Deconstruction of Jihad Radicalism in Islamic Law: A Conceptual Proposal to Combat Isis Terrorism in Indonesia

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Abstract

Islamic State of Iran and Syria (ISIS) has become a global movement that penetrates into Indonesia. This movement leads back to the trauma of Indonesian nation to a series of destructive events of terrorism in the country. The meaning of jihad in Islam is hijacked by ISIS activists into violence and war against western infidels in their perspective. They do not care if their target is civilian or military.

Meanwhile, the actual concept of jihad in Islam is essential jihad, namely jihad by striving earnestly to improve the quality of individual and community. A wrong interpretation of jihad can not only be solved by force because enforcement effort through violence leaves an endless conflict between terrorists and law enforcer. One conceptual proposal in combating terrorism in Indonesia is by deconstructing the perspective of the physical jihad into essential jihad.

Keywords: Terrorism, Radicalism, Jihad, Islamic law, ISIS

Introduction

Religious life of the Indonesian people is once again disturbed by the emergence of a new large-scale transnational political movement with the name Islamic State of Iraq and Syria (ISIS). This movement opens the wounds of the nation with a series of traumatic events of destruction and bombings in Indonesia. The verses of the Qur'an and the Hadith become a means of their legitimacy for calling Muslim community to join the war.

Although in many cases religions present the aspect of peace and safety, ISIS movement demonstrates and also illustrates other religious phenomena such as destructive effects in the history of mankind. Even worse, mass destruction and bloodshed occur in the name of religion. When following episodes of terrorism, public adrenalin often rumbles. Dreadful brutality scenes are often shown to the public. Crime with the legitimacy of religious doctrine can have a more devastating and serious impact than the legitimacy of other crimes. Moreover, an interpretation of religious doctrine is snatched with the motivation to defend God through jihad (Auda, 2008).

The next century is that one of religious radicalism which is born from postmodernist response to modernity. It is so-called religious radicalism because it is born as a result of modernity pathology. Dogmatic offense due to modernization tends to neglect the religious sentiment. Islamic radicalism upheaval or "hardline Islam" subsequently leads to jihad for a life in accordance with Islamic Shariah. They try to change the non-Islamic system of the state and the nation according to their absolute interpretation (Syaiful, 2010).

However, as a response to the postmodernism, such radicalism will continue to find opponents in thought that was born from the moderate wing of the religion (Syaiful, 2010). This group will remodel or deconstruct the superiority of radical interpretation. The moderate understanding of the concept of jihad is to maintain tolerance and peace and this is needed to deconstruct radicalism understanding which underlies terrorist attacks in Indonesia. Jihad radicalism

simultaneously calls for jihad to support their movement. Unfortunately, the concept of jihad is rooted from classical fiqh understanding, as the basis of their Islamic law, which supports assaults to non-Muslims as a way to eradicate polytheism and paganism.

Concept of Jihad in Islamic Law

Among the scholars, there is disagreement about the meaning and the period of time when jihad is ordered by Allah (s.w.t) to the Prophet and Muslims (Saoki, 2013). A group of scholars agreed that jihad means a war against enemies, and such an order was sent after the Prophet migrated to Medina. Such a perspective is not entirely incorrect because it is true that the war against pagans was ordered after the Prophet migrated (Saoki, 2013).

Another group related it to the time when the verse of jihad was sent to Earth with two meanings: firstly, jihad during the era when the Prophet lived and that involved struggling and preaching in Mecca (Al-Buthi, 1993). In such a context, jihad is taken as the preaching of *amar makruf nahi munkar* by delivering (*tabligh*) under the order of Allah (s.w.t) and His prophets in a good manner and without any force. This was also accompanied by fortitude and firmness when confronted with all odds and tortures caused by Islamic preaching. In the analysis from the latter group, jihad has existed since the time the Prophet lived in Mecca, as proven in some words of Allah (s.w.t) and Hadith (Al-Buthi, 1993).

Secondly, jihad happened when the Prophet migrated to Medina. It means that jihad was taken as a war. The first concept of jihad serves as the basis or a foundation or spirit of this concept of jihad. Therefore, jihad could appear in different forms fitting the existing condition. However, the concept of jihad must still be supported by its foundation and attached to its soul, namely the Islamic preaching that is against any force and violence, and should be done persuasively through a dialogue (Saoki, 2013).

