in The Frame of Check and Balances System," *Pandecta Research Law Journal* 18, no. 1 (2023): 47–52, <https://doi.org/10.15294/pandecta.v18i1.40740>.

<sup>22</sup> Barda Nawawi Arief, *Bunga Rampai Kebijakan Hukum Pidana Perkembangan Penyusunan Konsep KUHP Baru* (Jakarta: Prenadamedia Group, 2016).



efforts include education<sup>23</sup>, community outreach, and other activities designed to prevent crime. The authors argue that non-punitive approaches may be more effective in crime prevention, as they address the underlying causes and conditions leading to criminal behavior.

The main causes of crime in many countries are social inequality, racial and national discrimination, low living standards, unemployment, and illiteracy amongst a large proportion of the population. The causes and factors conducive to crime are detailed in the Seventh UN Congress Document A/CONF 144/ 1. Even in one of the Bangkok Declaration points (*assembled* at the Eleventh United Nations Congress on Crime Prevention and Criminal Justice in Bangkok 2005) stated “*We are convinced that upholding the rule of law and good governance and proper management of public affairs and public property at the local, national and international levels are prerequisites for creating and sustaining an environment for successfully preventing and combating crime*”<sup>24</sup>.

These factors are what we want to eliminate before eradicating crime with criminal law (penal). This is due to the *ultimum remedium* function of the criminal law itself. Only after other efforts (non-penal) cannot overcome, then criminal law will be used. If the crime prevention policy is only charged with criminal law, then the causes will not be touched. Moreover, criminal law also has limitations:<sup>25</sup>

1. The use of criminal law in tackling crime is only a “*curieren am symptom*”, therefore criminal law is only a symptomatic treatment and not a causative treatment.
2. Criminal sanction is a *remedium* that contains contradictory / paradoxical nature and contains elements and negative side effects.
3. The punishment system is fragmentary and individual / personal, not structural / functional.

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<sup>23</sup> Moh Saman, et al. "Prevention of Radicalism and Terrorism in Higher Education: Regulation and Implementation." *Indonesian Journal of Advocacy and Legal Services* 5, no. 2 (2023): 241-260.

<sup>24</sup> Country Report, “United Nations Congress on Crime Prevention and Criminal Justice” 84409, no. May (2005): 1–3.

<sup>25</sup> Ali Masyhar, *Gaya Indonesia Menghadang Terorisme : Sebuah Kritik Atas Kebijakan Hukum Pidana Terhadap Tindak Pidana Terorisme Di Indonesia*, 1st ed. (Bandung: Mandar Maju, 2009).

4. Limited types of criminal sanctions and a rigid and imperative criminal sanction formulation system.
5. The working / functioning of criminal law requires a variety of supporting facilities and demands high costs.

Therefore, crime prevention is not merely a criminalization or decriminalization effort, but more than that. Even in criminalizing, one must be careful, because there are certain things that must be considered before giving a criminal threat to an act. Soedarto mentions that there are four things that must be considered before giving a criminal threat:<sup>26</sup>

1. Purpose of Criminal Law

Criminal law aims to overcome crime and also to protect against the prevention itself.

2. Determination of undesirable actions.

That is an act that brings/potentially brings harm to the citizens of the community. The loss means there is a victim and even the perpetrator can also be called a victim.

3. Comparison between means and results.

The costs to be incurred and the results to be expected must be taken into account.

4. Ability of the Law Enforcement Agency

Because the capacity of the state equipment is limited, in making criminal law regulations it is also necessary to pay attention to the work capacity of these bodies, so that there is no overloading of tasks (*overbelasting*).

Therefore, it is true that the science of law is an interdisciplinary science. Even crime prevention requires the assistance of other sciences. The 8th UN Congress in document A/CONF.144/L.3 identified the conducive factors that can lead to crime as follows:<sup>27</sup>

- a. poverty, unemployment, illiteracy (ignorance), absence/lack of adequate housing and unsuitable education and training systems;
- b. an increasing number of people who have no prospects because of the process of social integration, as well as the worsening of social inequalities;

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<sup>26</sup> Soedarto, *Hukum Dan Hukum Pidana* (Bandung: Alumni, 1977).

