

De-Radicalization of Terrorism using Progressive Humanist Approach

Muchamad Maskyur Alkhuseri SH, MM., dan Prof. Dr. Suteki
Program Studi Magister Hukum - Fakultas Hukum
Universitas Diponegoro Semarang
Jl. Imam Bardjo, SH. No. 1 - 3 Kampus Pleburan, Semarang 50241
Email: seri.super@gmail.com

Info Artikel

Received: 22/01/2020

Revised: 09/05/2020

Accepted:

24/08/2020

Keywords:

De-Radicalization,
Terrorism, Approach
Progressive Law

Kata Kunci:

Deradikalisasi, Terorisme,
Pendekatan Hukum
Progresif

P-ISSN: 1412-310x

E-ISSN: 2656-3797

Abstract

Terrorism is an issue that has always been a concern of the international world. Because, no country in the world can be free from the threat of terror. To prevent and eradicate terrorism, de-radicalization is carried out. Implementation of de-radicalization can take the form of efforts to identify, rehabilitate, re-educate, and re-socialize for individuals or groups of people who are affected by radical beliefs by promoting the principles of empowerment, human rights, rule of law and equality. The writing of this research uses a qualitative conceptual approach. De-radicalization approach can be done more humanist to avoid the wide effect and could right on the target with the involvement of former terrorism to approach over the other former terrorists or terrorists to get their awareness back. De-radicalization using this method is more effective because former terrorists are more acceptable rather than other people.

Abstrak

Terorisme merupakan isu yang selalu menjadi perhatian dunia internasional. Sebab, tidak ada negara di dunia yang bisa bebas dari ancaman teror. Untuk mencegah dan memberantas terorisme dilakukan deradikalisasi. Pelaksanaan deradikalisasi dapat berupa upaya identifikasi, rehabilitasi, edukasi kembali, dan sosialisasi kembali bagi individu atau kelompok masyarakat yang terkena dampak paham radikal dengan mengedepankan prinsip-prinsip pemberdayaan, hak asasi manusia, supremasi hukum dan persamaan. Penulisan penelitian ini menggunakan pendekatan konseptual kualitatif. Pendekatan deradikalisasi dapat dilakukan lebih humanis untuk menghindari dampak yang luas dan dapat tepat sasaran dengan melibatkan eks teroris untuk mendekati mantan teroris atau teroris lainnya untuk mendapatkan kesadarannya kembali. Deradikalisasi dengan cara ini lebih efektif karena mantan teroris lebih bisa diterima daripada orang lain.

INTRODUCTION

Terrorism is an issue that has always been a concern of The International world. It is because there is no single country in the world that can free from the threat of terror. Terrorism incidents always occur in every part of the world for every years. No doubt that acts of terrorism took many victims and left a deep sorrow to the Country. In Indonesia, the acts of terrorism are always stigmatized toward a certain religion, although in the other country also using the name of religion. This matter always put Islamic religion into a spotlight, despite there are also other religions who carry out the terrorism acts. The behavior of some Islamic people who commit violence using the name of religion is contrary to the Islamic teaching in which it is always uphold the peace.

Rabasa and The RAND Corporation Team explained that the sources of Islamic radicalism were classified in to at least three things. First, the circumstances related to politics and economics or the existence of anti-Western or Westernization. Second, the global processes that related to the Arabization over the non-Arabic world, the funding support for extremism, the growth of international radical Islamic network that followed up by media reports, and the influence of the Palestinian-Israeli conflict. Third, the supporting events such as the Iranian Revolution, the Afghanistan War, the 1991 Gulf War, the 11 September 2001 bombings, and the War of Iraq.¹