The war against those who stood against Islam after the Prophet migrated was caused by the fact that Islamic preaching was protected by a nation and a leader, who had a constitution protecting the Islamic preaching. Previously, Islamic preaching was done by individuals unprotected by the nation, did not have any defined area as a domicile, and was not led by a politically responsible leader (Saoki, 2013).

Moslem scholars from different schools of thought (*madzab*) agreed that jihad was compulsory. According to Iman An-Nawawiy (as cited in Nasaruddin, 2014), from the circle of *Syafi'iyyah*, jihad, during the time of Muhammad (s.a.w), could be considered as either *fardh kifayah* or *fardh 'ain*. In general, jihad could mean raising weapons. It is also in line with the idea of *Syafi'iyyah*, *Hanbaliyah*, and *Malikiyah*. However, they pointed out that jihad did not only mean raising weapons or anything related to action, but it could also be manifested through spoken remarks. Iman Ahmad ibn Hanbal (Nasaruddin, 2014) confirmed that jihad was a compulsory deed. Jihad was even placed in the primary position over the rest of obligations (Nasaruddin, 2014).

Jihad, as mentioned above, could belong to either personal responsibility (*fardh 'ain*) or collective responsibility (*fardh kifayah*), but the origin of jihad was based on *fardh kifayah*. This makes sense recalling that there would be no parties responsible for building social communities for all human beings when most people were obligated to do jihad. This was relevant to jihad done by setting up a *dar al-harb* ordered by a Moslem leader. For *Hanafiyah*, a Muslim leader (*imam*), was obligated to send his troops for jihad to *dar al-harb* once or twice a year. It was based on surah At-Taubah (9): 5 about an order to fight against pagans. Besides, a hadith confirms that jihad will exist until the doomsday comes (Nasaruddin, 2014).

Jihad could be categorized into *fardh 'ain* when *dar al-Islam* was controlled by enemies. In such a condition, all Muslim theologians agreed that

each individual was responsible to fight against enemies. Ibn Qudamah (as cited in Nasaruddin, 2014) from the group of *Hanbaliyah* asserted more specifically that jihad was *fardh 'ain* when the enemies were faced. Jihad in the form of war is compulsory and should not be surrendered in the battlefield. The *fardh 'ain* jihad involved all individuals including women. Ibn Qudamah stated that it was a must for the troops of jihad to surrender during the war only when the Muslim leader gave an order to give up (Nasaruddin, 2014). It proves that jihad was based on *fardh kifayah* in terms of delivering Islamic preaching. It is *fardh 'ain* when jihad is aimed to defend.

The ISIS Terrorism and the Movement of Jihad Radicalism in Indonesia

The phenomenon of "Arab Spring" in the eastern region halted in Syria is believed to be the starting point of the resurrection of the *Khilafah* with the territorial control of the Syrian Kingdom *(The Levant),* namely: Syria, Iraq, Jordan and Palestine (and Israel). Global jihad in Syria (and Iraq) manages to attract the attention and the support of *jihadis* from around the world, because it is believed to be the "end" of the war of Islam to realize the Sham country. Radical groups in Indonesia actively involve in the global jihad in Syria. Global jihad has got a response from Shia Iran and *Hezbollah* in Lebanon, including Indonesian Shia group that carried out training in Bangil in April 2014. The global jihad in Syria serves as the recruitment process, regeneration, training and first battlefield for young *jihadis* aged between 17 to 25 years. It is estimated that there are currently 300 Indonesian citizens who join this movement. The citizens among others are from Indonesia and students who are studying in Pakistan, Turkey and Yemen (Wawan, 2014). The departure of Indonesian citizen to carry out jihad in Syria is controlled by networks that have been formed. The former ISIS in Syria will promote the establishment of Islamic Sharia and Daulah Islamiyah to replace democratic system in accordance with the ideals of the senior leaders of radical groups in Indonesia.