<sup>27</sup> United Nations, "Prevention of Crime and The Crime and The Treatment of Offenders," in *Proceedings of the United Nations Congress on the Prevention of Crime and the Treatment of Offenders*, (Havana, 1990), 300.

- c. the loosening of social and family ties;
- d. difficult circumstances/conditions for people emigrating to cities or to other countries;
- e. the damage or destruction of indigenous cultural identities, which together with racism and discrimination cause disadvantages/weaknesses in the social, welfare and employment spheres;
- f. degradation or deterioration (quality) of the urban environment which leads to increased crime and reduced (insufficient) services for neighborhood facilities;
- g. difficulties for people in modern societies to integrate properly in their community, family, work or school environment;
- h. the abuse of alcohol, drugs, etc., the use of which has also expanded due to the factors mentioned above;
- i. the spread of organized criminal activity, in particular drug trafficking and dealing in stolen goods;
- j. the encouragement (especially by the mass media) of ideas and attitudes that lead to violence, inequality (rights) or intolerance.

The factors mentioned above are not only the driving force of terrorism crime, but also the driving force of any crime. Looking at the factors that have been described, it turns out that the economic factor ranks at the top. This means that economic factors are the dominant factor in the occurrence of criminal acts. It cannot be separated that economic factors also greatly influence the occurrence of criminal acts of terrorism.

Conducive factors that lead to crime as mentioned above, obviously cannot be solely overcome by penal policy (criminal policy with penal channels), therefore it must be supported by non-penal policy. The most strategic non-penal efforts are all efforts to make society a social environment and a healthy living environment (materially and immaterially) from criminogenic factors (factors that encourage criminal acts - pen). This means that society with all its potential must be used as an antidote to crime or an "anti-criminogenic" factor which is an integral part of overall criminal politics.<sup>28</sup>

The government has made various efforts to prevent and overcome the occurrence of this criminal act of terrorism. However,

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<sup>28</sup> Barda Nawawi Arief, *Bunga Rampai Kebijakan Hukum Pidana* (Jakarta: Kencana, 2016).

arresting and punishing terror perpetrators alone is not enough to prevent similar crimes from occurring again. Terrorism cannot be eradicated only by relying on penal efforts, namely through a criminal law approach, but must be accompanied by non-penal efforts that will cut terrorist cells from their source, therefore it is time for this country to focus on efforts to overcome terrorism through various channels. The state must not only focus on penal efforts.<sup>29</sup>

As explained by Azil Masykur in his article "Deradicalization of Terror Perpetrators", the correctional institution which is currently the only institution where terror perpetrators are resocialized is being questioned regarding its effectiveness. Many parties believe that this institution is no longer able to carry out deradicalization efforts against terror perpetrators. In prison, terrorist prisoners do not regret it and have the desire to return to society, but become increasingly professional and radical. Therefore, non-penal efforts are needed in the hope of unraveling the root of the problem of criminal acts of terrorism. Former terrorism convicts who have left prison could actually give rise to new terrorism cases if they are not properly trained.<sup>30</sup>

After leaving the penitentiary, many former convicts in terrorism cases have difficulty finding work and returning to society. On the other hand, they also have families, children and wives to support. If no one cares, it is not impossible that former prisoners will return to committing acts of terrorism again. These ex-convicts not only started from zero, but even from minus. This is because their access after leaving correctional institutions is limited, the social environment which then isolates and corners the families of those convicted of terrorism cases also becomes a new problem. Therefore, other efforts are needed apart from after ex-convicts leave prison, through economic assistance as an alternative to dealing with criminal acts of terrorism.

## **Economic Assistance as an Alternative on Preventing Radicalism**

As has been explained, crime prevention efforts are not only carried out through penal channels. Especially if it is related to terrorism, at the beginning of its birth, this term was used as a means to

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<sup>29</sup> Ali Masyhar, "Memangkas Penularan Teror," *Suara Merdeka*, 2016.

<sup>30</sup> Azil Masykur, "Deradikalisasi Pelaku Teror," *Suara Merdeka*, 2016.

achieve justice. According to G.P. Hoefnagels, crime prevention efforts can be achieved by: <sup>31</sup>

- a. influencing the view of society on crime and punishment through the mass media;
- b. application of criminal law (criminal law application);
- c. prevention without punishment.

