PROPHETIC FORENSIC INTERVIEW: CRITICAL HERMENEUTICAL STUDY ON THE MOTIVES OF PERPETRATORS OF TERRORISM

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Abstract

Purpose: This study aimed to reveal the motives of the perpetrators based on critical hermeneutics. In Indonesia, the perpetrators of terrorism perceived that their acts as a form of jihad to fight the non-believers. Jihad as the legitimacy of religion becomes a means to pursue the blessings of Allah (swt) in the world and the hereafter.

Methodology: Prophetic paradigm is generally used in accordance to the reality of religious beliefs based on the ontology of realism that life goes according to the laws of nature and the will of God. Furthermore, non-doctrinal sociological juridical approach was employed with qualitative method. Secondary data was obtained from the study of documents and books, scientific journals and internet related with terrorism. Prophetic forensic interview was used as the tool to analyze the data with interpretative phenomenology and interpretative understanding methods.

Results: The results of ontological study uncovered the phenomenon of religious values (jihad) that is expressed not from religion as its entity, but rather from the actions of the believers (terrorism).

Implications: Thus, based on the epistemological realm, religious legitimacy was found out as the motive of terrorism as a justification of the act against the law. Based on the axiological realm, the prophetic law was violated, since the religious teachings become the legitimacy of violence, manifested in the acts of terrorism.

Keywords: Prophetic Forensic, Critical Hermeneutics, Terrorism Motives, Prophetic Paradigm, Ontology of realism

INTRODUCTION

Terrorism is generally done in the name of jihad as the legitimacy of religion. The actualization of perpetrators of terrorism in understanding of jihad is carried out in the form of terrorism that is perceived as the symbolism of obedience to the command and the prohibition of religion in accordance to the God’s revelation and Islamic teachings. The series of jihad activities became a source of the rise of terrorism as an attempt to accentuate the Islamic teachings.

This study was conducted to determine the motives of the perpetrators in carrying out criminal acts, based on the perspective of non-systematic and prophetic law. Prophetic forensic interview was employed as the tool with critical hermeneutics as the rule breaking in the investigation of criminal terrorism cases. Humanist investigations with restorative justice were selected to uncover the perpetrators background based on their history of family, religion, and social life of the community. The results of those sociological studies became the material to conduct interviews, thus, the investigation could reveal and track down the motives of the perpetrators of criminal acts. Based on the description, several problems were formulated, namely: a. what is the motive of the perpetrators of terrorism based on the prophetic forensic interview?, and b. how to interpret the perpetrators’ motives based on critical hermeneutical study? The objectives of this study were: a. to describe the motives of the perpetrators based on the prophetic forensic interview, and b. to describe the interpretation of the perpetrators motives based on the critical hermeneutical study.

The previous review of terrorism was carried out by Mirra Noor Milla who explored the identity and decisions of jihad outside conflict areas (Milla, 2009). The depictions of terrorist actors in Indonesia as a collection of normal with healthy minds and long time goals to uphold the Islamic system of government based on the Qurán and Hadits teaching (Metsämuuronen, 2018; Solom, 2015). This study used qualitative approach with data collection through interviews, document review, and media information. The terrorism that became a serious problem in Indonesia following the bomb attacks in Bali (Firmansyah, 2011; Selomo and Govender, 2016). In connection with the prediction of a militant movement and a new network that has more bomb experts, the government’s counter measures the effect with a preemptive approach. This study is an interview model as a rule breaking that opens the horizon of novelty in the field of law, particularly in the investigation of criminal acts of terrorism.
EXPERIMENTAL DETAILS

Non-systematic law propounded based on the consilience, chaos theory, deconstruction, trans-substantial motion, and gradation relation as the postulates. Several theories of non-systematic law are as follows (Susanto, 2010).

a. Chaos Theory in Law

The chaos theory in law explicates the argumentative criticisms of positivist theorists in developing and improving legal theory based on a systematic-mechanical model, since it is essentially without any system or in asymmetric conditions called social melee. The law becomes part of the condition of society hence the law is in the melee condition. Some important ideas of chaos theory are proposed by Charles Sampford, including: 1) power relations, the situation in society that cannot be seen as systemic or mechanistic condition due to the clash between powers leading to an asymmetrical condition within a society; 2) legal melee, chaotic reality of law since law is a micro element of a society, thus legal relation is a complicated and neither always causality nor linear; and 3) legal relation, in the form of the text of the law or language contained in the legislation that provides discretion to think with diverse perceptions.

