

Mapping Effectiveness of Criminal Terrorism in Achieving Deradicalization in The High Risk Pasir Putih Nusakambangan

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Abstract--This thesis entitled "The Effectiveness of Mapping of Terrorism Prisoners in Achieving Deradicalization in the Pasir Putih High Risk Prison Nusakambangan" Correctional Institution or abbreviated (LAPAS) is an institution of the criminal justice sub-system which has a strategic function as the implementation of imprisonment as well as a place for guidance for inmates. Correctional institutions as a place for guidance and improvement of prisoners are expected to function properly so as to reduce the level of crime in society as mandated in Law No. 12 of 1995 concerning Corrections. Based on the results of the research and discussion that has been described, it can be concluded that terrorism has become a global threat to the stability of national and international security, because it creates an atmosphere of terror or widespread fear in society. The implementation of mapping in prisons in order to anticipate the spread of radical ideology was not entirely successful and did not really succeed in solving the problem of terrorism at its root. Deradicalization of terrorism convicts has various obstacles including prisoners who are not cooperative and lack of supporting facilities. Deradicalization success parameters are needed in order to strengthen and evaluate the results of the rehabilitation of terrorism convicts so that this research is important to do. The deradicalization program has been running in Indonesia since 2012. This program uses the paradigm of prevention in the implementation of the policies it produces. During the eight years of its implementation, deradicalization has experienced quite a number of challenges and obstacles.

Keywords: *Terrorism; Deradicalization; Convict Terrorism; Resocialization and Reintegration*

I. INTRODUCTION

Terrorism is a word with various interpretations that is most discussed and reported in mass media around the world today. Until now, the definition of terrorism is still being debated even though there are experts who have formulated it and formulated it in statutory regulations. However, the absence of a uniform definition according to international law regarding terrorism does not automatically negate the legal definition of terrorism. Each country defines according to its national law to regulate, prevent and combat terrorism.

The words "terrorist" and terrorism come from the Latin word "terrere" which roughly means to make shaking or shaking. The word terror can also

create horror.[1] However, until now there is no universally accepted definition of terrorism. Basically, the term terrorism is a concept that has a sensitive connotation because terrorism results in the emergence of innocent civilian victims. In the context of Indonesia, the issue of terrorism became a point of attention when the bomb explosion occurred in Legian, Bali, on October 12, 2002 which caused Indonesia to become the international public spotlight, considering that the majority of victims of the Bali bomb tragedy were foreigners. The existence of the explosion is an indicator that a terrorist network has entered the territory of the Republic of Indonesia. The terror that occurred was the biggest terror in Indonesia from a series of existing terrors.[2]

The rise of terrorist acts that have occurred with the loss of many victims has identified that terrorism is a crime against human values. Terror has shown the real movement as a tragedy of human rights. Basically, terrorism is a crime that is classified as extraordinary (extraordinary crime). This degree of "outrage" is also one of the reasons for the issuance of a Government Regulation in lieu of the Anti-Terrorism Law and its retroactivity (retroactive principle) for the Bali bombing.

Terrorism as an extra ordinary crime is often committed by the perpetrators in the form of bombings. One of the important aspects related to the crime of terrorism is the issue of human rights. In essence, the crime of terrorism is the destruction of human values, dignity and religious norms, which can be classified as crimes against humanity. Where crimes against humanity as regulated in the Criminal Code are determined by the following elements: There was a widespread and systematic attack.

1. It is understood that the attack was directed against the civilian population.
2. The attack was a continuation of policies related to the organization.[3]

Eradicating criminal acts of terrorism as a form of protection for citizens is a mandate of the 1945 Constitution of the Republic of Indonesia (UUD 1945). The state of Indonesia is a state of law,[4] therefore the Government of the Republic of Indonesia has the duty and responsibility to maintain a safe, peaceful and prosperous life and to actively participate in maintaining world peace.

To achieve this goal, the government is obliged to maintain and uphold its sovereignty and protect every citizen of every threat or destructive action, both from within and outside the country. The fourth amendment to the 1945 Constitution Chapter X A concerning Human Rights has regulated human rights in detail including the rights to equality before the law.

