

The Concept of Deradicalization in an Effort to Prevent Terrorism in Indonesia

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Abstract : *Radicalism is a paradigm to make a fundamental change in accordance with the understanding of the ideology adopted and believed. In general, the government and the society believe that terrorism is a phenomenon that cannot be easily eliminated. Deradicalization program essentially comes from the assumption that radicalism is the "root" of terrorism. Therefore, a concrete action as an effort to fight against terrorism will be (more) effective through deradicalization. The essence of deradicalization is to change the understanding (re-interpretation) of the paradigm that is considered wrong and "misleading". The prevention of terrorism through the concept of deradicalization is a proactive action and requires caution because Indonesian society is plural and vulnerable to pluralism against social conflict. Thus, its application must be equipped by knowledge and understanding of the development and patterns of terrorism and must be guided by the applicable legislations. This descriptive-analytic study applied statute approach, conceptual approach, historical approach and philosophical approach to investigate the legal issues under study. The collected data were analyzed by using qualitative juridical analysis method and the results are then presented thoroughly, systematically and in an integrated way in order to obtain clarity of the problem. The results showed that radicalism is an extreme idea to make a fundamental change based on subjective and exclusive ideological interpretations. Meanwhile, deradicalization is a pattern of handling terrorism which is essentially a process of reinterpretation of "deviated" beliefs or paradigms through efforts to reassure radical groups not to use violence (terror) as well as to create a sterile environment from radical movements which are "the root" of the growth of terrorism in Indonesia.*

Keywords: *Concept, Deradicalization, Crime of Terrorism.*

Konsep Deradikalisasi dalam upaya Pencegahan Aksi Terorisme di Indonesia

Abstrak : Radikalisme merupakan paradigma untuk melakukan suatu perubahan fundamental sesuai dengan pemahaman ideologi yang dianut dan diyakini. Pemerintah dan masyarakat pada umumnya meyakini bahwa (aksi) terorisme merupakan fenomena yang tidak mudah dihilangkan begitu saja. Program deradikalisasi hakikatnya berangkat dari asumsi bahwa radikalisme merupakan "akar" dari aksi-aksi terorisme. Oleh karenanya, bentuk konkrit sebagai upaya memerangi terorisme akan (lebih) efektif melalui deradikalisasi. Esensinya adalah merubah pemahaman (*re-interpretasi*) atas paradigma yang dianggap keliru dan sesat "menyesatkan". Pencegahan terorisme dengan konsep deradikalisasi adalah tindakan proaktif serta membutuhkan kehati-hatian karena masyarakat Indonesia yang plural dan rentan kemajemukan terhadap konflik sosial. Upaya pemecahan masalah dalam deradikalisasi antara lain harus mengetahui dan memahami perkembangan dan pola tindak pidana terorisme sebagai bentuk penanggulangan terorisme serta harus berpedoman pada peraturan perundang-undangan yang ada. Penelitian yang digunakan adalah deskriptif analitis dengan metode pendekatan yang digunakan untuk menjawab isu hukum dalam kajian ini adalah pendekatan perundang-undangan, pendekatan konseptual, dan pendekatan historis serta pendekatan filosofis. Analisis data menggunakan metode analisis yuridis kualitatif, kemudian menyusun secara menyeluruh, sistematis dan terintegrasi demi memperoleh kejelasan masalah. Hasil penelitian menunjukkan bahwa radikalisme merupakan gagasan ekstrim yaitu melakukan suatu perubahan secara fundamental menurut interpretasi ideologi secara subjektif dan eksklusif. Deradikalisasi merupakan pola

penanganan terorisme yang hakekatnya merupakan proses re-interpretasi atas keyakinan atau paradigma “menyimpang” melalui upaya meyakinkan (kembali) terhadap kelompok-kelompok radikal untuk tidak menggunakan dan meninggalkan kekerasan (teror) , serta menciptakan lingkungan yang steril dari gerakan radikal yang merupakan akar penyebab tumbuhnya gerakan radikal (terorisme) di Indonesia.

