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Measuring Terrorism Convicts (NAPITER) Radicalism in Kedungpane Penitentiary Facility in Semarang

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Abstract. Terrorism and radicalism seem to never go out. The perpetrators of terror and adherents of radicalism have never lost their minds, tactics, and techniques in regenerating themselves. Despite of that, it is alleged that the perpetrators who have undergone a period of guidance (imprisonment/terrorism convicts) are also innecessarily sterile from radical ideologies that have already penetrated their veins and bloodstream. Indonesia is a country with high heterogeneity and multiculturalism. Under these conditions, it is very vulnerable to radicalism and at the same time there are difficulties in deradicalization. At more precarious level, this radicalism will emerge as an act of terrorism. Therefore, the state and all components of society must swiftly contrive various efforts and strategies so that these prisoners can be deradicalized. Thus far, the available legal instruments are mostly focused on repressive efforts (punishment of perpetrators). Whereas the facts represent that these repressive efforts do not necessarily stop radicalism and terrorism. The number of imprisoned perpetrators, in fact, is not inversely proportional to the decline in acts of terrorism in the state. This research is expected to be useful in providing information in understanding the map of radicalism of terrorism convicts (Napiter) in Kedungpane Penitentiary Facility in Semarang.

Keywords: Spread of Radicalism, Terrorism Convicts (Napiter)

1 Introduction

Radicalism has recently become a major problem for humanity. It does not only demolish facilities and infrastructure but also destroys the values and peace that has always been the lifelong dream of every human being. Radicalism is the root of terrorism, so it is only a symptom. However, it must be tackled seriously because if left unchecked it will lead to terrorism. There is no act of terror without a background of radicalism.

Indonesia is a country with high heterogeneity and multiculturalism. Under these conditions, it is very vulnerable to radicalism. At more precarious level, this radicalism will emerge as an act of terrorism.

Radicalism is a serious threat in the life of the nation and state, and even threatens world order and peace. At least it will have a serious impact on the Indonesian nation and state, as follows:

- a. Domestic Security Instability
- b. Endangering the division of the Republic of Indonesia.
- c. Threatening the Joints of Pancasila and the 1945 Constitution.
- d. Creating the Conflicted Understanding between Elements of the Children of the Nation.
- e. Harming the Doctrine of Unity in Diversity.

Accordingly, Indonesia has brought forth various legal instruments to deal with terrorism. Not only repressive efforts⁴ has also provided a legal protection for preventive measures against terrorism. It is clearly stated in Government Regulation in Lieu of Law (Perppu) No. 1 of 2002 on Eradication of Criminal Acts of Terrorism, Jo. Laws no. 15 of 2003 on Stipulation of Government Regulation in Lieu of Law (Perppu) No. 1 of 2002 on Eradication of Criminal Acts of Terrorism, Jo. UU no. 5 of 2018 on Amendments to Law Number 15 of 2003 on Stipulation of Government Regulations in Lieu of Law Number 1 of 2002 on Eradication of Criminal Acts of Terrorism into Law.

With these solid legal instruments, many perpetrators of terror acts have been arrested, imprisoned, and even sentenced to death. Even though many repressive efforts have been made, even shooting dead, the regeneration seems to never end. At least, as the National Counter-Terrorism Agency (BNPT) was established (13 years old), 840 terrorists have already been arrested in Indonesia, of which around 60 people were shot dead, and the rest were arrested and/or surrendered (Gad, 2012: 23).

However, the facts also denotes that these repressive efforts do not necessarily stop radicalism and terrorism. The number of perpetrators who have been imprisoned is not inversely proportional to the

decline in acts of terrorism in the state. The ex-Napiter (terrorism convicts) who have served their imprisonment terms do not necessarily deradicalize their thoughts. It is even alleged that Napiter (terrorism convicts) in the Penitentiary Facility actually strengthens their radical level, or even grafts the growth of new radicalism [1]–[3].

The aim of this paper is to scrutinize and analyze the strengthening of radical understanding among ex-NAPITERS (terrorism convicts). In addition, another goal to achieve is also to analyze and explore policies in the form of preparing a solid blueprint to overcome the spread of radicalism by Napiter (terrorism convicts) in Penitentiary Facility.