Tinka Veldhuis dan Jorgen Staun in *The Islamist Radicalization: a Root Cause Model* (2009) were analyzed that the initial cause of radicalism was divided into two factors, there are macro level and micro level. Macro level is a general condition which prerequisite the risen of radicalism such as the actual condition related to politics, economics, and cultures. Otherwise in the micro level is a condition that become the direct factors of the radicalism occurrence toward a person or a certain community. Furthermore, the micro level is divided into two, individual factors and social factors. For macro level, it has globally reason for the radicalism as well as the Western domination upon the Islamic country, also the poor politic and economic relationship that risen the unfair system as the effect. Meanwhile for micro level, the factors of radicalism were determined by social factor and individual that has close relationship with the changes of behavior or psychological aspect, thoughts, and the interaction among society in the determination of self-identity, even though a person is isolated from the society but still able to communicate through internet. It thus forming a virtual relationship within the group of identity. As explained in the self-categorization theory, a person can easily define himself into a group relationship rather than personal relationship, both as friend or foe based on the built categories such as religion and intention.²

Meanwhile, since the incident of the World Trade Center (WTC) in the United State of America last 11th September 2001, the perpetrators of terrorism revealed that their action were included as the implementation of Jihad fi sabilillah. In the incident of Bali Bombing, Ali Imron confessed that there some reason for the action. There were the dissatisfaction towards the government that was not build upon the Islamic sharia and there was no Imamat, the depraved of morality and the lack of society creed, to protect the Muslims, to avenge against infidels who fought Muslims.³

Laurence Pope, a Coordinating Officer for the Counter against the Terrorism, said that long ago a Secular Nationalism was the preferred ideology in the World of Arab and the other region indeed. That ideology is used by the terrorist as a visor for their actions. For recent, the extremist people use Islamic ideology as their disguise. It means that the today's terrorist is basically inspired by religious ideology (Islamism), not the Nationalism ideology.⁴

The definition of terrorism itself is contained in the general explanation of constitute Number 15 year of 2003. It explained that terrorism is an internationally crime that poses a danger towards safety, world peace, and harmful towards the welfare of the society, so it is necessary to do a planned and continuous eradication. The example of the difficulty to find out the agreed or similar statement over the definition of terrorism that could universally accepted was shown in *The General Assembly's Ad Hoc Committee on Terrorism* held by United Nation at the early year of 2003. There are controversy between United State of America and Israel in the same side with Syria and Cuba was in another side. That is why there still no any agreement or similarity over the definition of terrorism that could be accepted universally. Furthermore, it is understandable if some expert or country put their own definition over terrorism based on their point of view.

¹ Angel M. Rabasa, 2004, *The Muslim World after 9/11*, Arlington: The RAND Corporation, p. 36.

² Tinka Veldhuis, Jørgen Staun, 2009, *Islamist Radicalisation: A Root Cause Model*, Netherlands Institute of International Relations Clingendael, p. 56.

³ Ali Imron, 2007, *Ali Imron Sang Pengebom*, Jakarta: Republika, p. 41.

⁴ Hadi. 2014. "Lima Teori Tentang Munculnya Terorisme". Available on website: <http://liputanislam.com/terorisme/lima-teori-tentang-munculnya-terorisme-1/>. Accessed on August 7th, 2014.

⁵ A.M. Hendropriyono, 2009, *Terorisme*, Jakarta : Kompas, p. 26

Wacana Hukum:

Vol. 26, No. 2, Agustus 2020

[WACANA HUKUM: JURNAL FAKULTAS HUKUM UNIVERSITAS SLAMET RIYADI]

According to Brian Jenkin, terrorism is a strategy of violence that designed to increase the expected outcomes by embed fears among the public society.⁵ Meanwhile, Poul Johnson have meaning over terrorism as a systematically arranged of deliberate murder that caused defects and took or endangered toward innocent life. As the result of it, the public fear has arisen, solely for the sake of achieving the political objectives. Terrorism is a political crime. It is still a crime from whichever sides and for the whole meaning it is included as a crime.⁶

Romli Atmasasmita said that the difficulty of drafting the Constitute over terrorism were the discussion about the definition of terrorism that suitable with the cultural, ethnic and geographical aspects of Indonesia. Based on these considerations, according to Romlu Atmasista the Statute no. 1 year of 2003 jo. Government Regulation in lieu of Law No. 1 year of 2002 does not contain the definition of terrorism, but only put the understanding of terrorism as a criminal act that is sterile from political influence. The sterilization of politic as a crime is aimed to prevent the ethnical conflict and conflict of Ethnic, Race, Religion, and Between Groups among Indonesian generation.⁷

