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Criminological Review of the Crime of Terrorism in Indonesia (Case Study at Cipinang Class I Correctional Institution, East Jakarta)

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Abstrak

Extraordinary crime adalah suatu kejahatan yang berdampak besar dan multidimensional terhadap sosial, budaya, ekologi, ekonomi dan politik. Pendekatan kriminologis diarahkan pada pemahaman faktor-faktor penyebab, karakteristik pelaku, serta upaya penanggulangan dan deradikalisasi di lingkungan lapas. Sudah menjadi kewajiban negara untuk melakukan pencegahan tindak pidana terorisme di Indonesia. Hasil penelitian ini menunjukkan bahwa faktor-faktor yang membentuk dan menyebabkan seseorang melakukan perbuatan tindak pidana terorisme menurut perspektif kriminologi diantaranya faktor lingkungan, keluarga, kerabat, teman, ekonomi, faktor lemahnya pendidikan, faktor persepsi masyarakat terhadap keadilan, kekecewaan terhadap pemerintah, motif balas dendam, pemahaman agama yang dangkal dan penafsiran terhadap kitab suci yang sempit serta media sosial dapat menjadi sarana yang efektif untuk menyebarkan ideologi kekerasan. Pelaksanaan penanggulangan melalui program deradikalisasi terhadap narapidana terorisme terdiri dari beberapa program yaitu Identifikasi/program pembinaan perilaku disiplin, rehabilitasi atau pembinaan kesadaran beragama dan berbangsa bernegara, re-edukasi program pembinaan kesadaran hukum dan intelektual dan reintegrasi/program pembinaan kemandirian.

Kata Kunci: *Tindak Pidana Terorisme, Extraordinary Crimes, Kriminologi*

Abstract

Extraordinary crime is a crime that has a major and multidimensional impact on social, culture, ecology, economy and politics. The criminological approach is directed at understanding the causative factors, characteristics of the perpetrators, as well as countermeasures and deradicalization efforts in the prison environment. It is the state's obligation to prevent criminal acts of terrorism in Indonesia. The results of this study show that the factors that shape and cause a person to commit acts of terrorism according to the criminological perspective include environmental factors, family, relatives, friends, economy, weak education factors, factors of public perception of justice, disappointment with the government, revenge motives, shallow religious understanding and narrow interpretation of scripture and social media can be an effective means of spreading the ideology of violence. The implementation of countermeasures through the deradicalization program against terrorism prisoners consists of several programs, namely identification / disciplinary behavior development program, rehabilitation or fostering religious and national awareness, re-education / legal and intellectual awareness development program and reintegration / independence development program.

Keywords: *Terrorism, Extraordinary Crimes, Criminology*

PENDAHULUAN

Terrorism is categorized as an "Extraordinary Crime" in English. Terrorism is not merely a crime committed by a person or group against another person or group for material gain, but terrorism can also be committed to achieve political goals through various means of influencing society. According to the provisions of Government Regulation in Lieu of Law Number 1 of 2002 on the Eradication of the Crime of Terrorism, the definition of terrorism is as follows: "Every person who deliberately uses violence or threat of violence to create an atmosphere of terror or fear of people on a widespread basis or to cause mass casualties, by depriving freedom or loss of life and property of others, or causing damage or destruction to strategic vital objects or the environment or public facilities or international facilities".(BNPT, 2024)

Handling terrorism as an extra ordinary crime requires extraordinary effort. All agencies, both government and private, must focus on their respective roles in dealing with terrorism as well as cooperation from all levels of society. In criminal law, terrorism is often grouped into conventional criminality. Terrorism is a form of organized crime, needs financial support and requires access to weapons and explosives. Terrorism can also only be sustained with certain political support.

