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The U.S. Homeland Security’s Biopolitics in the Age of “Terrorism”
(Biopolitik Keamanan dalam Negeri Amerika Serikat di Era “Terorisme”)

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Abstract
This paper discusses biopolitics and security within the context of terrorism and sees the implications of this shift of orientation to the relation of the modern state and the population. This study employs a philosophical approach on studying security apparatus deployed by the U.S. Homeland Security in the fight against terrorism, or the so called philosophy of science. One specific strand of this approach is social studies of science (SSS), which scrutinizes how science is entwined in the social. This paper suggests that the processes of securitization of immigration and the reinforcement of homeland security at the expense of a welfare state are the signs of a transformation where forms of governmentality oriented towards a transnational security have substituted the protecting and reassuring of “pastoral power.” It is also argued that political decisions regarding security implies the scrutinization of bodies regarding certain norms which in return guarantee the viability of population as a homogeneous entity and thus result in the separation of lives as worthy and unworthy, legal/illegal under certain circumstances. The management of risk becomes another face of promoting freedom where vast biopolitical technologies of government emerged, such as insurance, surveillance, detention, torture, and death punishment, in controlling the population.

Keywords: biopolitics, Foucault, security, war on terrorism

INTRODUCTION
Last January, a British couple was barred from entering the USA at Los Angeles airport and ultimately deported after being kept under 12 hours of custody. Their crime was to post “[...] I go and destroy America” on the online social network
Twitter, a comment that the airport security took seriously even if the couple tried hard to explain that *destroy* is a British slang for *to party* (Springer 2012). This example raises a fundamental issue regarding the pervasiveness of the concept of security nowadays. First, it clearly marks the unprecedented technological advances made to intercept, spy, scan and profile the public and private sphere of information; second, it points to the political rationality behind the action to ban, exclude, deport and treat certain individuals according to a set of characteristics, origin, behaviors, physical appearance, names, and so on. If the traditional notions of security were based on the idea of the nation-state’s sovereignty, making use of state violence to secure the integrity of territory by means of nuclear deterrence and other military means, the modern state seems to dovetail security strategies within its apparatuses in order to tame the population in a biopolitical fashion: a type of management of life that calls for some techniques to ensure the security of the population. This is because the survival of the state is now depending on its population and less on the safety of the sovereign.

By taking Foucault’s account of security, the shift from sovereign power to modern governance implies technical changes that mark the population as the object of this form of power (1978). Indeed, population became the particular object of interest of modern state after the 18th century and various forms of nascent scientific knowledge were oriented toward this object. Population is in fact vital for the analyzing the formation of modern state. Within the perspective of biopolitics, the state is not defined anymore by territoriality but by the mass of population which made necessary the use and instrumentalization of economic knowledge and developed a regime of control through which various dispositive of security are implemented.

Biopolitics as the politicization of life or the life of the population is generally translated by the regulation of the biological attributes by the state, through the *dispositifs* of security, and puts life under the scope of economy, hygiene, health, sexuality, and so on (Foucault 1978). Within modern form of power, discipline and security substituted the sovereign power; the nuance is that while disciplinary mechanisms constrain the details of the body in producing the subject, security tends to depend on them when protecting life. The biological detail is in this sense a strata of reality that can be isolated as a permanent support of social conduct. The apparatuses of security are to be mobilized to govern a mass of population in order to control the details. In the shift of lexicon from “pastoral power” to governmentality: the flock becomes population and the sheep into the body and what is vital to it. In a more pragmatic term the “biological” behavior can be translated as the livelihood and lifestyle of the individual now subjected to a calculation of variables.

