



## INDONESIA'S PREDICAMENT ON COUNTERTERRORISM POLICY IN THE ERA OF DEMOCRATIC TRANSITION

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### **Abstract:**

A comprehensive assessment is needed on Indonesia's counterterrorism policy, which is currently being implemented, to ensure Indonesia's transition to democracy will be stable and not snared as a failed state. The worst scenario envisaged is a possible disintegration as a result of the never ending spiral of conflict. The objectives of this article is to disclose factors that influenced the decision making process on counterterrorism policy in Indonesia.

**Keywords:** terrorism; Indonesia.

### **Resumen:**

*Es necesaria una evaluación global de la política contraterrorista de Indonesia que se está implementando actualmente, para asegurar que la transición de Indonesia a la democracia será estable y no se convertirá en un Estado fallido. El peor escenario posible es una desintegración como resultado de la interminable espiral de conflicto. Los objetivos de este artículo son desvelar los factores que han influenciado el proceso de toma de decisiones sobre la política contraterrorista en Indonesia.*

**Palabras clave:** terrorismo; Indonesia.

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## Introduction

Terrorism currently occurs as a global phenomenon which threatens all countries and is all encompassing compromising covering economic, social, and government realms, though it is purely as a security term that is most visible to the public. Countries that do not deal with the problem of terrorism effectively will be trapped as 'weak states'<sup>2</sup>, as they cannot protect their peoples and achieve international standards to secure their regional environment for a peaceful world.

However, in many countries, terrorism is not a new trend and has existed as consequence of contradiction and injustice existing in the world. Terrorism may become the continuation of a long historical violence which arises in the domestic realm, and find a new momentum to emerge along with global change. The spectacular attack<sup>3</sup> on World Trade Centre in New York City (2001) is perceived as a starting point for 'a new war on terrorism'<sup>4</sup>. Since then, terrorism has spread all over the world with different characteristics, it is predominantly based on ideological or religious motives. In this regard, the Islamic factor<sup>5</sup> plays an important part.

Indonesia as the most populous Muslim country in the world is not free from the danger of terrorism. Foreign observers mention Indonesia as a safe haven<sup>6</sup> for terrorist groups, due to her domestic vulnerabilities. The situation became worse when Indonesia entered the transition to democracy following former president Soeharto's resignation in 1998.

Terrorism indeed is a major challenge to all post-Soeharto governments, from President B.J. Habibie, to Abdurrahman Wahid, to Megawati Soekarnoputeri and to Susilo Bambang Yudhoyono. Subsequently, they applied policies to cope with terrorism during their administration. A comprehensive assessment is needed on Indonesia's counterterrorism policy, which is currently being implemented, to ensure Indonesia's transition to democracy will be stable and not snared as a failed state. Such counterterrorism policy, to be applied properly, will free Indonesia from the trap of violence that has compromised its security. The worst scenario envisaged is a possible disintegration as a result of the never ending spiral of conflict. The objectives of this article is to disclose factors that influenced a decision making process on counterterrorism policy in Indonesia.

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<sup>2</sup> Robert Rotberg, (2004): *Why States Fail: Causes and Consequences*, Princeton, NJ: Princeton University Press, pp.1-45.

<sup>3</sup> Critical review on WTC attack see Nafeez Mosaddeq Ahmed, (2001): *The Great Deception: How and Why America was attacked, September 11th*, Kuala Lumpur: Thinker's Library, pp.375-380.

<sup>4</sup> Walter Laqueur, (2001): "Left, Right, and Beyond: The Changing Face of Terror", in *How Did This Happen? Terrorism and the New War*, ed. James F. Hoge and Gideon Rose, New York: Council on Foreign Relations, pp.71-82.

<sup>5</sup> Fawaz A. Gerges, (2005): *The Far Enemy: Why Jihad Went Global*, Cambridge: Cambridge University Press, pp.56-66.

<sup>6</sup> US Secretary of State, "Country Report on Terrorism 2005", pp.18-19, at: <http://www.state.gov/documents/organization/65462.pdf>.



