

Concept of Deradicalization against Criminal Acts of Terrorism in the Perspective of Islamic Criminal Law

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Submitted: 18 June 2025

Revised: 06 July 2025

Published: 09 July 2025

Abstract:

Radicalism and terrorism constitute a complex global threat that requires a multifaceted response, including not only repressive measures but also preventive and rehabilitative strategies. This article aims to examine the concept of deradicalization through the lens of Islamic criminal law, emphasizing the foundations of Sharia, the role of ta'zir, the importance of ishlah and tawbah, and the perspective of contemporary fiqh. The type of research used is normative legal research using a conceptual approach, a normative approach, and an analytical approach. This study demonstrates that the principles of Islamic law, such as maqasid sharia, amar ma'ruf nahi munkar, rahmah, justice, and the concept of discretionary sanctions, offer a robust framework for developing deradicalization programs. This article contends that Islam, with its focus on improving individuals and society, provides internally relevant and humane solutions for countering extremism.

Keywords: Deradicalization, Terrorism, Islamic Criminal Law

INTRODUCTION

The global threat posed by radicalism and terrorism has significantly disrupted social, economic, and political structures, necessitating the development of effective counterstrategies. Although repressive measures implemented through law enforcement are essential, they often prove inadequate in addressing the ideological and psychological foundations of radicalization. Therefore, deradicalization, as a process of changing extremist views and behaviors, has become a crucial component of global counter-terrorism efforts.

In the center of this discourse, Islam is often mistakenly associated with acts of terrorism, whereas authentic Islamic teachings strongly emphasize the values of peace, justice, and humanity. This study aimed to elaborate on how Islamic criminal law, with its wealth of principles and concepts, can provide a philosophical and practical foundation for deradicalization programs. By deeply analyzing various aspects of Islamic criminal law, this article aimed to demonstrate that Islamic law is not only compatible with the concept of deradicalization but also offers moral and spiritual dimensions that complement the process.

This article specifically discusses four main aspects:

- a. Islamic legal foundations for prevention and rehabilitation, including the role of maqasid sharia, *amar ma'ruf nahi munkar*, mercy, and justice.
- b. The role of *ta'zir* as an adaptive discretionary sanction for rehabilitation purposes

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- c. The importance of *ishlah* and *tawbah* as core mechanisms in the deradicalization process; and
- d. Contemporary *fiqh* perspectives on radicalism and terrorism in relation to deradicalization programs.

Through this critical analysis, this article argues that Islamic criminal law is not an obstacle, but rather a potential solution to terrorism. This study seeks to bridge the gap between Islamic legal theory and modern counterterrorism practices, while contributing scientifically to a more effective, fair, and morally grounded approach to combating terrorism and radicalism globally.

METHODS

This study was normative legal research (Christiani, 2016). This study examined legal texts, Islamic legal principles, and legal theories to clarify and develop arguments regarding deradicalization within the framework of Islamic criminal law. A conceptual approach was used to comprehend and elaborate on fundamental concepts in Islamic criminal law, such as *Maqasid al-Shari'ah*, *ta'zir*, *tawbah*, and *islah*. Furthermore, this study employed a normative/doctrinal approach by analyzing sources of Islamic law (*Al-Qur'an*, *Sunnah*, *Ijma'*, *Qiyas*) and classical and contemporary *fiqh* doctrines relevant to crime prevention and rehabilitation. The final method involved a detailed examination of how radicalism and terrorism contravene the fundamental principles of Sharia, and how Islamic legal principles can be used in deradicalization strategies.

This study used secondary data, including legal documents and scientific literature (Sonata, 2018). Data sources are categorized as follows: primary legal materials, which include the Qur'an and Hadith of the Prophet Muhammad as the main source of Islamic law, as well as official fatwas from authoritative religious institutions (for example, *the Fatwa* of the Indonesian Council of Ulama (MUI) on Terrorism). Secondary legal materials included classical *fiqh* literature (such as *Al-Muwafaqat fi Usul al-Shari'ah* by *al-Shatibi*) and contemporary (*fiqh* books, tafsir, hadith, and scholarly books discussing Islamic criminal law). It also includes indexed scientific journals, articles, research reports, and books related to radicalization, terrorism, and de-radicalization from Islamic and legal perspectives. Tertiary legal materials are legal dictionaries and encyclopedias used to obtain preliminary understanding or general references.