Based on the Global Terrorism Index (GTI) 2023 data, Indonesia ranks as the third most affected country by terrorism in the Asian Pacific region this year. Indonesia recorded a score of 5,502 points. Globally, Indonesia ranks twenty-fourth in the world, still the same as

last year's position. Based on political and legal policies, the government must be able to prevent and provide a deterrent effect on perpetrators or potential terrorists in Indonesia. Related to the issuance of Laws on Terrorism, starting from Government Regulation in Lieu of Law Number 1 of 2002, Law Number 15 of 2003 and finally amended by Law Number 5 of 2018, it appears that the Indonesian government has tried to create a legal corridor to tackle terrorism. According to data from Special Detachment 88 (Densus 88) Anti Terror Police Headquarters, from 2020 to March 2022, 658 members of the terrorism network have been arrested. (Wibowo, 2012)

In Indonesia, the problem of terrorism has also received serious attention from the government so that the National Counterterrorism Agency (BNPT) was formed. In addition, the Directorate General of Corrections, in this case as the mouth of the justice system that carries out correctional duties and functions, also created a task force for handling high risk prisoners, and several working groups for handling high risk correctional clients at the Regional Office level as stipulated in the Decree of the Director General of Corrections Number: PAS-172.PK.01.06.01 of 2015 concerning Development Standards for Terrorism Prisoners.

When examined from a criminological perspective, acts of terrorism that are understood in Indonesia, need to be studied more deeply before a verdict is handed down. Considering the diverse ethnic groups in Indonesia, the actions of the perpetrators need to be explored through various criminological approaches. The urgency of the criminological approach in examining a crime can be traced with the theory of causality in the acts of terrorism committed so that proper handling can be done in an effort to overcome, prevent and especially conduct early detection of the possibility of terrorism. According to Bonger, there are several approaches to criminology including Criminal Anthropology, Criminal Sociology and Criminal Psychology.

The criminal anthropology approach is needed to understand the physical characteristics of humans and their origins that have the potential to commit a criminal offense. Meanwhile, the criminal sociology approach will gain an understanding of the factors of social conditions that can trigger criminal acts such as the level of welfare, education and symptoms of social development in a particular community environment. Meanwhile, the criminal psychology approach is needed to understand the psychological condition of the criminal offender. In addition to the aforementioned approaches, acts of terrorism also need to be studied through various criminological theories. One of them is differential association theory.

In connection with the correlation between the use of the criminological approach and the existence of terrorism prisoners, it provides a separate problem solving for the Correctional Institution, considering that terrorism prisoners have different characteristics and teachings from other terrorism prisoners, so that with this, the community institution can provide preventive and repressive actions against perpetrators of terrorism, where terrorism prisoners tend not to want to mingle and not cooperate with officers and have the potential to spread radicalism to other prisoners or even correctional officers themselves. Based on the description above, the purpose of this research is to find out the factors that shape and cause a person to commit criminal acts of terrorism from a criminological perspective and to find out efforts to tackle criminal acts of terrorism in Indonesia, especially in one of the correctional institutions in the East Jakarta area, namely Cipinang Class I Correctional Institution.

METODE PENELITIAN

The type of research uses an empirical juridical approach. This approach aims to analyze the problem by combining legal materials as secondary data with primary data obtained in the field. Sociological or empirical legal research, the data studied first is secondary data followed by research on primary field data or on the community.

The problem approach used is 5 (five) approaches, namely the statute approach, conceptual approach, historical approach, case approach and comparative approach.

The data sources used in this research are primary data and secondary data. Primary data used are interviews and observations. Meanwhile, the secondary data used consists of primary legal materials consisting of statutory provisions in accordance with what is to be researched, secondary legal materials consisting of scientific works, books and others related to the issues raised in accordance with the title of this scientific work and tertiary legal materials consisting of legal materials that provide guidance and explanation of primary legal materials and secondary legal materials such as legal dictionaries, the internet, and so on.

The data collection technique used is Field Research, which is a type of research that studies phenomena in their natural environment, namely by collecting a number of interviews and observations at the Cipinang Class 1 Correctional Institution, East Jakarta. In addition, using Literature Studies (Library Research) by using literature (literature) in the form of books, notes and reports on previous research results.

Data analysis technique is a procedure for analyzing data, techniques for interpreting the results of the analysis, and is supported by the data collection process to make the

analysis easier, more precise, and also more accurate. The data analysis used is descriptive qualitative.