Religion radicalism need to be resist using a planned and systematical programs, whether it is the preventive action until the prosecution. But, it is necessary to take a look towards the impact and the evaluation from every de-radicalization program that is carried out. For this reason, it is important to study how the de-radicalization of terrorists and which approach is more humanizing for former terrorists while still considering the justice, as the Roscoe Pound opinion over the *Law as a tool of social engineering*, that the function of law is an instrument of creating legal certainty and an instrument of guaranteeing the realization of justice. According to Theo Huijbers, the law must be intertwined closely with justice. Law is a fair regulation. If a concrete law, in which it is a regulation that has conflicts with the principles of justice, then it cannot be said as a law anymore.

DISCUSSION

Basically, radicalization is a term to describe a circumstance of someone doing a transformation of thoughts and understanding over the normal condition of society headed to the abnormal conditions, in which doing violations is allowed. The abnormality (irrationality) of terrorism acts related to the violence actions that lead to murder in the name of standing up for God, it is included as immoral acts (commit a sin). In the other side, God is the source of morality (kindness). For that reason, it is impossible for God to command towards humans to commit sins itself by murder or suicide as the resisting action. The climax of irrationality of radicalism action, then it is known as terrorism, can be seen clearly from the suicide incident as the action to resist the Western domination upon the Islamic country, or as a disagreement over the Western supports towards the repressive regime. The radical organizations in the Middle East or in the Western carried out the suicide bombing action in order to force the Western to pull back their army from Islamic region. It was this anti-Western sentiment that later propagate the radical movements that were closely tied to acts of violence. Therefore, radicalism determined by individual perceptions is certainly not only influenced by a certain ideological foundation, but can also be influenced by various other factors in the global and regional issues, or local factors such as economic, social, cultural, education, psychological, political failure, religion understanding, or contrary government policy.⁸

De-radicalization is every effort to transform the radical beliefs or ideology changed to not radical using multi and interdisciplinary (religion, social, cultural, and so on) approach for those who were affected the radical beliefs. Based on it, de-radicalization is more an effort to make cognitive changes or moderate someone's thoughts or beliefs. Furthermore, re-radicalization has a long time program and work in the stage of ideology that aimed to change the doctrine and interpretation over the understanding of terrorist religion.⁹ The programs of the implementation of de-radicalization could be any effort to identify, rehabilitate, re-educate, and re-socialize the individual or group of society that affected the radical beliefs by promoting the principles of empowerment, human rights, rule of law and equality. The general purpose of de-radicalization are to make the terrorist or groups who did violence are willing to leave or remove themselves from the terrorism actions or movements. Particularly, purpose of de-radicalization are:

1. Make the terrorist willingly to leave the terrorism actions and violations.
2. The radical groups support the moderate and tolerate thoughts.
3. Those radicals and terrorists can support national programs in the development of the nation and state life within the framework of the Unitary Republic of Indonesia (NKRI).

⁶ Ibid, p. 27

⁷ Romli Asmasasmita, 2013, *Kapita Selekta Kejahatan Bisnis dan Hukum Pidana*, Jakarta: PT Fikahati Aneska, p. 101.

⁸ Mark Jurgensmayer, 2001, *Terror in the Mind of God the Global Rise of Religious Violence*, California: University of California Press, p. 75

⁹ Barret, R., & Bokhari, L. 2008, "Deradicalization and Rehabilitation Programmes Targeting Religious Terrorist and Extremist in the Muslim World". Dalam J. Horgan, & T. Bjorgo. *Leaving Terrorism Behind: Individual and Collective Disengagement*. London: Routledge, p. 88

Wacana Hukum:

Vol. 26, No. 2, Agustus 2020

[WACANA HUKUM: JURNAL FAKULTAS HUKUM UNIVERSITAS SLAMET RIYADI]

The challenges of handling the prisoners of terrorism or members of terrorism networks who are skilled in taking advantage of opportunities, the de-radicalization program requires many approaches in accordance with the characteristics of the process of radicalization that occurs and is experienced by a particular person or group.

