A CRITICAL ANALYSIS OF THE ANTI-TERRORISM POLICY IN INDONESIA:
ASSESSMENT OF THE CONCEPT OF JIHAD IN TERMS THE LENSES OF IDEALISM, PRAGMATISM AND VIRTUE BASED ETHICS

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ABSTRACT

Kata Kunci: Anti-Terorisme, Kebijakan, Terorisme

INTRODUCTION

The controversy of anti-terrorism policy in Indonesia starts after Bali bombing tragedy on 12 October 2002. Following the terror attacks, the former president Megawati Soekarnoputri decrees the draft law no. 2 / 2002 about eradicating terrorism as an applicable emergency legislation. The government then transforms the draft into regular statutes by declaring the law no. 15 / 2003 (Departemen Pertahanan Republik Indonesia 2006). Having seen statements of people committed to have done bomb terrors in Indonesia such as Imam Samudra, Amrozi and Sahid Firdaus, terrorism can be said as an ethical issue. They justify their actions as qital fi sabilillah which refers to armed fighting in the way of God or holy war according to their understanding. Moreover, some of them have war experiences in Iraq and Palestine. Terrorism becomes a worrying and sensitive policy issue when the terrorists mentioned formerly videotape themselves, widely broadcasted by Indonesian mass media, to convince people that their actions solely based on Islamic thinking (Tempointeraktif 2005, p. 1). From their physical appearance, as shown by the video, people can obviously see that they use Islamic attributes like traditional Muslim clothes, grow beard and even bring a black flag with la ilaha illa Allah or there is nothing to worship other than Allah written on it. Most of the terrorist are Islamic school graduates in addition to the fact that their wives wear burqa or kind of veil...
covering the entire body and most of the face except for a hole for the eyes.

Their appearance shapes people perception of the terrorists’ image. As a consequence, people see mosque groups, Muslims conducting lessons on how to read the holy book of Islam and giving public speeches about Islam as terrorists. This circumstance makes the government authorizes all police departments in Indonesia to take finger prints of all students of pondok pesantren, or Muslim schools in Indonesia operated by religious leaders, as these places often get suspected in producing young militants skilled in jihad (Warta Online Airlangga University 2006, p. 1). In international level, terrorism is seen to be driven by Islamic values for some instances. A study quotes the United States president George W. Bush’s speech about war against terrorism: ‘(...) we will not rest or tire until the war on terrorists won (...) some call this evil Islamic radicalism; others militant jihadism; still others islamofacism’ (Bush, cited in Kodrat 2006, p. 1).

It is critical therefore to use ethic tools to test out reasons to justify terrorism as immoral or morally acceptable acts particularly in relation to the concept of jihad that is assumed by the government as a cause of terrorism. Policy makers need to be able to provide policy alternatives which can represent all stakeholders especially those that are going to be at the end effects of the policymaking decision. Arguably, ethics is about a critical analysis of morality which is contingent on dialogue (McCollough 1991, p. 6). This study aims to critically analyze the issue of terrorism with reference to idealism, pragmatism and virtue based ethics. It is related to the question of why some particular Islamic groups perceive terrorism as jihad, which calls for acts of war or acts of terror. The study will also discuss to what extent the ethical frameworks can be used by the government to produce appropriate policy alternative to cope with the issue and how.

**Idealism, pragmatism and virtue based approach**

There are three core frameworks in ethics that could be used to assess a policy issue in ethical sense. Firstly, idealism, that is a ‘non consequentialist and deontological approach’ emphasizing moral law as a basis of decision making (McIntyre 2006, p. 4). This deontological concept explains that meanings are not developed in context. It puts more weight on moral values that can be applied everywhere. Idealism is ‘a priori’ concept. It begins with general propositions to particular conclusions. In idealism, reason is considered to be vital to justify principles that apply universally. It does not very much depend on observation nor empirical verification of facts. One of the most significant assumptions of idealism is that somebody’s action can be incorrect even if the action creates the best expected consequences. So, a decision should be developed primarily by recognizing duties of the decision maker and other’s people’s rights. As revealed by Kant (cited in Paton 1976, p. 100), it is incorrect to treat people as instruments to actualize our ends. Instead, people should be regarded as ends in themselves which calls for empathy imagining being in similar situation, so as to
have decent insight to recognize the other including the context that might form their thinking. However, it is hard to imagine the goodness that can be applied universally since a good thing for some people does not necessarily good for other people depending on, for example, times, cultures and the way people think. A critique of deontological approach is about its failure to show clearly which one should be taken on priority by the time a conflict is raised between rights and duties (Mill, cited in Wikipedia 2006, p. 3).