The data collection technique used was documentation or literature study. Data analysis was conducted qualitatively through content analysis and systematic interpretation (Mukti, 2010). The analytical process involved textual interpretation to analyze and comprehend the meaning and implications of Islamic legal texts, including the Qur'an, Hadith, *fiqh* rules, and both classical and contemporary *fiqh* doctrines. Conceptual analysis was used to elaborate, explain, and interrelate core concepts such as *Maqasid al-Shari'ah*, *maslahah*, *mafsadah*, *ta'zir*, *tawbah*, and *islah* in the context of Islamic criminal law. Argument synthesis was used to construct a cohesive argument on how the principles of Islamic criminal law support and provide a framework for the concept of deradicalization, and identify common ground between the two concepts. A comparison and evaluation were conducted to compare the views of classical and contemporary scholars and evaluate their relevance in the context of addressing modern radicalism. Conclusions were drawn to formulate the research findings and present them systematically, logically, and argumentatively in accordance with the standards of scientific articles.

RESULTS

Contemporary *fiqh* has extensively addressed radicalism and terrorism, aiming to provide legal guidance relevant to the challenges of modern times. The majority of contemporary scholars from various schools of thought and leading religious institutions (for example, Al-Azhar, the European Fatwa Council, and the Indonesian Ulama Council) strongly condemn terrorism as an act that is *haram* and violates the basic principles of Islam (Iskandar, 2019). They often classify terrorism as *hirabah* (crimes against Allah and His Messenger, or serious crimes that threaten public security and cause damage to the earth), whose sanctions are very severe in Islamic law.

In addition to focusing on stringent law enforcement, numerous ulama advocate a comprehensive approach encompassing prevention and rehabilitation. They acknowledge that terrorism frequently stems from ideological misinterpretations; thus, enhancing religious comprehension is crucial. Contemporary fatwas often underscore that initiatives to counter terrorism must be conducted justly and humanely, consistent with the teachings of Islam (Suryani, 2024).

Deradicalization programs align with the principles of contemporary fatwas and *ijtihad*, which aim to apply sharia principles to address modern challenges. Scholars endorse these programs as they seek to rectify misunderstandings of *jihad*, emphasizing that authentic *jihad* involves internal struggle and legitimate defense rather than aggression or terrorism (Pape, 2003). Furthermore, it teaches the valid/moderate concept of *wala' wa bara'*: teaching loyalty to the state and not justifying violence against non-Muslims or other Muslims and emphasizing the importance of obedience to *ulil amri* (legitimate government); rejecting rebellion and destabilization and using dialogue and persuasion; promoting a non-violent approach in resolving disputes (Hasbi et al., 2022). Thus, de-radicalization programs, especially those based on a correct (*sahih*) understanding of Islam, are not only accepted but also widely supported by religious authorities as an integral part of efforts to combat extremism and protect the *maqasid* of sharia.

DISCUSSION

The Concept of Terrorism in Islam

Islam is a religion that upholds peace, justice, and compassion. Its teachings strictly prohibit all forms of violence, oppression, and destruction on earth. However, it is unfortunate that some groups or individuals have deviated from these teachings and claim acts of terrorism as part of 'jihad' or holy struggle.

Jihad, in its true sense in Islam, has a very broad meaning and is not limited to warfare. The most important meaning of *jihad* is the struggle against one's own desires and evil (*jihad an-nafs*). Meanwhile, *jihad* in the form of warfare (*jihad qital*) has very strict conditions and rules. Among these are the prohibitions against attacking innocent people such as women, children, and the elderly, as well as the prohibition against damaging the environment or places of worship (Mestika, 2023). Therefore, acts of terrorism targeting civilians and causing chaos are contrary to the true principles of *jihad*.

The Qur'an and the Hadith of the Prophet Muhammad ﷺ strongly condemn acts of bloodshed without justifiable reasons. The Quran, Surah Al-Ma'idah (5): 32 states, "Whoever kills a person—not in retaliation for murder or for causing corruption on earth it is as though they have killed all of humanity." This verse clearly highlights the gravity of the sin of taking an innocent life.