Combating terrorism crime cannot be carried out in a hurry, it needs a more in-depth analysis because the motives of those perpetrators of criminal acts of terrorism are very different from those of other criminal offenders. The criminal policy using the penal route is a repressive policy after the occurrence of a criminal act, in addition to penal efforts, non-penal efforts need to be taken because in addition to eradicating existing symptoms, it is also necessary to explore causative and basic treatment efforts. Considering the causes of the growth of terrorism which cannot be reached by criminal law alone, efforts to combat terrorism by using only penal policies are deemed inadequate.

Deradicalization is an effort to prevent and control terrorism. Sandler argues that there are two main categories of anti-terror policies, namely proactive and defensive.[5] Deradicalization must be based on the search for the problem embryo that is the cause / trigger of the terror. There should be a legal umbrella between the intelligence agencies, which objects of deradicalization should be prioritized so that they can be handled optimally. Radicalization is formed as part of a response to injustice and widening social inequalities in society, that then religion becomes an excuse in expressing dissatisfaction and hatred, this is part of the frame of the state's failure to carry out its role.

Based on the above background, it is necessary to study and research more deeply regarding "The Effectiveness of Mapping Terrorism Prisoners in Achieving Deradicalization in the High Risk Prison of Pasir Putih Nusakambangan

II. PROBLEMS

Based on the description above, the problem that will be examined in this paper is Is the placement of terrorist prisoners as a form of mapping influential in achieving deradicalization at the Pasir Putih High Risk Prison, Nusakambangan?

III. RESEARCH METHOD

The research method used in this research is normative legal research. This aims to obtain normative clarity by identifying and analyzing the weaknesses of mapping terrorism convicts in achieving deradicalization at the Pasir Putih Nusakambangan High Risk Prison. In this study, using two approaches, namely the statutory approach and the conceptual approach. The sources

of legal materials in this study are primary legal materials, secondary legal materials and tertiary legal materials

IV. DISCUSSION

Terrorism is a crime against humanity and civilization and is one of the serious threats to the sovereignty of every country, because terrorism is already an international crime that poses a danger to security, world peace and harms people's welfare so that it is necessary to eradicate it in a planned and sustainable manner so that the human rights of many people can be protected and upheld. Terrorism as a crime must be followed by punishment, it cannot be, without bargaining. A person gets punished for committing a crime. It does not see any consequences arising from the imposition of a sentence, it does not matter whether the community may be harmed. Retaliation as an excuse to convict a crime [6].

The placement of terrorist convicts is one form of punishment for an act that has been committed. In the world of criminal law itself, several theories about the purpose of punishment have developed, namely the absolute theory (retributive), the relative theory (deterrence / utilitarian), the merger theory (integrative), the treatment theory and the social protection theory (social defense). Criminal theories consider various aspects of the goals to be achieved in the imposition of a criminal.[7]

Absolute theory (retributive theory), views that punishment is retribution for mistakes that have been done, so it is action-oriented and lies in the crime itself. Sentencing is given because the perpetrator must accept the sanction for his fault. According to this theory, the basis for punishment must be sought from the crime itself, because the crime has caused suffering to others, in return (vergingelding) the perpetrator must be given suffering. [8]

While the relative theory (deterrence), this theory views punishment as not as retaliation for the perpetrator's mistakes, but as a means of achieving useful goals to protect society towards prosperity. From this theory emerges the purpose of punishment as a means of prevention, namely general prevention aimed at the community. Based on this theory, the punishment imposed is to carry out the purpose or purpose of the sentence, namely to improve public dissatisfaction as a result of the crime. The purpose of punishment must be viewed in an ideal manner, apart from that, the purpose of punishment is to prevent (prevent) crime [9].

The theory of the purpose of punishment which is used as positive law is the theory of merger (integrative), which is to base the crime on the principle of retaliation and the principle of orderly defense of public order, in other words the two

reasons become the basis for the imposition of punishment. Basically the combined theory is a combination of absolute theory and relative theory. The combination of the two theories teaches that the imposition of punishment is to maintain legal order in society and improve the personality of the criminal.[10]

The form of imprisonment is a punishment in the form of limiting the freedom of movement of a convicted person, which is carried out by closing the person in a correctional facility by requiring the person to obey all the rules of procedure applicable in the correctional institution which are associated with an act of discipline for those who violate these regulations.[11]

Relative theory in the implementation of punishment in Indonesia is stated in the Law of the Republic of Indonesia Number 12 of 1995 concerning Corrections (Law on Corrections). The law considers that the treatment of prisoners based on the prison system is not in accordance with the correctional system based on Pancasila and the 1945 Constitution which is the final part of the criminal system. Law enforcement has the goal of making prisoners aware of their mistakes, improving themselves, and not repeating criminal acts so that they can be accepted back by the community, can actively play a role in development, and can live naturally as good and responsible citizens.