The second framework is Pragmatism that can be said as a consequentialist approach looking at the meanings of the concepts and practical aspects in favor of the majority of stakeholders (McIntyre 2006, p. 4). It is subjected to considerations of the effects on thinking and manners. For pragmatists, reasoning should come from observed facts taking full consideration of the effects on all life stages. Pragmatism sees the viewpoints of the stakeholders in different contexts. Nonetheless, there are two forms of pragmatism. The first form is narrow pragmatism that concerns particularly the majority of people but not all stakeholders. Expanded pragmatism is the other one, aiming at supporting social and environmental justice not only for the present generation but also the future generation. This second form of pragmatism promotes and carries out the process of making sure that a policymaking decision involves and suitably represents people who will get influenced by the decision.

Lastly, virtue-based approach, that is based on thinking quality in addition to practice that constructs ethical conducts (McIntyre 2006, p. 4). Virtue ethics puts forward a claim that moral behavior comes from character of an individual (Matheson 2006, pp. 5-6). It pays attention to find out aspects giving moral actions worthwhile. In other words, it puts more weight on the moral agent character rather than the nature of the actions. For example, there is a person who is a religious fanatic and kindhearted. If the person must choose between doing jihad, which may lead to act of terrors, and undoing jihad for the reason that the action might cause innocent people get killed, what would the person do? This question depends on how the person perceives him or herself. In this example, moral commitment can turn into fanaticism if taken to extreme. So, moral actions, in essence, are based on moral character according to virtue ethics.

Therefore, it can be synthesized that moral is a commonly accepted behavior while ethics is a dialogical thinking that has implication for policymaking process. It takes the framework of idealism when it is used as a benchmark ensuring people not to be treated as an object whilst efforts to take a decision should be based on a universal moral law. For idealists, how people carry out their goals is considered to be more important than what people carry out. Pragmatism highlights the usage of common sense to think about consequences following any action. That is why future generation that might receive effects of the decision is taken into account. It is called expanded pragmatism when it develops a dialogue-based decision by looking into the ideas of those who will be at the receiving end of the decision as critical point. A decision maker thus should be able to recognize consequences of a decision for all life, not
only for some stakeholders. That is why future generation that might receive effects of the decision is taken into account.

Developing dialectical process to get sense of careful thinking as regard to decision making about an issue is a necessity in virtue-based ethics. The dialectical process is then expected to bring inner virtue that would generate happiness of either individual or society. Virtue based approach is also about matching decision within particular contexts. Wise decision makers are those having ability to use proper knowledge to cope with an issue. While violence seems to be the most common explanation to analyze actions of terrors, there are particular beliefs and practices related to such action requiring more efforts to better explain this phenomenon. It is hence useful to explore the term jihad in Islam.

**Discourse of jihad**

The issue of jihad creates two camps of Muslims which are polarized based on their interpretations of hadith or report of the sayings and actions of Muhammad or his companions, together with the tradition of its chain of transmission. But, in brief, Muslims apply the term jihad to define three diverse sorts of struggle (BBC Team 2002, pp. 1-5). First, the term refers to ‘a believer’s internal struggle to live out the Muslim faith as well as possible’. This is about living this life in a manner that would please God such as to obey the laws of Islam, to learn the Qur’an wholeheartedly and to overcome negative emotions like anger and hatred. Second, jihad calls on ‘the struggle to build a good Muslim society’. This second point is to do all the believer can to lend a hand to other people. For instance, as a Muslim, people have to forgive somebody hurting us graciously and to participate in creating social justice. For Muslim’s community, in particular, the great effort to live as instructed by Allah can be accomplished by getting involved in Muslim community activities. Making clean the mosque floor, for example, can be considered as a way of showing effort to the community activities. Third, ‘holly war: the struggle to defend Islam, with force if necessary’. The latter struggle is often misinterpreted by some particular Muslim communities as the noblest jihad and relating it with acts or terrors.

In general, people may intuitively say terrorism is wrong. However, their reasoning behind the moral judgment is varied. Comparing terrorism with other cases involving violence such as riots for civil right movement is to search for similar ethical dilemma faced by either the opponent or proponent of the case. For example, people supporting the movement might argue that good goals can be achieved by questionable means.

In other words, to say about whether an action is good or wrong, to some extent, depends on whose opinion. So, in this case, good goals are those expected by people perceiving civil right movement is undeniable action to be taken. Back to the case of terrorism, can terrorism be right if there are people seeing it as good goals that can only be accomplished by doing terrors. For instance, some particular Islamic groups like al-qaida believe that act of war or terror is a way to die as syuhada defined
by some Muslims as people sacrificing themselves in a war to defend their religion.