De-radicalization process is a method to handle the terrorism case where the main purpose is to rehabilitate and re-integrate a terrorism perpetrator towards the wide community. This process is the important instruments in the law enforcement model of handling a terrorism. In this approach, the terrorism perpetrator is seen as a whole human being. As of the processes of law enforcement, detention, guidance are included in disengagement and de-radicalization is expected to be able in turning a terrorist to leave behind the radical ideology and have a normal life again among society. De-radicalization is done to change the perspective of the person who did terrorism and turn the radical behavior into moderate and not radical anymore.

The implementation of de-radicalization program is started from the understanding that terrorism is started because a radicalization process is exist. Therefore, it is more effective to cut the radicalization process to against the terrorism. De-radicalization which is manifested in a program, it has the same characteristics in several countries. The same characteristics were known by *Counter Terrorism Implementation Task Force* (CTITF) there are 11 (eleven) kind of characteristics:

1. Co-operate and involve the public society
2. There was a specific program inside the prison
3. Educational program
4. Development of cross-cultural dialog
5. An effort to realize the social and economic justice
6. Global cooperation to resist the terrorism
7. Controlling over the cyber terrorism
8. Enhance the statutory device
9. Rehabilitation program
10. The development and deployment of regional good information
11. Training and qualification of the agents who are involved while carrying out the contra-radicalization policy.¹⁰

The de-radicalization program is important because it has a role to release the ideology that followed by radical - terrorist and change it with the ideology of Pancasila. The range of this program is not only among the prisoners, but also toward their family. Because when the prisoners return to the society, the circumstances of the environment has supported for the changes that occur in themselves. This also encouraged the former prisoners to enlighten people around them and help the government to inhibit the deployment of the radicalism among the society. The carried out de-radicalization programs in a persuasive manner are able to overcome the limitations of criminal law. Those programs are expected not to collide with Human Rights that is protected by the International Law. The program that related to social matter is given to the perpetrators family and sympathizers who have not ever involved in the criminal action of terrorism. They are needed to be involved in those programs as an effort to avoid the latent terrorism.

Those programs generally are re-orientation, motivation, and re-education that done by dialog, discussion form, open debate, or held an intensive class. Meanwhile, the re-education program is assigned to the religious leader or former terrorism convict who already found their awareness back.

Generally, the approach to against the terrorism is done by repressive measures or law enforcement and accentuate the religious education that based on nationality. Whereas, the approach can be done more humanist to avoid the wide effect and could right on the target. In the Islamic history, there was the example of humanist approach from Prophet Muhammad SAW. The Prophet Muhammad himself once stated firmly when his companions boasted of each other's tribes, races, descendants, and origins, he firmly said "There is no superiority to an Arab than *'ajam* (non-Arabic). In the book of al-Kasyf al-Mahjub, Abu Uthman al-Hujwiri showed the humanist attitude of the Prophet Muhammad when comparing the diversity attitude of the Prophet Muhammad with the Prophet Ibrahim As. It said that Prophet Ibrahim would not eat unless he got a friend. Sometimes he had to wait around one or two hours for it. He even waited for more than three days when someone finally passed before him. But before had the meal Prophet Ibrahim asked his job. If his job was a sculpture/ *berhala* maker, he would definitely send him away. After he left, then came the warning from God to him: "why you are not willing to give him even a piece of bread while I served it for him for 70 years".¹¹

¹⁰ A.S. Hikam, 2016, *Peran masyarakat sipil Indonesia membendung radikalisme*, Jakarta : Kompas, p. 21

¹¹ Al-Hujwiri, Kasyful Mahjub, 1993, diterjemahkan dari buku, *The Kasyf al-Mahjub: The Oldest Persian Treatise on Sufism*, oleh Suwarjdo Mutharidan dan Abdul Hadi, Bandung: Mizan, p. 101