From the two laws and regulations, both the Criminal Code and the Correctional Law which are associated with the theory of the purpose of punishment, it is known that the purpose of criminalizing terrorists uses a combined theory (integrative), where terrorist convicts who are detained in prisons on the one hand are a form of punishment and retribution for their actions. terrorism which he has committed, and on the other hand aims to foster the convict to be a good person and to realize his mistake. Therefore, placing terrorist convicts must be in accordance with the expected objectives of the punishment.

Placement of terrorist convicts in prisons is one part of the process of developing prisoners. The correctional paradigm at this time focuses on the pattern of coaching prisoners, not only as a form of punishment or retaliation for actions that have been committed, because the treatment of prisoners based on the prison system is not in accordance with the correctional system based on Pancasila and the 1945 Constitution which is the last part of the penal system. This was followed by the change of the name "prison" to a penitentiary. Even though the Criminal Code still uses the term prison.

Guidance for prisoners in prisons requires serious attention by paying attention to the condition of each individual criminal, family and social environment. The problem faced today, especially in handling terrorism convicts, is that the handling of terrorism criminals is not yet integrated, in the sense

that the handling of terrorism actors seems to stop when they have been caught or sentenced to crime. The development of prisoners in this category cannot be viewed as having the same problem as other prisoners such as the perpetrators of criminal acts of corruption or drugs. Terrorist convicts were born from the womb of radicalism and terrorism.[12]

Terrorist prisoners must receive special treatment, in the sense that the treatment of terrorism convicts cannot be equated with the treatment of prisoners with other cases. Their treatment should eliminate the opportunity for them to be involved in terrorism activities both inside and outside prison as much as possible.

The motives for the actions of terrorist prisoners compared to those of other prisoners are clearly very different. The motive for the actions of terrorist convicts is certain beliefs, ideologies or ideologies which fanatically actualize as a life choice. For the sake of belief, ideology or understanding, "martyrdom" is the prisoner's choice of life, and they do not hesitate to take actions to actualize that belief, ideology or understanding. Even among the perpetrators of criminal terrorist acts, some appear satisfied and proud after committing acts that society or the state deem as terrorist acts. They also did not feel pressured by the severity of the international condemnation of a number of bombing incidents which caused severe damage and left a number of victims suffering, injured, hundreds of deaths, and had a very wide impact.[13]

The special treatment or different treatment of terrorist prisoners is also due to their inherent needs and risks. As for the moral basis of the treatment is that different treatment does not always mean that it violates the principle of equality in treatment and service (the principle of non-discrimination). In addition, this different treatment is in accordance with the principle of individualization of guidance as recommended in Point 52 of the Implementation of The Standard Minimum Rules for The Treatment of Prisoners (Directorate General of Corrections, Standards for Development of Terrorist Prisoners, 2015: 1) and is also in accordance with Article 12 (1) of Law Number 12 of 1995 concerning Corrections.

The implementation of deradicalization in Indonesia is formulated as a comprehensive, integrative, and continuous program with two classifications, namely deradicalization outside prisons and deradicalization inside prisons. Deradicalization outside prisons includes the identification stage, coaching against radicalization, and monitoring and evaluation. Meanwhile, Deradicalization in prisons includes the stages of identification, rehabilitation, re-education, resocialization, and monitoring and evaluation. The Deradicalization Program is implemented in stages

so that the goals and objectives can be achieved effectively.

Deradicalization efforts are very important for terrorist inmates in prisons to straighten out the understanding or ideology of terrorist prisoners who are radical in nature. because imprisonment does not necessarily make them aware or deterred, on the contrary, prison becomes a place to study deeper the ideology they believe in and does not close the possibility of disseminating their ideology to other prisoners.

The mapping process in the placement of prisoners is part of the development of prisoners which consists of three stages, namely the initial, advanced and final stages. The stages are divided based on the period of imprisonment and the placement of terrorist convicts who are part of the development process carried out by prisons in a systematic and gradual manner.