Fatwas from prominent scholars from various parts of the world also consistently reject and condemn terrorism. They emphasize that terrorism has no place in Islam and that perpetrators of terrorism have strayed from the right path. Acts of terrorism, in all its forms, are criminal acts that must be eradicated, and their perpetrators must be punished in accordance with the law (Al-Zuhaili, 1989). Therefore, it is crucial to distinguish between the pure teachings of Islam and the misguided and radical interpretations used to justify violence.

Contemporary *fiqh* clearly classifies terrorism as a serious crime that contradicts Islamic teachings. This view is a general consensus among contemporary *fiqh* scholars, as reflected in the fatwas of the Indonesian Ulama Council (MUI) and official statements from Al-Azhar. The majority of scholars and leading religious institutions, such as Al-Azhar and the Indonesian Ulama Council (MUI), strongly condemn terrorism and label it as a forbidden act (Silvia Haryani, 2008). They often identify terrorist acts as *hirabah*, which is a crime that disrupts public order and threatens the security of society. In Islamic law, *hirabah* carries severe penalties because it is considered a crime against Allah and His Messenger.

However, beyond strict law enforcement, contemporary *fiqh* also advocates a more comprehensive approach. This comprehensive approach is based on the principles of sharia, particularly the concept

of maqasid sharia, which aims to protect five basic things: religion, life, intellect, lineage, and property. Scholars argue that the roots of terrorism often stem from ideological deviations and misguided religious understanding (Azmi Yaakob & Sunawari Long, 2015). Therefore, in addition to enforcement, prevention and rehabilitation are crucial aspects. Modern fatwas emphasize that combating terrorism must be done in a fair and humane manner, in accordance with the principles of Sharia.

This approach paves the way for support for deradicalization programs. Deradicalization programs are in line with the objectives of Islamic law to protect life and public safety, as well as to correct ideological deviations that are the root cause of terrorism. These programs are considered to be in line with the objectives of Sharia law to protect life, reason, and safety. Contemporary fiqh supports deradicalization efforts that focus on:

- a. Correcting misconceptions about jihad: Emphasizing that true jihad is internal struggle and legitimate defense, not aggression or terror.
- b. Teaching a moderate concept of wala' wa bara': Teaching loyalty to the state and rejecting violence against non-Muslims or other Muslims.
- c. Emphasizing obedience to ulil amri (the legitimate government): Rejecting rebellion and destabilization.
- d. Using dialogue and persuasion: Encouraging a non-violent approach to resolving disputes.

Thus, deradicalization programs based on a correct understanding of Islam are not only accepted but also widely supported by religious authorities as an integral part of efforts to combat extremism and uphold maqasid syariah (the objectives of Islamic law).

Islamic Legal Foundations for Prevention and Rehabilitation

Islamic law, known as Sharia, is a vast system of divine (*ilahiah*) law that covers all aspects of individual and collective life. In contrast to simplistic views that often associate it only with religious rituals or criminal sanctions, Sharia is essentially established on the foundation of the profound essence of achieving and maintaining the “benefit” (*maṣlahah*) of mankind. This concept of *maṣlahah*, translated as the good, public good, or public welfare, is at the core of Sharia's noble goals (*Maqasid al-Shari'ah*), which makes it an intrinsic and relevant framework for prevention and rehabilitation efforts to address the threat of radicalization.

Maqasid al-Shari'ah, or the noble objectives of Islamic law, constitutes a fundamental pillar of Islamic legal philosophy (Ali et al., 2023). It embodies the profound wisdom underlying each provision of divine law, universally acknowledged by scholars throughout Islamic history as the core of the revealed system of values and norms. The ultimate goal of Sharia, as outlined by prominent Muslim scholars such as Abu Ishaq al-Shatibi in his work *Al-Muwafaqat fi Usul al-Shari'ah*, is to achieve *maṣlahah* (goodness, benefit, or welfare) for mankind in this world and the hereafter, as well as to reject and eliminate mafsadah (damage or evil). Extensive scholarly consensus has established five main maqsads that are essential for the existence and sustainability of a dignified human life, namely: maintenance of religion (*hifz al-din*), spirit (*hifz al-nafs*), intellect (*hifz al-'aql*), descendants (*hifz al-nasl*), and wealth (*hifz al-mal*). Any action or policy that contributes to the protection and strengthening of these elements is considered a manifestation of *maṣlahah*, while any threat to them is categorized as *mafsadah*, which must be avoided and addressed (Asy-Syatibi, n.d.).