## 1. Theoretical Framework

### 1.1. Terrorism Threat

As described by Walter Laqueur<sup>7</sup>, the problem of terrorism is long-rooted in human history, and has been drastically changed in modern times in term of strategy, tactics and the use of technology<sup>8</sup>. Therefore, we need a new approach to identify what kind of threat we are facing now, and how to anticipate and counter<sup>9</sup> the probability of terrorist attacks.

Terrorism can be defined as “the threat or the act of politically motivated violence directed primarily against civilians”<sup>10</sup>. There are many definitions of terrorism, more than one hundred, hence we need a working definition to deal with the specific context. For the purposes of this study, at least two forms of terrorism are significant, namely “domestic terrorism” which refers to acts of terrorism committed within the territorial borders of a country and only involving citizens and interests of that country; and “international terrorism” which refers to acts of terrorism involving citizens or the territory of more than one country. Each form of terrorism might be driven by secular or religious ideologies. But, we have to note that many terrorist groups use ideology as a cover to legitimize their actions. It is important to respond to the threat of terrorism based on the actual type, to recognize internal and external factors, and to treat each case individually rather than to use generalizations<sup>11</sup>.

In the case of Indonesia, terrorism can be traced back to its historical or contemporary context from several violent conflicts with ethnic and religious nuances. Obviously, we need to be careful not to claim and stigmatize violent acts committed by a certain groups, because the root of violence in pluralist country such as Indonesia is very complicated involving the dominant role of the government and security forces as well. Post-Soeharto governments seem to find difficulty in defining terrorism as ‘a national threat’, because they have to deal with long historical conflicts that might be triggered by political rivalry among elites, local disappointment or discontent against central government, and destructive potential within pluralistic society.

The first successor to Soeharto was Habibie who served as President from May 21, 1998. At the end of 1998, only seven months after Habibie ran the new administration, communal conflict erupted in Moluccas Island. This conflict involved different ethnic and religious groups. It caused a nightmare that nearly placed Indonesia in the post-Soeharto era on the brink of national desintegration. The circumstances became worse when a similar conflict broke up in Poso not so far from the Moluccas tragedy. Beside the social conflict which was fueled by religious propaganda, Habibie also faced separatist movements in Aceh and Papua. He tackled these problems with political accommodation amid a continuous tension from foreign powers to free East Timor from Indonesian control. Habibie perceived terrorism as a threat to national unity, but he could not counter the danger properly, because the Armed

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<sup>7</sup> Walter Laqueur, (2001): *The New Terrorism: Fanaticism and the Arms of Mass Destruction*, London: Phoenix Press, pp.10-13.

<sup>8</sup> Rohan Gunaratna, (2004): *the Changing Face of Terrorism*, Singapore: Eastern University Press, pp.1-3.

<sup>9</sup> Andrew Tan and Kumar Ramakrishna, (2004): *The New Terrorism: Anatomy, Trends, and Counter-Strategies*, Singapore: Eastern University Press.

<sup>10</sup> Graeme C.S. Steven and Rohan Gunaratna, (2004): *Counterterrorism: A Reference Handbook* (St. Barbara, California: Contemporary World Issues, pp.7.

<sup>11</sup> *Ibid.*, p.13.



Forces<sup>12</sup> were not under his full control complicated by the emergence civilian militias forming in many regions.

Wahid came to power as a result of the first free-democratic election in the transitional period. He gained much enough support to begin and complete all reform agendas, including an end to the Military's dual function policy and the possibility of building an independent Police force as the law enforcer. Tragically, Wahid failed because of a political style generating great controversy due to his statements and erratic behaviour. During a crucial period when most of political parties were arguing over Wahid's impeachment, multiple bombs exploded in Jakarta. It happened in the eve of Christmas 2000 and it was a very bitter moment to mark the end of the twentieth century and the beginning of Indonesia's democratic transition. Wahid was aware that terrorism was a clear and present danger to his legitimacy and he indicated to his opponents that radical movements had become 'a new and common enemy'. It was not really new, as explained later, but it threatened and frightened all elements of society.

