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Faculty of Sharia and Law UIN Syarif Hidayatullah Jakarta
Street Ir. H. Juanda 95 Ciputat Jakarta 15412
Phone. (62-21) 74711537, Faks. (62-21) 7491821
Website: www.fsh-uinjkt.net, E-mail: jurnal.citahukum@uinjkt.ac.id.
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Understanding the Rights of Wife in The Law Number 1 of 1974 about Marriage Among the Terrorist Wives in Central Java*

Rosdiana,¹ Hotnidah Nasution²

Universitas Islam Negeri Syarif Hidayatullah Jakarta



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Abstract

The terrorist or ex-terrorist wives in Solo Central Java have experienced diverse conditions after their husband officially becomes a terrorist prisoner. The Rights of Wife in Law No. 1 of 1974 about Marriage among terrorist wives in Solo have sharpened the analysis on how their level of perception of the wife rights that regulated by Law No. 10 of 1974. This study aims to reveal the reality of cases that take place with terrorist wives related to the fulfilment of their rights as a wife regulated by law, and to categorize their marital status related to the validity in a positive law (whether the marriage is registered or not in The Office of Religious Affairs/KUA). Besides, this paper also wants to explore the terrorist wife's understanding who are legally married in KUA regarding their rights which are highly protected by the law. This research uses a qualitative method which aims to find concept and theory, and library research by applying the empirical or sociological legal approach. Data used are Primary Data, namely the terrorist prisoner's wives in Solo Central Java, and secondary data from the Marriage Law (Law No. 1 of 1974), Compilation of Islamic Law (KHI), books, journals, articles, doctrine of legal experts, and the result of other papers and research related to the problem that become the subject in this research discussion. After analyzing and interpreting the existing data, it can be concluded that the terrorist prisoner wives in Solo Central Java have a fairly good understanding of their rights as wives regulated in Law No. 1 of 1974. If there are rights that unfulfilled by the husband, they will accept as sincerity attitude towards the husband status who becomes a prisoner.

Keywords: Understanding, wife's rights, Terrorist Prisoner's Wives

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¹ **Rosdiana** is a Senior Lecturer at The Faculty of Sharia and Law. Universitas Islam Negeri Syarif Hidayatullah Jakarta, Indonesia. E-mail: rosdiana@uinjkt.ac.id.

² **Hotnidah Nasution** is a Senior Lecturer at The Faculty of Sharia and Law. Universitas Islam Negeri Syarif Hidayatullah Jakarta, Indonesia. E-mail: hotnida@uinjkt.ac.id.

*Corresponding Author E-mail: rosdiana@uinjkt.ac.id.

Memahami Hak Istri dalam Undang-Undang Nomor 1 Tahun 1974 Tentang Perkawinan Diantara Istri-Istri Teroris di Jawa Tengah

Abstrak

Para istri teroris atau mantan teroris di Solo telah mengalami kondisi yang beragam setelah suami mereka secara resmi menjadi tahanan teroris yang telah tinggal di penjara. Hak-Hak Istri dalam UU No. 1 tahun 1974 tentang Perkawinan di antara istri-istri teroris di Solo telah mempertajam analisis tentang bagaimana tingkat persepsi mereka tentang hak-hak istri yang diatur oleh UU No. 10 tahun 1974. Penelitian ini bertujuan untuk mengungkap kenyataan dari kasus-kasus yang terjadi dengan istri-istri teroris terkait dengan pemenuhan hak-hak mereka sebagai seorang istri yang diatur oleh hukum, dan untuk mengkategorikan status perkawinan mereka terkait dengan validitas dalam hukum positif (apakah pernikahan terdaftar atau tidak di Kantor Urusan Agama (KUA)). Selain itu, makalah ini juga ingin mengeksplorasi pemahaman istri teroris yang menikah secara resmi di KUA tentang hak-hak mereka yang sangat dilindungi oleh hukum. Penelitian ini menggunakan metode kualitatif yang bertujuan untuk menemukan konsep dan teori, dan penelitian kepustakaan dengan menerapkan pendekatan hukum empiris atau sosiologis. Sumber data yang digunakan adalah Data Primer, yaitu istri-istri tahanan teroris di Solo, dan data sekunder dari UU Perkawinan (UU No. 1 tahun 1974), Kompilasi Hukum Islam (KHI), buku, jurnal, artikel, pandangan ahli hukum, dan hasil tulisan dan tulisan lain yang berkaitan dengan masalah yang menjadi subjek dalam diskusi penelitian ini. Setelah menganalisis dan menafsirkan data yang ada, dapat disimpulkan bahwa para istri napi teroris di Jawa Tengah memiliki pemahaman yang cukup baik tentang hak-hak mereka sebagaimana para istri diatur dalam UU No. 1 tahun 1974. Jika saja ada hak yang tidak dijamin oleh mereka untuk kewajiban yang tidak terpenuhi oleh suami, maka itu disebabkan oleh sikap ketulusan mereka terhadap status suami yang menjadi tahanan.

Kata Kunci: Pemahaman, hak-hak istri, Istri Tahanan Teroris

Понимание прав жены в Законе № 1 1974 года о браке жен террористов на Центральной Яве

Аннотация

Жены террористов или бывших террористов в городе Соло оказались в разных условиях после того, как их мужья официально стали заключенными террористами. Права жены в Законе № 1 1974 года о браке жен террористов в Соло уточнили с помощью анализа их уровня восприятия о правах жены, которые регулируются Законом № 10 1974 года. Цель этого исследования - раскрыть реальные случаи, которые имели место с женами-террористами, связанные с реализацией их прав в качестве жены, регулируемых законом, и для классификации их семейного положения, связанного с действительностью в позитивном праве (независимо от того, зарегистрирован брак или нет в Управлении по Делах Религии (KUA)). Кроме того, данная статья также исследует понимание жен террористов, которые состояли в законном браке в KUA относительно их прав, которые защищены законом на высоком уровне. В этом исследовании используется качественный метод, нацеленный на поиск концепций и теорий, а также литературные исследования с применением эмпирического или социологического правового подхода. Используемые источники данных: первичные данные, а именно жены заключенных террористов в Соло, и вторичные данные из Закона о браке, Сборник Исламского Права (KHI), книги, журналы, статьи, мнения экспертов по правовым вопросам, и результаты других работ и статей, связанных с проблемами, которые являются предметом этой научной дискуссии. После анализа и интерпретации существующих данных можно сделать вывод о том, что жены заключенных террористов на Центральной Яве достаточно хорошо понимают свои права как жен, регулируемых Законом № 1 от 1974 года. Если только существуют права, которые они подделывают для невыполненных обязательств мужа, то это обусловлено их искренним отношением к статусу мужа, который становится заключенным.

