

## CRIMINAL POLICY AGAINST DISTRIBUTION OF RADICALISM IDEOLOGY OF *ISLAMIC STATE OF IRAQ AND SYRIA (ISIS)* AT HIGHER EDUCATION IN INDONESIA

Muhammad Azil Maskur

### ABSTRACT

*Islamic State of Iraq and Syria (ISIS) is the world threat as the terrorist organization by distributing the radicalism ideology which until now it cannot be settled. Crimes toward humanity, genocide, and towards human rights are undertaken on behalf of religion become the ideology that has taken many victims, either the victims in the meant of victims of the crimes or other victims that is the citizens around the world who have been misguided and follow that radicalism. National Intelligence Services of Indonesia says that more than hundreds countries which the people join as militiaman of ISIS, not exception Indonesia. One of the targets of distribution of radicalism is higher education which is the freedom of academic rostrum, so need for a comprehensive countermeasures through both penal and non penal.*

Key terms: Criminal Policy, Radicalism, Islamic State of Islam and Syria (ISIS), Higher Education

### PRELIMINARY

Radicalism becomes the common enemy all human, because radicalism makes the structure of peaceful society becomes rowdy, the comfortable situation of society becomes alarming, the serenity becomes the threat, and other negative impact which virtually causes the situation in the society not conducive. One of the crimes generated in radicalism often is terrorism. That crime is a crime toward humanity which day by day become more advance either from the method or the operation mode of crime. Terrorism initially is only rebellious crime against the Ruler in such country, but nowadays it has been metamorphosed into the trans-national crime with the aim target is not only the ruler of such country but targeted all countries. Its sophistication also can be seen from the high militancy of the perpetrators of criminal acts of terrorism, it is due to be covered with wrong religion ideology but consider as right and in lure with the promise of going to heaven when they dead on the field of terrorism.

Terrorism become popular since 11th September 2001, by the event of WTC tower bombing in United State by a group of terrorist which the identified as Al-Qaeda organization led by Osama bin Laden. Regardless of that story was true or not, but the world agree that terrorism should be settled from the earth. In Indonesia terrorism crime is getting discussed and responded seriously by the government after the tragedy of terrorism act of Bomb Bali I on 12 October 2002 with the death toll more than 202 deaths and 209 wounded. Other series of terrorism acts after Bomb Bali I is bomb in JW Mariot on 5 August 2003, bomb in Australian Embassy on 9th September 2004, bomb Bali II on 1 October 2005, bomb suicide in Kepunton Church of Solo on 25 September 2011, shooting to the security post of Lebaran Gemblengan Solo on 17 August 2012, grenade exploded at the guard of Gladak Solo on 18 August 2012, the attack on Police post of Singosaren Solo on 30 August 2012.

The events of terrorism are continually occurred until today by metamorphosed through the sophisticate mode along with the serious effort of all countries in eradicating the criminal acts of terrorism. The victims of terrorism is not targeted to the country of the perpetrators but already has world vision, which means that struggled by the perpetrators of terrorism is not national issues anymore but the effort of dominating the world.

Recently the thought of radicalism which is narrowed to the terrorism and other humanity crimes being the trend again after the emergence of al-Qaeda shrink in Irak, often called as *Islamic State of Iraq and Syria (ISIS)*. The incredible cruelty is by uploading the picture of the massacre of all citizens who against the group in Youtube. It is an act which is argued by the world as most sadistic terrorism.

Marciano (Head of Indonesia State intelligence agencies) gives surprising data that 514 of Indonesian are suspected has joint ISIS. There are 100 countries in around the world that the citizens become the militiaman of ISIS. This data seriously become the wide concern for each citizen who remain want this world in peace and the State of Republic of Indonesia remains upright (<http://nasional.kompas.com/read/2015/03/12/21230361/BIN.Indikasi.Rekrutmen.ISIS.melalui.Jaringan.Keluarga>).

The State intelligence agencies data above is in accordance with the opinion of Sydney Jones (in Ahmad Fuad Fanani, Jurnal Maarif, Vol. 8 No. 1 – July 2013) who says that terrorism and radicalism threat in Indonesia is real although only Muslim minority who follow radicalism. It at once indicates that organization with radicalism keep targeting member from several countries. The development of radicalism distribution is conducted by many ways such as using social media and internet sites. From the report of National Agency of Terrorism Settlement there are at least 19 (nineteen) sites containing invitation to follow radicalism thought, it is not included the radicalism thought distribute through social media for youtube, facebook, twitter and other social media ([www.gusdurian.net](http://www.gusdurian.net)).