The Syrian conflict has increased activities and encouraged radical groups in Indonesia to participate in the global jihad in Syria. ISIS invitation is welcomed by the majority of Indonesian citizens who have the same ideology and want to establish an Islamic state. In East Java there is information that ISIS network is found, namely in Surabaya, Malang, Lamongan, Ngawi, Magetan and Pasuruan. In July 2014, a group of *Mujahideen* in the area of Galunggung Ambon led by Bhakti Utomo distributed zakat in the form of rice to the sympathizers and orphans. Initially, the zakat would be distributed in Al Hijrah mosque, but was rejected by the imam. Distribution of zakat with ISIS label aims to campaign ISIS. ISIS activities in Indonesia were *uploaded* in the website *"Al-Mustaqbal"* (Wawan, 2014).

ISIS existence in Indonesia has actually made people feel uneasy. This movement makes public trauma to recur because various bombing terrors occur in Indonesia. In 2000, societies were shocked with the bombs exploding in some churches, including those exploding during Christmas Eve. The same terror activities expanded to shopping centres, which were seen to be the cause of hedonism and western capitalism. This tragedy spread to malls and other public places such as The Plaza Atrium Senen Jakarta in 2001, KFC, McDonald Makassar in 2002, The Mall Ratu Indah Makassar in 2002, The Sampodo Indah Palopo Café in 2004, and The Maesa Palu Market in 2005. Terrorism haunted not only in Indonesia, but it also reached international levels, involving foreigners. The bomb blast in the Philippine Embassy in 2002 was the evidence, followed by the Bali bombing I on October 12th 2002, Hotel J.W. Marriot on August 5th 2003, Kuningan at the Australia Embassy Office on September 9th 2004, Bali Bomb II on October 1st 2005, and Hotel Ritz Carlton and J.W. Marriot II on July 17th 2009 (Dhyah, 2010).

Terrorism was revealed with the deaths of Dr. Azari, Noordin M. Top, and some other terrorists, although their deaths did not

deter terrorism in Indonesia. Since February 2010, policemen had been in search of those suspected to be involved in *Tandzim Al-Qoidah* Serambi Makkah, which is an extremist Islamic organization in Aceh. This operation started with an ambush attacking *Tandzim Al-Qoidah* during a military training session on the ridge of Jalin, Jantho subdistrict, The Aceh Besar Regency, the Province of Nangroe Aceh Darussalam on February 22nd, 2010 (Dhyah, 2010).

Dulmain, a well-known terrorist was killed after the death of Noordin M. Top in the operation in Pamulang on March 9th, 2010. The ambush extended to Jakarta, Bekasi, Medan, Cikampek, and Sukoharjo on May 6th, 12th, and 13th, 2010, and Klaten on June 23rd, 2010. When the raid reached Aceh, the police managed to arrest Abdullah Sonata and other terrorists. This crackdown had an impact on several Islamic organizations. A number of people representing some Islamic organizations were seen as radicals and related to issues of terrorism. Several Islamic organizations that tended to be exclusive and introverts were also seen negatively (Dhyah, 2010).

Social and religious radicalism with the legitimacy of jihad becomes a good trigger for ISIS terrorism. This phenomenon is thriving due to low levels of resistance and filtration from the society. Therefore, Indonesian society is very vulnerable to social and religious radicalism. Meanwhile, Indonesia has been seen as a potential region for either the recruitment of terrorists or the radicalism of jihad because Indonesia represents the majority of believers of Islam (Zulfi, 2012). Secondly, the geographic factor of this archipelago that provides more locations for terrorists to act and spread makes it difficult to track down their movements.

In addition, American-based business houses and facilities present in the country became the targeted spots for terrorists, even as the number of security personnel available was limited. The third contributing factor involves socioeconomic issues burdening the bombers:

serious poverty and alienation. They might assume that by doing jihad and being accepted in heaven seems easier compared to facing the fact that they had to live in poverty. Charisma is another factor. Dr. Ashari and Noordin Moh. Top, for example, managed to recruit others as their followers, for they were the most well known among others. The followers simply decided to sacrifice their whole lives for the sake of jihad.

The fourth factor is that the education level of an individual has an influence on his/her understanding about Islam. The interpretation of jihad done by radical groups and terrorists was only based on the written verses. Jihad has no longer been interpreted as a fight against lust, but it involves murder and holocaust against westernization. These terrorists supposed that they remained virtuous when they accidentally killed non-Americans in the bombing. In short, the victims were meant to be a 'communicator' through which the message was passed to the target which apparently is western civilization.