HASIL DAN PEMBAHASAN

1. Factors Causing the Crime of Terrorism in Cipinang Class I Correctional Institution According to Criminological Perspective

Based on the Letter of the Directorate General of Corrections number: PAS-PK.01.02-1861 concerning Notification of Placement of Terrorism Prisoners in Correctional Institutions in 2023 dated October 23, 2023. The Cipinang Class I Correctional Institution received 21 prisoners of terrorism from the Depok Class I Detention Center. Based on the results of interviews with 21 prisoners of terrorism in the Cipinang Class I Penitentiary, the factors that underlie the acts of terrorism committed by these individuals have been identified, including:

- a. Radicalization can occur at the family level or the immediate environment. The social environment plays an important role in encouraging people to get involved in radical movements or terrorism. Friends, both familiar and new, can mediate a person's entry into radical groups. If a person is exposed to violent ideologies through family, friends or peers, the likelihood of adopting similar views may increase and social media, the internet can be an effective means of spreading violent ideologies. Propaganda, videos, and propaganda materials can often influence individuals exposed to them online, resulting in *ghiroh* (zeal) and *ghuluw* (excessive religiosity) that deviate from the teachings of truth.
- b. Individuals who feel isolated or unrecognized in society and social discontent can create a sense of dissatisfaction and frustration among individuals. Those who feel marginalized or dissatisfied may become more susceptible to violent ideologies that offer solutions or liberation from such difficult situations and are very likely to seek out groups or ideologies that provide a sense of identity and membership. Extreme groups often capitalize on individuals' feelings of isolation to recruit them into their networks. Violent ideologies can offer recognition and power to those who feel marginalized.
- c. Terrorist groups are often active in recruiting vulnerable individuals. Recruitment can occur through in-person meetings, social media, or other online channels and the influence of extreme religious or political ideologies can motivate an individual to adopt violent views. Radical interpretations of religious beliefs or political ideologies can play an important role.

So in this case, the results of interviews with 21 convicted terrorists can be concluded that the factors that drive a person's exposure to violence-based ideologies are due to various complex and interrelated factors. It should be noted that a person's exposure to

violent ideology does not always lead to violent acts, namely Social and Economic Dissatisfaction, Friendship and Family, Social or Political Conflict, Radicalization in the Family or Nearest Environment, Social Remoteness, Isolation or Alienation, Media and Internet Influence, Identity Crisis, Traumatic Experience, Religious or Political Ideology Influence and Recruitment by Extreme Groups.

2. Countermeasures for Terrorism Prisoners at Cipinang Class 1 Correctional Institution

Deradicalization of terrorism inmates is a specific, planned effort to modify a person's social psychological characteristics. Deradicalization of terrorism prisoners is given as a series of activities to release terrorism prisoners from radical ideas that cause acts of terror. The implementation of deradicalization is carried out with a coaching model for terrorism inmates by looking for causal relationships between acts of violence and economic conditions, religious understanding, education, social environment, and past lives that shape consciousness. (Khamdan, 2015)

Correctional Institution as the final mouth of punishment plays a major role in the deradicalization program for terrorism prisoners. Cipinang Class I Correctional Institution or referred to as Cipinang Class I Correctional Institution as one of the correctional institutions with terrorism convicts must take strategic steps in providing guidance to terrorism convicts for the success of the deradicalization program.

In the deradicalization program, Cipinang Class I Correctional Facility collaborates with the National Counterterrorism Agency (BNPT), especially the sub-directorate of Correctional Development and Densus 88 Anti-Terror, especially the sub-directorate of Social Identification (Idensos) and other agencies through the approval of the Directorate General of Corrections, considering that terrorism is classified as an extraordinary crime that requires maximum handling by both the government, society and the international community.