This paper discusses biopolitics and security within the context of terrorism and sees the implications of this shift of orientation to the relation of the modern state and the population. It provides critical examination on security apparatuses enacted by the U.S. government in the “war” against terrorism. Although a number of previous research has been done on U.S. homeland security in relation to several aspects, such as terrorism activism (White 2012), the implications for the management of extreme events (Tierney 2007), the global and financial implications of cyber-terrorism and
how to prepare and prevent against cyber-terrorism (Verton and Brownlow 2003), and emergency management network (Waugh 2003), little has been done to examine this issue within the framework of governance and population. This research offers what has been missing in the previous work on U.S. homeland security, which is a discussion on the apparatus as a form of biopolitics. An introduction to biopolitics and security will be highlighted in the first part and how the two concepts are co-constitutive. In the second part, and following the example introduced above, the focus will be on the idea of circulation, both literally and in its generic sense, to explore the nature of security in modern government. I will explore the concept of risk and how precautionary risk as an interpretation of the former became the pivotal argument in the “war on terror” discourse and how mechanisms of security produce “the terrorist.” The last part of the paper will deal with the questions pertinent to the critique of modern state on how the liberal governments act in illiberal ways, and interrogate the ways in which a politicization of life became “politics of death.”

METHOD
This study employs a philosophical approach on studying security apparatus deployed by the U.S. Homeland Security in the fight against terrorism, or the so-called philosophy of science. Philosophy of science deals with philosophical and foundational problems that arise within science (Psillos and Curd 2008). One specific strand of this approach is social studies of science (SSS), which scrutinizes how science is entwined in the social. More specifically, it questions basic things about a form of science or technology, such as “What is the aim of science and what is its method?” “What role do values (both epistemic and pragmatic) play in scientific decisions and how are they related to social and cultural factors?” and “What are the implications of such decisions?” (Psillos and Curd 2008:x). The objects under scrutiny were biometry and other security apparatuses used by the U.S. Homeland security, which were then interpreted and then analyzed using Foucault’s theory of biopolitics (1978), a concept which was later used by Dillon in elaborating biopolitics of security (Dillon and Lobo-Guerrero 2008).

RESULT AND DISCUSSION
Biopolitics and Governance in the U.S.
Michael Dillon coined the term biopolitics of security as a concept of analyzing security that does not take the security of a state/territory as its referent (Dillon and Lobo-Guerrero 2008). The referent is life or what we would call life itself. How we define life is a very controversial issue since medical and scientific knowledge about the human body brought up new parameters in which life can be defined whether under biological, economical, political, or cultural approaches. Similarly, how we define it entails also how life is explicitly promoted and protected. As part of the process of governing populations and securing order, boundaries are drawn, creating categories of individuals who are to be protected at the expense of the exclusion and elimination of others (Aradau and van Munster 2005). It is under the lens of biopolitics and security for example that Monica J. Casper and More (2009) tracks the shift in the conceptualization of HIV/AIDS as an issue of national and global security in the United States. AIDS as an epidemic would alter the productive capacity of a nation apart from the basic fact that numbers of life are at risk; and
its proliferation worldwide would also cause demographic threat that can lead to regional instabilities therefore requires the state to treat it as matter of national security. The state mobilizes biomedical knowledge to implement a series of public policies within the sectors related to “life” and “death,” and to sanitary risks that can endanger the course of population’s life in relation to the cohort of individuals that compose it.

Following Foucault, such biopolitics emerges from the moment where the state set itself the goal of containing the risks which threaten the public health. Nevertheless, the emergence of new security discourses after 9/11 reconfigured the visibility of HIV/AIDS as a public health crisis in the USA (Casper and More 2009). Endemic HIV/AIDS is now constructed as an African disease, leaving the diseased American bodies unseen from the public spaces whose previous awareness campaign and civic programs have been superseded by security discourses based on terrorist threats. Statistical measures, estimation of risk, distribution of diseases, rates of exposure were the biopolitical tools to understand epidemiology and helped the state to choose the kind of intervention it should follow: quarantine measures, barring seropositive immigrants and various terms of “national belonging via practices of inclusion and exclusion” (Casper and More 2009).