Muhammad Qorib (2010) confirmed that the phenomenon of radicalism, along with its terrorism, was a social phenomenon that did not instantly emerge to the surface, but it appeared from links arranged systematically, initiating radicalism politically, economically, theologically, ideologically, and in an educative approach.

Firstly, terrorism is born because of marginalization in political policy. Such a situation can trigger dissatisfaction among certain groups. It may also end up with violence and confrontation to change the situation rapidly without caring about the interests of others (Qorib, 2010). Secondly, low education level of an individual may make him/her to be easily modified by doctrine. It is similar to a computer that has the capacity to save data and is open to all commands given.
Thirdly, unreliable conditions could make certain people seek peace. In this condition, some new people may be enticed to become

bombers (executors), brainwashed with theological doctrines that they are guaranteed to be placed in heaven after their death. Such a message is usually misunderstood and accepted the way it is.

Fourthly, the weak economic ownership of a group will be understood as an unfair system for the group. Finally, transnational terrorism may give a push for other acts of terrorism in Indonesia. Such an organization or group surely brings its definite mission and ideology that it struggles for. Issues related to terrorism are accumulated and they are brought to a climax in the form of terror activities such as bombing throughout the nation.

Hasyim Muzadi (2014), as *Rais Syuriah* Board of Nahdlatul Ulama, urged Muslims not to support what ISIS does, nor to create divisions among Muslims. According to him, it is very important to realize that the emergence and existence of ISIS is the phenomenon of Islamic society in the Middle East. Due to cultural differences and perspectives, this understanding is not the same and never be the same as the conditions in Indonesia. ISIS and various similar understanding since the reformation has transformed into embryos of radical line power, either through a mass movement, a movement that enters Indonesian system, or a movement that resorts to terror. If the radicalism embryo is treated with ISIS issue or disunity post presidential election, it will increase the levels of violence in a transnational movement that endangers the safety of Indonesian Muslims and also the integrity of the Unitary Republic of Indonesia (Hasyim, 2014).

The movement of ISIS supporters, said Hasyim (2014), grows in Indonesia because there are many groups which have been long established sharing the same idea. One of the examples is the movement of *Khilafah* (Islamic government). We see that the government is too loose and the supervision is weak. Of course, the movement of ISIS supporters is very dangerous because their ideology does not recognize the sovereignty of a country. ISIS arises because there are groups with the same thought to form a *khilafah*. The group assembles authority with mass movement and terror. If they are let to do so, it will lead to upheaval. Their movement is a transnational movement occuring in all parts of world. To counteract ISIS, cooperation among the State Intelligence Agency (*BIN*), the Ministry of Religious Affairs (*Kemenag*), and the Ministry of Foreign Affairs (*Kemenlu*) is required. Moreover, *Kemenag* which carries important positions will give dissemination about Islamic doctrine related to jihad unidentical to terrorism (Hasyim, 2014).

Constructing Law against Terrorism in Indonesia

By legal-formal, the handling of terrorism which is astounded by ISIS today is contained in the Abolishment of Criminal Offense in Terrorism Act No. 15 of 2003. The act states that the law is made by considering that (1) the series of bombings executed in Indonesia inflicted casualties to many races, engulfing entire societies in fear and causing loss of property. There was widespread impact of these actions involving social, economic, political, and international aspects. (2) Terrorism is considered as a cross-national crime; it is arranged and involves massive networking and national and international security.

The above consideration could be traced down through the aftermath of the tragedy that occurred on November 9th, resulting in the declaration of Global War against the terrorists by United States of America, and Bali bombing I caused by radical action of jihad and terrorism in Indonesia. Therefore, it fell upon the government to put an end to this massive terrorism. The Instruction of President (Inpres) No. 4 of 2002 concerning Terrorism as a Criminal Offense was issued by the government to fight against contemporary attacks by terrorists. This was then asserted by the release of Government Regulation in Lieu of Law (Perpu) No. 1 and 2 of 2002 concerning the Abolishment of Criminal

Offense in Terrorism, which was then released in the act No. 15 of 2003.

