

Annulment Of Bai'at As A Strategy Countering Criminal Acts Of Terrorism In Indonesia

I Ketut Widhiarto¹, Heni Siswant², H.S Tisnanta^{3*}

*Corresponding author: H.S Tisnanta

*Email: hstisnanta.9@gmail.com

Citation: H.S Tisnanta., (2024), Annulment Of Bai'at As A Strategy Countering Criminal Acts Of Terrorism In Indonesia., *Educational Administration: Theory And Practice*, 30(5), 7214-7217

Doi: 10.53555/kuey.v30i5.4133

ARTICLE INFO	ABSTRACT
	<p>This article examines the cancellation of bai'at as a policy in an effort to prevent criminal acts of terrorism Bai'at is the foundation of the belief of terrorists/members of radical organizations that have strategic value. Bai'at has formal, material and ideological/belief values for each individual member of a radical organization. Therefore, disengagement efforts by canceling/revoking bai'at are carried out as part of a non-punitive approach. The aim is to break the collective bond and influence of the group/organization on terrorists or members of the organization. Revocation of bai'at is one of the strategies to prevent the development of terrorism crimes that are more effective and efficient.</p> <p>Keywords: Bai'at, Terrorism, Revocation, Countermeasures,</p>

1. Introduction

Terrorism is a crime that has characteristics with political and ideological motives in an organized manner by using violence to cause fear, intimidation on a massive scale. These organized characteristics can be identified from the stages carried out through a mature, detailed, careful and meticulous planning process Terrorism begins with building common ground and ideological reinforcement through, among others, the bai'at process (Hendropriyono, 2009). According to Nasir Abas, a former member and one of the leaders of Al-Jama'ah Al-Islamiyah (JI), a person who becomes a member of JI will take allegiance and declare his willingness to comply with the core of the contents of the allegiance will forever be held accountable for the allegiance he said (Nasir Abas, 2005). This is in line with the characteristics and types of terrorism crimes in Indonesia that are religiously motivated (Ansyaad Mbai, 2013).

The crime of terrorism has organized characteristics with strong collectivity and religiously motivated. Therefore, countermeasures require an approach that is able to separate the individual/perpetrator from the radical terrorism group/organization that he/she follows. Cancellation or revocation of bai'at (bai'ah) is a strategic step to eliminate the influence of collective ties on individuals/terrorists. Bai'at has a very important role to bind a person, both emotionally, ideologically and religiously, to be obedient and obedient to the vision and mission of the organization as well as any orders or directions from the leadership (Amir) of the organization, including activities that are part of terrorism activities. Therefore, one of the strategic things in countering terrorism is the effort to separate (disengagement) each member of the group/organization from the influence of the leadership and the radical terrorism group/organization he/she follows. Based on the above background, this paper raises the issue of cancellation/revocation of bai'at as a strategy in countering terrorism through non-punitive approach in Indonesia.

2. Research Method

This research uses normative juridical and empirical juridical methods. Normative juridical is based on the analysis of documentary materials such as laws and regulations, books, journals and other documents related to the crime of terrorism. Empirical data is based on data that strengthens the analysis obtained through interviews and data taken from several related agencies related to the research topic. Some of the data is then

processed into descriptive data in the form of narratives using simple and standard language, which aims to make it easier for readers to understand the substance and purpose of the research.

3. Discussion

A. Baiat and the Crime of Terrorism

The characteristics of terrorism as an organized crime can be identified from its activities. Terrorism activities start from building similarities and ideological strengthening; stirring up a sense of injustice, antipathy and resistance; organizing/planning attacks and violence, raising financing, etc. The collectivity and loyalty of each member to the supreme leader of the organization (Amir) is bound by doing bai'at/bai'ah (pledge of allegiance). Whatever the leader (Amir) orders will be carried out wholeheartedly by each member (Ali Imron, 2007). On the other hand, the leader provides protection for all members and their families with the aim of maintaining the existence of the organization and its spirit of struggle and ideology (Julie Chernov Hwang, 2012). The process of recruitment and regeneration of members of the organization is generally carried out through kinship relations (patronism), marriage, similarity of ideological understanding and beliefs. Terrorism attacks, whether carried out in an organized/collective manner by the group or on their own initiative (lone wolf) will receive moral and material support from the leader (Amir), including as a result of his involvement in terrorism activities.