b. Derrida’s Deconstruction Hermeneutics

Hermeneutics is an interpretation of meaning that includes the interpretation method as the art of understanding or the practice of interpretation. The hermeneutical approach is classified into 3 (three), namely: 1) theoretical hermeneutics as a method of interpreting texts to find their objective meaning through valid methods based on the grammatical and psychological interpretations; 2) philosophical hermeneutics as the presupposition of the original or the true meaning that is reproduced as an interpretation of the meaning reproduction process as desired by the author of the text or the historical event once encompassed by the author; and 3) critical hermeneutics as an interpretation that considers the inter-connection between the texts to understand the purpose of the phenomenon in the reality.

c. Prophetic Law

Prophetic law that is based on the revolution of knowledge interpreted as an opportunity to retool revelation and science (Absori, 2015; Bayat et al., 2014). The idea that arises from the vortex of postmodern waves is the Islamization of science and the prophetic paradigm. The source of knowledge in the prophetic paradigm is derived from the transcendental mind, heart, senses, and revelations (DALIR et al., 2014; Petrova, 2016; Wardiono, 2016).

It is synergistic with the emergency theory that suggests that the realm of openness is upward to the nature of transcendental consciousness which provides a very powerful model for the integration between oneself and the spirit. The transcendental dimension in post-positivism is in the form of religion, ethics, and morality that is related to several aspects of theological issues and individual desires with the scientific, social, cultural, economic, and legal development.

d. Research Method

This study aimed to reveal the motives of perpetrators in Indonesia based on the reality of belief in religious life in the paradigm of prophetic law, namely the belief that stands on the notion of realism ontology which states that the reality of life goes in accordance to the laws of nature and the will of God. Truth is obtained directly from the object to maintain theobjectivity, which is to describe the actual conditions.

The motive of criminal acts of terrorism can be perceived as the reality that becomes the legitimacy of unlawful acts perpetrated by the perpetrators. Disclosure of motives by using prophetic forensic interviews was carried out directly on the objects to obtain the actual situation of the perpetrators of terrorism.

This study employed the sociological juridical approach with non-doctrinal method. The method qualitatively determines the categories and concepts of the obtained data in accordance to the statements and point of views of the perpetrators as the subject of this study. The data was analyzed using interpretative phenomenology and interpretative understanding methods. The methods were selected since they cope with the reality in human life which aims to interpret action as a meaningful thing that is related to the legitimacy of jihad by the perpetrators of terrorism. The object of phenomenology is the thing that is realized, recalled, and perceived based on the experience or consciousness of the individual related to the aim of human action which is characterized by natural thought called intentionality.

Data collection was carried out by examining the documents, particularly biographies and personal notes of the terrorist as well as the literatures on terrorism from the psychological, sociological, and religion perspective. Documents on terrorism
were obtained from literature review including the writings in scientific journals and internet.

Data analysis was done by using 2 (two) methods, namely the Interpretative Phenomenology Analysis (IPA) method to reveal the meaning of an action conducted by individual related with the interaction with social environment. The psychological aspect of an individual is dissected by interpretation analysis based on the discourse analysis of text, intertext, context (temporal, situational, personal, end) and coherence aspects associated with non-scientific reality of the transcendental philosophy. The method consisted of several stages, namely: 1) Reading and re-reading (read, observed, and understood, repetitively); 2) Initial noting (content: identification and interpretation of text); 3) Develop Emergent themes (occurrence of themes); 4) Searching for connections across emergent themes (new findings); 5) Moving the next cases (how to complete case analysis); and 6) Looking for patterns across cases (looking for patterns/models).

Second, interpretative understanding method that serves to capture the meaning or message contained implicitly both on the text and context. Each person has the limitation to understand the meaning of others behavior in association with the surrounding environment that only describes the sequence of outer events. Each individual, however, has a diverse motive based on outlooks about social facts, social definitions, and social behavior (Elgueta, 2018; Fathorrhman, 2015).

Interpretive understanding method consists of two stages, namely: a. to understand the meaning of the acts carried out by the perpetrators by uncovering the motives of their actions in order to understand their intention; and b. to interpret the findings of previous stage into the concepts as the abstraction and construction of mind from the reality encountered by humans. (Sarwono, 2012)

The results of Interpretative Phenomenology and Interpretative Understanding methods are presented in two structures, namely: a. Flow Model of Narration (FMON), which is a description of the manuscript according to the reality obtained from the sources; and b. Comparative, which is the comparison of alternatives of various descriptions and statements of the perpetrators of terrorism in the reality based on the investigation process of similar cases to demonstrate that the facts are in accordance with the model developed in the study.