Nasrullah (2014) stated that terrorism has justified some offences in terms of human rights. He believed that being over responsive could have negative influence on protection, fulfilment, and development of human rights. A repressive reason of abolishing terrorism may lead to new terrors with different practices, which may be done by legal officers.

On the other hand, according to Bambang Sukarjono and Sarjiyati (2013), provisions written in the Act No. 15 of 2003 were not in contrast with criminal procedure in Indonesia, and it was not a criminal offense in human rights. The Act No. 15 of 2003 is categorized as a special law (*lex specialis*). This provision is stated in Article 103 of the Indonesian Criminal Code, which serves as a special rule apart from general rules (*lex specialis derogate lex generalis*). The act No. 15 of 2003 still holds general principles as written in the Indonesian Criminal Procedure; it is also written in Article 25 Paragraph (1) of Act No. 15 of 2003 and Article 284 Paragraph (2) of Indonesian Criminal Procedure (*lex generalis*).

The acts of terrorism committed by the group of ISIS are classified as extra ordinary crime and are also categorized as crime against humanity in the form of serious human rights violations (Article 7 of Human Rights Court Act No. 26 of 2000). Respect for human rights of the suspect and the defendant in the legal system of Indonesia is limited, as confirmed in Articles 32, 73, and 105, Paragraph (1) of Human Rights Act No. 39 of 1999, and in Article 46 of the Act No. 15 of 2003 (retroactive principle) (Bambang & Sarjiyati, 2013). Apart from the conflict of law interpretation and problematic law enforcement against terrorism above, terrorism is not sufficiently addressed through a legal approach that is limited to repressive measures. An approach that is able to deconstruct the view of life based on religious radicalism adopted by terrorist activists and society needs to be improved.

Principle of *Rahmatan lil-alamin* as a Conceptual Foundation related to Deconstructing Radicalism of Jihad

Terrorism eradication as terrorism practiced by the ISIS group cannot be solved only by military or violent approach, since it is proven ineffective in Indonesia and in other countries. In contrast, terrorists attempt to seek revenge and act more violently when attacked with violence, leading to a chain of violence. Therefore, a more futuristic approach such as deconstructing the radicalism of jihad through the concept of *rahmatan lil-'alamin'* is required. *Rahmatan lil-alamin* is the fundamental concept in Islam and its teachings are as given by the Prophet of Muhammad (s.a.w). He was an *al-rahmah* and delivered the *al-rahmah* to the universe (Dahlan, 2007). Explicitly, through His remarks, it is understood that *"we do not order you (Muhammad), but to (become) the godsend for the whole universe"*.

The word *rahma* has a root similar to *rahmān* and *rahîm* representing the characteristic of God, which means 'the merciful' and 'the compassionate'. This word (*rahmah*), according to the dictionary of *al-Mufradat fîl al-Gharib al-Qur'an* by Syekh Abul Qasim al-Raghib al-Isfahana, means that "meekness encourages someone to do virtuous deed to blessed ones" (Mudhofir, 2014). This term is suitable to describe the feeling of love from either God or among people. Thus, the word r-h-m is close to *rahm* or *rahim* (womb) in Indonesian. The love of a mother to her child when he/she is in her womb represents the authentic, gentle, loving, peaceful, virtuous, and brotherhood characteristic (Mudhofir, 2014).

Literally, the word *rahmah* clearly describes the characteristics standing against violation, and it encourages human beings and the universe to perform good deeds, as incorporated in *rahmatan lil-'alamin'*. Godsend (*rahmat*) for the whole universe or *rahmatan lil-alamin* holds significant social, cultural, and political implications. This word holds the meaning of creating harmony between Allah (s.w.t) and His

universe and human beings. The word *'alam'*, called cosmos in English, has similar meaning to *mizan*, meaning balance or organized, where it is true that universe is in harmony and is well organized. Cosmos, however, is in contrast with the word chaos. When the universe is chaotic, it can neither be called cosmos nor beautiful (cosmetic). The word cosmos, cosmetic, and chaos were relevant to describe a harmony that gives love, peace, closeness, and brotherhood. When harmony has deteriorated, cosmos may turn into chaos (Mudhofir, 2014).