Ключевые слова: Понимание, Права жены, Жены заключённых террористов

Introduction

This research is motivated by the fact that the terrorist or ex-terrorist wives or in Central Java experienced distinct conditions after the husband officially became a terrorist prisoner who lived in prison. Many variables related to the condition of terrorist wives in Central Java, such as divorce, polygamy, poverty, isolation, and so forth. However, there's only a limited action that can be done by the terrorist wives to get their rights

As a result of visits to the homes of terrorist wives in Central Java, such as Kudus, Batang, and Solo by *DASPR-UI* in March 2018, it is discovered that the majority of terrorist wives are not aware of their husband's acts. They only know that their husband is only an Islamic warrior who wants to carry out the Islamic Sharia perfectly. Some of the wives said that they deeply regret their husband's actions and even said that the husband should prioritize the children's future, both economic and family welfare. The wives of terrorists in Central Java are far from prosperous proven by the absence of owning home. Moreover, after their husbands became prisoners, the wives decided to live with their parents. Some actually moved to Solo after their husbands under arrested, because, in their opinion, Solo is the central city of the terrorist and radical community.

Conversely, some wives facing the divorce condition because of the polygamy action conducted by the husband in jail. This case is a quite ironic case, where the husband has a moral burden and a great responsibility towards the family instead of choosing to be unfaithful. Article 3 of Law no. 10 stated that "husband and wife must love, respect faithfully and provide assistance to each other physically and mentally."

Marriage is a form of legal bond between women and men, consequently, both can live in a new life as a happy family and continue the descent following the core teachings of their religion. When men and women legally become a couple, several things must be understood related to the rights and obligations of husband and wife. Rights are something that is obtained by someone from someone else, while obligations are things given by someone to someone else. The rights and obligations of the husband and wife are regulated in marriage law no.1 of 1974 in article 30 to article 34 (Subekti & Tjitrosudibyo, 1984).

In the context of terrorist wives in Central Java, such as Solo, they lack in understanding their rights which are legally regulated in the marriage law, a compilation of Islamic law, and also in Sharia law. In fact, by understanding

these rights, they are expected to fight for their rights when the husbands are declared to be prisoners. As a result, they can control their husband's actions related to the obligations of the husband to his wife. Understanding these rights is expected can help terrorist wives to keep and maintain their marriages even with the absence of the husband, therefore, the purpose of marriage as follows *sakinah*, *mawaddah*, and *rahmah* will still exist. However, rights and obligations remain becoming a matter of concern in the process of understanding the rights of terrorist's wives in Solo.

Article 30 of the law stated that "husband and wife bear a noble obligation to uphold the household as the basic joint of the community structure". Article 31 states: "(1) The rights and position of the wife are balanced with the rights and position of the husband in domestic life and association in the community; (2) Each party has the right to take legal actions; and (3) The husband is the head of the family and the wife is a housewife ". In paragraph 2 it should be noted that both the husband and wife have the right to take legal action only if it harmed. The position of husband and wife is equal in carrying out legal actions. In the civil law, if the husband's permission is not obtained due to the absence of the husband or other reasons, the court can permit the wife to appear before the judge to take legal action (Rasjidi, 1991, pp. 125-126). Furthermore, in the third verse, for the context of a terrorist wife whose husband is in prison, the wife is in a position to replace her husband as the head of the family, or even there may be no more leaders in the family.

Article 32 stated that (1) A husband and wife must have a permanent residence and (2) The house of residence referred to in paragraph (1) of this article is determined by a joint husband and wife. The residence referred to in this article is a place to stay that can be used to rest, gather, protect from the heat of the sun, and the cold of the rain. The residence is arranged by husband and wife, both rented in-law or parents' house, and even other families.

Moreover, in article 33, it is stated that husband and wife are obliged to love, respect faithfully, and give assistance to each other physically and mentally. In the context of what happened to the prisoner's wife, the case that occurred was that prisoners remarried to another woman because of the inner needs could not be met with their wives who stayed far from them. It means that their presence in prison is their reason for polygamy because of the absence of the wives there. Even this article can be violated by leaving his husband because the two of them are far apart for a long time and even strengthened by the absence of living.

Related to the rights of husband and wife, and in this context are the rights of the wife, in the article 34 it is stated that (1) the husband is obliged to protect his wife and provide all the necessities of married life following his abilities; (2) the wife is obliged to regulate household affairs as well as possible; and (3) if the husband or wife neglects their respective obligations, they can file an accusation to the Court. From the article above, it is clear that a husband must protect his wife and provide all the necessities of life according to his abilities, while the wife is obliged to manage household affairs as best she can. The husband must be able to provide a sense of security and comfort.

In the case of a husband becoming a prisoner, it is a social burden and family discomfort, even their actions give the family away from security. With the decision on them to be the prisoner, the community will widely know and be suspicious of their wives and children and even their extended families. Many news media will cover and discuss their privacy in depth. Therefore, with the act of their husband, following the existing law, the wife has the right to sue her right to the court, even suing for divorce as in article 34 paragraph 3.

From the background of the problem above, it is essential to interview and survey related to the understanding of terrorist wives in Solo about their rights as wives protected by Law No. 1 of 1974. Therefore, this study is entitled to understanding wife's rights in Law no. 1 of 1974 among terrorist wives in Central Java.

Problems of Research

The problem formulation of this research what is the level of understanding of the terrorist's wives in Central Java about the Wife's rights that determined in Law No. 10 of 1974? There are several research questions as follows, there are: What are some cases that occurred among terrorist wives in Central Java regarding their rights as a wife? What the understanding of terrorist wives in which the married is registered in the Islamic Religious Office regarding their rights as a wife who is highly protected by the law?

Literature Review

The study of the rights of wives in Law No. 1 of 1974 has been widely carried out from various perspectives. The discussion on family law, especially regarding the rights and obligations of husband and wife continues becoming an interesting topic to be discussed. By examining carefully, there have been

many scholars (*ulama*) who discuss the obligations of husband and wife. From classical scholars to contemporary scholars have produced Islamic jurisprudence that discusses the rights and obligations of husband and wife. The book of *'Uqud al-Lujain* by Imam Nawawy al-Bantany, mentioned the obligations of husband and wife along with everything related to husband and wife matters. The Book of Asghar Ali Engineer (Engineer, 1994, p. 165) *Women's Rights in Islam* defined the rights and obligations of husband and wife. It is focused on the husband's obligation to provide more decent living for his wife. Hussein Muhammad in his book entitled *Women Fiqh*; Kyai's reflection on religious and gender discourse discusses a lot about equality between husband and wife in the implementation of the household dipper.

Imam Mustaqim (2005) discussed the rights and obligations of husband and wife in marriage 'trying to examine the *tafsir al-Misbaah*, especially related to the rights and obligations of husband and wife in the household. Asmini Munawaroh examined the rights and obligations of wives in the household 'according to Imam Nawawi and Asghar Ali Engineer. She tried to compare the thoughts of the two scholars, yet this study only looks at the wife's obligations.

Arjuwin Taqwa (2007) has also studied the Husband and Wife Rights and Obligations of the Gender Perspective, Critical Study of Law No. 1 of 1974. He tried to dismantle the provisions contained in Law No. 1 of 1974 which was deemed incompatible with a gender perspective. However, this study only focused on highlighting the provisions contained in Law No. 1 of 1974. Hendra Ramdani has also discussed the Rights and Obligations of Husband and Wife in the Book of *Uqud al-Lujaini*. He examined in detail all the provisions of the rights and obligations of the husband and wife's perspective of Imam Nawawi al-Bantani.