The decisive and important stage in the placement of terrorists in prisons is the profiling and assessment stage as stipulated in the Decree of the Directorate General of Social and Political Sciences regarding the Standards for the Guidance of Terrorist Prisoners, which explains that the mapping of prisoners is based on the results of the assessment through the profiling and assessment process which are then decided in a correctional observer team meeting.

In general, the profiling of terrorism prisoners is the activity of recording identity, case background and behavior to obtain comprehensive information in order to determine the prisoner mapping program. The objectives of profiling terrorist prisoners are as follows:

1. To find out the idealistic views of terrorist prisoners on jihad;
2. To determine the level of radicalism of terrorist prisoners;
3. To determine the appropriate placement in a prison, so as to prevent security disturbances;
4. Mapping of networks (groups) can be done, based on factions and streams of terrorist prisoners

Profiling is not only carried out when the first time a terrorist convict is admitted to prison, but is carried out periodically along with the development stages, this is necessary for the guidance that has been and will be carried out. The correct mapping of terrorist convicts will depend on the results of the profiling, therefore an officer who can do it well is needed.

Meanwhile, the assessment used is a risk assessment and needs assessment. A risk assessment is an assessment carried out to determine the level of radical and extreme violence for terrorist prisoners. A needs assessment is an assessment carried out to find out the most appropriate coaching or guidance needs for prisoners or correctional clients based on

factors that contribute to the criminal act they commit.

The objectives of the terrorist prisoner assessment program are as follows:

1. Assessing the risk of repeating criminal acts of terrorist convicts.
2. Determine an assessment of the factors of the needs of terrorist prisoners.
3. As a guide in compiling a coaching program.

In accordance with the applicable standard operational procedure, every terrorist convict who is admitted to a correctional facility must first undergo a physical examination and a file which is then registered and recorded. Then carried out social research in the form of profiling and assessment of terrorist prisoners based on data from interviews and other data sources such as copies of decisions, examination reports and behavioral attitudes. The results of the profiling and assessment serve as guidelines for the placement of terrorist convicts.

The mapping of terrorist convicts in prisons is divided into two, namely the first to be placed in a special block / cell, the second to be combined with other inmates. At the initial stage or all terrorist prisoners are placed in a special block, this is because in accordance with the SOP and regulations that terrorist prisoners are included in the high risk category so they must be separated from other prisoners.

Meanwhile, the placement of terrorist inmates is united with other inmates if the results of the evaluation of the guidance carried out by the Correctional Observation Team for terrorist prisoners have shown good attitudes and behavior and can follow the coaching program so that they can mingle with other inmates.

As previously explained, the mapping of terrorist convicts is determined based on the results of profiling and assessment which are then decided in a Correctional Monitoring Team (TPP) meeting. In the process / stages, there are 3 aspects to consider placing terrorist prisoners.

1. Level of Risk and Radicalism

The level of risk for terrorist prisoners consists of levels, namely high risk, medium risk and low risk. These risks include the risk of disturbing the security and order of prisons as well as the potential for terrorist prisoners to repeat their actions. The level of risk for terrorist convicts is also influenced by the level of radicalism practiced by a terrorist inmate

The Directorate General of Corrections divides the level of radical terrorist convicts into 3 categories, namely ideologues, militants and sympathizers. The placement of terrorism convicts belonging to the ideological category must be separated from militant convicts and followers. Likewise, the militant category of terrorism convicts is separated from the convicts in the follower category.

Meanwhile, BNPT divides 4 categories of terrorist prisoners based on the level of cooperation. The characteristics of cooperative terrorist prisoners include being willing to greet officers, willing to participate in a coaching program and willing to pray in congregation at the main mosque of the prison, while non-cooperative ones do not want to greet officers (if necessary), refuse to participate in the coaching program (especially personality development) and usually do not want to pray in congregation at the main prison mosque.

In practice all terrorist convicts when they first enter prison are classified as high risk convicts, this is in accordance with the Regulation of the Director General of Corrections No. PAS-58.OT.03.01 Year 2010 dated 23 April 2010 concerning the Fixed Procedure for the Treatment of High Risk Prisoners so that their guidance and placement are treated specifically. Terrorism convicts who have a high risk and have the potential to spread radicalism, organize and plan terrorist actions again or disturb security and order in prisons, are placed in prisons with a high level of security, such as a special prison in Nusa Kambangan.

Meanwhile, cooperative terrorist inmates are given the opportunity to take part in the deradicalization program in prisons.