Post 9/11 policy has turned this traditional understanding of Foucauldian’s security apparatus, as the ensemble of measures to contain risks and governmental practices in making the life of people better, to a security discourse that aligns population’s disease with terrorism and turns health matter of the population into national security matter. The invisibility of AIDS patients in America resides then in the biopolitical aspects of securitization where new articulation of risk hijacks the premises of the Foucauldian notion of governmentality whose aim is the welfare of population, as Casper and More (2009) puts in an example: “The American “soccer mom” is no longer afraid that her children will become infected with HIV; she is now (presumed to be) afraid of being attacked by terrorist.” We see that security has exceeded the bounds of territory to operate at a transnational level, and conversely it is the transnational aspect of security, here in the case of terrorism, that comes to frame the biopolitical strategies within the state as observed in the doubling of HIV/AIDS pandemic risks and terrorist dangers.

**Biometry: A Governmental Apparatus of ‘War on Terror’**

The example given in the previous section marks the erasure of a strict boundary that separated the Foucauldian notion of security referring to a population that is static and a security which is pervasive operating at a transnational level. The reinforcement of biometric control illustrates best this contextual doubling of biopolitical security. Biometry refers to a technology of identification and authentication which consists in transforming a biological characteristic, morphologic or behavioral into a digital fingerprint. Its objective is to attest the uniqueness of a person according to the measurement of an unchangeable part of the body. Recently, it has become a promising procedure of identification in the global “war on terror” where to identify is to bring the unknown to the known by means of stable criteria of recognition. Ultimately, the frontier separating terrorists from the rest of the population is less
and less defined by the criteria of citizenship which marks the divides crossing the nation itself.

Biometry then constitutes an answer to the disappearance of traditional criteria in terms of *dangerosity*, it identifies an individual without consideration of his religious affiliation or his community. It is inscribed within a context where surveillance becomes more and more deterritorialized and intrusive. It offers a security framework whose aim is to fight terrorism but at the same time to control migratory flow or the traceability of population’s movement. Besides, immigration has also become a security concern in some countries. Apart from being the “constitutive outside” creating a distinct category of illegitimate and legitimate community, immigration issue has changed the notion of security within governmentality. For instance, the project to implement a controversial ministry of immigration and national identity in France raises the question about the kind of governmentality nowadays. On a hypothetical basis, I suggest that, by extending Foucault, the processes of securitization of immigration and the reinforcement of homeland security at the expense of a welfare state are the signs of a transformation where forms of governmentality oriented towards a transnational security have substituted the protecting and reassuring of “pastoral power.” After 9/11, a growing concern has been visible in relation to security mechanism that has changed its meaning and political effects. Discourses of security have been also pushed out of its field of application, which is within the territory of the state and with an object of static population, to a more global field of application that crisscrosses the field of International Relation and Geopolitics (Opitz 2010).

To narrow down our topic to the context of terrorism and “war on terror,” it is indispensable to make a distinction between risk and danger since their causal-effect relations are different. Security is understood as neither a negative nor a positive power; it is a whole range of mechanisms that ensures the well-being of the population. However, dealing with aleatory events such as earthquakes and preventing terrorist attacks entails different actions: risks are to be managed while dangerous terrorists need to be eliminated. In the context of terrorism, dangerous amounts to the elements whose mobility has a negative effect upon the system of circulation (Aradau and van Munster 2005) whereas risk is an empirical measure and a technology for itself from which danger can be assessed. Instead of putting a separation between security mechanisms of risk on the one hand and to danger on the other hand, the following arguments talk mainly about the discourse of danger from the vantage point of precautionary risk.

The mechanism of security can be translated as the management of hypothetical risks in which real threat is manipulated in order to nullify the harm but at the same time forms of discourse construct the reality of security in a “tale of the real” (Dillon and Lobo-Guerrero 2008). What happened in Los Angeles airport, as illustrated in the beginning of this paper, seems to be an isolated and insignificant case of security measure but, at the same time, it marks the blatant manipulation of security discourse in a sense that new invocations of security are placed outside the law and criminal infraction. This example demarcates the limit of freedom that
occurs in public life; that is the pursuit of normalization within social subjectivities in which Foucault sees the intersection of both norm of discipline, applied to the individual, and norm of regulation for the sake of homogenizing the population. Here, surveillance technologies restrain people to express what they think even in the personal details such as jokes. But, apart from the idea of normativity that ultimately seeks the production of docile body in every individual, the focus here is more on the technicality and calculation of prevention that allows for exceptions and leads to the identification of suspects. Here, it is not a disciplinary practice which aims to reform the individual but a “precautionary principle” (Aradau and van Munster 2005, 2007) which intervenes in the context of behavioral risk and picks the individual out of the “flow” of circulation of people.