Sura'ie (Sura'ie, 2015) also reviewed the Islamic Law Against the Rights and Obligations of Husband and Wife In Articles 30-34 of Law No. 1 of 1974 about Marriage, he reviewed the rights and obligations of husband and wife which are covered in Article 30-34 of Law No. 1 of 1974 deeply, then viewed according to the perspective of Islamic law. From this research, it is known about the validity of the rights and obligations of husband and wife in Articles 30-34 of Law No. 1 of 1974 from the perspective of Islamic law.

Imam Rosyadi (2008) reviewed women's rights in marriage according to Presidential Instruction no. 1 of 1991 (Compilation of Islamic Law / *KHI*) and Counter Legal Draft (CLD). He elaborated on the rights obtained by wife in a marriage, then discussed the feasibility and then compared with women's rights in marriage contained in the Counter Legal Draft (CLD) as a proposal to

substitute *KHI* which is considered by some as not accommodating women's interests

Rosyidah ZA (2012) also examined the rights and obligations of wives in the family by studying the marriage book in *Ihya 'Ulumiddin* by al-Ghazali. She explained in detail the rights and obligations of a wife according to al-Ghazali. However, this research focuses only on the rights and obligations of the wife and does not discuss in deeply about the rights and obligations of her husband. Akmalya Uqtuv (2010) wrote the rights and obligations of husband and wife in the family (the study of Ali ash-Shobuni's thought in the book of *al-Zawaj al-Islami al-Mubakkir: Sa'idah wa Hasanah*). She explained about Ali al-Sabuni's views on the rights and obligations of husband and wife contained in the book *al-zawaj alislami al-mubakir: sa'idah wa hasanah* in depth and detail.

Mohamad Hamdan Asyrofi (2014) reviewed the rights and obligations of husband and wife (the study of Muhammad bin Alawi al-Maliki's thought in the book *Adab al-Islami fi Nizham al-Ussrah*. He revealed that in taking the law from a passage, Al-Maliki based it on the rules of *ushul fiqh*, while Muhammad ibn Alawy's thoughts were drawn to the applicable laws and regulations in Indonesia, which in this case was the Compilation of Islamic Law (*KHI*), the results obtained that the husband's obligate to provide dowry, maintenance, and education for the family while a wife is obliged to obey her husband, regulate the household, etc. The idea is relevant to *KHI*, especially in Article 80 and Article 83.

Method

This type of research uses the qualitative method and aims to discover the concepts and theories, and library research (sarmanu, 2017, p. 45) by conducting a review of Law No. 1 of 1974 and the Compilation of Islamic Law (*KHI*) concerning the rights and obligations of husband and wife, as well as the understanding of terrorist wives about their rights as wives, Islamic literature that discusses marriage and family, and other references relevant to this study both from the journal and news.

The approach used in this research is the empirical and sociological approach. The research is carried out through a field study approach with the hope of obtaining a comprehensive and systematic analysis of the understanding of terrorist prisoner wives of their rights in Law No. 1 of 1974.

The subjects of this study were 4 prisoner wives in Central Java, they are Evi as Amir Mahmud's wife in Kudus, Lestari as Sobur's wife in Pati, Kendal, and Evi as Roki's (Atok) wife in Solo. This paper was conducted in Central Java, particularly in Kudus, Pati, Kendal, and Solo on August 21st, 2019. In the Kudus, interviews were conducted with Amir Mahmud's wife at 07.00-08.00 am. Pati (Semarang) was held at 11.00-12.00 am. The Kendal was held at 01.30-02.30 pm. In the Solo was held on April 28th, 2018 and continued on 25 of August 2019 at 08.00 am. The research was conducted for 5 months from May to August 2019.

The primary data of this study is the document of Law No. 1 of 1974 about the rights and obligations of husband and wife as well as the understanding of terrorist wives about their rights as wives in the Law and information related to the understanding of wives of 4 prisoners in Central Java. While the secondary data is the Islamic literature that discusses marriage and family, and other references are relevant to this study both from journals and news.

Referring to the data, the technique on the data collection in this study is an observation of the home of terrorist wives in Central Java, conducting interviews with them to explore the status and condition of their marriages after their husbands are punished in jail. Besides, several visits and friendship visits to their homes became a psychological technique to explore their understanding of their rights as a wife regulated in Law No. 1 of 1974. Lastly, an in-depth study also was conducted through the critical reading of Islamic documents and literature that discussed marriage and family rules.

Results and Discussion

1. Religious Knowledge of People in Central Java

Central Java is an Indonesian province located in the central part of Java Island with Semarang as the capital city. The province is bordered by West Java Province in the west, the Indian Ocean, and Special Region of Yogyakarta in the south, East Java in the east, and the Java Sea in the north. The total area is accounted for 32,548 km² or about 28.94% of the Java island. Central Java Province also includes Nusakambangan Island in the south (close to the border of West Java), as well as the Karimun Java Islands in the Java Sea.

Geographically and culturally, Central Java is considered including the Special Region of Yogyakarta. Central Java is known as the "heart" of Javanese

culture. Nevertheless, in this province, other ethnic groups have different cultures from the Javanese like Sundanese in the border area with West Java. Besides, there are also Chinese-Indonesian, Arab-Indonesian, and Indian-Indonesian citizens spread throughout the province. Surprisingly, since 2008, the Central Java province has twin relations with the Fujian province in China.

The population of Central Java Province based on the 2015 census is accounted for 35,557,249 inhabitants. Districts/cities with the largest population are Brebes district (2,342 million people), Cilacap district (2,227 million people), and Banyumas district (1,953 million people). The population distribution is generally concentrated in urban centers, both districts, and cities. The densely populated residential areas are in the Semarang area (including Ungaran and parts of Demak and Kendal district), Salatiga areas (including Ambarawa, Bringin, Kopeng, Tenganan, and Suruh), Solo (including parts of Karanganyar Regency, Sukoharjo, and Boyolali), and Tegal-Brebes-Slawi. The population growth of Central Java Province is amounted to 0.67% per year. The highest population growth was in Demak district (1.45% per year), while the lowest happened in Pekalongan City (0.09% per year).