RESULTS AND DISCUSSION

e. Non-Systematic Law

Analysis of the perpetrators” motives based on the perspective of non-systematic law is the embodiment of chaos theory in law, which is the imbalance within a society due to the collision between powers leading to the asymmetrical condition of a society. This condition is evidenced by less sympathetic responses to the acts of terrorism put forward by the public. Specifically, community responses include: 1) Suicide is a great sin in Islam and it is not a jihad; 2) To kill innocent people who earn a livelihood at the bombing site definitely harms the public, it is not a jihad; 3) There is an assumption or indication of business competition that exploits the acts of terrorism, since the targeted bombing site belongs to members of society and leads to economic losses.

Furthermore, the performance and professionalism of Indonesian National Police in dealing with terrorism cases are also questioned by the public due to the reality of torment and murder as evidenced by the alleged perpetrators death without any trial. Such chaotic situation raises the public distrust that demonstrates law as a micro component of society; hence, legal relations are complex and not always causal and linear. It is based on the theory of legal communication that put forward the text of the law or language contained in the legislation that provides the discretion to think with diverse perceptions.

The strategy of investigation with restorative justice in Article 18 of the Law No. 2 of 2002 becomes the juridical postulate of the police in addressing a case without any trial. The offender is positioned at the central point in case to avoid imprisonment but being held accountable. This method should be done according to the prevailing legislation by taking into consideration the humanist aspect, but in the reality, it is done by shooting dead the suspected perpetrators without any trial.

f. Derrida’s Deconstruction Hermeneutics

Derrida’s deconstruction hermeneutics applied in the investigation of terrorism is critical hermeneutic, i.e., the interpretation of the results of interview that is related to other texts as an attempt to understand the perpetrators motives to reveal data and facts as evidence in lawful or lawless court.

The interpretation method is done by understanding a phenomenon based on the verbal and written language to be studied meticulously with the following provisions: 1) related with the reality of the perpetrator; 2) aimed to interpret action as
a meaningful thing (symbolic meaning); 3) the object is an event that is realized, recalled, perceived based on individual experience or consciousness, i.e. an interview in the investigation process; 4) related to the perpetrators purpose; and 5) the actions done in natural situations or intentionality.

Analysis with interpretative understanding method produces symbolic meaning, which is the interpretation of „a way that implies something“ that is not said or not tangible text based on relation with other texts (intertextuality). The symbolic meaning identified from the terrorism case is in the self of the perpetrator in association with the divine interpretation, belief (or might be heresy), and mythology.

**g. Prophetic Law Paradigm**

The analysis of the perpetrators motives based on the perspective of the prophetic law paradigm is as follows:

1. The basic assumption aspects, namely: a) Ontology is a parallel relation which includes interpreter (legal semiotics) in the form of: text (result of interview to perpetrator of terrorism, and, b) the reality of perpetrators motives as derived from the symbolic meanings;
2. Epistemology includes: a) Knowledge of jihad based on rational, emotion, or intuition; b) The reality of chaos in the process of investigation based on the deconstruction theory and, c) The rise of methodological diversity or rule breaking which is a breakthrough in the field of law based on the Consilience theory and,
3. Axiology is the purpose of the study, namely: a) to develop a new perspective in the form of a model or strategy that deconstruct the understanding of jihad; and b) to produce a gradation relation by allowing the different points of view through restorative justice in the investigation process by creating a humane atmosphere in the interview by using a heart-touching deliberation model in the dimension of the soul of the terrorist, i.e. by performing prophetic forensic interview.

**h. Prophetic Forensic Interview**

The perpetrators of criminal acts of terrorism perceive jihad as a kind of religious activity that can lighten the psychological state since it becomes one of the important elements that contribute to the development of human devotion and as a means of worship to augment the devotion to Allah (swt).