The Megawati administration began in difficult circumstances, with political trust between the people and government at low ebb and social trust among citizens deteriorating. The situation became more complicated along with great change in the world arena after the iconic attack on the WTC. Since that time Indonesia has had to face a new kind of terrorism and is no longer free from international terrorist threats which ironically, has been denied by some prominent figures such as Vice President Hamzah Haz. The threat became actual and undeniable when the first Bali Bombing occurred on October 12, 2002 – precisely a year a month and a day after the WTC attack. Immediately after the tragic attack on two night clubs in Kuta, the "Jemaah Islamiyah" (JI) threat became recognised in Indonesia. Foreign concern grew much wider when further attacks hit J.W. Marriott hotel (2003) and the Australian Embassy (2004). Now, the problem was not merely a threat against national unity and political legitimacy. It was whether there was consensus over the nature of the 'Global War on Terror' (GWOT).

President Yudhoyono understood the nature of this threat from the very beginning of his administration. He had served as Coordinating Minister for Politics and Security in Megawati administration and knew very well the domestic and foreign aspects of the terrorist threat. It did not seem to be a coincidence that the bombing at Australian Embassy happened on 9 September 2004 which is Yudhoyono's birthday and only eleven days before he won the presidency. Everything seemed to be under his control when the second Bali Bombing took place on 1 October 2005. It marked one year of the Yudhoyono administration. Indonesia risked becoming a weak state after governmental succession was still unable to guarantee stability and security. Since then terrorism evolved as a big challenge for Indonesia's democratic transition.

## **1.2. Counterterrorism Policy**

Using American experience, Martha Crenshaw<sup>13</sup> presumes that counterterrorism policy is not just a response to the threat of terrorism, but a reflection of the domestic political process.

<sup>12</sup> Leonard C. Sebastian, (2006): *Realpolitik Ideology: Indonesia's Use of Military Force*, Singapore: ISEAS, pp.321-323. The Indonesian Police was still a part of the Armed Forces at that time.

<sup>13</sup> Martha Crenshaw, (2004): "Counterterrorism Policy and the Political Process", in Russell D. Howard and Reid L. Sawyer, *Terrorism and Counterterrorism*, Guilford: The McGraw-Hill Comp., p.450.



Perceptions of the terrorist threat and the direction of policy were debated amongst government agencies, the media, interest groups, the elites, and mass public. This debate developed the issues, formed the interests, and legitimized the policies that were chosen by the government. In this sense, a dynamic counterterrorism policy has evolved. Just as there is no final and instant solution for infectious disease there no quick-fix for terrorism. Furthermore, the terrorist groups evolved from time to time adapting to new circumstances and adopting new strategies and tactics.

Boaz Ganor<sup>14</sup> describes more factors that influenced decision making processes in counterterrorism policy. Based on the Israeli government experience, he explains ‘attitudes/situation in the Israeli domestic arena’. There are inputs from security agencies (Police, Mossad, Israel’s Security Agency/Shin Beit, Israel Defence Force, and Prime Minister’s Bureau on Counterterrorism) and related government ministers (Minister of Internal Security and Minister of Defense) and also attitudes of pressure groups, the opposition, public opinion, and the media with regard to the security situation, the scope and nature of terrorism problem, and the political atmosphere.

Another factor is ‘the situation in the international arena’ which – in the Israeli case -- included her relationship with the Palestinians, Arab World, the US, and the World in general. Cooperation between neighboring countries is an important factor to strengthen regional security. Terrorism has spread rapidly in fragile situations particularly when radical groups make cross-border movements and smuggle deadly weapons among them. Similarly, each nation has to maintain its relationship with great powers such as the U.S. who leads GWOT.