The majority of the Central Javanese religion is Muslim which is generally categorized into two groups, namely the *Santri*, who practiced the teaching of religion in accordance with Islamic law, and the *Abangan*, who was embracing Islam but in practice are still influenced by a strong *Kejawen*. (Indonesian Central Bureau of Statistics, 2010)

While other religions are Christian (Protestant and Catholic), Hinduism, Buddhism, Confucianism, and other faiths. Central Java Province is a center for the spread of Christianity and Catholicism on the island of Java. As in the cities of Semarang, Magelang, Surakarta, and Salatiga which have a Christian population of around 15% to 25%. This is the percentage of Central Javanese religion (Indonesian Central Bureau of Statistics (BPS) of Central Java)

Table 4.1

The Religion Percentage in Central Java

No.	Religion	Total
1	Islam	96.28 %
2	Christian	3.33 %
3	Protestant	1.91 %

4	Catholic	1.42 %
5	Hinduism	0.20 %
6	Buddhism	0.18 %
7	Others	0.01 %

2. The Economy and Higher Education Condition in Central Java

From the total population of Central Java, it was accounted for 47% are in the labor force. Most people's profession is in the agricultural sector (42.34%), followed by trade (20.91%), industry (15.71%), and services (10.98%). Agriculture is the main sector of the economy of Central Java for almost half of the absorbed workforce.

The forest areas cover about 20% of the province, mainly in the north and south with Rembang, Blora, Grobogan areas as teak producers. Central Java also has several large and medium-sized industries. Semarang-Ungaran-Demak-Kudus area is the major industrial area in Central Java, while Kudus is known as the center of the cigarette industry, and cement industry is taking place in Cilacap. Solo, Pekalongan, Juwana, and Lasem are known as Batik cities with the classic nuances. The Cepu Block on the periphery of Blora district (the border of East Java and Central Java) has significant oil reserves, and this area has been known as an oil mine since the Dutch East Indies era.

Moreover, Central Java has some leading universities, especially in the Semarang city, Kendal and Surakarta. Those State universities are Diponegoro University (*Undip*), Semarang State University (*Unnes*), Semarang State Polytechnic (*Polines*), Health Polytechnic Semarang (*Poltekkes*) and State Islamic University (*UIN*) of Walisongo Semarang; Furniture and Wood Processing Industry Polytechnic in Kendal Regency; Sebelas Maret University (*UNS*), Surakarta State Islamic Institute (*IAIN*), Surakarta Health Ministry Polytechnic (*Poltekkes*) Salatiga State Islamic Institute (*STAIN*), and Indonesian Institute of Arts in Surakarta, and Jenderal Soedirman University (*Unsoed*) in Purwokerto, Tidar University (*Untidar*) in Magelang.

While private universities in Central Java include the University of Semarang (*USM*) which was founded by the Diponegoro University Alumni Foundation (*Undip*), Indonesian Teacher Education (*PGRI*) University of Semarang (*UPGRIS*), August 17th 1945 University of Semarang (*UNTAG*), Dian Nuswantoro University Semarang (*UDINUS*), Christian University Satya

Wacana (SWCU) in Salatiga, Sultan Agung Islamic University (*Unissula*) and Soegijapranata *Unika* in Semarang, STIE BPD Bank Central Java, Furniture Industry and Wood Processing Industry Polytechnic Kendal Regency, Muhammadiyah University Surakarta, Muhammadiyah University Magelang, Muhammadiyah University, Purwokerto, Muhammadiyah University Semarang (*UNIMUS*), Muhammadiyah University Purworejo (*UMP*), Kudus Muhammadiyah University (*UMKU*), UNIKAL Pekalongan University, Setia Budi University (*USB*), Batik University (*Uniba*), Qur'an Science University (*UNSIQ* Wonosobo), College of Science Duta Bangsa Information and Computer Management (*STMIK* Dubang), State Islamic Institute (*IAIN*) Pekalongan, Management of Informatics and Computers (*STMIK*) Widya Pratama Pekalongan, Panca Sakti University in Tegal, Muhadi Setiabudi University in Brebes, Pati Islamic Religion College (*STAIP*) and the College of Management Information and Computer Abadi Karya Indonesia (*STIMIK AKI*) at Pati, STIE YPPI Rembang, Nahdathul Ulama Islamic College (*STAINU*) Kebumen, and Putra Bangsa School of Economics (*STAINU*) in Kebumen.

There is also the Military Academy (*Akmil*) and Taruna Nusantara High School in Magelang and the Police Academy in Semarang. *LPLP* Tutuko is an aviation education and maintenance (mechanical) education institution in Surakarta (located in Merapi, Surakarta) and Yogyakarta (Sorosutan, Yogyakarta).

3. The Terrorist Prisoners case in Central Java

It is noticeable that the Central Java province is one of the largest radical terrorist agents in Indonesia. The existence of the *Al-Amin* boarding school under the leadership of Abu Bakar Ba'syir located in Solo has confirmed this notion. Including the cases that befell the prisoners in Central Java such as Kudus, Pati, Kendal, and Solo.

a. Amir Mahmud

Amir Mahmud is a young man born in Kudus, known to be intelligent and qualified in the religion science and studied in a boarding school located in Kudus. He is a true *santri*, since almost all levels of his education continued at the boarding school. According to the ex-prisoner, Mahmudi was also known as Yusuf, after he graduated from the Islamic boarding school at the High School level, he participated as a volunteer in Ambon. The conflict in Ambon motivated him to move there as a form of concern and sympathy for the Ambonese community. After the Ambon conflict subsided, he left the place and

worked in the *Herbal Nabawi* business in Jombang, East Java. After becoming an herbalist and expert in the field of *bekam* medicine, he returned to his village, Kudus.

Amir Mahmud was entangled in a case of the premeditated murder of Omega Suparno who had studied in Islamic educational institutions and become a *santri* in a boarding school located in Kudus, Central Java, before becoming a pastor. (Arnaz, 2013) Amir Mahmud and his two friends did not intend to kill. They, who was also the victim's schoolmates in the high school, initially intended to invite Omega to discuss the decision for converting religion. Surprisingly, the victim insulted the Al- Qur'an and Allah, then the murder took place. (Mahmudi & Yusuf, 2019)

However, according to some jurists, Amir Mahmud's case is not suitable to be charged with premeditated murder because what he did was to defend his religious teachings belief, therefore, a defense was in the right way. They are worshiping in their beliefs. As a result, many cases studied this case in detail with expert testimonies from local leaders and scholars to properly position the case.

Amir Mahmud (29), Sony Sudarsono (29), and Agus Suprpto (31), are known to have a track record in various *jihadi* activities at home and abroad. It's just that the three of them have never been confronted with the law. This case began when Suparno, who was a Muslim, went to college in Arabic literature at State Islamic Institution (*IAIN*) Sunan Kalijaga, Yogyakarta, and stopped - eventually became a Christian. Lately, this 42-year-old man also became a student at the Indonesian Baptist Theological Seminary (*STBI*), Semarang.

On December 11th 2012, Amir Mahmud and his friends met the victim who was on vacation at his parents' house in Jepara to confirm directly about the change in the victim's religion. In this discussion, it is alleged that there was a difference in perspective which, according to the lawyers, the insult occurred. A day later, the three of them killed Suparno behind Jember Kudus store. After being killed, Suparno's body was dumped into the teak forest in the 106 area in Jinggotan Village, Kembang District, Jepara, in a severe wound. Two weeks later, the three were arrested by a special team from the Central Java Regional Police until finally being tried today.