Collectiveness among the perpetrators of terrorism becomes a reflection of Islamic teachings of Ukhuwah Islamiyah embodied in the unity of perpetrators committed acts based on the aspiration agreed upon by the group and embodied in a series of incessant terror activities in the social environment of the community. Based on this standpoint, the investigation process carried out by the investigator leads to the characteristics of non-scientific truths believed by the perpetrators of terrorism, namely: 1) religious beliefs include the doctrine, heresy, or mythology about jihad; and 2) the reality that is found as a result of the interpretation of symbolic meanings of each terrorist whose motive is approaching the finality or the true meaning of the existence of Allah (swt). The interview model is adjusted to the spirit and soul of the perpetrator of terrorism, based on their belief about jihad that is directed towards the finality in the true meaning of the God’s command as manifested in jihad. The visum of perpetrators outlook about Islam is traced in a humanist corridor with a restorative justice approach.

The following data is a profile of Imam Samudra (the actor of “Bali Bombing”) as proposed by Sarlito Wirawan Sarwono. Description of Imam Samudra’s view of Islam is as follows:

1. The background of Imam Samudra in learning the immune science (the magical power that keeps the body from all forms of weapons), but he terminated it since he considered it as a polytheistic act. Furthermore, he learned that the Prophet Muhammad had been wounded twice in the battles against the enemies of Islam;
2. He has special interest in Islamic teachings since he was in junior high school and ultimately, he decided to focus on studying Islamic teachings and dropped out from public school and moved to Madrasah Aliyah. He has no interest in studying Islam in Indonesia and sought for education abroad and met Kang Jagur who sent him to Malaysia, Pakistan and Afghanistan;
3. He attended public primary school and junior high school in the morning and madrasah in the afternoon. He did not continue his formal education at senior high school, instead he attended a full-time student at Madrasah Aliyah. His believes that madrasah has equal quality with public school. Fed up with secular-based education at public university, he sought for scholarship abroad particularly to study Islam and met Kang Jagur who, in a few days, provided passport for Imam Samudra to visit Malaysia, Pakistan, and Afghanistan;

4. Imam Samudra’s standpoint on religious teachings is as follows: In his first year at junior high school, he was worried about the gap between the religious teachings and his friends way of life (particularly concerning with the youth permissive sexual life. He also dislikes the reality that his friends did not fancy to recite the Quran due to the assumption it could disrupt the subjects provided at schools. He perceives it against the Islamic logic. He loves to read books about the Islamic movement, Islamic history, and Islamic leaders, among others Malcolm X, Sayyid Qutb, Hassan al-Bana, and Darul Islam;

5. He has an interest on the figure of Imaduddin (a secular engineer who teaches about Islam), but dislikes Nurholis Madjid (a secular Islamic scientist) for studying at McGill University, Canada that is perceived as a pagan country by Imam Samudra; and

6. In conclusion, Imam Samudra believes that: the Quran and Prophet Muhammad are the only guidance to achieve a decent and peaceful life; to never use human logic to believe in religion; to love because of Allah and to hate because of Allah. Prophet Muhammad once beheaded a Jew in order to defend Islam; Islam is not limited to the State since Islam is Rahmatan lil ’Alamin.

i. Interpretation of Terrorism Motives

The investigation process with restorative justice by means of psychological detection in terms of the interpretation of symbolic meaning was conducted to obtain an understanding from the prophetic law perspective on the Islamic comprehension texts of the perpetrators of criminal acts of terrorism. Identification of the psychological state of Imam Samudra conducted by Sarlito Wirawan Sarwono demonstrated the deviations in understanding jihad, namely:

1. Imam Samudra was convinced that the entire global problems were initiated by the Jews and Christians (Israel and the United States), who have the agenda to demolish Islam. Therefore, they must be destroyed. The deconstruction is: Jihad should be done in the territory of those States, not in Indonesia;

2. To protect other Muslims, regardless of their nationality. It is the responsibility of every Muslim to gain the God’s grace. The deconstruction is: the bombing caused the victims of Indonesian Muslims that is against the purpose of obtaining God’s grace;

3. The Quran reveals that the Jews and Christians who want to destroy Islam as currently represent by Israel and the US, or in the past by Russia (in Afghanistan). The deconstruction is: the understanding of the Quran related with this issue should not be applied in Indonesia because it is a predominantly Muslim country; and,

4. The only way to implement Islam is to destroy the US, Israel, and their cronies. The deconstruction is: the acts of terrorism should not be done in Indonesia because the perpetrators are Indonesian citizen who were born and who live and make a living in Indonesia. Furthermore, they have families in Indonesia. Interview with persuasive method of the interpretation of symbolic meaning of the prophetic law perspective is a breakthrough in the field of law (rule breaking) as the visionary efforts of the phenomenon of law in accordance with the conditions of society, namely the perpetrators of criminal acts of terrorism on behalf of the Islamic teachings.