Thus, in addition to criminal law application (penal policy) there is still and is possible prevention without punishment (non-penal). For this reason, it is necessary to pay attention to other policy alternatives, namely the non-penal approach. The non-penal approach is intended as an effort to tackle crime by using other means other than criminal law (non-penal). Crime prevention efforts using the non-penal approach are oriented towards efforts to deal with factors conducive to crime. These non-penal efforts can be categorized as education, recitation and other activities aimed at preventing crime.

The non-penal policy approach is a fundamental policy approach, because it is oriented towards efforts to overcome factors conducive to the causes of crime. These conducive factors, among others, center on problems or social conditions that can directly or indirectly cause or foster crime.

One of the ways to overcome radicalism for ex-terrorism prisoners that needs to be further elaborated is economic assistance.<sup>32</sup> Economic assistance for convicted terrorists is an effort made to help individuals who have been involved in terrorism activities to reintegrate into society in a positive way and no longer be involved in terrorism activities. Economic assistance is one aspect of a broader deradicalization program.<sup>33</sup> This economic assistance can be done either by the state (through its institutions), or also by the community through NGOs

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<sup>31</sup> G. Peter Hoefnagels, *The Other Side of Criminology: An Inversion of the Concept of Crime* (Dordrecht: Kluwer, 1973), <https://doi.org/10.1007/978-94-017-4495-9>.

<sup>32</sup> Iip Kamaludin, "Efektifitas Pembinaan Narapidana Terorisme Dalam Upaya Deradikalisasi Di Lembaga Pemasyarakatan," *Al' Adl: Jurnal Hukum* 12, no. 2 (2020): 373–400, <https://doi.org/https://ojs.uniska-bjm.ac.id/index.php/aldli/article/view/4327>.

<sup>33</sup> Wiku Aji Sugiri, Sigit Priatmoko, and Barianto Nurasri Sudarmawan, "Pemberdayaan Warga Binaan Balai Pemasyarakatan (Bapas) Kelas 1 Kota Malang Melalui Pelatihan Pengolahan Kopi Lokal Menjadi Produk Kekinian," *JRCE (Journal of Research on Community Engagement)* 4, no. 1 (2022): 44–53, <https://doi.org/10.18860/jrce.v4i1.17397>.

(Non-Governmental Organizations). The main objective of economic assistance for ex-convicts of terrorism is to prevent the return of terrorist offenders to terrorism activities and to help them to return to being productive members of society. These are the two main objectives that become the direction of economic assistance.

Economic assistance for terrorism offenders is implemented through the following stages:

**TABLE 1.** Stages of economic assistance for terrorism offenders

Steps	Goals	Form of Implementation	Executor
Identification of ex-prisoners	identifying the level of radicalism of ex-prisoners of terrorism who are willing to change their life direction and start a new life	<ul style="list-style-type: none"> <li>- Identification of ex-prisoners</li> <li>- Initial approach to the family, and the ex-prisoner concerned</li> </ul>	<ul style="list-style-type: none"> <li>- Government</li> <li>- NGO</li> </ul>
Psychological Assistance	Provide psychological support and counseling to ex-convicts to help them overcome the stress and pressure they may experience during the deradicalization process	<ul style="list-style-type: none"> <li>- Healing</li> <li>- Diversion of stress to social activities</li> </ul>	<ul style="list-style-type: none"> <li>- Psychologist</li> <li>- Government</li> <li>- NGO</li> </ul>
Business opportunity mapping	Provide an initial overview of the business, as well as opportunities for success so that the business can run sustainably and optimally	<ul style="list-style-type: none"> <li>- Feasibility study</li> <li>- Mapping of similar businesses</li> <li>- Exploring business passion</li> <li>- Finding the right location</li> </ul>	<ul style="list-style-type: none"> <li>- Family</li> <li>- Government</li> <li>- NGO</li> </ul>
Skills Training	Provide relevant skills training to ex-prisoners so that they can have the necessary skills	<ul style="list-style-type: none"> <li>- vocational training</li> <li>- entrepreneurship training</li> <li>- training in specific skill areas</li> </ul>	<ul style="list-style-type: none"> <li>- Government</li> <li>- NGO</li> </ul>