To analyze the phenomenon of radicalism and terrorism, the *Maqasid al-Shari'ah* lens provides a powerful analytical framework to understand the extent to which these extremist acts deviate from fundamental Islamic principles. Actions driven by radical ideology and manifested in acts of terrorism blatantly violate these five *maqsad sharia* (Harahap, 2017):

- a. Destruction of Religion (*hifz al-din*): Extremist groups corrupt the essence of Islam by distorting its moderate and universal teachings into an ideology of violence, hatred, and exclusivism. They monopolize religious interpretation, reject diversity, and justify brutal acts in the name of religion, which tarnishes the image of Islam as a religion of mercy.

- b. Threat to the Human Soul (*hifz al-nafs*): Terrorism constitutes a direct assault on innocent lives through acts of violence, mass murder, and indiscriminate attacks on civilians. These actions fundamentally contravene the *maqṣad* of preserving the soul, a principle of significant esteem and protection within Islam. The threat to even a single innocent life is regarded as a threat to all humanity.
- c. Destruction of the Mind (*hifz al-‘aql*): Radicalization involves a systematic process of indoctrination, inculcating misguided thinking, and closing the space for critical reasoning and constructive dialogue. It undermines the ability of the mind to distinguish right from wrong and good from bad, and divides society based on cognitive distortions.
- d. Disintegration of Lineage (*hifz al-nasl*): Acts of extremism not only destroy individuals but also undermine family and community structures. An environment of fear, conflict, and violence leads to social disintegration, disrupts the education and development of young people, and creates a cycle of violence that damages the future of generations.
- e. Deprivation of Assets (*hifz al-mal*): Acts of terrorism often involve looting, destruction of property, and destabilization of a country's economy. This directly violates the *maqṣad* of wealth preservation, which aims to maintain economic stability and the material well-being of the *ummah* for proper survival.

Maqasid al-Shari'ah provides an essential analytical framework for evaluating and understanding the phenomena of radicalism and terrorism from the perspective of Islamic law. This concept, which encapsulates the main objectives of Sharia, shows that extremist actions are fundamentally contrary to the essence of Islam. Its connection to deradicalization is that deradicalization is not merely a security strategy, but an effort to return individuals and society to the core values upheld by *Maqasid al-Shari'ah*.

Overall, the relationship between deradicalization and *Maqasid al-Shari'ah* is very close. Deradicalization is the practical implementation of the objectives of Sharia law to achieve public interest (*maslahah*) and reject harm (*mafsadah*). It is a holistic strategy to guide individuals away from deviant interpretations toward a correct understanding of Islam that aligns with the essence of Sharia law itself.

Based on the above analysis, it can be concluded that *Maqasid al-Shari'ah* provides an indisputable framework for rejecting and combating radicalism and terrorism. Extremist actions not only violate Islamic criminal law, but fundamentally undermine the core objectives of Sharia itself. By violating the five *maqasid* of protecting religion, life, intellect, lineage, and property, terrorism reveals itself as a crime that not only opposes humanity but also defies the divine will aimed at bringing benefit (*maslahah*) and preventing harm (*mafsadah*). Therefore, deradicalization efforts can be seen as a practical implementation of *Maqasid al-Shari'ah*. This program directly seeks to restore the five aspects that have been damaged by extremism, namely: correcting deviant religious understanding, saving lives and preventing violence, freeing the mind from indoctrination, protecting families and generations, and maintaining economic stability. Thus, deradicalization is not merely a security response but a holistic strategy fully aligned with the noble objectives of Islamic law.

Deradicalization as an Islamic Legal Imperative

Explicitly, the Quran and Hadith do not use the term “deradicalization.” However, contemporary scholars critically interpret a number of arguments (*naskh*) from the Quran and Sunnah that substantially support and legitimize deradicalization efforts as a response to the crime of terrorism. These texts focus not only on punishment, but also on prevention, reform, and rehabilitation.