The massive distribution of radicalism through internet will be massively the main target is medium and educated people and it is impossible targeting the village society. Therefore the students and academics become the biggest party who gets radicalism influences distributed through this information technology.

## DISCUSSION

### Higher Education and the Target of Radicalism Distribution

Higher education in the history line is the platform of developing the ideology, whether the new ideology or other ideology enter from other group or region around the world. The fact tells that youth have strategic role in establishing the change of a civilization lead every people or group that demanding to grow and develop and distribute such ideology targeting the Youngman. However, they are not ordinary youth but the intellectual youth. The presence of intellectual youth is very strategic and in this case most of them are students, fresh graduate and *santri* (students at traditional Muslim school/Islamic boarding school) and the alumni of Islamic Boarding School (*Pesantren*).

Therefore it is reasonable if currently, it is clearly seen that campus become the struggle for ideological warfare. The ideology carried out by such group for instance Islam social organization, youth organizations or other organizations even the political party use campus as the main target of distributing the ideology they struggled.

The easiest can be seen on the political level. PDIP that most of GMNI alumni certainly through GMNI and LMND it distributes the ideology of the party, Golkar through several organization such as HMI, PMII, PII distribute its ideology of empowerment, PKB distributes its ideology through PMII, IPNU, IPPNU, KMNU and the alumni of *pesantren* even establishing GEMASABA. Then PKS distributes its ideology through KAMMI and Network of Da'wah Agencies of Campus which may enter as the intra organization of campus, PAN through IMM, Nasdem through the Students League of Nasdem, Hanura through the Students' Faction of Hanura, while the Demokrat Party through its Students Movement of Merah Putih.

In addition of political party, each ideology of social organization also creates faction among the students, for instance Hizbut Tahrir Indonesia creates GEMA Liberation (Student Movement of Liberation), Fron Pembela Islam (FPI) which known with *amar makruf nahi mungkar* strictly and sometime use violence also creates a faction with the name of Front Mahasiswa Islam. Even the Toriqoh movement such as Thoriqoh of Nahdlatul Ulama also has Ahlithoriqoh Annahdliyyah of Students (MATAN). Those things indicate that the existence of faction in higher education to develop and distribute the ideology is very important and strategic.

Therefore it puts campus from the past until now on the whirl of ideology. Ideological warfare at campus is very clearly seen in the event of president election of students. It will be clear the ideology that compete even the students organization is called as *the little state*.

The ideology developed around the world, if it is drawn to the main ideology actually lead to the three major ideologies those are Capitalism, Socialism, and Combination. Capitalism is the ideology concentrated on the economical system. In which according to the thought of this ideology, economical system emphasize the role of capital. Ebenstein in Nur Sayyid Santoso (2015:13) says that capitalism as the complete social system, more than economical system. Other definition is stated by Ayn Rand in Nur Sayyid Santoso (2015:13) that capitalism is "a social system based on the recognition of individual rights, in which all property is privately owned" that is a social system based on the recognition of individual rights, including right of ownership, in which all properties is privately owned.

Meanwhile, Socialism in Indonesian Language Dictionary (*Kamus Besar Bahasa Indonesia*) is the doctrine or paradigm of nationality and economy which struggle the property, industry and company belong to the State. According to George Lansbury in Nur Sayyid Santoso (2015:41), socialism means love, working together and brotherhood in each humanity issues.

The combination is an ideology which holds on the theory of balancing between socialism and capitalism. In one side agrees the individual freedom in such case but in other side also agrees the limitation from government.

Reviewing the fact that Higher education is in the whirl of ideological war, then every people will try to enter that whirl. It is aimed to bring up their ideology to be known in intellectual level thus the ideological goal will properly achieved. An ideology of political party will get space in the society when it can dominate the campus, then the correlation is student as the citizen of campus in the future will be the potential figures in the society and in their work environment. The ideology that believes when they are student will be brought until in the work environment and society evens the ideology of party. Moreover, if reviews it from the social structure of Indonesia that still fanatics on democracy, fanatics in a group, and many others. Ideology is being important in order to achieve the goals expected.