As an organized crime, terrorism is built within the framework of ideological collective relationships, making it difficult to break and eliminate. Repressive or penal approaches that are fragmentary and individual (Barda Nawawi Arief, 2016) in nature cannot break the chain of collectivism that is very strong. Bai'at is the bond and foundation of the spirit and belief of members to achieve organizational goals. Therefore, it is understandable that Abu Bakar Ba'asyir (amir of Al-Jama'ah Al-Islamiyah) and Oman Abdurrahman (amir of Jamaah Ansharut Daullah) always strongly refused to do the "Pledge of Allegiance" to recognize Pancasila. They reject Pancasila as the Ideology and Source of State Law and also refuse to declare submission and loyalty to the Unitary State of the Republic of Indonesia.

Bai'at has dining and strategic significance in the crime of terrorism (Sugiharto, 2017). Bai'at is an oath of allegiance that binds the leader and its members. Bai'ah is synonymous with an agreement involving two groups, namely the leader on one side and the members on the other. In this case, Bai'at is a part or stage that a person does to join the JI organization, namely taking an oath of allegiance in front of their leaders as a statement of loyalty to serve forever (Petrus R. Golose, 2009).

Substantially, bai'at has formal and material values and spiritual (ideological) values. Bai'at shows the relationship and connection of a person to a terrorism crime that occurred. The formal value is that "bai'at" is proven by a "membership card". Material value is the procession of "bai'at" which is carried out through "inauguration" as a member of the organization. Meanwhile, the spiritual value (ideology) is the procession of "bai'at" which is carried out by referring to verses from the holy book of the religion he believes in. In the context of mapping and countering terrorism, bai'at is one of the evidentiary tools against someone suspected of being involved in terrorism activities.

Bai'at can be a means to prove the law enforcement of terrorism. Bai'at is an indicator to assess the militancy and loyalty of terrorism suspects. The indicators are: 1) if the suspect/alleged terrorist denies that the bai'at procession has ever been carried out. The attitude of denial indicates that the person concerned is closed, uncooperative and militant both ideologically, emotionally and spiritually; 2) if on the contrary, then it shows that the suspect / suspected has a typical honest, open and cooperative in receiving various information / input about various possibilities / legal consequences related to the "bai'at" he did with the Organization and the Organization Leader.

B. Cancellation of Bai'at as a strategy to counter criminal acts of terrorism

Law Number 5/2018 on the Eradication of the Criminal Acts of Terrorism, states that countering criminal acts of terrorism must be carried out holistically, comprehensively and continuously. Countermeasures are carried out integrally between repressive and preventive approaches, as well as a balance in the use of hard power and soft power. A holistic, comprehensive and sustainable approach requires an in-depth understanding of individuals involved in terrorism activities based on their profiling results. The biggest obstacle to in-depth understanding of each individual involved in terrorism is the strong sense of collectivity and loyalty, both physically and psychologically, as members of the group/organization, as well as the protective and exclusive attitude of the leadership and radical terrorist groups/organizations towards their members.

Bai'at has strategic value as an entry point in breaking the emotional, ideological and religious ties of members of radical organizations. According to Boudan (Muhammad Naseh, et al, 2019) who put forward the concept of 'utility maximizing approach' called rational choice theory, bai'at is seen as the reasons for the choice of abehavior based on the assessment and prediction of the consequences that may result from the choice. Bai'at brings consequences for members of radical terrorism groups/organizations, which indirectly constitutes involvement in terrorism activities.

Disengagement through cancellation/revocation of bai'at is a persuasive approach that has a very strategic meaning. The objectives of disengagement through cancellation/revocation of allegiance are: a) to facilitate

the process of deideology or deradicalization of group/organization members by eliminating the protective nature and exclusivity of the leaders and radical groups/organizations they follow; b) to destroy the existence and resource capabilities of radical terrorism. The implementation of the cancellation/revocation of bai'at includes three important stages and must be done with good pre-conditions. The first stage is the assessment (Nurul Huda, et al, 2020) of individual members of the group/organization. This stage is carried out through intelligence operations, for target profiling. The aim is to understand the individual holistically and comprehensively. Based on the results of the assessment, it is then determined whether a member of the radical group/organization is more appropriate to be handled through a penal approach (punishment) or a non-penal approach (rehabilitation) while still considering the values of justice, benefit and humanity. The second stage is the separation of perpetrators through the revocation/cancellation of bai'at, which is carried out based on the willingness and process of swearing allegiance to the nation and state based on the ideology of Pancasila and the Constitution. The last stage is the stage of sustainable rehabilitation, so that what is outlined in the strategy of countering criminal acts of terrorism is holistic, comprehensive and sustainable to produce a process of non-punitive policy approach with social justice and expediency (effective - efficient). The cancellation of bai'at has been carried out by the National Counterterrorism Agency (BNPT) as shown in the following table;