1. Al-Qur`an

In the Qur'an, Allah ﷻ has determined the mechanism of correction and forgiveness (*al-Tawbah*) for criminals. Allah ﷻ says:

إِنَّمَا جَزَاءُ الَّذِينَ يُحَارِبُونَ اللَّهَ وَرَسُولَهُ وَيَسْعَوْنَ فِي الْأَرْضِ فَسَادًا أَنْ يُقَتَّلُوا أَوْ يُصَلَّبُوا أَوْ تُقَطَّعَ أَيْدِيهِمْ وَأَرْجُلُهُمْ مِنْ خِلَافٍ أَوْ يُنْفَوْا مِنَ الْأَرْضِ ذَلِكَ لَهُمْ جَزَاؤُهُمْ فِي الدُّنْيَا وَلَهُمْ فِي الْآخِرَةِ عَذَابٌ عَظِيمٌ

إِلَّا الَّذِينَ تَابُوا مِنْ قَبْلِ أَنْ تَقْدِرُوا عَلَيْهِمْ فَاعْلَمُوا أَنَّ اللَّهَ غَفُورٌ رَحِيمٌ

"Indeed, the punishment for those who wage war against Allah and His Messenger and spread corruption on earth is only that they be killed or crucified, or that their hands and feet be cut off on opposite sides, or that they be exiled from the land. Such is a disgrace for them in this world, and in the Hereafter they will have a great punishment, except for those who repent before you gain control over them; then know that Allah is Most Forgiving, Most Merciful." (Q.S. Al-Ma'idah: 33-34)

This verse is often referred to as the argument for *hirabah* (crimes against public safety). Verse 33 establishes severe penalties for perpetrators of this crime, including killing, crucifixion, or expulsion. However, verse 34 provides a very important exception: *illā alladhīna tābū min qabli an taqdirū 'alayhim* (except those who repent before you can capture them).

This is a fundamental principle of deradicalization. This verse opens the door to forgiveness and rehabilitation for perpetrators of serious crimes, provided they demonstrate sincere repentance before being arrested. Deradicalization programs can be understood as mechanisms to facilitate this repentance, giving individuals exposed to radicalism the opportunity to return to the right path before committing crimes or before they are arrested. This shows that the purpose of Sharia law is not merely to punish, but also to provide a second chance and reintegrate individuals into society.

In addition, Allah forbids killing without a valid reason. Allah ﷻ says:

وَمَنْ يَقْتُلْ مُؤْمِنًا مُتَعَمِّدًا فَجَزَاؤُهُ جَهَنَّمُ خَالِدًا فِيهَا وَغَضِبَ اللَّهُ عَلَيْهِ وَلَعَنَهُ وَأَعَدَّ لَهُ عَذَابًا عَظِيمًا

"And whoever kills a believer intentionally, his punishment is Hell, wherein he will abide forever, and Allah has become angry with him and has cursed him and prepared for him a great punishment." (QS. An-Nisa': 93)

أَنَّهُ مَنْ قَتَلَ نَفْسًا بِغَيْرِ نَفْسٍ أَوْ فَسَادٍ فِي الْأَرْضِ فَكَأَنَّمَا قَتَلَ النَّاسَ جَمِيعًا

"...that whoever kills a human being, not because that person (killed) another person, or not because of causing destruction on earth, then it is as if he has killed all of humanity..." (QS. Al-Ma'idah: 32)

These verses explicitly prohibit the killing of innocent souls. Terrorism blatantly violates this principle. Deradicalization programs, by correcting misconceptions about jihad and emphasizing the value of *hifz al-nafs* (preserving life), directly argue based on these verses. The aim is to re-instill awareness of the sanctity of human life, which has been corrupted by radical ideology. By teaching the correct understanding, deradicalization seeks to prevent future killings and terrorism.

2. Al- Hadith

The Prophet Muhammad ﷺ mentioned in his hadith that the emergence of the Khawarij group was the precursor to the birth of radicalism. Al-Imam Muslim narrated a hadith from Zaid bin Wahb Al-Juhany that he was with Ali's army, may Allah be pleased with him, who set out to fight the Khawarij. Then Ali said, "O people, I heard the Prophet Muhammad ﷺ say:

يَخْرُجُ قَوْمٌ مِنْ أُمَّتِي يَقْرَءُونَ الْقُرْآنَ ، لَيْسَ قِرَاءَتُكُمْ إِلَى قِرَاءَتِهِمْ بِشَيْءٍ ، وَلَا صَلَاتُكُمْ إِلَى صَلَاتِهِمْ بِشَيْءٍ ، وَلَا صِيَامُكُمْ إِلَى صِيَامِهِمْ بِشَيْءٍ ، يَقْرَءُونَ الْقُرْآنَ يَحْسِبُونَ أَنَّهُ لَهُمْ وَهُوَ عَلَيْهِمْ ، لَا تُجَاوِزُ صَلَاتُهُمْ نَرَأِيهِمْ ، يَمْرُقُونَ مِنَ الْإِسْلَامِ كَمَا يَمْرُقُ السَّهْمُ مِنَ الرَّمِيَّةِ

"There will come a group from among my people who will recite the Quran. Your recitation of the Quran will be nothing compared to theirs, your prayers will be nothing compared to theirs, and your fasting will be nothing compared to theirs. They will recite the Quran and think it will protect them, but it will only burden them. Their prayers do not pass through their throats; they depart from Islam as an arrow departs from its bow." (HR. Muslim: 1066)

This hadith is the main basis for scholars to identify and criticize extremist groups that disregard the blood of Muslims. Although the Prophet ﷺ threatened to kill them, this hadith should not be understood partially. In another narration, he also commanded to be fair and not to act arbitrarily. The context of this hadith is the suppression of groups that have committed armed rebellion (*bughat*) and spread terror.

Within the framework of deradicalization, this hadith is used to identify the characteristics of radical groups: a high spirit of worship but a shallow understanding of religion, a tendency to easily declare others as infidels, and a propensity for violence. Therefore, deradicalization focuses on improving ideological understanding, specifically correcting misunderstandings that are “not well-grounded” to return to a comprehensive understanding of Islamic teachings. Deradicalization efforts are preventive measures to ensure individuals do not become part of the groups mentioned in this hadith.

In terms of Islamic law, the Prophet Muhammad ﷺ instructed his followers to obey the government (*ulil amri*) or leaders. From Abu Najih, Al 'Irbadh bin Sariyah, may Allah be pleased with him, the Prophet Muhammad ﷺ said: "The Messenger of Allah, peace and blessings be upon him, gave us advice that touched our hearts and brought tears to our eyes." We (his companions) asked, "O Messenger of Allah, that advice was like the advice of someone who is about to part, so give us your will."

أَوْصِيَكُمْ بِتَقْوَى اللَّهِ عَزَّ وَجَلَّ , وَالسَّمْعِ وَالطَّاعَةِ وَإِنْ تَأَمَّرَ عَلَيْكَ عَبْدٌ

“I advise you to remain devoted to Allah, the Almighty, and to continue to listen and obey even if the one commanding you is a slave.” (HR. Abu Daud and At Tirmidzi, Hasan Shahih).

This hadith emphasizes the importance of obedience to *ulil amri* (the legitimate government) in order to maintain stability and security. Terrorist groups often justify their actions by claiming to be rebelling against a government that they consider to be *thaghut* or un-Islamic. This evidence is used in deradicalization programs to correct such views and emphasize that armed rebellion is *haram*, except under very specific conditions and with strict conditions. By re-instilling the concept of proper obedience, deradicalization seeks to prevent individuals from engaging in destabilization and terrorist activities. Overall, the above arguments show that although there is no single text that mentions “deradicalization,” Islamic law provides a strong foundation for such programs. Deradicalization is an implementation of the principles of Islamic law regarding forgiveness, protection of life, ideological reform, and maintenance of social stability.

Upon examining the aforementioned analysis, it is evident that deradicalization initiatives, which aim to prevent the dissemination of harmful ideologies and rehabilitate affected individuals, play a crucial role in protecting the objectives of *Maqasid al-Shari'ah* (Auda, 2008). By guiding individuals away from extremist ideologies and behaviors towards moderation and coexistence, deradicalization efforts effectively protect religion from deviation, safeguard the soul from threats, preserve the intellect from misdirection, shield offspring from destruction, and defend property from damage.

From the perspective of Islamic jurisprudence, deradicalization transcends being merely a national security measure or social-psychological rehabilitation initiative. It assumes the status of a religious and legal obligation (*syar'i*). This is because deradicalization efforts directly contribute to realizing the Sharia's intended *maṣlaḥah* and addressing the *mafsadah* caused by extremism. These efforts represent the collective responsibility (*fard kifayah*) of Muslims to uphold a just and peaceful social order, in alignment with the universal principles of Islam that safeguard human dignity. Thus, deradicalization is not only compatible with Islamic teachings but is also an integral part of the implementation of Sharia in maintaining security and order in the global community (Mustofa & Mahmudah, 2019).