Kata Kunci: Konsep, Deradikalisasi, Tindak pidana terorisme.

INTRODUCTION

The Preamble to the 1945 Constitution of the Republic of Indonesia states that the state of Indonesia shall be a unitary state based on the rule of law which has the obligation and responsibility to protect the whole people of Indonesia as well as to create a safe, peaceful and prosperous life and to actively contribute to the implementation of a world order. As an effort to achieve these goals, the government is obliged to create, maintain and uphold sovereignty and to protect its citizens from both internal and external threats, including terrorism. Deradicalization comes from the word radical which means fundamental or fundamentally for change. Meanwhile, deradicalization is a preventive measure carried out to eliminate violence or terrorism within the society and the state as well as to prevent similar acts against the law which only disturbs national peace and order. Experiences show that terrorists will not stop re-engaging in violence or terrorism by only being arrested, detained and sentenced through a court session.

Terrorism is a man-made disaster which is commonly in the form of organized crime. In terms of criminal law, terrorism is a form of transnational crimes that is very disturbing for the public. The impact of the crime is massive and terrible. At the UN Congress in Vienna, Austria held in 2000 with the theme “The Prevention of Crime and the Treatment of Offenders”, it is stated that terrorism as a development of acts of violence shall receive special attention. Terrorism is an extraordinary crime so that extra ordinary measures are needed to cope with terrorism.¹

The policies to fight against terrorism must be based on several principles. First is the principle of the protection of civil liberties and individual rights. This principle emphasizes that the state must not limit the civil or individual rights of citizens because limitation can only be made to those who are not included in nonderogable rights, for the time being, and for the public interest. Second is the principle of the limitation and prevention of abuse of power. This can be done by applying the principle of checks and balances to the process of formulation and decision making, the availability of public accountability mechanisms for policy implementers as well as the specialization of functions for institutions implementing the policy.²

Regulations on the crime of terrorism cover 2 (two) fields, namely prevention (anti) and eradication (contra). In Prevention, terrorism cannot only be prevented by a legal approach, but it must also cover all aspects. Terrorism are usually motivated by discriminatory treatment in the society where they are feeling oppressed and marginal from certain beliefs so that the prevention can be done by realizing justice and liberation from poverty through the implementation of early warning system. Meanwhile, the Eradication of terrorism aims to eradicate, disclose and handle terrorism cases and to sentence the terrorists due to their crime of terrorism through a comprehensive and detailed manner; starting from the investigation to the judiciary as well as the sanctions sentenced to the terrorists.³ Legally, terrorism is any intentional acts using violence or threats that cause a condition or atmosphere of terror or cause mass casualties or seize freedom or loss of life and property or cause damage or destruction to vital objects, environment, public facilities or international facilities.

¹ Muladi, *Penanggulangan Terorisme Sebagai Tindak Pidana Khusus (Extra Ordinary Crime)*, Makalah pada Seminar Penanganan Terorisme Sebagai Tindak Pidana Khusus, Jakarta Juny 28, 2004, p. 1.

² Budi Hardiman, *Terorisme: Definisi, Akar, dan Regulasi*, Imparsial, Jakarta, 2003, pp. 50-51.

³ *Ibid.*, pp. 62-63.

The increasing number of convicted terrorists being executed or suspected terrorists being arrested shows that penal approach is certainly not enough to overcome the crime of terrorism. It is a signal that terrorism are growing and developing in society through the spread of religious doctrines that are considered sacred so that it must be carried out even at the cost of life. The partial and subjective interpretation of religious teachings is the main source of hatred for certain beliefs. However, the doctrines taught always lead to the recruitment of a number of terrorists. They are referred to as “brides” who are ready to carry out missionary journey to heaven. This happens in (many) cases in Indonesia as terrorists think that carrying out suicide bombings is a short road to God and heaven. Hence, the government needs to be consistent to strengthen the concept of deradicalization in order to eliminate economic gaps and social injustice within the society.