When a word such as *rahmatan lil-alamin*, which means submissive, surrendering, is related to Islam, it obviously emphasizes that the theology of *rahmatan lil-'alamin* is an absolute certainty. It is assumed that this is the key to Islamic civilization throughout history, and it is promising for the future when the concept of *rahmatan lil-alamin* is constantly being investigated and put in priority interconnecting Moslems and their universe (Mudhofir, 2014). Therefore, referring to the Quran Surah al-Anbiya' 21:107, the concept of *rahmatan lil-alamin* could be defined as a concept that emphasizes peace, love (*rahma*), openness, and responsibility to bring virtues for all races, origins, nations, and religions. The definition is made clearer that the love is not only to be among human beings, but also among nonhumans (Mudhofir, 2014).

The concept of *rahmatan lil-alamin* is against any form of violence and coercion of human rights done to force people to follow certain religions or beliefs. Moslem people should act as pillars of peace, brotherhood, and creators of global association in term of strategically solving and overcoming issues such as poverty, disaster, environmental, and moral crisis. The concept of *rahmatan lil-'alamin* is committed to realize love, which is expected to be given to both humans and non-humans in the entire universe.

When Islam is spread through swords and violence, it will not have any followers. When Islam forces people's will, violently destroys places of worship, hates the sinful without giving solution and spreading love, it will lose its followers. Violence, terrorism, and suicide bombings done by a group of Muslims will not elevate the words of Allah (s.w.t) (*li'ilai kalimatullah*), but have worsened the image of Islam as a religion of peace, love, and shelter for all beings (Amstrong, 2000).

Deconstruction of Jihād Radicalism as an Effort to Combat ISIS Terrorism in Indonesia

Richard Bonney (2004) observed that throughout its long history, jihad has been a complex concept that has not developed linearly. There is discontinuity, shift of paradigm, and change in epistemology, which trigger several interpretations of verses of jihad made by certain groups. During the time of prophets, some wars were to defend their troops and protect their right of freedom to embrace a belief (Irwan, 2013). The verse of sword (Quran: At-Taubah: 5), which is often referred to as a legitimation of the actions of jihad, is known to be sent to this universe during a conflict against the aggressiveness of polytheists in Mecca (Irwan, 2013).

The majority of Islamic jurists (*fukaha*) in the second century of *Hijriyah* saw paganism as libel, and for this reason jihad was compulsory to put paganism to an end in the universe. Such a perspective triggers a general assumption pointing out that the non-Moslems are the enemies against Islam without considering whether they initiated attacks toward the Muslims. This radical perspective is told by as-Syaibani (w. 189) and as-Sarakhshi from *madzab* of Hanafi. As-Syaibain cited the verses of the sword to give command to fight against all pagans entirely and unconditionally, and especially geographically close to *dar al-islam*. Jihad, therefore, must be carried out until paganism and polytheism are abolished (Irwan, 2013).

This perspective was strengthened by at-Thabari

(as cited in Bonney, 2004) when he interpreted the following verse.

"Fight them until there is no [more] fitnah and [until] worship is [acknowledged to be] for Allah. But if they cease, then there is to be no aggression except against the oppressors " (Al-Quran, 2:193)

This verse was an order sent by Allah to His Prophet Muhammad (s.a.w). He was ordered to fight against pagans (who attacked Muslims), so there would be no more libel, where it was expected that there would be no more Gods but Allah to worship, to love, to obey, to be faithful to (Bonney, 2004).

From the aforementioned interpretation, it is implied that there is no more possibility for peace between Muslims and non-Muslims. Both of them will be against each other until the non-Muslims are willing to follow Islam and pay *Jizyah*. This notion emerged when the verse, which teaches peace (Quram: Al-Anfal: 61) was erased by the verse of sword. *Qatadah* was one of those having such a perspective (w. 117). Recalling that peace and diplomatic approach are not fundamental, jihad against non-Muslims is the only choice when they are not willing to embrace Islam as their religion or pay 'tax'. Therefore, jihad against non-Muslims happened because of both religious and political factors, as in line with the main perspective of Islamic jurists (*fukaha*) in the medieval and classical era (Irwan, 2013).