For the legitimate circulation of people to work or for it to “make life live” (Dillon and Lobo-Guerrero 2008), it also calls for necessary evil or like the vaccine in Roberto Esposito’s paradigm of immunization that encompasses those who are deemed to represent a danger for this circulation. In a broader context, circulation is a generic term that does not simply mean movement of people but includes broader meanings like movement of goods, free trade, market economy (capitalism) and other elements, as the sphere of action for biopolitics.

Apart from assuring the flow of circulation, biopolitical security also differentiates what is good/bad circulation. Privileging the good over the bad circulation then necessitates that security mechanisms, in the form of a precautionary principle, prognosticate events that are uncertain. Uncertainty in biopolitics amounts to contingency or factors of situation when it is livelihood and lifestyle which are at stake; because factors and circumstances inherent to the life of living being are known to be possible but not predictable. For instance, if death is a biological process, premature death by accident and disease is another factor that we try to avoid; and since we cannot avoid fatality, security measures through governmental technologies of contingency are set up to counter the risks. Aradau and van Munster suggest that “from its beginnings in welfare state practices to insure workers against accidents, the principle of precautionary risk has become one of the main technologies in the war on terrorism” (2005:19). Creating a prognostical real, or a reality purely based on forecast, in the name of security therefore concretizes contingency into risk; and the rationality of the modern state becomes the rationality of prognosis. Precisely, that is how Foucault (1978) defined dispositif of security as the treatment of the uncertain where intervention in the name of security relies on the predictability of “dangerous subject.” The dangerous subject then constitutes the very pillar of any legitimate circulation for it to work within the frame of liberal government where the notion of freedom prevails. It is the constitutive outside that cannot be governed under the practice of freedom and self-governance thus requires exceptional treatment.

Foucault’s account of dangerous individual correlates the rise of psychiatry as a medico-legal practice with an exercise of power which focuses on the aspect of security. “[...] from the modulated punishment of the guilty party to the absolute protection of others” (Foucault 1978), taking the “mode of being” of the criminal, rather than the criminal act per se. This interaction of power/knowledge serves as
an instrument to produce both the subject and object it seeks to protect. Following the Foucauldian thematic of power, Sven Opitz (2010) uses the term **rhizomorphic** to describe the characteristics of today’s security strategies which exceed any delimitation regarding their enactment within politics. That is the ubiquitousness of security measures and the agents who exercise it in a decentralized manner.

The problematization of the notion of security then saw different contingencies interlaced with the discourses of security; “different discourses of danger will revolve around different referent objects of security, such that different objects of security will give rise to different kinds of governmental technologies and political rationalities” (Dillon and Lobo-Guerrero 2008). One instance of a security object is the “war on terror” which has created a myriad of governmental technologies (based on the precautionary principle) to counter the terrorist threats. Opitz (2010) mentions the Copenhagen school’s constructionist concept of security which distances itself from the usual geopolitical-military strategy to the construction of threat as a guarantee of the state legitimacy. In other words, threat is the pillar of state violence but the state also has to produce the possible articulations of threats into danger and risks. The first leads to positing of population as a fixed object which discourses of security will maneuver to protect; and the second leads to a discourse that produces both the object and the subject of security. Invoking security measures as the example above suggests a speech act where the very utterance of the speech materializes the action that it refers to. Ole Wæver mentions that “[…] the utterance itself is the act. By saying it, something is done. By uttering security, a state-representative moves a particular development into a specific area, and thereby claims a special right to use whatever means are necessary to block it” (in Opitz 2010). The term **securitization** then matches the performative function of discourse.