That counterterrorism framework could be adopted as tool of analysis to understand the development of terrorism in Indonesia. Ganor presents his model as a theoretical basis for assessing the efficacy of counterterrorism measures. He also concludes ‘decision-making dilemmas in the war on terrorism’ include intelligence work, the deterrence effects, offensive actions, legislative efforts, punitive actions, media coverage and morale and psychological warfare. They are the key elements that must be considered by policy makers. They should define the goals of such a policy and formulate rules and preferred methods of operation, without delineating the policy with inflexible strategy.

Regarding counterterrorism strategy, Andre Beaufre’s approach of ‘indirect strategy’<sup>15</sup> is highly relevant. Almost all governments in many countries, including Indonesia, are tempted to use a military response to combat terrorism, i.e. direct approach. Unfortunately, the result of a direct strategy often does not meet the aim in diminishing the underlying conditions that terrorists have exploited. Beaufre proposes the indirect strategy to stress psychological and ideological factors as the dominant means to combat insurgency – and also it can be applied to counterterrorism – without neglecting physical-military factors. Further explanation developed by Robert Thompson<sup>16</sup> who has determined significant principles of subjugating rebel forces and tied them to government capacities for implementation. Barry Desker and Kumar Ramakrishna<sup>17</sup> use an indirect strategy to analyze the case of terrorism in Southeast Asia. They assert the necessity for a special focus on political and ideological aspects,

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<sup>14</sup> Boaz Ganor, (2004): *The Counterterrorism Puzzle: A Guide for Decision Makers*, New Brunswick and London: Transaction Publisher, pp. 290-291.

<sup>15</sup> Andre Beaufre, (1965): *An Introduction to Strategy*, trans. R.H. Barry, New York: Praeger, pp.107-110.

<sup>16</sup> Robert Thompson, (1966): *Defeating Communist Insurgency: Experiences from Malayan and Vietnam*, Westport, CT: Praeger, pp.50-57.

<sup>17</sup> Barry Desker and Kumar Ramakrishna, “Forging an Indirect Strategy in Southeast Asia”, *The Washington Quarterly*, Vol. 22, n°. 2, (Spring 2002), p.167



because the strategic centre of gravity of the war against radical terrorist resides in the hearts and minds of the society.

### **1.3. Public policy making process**

We need to refer to the Graham Allison's approach<sup>18</sup> on foreign policy and decision making process to remind us that counterterrorism policy does not exist in isolation. There are many factors which are influenced by an organizational process and bureaucratic politics within the government bodies. Allison sees organizational routines and procedures as determining and influencing policy decisions and outcomes. Robert Keohane and Joseph Nye<sup>19</sup> further argued that a state may not be able to control the bureaucratic actors. Organizations, whether private or governmental, may transcend the boundaries of states, and could collaborate with their foreign counterparts. This perspective is very relevant considering the global nature of terrorism and thus need for global counter measures by countries part of counterterrorism coalition.

### **1.4. Domestic and Foreign Factors**

Based on the theoretical framework, the author proposes three factors shaping domestic politics, i.e. economic crisis, violent conflict, and national leadership as determinants and three other foreign factors, i.e. Indonesian relations with neighboring countries, her response to a rapid change in the Muslim world, and U.S. global dominance. All these factors influencing the process of policy making on counterterrorism in Indonesia during its transition.

### **1.5. Main Thesis**

Indonesian counterterrorism policy has been formed as a result of domestic politics and foreign considerations. These variables have been treated and crafted by Indonesian policy makers to respond to the actual situation in the transition era toward democracy. The effectiveness of its policy is fully dependant upon the quality of national leadership. Each leadership deals with democratic constrains and dilemmas in order to achieve national interest which will accomodate the aspirations of the popular majority.

## **2. Post-Soeharto Circumstances**

### **2.1. New Threat, Old Response**

Indonesia was teetering on the brink of disintegration when Soeharto announced his resignation. Surprisingly, a political change might have been expected and many had hoped

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<sup>18</sup> Graham Allison, (1971): *Essence of Decision*, Boston: Little Brown; See also Allison, "Conceptual Models and the Cuban Missile Crisis", *American Political Science Review*, Vol. 63, (September 1969), pp.689-718.