Table 1. Radical Organization Members who Revoked/Cancelled Bai'at 2021-2023 (Sumber Internal Densus 88 AT Polri)

Organization	Total	Regional Origin
JI	217 persons	Lampung
JI	15 persons	Surabaya
JI	389 persons	Aceh Tamiang
NII	35 persons	Lampung
NII	138 persons	Bali
NII	1000 persons	Sumatera Barat
NII	228 persons	Bandung
NII	270 persons	Tangerang Selatan
NII	65 persons	Garut
NII	39 persons	Sumatera Selatan

Data on the cancellation/revocation of allegiance of members of radical groups can be used as information in formulating policies and preventive measures. There is a lot of important information that can be used, including a) the background and motives of a person joining a radical organization; b) the structure, management and distribution areas of the organization; c) programs and plans that have been carried out, are being carried out and will be carried out by the organization; d) the movement, affiliation and funding of the organization; and other matters that were previously very exclusive and clandestine. Such information is very important to determine steps on various alternatives to be taken (Herson Anwar, 2014), especially related to the issue of countering radicalism and terrorism.

From the results of interviews conducted with more than 250 members of the Islamic State of Indonesia (NII) who revoked their allegiance, it was found that about 90 percent claimed to have joined the organization to join a recitation group and did not know that the organization was banned. Only 9 percent knew that the organization rejected the sovereignty of the Republic of Indonesia based on the Pancasila ideology and only 1 percent knew that after more than 2-3 years of following the recitation group, it turned out to be a movement to continue the struggle for the Islamic State of Indonesia. While interviews with more than 150 members of Jamaah Islamiyah who canceled / revoked bai'at in Lampung, it is known that about 70 percent consider the organization they follow is not a radical group / organization but only as an ordinary recitation group. There are 25 percent follow the organization because invited by the family. Meanwhile, 5 per cent of them are administrators of the group/organization who understand what is being fought for through the organization they follow. However, they generally do not agree and feel that they are not involved in terror attacks or violence such as bombings that allegedly involve a handful of members of the organization.

As part of the criminal policy approach, quantitatively, the members of radical terrorism groups/organizations that have been successfully disengaged through the non-criminal approach during 2021-2023 are much more effective. This can be interpreted that criminal policy through a non-criminal approach in countering terrorism crimes must be adjusted based on the motives of each individual or party involved in terrorism crimes, if the motive for terrorism is religious reasons (Tatan Kuntana, 2017). Punitive law enforcement approach should be considered less effective in reducing the quantity of terrorism crimes.

Cancellation/revocation of bai'at as a counter-terrorism strategy through a non-punitive approach is part of the spirit of legal reform in responding to the dynamic needs of the legal community and as an instrument to conduct a review and reassessment of the practice of law enforcement of terrorism crimes that have currently been implemented in Indonesia by considering socio-political, socio-philosophical and socio-cultural (Barda Nawawi Arif) values, because the non-punitive approach actually functions more as a preventive measure for the occurrence of terrorism crimes whose main target is to deal with factors conducive to the occurrence of

terrorism crimes. Conducive factors, among others, center on social problems or conditions that can directly or indirectly lead to and foster the crime of terrorism, namely radicalism, such as social inequality, a sense of discrimination or marginalization, low standards of living and education, the influence of the global situation, and other factors.