2.1. The Concept of Amar Ma'ruf Nahi Munkar

The principle of *amar ma'ruf nahi munkar* (command the good and forbid the evil) is one of the pillars of social ethics in Islam. This concept requires Muslims to actively contribute to creating a moral and just society. In the context of deradicalization, *amar ma'ruf nahi munkar* provides a strong foundation for preventing radicalization.

Preventing radicalization through this principle includes: (1) correct religious education: explaining the moderate teachings of Islam and rejecting deviant extremist interpretations; (2) early warning: identifying and addressing individuals or groups showing signs of radicalization; (3) social intervention: engaging religious, community, and family leaders in guiding vulnerable individuals; (4) combating hate narratives: countering radical propaganda with counter-narratives based on peaceful

and tolerant Islamic values (Mustofa & Mahmudah, 2022). Thus, *amar ma'ruf nahi munkar* is not only an individual obligation but also the collective responsibility of society to build an environment that is resistant to extremist ideologies.

2.2. Principles of Mercy and Justice in Islamic Law Enforcement

Rahmah, or compassion, is a fundamental attribute of Allah and a core value in Islam. This principle is evident in all facets of Sharia, including the enforcement of the law. While punishment in Islam can be stringent in certain instances, it is invariably tempered by the spirit of mercy, which emphasizes rehabilitation and prevention over retribution. Complementing *rahmah* is the principle of justice, *al-adl*. In Islam, justice encompasses not only the administration of appropriate punishment but also the assurance that every individual is treated equitably, afforded their rights, and provided opportunities for self-improvement.

Within the framework of de-radicalization, punitive actions must be proportionate, aligning criminal penalties with the gravity of the offense and the offender's potential for rehabilitation. It is crucial to ensure humane treatment; even during incarceration, the human rights of detainees must be upheld, and opportunities for repentance and rehabilitation must be provided. The legal system should establish a pathway for individuals to disengage from extremist beliefs and reintegrate into society. The combination of mercy and justice allows the Islamic penal system to be an effective instrument not only for punishment but also for reforming individuals (Firmansyah, 2019).

3. The Role of the Concept of Ta'zir in Deradicalization

Islamic criminal law categorizes criminal sanctions into three primary types: *hudud* (punishments explicitly prescribed in the Qur'an and Sunnah), *qisas/diyat* (retributive or compensatory punishments for offenses against the body and soul), and *ta'zir* (discretionary punishments determined by judicial or governmental authority). The function of *ta'zir* is particularly significant in the context of deradicalization (Al-Mawardi, 1380).

In contrast to the predetermined nature of *hudud*, *ta'zir* provides the authority or judge with substantial discretion in determining the type and severity of punishment. This flexibility allows for consideration of the community's interests, the offender's circumstances, and the specifics of the crime itself. The objectives of *ta'zir* extend beyond mere retribution to encompass prevention, education, and rehabilitation. The forms of *ta'zir* are diverse, ranging from reprimands and fines to flogging, imprisonment, or even exile, all of which are subject to the judge's discretion (Sufrizal et al., 2023).

The adaptability of *ta'zir* makes it particularly applicable to deradicalization initiatives in several ways. *Ta'zir* sanctions can be structured to rectify ideological misconceptions by compelling offenders to participate in accurate religious education. Additionally, they can enhance social competencies by involving offenders in activities that foster positive societal interactions and cultivate an awareness of misconduct by imposing penalties that promote remorse and a willingness to change (Ramadhan, 2014).

Given its adaptable nature, a deradicalization program can be institutionalized as a form of *ta'zir* within Islamic criminal law. For individuals convicted of terrorism who have not reached the level of *hirabah* (crimes against the state or society equivalent to severe terrorism) or for those who demonstrate remorse and potential for rehabilitation, judges may impose *ta'zir* in the form of detention, coupled with the requirement to engage in an intensive de-radicalization program. This program may integrate religious curriculum, psychotherapy, and social coaching. Probationary sanctions, which include the requirement of ideological guidance, allow the offender to be released on the condition that they adhere to the guidance of an appointed cleric or counselor. This may involve engaging in social work, making a positive contribution to society, serving as a form of *radd al-mazalim* (restoration of deprived rights), and facilitating the internalization of beneficial values (Khamdan, 2015).