The implication of changing the approach transforms the legal substance, legal structure and legal culture in combating terrorism in which all of them must lead to deradicalization as a concrete step towards “free of terrorism”. Eradicating terrorism must not use hard power. Otherwise, it will be better if the handling process applies soft power, namely prevention, rehabilitation as a form of reinterpretation efforts, and revitalization of “deviated” understanding. In addition, active roles of religious and community leaders in providing education and understanding of true religion to reduce the development of radical ideologies and prevent the crime of terrorism are also needed. Based on the description, the problem discussed in this study is formulated into the following question; how is the concept of deradicalization in preventing terrorism in Indonesia?

RESEARCH METHODS

The methodological approaches applied in this study were statute approach, conceptual approach, historical approach, and philosophical approach. The statute approach is an approach that uses legislation and regulation. Meanwhile, normative juridical approach is an approach that uses positivist legis conception. This conception views law as a normative system that is independent and closed from the society life.⁴ Social defense theory, popularized by Fillipo Gramatica, is the flow of punishment where in its development, it is divided into two streams, namely radical (extreme) and moderate (reformist).

The radical school of thought was pioneered by F. Gramatica. He argues that “the existing criminal law must be replaced with the social protection law as the main purpose of the social protection law is to integrate individual into social order, not punishment”. Meanwhile, the moderate school of thought was pioneered by Marc Ancel (France) who was famous for his school of thought as “*Defence Sociale Nouvelle*” or “New Social Defense” or “New Social Protection”.

He argues that “every society needs social order which is a set of rules that are not only in accordance with the need for life, but also in accordance with public aspirations.” This school of thought: aims at integrating ideas or conceptions of society protection into new conceptions of criminal law; gives protection to individual and society based on the precise formulation of criminal law which is no less important than the life of the society itself; rejects the use of juridical fiction and techniques that are detached from social reality in applying the criminal law system.

RESULTS AND DISCUSSION

The term terrorist comes from the Latin word “*terrere*” which means to make tremble and to cause terror. In the Black Laws Dictionary, it is stated that:⁵

⁴ Ronny Hanitijo Soemitro, 1988: *Metodologi Penelitian Hukum dan Jurimetri*, Jakarta: Ghalia Indonesia, pp. 13-14.

⁵ Muladi, *Demokrasi Hak Asasi Manusia dan Reformasi Hukum di Indonesia*, Habibie Center, Jakarta, 2002, p. 173.

“The crime of terrorism is an activity involving the elements of violence which cause harmful effects on human life, violate criminal law, and are clearly intended to intimidate civilians, influence government policy or influence the state administration by means of kidnapping and killing”.

The notion of terrorism was first discussed at the European Convention on the Suppression of Terrorism (ECST) held in Europe in 1977 in which there was an expansion of the meaning of Crime against State to Crime against Humanity. Crime against Humanity includes criminal acts committed to create a situation where individuals, groups, and general public are in a tense atmosphere. Terrorism is a widespread or systematic attack aimed directly at civilians or innocent people. The need for legislation was responded pros and cons because the definition of terrorism itself was still multi-interpretative and was more directed towards polemics about the interests of the state.⁶

The elements of terrorism in the crime of terrorism, as stated in the formulation of Article 6 of Law No. 15 of 2003 which was changed to Law No. 5 of 2018, are:

1. Everyone;
2. Deliberately uses violence or threat, creates an atmosphere of terror or fear, or causes mass casualties; and
3. Seizes freedom or losses of life and property and causes damage or destruction to vital objects, environment, public facilities or international facilities.