Steps	Goals	Form of Implementation	Executor
	to find a job or start their own business		
Study upgrading	Provide access to ex-prisoners to upgrade their education if needed	<ul style="list-style-type: none"> <li>- Further Study</li> <li>- Scholarship</li> </ul>	<ul style="list-style-type: none"> <li>- Government</li> <li>- NGO</li> <li>- Education Institutions</li> </ul>
Business Capital Incentive (for those who want independent business)	Providing business capital assistance to ex-prisoners who want to open a small or medium business as a step to improve their economy	<ul style="list-style-type: none"> <li>- Grant;</li> <li>- Loan;</li> <li>- Capital Mobilization;</li> </ul>	<ul style="list-style-type: none"> <li>- Government;</li> <li>- NGO;</li> <li>- Donor Agencies.</li> </ul>
Job Search / Placement (for ex-prisoners who do not have a business passion)	Assist ex-prisoners who do not have their own business passion / independent, to find jobs that match their skills and interests	<ul style="list-style-type: none"> <li>- Job vacancies Search;</li> <li>- Placement in an established business place</li> </ul>	<ul style="list-style-type: none"> <li>- Established business actors;</li> <li>- Government</li> <li>- NGO</li> </ul>
Social Integration	Assist individuals in building positive relationships with the surrounding community, including family, friends, and neighbors, to ensure they are supported in their reintegration process	<ul style="list-style-type: none"> <li>- Introduction to social activities</li> <li>- Involvement in social activities;</li> <li>- Assignment of roles in social activities to foster self-confidence</li> </ul>	<ul style="list-style-type: none"> <li>- NGOs</li> <li>- Community</li> <li>- Family</li> </ul>
Monitoring and Evaluation	Monitoring ex-prisoners to ensure that they do not re-engage in terrorism or	<ul style="list-style-type: none"> <li>- Monitoring and evaluation of business conducted;</li> </ul>	<ul style="list-style-type: none"> <li>- Government</li> <li>- NGOs</li> <li>- Community</li> <li>- Family</li> </ul>

Steps	Goals	Form of Implementation	Executor
	radicalism activities	- Monitoring of personality development	

The authors may elaborate on the strategy for the stages of economic assistance as follows:

### 1. Identification/Assessment

The first stage of assistance is identification, where former terrorism convicts who have left prison must be re-identified as to their level of radicalism. This phase is the right time to carry out economic assistance starting with identifying or assessing former terrorism convicts. This identification stage must be carried out carefully and carried out with a humanitarian approach, without using any violence, whether verbal or non-verbal. With the aim of building the trust of former terrorism convicts and being willing to communicate with outsiders who are not from their community.

The main aim of identification is to determine the level of radicalism of former terrorism convicts who are willing to change the direction of their lives and start a new life. At this stage the government (BNPT) through its deradicalization partners, in this case, are foundations founded by former terrorism convicts such as the Lingkar Perdamaian Foundation in Lamongan, Gema Salam Foundation in Solo, Persaudaraan Anak Negeri (Persadani) Foundation in Semarang, and many more. This foundation will later identify and determine the level of radicalism of former terrorist convicts. If the level of radicalness has been determined, then assistance is carried out based on the criteria and categorization of the level of radicality that has been determined.

With proper identification or assessment, recommendations for appropriate mentoring programs will be produced, so that it is possible for former terrorism convicts to return to living their lives and providing for their families and there will be no terrorist recidivism.

### 2. Psychological Assistance



The second stage in non-internal efforts in economic assistance is psychological assistance, namely the mindset and psychological recovery stage for former terrorism convicts who have left prison and will continue to live like the general public. This psychological assistance is carried out by providing psychological support and counseling to former terrorism convicts to help them overcome the stress and pressure they may experience during the deradicalization process.

This psychological assistance process must be carried out in collaboration with various parties, not only the government, in this case the BNPT, but must also involve foundations, families, the surrounding environment, psychologists and community leaders. Psychological recovery, and especially this mindset, is important for former terrorism convicts, especially because they have been perpetrators of criminal acts or extraordinary crimes resulting from a misunderstanding of religious doctrine, ideology, or a feeling of unfair inequality from the government. There are many factors that cause this terrorism, therefore, with mindset and psychological assistance, it is hoped that former terrorism convicts will be aware and not join their old communities to become jihadists again and will be ready to continue their lives and even become agents of peace.