This approach would enable the Islamic criminal law system to not only impose punitive measures but also prioritize the rehabilitation of individuals, aligning with the Sharia objective of minimizing harm and maximizing benefit.

4. The Importance of *Ishlah*, *Tawbah*, and *Afwu* in the Deradicalization Process

The principles of *tawbah* (repentance) and *ishlah* (repair/reconciliation) are integral to the Islamic approach to rehabilitation, infusing the deradicalization process with significant spiritual and ethical dimensions. *Tawbah* functions as a mechanism for acknowledging wrongdoing and committing to personal transformation, thereby establishing itself as the cornerstone of self-reformation in Islam. It comprises three essential elements: genuine remorse for the transgression, cessation of the sinful act, and a firm resolve to abstain from repeating the offense in the future (Al-Qardhawi, 2005).

In the domain of deradicalization, *tawbah* exceeds its role as a basic religious practice and functions as a psychological and spiritual construct. It aids individuals in recognizing their ideological errors and actions, promotes the abandonment of extremist ideologies, and cultivates a genuine commitment to behavioral reform. If *tawbah* is performed prior to arrest or conviction, particularly in certain criminal cases such as *hirabah*, it may mitigate or even nullify the specific sanctions. This indicates that the Islamic legal framework promotes repentance and offers incentives for offenders to reform, either before or during the judicial process.

The concept of *ishlah* encompasses a broader scope than *tawbah*, as it involves self-repair, relationship repair, and community repair. In the context of deradicalization, *ishlah* is crucial for social reintegration, facilitating the acceptance of deradicalized individuals into their families and communities. It also aids in the formation of a new identity by assisting individuals in developing a positive and productive identity within a moderate society and mitigating the impact of their previous criminal activities. The process of *ishlah* requires support from various stakeholders, including family members, clerics, social workers, and the community. Without implementing *ishlah*, *tawbah*'s sustainability may be compromised, increasing the risk of individuals reverting to extremist behaviors (Sumarwoto & Khisni, 2020).

In the context of deradicalization, the concept of *afwu* (forgiveness) in Islam exemplifies kindness and tolerance. While forgiveness is the prerogative of the victim in certain cases (*qisas/diyat*), within the framework of the rights of Allah and society, it may be conferred by the authority if it serves a greater *maslahah* (benefit). In deradicalization efforts, *afwu* can serve as a spiritual motivator, encouraging the offender to repent to obtain forgiveness from Allah and society, thereby setting the groundwork for rehabilitation. Forgiveness extended by society or authorities following sincere *tawbah* and successful *ishlah* can facilitate full reintegration. This process mitigates stigma and fosters re-acceptance, which is crucial for preventing the recurrence of radicalism (Golose, 2010).

CONCLUSION

Deradicalization is deeply embedded in the framework of Islamic criminal law. The principles of Sharia, which include *maqasid sharia*, *amar ma'ruf nahi munkar*, and the values of mercy and justice, establish a comprehensive approach to both prevention and rehabilitation. The adaptability of *ta'zir* within this legal system allows for the creation of sanctions that emphasize educational and corrective measures, rather than mere punishment. Moreover, *ishlah* and *tawbah* are essential for promoting personal transformation and aiding the reintegration of individuals who have encountered radical ideologies into mainstream society.

Contemporary *fiqh* perspectives consistently condemn terrorism and advocate a just and humane approach to deradicalization, asserting that Islam provides a foundational solution to extremism. By integrating the principles of Islamic criminal law into deradicalization strategies, more effective programs based on the values of justice and compassion can be created. This approach not only eradicates misconceptions about Islam's connection to terrorism but also underscores the significance of Sharia in addressing global challenges.

Conflict of Interest

All the authors declare that there are no conflicts of interest.

Funding

This study received no external funding.

How to Cite:

Sumiadi, Akli, Z., Samawi, H.A.A. (2025). Concept of Deradicalization against Criminal Acts of Terrorism in the Perspective of Islamic Criminal Law. *International Journal of Law, Social Science and Humanities (IJLSH)*, 2(2), 275-285. <https://doi.org/10.70193/ijlsh.v2i2.252>.

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