

DE-RADICALIZATION AND GUIDANCE FOR CRIMINAL ACTS OF TERRORISM IN INDONESIA

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Abstract

Deradicalization is an effort to reduce radical activities and neutralize radical understanding for someone who is involved with terrorists and their sympathizers and community members who are exposed to radical terrorist understandings. These efforts to transform from radical beliefs or ideologies to non-radical ones with multi and interdisciplinary approaches for people who are affected by radical beliefs. However, in this case the de-radicalization program against terrorism has not been effective due to several things such as the non-optimal implementation of existing development standards, community culture that is sometimes still relatively difficult to accept ex-terrorists after they leave prison, as well as non-cooperative prisoners. In this case, the handling of Terrorism Crimes committed by the government can be divided into two fields, inside the Penitentiary and outside the Penitentiary. The legal approach method based on Law Number 15 of 2003 concerning Eradication of Terrorism Crimes has not optimally reduced the potential for violence against acts of terrorism because it tends to display the use of weapons. This research was conducted using an empirical legal research method that combines descriptive qualitative and quantitative methods. The nature of this research is descriptive research (describing) analysis. With the efforts to deradicalize and foster terrorism, it is hoped that there will be cooperation between terrorist prisoners and the government to provide information on the existence of the terrorism network.

Keywords : Deradicalisation, Development, Terrorism.

Preliminary

In handling extraordinary cases crimes are directly proportional to extraordinary efforts that all elements must do. Provisions from government agencies and the private sector must focus on their respective roles in handling terrorism and enhancing a very broad collaboration with all levels of society. The strategy of handling terrorism played by the government, both

by the Special Detachment (Densus 88), the National Counterterrorism Agency (BNPT), and the Correctional Institution (Lapas), is basically a step to fulfill, protect, and respect human rights, so it must still pay attention to basic principles HAM itself. This issue is very important to maintain the accountability of government performance so that it does not act arbitrarily which violates the human rights principle that must be upheld in handling criminal acts of terrorism.

Efforts to foster terrorism are specific efforts planned to modify the characteristics of a person's social psychology. This guidance is given as a series of activities to release prisoners from the things that cause them to commit a crime. In criminal law, terrorism is often grouped together with the phenomenon of conventional criminality. However, terrorism has many aspects and is different in many ways from ordinary forms of crime. Terrorism is a form of organized crime, needs financial support and requires access to weapons and explosives. In this case, there must be an effort to deradicalize and foster the development of criminal acts of terrorism by looking for a causal relationship between acts of violence with economic conditions, religious understanding, education, social environment, and past lives that shape behavioral awareness. Changes in the environmental situation can affect changes in behavior of a criminal act of terrorism within prisons.

The use of methods of violence against terrorism prisoners and terrorism offenders outside Lapas can result in the strengthening of identity as terrorism. Strengthening of identity accompanied by negative perceptions of the actions of the authorities influences the spirit of revenge against the security forces. The formation of prisoners of terrorism cases in Indonesia is indeed faced with many challenges ranging from overcapacity to Human Resources (HR) issues. Over capacity problems with very limited shelter make placement difficult while increasing tension. Placement of terrorist inmates in prison the same as other prisoners also risks causing friction with inmates. The next problem is the lack of quality and quantity of human resources in prisons. Deradicalisation efforts implemented by the government are believed to be a way to prevent these acts of radicalism. There has not been a single agreement about the factors that cause the birth of radical attitudes and behavior, but clearly radicalism cannot be separated from acts of violence such as terrorism.

These conditions give us a thought that prisoners and criminal acts of terrorism cases must receive special treatment, in the sense that the treatment of criminal acts and convicted terrorists cannot be equated with the treatment of other case convicts. At the ideal level, the treatment of prisoners and

criminal acts of terrorism can change their radical understanding as much as possible by deradicalization. Deradicalization of terrorism includes the core, militants, supporters and sympathizers. The stages of deradicalization in prisons consist of identification, rehabilitation, reeducation, and resocialization.

Terrorism in a legal perspective, through applied legal products which later becomes positive state law has an obligation to protect human dignity and dignity. Human rights, such as the right to be free from fear, the right to be protected by life and life, and other rights are the responsibility of the state to respect it. The form of respect and protection that must be given by the state is in the form of law enforcement for every act that is categorized as a crime. So that one type of crime that must be the object of special law enforcement is the crime of terrorism.