Amir Mahmud was initially threatened with a death sentence, with the bondage of layered articles, including Article 340 of the Criminal Code jo Article 55 Paragraph 1 (1); Article 338 *KUHP* jo Article 55 Paragraph 1 (1), Article 353 Paragraph 3 *KUHP* jo Article 55 Paragraph 1 (1); Article 351 of the

Criminal Code jo Article 55 Paragraph 1 (1). However, from the investigators' evaluation and the very cooperative attitude of Amir Mahmud in jail, Amir Mahmud was only sentenced to be jailed for 7 years, then on August 15th. 2019 Amir Mahmud was declared free. (VOA, 2013)

It should be noted that Amir Mahmud and his friends were involved in the training case the military in Poso with the suspect Agung who is also related to Abu Roban. Abu Roban or Untung or Bambang Nangka was shot dead during a raid by Detachment 88 (*Densus 88*) in Limpung Village, Batang, Central Java on May 8th. He is strongly suspected of being the leader of *Halaqah* Ciledug who is linking with several robbery cases in several areas whose funds are aimed at funding terrorist acts in Poso and also the purchase of firearms.

b. Subur Sugiarto

Subur family home located in Corridor Jati Asri, RT 8 RW I Rowosari Village, Wonosari, Mangkang, Semarang. (Mahmudi & Yusuf, 2019) Subur's father was named Legimin and Sukini's, while the wife and two Subur's younger siblings named Mohamad Sobri and Novi. Subur works as building officer often lived with them and never wander, he was graduated from Semarang 8 High School and married to a woman from Pati, Central Java named Lastari since the 1990s. Lastari is a Diploma-3 Mathematics graduate at Semarang State University (*Unnes*) (Lastari, 2019) then had four children. Subur once rented a house in Bulustalan, Semarang City before the end occupies a house in the Kaliwungu Indah Housing Complex, Kendal, a year ago. He is also accused of embezzling cars (detik, 2005)

The Judges of the Semarang District Court, Central Java, punished Abu Mujahid or Subur Sugiarto, a life sentence. Abu Mujahid was charged as the perpetrator of the Second Bali Bombing on Kuta Beach, Bali. (Mahmudi & Yusuf, 2019) In addition, Subur along with seven other defendants were also charged with protecting Noordin Muhammad Top in several areas in Central Java. The punishment given to Abu Mujahid was lighter than the demand of the prosecutor who asked for the death sentence. Nevertheless, the legal counsel of Subur is still considering an appeal. Because the public prosecutor's accusation was judged not to have strong evidence. (Sutomo, 2003)

The Detachment 88 Anti-Terror Police Headquarters, initially raided a house in the Kaliwungu Indah Housing Complex Block C VII / Number 20, Protomulyo, Kaliwungu, Kendal District, allegedly occupied by members of the network terrorist. However, the eight-member Anti-Terror Team did not find

any family members. When entering this modest type 21 house, officers found a number of documents and 60 rounds of M-16 firearm ammunition and 40 rounds of revolver type ammunition.

Subur, along with his wife, Lastari, who wears a veil every day, is known to leave the house before Eid al-Fitr in 2005. The raided house was apparently inhabited by Subur Sugiarto (32) along with a wife and four children. The oldest kid is sitted in the second grade of elementary school, the second child is kindergarten student and the last two children are still toddler. He has worked as a construction worker, occupies the house owned by Totok, a resident of Jalan Puspowarno, Semarang and has lived in this house from two years ago. He often comes home late at night, but no neighbors know about Subur's activity at night and they claimed to have seen guests come to his house at night. Head of RT 04 / RW 11 Protomulyo, Mulyanto, said when Subur first came to this residential area, he also handed a family card to the Chief of RT. According to the neighbors, Subur's behavior is not strange. Everyone at that time felt sorry, especially to their young children.

On a daily basis, the Subur family is having a good relation with their neighbors, so they are surprised when the police conduct raids on that minimalist house. After conducting raids until 18:00 WIB, the police then set a "police line" at the residence of Subur. At the first time, the news had heard that the house was raided by the Anti-Terror Team was used by Noordin Moch Top's hiding place, the most wanted terrorist after Dr Azahari was killed. But looking at the characteristics of the perpetrators and the length of stay of residents in Kaliwungu Indah Housing Block C VII / number 20, Subur Sugiarto is not Noordin Moch Top. (Editorial Team, Datasemen 88 Temukan Puluhan Amunisi di Rumah Subur Sugiarto)

Today, Subur is still in the custody of Terrorist Prisoners in Nusakambangan, Cilacap. Even though he has been formally set with life imprisonment, his family and friends are still trying to appeal, trying to mediate to move to Lapas Semarang so that family and friends can freely visit with the hope of a change in a settled verdict. (Mahmudi & Yusuf, 2019)

c. Agus Widarto (Agus Nangka)

Agus Widiarto was known as Agus Nangka in 2010, starting to join Abu Roban. They conducted military exercises in Mambie, West Sulawesi and continued to collect funds for making bombs by robbing BRI Bank in Batang. After that, the group created a headquarters in Ulujami, South Jakarta. In

raising funds, they robbed a cellphone shop in Ciputat, a hardware store in Bintaro, a post office in Ciputat, a building shop in Serua, Ciputat, BRI Batang and BRI Gerobokan and it was happened in 2012.

At the end of the year, a meeting was held at Mount Kemojang, Bandung, to form the West Indonesian Mujahidin (*MIB*) with 16 members and to begin the action. One of the actions is to spread 21 bombs in Glodok but nothing exploded, but actually the goal is to create chaos. This group detected by Detachment 88 and was raided in Pamulang.

Agus Widarto was sentenced to 15 years in prison and charged with robbery to fund terrorist activities. According to the prosecutor, the actions of the Agus had disturbed the public, yet did not support the terrorism eradication program. He was threatened with Article 15 in conjunction with Article 9 of Government Regulation in Lieu of Law (*perpu*) Number 1 of 2002 which was stipulated to be a law in accordance with Law No. 15 of 2003 concerning the eradication of terrorist acts.

Agus Nangka is a member of the Indonesian Mujahidin Council (*MMI*) who joined in 2004. He committed acts of robbery with the defendants Agung Fauzi in several locations in Ciputat and Bintaro. They expanded their action again by robbing BRI Bank in Batang, Central Java in December 2012 and BRI Bank Gerobokan in January 2013 with a total robbery of more than Rp 1 million. The Abu Roban group is a terrorist network that often commits robberies in several shops and BRI banks in several areas such as Lampung, Central Java and West Java. The results of the robbery were used to fund their terrorist acts, under the pretext that they believed to be *fa'i*, namely to rob the property of the infidels. (Panggabean, 2014)

The punishment of Agus Widarto (38) was increased from 8 years to 11 years in prison. Agus set up 21 bombs in Glodok, West Jakarta but it does not explode. In the action, he was cooperated with Agus Nangka, Abu Roban (had died), Lubis, Sahid, Lukman, Agung Fauzi and Indra. This group also has other members and has been active in the Indonesian Mujahidin Council (*MMI*) in the Kendal branch since 2004.