As seen in the early section, post 9/11 security discourses have shaped the understanding of security, “the notion of security starts to change meaning, epistemic structures, and political effects” (Opitz 2010). Not only contemporary mechanisms of security respond to dangers that terrorism poses through special treatment but it also define the objects they claim to secure, security became instrumental in producing and materializing danger. Earlier after the 9/11 events, we have witnessed discursive performance that relied on the concern of subjectivity by defining boundaries between the outside/inside, the *us* and *them* and conceived danger as purely external threats. David Campbell in *The Biopolitics of Security: Oil, Empire, and the Sports Utility Vehicle* stresses that “identity is constituted in relation to difference, and difference is constituted in relation to identity, which means that the “state,” the “international system,” and the “dangers” to each are coeval in their construction” (Campbell 2005:945). It was under the discursive notion of national identity that “war on terror” discourse focused mainly on the production of the attributes of the “terrorist” at the international level. Campaign about “vigilant visualities” (Aradau and van Munster 2005) like “If You See Something, Say Something” calls for the involvement of every individual to gather in a proactive community in the name of security.

Recently, the campaign has been renewed to emphasize that despite eleven years of “war on terror,” the danger of terrorism is still present and looming over everybody. In
fact, the discourse shifted from the production of stereotypes among foreign nationals especially the Muslim-Arab, to the postulation of the “dangerous individual” within the core of the population itself. That is a constant call for awareness and vigilance which turns the population into the subject as well as the target of security measures, most of the time discriminatory and arbitrary. Instances such as a pilot refusing to embark with a Muslim passenger (Grider 2011) or body control based on dress code become then routine than an exception. Agamben’s notion of “bare life” (1998), or a life pushed at the margin of politics and the protection of law, became also relevant when the population itself becomes a potential risk; for the same reason Agamben refused to follow the new biometrical measures imposed in the TSA regulations on the basis that by giving details of one’s very subjectivity equates to the criminal labeling of prisoners, that everybody is already an itinerant criminal. In sum, the formulation of biopolitical security nowadays results in the categorization of two different entities: one, a legitimate group whose lifestyle and behavior toe the line of freedom of circulation and self-governance, and another one illegitimate whose behavioral risk present a danger and cannot be governed under normalized patterns thus need to be eliminated. The Transportation Security Administration (TSA) is an agency of the U.S. Department of Homeland Security that exercises authority over the safety and security of the traveling public in the United States, it was created in the aftermath of 9/11 events.

To continue in a similar vein, the implication of post 9/11 laws, such as “Patriot Act” and how it had curtailed the rule of law when defining who the terrorists are and what their fate should be, have been seen: indefinite detention, torture and extrajudicial assassination. Judith Butler (2009) goes further by stating that post 9/11 discourses have framed the production of “life” itself through selective means and normative conditions of recognition which, in the context of biopolitics, can be re-translated as securing life by eliminating its malevolent elements. These all mark the return of sovereign power and disciplinary state in the age of governmental and raise fundamental question which Foucault already asked about a “biopower that is in excess of sovereign rights” (1978). The paradoxical exclusionary effects of biopolitics, which is supposed to foster life, and the juridical condition under which modern governments act in illiberal ways make us think clearly about the overlap between “make live and let die” and “take life and let live.”

In a historical perspective, Foucault stresses on the shift of sovereign power to modern liberal government where the negative/vertical aspect of Sovereign power has changed into a positive/horizontal form of governance that seeks to be more productive than repressive (2007). Nonetheless, this does not mean that the king has been beheaded; rather, sovereignty is embodied in the various infrastructure of the state that conserves the domination of sovereign power in the name of welfare of the population. Considering that the population is a “risk pool,” a term used by insurance companies, the biopolitical purpose of the liberal State is then founded on a particular attention of security which is reflected in the government’s practices. As in Foucault’s words, “sovereignty is exercised within the borders of a territory, discipline is exercised on the bodies of individuals, and security is exercised over a whole population” (2007). To take life as the object of political decisions implies
the scrutiny of bodies regarding certain norms which in return guarantee the viability of population as a homogeneous entity and therefore result in the separation of lives as worthy and unworthy, legal/illegal under certain circumstances. The management of risk becomes another face of promoting freedom where vast biopolitical technologies of government emerged (insurance, surveillance, detention, etc.). Facing the immeasurable uncertainties that population represents and dealing with the problem of “totalizing” a heterogeneous entity such as population with all its inconsistencies and disparities, the liberal governments resort to measures that in preserving life also dispose of life.