Therefore, the purpose of this paper is to examine the efforts to deradicalize and foster terrorism in Indonesia as well as to find out the coaching strategies implemented at the Correctional Institution against Terrorism Prisoners involving various stakeholders in the framework of cross-agency cooperation.

RESULTS AND DISCUSSION

The legal basis used in dealing with terrorism in Indonesia is Law Number 15 of 2003 which stipulates Perppu Number 1 of 2001 concerning Combating Terrorism into Law. Understanding of terrorism, can be found in Law No. 15 of 2003 concerning the Eradication of the Criminal Acts of Terrorism. The definition of terrorism in general in the Act is affirmed in article 6, namely: "Everyone intentionally uses violence or threat of violence creates an atmosphere of terror or widespread fear of people, by depriving others of independence or loss of life and property, or resulting in damage or destruction to vital objects that are strategic or environmental or public or international facilities".

If it refers to the definition and criminal act of terrorism as an extraordinary crime because it is different from other criminal acts, then the treatment of terrorism prisoners must also be different. Legal protection for the rights of prisoners in Indonesia has actually been regulated in Law Number 39 of 1999 concerning Human Rights and Law Number 12 of 1995 concerning Corrections. Inmate protection is the realization of inmate development in accordance with the penal system that is applied in the Penitentiary Act.

The purpose of correctional itself is for the rehabilitation and resocialization of prisoners through educative, corrective and defensive actions. Not intended to merely punish but the absence of awareness from

within. The prisoners were like sick people who had to be healed and nurtured so they would not repeat their actions. Therefore, efforts should be made to deradicalise and provide guidance for criminal acts or convicts of terrorism in Indonesia as follows:

1. Deradicalization Efforts in Indonesia

In simple terms, de-radicalization can be interpreted as a process or an effort to eliminate radicalism. More broadly, de-radicalization is all efforts to neutralize radical notions through interdisciplinary approaches, such as law, psychology, religion and social culture for those who are influenced by radical and / or pro-violence ideas. Whereas if in the context of terrorism that arises due to the understanding of radical diversity, de-radicalization is interpreted as a process to align religious understanding that is narrow, fundamental, moderate, broad and comprehensive.

Deradicalization of terrorism is any attempt to neutralize radical notions through an interdisciplinary approach, such as law, psychology, religion, and social culture for those who are influenced or exposed to radical and / or pro-violence. Deradicalization of terrorism is realized by reorienting, re-educating, re-educating, and seeking social welfare and equality with other communities for those who have been involved in terrorism or sympathizers so as to create a sense of nationalism and want to participate well as Indonesian citizens.

In Indonesia the deradicalization program for terrorism prisoners is chosen as a soft approach strategy, which is a comprehensive, persuasive, full of tenderness and compassion. The deradicalization program in Indonesia by BNPT in collaboration with various parties such as the police, Penitentiary Institutions, Ministry of Religion, Kemenkokesra, Mass Organizations, and others. The de-radicalization program implemented in Indonesia consists of:

- 1) Reeducation, which is deterrence by teaching enlightenment to the public about radical understanding so that there will be no omission of the development of that understanding. For those convicted of terrorism cases, reeducation was carried out by providing enlightenment related to deviant doctrines that teach violence so that they realize that committing violence such as suicide bombing is not a jihad identified with acts of terrorism.
- 2) Rehabilitation has two meanings, namely coaching kemadirian and fostering personality. Self-help fostering is training and fostering ex-convicts to prepare useful skills and expertise so that after they leave prison, they already have expertise and can open jobs. While

fostering personality is to approach dialogue with prisoners of terrorism cases so that their mindset can be straightened out and have a comprehensive understanding and can accept parties who are different from them. However, the reality of this is very hard to do must require a lot of experts and strategies in carrying it out. The rehabilitation process is carried out in collaboration with various parties such as the police, Kemenkokesra, mass organizations, and others.

Then, to make it easier for ex-convicts and terrorist inmates to re-mingle with the BNPT community, they also guide them in socializing and reuniting with the community (resocialization and reintegration). Of course, this is not easy to do because terrorists in general are less integrated into society. On the other hand there are people who sometimes are still difficult to accept the former terrorists back in their midst.