The deviations of the perpetrators motive from the prophetic law are explicated as follows:

1. Bali bombing was propounded by Imam Samudra who was provoked by the pictures of Muslims, including women and children in the countries, such as Afghanistan and Palestine, that motivated him to take a revenge; The bombing was financed by ransacking the property of Chinese citizens. According to Imam Samudra, in Islam, it is legal to
steal/rob (fa’i) from the non-believers for the benefit of Islam. Such case also occurred in the era of the Prophet Muhammad (hadith). The deconstruction: some of the Chinese descents are Muslims and obedient in worshiping Allah (swt) according to the Quran and hadith.

2. When he was finally arrested after 5 years of being a fugitive, Imam Samudra was fearless since he perceived it as his fate (destiny) and a part of the risks of what he did; He only regretted that his chance to fight against the US and Israel was over; Such attitude is based on the history of Galileo Galilei and Copernicus who were executed by the church during their efforts to defend what they believe, which are believed to be true nowadays. The deconstruction is: as a Muslim, there was no sense of regret because he had caused the death of hundreds of people, including Indonesian Muslims;

3. According to Imam Samudra, Bali bombing is neither a local nor borderless war since it is a war against the Crusade. The Jews and Christians are more concerned with the Quran, thus they will do anything to prevent the obedience of the written command in the scriptures while the Muslims are regarded to be less concerned. Therefore, Imam Samudra perceived that he must do something to improve the situation; the deconstruction is: it is ironic since he intended to improve the situation while destroying and harming the State with bombing action in a public place that has strategic economic value, which is the Bali Island;

4. The symbolic meaning can be put forward based on the interpretation of the text on the understanding of faith, Islam and beliefs, certain beliefs that might be heresy or mythology, which was demonstrated by Imam Samudra’s attitude after his arrest: namely: a) He perceived that his arrest benefits the enemy of Islam, for the greatest benefit of succeeding in getting rid of him as the opponent; b) The police who arrested Imam Samudra carried out the order from the foreigner and they were facilitated by the US; and c) the long-term agenda is that the history will prove that Imam Samudra and his group had taken appropriate action to defend Islam.

Forensics to transcendental-based symbolic meaning in accordance to the perspective of prophetic forensic interviews indicated the violation from prophetic law. The perpetrators has a desire to improve the situation in accordance with the chaos theory in non-systematic law, that is, the government is assumed to be unfair, hence, the acts of terrorism are intended to implement the prophetic law so that the life of the State is in line with the Islamic teachings. The government is failed because the State is run based on non-Islamic basis.

The actions represent that the perpetrators perceive the Islamic teachings in black and white, between good and bad, and interpret the Quran and Hadith literary and textually. The implementation of prophetic law deviates from the Islamic teachings that are legitimated to commit the acts of violence in the form of terrorism. The concept of jihad is understood as a battle against the non-Muslims and the Muslims who do not practice Islamic law by any means, for instance, by raising funds by robbing the citizens.

Prophetic forensic interview for the interpretation of the transcendental-based symbolic meaning of the perpetrators of terrorism demonstrates that the knowledge based on belief which is supported by evidence will create a belief that leads to knowledge. Prophetic law integrates knowledge and religion by interpreting the internal values into objective categories thus some actions can be taken as reasonable actions without having to agree upon their original value.

CONCLUSION

The perpetrators motive in performing criminal acts of terrorism is the manifestation of religious belief which is based on the ontology of realism, that the reality of life that runs in accordance with the laws of nature and the will of God. The understanding of religion in a non-systemic law in the realm of epistemology is to unify the religious people in social life. Based on this, the agencies of law enforcement should seek to promote the humane aspects in dealing with the criminal acts of terrorism, including the model of prophetic forensic interview. The axiological realm reflected in the religious values is not expressed from the religion as an entity but instead, from the actions of the believers. Deviation from prophetic law cannot be detached from the socio-cultural factors that are not synergistic with the values of Islamic teachings. The legitimacy of religion is used as an excuse for justification of acts against the law. The symbolic meaning of the perpetrators’ actions is the process towards to heaven by performing terrorism. Jihad is perceived as the symbolism with the conviction to gain the God’s blessings.
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