2. Coaching and Deradicalization

There are 2 patterns of coaching terrorist convicts, namely First, guidance carried out by the Ministry of Law and Human Rights which includes personality development, independence and reintegration, this guidance is carried out by prisons. This guidance determines the placement of terrorist convicts in prisons based on the results of the development progress and subsequent development plans.

Second, the development of the deradicalization program by the National Counterterrorism Agency includes the identification, rehabilitation, re-education, resocialization, and monitoring and evaluation stages. The de-radicalization program can be carried out in general prisons and special terrorist prisons in Sentul. Therefore, the placement of terrorist prisoners must be in line with and according to the needs of the development and deradicalization program.

3. Human Resources and Correctional Facilities and Facilities

To carry out the development of terrorist prisoners in prisons requires human resources who have the competence, capability, education and training as well as experience in dealing with terrorist convicts, because the characteristics of terrorist prisoners are different from other prisoners, special methods of treatment and security are required. Therefore, the

development of terrorist prisoners cannot be carried out unilaterally by the prison but requires cooperation with other related agencies.

The current condition, most of the correctional facilities in coaching terrorist prisoners use facilities and infrastructure intended for general prisoners, even though the needs for training terrorist prisoners are different from other prisoners, so they require supporting facilities and infrastructure that are in accordance with the specificities of terrorist prisoners, such as the availability of special blocks, equipment. security and development budget. This has an impact on the not yet optimal development of terrorist prisoners.

The current condition of the terrorist convict mapping process is still constrained by several things, including:

- a. Limited human resources for correctional officers in terms of quantity, quality and competence to carry out training for terrorist convicts, particularly for profiling and assessment. For example, in accordance with the standard provisions for the development of terrorist prisoners that in a correctional facility that fosters 10 - 20 terrorist prisoners, there must be a minimum of 4 (four) employees for the special officer. The employees who are given a special assignment must have the competence and educational background, including a law degree, a degree in religion and a degree in psychology. However, in reality, there are relatively few employees who have special skills and are not evenly distributed in all prisons.
- b. Most of the conditions of prisons are not ideal for fostering and placing terrorist prisoners in accordance with the needs and adequate security standards, this is due to overcapacity, old-style building layout, complete security, minimal supporting facilities and infrastructure.
- c. The correctional officers have not yet socialized and implemented the guidance and mapping system for terrorist inmates. The pattern and mechanism for fostering terrorist prisoners is regulated through the Decree of the Director General of Corrections of the Ministry of Law and Human Rights of the Republic of Indonesia No: PAS-172.PK.01.06.01 of 2015 concerning the Standards for the Development of Terrorist Prisoners, however, most of the prison officials do not know and implement it. , so that the pattern of training for terrorist prisoners tends to be the same as for prisoners in general.
- d. Not optimal cooperation between the Ministry of Law and Human Rights with other agencies, especially with the BNPT in the framework of fostering terrorist convicts, in several prisons the methods of training for terrorist inmates are not yet known by prison officers, apart from the limited data and information of terrorist convicts

- owned by prisons causing the formation of prisoners to not run optimally.
- e. The behavior of terrorist prisoners, who are mostly uncooperative, do not want to participate in coaching programs, are exclusive, closed, and have the potential to spread radicalism to other inmates or even to officers.

V. CONCLUSION

The mechanism for mapping terrorist convicts by the Director General of Corrections has been carried out following the provisions of Article 16 of the Correctional Law and other implementing provisions, namely by using a security and coaching approach. Security and order aspects are given priority considerations in every stage of the placement of terrorist convicts. All terrorist convicts at the time of entering the correctional facility are categorized as convicts who have a high risk that has the potential to disturb security and order in the correctional institution, so that the accuracy of correctional officers is required in conducting profiling and assessment as well as the capacity of the correctional institution to follow up on the results of the profiling and assessment. However, from the aspect of development and deradicalization of terrorist convicts, it has not been optimal, which is due to many factors, including the competence of correctional officers, facilities and infrastructure as well as insufficient budget.

There are 3 main aspects that must be considered in mapping terrorist convicts, namely the level of risk, the development program and the capacity of human resources as well as the facilities and infrastructure of prisons. These three aspects are interrelated and influence the success of the correctional institution in conducting training for prisoners. Therefore, the placement of terrorist prisoners must be carried out carefully and in accordance with the needs of their training.

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