Such a radical perspective has potential to be used to justify national and global terrorism and any group causing a clash between civilizations. Deconstruction in cognitive epistemology of radicalism of jihad is required, as it, with its political offensiveness, shifts the true meaning of jihad according to Islamic law. In Indonesia, this concept of jihad was followed by terrorists such as Imam Samudra, the author of "*I am Against Terrorists*" (Imam, 2004). Moreover, the massive movement of ISIS jihad radicalism has globalized and penetrated into Indonesia.

Jihad in the construction of jihad radicalism as embraced by ISIS is a physical jihad by way of lifting arms against the infidels, including by detonating bombs. To fight the tyranny of the infidels, radicalism becomes the chosen weapon. For them jihad is the most powerful instrument to change the situation. The peak projection at the end of their life is to die in a state of martyrdom. Without understanding the social map, terrorists murder anyone deemed an enemy of Islam, no matter if the victims are children and women. This condition definitely reaps very sharp criticisms from both the international world and the international community of Muslims. Muslims around the world also condemn and denounce the act of barbarism committed by Imam Samudra and his comrades who have assassinated civilians mercilessly.

If we analyze more deeply, the movement of ISIS departs from a construct with a narrow mindset, and it usually only departs from mono-interpretation of partial jihad of their version. That is why; it is not surprising if the product outside their interpretation about the meaning of jihad is denoted as a consideration in doing an action. Consequently, this perspective will give birth to *truth claims* over all of their thoughts and actions. Any kind of view from their group is regarded as the truth, while notions from outside the group are rebuffed.

Radical groups such as ISIS that makes religious texts as a source of legitimacy often make *fiqh* as a tool to silence the dialogue of civilizations. This fact can be seen from the emergence of violent practices and even "holy war" which is perceived as a war to protect the Lord's command. In addition, they also deny plurality, dialogue and inclusiveness (Junaidi, 2011). Therefore, it is time for textual and scripturalistic approach which ignores the aspect of text historicity to be deconstructed by developing a contextual approach that is in harmony with the spirit of *rahmatan lil-alamin*. This approach is important in order to find the meaning and purpose of Sharia *(maqashid ash-shari'ah)*

hidden behind the text. While this approach has many variants, basically it has one agenda, namely contextualization of the teachings of the Qur'an and Sunnah (Junaidi, 2011).

Bonney (2004) is a priest who once offered to deradicalize the concept of jihad, which has long been misunderstood by hardliners for destructive purpose. The analysis for more authentic concept of jihad is done to validate the concept of jihad. In the era of the Prophet, jihad was a defensive action done to defend the group from the pagans. Bonney was also critical of the western policies that were seen to be the cause of radicalism in Islam (Irwan, 2013). Through the holistic concept, it is expected that the western society and Muslims can clearly understand issues related to terrorism and jihad. In addition, sufficient knowledge about jihad and terrorism can possibly bring *counter-terrorism* to a more efficient and directed programme.

According to moderate jurists (*fukaha*), jihad is not a principle (*al-ashl*) related to Muslims and non-Muslims. Jihad is a nonaggressive struggle with an exception. The relationship between Muslims and non-Muslims should lead to reconciliation, peace, freedom to express their beliefs, and association for the sake of all societies in a fair and honest manner.

Such a positive ambience came in the example brought by Muhammad (s.a.w) when he was in Mecca and Medina. In the perspective of moderate theologians, Muhammad never actively attacked the pagans of Qurays when he was in Makkah, as well as being the protector for the minority of Jewish and Christians pagans when he was in Medina. In both Mecca and Medina, fighting against those worshipping idols was not compulsory, except when they initiated attack against Moslems (Irwan, 2013).

Paganism is not the reason to legitimize a fight against non-Muslims. Yusuf al-Qaradhawi (2009) and Mohammad Syahrour (as cited in Irwan, 2013) strongly criticized hardliners who believed jihad as a medium to fight paganism.

According to Mohammad Syahrour, the terror perpetrated by radical Muslims recently is a part of classical doctrine of jihad as an offensive war to easily expand its reach throughout the globe. This ambition, with the reasoning of Islamic preaching, was strengthened by the theory of *nasikh mansukh*, verses that have contributed to the construction of Islamic jurisprudence of terrorists (*fiqh al-ihrab*) (Irwan, 2013). He thought that the Islamic jurisprudence related to terrorists needed to be deconstructed and replaced with Islamic jurisprudence of tolerance (*fiqh at-tasamuh*) through the interpretation of jihad. This can be realized by deconstructing the radicalism in jihad, which still involves political offensiveness.