Al-Hujwiri explained again about humanist attitude of Prophet Muhammad SAW, it said when a headman of a tribe came to meet him, he immediately took off his coat and lying it as a cushion for the headman. Meanwhile he knew that the headman was not a moslem, then he said to his companions: "please give gratitude to every headman whatever his religion." This is the example of humanist attitude from Prophet Muhammad SAW. He sees every single human with humanity, regardless their ancestry and religion.¹²

The teachings of Humanism was arisen around year of 90s. It came up as a reaction to dissatisfaction over the psychoanalytic and behavioral approaches. The various definition of humanistic made the limits of application in settlement of a problem became various as well. The theory of humanism said that the important part in this process is the human as the element. Humanism put more attention to the development of human personality rather than the "abnormality" or "sickness". Human would have positive ability to heal themselves from the "sickness". This is the positive side that would be developed by humanism theory. The purpose of humanism theory is learned to humanize humans because humans understood their environment and themselves.

De-radicalization that using humanism approach is using the former terrorist to get closer over the other former terrorism and the terrorist in order to get their awareness back. De-radicalization with this method is more effective because former terrorist more acceptable rather than other people. Meanwhile in the context of progressive law, it could be described as follows:

1. Progressivism starts from the thought that basically humans are good, thus progressive law has a strong moral content. Progressivism wants to make the law as a moral institution.
2. The purpose of progressive law are welfare and humans happiness, so as a consequence law is always in the process of becoming. Therefore progressive law is always sensitive over the society changes at any levels.
3. Progressive law has the character to reject the status quo when the situation creates a decadent and corrupt social condition. Progressive law rebels against the status quo, which results is progressive interpretation of law.
4. The strong character of Progressive law has power to liberate by rejecting the status quo. The "law for humans" paradigm makes feel free to search and find the right format, thought, hope, and action to make it happen.¹³

Generally, the current Indonesian legal paradigm is positivism-legalistic, where it is stick to the constitution, procedure, bureaucracy, and stiff legal logic. As the manifestation of progressive law paradigm, as well as Satjipto Rahardjo said that: "*If the law rests on "rules and behavior", then progressive laws place the behavioral factors above the regulations. Thus, human factors and contributions are considered to be more decisive than the existing regulations*".¹⁴

The educational approach that did by the former terrorist Ghazali who build the Al Hidayah Islamic boarding school and took care of 20 children of former terrorist and children of terrorist. It was the best action, moreover if those children were abandoned and did not given any education. It is feared that they will be the next target for recruitment by the terrorist perpetrator. The same concept has implemented in Teggulun Lamongan. It is known as terrorist village because there were 38 former terrorist prisoner who lived in that village. Moreover, a terrorist who involved in the First Bali Bombing incident, Amrozi Aziz was buried in that village. In the year of 2017, Al Islam boarding school was built by the government. Some of the administrators were terrorist former and led by Ali Fauzi (brother of Amrozi). Those terrorist former had been faithfully pledged to the country and Pancasila. It is contrary to the ideology of Islamic extremism that considers government officials as enemies that must be fought off.

Another example of humanist way was make a documenter movie entitled "Salamnya Salim". It was a story about a terrorist who came back to the society. The director was also a terrorist former Poso Arifudin Lako @ Mbrur with Katu production house. The movie aimed to spread peace. De-radicalization through semi-documenter short movies usually got the heart of youngster because the movies showed the visual of religious life that built upon the pluralism values within Indonesian frame. According to Petrus Golose, he said that radicalism was done by radical group and terrorist thorough their members, the media they were using, such as: direct communication, mass media, educational institution, and family relationship.¹⁵ The film is expected to be used as a media to raise awareness and instill the values of harmony among religions in the strategic institutes for youngsters. Many country also lift the terrorism issue where there was a true story such as *Mumbai, 15:17 to Paris, 12 Strong, and Black Friday*, and so on. But, those films were not intended for de-radicalization.

¹² Hotmatua Paralihan, *Islam dan Demokrasi*, Jurnal Filsafat dan Teologi Islam Vol. 10 No. 1 (Januari-Juni) 2019, Fakultas Ushuluddin UIN Sumatera Utara Medan, p. 70.