<sup>19</sup> Robert Keohane and Joseph Nye (eds.), (1972): *Transnational Relations and World Politics*, Cambridge: Harvard University Press, and also Keohane-Nye, (1977): *Power and Interdependence: World Politics in Transition*, Boston: Little Brown.



that Soeharto would have had made such important decision several years earlier. When Soeharto stepped down, Habibie came to power with observers unsure whether Indonesia's situation would be one of 'restoration or chaos'<sup>20</sup>. New politicians under the pressure from remnants of the New Order regime, faced the fact that they could not take revolutionary action to change the political system and therefore had to trust Habibie to take power until the general election in July 1999. It was during this critical condition that Indonesia's integrity and unity found itself under a new threat. Speculation was that Indonesia would go through a catastrophe that had befallen the Soviet Union and Yugoslavia after prolonged instability. The future of the Unitary State of the Republic of Indonesia<sup>21</sup> was imperilled.

The Soeharto regime made Indonesia's integrity and sovereignty as the utmost priority. Therefore, stability was nonnegotiable and must be defended at any cost, including, if necessary, sacrificing civic freedoms. At that time, it was difficult to distinguish between political stability of Indonesia as a 'Pancasila-based democratic country'<sup>22</sup> or continuity of the Soeharto regime. In fact, such national threats came from not only separatist movements such as the ones in Aceh (the westernmost region) and Papua (the easternmost region), but also ideological groups such as "extreme left" (communism) and "extreme right" (radical religion).

Since the earlier days, when Habibie came to power, he had to deal with the threats of separatism. This was becoming more complicated to tackle as the international bodies were then paying special attention to Indonesia. Although Habibie tried to open a dialogue with disappointed groups in Aceh and Papua, none predicted that the problem in East Timor had become so bad that separation of the province from Indonesia was imminent. Following this complex situation, Habibie found himself in a very difficult position that was steadily worsening as the ethnic conflicts in Moluccas broke out. While anger in Molucca had yet to subside, a similar conflict occurred in Poso. At almost the same time, another ethnic conflict broke out in the West Kalimantan province when the indigenous Dayak people and the Malay tribes descended into conflict with the Maduran settlers. According to Jacques Bertrand,<sup>23</sup> marginalization of a group had been the main cause triggering that bloody inter-ethnic conflict. Such marginalization was prevalent in the Dutch colonial era and was continued by the Old Order and the New Order regimes to maintain stability of the central government in Jakarta.

Habibie was in crucial situations when as many conflicts in several regions broke out simultaneously. It looked as if the status-quo (Soeharto's supporters) had unwillingly given up their power. Alternatively, from a more neutral perspective, it was a test for the post-Soeharto governments. Were they able to secure the entire territory of Indonesia as domestic conflicts and international pressure intensified? As a matter of fact, the threats arising during the transitional period were typical because they were rooted in social and economical gaps among the conflicting groups/tribes, followed by power struggles for political/economical position at regional level which incited people's distrust in the central government. However, those new threats were actually handled by the transitional governments in ways which differed from that of the previous governments. Just like Soekarno and Soeharto, Habibie

<sup>20</sup> Geoff Forrester, (ed.), (1999): *Post-Soeharto Indonesia: Renewal or Chaos?*, Singapore: ISEAS, pp.1-18.

<sup>21</sup> Indonesian people believe NKRI was the most important result of the struggle for independence movement in 1945. Jacques Bertrand, (2004): *Nationalism and Ethnic Conflict in Indonesia* (Cambridge: Cambridge University Press, pp.28-29.

<sup>22</sup> Donald J. Porter, (2002): *Managing Politics and Islam in Indonesia* (London and New York: Routledge Curzon, pp.30-31.