2. Improving the Quality of Coaching for Terrorist Prisoners in Penitentiary

In Law Number 12 Year 1995 concerning Penitentiary, it regulates the formation of prisoners. Article 12 paragraph (1) letter d states that in the context of formation, one of the bases in classifying prisoners in prison is based on the type of crime. Classification on the basis of this type of crime means that the type of crime (criminal offenses) committed by prisoners will affect the pattern of treatment (coaching) that they should live while in prison. In other words, an inmate with a terrorism case certainly has to get different training from other case inmates.

In this case, the guidance carried out is the awareness of terrorism prisoners. The scope of awareness carried out by the authorities through coaching is closely related to the scope of cooperation. The main target of the training program is directed at achieving awareness that terrorism prisoners can change their attitudes and understandings about radicalism, after experiencing a psychological treatment strategy. In attribution theory, a person can easily influence others if they can give a prominent reaction or stimulus. Of course these steps can be played to change the perspective of terrorism prisoners to work together to uncover and re-participate as a good society.

Efforts to change the perspective to moderate can have the opposite effect, which is becoming increasingly radical if the perpetrators of criminal acts of terrorism experience changes in attitudes and psychological pressures faced both in the process of investigation, prosecution, trial, and coaching in Correctional Institutions. Drastic

changes that make the environment more pressing for inmates such as loss of physical freedom, loss of worthiness of normal life, loss of family communication, loss of life stimulation, and psychological disorders, will certainly require a person to seek meaningful life.

The coaching program aims at two models, namely fostering independence and fostering personality. Fostering independence is intended to train and equip terrorism prisoners, terrorist sympathizers, and ex-convicts of terrorism so that they can get out of the network of radical ideologies with the ability to support themselves. Fostering independence provided in the form of work skills and expertise to be able to open jobs.

Fostering terrorism in the field of personality and beliefs is carried out through a dialogical approach to terrorism prisoners or former terrorist prisoners. The desired target is a change in understanding that is comprehensive and can accept differences from other parties. Coaching is also directed to be able to reunite former terrorism inmates with the community. Such programs are called social re-socialization or reintegration. Like Henri Tajfel and John C. Turner's social identity theory, Lapas must develop awareness strategies on terrorism prisoners in order to leave the social identity that was carried before. For terrorism prisoners, the stage of resocialization becomes a process of preparation to return to being a good citizen and accept Pancasila as the legal basis and the Republic of Indonesia as the country. Thus, prisoners of terrorism are provided with the guidance of personality development and fostering independence aimed at the ability of terrorism prisoners to be ready to face their future outside Lapas. In the aspect of fostering personality, prisoners are given freedom to worship and training in the field of nationality in order to be the basis for strengthening understanding of the Unitary Republic of Indonesia.

Personality coaching is also directed at the re-establishment of distorted psychology to be able to get along and interact with society in general. Wrong personalities are strongly influenced by religious understandings that do not respect differences. Finally, religious formation as part of personality development is intended to strengthen the understanding of moderate and peaceful religion. Coaching in correctional institutions is a process of activity that involves a number of resources, both human, financial, and organizational capabilities. The synergy of each of these resources to achieve the goals set by policy makers. Effective implementation of deradicalisation requires standards and program objectives that are understood by the parties involved, as

well as evaluating the implementation of policies related to things that support or hinder the implementation of a policy program.

Conclusions

The implementation of the de-radicalization policy can be formulated as a number of activities carried out by the government apparatus and the public in order to achieve the stated goals in the form of awareness building of terrorism prisoners to refuse the use of methods of violence. The program for handling perpetrators of criminal acts of terrorism carried out inside the Penitentiary (Lapas) and outside Lapas can run well using the approach of building a peace building. Some of the successes of the program were marked by the willingness of terrorism prisoners to cooperate with the government to provide network information and proof of compliance with Pancasila as the basis of the Indonesian state after being released from prison. The deradicalization program in Indonesia by BNPT in collaboration with various parties such as the police, the Penitentiary Institution, the Ministry of Religion, Kemenkokesra, Mass Organizations, and others in part with reeducation and rehabilitation. In the effort to deradicalize more collaboration with various parties, be it the government, law enforcement agencies or the community. Correctional Institutions must be more active in collaborating with various parties and agencies in order to improve the quality of guiding terrorism inmates.

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