Agus was convicted of a criminal conspiracy in the criminal act of terrorism. The verdict was increased from 8 years to 11 years because Agus and his colleagues planned to carry out chaos by blowing up *PLN*. he was also accused of being involved in a plan to destabilize the atmosphere at Glodok market that had prepared 21 bombs. (Editorial Team, 2014) Many said that Agus was only Abu Roban's business partner in the restaurant and selling

jackfruit (*nangka*) in Jakarta. However, he was charged with helping to find money for criminal acts of terrorism by robbing banks, post offices, and gold shops.

d. Roki Aprisdianto (Atok)

Roki Aprisdianto or Atok is one of the terrorist defendants from the Solo group. He allegedly planned to bomb a police station in Solo because his neighbors were annoyed by the police. He claimed to be the head of the bombing plan, with the two of his colleagues, Ihsan and Thony, planned to bomb the police station in Baron, Solo, Central Java. However, due to tight guard at the office, the bomb which was assembled with a 3 kg gas cylinder was placed in the Kliwon Market Sector Police Station, Solo.

Atok had previously been tried and charged for 6 years in prison. But after he was locked up for two years, Atok or Abu Ibrahim or Heru Cokro, managed to escape from the custody of the Jakarta Police. Because he had fled and received extra-tight escort during the trial. (Editorial Team, 2014) A dozen fully armed police officers escorted him to the courtroom. (Editorial Team, 2013)

Monday August 12nd 2013, the Judges of the North Jakarta District Court prepared to read out the verdict. Meanwhile, the defendant Roki Aprisdianto (31) or Abu Ibrahim, or Atok, or Heru Cokro looks relaxed and ready to listen to his destiny. Outside the courtroom, dozens of police personnel and the *Densus* 88 were seen on standby. Roki was sentenced to nine years in prison. The judge declared him guilty based on Article 15 juncto 9 of Law 15 of 2003 concerning Eradication of the Criminal Acts of Terrorism.

According to the judges, Roki was charged with the unsupported action of terrorism eradication. In addition, he had already caused anxiety because of his action escaping from the jail. He is not a terrorist from an elite group that is often the subject of public discussion. However, his name became well known after being the only terrorist who are tried to escape in disguise wearing a veil, so the story become even more interesting to watch. In fact, at that time, he was a terrorist of a bomb terror case in Klaten, Central Java in 2010. This man who was born in Surakarta escaped from the prisoner after living there for almost two years directly after sentenced to 6 years in prison by the West Jakarta District Court Judge Council on Thursday, December 8th 2011.

It was happened on Tuesday afternoon November 6th 2012, around 12.00 WIB. A total of 23 veiled women visited prisoners at the Jakarta Metropolitan Police. Usually visitors are only asked to submit their KTP without any physical checking. That weakness was exploited by Roki when he was stayed in the 4th floor of jail, Polda Metro Jaya. He is a prisoner entrusted by the Public Prosecutor who is waiting to be transferred to the Lapas Nusakambangan and was detained with his group linked to bomb terror in several places in Klaten from November to December 2010.

The adventure of Roki outside the prison did not last long, in monday night December 10th 2012 or more than a month after the escape, the National Police Anti-Terrorism Detachment 88 team (*Densus 88*) arrested Roki in Madiun, East Java. He was arrested while traveling from Surabaya to Solo by taking a public bus. The escape of the convicted terrorist like this was happened in Indonesia for the first time. In the long run, the escape of Roki is a note, that all prisoners must be immediately placed in prison, not entrusted in police custody after being sentenced by the court. (Rinaldo, 2019)

Roki Apris Dianto (29) or Atok apparently planned terrorist acts in Kliwon Market Police Station, Solo, Central Java after escaping from the Metro Jaya Regional Police detention center. The homemade bomb found in the Kliwon Market Police Headquarters yard on November 20th 2012 was the work of Roki and his friends. "From the investigation for the discovery of bomb in the Kliwon Market Police Station, it turns out that he was planning a homemade bomb."

Roki was assisted by two other terrorist suspects namely IK and TN allegedly giving him help during his flight and was identified to help roki to make a homemade bomb. He escaped last November 6th from the Police prison and succeeded in deceiving officers wearing veiled women's clothing, then finally ended on a bus on his way from Surabaya to Solo, precisely at the Madiun City Bus Station, East Java on Monday (December 10th 2012) night. For more than a month of running away, He was apparently hidden in Surabaya and met his young wife. To avoid the pursuit of officers, he also wore a veil when traveling outside. In the previous records, Roki and his group were involved in terrorist bombings in several places in Klaten, Central Java, from November to December 2010.

The Klaten group has carried out various terrorist bombings around the Klaten area, including detonating homemade bombs at three police stations, two churches and a mosque. This was done by Roki and his group to spread slander in the community. He was arrested by the *Densus 88* in the year 2011 in

Sukoharjo, Central Java and was sentenced to six years in prison by the West Jakarta District Court Panel of Judges in December 2011. He has been legally and convincingly proven to have violated Article 15 in conjunction with Article 9 of Law Number 15 Year 2003 concerning Eradication of the Criminal Acts of Terrorism (Maharani, 2012)

Roki Aprisdianto is neither a terrorist who can make people afraid when his name is mentioned nor a terrorist known to be fierce, cruel or reckless as the perpetrators of other bomb attacks that raised a number of names such as Imam Samudra, Noordin M Top or Azahari, yet he is still far from their level in the world of terrorism. However, Roki or Atok's basic ability in member recruitment, personnel management, establishing inter-city cell relationships, and designing operations is recognized by many parties. He also was skilled at recruiting a number of vocational high school students in Klaten, Central Java, and led a team of sudden killing operations, named *Ightiyalat*. He also sent his members in learning how to assemble bombs on students of Azahari, Bali Bombers I (2002), Marriott I, Kuningan, and Bali II bombs. Not only learning about bombs, the Roki team then also taught bomb-making techniques to communities outside Klaten, named the *Hisbah* team in Solo, led by Sigit Qurdowi. Roki himself is actually also a militant figure when sitted at junior high school level, he was recruited to DI / NII but he left because his funds were corrupted by DI officials.

Roki began to be the target of the authorities because he planned to detonate a number of bombs in Klaten Regency, Central Java, from December 2009 to January 2011, then he was considered as a driver of the terrorist acts. The involvement of the defendants began with the recitation at the Muhajirin Mosque, Klaten, in 2008. A short time later, he gathered the five other defendants at the Tarbiyah Mosque, Sukoharjo. It was there that he indoctrinated the significance of *ji*had by means of *igh*htalay^{at}, namely attacking and killing infidels (*kafir*) and those who were subject to government laws of the Republic of Indonesia.

Since then, Roki has appointed himself as the main leader (*Amir*) of the *igh*htyalat team, and formed an organizational structure. He also obliged each of his members to take part in physical training and facilitate some members of the bomb expertise team by Irfan, a student of Neril, or Soghir, who was a direct student of Azhari. Finally, Roki was arrested by *Densus 88* on August 25th 2011 in Dukuh, Tegal Baru Raya, RT 03 RW 07 Waru Village, Baki District, Sukoharjo.