2 Method

This article used the method of sociological/empirical/non-doctrinal research, even though it still doesn't leave the normative domain. It is because the perfect legal research constantly synergizes various scientific disciplines (Barara Nawawi Arief, 1995). Empirical/Non-doctrinal Research is used to produce theories about the existence and legal function in the community, along with changes occurring in the processes of social change (Wignyosoebroto, 2002: 90). With respect to the subject of this research, empirical/non-doctrinal research was used to find the solution to social issues, obtain an overview of the application of a rule of law, and scrutinize the lack of (criticism), while providing a retroactive rule reformulation solution so that it really presents justice in society.

3 Result and Discussion

Before discussing the main points in the research, the urgency of the topic/article for discussion must first be described. This article becomes urgent both in theoretical and practical level. Theoretically, it is required as a representation of the mapping of the form/mode of the spread of radicalism in Penitentiary Facility by Napiter (terrorism convicts). Thus far, Penitentiary Facility have been understood as a patent place/effort for deradicalization, but there has also been a phenomenon that radicalization has taken place in that place. In practical terms, this article becomes the basis for stakeholders in making policies to fight against radicalism in Penitentiary Facility, which have so far gone unnoticed.

3.1. Potential of Ex-Napiter (Terrorism Convicts) Radicalism

Radicalism is an ideology that penetrates the thoughts in a subtle way. Not only for themselves, ones who have been dogmatized by the ideology of radicalism, will also seek followers, manipulate others to adopt the same ideology as them and join into their group. The spread of the radicalism ideology is what the author simplifies with the term of recruitment. In general, recruitment will be convenient to do if the person concerned is interested in joining a radical organization such as the Jamaah Anshorut Tauhid, the Jamaah Anshorud Daulah, the Ikhwanul Muslimin, and the like¹. Thus, regeneration actually just ignites the spirit of indoctrination, as it has been planted in their mind (Celso, 2014; Yusar, 2016). Even since the schooling, they have begun to be interested in the doctrine of *jihad* in the meaning of warfare². Based on the results of interviews with respondents, recruitment techniques in the regeneration process of terrorism can be carried out in two stages, which are³:

- 1) Within the Penitentiary
By inducing the dialogue and raising the abhorrence issues towards the police, government, and others.
- 2) Outside the Penitentiary

Usually the method of recruiting radical movements begins with a recitation group that discusses the issues of '*kaidah*' and then infiltrate in the doctrine of *takfiri*. The response from these people (*jamaah*) is an early indicator for recruiters, as well as mapping out of which convicts are able to be invited to join for further indoctrination. Responses leading to radical and opposition to the state were the initial signal for marker to be 'worked on' further. Furthermore, the radical 'kyai' will include radical doctrines or be handed over to other parties/officers. Thus, this indoctrination is also carried out by a special team in charge of it.

Although this regeneration can be carried out with countless variations, generally a pattern can always be discovered, e.g. indoctrination, recruitment, and baiting. From those three main patterns, the stages can be carried out as follows:

¹ Interview with SPMS aka SW, May 25, 2018.

² Interview with HSR aka HR aka A aka J son of H, May 29, 2018.

³ Opinion of SPMS aka SW, interview dated May 25, 2018.

- a. Those who have started to be interested in or participate in studies on a regular basis will first be invited to join the Islamic community;
- b. In the Islamic organizations, they will be invited to do a lot of studies;
- c. Afterwards, the screening is carried out by selecting individuals who are ready to become brides (suicide bombers), individuals in charge of assembling bombs, and those who preach (*dakwah*).

One of the ways that terrorism does in carrying out the regeneration process of terrorism is the indoctrination of radical ideas by means of intense interaction with the target, generating "*ghirrah*" of the spirit of *jihād* to defend the oppressed Muslims. The spirit of *jihād* is raised through playing videos of warfares in Palestine and its surroundings, massacres of Muslims, and the like. In addition, they also use phrases and dialogues emphasizing that Muslims are currently being colonized and must stand up against it.

The methods above in addition to using conventional methods through face-to-face, are also carried out massively through the media. Most recruitment is done through cyberspace, both in the form of websites and various social media⁴.

Specifically related to radicalism in penitentiary, terrorists convicts who have been arrested, tried and sentenced to imprisonment are not immediately aware of and drop their ideology of radicalism (deradicalization). Our penal system, which is more oriented to absolute theory or retributive/*vergeldingstheorieën* theory, will only maintain a retaliation and keep radical spirit at bay. It is because the absolute theory or the theory of retaliation is oriented to the view that the punishment is imposed solely because someone has committed a crime (*quia peccatum est*). Thus, the conviction is sentenced commensurate with the level of crime committed by a person. Thus, there was no other consideration than that of retaliation. Conviction (imprisonment) is not a means to an end, but rather to reflect justice. It is measured by retribution commensurate with their actions.