The regulation of terrorism in Indonesia as a legal umbrella is based on the 1945 Constitution of the Republic of Indonesia. Meanwhile, the legal products produced by the executive with the approval of the legislative related to the eradication of the crime of terrorism are the enactment of Perpu No. 1 of 2002 in lieu of Law No. 15 of 2003 which has been changed to Law No. 5 of 2018 and the enactment of Perpu No. 2 of 2002 in lieu of Law No. 16 of 2003.⁷ Deradicalization comes from the basic word “radical”. This word is often used to describe the process of transforming an individual’s view of the world from the condition of a society that tends to be “normal” to a society that tends to be “extreme”. In some cases, the individual is then involved in the next stage, namely carrying out acts of violence.⁸ Deradicalization becomes actual as it is an alternative form of a new approach in preventing and overcoming the threat and danger of terrorism in Indonesia. According to Petrus Reinhard Golose, there are three important concepts of deradicalization program, namely:⁹

1. *Humanists*, meaning that eradicating terrorism must be in line with the efforts to uphold human rights. Besides, eradicating terrorism must be able to create prosperity, equality and justice for suspects or convicted of terrorism and for the whole society;
2. *Soul approach*, meaning that this program is not carried out by means of violence and intimidation or arrogance, but through a good communication between law enforcement officials and suspects or convicted of terrorism;
3. *Touching the grass road*, meaning that this program is not only directed at suspects or convicted of terrorism, but also at sympathizers and members of the wider society who have

⁶ Hery Firmansyah, *Upaya Penanggulangan Tindak Pidana Terorisme di Indonesia*, Jurnal FH UGM, Yogyakarta, 2010, pp. 378-379.

⁷ Taufik Hidayat, Diding Rahmat dan Yunusrul Zen. Analisis Penangkapan terhadap Pelaku Tindak Pidana Terorisme dalam Prespektif Hak Asasi Manusia. *Logika : Journal of Multidisciplinary Studies*, ISSN 2085-9970. Vol. 09 Nomor June 1, 2018. pp. 49-56.

⁸ Farid Septian, *Pelaksanaan... Op.Cit.*, p. 114.

⁹ Petrus Reinhard Golose, *Deradikalisasi Terorisme, Humanis, Soul Approach, dan Menyentuh Akar Rumput*, Yayasan Pengembangan Kajian Ilmu Kepolisian, Jakarta, 2009, p. 62.

been infected with radical notions by instilling the importance of difference and multiculturalism;

Broadly speaking, deradicalization is all efforts made to neutralize radical notions through interdisciplinary approaches, such as law, psychology, religion and socio-culture, for those who are influenced by radicals and/or pro-violence nations.¹⁰ Meanwhile, in the context of terrorism that arises due to the understanding of radical religion, deradicalization is interpreted as a process to straighten narrow and fundamental religious understanding, to be moderate, broad and comprehensive religious understanding.¹¹ The current deradicalization program should be supported by all parties, both the government and the whole society. The authors believe that terrorism begins with radicalism. Therefore, the concept or program of deradicalization will be more effective to cope with this issue. The substance or the essence of deradicalization itself is reinterpretation and revitalization of wrong and “misleading” understanding or mindset. The prevention of terrorism with the concept of deradicalization is a proactive step which requires a lot of attention and consideration of the diversity of Indonesian citizens who are vulnerable to social conflict. Thus, it can be applied by making the concept of deradicalization a “counter-ideology of terrorism” and institutionalizing it in everyday life. Meanwhile, the benefits of deradicalization program are counter terrorism, prevent radicalism, instill comparative understanding, avoid provocation of hatred and hostility in the name of religion, prevent people from indoctrination, and society participation to fight against terrorism.

Deradicalization is realized through a program which has similar characteristics in several countries. The programs known by the Counter-Terrorism Implementation Task Force (CTITF)¹² consist of eleven types, namely:

- a. Involvement and cooperation with the society;
- b. Implementation of special programs in prisons;
- c. Education programs;
- d. Development of cross-cultural dialogue;
- e. Global cooperation in combating terrorism;
- f. Supervision of cyber terrorism;
- g. Refinement of legislation;
- h. Rehabilitation programs;
- i. Development and dissemination of information both regionally and globally; and
- j. Training programs for agents involved in implementing counter-radicalization policies.