Regarding the context of terrorism which is a danger that has to be eliminated, the paradigm of security and the precautionary principle tend to operate in illiberal ways, commensurable to the uncertainties that the notion of risk/danger represent. Claudia Aradau and van Munster (2005) argue that precaution requires political decision in a situation of uncertainty, and this decision is always enacted through a mode of power of the sovereign. Decisions such as extraordinary rendition, indefinite detention and enhanced interrogation (torture) are all sovereign decision for securing life not within the ambit of governmentality. The term “Infinite Justice,” later changed to “Operation Enduring Freedom,” reflects this move from the application of the rule of law to infinite measures that trespass these laws where presumption of innocence has changed into a priori guilt. However, the aporia that these suspensions of legality or illiberal ways of securitization represent are soon to be accepted, not in the sense that law would provide clear directive and safeguard for unfair security practices, such as approving torture, but to put these aporias in what Agamben calls as “zone of indistinction” (1998). Within this zone, a parallel exercise of illegitimate decision is exercised within the field of governmentality (Butler 2004), a sovereign power that is diffused through all the apparatuses of security and act beyond normal legality. Whether the Havildar under “Armed Forces (Special Powers) Act” or the TSA agent under “Patriot Act”, they are all petty sovereigns as Butler stresses “reigning in the midst of bureaucratic institutions […] delegated with power to render unilateral decision […]” (Butler 2004).

What matters is then the passive legalization of the zone of indistinction that opens room for various practices that law can neither proscribe nor forgive. Butler (2009) uses the term “limbo” (edge of hell) when talking about the situation of Guantanamo prison which overrides the judicial system and posits that the prisoners are “outside the bound of civilization” thus cannot be treated under any known written laws, not even the Geneva convention. The assassination of Anwar al-Awlaki, an American citizen and Muslim cleric suspected of terrorist activities, without any due process is one example of how rule of law is nullified while governmental authority justifies the deed in the name of “war on terror.” And the new NDAA (National Defense Authorization Act) will allow the indefinite detention of American citizens if passed. The hazy characteristic of “war on terror” which is vague and open to indefinite re-interpretation would lead the biopolitics of security to what Agamben describes as a permanent state of exception, that is, governmental practices of legal exemption organized by securitization (Opitz 2010). This juridico-discursive aspect of securitization inspired from the exceptionality of the Nazi “camp” and derived
from the prerogative of the Sovereign who stays neither inside nor outside legality, is now operating as a modus operandi of the liberal state.

CONCLUSION
This paper has shown that Foucault’s theorizing of biopolitics can be applied to many fields of human sciences. Biopolitics of security is one interpretation that distances itself from the traditional understanding of security within a static population and fixed territory; somehow it has transgressed the boundaries of national borders to embody transnational issues like terrorism but at the same offer new perspective vis-à-vis the viability of the nation and governmentality by integrating a dynamic interplay of biopolitics and geopolitics and sovereignty. Even though the notion of security is the pivot for the modern liberal state Foucault advocated, the concept of security has changed in nature, meaning and political effects because of the recent hypes on terrorism; it pushes to the extreme the notion of state intervention by focusing on “circulation” and management of contingencies. But the free flow of circulation entails also that categories of people deemed dangerous and risky for the circulation are apprehended through the deployment of risk technologies. Ultimately, the fundamental motto of modern government as to protect life and make it better is confronted to paradoxical practices under biopolitics that also exterminate life.

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