### **3. Business Opportunity Mapping**

The third stage is mapping business opportunities. After former terrorism convicts receive psychological assistance, then former terrorism convicts must be given an initial overview of the business, as well as opportunities for success so that the business can run sustainably and optimally.

This stage is carried out so that former terrorism convicts who have left prison can get an initial idea of how to continue their economic life and not fall into decline and depend on their old communities that support the occurrence of criminal acts of terrorism. In this mapping stage, several steps are carried out, including:

- a. Feasibility study, in order to determine whether or not the business is feasible to carry out.

- b. Mapping of similar businesses, after a feasibility study has been carried out and deemed capable, then mapping of the business to be carried out is carried out.
- c. Exploring passion for business, former terrorism convicts who want to run a business must be adjusted to their passion so that it is sustainable and does not stop halfway.
- d. Search for the right location, the location used for business must be appropriate and support former prisoners to be able to return to society, socialize and not return to their old community.

#### **4. Skills Training**

The next stage of economic assistance is skills training. If the mapping of business opportunities does not uncover a suitable passion, former prisoners are provided with skills training to equip them with the necessary competencies for finding employment or starting their own business. This stage of mapping can be approached through various methods, including general work training, entrepreneurship training, and specialized training in a particular skill area.

#### **5. Study Upgrading**

The next stage of assistance involves improving education for former terrorism convicts if necessary. This process can be executed in collaboration with the government, BNPT's deradicalization partners, and educational institutions. Enhancing educational opportunities may include facilitating further studies and assisting with scholarship searches.

#### **6. Business Capital Incentive (for those who want independent business)**

The next stage of economic assistance involves providing business capital to former terrorism convicts who wish to start a small or medium enterprise. After conducting a business feasibility assessment, initial capital is offered through various means, including grants, loans, or raising capital.

#### **7. Job Search / Placement (for ex-prisoners who do not have a business passion)**

The next stage of economic assistance focuses on supporting former terrorism convicts who lack the inclination to pursue independent business ventures. For those without a passion for entrepreneurship, efforts will be made to help them find employment that aligns with their skills and interests. This job placement can be facilitated through various approaches, including the search for job vacancies and the placement of individuals in established business premises. In some cases, former convicts may be employed at businesses owned by other former convicts who have successfully participated in deradicalization and mentoring programs. These businesses, already established and operational, may offer opportunities for new hires from among their peers.

#### **8. Social Integration**

The social integration stage aims to assist individuals in fostering positive relationships within their community, including with family, friends, and neighbors, to ensure they receive the necessary support during the reintegration process. This stage is facilitated through collaboration with foundations actively engaged in deradicalization efforts. These foundations can serve as BNPT's deradicalization partners and offer several programs designed to support social integration. These programs may include introducing individuals to various social activities, involving them in community events, and assigning them roles within these activities to help build self-confidence.

#### **9. Monitoring and Evaluation**

The final stage of economic assistance is Monitoring and Evaluation. This stage involves overseeing former terrorism convicts to ensure they do not reengage in terrorist activities or radicalism. Monitoring and evaluation encompass several aspects, including the assessment of their business endeavors and the evaluation of their personal development.

Furthermore, economic assistance for terrorism offenders is an important step in preventing radicalization and terrorism. However, this approach must be integrated with other approaches such as ideological approach, security approach, and social approach to achieve

optimal results in addressing the threat of terrorism. In addition, these programs should be monitored and evaluated regularly to ensure their effectiveness in preventing individuals from re-engaging in terrorism activities. Therefore, countering ex-convicts should require synergy between various approaches, both penal and non-penal. Especially for ex-convicts, it is clear that greater efforts are needed compared to other ex-convicts. This is because this criminal offense is a criminal offense that is closely related to ideology, namely radical ideology.

## Conclusion

Economic assistance is one of the non-punitive approaches in countering criminal acts of terrorism. Economic assistance can be carried out in several stages, starting with the identification of ex-convicts, psychological assistance, mapping business opportunities, training-skills, increasing study levels, business capital incentives and / or job search / placement (specifically for ex-convicts who do not have entrepreneurial passions), social integration, and ending with monitoring and evaluation. In this economic assistance, it is clear that synergy is needed from various parties, including the government, NGOs, the community, and even the ex-prisoners themselves and their families.

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