Usually, terrorism convicts are considered as more knowledgeable about religion by other convicts. Because of this assumption, terrorism convicts are placed/positioned as 'kyai' in Penitentiary Facility. Due to this status and position, terrorism convicts often become 'imam' in *jamaah* prayers there. In addition to leading *jamaah* prayers, terrorism convicts also become references to become lecturers/speakers in religious study activities. This situation and condition, whether we realize it or not, will continue to preserve the tradition of understanding the adhering 'radical' religion. Thus, they will gradually infiltrate the understanding that they have into their fellow inmates.

In addition to giving the position of "religious leader" as described previously, the potential for radicalism in Penitentiary Facility is still high as the distribution of media can still penetrate the Penitentiary Facility. The entry of the distribution of media is generally brought into it by the visitors, who are generally family/sympathizers. One more thing that deserves attention is that penetrating communication media (mobile phones) into the Penitentiary Facility. It certainly allows to provide sufficient space for radicalist leaders/colleagues to maintain control of the radical ideology of prisoners.

3.2 Guidance Policies Should Be Intended for Napiter (Terrorism Convicts)

To describe what ideally guidance policy should be for Terrorism Convicts, that after leaving the prison later, these ex-terrorism convicts are able to return to the midst of society and have their radicalism removed, the triggering factors must also be understood on why the person concerned is finally ensnared in the vortex of radicalism. One of the main triggers for radicalism/terrorism is inadequate welfare. Poverty and lack of welfare, coupled with no support from neighbors and friends, will easily ignite the flaring idea of radicalism.

The generalized ideas and perceptions do not always have to be joined in a group with one command, thus despite the emergence of movement and acts of terrorism are not in a coordination and organizational place, but the generalized understanding and the ideology of violence is able to fasten them in the cohesion of unity.

The ideology and sense of common fate are tried to be spread in other prisoners in the Penitentiary Facility. Recruiters and the spreader of ideology deliberately thrusts this radical idea to those who can potentially be recruited. Whereas for the napiter of which there are indications of deradicalization, will be

⁴ Interview with MH alias YA, 7 Mei 2018

worked further by other parties who are in higher positions. Periodically there are certain parties that continue to establish communication, visit them and send radical readings, all of this is done to keep the radicalism of terrorism convicts going strong.

Having understood the factors triggering the radicalism/terrorism above, the policy should be taken, as follows:

1. Terrorism convicts shall have not been given with opportunity to be a lecturer/preacher at religious events in prisons;
2. In order to maintain the sustainability of the economy and family, it is necessary to distribute a particular work with special supervision;
3. Law enforcement officials must be challenged to relinquish the conviction mainstream that are always based on the theory of absolute or theory of retaliation (retributive/*vergeldingtheoreen*) and begin to change in the relative theory or purpose theory (utilitarian/*doeltheorieen*). With this purpose theory, law enforcement officer (mainly the judge) are able to hold selections freely to apply the right criminal sanction. Therefore, radicalism retaliation will no longer be retained.

Specifically, about the granting/distribution of Napiter (terrorism convicts) to the society, it becomes very effective to overcome post-Napiter radicalism back to their family. Generally, radical groups still hold monitoring of ex-prisoners that have been released. For ex-Napiter (terrorism convicts) who have no special expertise to support their family economy are vulnerable to return to their former society, in this case, they might get back to the radical group.

4 Conclusion

From the description above can be drawn on the following conclusions:

1. Potential Radicalism of Terrorism in Penitentiary Facility is still maintained thanks to the granting of the "status" of respect for terrorism convicts by fellow inmates, the inherent orientation of retaliation, lack of strict control so that there are leaflets/media of radical da'wah and the use of mobile phones in the Penitentiary Facility.
2. Policies are required to take to anticipate the radicalism of napiter (terrorism convicts) can be done by stopping to provide them to become a lecturer/preacher at religious events in prisons. In addition, no less important things are synergizing with labor distributor/absorbing agency in order to accept ex-Napiter (terrorism convicts) to work in order to maintain the sustainability of their economy and family.

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