Furthermore, the Development of Terrorism Prisoners is carried out at Cipinang Class I Correctional Institution, where the process of Development of terrorism prisoners at Cipinang Class I Correctional Institution refers to the Regulation of the Minister of Law and Human Rights Number 35 of 2018 concerning Revitalization of the Implementation of Corrections and Circular Letter of the Director General of Corrections Number: PAS-11.OT.02.02 of 2022 concerning Intensive Guidelines for Handling Violent Based Extremism in UPT Correctional. (Kemenkumham, 2018). The purpose of providing guidance to terrorism prisoners is to encourage changes in the attitudes and behavior of prisoners who are aware of mistakes, obey the law and order and increase discipline with indicators of success, namely changes in behavior, decreased risk levels, and can *disengagement*. (Fadil, 2024)

As regards the implementation of training programmes for terrorist prisoners at the

I-Class Communication Institution :

1) Identification/Behavioral and disciplinary development programmes

The process of identification of behavioral training programs and the discipline of terrorist inmates includes Risk Assessment Based on SPPN Instruments, Profiling and risk assessment, Marketing Hall Communication Guidelines, Psychological Counseling. In this activity is always coordinated with the relevant parties such as BNPT, Densus 88, the Marketing Hall as well as the Marketing Directorate General. Given that Cipinang Class 1 Correctional Institution has limited SDM in conducting psychological counseling. (Putri, 2024)

2) Rehabilitation/Religious awareness-building/National and national fundamentalism.

And the creation of religious awareness of nations and nations includes the provision of knowledge of religion, including the sources of Islam (the Quran, the Hadith, the Ijtihad), Shariah (the understanding, the purpose, the madzhab-madzhab and the scope), Aqidah (the knowledge, the signs, the functions, the elements), Al-Islam (the meaning, the characteristics, the purposes), Islam, the Ikhsan, the interpretation of thoghut, about the Islamic scholarship and the explanation of Ushuluddin (science of tauhid and aqidah) and Furu'iyah, The meaning of fa'i according to Islamic law, the cancellation of Islam other than shirk, the concept of Illah in the two sentences of the shahada, does it have other meanings besides worship, the meaning of allegiance in Islam and why you have to take allegiance. (Putri, 2024)

3) Reeducation / Legal and Intellectual Awareness Building Programme.

In the process of reeducation/re-education of legal and intellectual awareness in Cipinang Class 1 Correctional Institution is carried out by means of building legal awareness through (1) law enactment given by the legislation of the regional office of the Ministry of Law and Human Rights DKI Jakarta and (2) Law enactments provided by the Director of Social Affairs of the Marketing Hall. Further, intellectual training, and related training-trainings in collaboration with BNPT and third parties such as providing Conflict Management Training and Life Management Training by the Directorate-General of Marketing. In addition, the book is read in the Library of Cipinang Class 1 Correctional Institution (Putri, 2024).

4) Reintegration/Independence Building Programme

The process of social reintegration and independence programme is carried out in a way (1) Building Entrepreneurial Insight. This program aims to provide insight into entrepreneurship so that when the prisoners of terrorism are free, they can understand the world of enterprise. (2) Working training, which is a program designed to enable terrorist prisoners who have already been released to work to meet their needs.

SIMPULAN

The conclusion of this study is that the factors that shape and cause a person to commit a criminal act of terrorism from a criminological perspective including environmental factors, family, relatives, friends, economics, educational weaknesses, public perception of justice, disappointment with the government, motives for revenge, shallow religious understanding and narrow interpretation of the Scriptures as well as social media can be effective means of spreading the ideology of violence. Propaganda, videos, and propaganda materials can often influence individuals exposed online, causing an exaggeration of the doctrine of the truth, which eventually causes them to engage in behaviour that deviates from religious values or human values, leading to extreme movements such as the destruction and destruction of public facilities and vital objects, the living environment, and the spread of hatred and threats to national security, peace and sovereignty. Meanwhile, the Implementation of the Disarmament through the program of deradicalization of prisoners of terrorism consists of several programmes namely Identification/disciplinary behavior-building program, Rehabilitation/rebuilding of religious and national awareness, Reeducation/legal and intellectual-consciousness-building program and Reintegration/independence building program. In order to change the attitude and behaviour of prisoners who are aware of the crime, obedience to the law and order and improvement of discipline with indicators of success, such as the occurrence of behavioural changes, the decrease in the level of risk, and the ability to disengagement as well as the prisoner of terrorism declared the Ikrar of the Faithful State of the United Republic of Indonesia (NKRI).

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