4. Conclusion

Bai'at (pledge of allegiance) is a procession carried out by each person with the leadership of the organization as a condition for becoming a member of a radical group/organization. Bai'at has formal, material and even spiritual values, so it has a very strong binding force for each member to be loyal, obedient and subject to all existing rules in the organization, including every direction and order of the organization's leaders to engage in various terrorism activities in order to achieve their common goals. One of the strategies of non-punitive legal policy in countering terrorism that is quite effective in breaking the individual relationship of each member of radical terrorism groups/organizations with their leaders and organizations through a persuasive approach is to cancel/revoke their allegiance. The purpose of this disengagement is: first, to facilitate the process of deideology or deradicalization of group/organization members by eliminating the protective nature and exclusivity of the leaders and radical groups/organizations they follow; second, to destroy the existence and resource capabilities of radical terrorism groups/organizations in society.

OVERVIEW

Books

1. Abas, Nasir, 2005, *Dismantling Jamaah Islamiyah, Confessions of Former JI Members*, Jakarta, Grafindo Khazanah Ilmu.
2. Arif, Barda Nawawi, 2016, *Some Aspects of Criminal Law Enforcement and Development Policy*, Bandung, PT Citra Aditya Bakti.
3. Arief, Barda Nawawi, 2014 *Bunga Rampai Kebijakan Hukum Pidana 2nd Edition 4th Print*, Jakarta, Kencana.
4. Ali, Mahrus, 2012, *Criminal Law of Terrorism Theory and Practice*, Bekasi, Gramata Publishing.
5. Zakaria, A, 2000, *Revealing the Essence of Syahadat and Bai'at*, Jakarta, Ihyaus Sunnah Press Golose, Petrus Reinhard, 2009, *Deradicalization of Terrorism, Humanist, Soul Approach and Touching the Grassroots*, Jakarta, YPKIK.
6. Golose, Petrus Reinhard, 2015, *Invasion of terrorism into cyberspace*, Jakarta, YPKIK.
7. Habbas, Hafid, 2002, *Beyond Terrorism*, Jakarta, Pustaka Sinar Harapan.
8. Hendropriyono, A.M, 2009, *Terrorism, Christian Fundamentalists, Jews, Islam*, Jakarta, Kompas Books.
9. Imron, Ali, 2007, *Ali Imron the Bomber*, Jakarta, Republika Publisher.
10. Mbai, Ansyad, 2014, *New Dynamics of Terror Networks in Indonesia*, Jakarta, Squad Publishing.
11. Ridwan, Wachid, 2020, *System Dynamics of Counterterrorism*, Yogyakarta, Suara Muhamadiyah.
12. Siswanto, Heni and Aisyah Muda Cemerlang, 2021, *Bunga Rampai Hukum Pidana dan Penakan Hukum Pidana*, Bandar Lampung, Pusaka Media

Legislation

Law No. 5 of 2018 on the Amendment to Law No. 15 of 2003 on the Stipulation of Government Regulation in Lieu of Law No. 1 of 2002 on the Eradication of the Criminal Acts of Terrorism into Law.

Other Sources (Dissertation, Thesis, Journal, Papers)

1. Anwar, Herson, 2014, Nadwa, *Journal of Islamic Education*, Vol.8, No.1, Decision Making Process.
2. Harkrasnowo, Harkristuti, 2004, *UI Journal of International Law*, Vol.1 No.2, Transnational Organized Crime: In the Perspective of Criminal Law and Criminology.
3. Huda, Nurul, et all, 2020, *Scientific Journal of Legal Policy*, Vol.14, No.1, Integrated Assessment of the Application of Restorative Justice in Combating Narcotics Crimes.
4. Hwang, Julie Chernov, 2012, *Journal of Asia-Pacific Issues*, 104, Vol.1, No.12, Terrorism in perspective: an assessment of 'Jihad Project' trends in Indonesia.
5. Kuntana, Tatan, 2017, *Journal of Defense* Vol. 3, No. 2, Islamic terrorism in Indonesia: Addressing government strategies and Muslim population.
6. Naseh, Muhammad, et all, 2019, *PTIK Journal of International Relations*, Vol.8, No.1, Characteristics of Transnational Organized Crime Perpetrators in Indonesia and Europe.
7. Sarinastiti, Eska Nia Sarinastiti, 2018, *Gama Societa Journal*, Vol.1, No.1, Internet and Terrorism: The Strengthening of Global Cyber-Terrorism through New Media.
8. Sugiharto, 2017, *Journal of In Right: Religion and Human Rights*, Vol.6 No.2, Ibn Taymiyyah's Thought on Bai'at.