However, ethical decision is not solely based on the principle of right or wrong or certain religious values, traditions and beliefs. Instead, being ethical is also about considering the consequences for people who are to be influenced by ideations and acts of an individual (Kierkegaard, cited in McCollough 1991, p. 12). In doing so, it is important to assess ethical thinking by being thoughtful of five dimensions, which are ‘individual-group’, ‘subject-object’, ‘self-other’, ‘tradition-situation’, ‘fact-value’ (McIntyre 2006, p. 11). What follows will apply the dimensions to assess the anti-terrorism policy in relation to jihad.

The anti-terrorism policy and jihad

There are four ethical issues concerning the anti-terrorism policy. Firstly, it seems problematic for the government to regulate the rights of individuals to decide when it is appropriate to die. For example, there is an Islamic group that names itself as ‘Laskar Jihad’ insisting to go to Palestine and Lebanon to die as Syuhada. The believers think that they are in a holy war. As an instance, a newspaper reports that there are about 2000 people coming from Front Pembela Islam, an Islamic organization established in Jakarta, persisting to go to Palestine and Lebanon (Antara 2006, p. 1). The anti-terrorism policy is crucial since it needs to address issue of suicide terrorism as a way to do jihad. This is related to a religious belief about mati syahid or to die for honor in the way of God.

Secondly, the anti-terrorism policy turns into a case-sensitive policy for a reason that improperly formulated policy can create conflicts among religions in Indonesia. The government gives unlimited authority, which for some instances avoids civil rights such as tapping phone conversation and divulging confidential information without legal requirement, to Badan Intelejen Nasional or Indonesian Intelligence Agency to investigate those suspected to have relations with terrorism. The policy then creates ethical issue by the time misleading actions against terrorism results in undesirable effects such as accusing innocent people who are not even involved in the conflict. For example, the shot of Irianto Kongkoli, who is a priest in Palu. According to a newspaper report (Fajar Online 2006, p.1), the police department there thinks that the shot is related to terrorism based on religious sentiment and thus accuses Hasanudin, one of Islamic group Leader in Palu, for doing it. Nevertheless, he is proofed not guilty by the court after intensive investigation. This case can be an evident reason of why an adequate policy making should be considered by the government regarding terrorism issue, because it might cause religious conflicts as a result of misinterpretation and misjudgment about either the issue or steps taken to deal with terrorism. The policymaking process therefore should involve not only the formulator of the policy, namely the Indonesian Defense Department but also the policy executor and leaders of all religious groups as suggested by expanded pragmatism.
Thirdly, some Indonesian Islamic scholars argue that terrorist movements in Indonesia have been influenced by ideological values of international terrorists like al-qaida (Winarta 2005, pp. 3-5; Kodrat 2006, pp. 1-3; Hakim 2006, pp. 63-70; Wahid 2006, pp. 34-41). The terrorists’ interpretation of religious ethics of Islam provokes some Indonesian Muslim communities perceive holy war as a real war. In other words, ethical values contained in the term jihad, as to go and to die in a holy war, get mixed up with globalization of Muslim militancy. This phenomenon raises two questions. Firstly, what values brought by al-qaida and do those values offer new form of Islamic morality? Second, how and why the values shape the way the global society perceive Islam? These questions are critical in terms of ethical policy making of the anti-terrorism issue. Gayath’s article, one of al-qaida spokespersons, may explain the values championed by al-qaida including reasons why it might influence the way the global society see Islam. Quoting his words:

‘America is the head of heresy in our modern world, and it leads an infidel democratic regime that is based upon separation of religion and state and on ruling the people by the people via legislating laws that contradict the way of God and permit that which God has prohibited. This compels the other countries to act in accordance with the same laws in the same ways (...) and punishes any country (that resists) by besieging it, and then by boycotting it. In so doing, (America) seeks to impose on the world a religion that is not God’s (...) America knows only the language of force. This (jihad) is the only way to stop it and make it take its hands off the Muslims and their affairs. America does not know the language of dialogue of peaceful coexistence! America is kept at bay by blood alone’ (Ghayath 2006, cited in Kelsay 2005, p. 700).

Indeed, it is correct say that ‘a virtue can become a vice if taken to excess’ (Matheson 2006, pp. 5-6). This provoking article, for instance, shows how moral commitment can become fanaticism. The widespread effects of the fanaticism appear to have provoked the Indonesian terrorists, namely Imam Samudra, Amrozi and Salik Firdaus to conduct terrors. They justify the terrors as a war to western countries such as United States (Kodrat 2006, p. 2). Another worrying effect of this fanaticism is that it may provoke more Indonesian Muslims to incorrectly believe the terrors as a way to sacrifice themselves in a holy war and to die as syuhada. Arguably, the pirated version of the terrorist video, as explained in the introduction part, is available on the illegal market which is relatively easy to find in Indonesia.