¹³ Mahmud Kusuma, 2009, *Menyelami Semangat Hukum Progresif, Terapi Paradigma Bagi Lemahnya Hukum Indonesia*, Yogyakarta: Penerbit Antonylib, p. 60.

¹⁴ *Ibid*, p. 117

¹⁵ Wildan Nasution, *Mengenal Deradikalisasi*, Jurnal Intelijen.Net, 2017

All this time, in the de-radicalization programs from BNPT still using classical method through seminar and discussion, or recruit college students and school student to actively assist BNPT in conducting the peace narrative and getting closer to Islamic boarding school to against the understanding, create a Communication Forum on Combating Terrorism (Forum Komunikasi Pemberantasan Terorisme di daerah simply said FKPT) in district. The purpose is to reach the region where some figures are gathered or distribute the economic support. Unfortunately, the program was actually less successful and face a resist action from terrorist and terrorist former. When distribute the economic support, the fund that given to them was often misused to support the terrorism activities or even strengthen the terrorism network.

CONCLUSION

The approach against terrorism usually done by repressive activities or law enforcement and accentuate the religious education that based on nationality. Whereas, the approach can be done more humanist to avoid the wide effect and could right on the target. De-radicalization that using humanism approach is using the former terrorist to get closer over the other former terrorism and the terrorist in order to get their awareness back. De-radicalization with this method is more effective because former terrorist are more acceptable rather than other people. The implementation of progressive humanist approach could be done like the educational approach did by the former terrorist Ghazali who build the Al Hidayah Islamic boarding school and took care of 20 children of former terrorist and children of terrorist. Besides, De-radicalization through semi-documenter short movies usually got the heart of youngster because the movies showed the visual of religious life that built upon the pluralism values and more effective.

REFERENCES

- Al-Hujwiri, Kasyful Mahjub. 1993. *The Kasyf al-Mahjub: The Oldest Persian Treatise on Sufism*. Bandung: Mizan.
- Artasasmita, Romli. 2013. *Kapita Selekta Kejahatan Bisnis dan Hukum Pidana*. Jakarta: PT Fikahati Aneska.
- Hadi. 2014. "Lima Teori Tentang Munculnya Terorisme". Available on website: <http://liputanislam.com/terorisme/lima-teori-tentang-munculnya-terorisme-1/>. Accessed on August 7th, 2014.
- Hartanto. 2019. "Eksistensi Deradikalisasi Dalam Konsep Pembebasan Bersyarat Hartanto Bagi Narapidana Terorisme". *Jurnal Jurisprudentie*, Vol. 6 No. 1. Juni 2019.
- Hendropriyono, A.M. 2009. *Terorisme*. Jakarta: Kompas.
- Hikam, A.S. 2016. *Peran Masyarakat Sipil Indonesia Membendung Radikalisme*. Jakarta: Kompas.
- Imron, Ali, 2007, *Ali Imron Sang Pengebom*, Jakarta: Republika
- J. Horgan, & T. Bjorgo. 2008, *Leaving Terrorism Behind: Individual and Collective Disengagement*, London: Routledge.
- Jurgensmayer, Mark, 2001, *Terror in the Mind of God the Global Rise of Religious Violence*. California: University of California Press.
- Kusuma, Mahmud. 2009. *Menyelami Semangat Hukum Progresif, Terapi Paradigma Bagi Lemahnya Hukum Indonesia*. Yogyakarta: Penerbit AntonyLib.
- Nasution, Wildan. "Mengenal Deradikalisasi". *Jurnal Intelijen.Net*. 2017.
- Paralihan, Hotmatua. "Islam dan Demokrasi". *Jurnal Filsafat dan Teologi Islam*. Vol. 10 No. 1 Januari-Juni 2019.
- Rabasa, Angel M. 2004. *The Muslim World after 9/11*. Arlington: The RAND Corporation.
- Veldhuis, Tinka & Staun, Jorgen. 2009. *Islamist Radicalisation: A Root Cause Model*. Netherland: Institute of International Relations Clingendael.