According to Mushthafa As-Siba'iy (as cited in Nasaruddin, 2014), jihad in Al-Qur'an is categorised into *jihad fi sabilillah*, which was carried out to create a peaceful ambience in the universe, not a war causing hatred between Islam and human beings. Moreover, the war of jihad done before was aimed to set free a certain group of societies from oppression and colonialism of other countries in order to support the freedom to follow a religion and justice for the whole nation.

In Arkoun's perspective, it is not true that jihad only raises the name of God and His rituals without considering human issues (Arkoun, 1989). In the context of deconstruction of jihad, theological reason will lose its meaning when religion is not put as a social criticism which prioritises human interests. Hassan Hanafi calls it as an anthropocentrism-oriented theology. Arkoun agrees that critical thought is a characteristic that puts religion with its jihad in its modern context which focuses more on the construction of morality of societies and environment (Hamzah, n.d.).

It is true that there is no single religion that encourages violence and hatred. Those two things are not more than an imagination of certain groups of Muslims that feel oppressed with the modernity or another ideology, or it

is a part of their understanding coloured with the interpretation of hatred among religions, exploding during the crusade which ever happened in the history. In other words, religion is the victim of immoral behaviours of its followers. This is exclusively used to legitimate violation. So far, tolerance, respect to life and poor people, peace, justice and respect to human rights have almost been ignored. As a consequence, religion is seen as a symbol of unconditional defence against the hegemony of certain societies or civilisation such as modernism and capitalism.

Similarly, Ulil Absar Abdalla (2011) once came up with an insight of the deconstruction in radicalism of jihad in Indonesia. He believed that the verses related to jihad on authorised sources of Islamic law should be re-interpreted as a jihad that involves no physical contact, recalling that Indonesia is a secure nation and there should be no war in the nation. Thus, getting involved in jihad by improving personal and social quality is much wiser than that with inconclusive perspective involving physical contact.

Conclusion

Terrorism as adopted by ISIS is *extra ordinary crime* and *crime against humanity* that leaves dark history in the world. There have been a lot of victims and innocent people who lost their lives and property. Indonesia has repeatedly experienced a disaster of terrorism. Instruction of President (Inpres) No. 4 of 2002 and Government Regulation in Lieu of Law (Perpu) No. 1 and 2 of 2002 which was then set as the Act No. 15 of 2003 is officially valid data of history which is a response to the violence caused by terrorism. Such legal elements must be accompanied by the deconstruction in radicalism of jihad from which terrorism was mostly born. Indonesia is obviously seen as the most strategic breeding ground for terrorists who keep expanding their doctrine of radicalism in jihad.

Absolutism and superiority of radicalism in

jihad urgently requires deconstruction. It is contextual, not to mention the concept of jihad. The interpretation is given as a social establishment according to its history. It has no final understanding, let alone radical understanding which suppresses offensive and destructive action by keeping the old concept. The verse of sword (Quran: At-Taubah: 5) which often involves to legitimate radicalism in jihad is known to be in context with war against the pagans of Makkah. Therefore, the real concept of jihad should be defensive not offensive. Jihad has long been in its pejorative term which is identical to war and terrorism. However, in Islamic law, jihad is based on *fardh kifayah* in delivering Islamic preaching, whereas it is *fardh 'ain* when it is for defence.

Similarly, the understanding of the concept of jihad which involves physical contact is no longer relevant in Indonesian context. Jihad should be understood as an essential element, where it should be done only for the betterment of personal quality and the quality of the entire human beings. Therefore, it is expected that the effect of Islamic law, as implied in *rohmatan lil-alamin*, is real. Through all these considerations, the writer comes up with this conceptual overture to deconstruct radicalism. In Indonesia, the radicalism of jihad with its terrorism cannot be stopped with violence because it will not resolve the conflict between terrorists and legal elements. On the contrary, terrorists will attempt to get revenge to all the legal elements in Indonesia. It is indicated that the target of the murder by terrorists not only involves foreigners from Australia, Europe, and America, but it also puts legal officers in jeopardy.

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