Lastly, there are two core concepts in Islam, namely sharia and, ummah, that can be compared with the basic ethical frameworks. First, sharia is about engaging ‘transgerational conversation’ to fit Islamic paradigms developed in acknowledged text with present-day situations (Kelsay 2005, p. 1). Sharia proposes members of a society to give and to take reasons, to produce claims and counterclaims about soundness of particular beliefs. This is in line with concepts suggested by Aristotle about matching decision in context and building dialectical process. For example, once the
prophet Muhammad talked about holy war after returning from a battle, he said that ‘we are finished with the lesser jihad, now we are starting the greater jihad’ (BBC team 2002, p. 2). The former one relates to fight against ‘outer enemy’. It means that war can not be conducted without acceptable reasons such as self-defense from killing attempts and defending the liberation of Muslims to carry out their faith. ‘Greater jihad’, on the one hand, more refers to fight against one’s own passion that can be harmful to either the person or other people such as anger, or sinful for Muslims like sexual desire to have sex before marriage. Terrorists justifying their acts based on Islamic values make non-Muslims think that Islam approves terrors as part of jihad and influence other Muslims to follow their way.

The next concept is ummah (Cesary 2004, pp. 91-92) suggesting the community of believers to incorporate not only every Muslims presently living on earth, but also pay attention to the past and future generations to gain social justice. This concept is somewhat similar with expanded pragmatism attempting to look at self, other and the surrounding for both current and next generations. The brief comparison of the two concepts is to show that Islamic values can be used to produce an ethical decision if they are understood in proper sense. In other words, knowledge to support reasoning about conducting jihad should consider effects of the action for all life, not just for some Islamic communities wanting to attack other communities with different believe and hoping to die as syuhada according to their belief.

Ethical policy making on anti-terrorism issue requires efforts to match the right kind of knowledge to the issue. It calls for the use of the two sound Islamic concepts to produce counter-arguments of terror acts as part of jihad. For example, the government can put the concepts in the policy statement of anti-terrorism and socialize the statement through either national or international mass media. These efforts would prevent Muslim communities particularly in Indonesia to follow the terrorists’ actions as a result of misinterpretation about the concept of jihad. Moreover, the efforts are useful to provide better image of Islam on global scale as well as to reduce religious conflict that might arise from again misunderstanding of jihad in Islam and terrorism.

Conclusion

In terms of jihad, a fundamental question that should be included to properly understand moral obligations for Muslims in general is about how do they weigh moral duty against another, that is to interpret the lesser and greater jihad, considering not only effects of jihad to Muslim communities but also to society as a whole. An appropriately formulated policy on terrorism can give people more confident feeling in the government actions to eradicate terrorism as well as greater restraint to terrorism which, in turn, would build support from other nations.

This study identifies that expanded pragmatism seems to have been able to improve on narrow pragmatism by taking into account all the stakeholders who will get influenced by the policy decision. If the
government considers contextual variations and different perceptions of jihad from both Muslims perceiving it as a holy war leading to terrorism and those seeing it as war against oneself or internal struggle, the policy decision is likely to be more ethical than just considering the former one. Involving viewpoints of other religions is also a necessity to ensure that conflicts based on misunderstanding are avoided.

In addition, virtue based approach can improve policymaking process of the anti-terrorism issue by matching the proper kind of knowledge to the issue. This study recommends the core concepts of Islam to be included in the policy statement so that the government can come up with convincing and motivating reasons to restrain Indonesian Muslims for not getting involved with terrorism. Above all, still in terms of policymaking on the anti-terrorism issue, combining virtue-based ethics and pragmatism appears to have been more critical than applying each framework separately as the moral quality or the character traits of the stakeholders is also determined by factors external to them that are consequences.

REFERENCE


Cesary, J 2004, When Islam and democracy meet: Muslims in Europe and in the United States, Palgrave Macmillan, USA.

Departemen Pertahanan Republik Indonesia 2006, Undang-Undang Republik Indonesia nomor 2 tahun 2002 tentang pemberantasan terorisme, DEPHAN, Jakarta.

Departemen Pertahanan Republik Indonesia 2006, Undang-Undang Republik Indonesia nomor 15 tahun 2003 revisi UU nomor 2 tahun 2002 tentang pemberantasan terorisme, DEPHAN, Jakarta.


Matheson, C 2006, ‘Theories of ethics’, lecture notes distributed in the topic Ethics and Public Administration (POAD 9123) at Flinders University, Adelaide on October.

McIntyre, J 2006, ‘Ethical praxis’, lecture notes distributed in the topic Ethics and Public Administration (POAD 9123) at Flinders University, Adelaide on October.