4. The Condition of Prisoner's Wives in Kudus, Pati, Kendal, and Solo

a. Iim (Amir Mahmud's Wife)

Iim the nickname of Mahmud's wife is graduated from boarding school, she also became a *kawahcandra* in the face of Amir Mahmud, her husband studying the science of Religion. She is a good friend of Amir Mahmud's brother, her acquaintance with Amir Mahmud began with frequently accompanying Amir's younger sibling, Iim's best friend, every time his family or even Amir Mahmud visited his brother. Iim a woman born in Demak with a strong religious background. (Iim, 2019)

During her time as Amir Mahmud's wife, she learned cupping treatment, which still has been her occupation, and currently opened in her home, even when her husband placed in prison. In addition, she also has a small-scale food stall business in front of his house and turned out to be a religion teacher at Al-Qur'an educational institution nearby her home. It means that Iim is economically classified in a safe position, even her only daughter attends a superior school with a tuition fee of Rp. 300,000. When Amir was arrested by the police, her daughter was still 3 years old.

Even after living in the village, Amir and Iim, despite their limitations, they were still able to properly manage and nurture the family until August 15th 2019 and finally he was declared free.

Related to the understanding Law No. 10 of 1974, Iim claimed to understand it with reference to the Fiqh of Marriage she learned at the Islamic Boarding School. It is even interesting to find that Iim's understanding of the positive law of marriage related to the rights and obligations of a husband and wife is obtained from her routine when listening to *Ta'liq Talak* which is read aloud by the headman every time in a marriage contract in her village.

b. Lastari (Subur Sugiarto's Wife)

Lastari is a woman born in Pati, Central Java, her meeting with Subur began with the introduction of the teacher (*Murabbi*). At that time, she was a student of IKIP Semarang which has now been changed to State University of Semarang (*Unnes*), majoring in Mathematics. She was an activist of the *Da'wah* Institute at IKIP Semarang at that time and decided to wear a veil until now.

They have 4 children, when her husband was arrested, the eldest child was in the second grade of elementary school, the second child is sitted in kindergarten and the last two children is still toddlers. Lastari was the eldest daughter who became her father's successor who had died first, she was used to taking care of all her younger siblings, and even when she was a mother while taking care of her own sons and daughters without the figure of a husband standing by her side. (Iim, 2019)

To fulfill the needs of the family while her husband is in prison, she can only rely on the sale of a plot of land given by her parents in Pati. Now, her 3 sons have worked independently, so that Lastari's burden is gradually reduced. Currently, Lastari still routinely visited her husband in Lapas Nusakambangan, Cilacap which had to be taken 18 hours' round trip each visit. She is truly proven as a brave and strong woman. (Lastari, 2019)

c. Ana (Agus Nangka's Wife)

Ana is a woman from Semarang who is married to Agus Widiarto from Kendal, Central Java and already have 2 sons and daughters. During her husband in prison, she traded to provide for her children herself. She often visits Agus in Kendal Prison to simply share the joys and sorrows and strengthen her husband, she also commonly visited and stayed for a while in her mother-in-law's house, which was the house of Agus's grandfather's inheritance. (Evi, 2019) As shown in picture 3 when she was positioned in her husband's parent house.

Even though Agus is stayed in prison, the relationship between Ana and Agus's family is still very closed. Ana is not frequently got financial assistance and income from Agus's family in Kendal, she was very sincere and surrender. The report said that her husband was declared free in 2019.

d. Evi (Atok's Wife)

Evi is Atok's wife, aka Roki, a daughter of a well-educated family. The majority of her siblings are Indonesian State Army (*TNI*). Before her husband punsihed to be in jail, she claimed to have lived far from her parents. She and Atok moved to Lampung without permission of Evi's parents for 4 years, they have 2 children who are now growing up. While Atok was in prison, Evi opened a small sewing and convection service at her home. In fact, she once

had a special employee to help here for many orders. Given are the pictures 4 of Evi's house surrounded by fabrics for sewing.

Unlike the other prisoner's wives, Evi and Atok's relationship was bad. Evi decided unilaterally to be apart with Atok because of encouragement from Atok's family and also of course from Evi herself. According to him, there was a very strong and secret reasons why she wanted a divorce. (Ana, 2019) However, it was reported that Atok had married *Sirri* with another woman in prison. This is also consistent with the news that Roki ran away during a month from the Metro Jaya Police Prison and hide in Surabaya and meet his young wife. This fact was allegedly the reason why Evi decided to split up and chose to live with her parents in Solo.

Even so, Evi still allowed her children to make a contac with their father. In fact, Atok is frequently persuade Evi to forgive his mistakes and maintain their family. However, Evi still wants to end her marriage well, even her daughter plans to enter the *Tahfizh* boarding school in Ciganjur, South Jakarta with the supervision of her family in Kelapa 2 Depok. By sewing, Evi is able to support her two children more than enough.

5. Understanding the Rights and Obligations of Terrorist Prisoner Wives in Kudus, Pati, Kendal, and Solo

It is well known that marriage is determined the rights and obligations for husband and wife. The article 30 states that "Husbands and wives bear the noble obligation to uphold households that form the basic joint structure of society." It means that the good or bad community is built by the family especially for the social life of the wider community. In the Compilation of Islamic Law (*KHI*) Part One General, it is mentioned in Article 77 told that husband and wife bear the noble obligation to uphold a *sakinah*, *mawaddah* and *rahmah* household which is the basic joint and structure of the community. (Evi, 2019) This is reinforced again about the obligation to build a family, precisely in paragraph 3, told that husband and wife bear the obligation to care for their children, including their physical, spiritual and intelligence growth and their religious education. A child who has a healthy body, spiritually strong, and a steady religious education will deliver family and community happiness.

Continued in Article 31 paragraph 1 which was confirmed that the rights and position of the wife are balanced with the husband in domestic life and social life together in the community. In paragraph 2, it is explained that each party has the right to take legal actions. Even in paragraph 3 stated that the

husband's position is the head of the family and his wife as a housewife in detail. (The Compilation of Islamic Law (KHI) on Article 77 section 2) This article explains in detail the position of husband and wife ideally.

6. Understanding The Right to Home and Residence

It is noticeable that Law No. 1 of 1974 which concerning the Rights and Obligations of Husband and Wife specifically in the article 32 stated that (1) husband and wife must have a permanent residence; (2) The house of residence referred to in paragraph (1) of this article is determined by a joint husband and wife. The law shows that the importance of fulfilling the rights of permanent houses for the family by the husband or by a couple together. However, the agreement and willingness between the couple is a solution if the husband does not fulfill his obligation to provide a decent place to live. The following is an understanding related to the wife's right to get a decent place to live.