Higher education as educational institution unit conducting higher education is the educational level after middle education which covers the diploma program, bachelor program, master program, doctoral program, and professional program, and also specialist program, conducted by Higher education based on the national culture of Indonesia (Laws Number 12 Year 2012 Concerning Higher education).

The Minister of Research and Technology of Higher education in several speeches in front of students always reminiscent of the danger of radicalism at campus, it indicates that every campus should have preventive acts against the radicalism movement. According to Masdar Hilmy (the vice director of post graduates of Islamic State University of Sunan Ampel) says that the

involvement of youth in the whirl of radicalism ideology of religion is uncontested facts even according to the data released by Europol, among 706 radical activists captured in Europe in 2006, more than 2/3 (more than 470 people) consists of youth in the age of 26–41 years old. In several countries in that ocean, particularly Britain, there are several perpetrators with younger age, they are 17 and 19 years. This data clearly shows that youth is being the main target of radicalism distribution (<http://www.uinsby.ac.id/kolom/id/95/anak-muda-di-tengah-pusaran-radikalisme>).

#### **Criminal Policy against the Distribution of Radicalism Thought**

Reviewing the fact that the potential of radicalism distribution in campus is large enough due to the academic freedom and academic rostrum freedom then the careful and holistically preventive efforts are necessary to be conducted. The preventive efforts of criminal laws can be conducted through the penal line and non penal. For penal line, government has created Laws concerning the radicalism distribution. Although it does not specifically regulate the case, but there are several provisions have been applied by government for instance issuing the Laws Number 15 year 2003 concerning Terrorism, Laws Number 11 Year 2008 concerning Electronically Information and Transaction, Laws Number 12 Year 2012 concerning the Higher Education.

Meanwhile, the non penal policy can be conducted through many ways. Respondents who have been asked about the proper policies for prevent the potential of radicalism in campus states that through several things. *First*, government may give instruction to the Higher Education Institution to dismiss the facilities that potential to distribute the radicalism, monitor the organizations in Higher education, inculcate the Love for the Country of Republic of Indonesia, conduct training of “*Peace Leadership*”, share a propaganda through social media and advertisement, socialize the blockading of radical sites, recruit the educators who do not affiliate to radicalism.

*Second*, Campus may conduct giving explanation in the subject of study, monitoring each organization in campus, recording all organization at campus, sharing propaganda through social media and advertisement, socializing the blockading of radical sites, delivering the nationalism value through the learning process, loving Republic of Indonesia, monitoring the activities at campus, monitoring the political parties which affiliate to the students’ organizations, prohibiting students’ organization which does not like Pancasila, prohibiting the thought of khilafah Islamiyah to be developed in Higher Education, screening the Mosques from extreme course. The potential of possibility of radicalism will spread out through the discussion forum at campus and other forums in outside of campus, then as the preventive acts it is necessary for the leader of campus in this case the Rector may create the Rector Decree concerning the Radicalism Settlement in Campus. The decree then will be the fundamental of laws, if there is organizations that tend to the radicalism and anti Pancasila then the disciplinary acts until the closing may be conducted.

However, it should be considered, the countermeasures of radicalism will lead to the regulation of anti radicalism in Campus, should remain guarantee the continuity of academic freedom and academic rostrum freedom, so that the regulation only to monitor and only will give an execution when the made forum in fact correctly involve into the distribution of radicalism and against Pancasila.

#### **CONCLUSION**

The model of criminal policies taken by either the government or internal party of campus in the effort of countermeasures the distribution of radicalism is penal and non penal effort. The penal effort is through the criminal Laws approach; certainly it may be conducted by the government or campus toward people who has conducted radicalism distribution, while the non penal effort may be conducted by both of the government or the campus. Government may issue the regulation concerning the instruction to the campus to monitor all activities which potentially directed to the radicalism. After that the Higher education party (campus) may issues the rector decree concerning the countermeasures of radicalism distribution.

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Muhammad Azil Maskur  
Law Faculty of Universitas Negeri Semarang  
[azilmaskur85@mail.unnes.ac.id](mailto:azilmaskur85@mail.unnes.ac.id)