Deradicalization is popular in the counter-terrorism cycle. Deradicalization can be interpreted as a counseling process aiming at modifying the interpretation of religious teachings, giving distance or disengagement someone from a certain jihadist group, or giving support to rehabilitate and reintegrate terrorists into society.¹³ Substantively, deradicalization aims to change individuals’ or groups’ actions and ideologies. Meanwhile, disengagement focuses on facilitating behavioral change, disengaging, and rejecting the acts of violence because deradicalization is basically an effort to encourage terrorists and their supporters to avoid the acts of violence, such as public diplomacy aimed at “winning hearts and minds”.¹⁴

¹⁰ *Ibid.*, p. 63.

¹¹ Amirsyah, *Meluruskan Salah Paham Terhadap Deradikalisasi Pemikiran, Konsep, dan Strategi Pelaksanaan*, Grafindo Khazanah Ilmu, Jakarta, 2012, pp. 35-36.

¹² *Counter-Terrorism Implementation Task Force (CTITF), First Report of the Working Group Redicalisation and Extremism that Lead to Terorrism*, Inventory of State Program, 2008, p:5

¹³ *Ibid.*, p. 7.

¹⁴ International Crisis Group, *Deradicalisation and Indonesian Prisons*, Asia Report No. 142, 2007, p. 1.

Deradicalization of terrorism is manifested by a program of motivational re-orientation, re-education, re-socialization, as well as seeking social welfare and equality for terrorists or for their sympathizers. Deradicalization program must be able to change the ideologies of the terrorists or, at least, to stop the spread of the “misleading” ideology. Hence, the implementation of deradicalization must be done in conjunction with de-ideology. Deideology is the main key in the re-orientation process of the terrorists’ ideology to get back to the right track or path. It can be said that the process of deradicalization is actually a reversal of the process of radicalization that begins with recruitment, self-identification, indoctrination, and understanding of deviated jihad. Thus, the process of deradicalization must start from the identification and classification of prisoners and ex-prisoners, the implementation of integrated handling, and the disengagement by applying humanist approach, soul approach, de-ideology, multiculturalism and independence.

CONCLUSION

Radicalism is a paradigm or even a dogma to make a fundamental change in accordance with the understanding of the ideology adopted and believed. Radicalism is not only done in a persuasive way, but also with physical violence or terror. Radicalism tends to be identic with violence and terror or even suicide as an application of the understanding adopted and believed and as a proof of “obedient” to the religious teaching, even though the understanding is misguided and “misleading”.

Deradicalization is a prevention and maintenance effort. Deradicalization is proactive. The targets of deradicalization are the whole society, both those who have already had a “virus” of radicalism and those who have not been affected by radicalism. The deradicalization program carried out by the government can be spearhead in socializing and anticipating the dangers of radicalism and terrorism in Indonesia. Deradicalization is a convincing process as a form of combating violence (terrorism); that spreading goodness (religion) may not use intimidation, terror, and violence in any form. The benefits of deradicalization program are counter terrorism, prevent radicalism, instill comparative understanding, avoid provocation of hatred and hostility in the name of religion, prevent people from indoctrination, and society participation to fight against terrorism.

SUGGESTION

The stakeholders (the government) are suggested to use a more soft approach, namely emphasizing persuasive approach in preventing and overcoming radicalism or terrorism that can be done through socialization. Thus, people are aware and are not easily trapped in the exclusive understanding of religion and belief that will only harm themselves, the state and the society. Further, for the society, it is suggested to not be easily provoked by persuasion and “gifts” from irresponsible people or groups because the concept of jihad and/or *amar ma'ruf nahi munkar* must be interpreted broadly.

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