Tabel 4.2

The Right to Permanent Residence

No.	The Wives of Central Java's Prisoner	House
1	Iim (from Kudus)	Already have her own home with an official deed of personal ownership given by parents Amir Mahmud, her husband in Kudus. Even before he was arrested by the authorities, they were in a position of building their house to be projected on a 2-story (cast concrete) project.
2	Lastari (from Pati)	Do not have a private home as a result of a husband or a business together. She and her 4 children live with her parents in Pati and occasionally visiting her parents-in-law's house, Subur's parents in Semarang. Before her husband became a prisoner, they rented a house to live in, even after the initial husband became prisoner, Lastari and her children at the Orphanage in Semarang

3	Ana (from Kendal)	Do not have her own home and are still moving from the house of parents and in-laws in Kendal and Semarang.
4	Evi (from Solo)	Do not have her own home still and will continue to live with Evi's parents in Solo.

7. Understanding of Birth and Inner Living Rights

In the context of living and spiritual needs, Law No. 1 of 1974 alluded to Article 33 namely "Husband and wife are obliged to love, respect, loyal and to help each other both physically and mentally". Even in the Compilation of Islamic Law (*KHI*) in Article 77 paragraph 2 stated that husband and wife are obliged to love, respect, loyal, and to assist each other physically and mentally. (The Law No. 1 of 1974 about the right and obligations of husband and wife, article 31, section 1-3)

The meaning of physical and spiritual assistance can be interpreted broadly. Even according to Lastari, Subur Sugiarto's wife who was sentenced for all his life, the inner living does not have to be intercourse between husband and wife. For Lastari, it is peace of mind and sincerity accepts whatever the husband's condition. (The Compilation of Islamic Law (*KHI*) on Article 77 section 2) Since her husband sentenced to live in Nusakambangan with a life sentence, therefore, the intercourse was never done during his life in prison.

In addition to inner living, the context of birth maintenance is also explicitly and implicitly regulated in article 34 paragraph 1, which stated that "Husband is obliged to protect his wife and provide all the necessities of family life according to his ability." The law is interesting to discuss because there is an emphasis on the expression " according to his ability ". In the context of the husband in the position of being prisoner, then all husband's efforts to meet the needs of his wife will be very limited, or even none at all.

Tabel 4.3

Understanding of Living Rights and Spiritual Right

No.	The Wives of Prisoners	Living Right	Spiritual Right
1	Iim (from	Get enough income to live	At the beginning of her

	Kudus)	<p>from her husband despite his living in prison. However, in the beginning, the economy suddenly rocked and even this made her daughter move to a cheap school. Consequently, before living in jail, they were able to send their daughter to a favorite school at the kindergarten level with monthly tuition fees of Rp. 300,000</p>	<p>husband's stay in prison, Iim still getting a spiritual right. Even in jail, there is also a cubicle facility for the prisoner to meet the families. However, since her husband was well-known for his religious knowledge among prison residents, even the husband became an <i>Ustadz</i> for other prisoners, Iim never got a spiritual right, because the conditions of prison facilities were less conducive. Iim and her husband (Amir Mahmud) feel reluctant if it is known by other prisoners. They tried to guard their spirits in the presence of prisoners.</p>
2	Lastari (from Pati)	<p>Since her husband was in prison, Lastari did not receive any living aid from her husband. However, Lastari could feed his four sons and daughters from the sale of land purchased by her parents in Pati. According to her, the proceeds from the sale of land were enough to support her four children and herself.</p>	<p>Lastri has her own inner which means spiritual right. For her, it is not only the need for physical or biological relations. The inner maintenance for her is the tranquility of the soul created through anything. However, if the inner living is meant by the need for intercourse, then she claims that her inner living is never sufficient. If ever it might</p>

			only be 1 or 2 times for 15 years.
3	Ana (from Kendal)	There is no income for living from a husband as long as he becomes a prisoner. Ana trades vegetables and small businesses and is often assisted by other families.	Not at all get the matter of spiritual right in the form of intercourse. Although ever, maybe only once in 8 years.
4	Evi (from Solo)	There is no living allowance at all and she didn't expect either. She has decided to separate. The income earns from sewing is more than enough to meet the needs of her and her two children.	Never since her husband remarried.

The data above shows that the majority of prisoner's wives try to maintain and preserve their dignity even though they are in a state of limited physical and spiritual living. This is clearly stated in *KHI* particularly in Article 77 paragraph 4 which stated that husband and wife must maintain their honor. However, for Evi's case, Atok's wife has a different case from the other three prisoner's wives.

8. Understanding the Right to Demand Law in the Religious Courts

When there is a spouse who violates their obligations according to their duties, then they have the right to take legal action. Not only Law No. 10 of 1974, but this is also regulated in *KHI* article 77 paragraph 5 that, if husband or wife neglects his/her obligation of them can file a lawsuit to the Religious Court.³² In the context of the right to legal action, from the result of interviews on 4 prisoner's wives in Central Java can be found as follows.

Tabel 4.4

Understanding of Legal Rights

No.	The Wife of Ex-Convict of Terrorism	Understanding of Legal Rights
1	Iim (lived in Kudus)	Generally, Iim understood well her rights and the obligations as a wife, even in the context of lawsuits. Iim even stated that during her study in Islamic boarding school, she was taught the morality of marriage starting from the husband's rights, to their respective obligations. She also understood correctly, that if there were violations of rights and obligations between the two, then each of them had the right to sue in the Religious Courts.
2	Lastari (lived in Pati)	Lastri has a good understanding of her right as a wife to take legal action. However, she regretted that religious courts often charge a fairly high price for court services, consequently, this can only be done by people who have a high social level and are rich. Poor people often find it difficult to report, which in the end can only surrender. But she will not sue anything to her husband, because she feels obliged to guard and accept the condition of her husband with sincerity and resignation.
3	Ana (lived in Kendal)	In general, Ana knew about that right, but as a wife, she must accept and surrender to God's destiny by accepting and forgiving the mistakes of her husband. She also recognized this right in the Marriage Book, even only with a few of them were mentioned and seemed short.

4	Evi (lived in Solo)	Evi positively understood her rights, and even that right will be used by suing for her husband's divorce.
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Thus, the discussion and findings in this study are subsequently carried out in addition to comprehensive data and analysis. The obstacles in this study are the level of sensitivity of the informant in this case the wife of the prisoner. Not all prisoner's wives are willing to be met and visited, even interviewed. Therefore, this study which initially only in the Solo region eventually widened the Central Java region in general. This is a solution related to the number of residences or addresses of terrorist prisoner's wives in Solo who have moved, and even some of their husbands are free from jail.

Conclusion

From the results of the analysis and interpretation of the existing data, it can be concluded that the terrorist prisoner's wives in Central Java have a fairly good understanding of their rights as wives regulated in Law No. 1 of 1974. Nevertheless, if there are rights that are not demanded by them for the unfulfilled obligations by the husband, it is caused by their attitude of sincerity towards the husband's status who becomes a prisoner. A strong religious doctrine makes the prisoner's wife do not demand many of her unfulfilled rights, both physical and spiritual rights. For them, the status of the husband to become a prisoner is a *shar'i* reason whose consequences must be accepted sincerely.

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