<sup>23</sup> Bertrand, *op cit.*, pp.47-58.



opened a dialogue with key local people and offered government-facilitated reconciliation to the conflicting groups. The difference was that Habibie did not apply any oppressive methods, because he failed to consolidate the armed forces. People's demand for dissolution of the 'dual function' of the Indonesian Armed Forces and separation of the Indonesian Police from the Armed Forces had been more intensive than before. Previously, the deployment of the armed forces/police was a common method applied by Soeharto to crush any regional turmoil and political opposition.

## 2.2. Origin and Evolvement of Terrorism Threat

The development of terrorism in Indonesia cannot be distinguished from the separatist movements emerged in the early independence era. Not only are such separatist movements motivated by ethnicity such as the Free Aceh Movement (GAM) or the Free Papua Movement (OPM), but also by religious motives such as Darul Islam (DI) and the Republic of South Molucca (RMS). During the transition period, religiously inspired violence was very prominent as primordial political identities were able to find avenues to emerge. Religious groups have strong appeal because the Indonesians are typically religious people. Actually, the inter-ethnic conflicts in Molucca, Poso, or South Kalimantan were motivated by religious sentiments. Not only Laskar Jihad (Holy Warriors)<sup>24</sup> or Laskar Jundullah (the Soldier of God)<sup>25</sup>, which appeared to advocate Islam, but Laskar Kristus (the Christian Warriors)<sup>26</sup> and the radical Dayak people<sup>27</sup> emerged to advocate Christianity and Kaharingan Hinduism, respectively.

Muslim militias have become more apparent because of the varieties of their tactics and strong ideological articulations.<sup>28</sup> The militia factor emerged in a confusing situation when Wahid succeeded Habibie. The Wahid era was ushered by a series of bombs which exploded on Christmas Eve while the president was in Papua to celebrate the New Year. Why was Wahid very reluctant to take swift action to deal with these spectacular terrorist attacks? Meanwhile, many questioned the mastermind of the bombings which devastated at least 20 churches (in seven cities), two stores (in Cicadas and Jakarta), one Christian cemetery (in Ampenan of West Nusa Tenggara), and one tourist location (in Pangandaran of West Java). If the terrorists were linked old sources of power, the suspects might be Soeharto's supporters or radical militias once recorded for several instances of violent actions. If the terrorists were a new power emerging during the reform era, the suspects were considered to belong to be linked to the military or the police considering their access to a large amount of explosives and well-organized operational network.<sup>29</sup>

During the New Order regime, the irresponsible involvement of the security apparatus to control, intimidate and corce opposition groups was widely known. The possibility that

<sup>24</sup> M. Shoelhi, (2002): *Laskar Jihad: Kambing Hitam Konflik Maluku*, Jakarta: Pustaka Zaman, 2002.

<sup>25</sup> International Crisis Group, "Indonesia Backgrounder: Jihad in Central Sulawesi", *Asia Report*, n°.74, (3 February 2004), at: <http://www.crisisgroup.org/home/index.cfm?id=2500&l=1>.

<sup>26</sup> Sukidi Mulyadi, "Violence under the Banner of Religion: The Case of Laskar Jihad and Laskar Kristus", *Studia Islamika*, Vol. 10, n°.2, (2003), pp.75-109.

<sup>27</sup> Stanley ed., (2000): *Konflik Etnik di Sambas*, Jakarta: ISAI.

<sup>28</sup> S. Yunanto, et.al., (2003): *Gerakan Militan Islam di Indonesia dan di Asia Tenggara*, Jakarta: The Ridep Institute and Friedrich Ebert Stiftung, 2003.

<sup>29</sup> Report of Forum Indonesia Damai (FID), (Jakarta, 2001). FID formed immediately after Christmas Bombing. Its members included KontraS, Paham Indonesia, the National Commission of Human Rights, and other NGOs concerning human rights protection and social conflict prevention.



certain members of security apparatus or intelligence agents might have a hand in the bombing campaign was quite reasonable after Wahid's critical decision to end the dual function of the Indonesian Armed Forces (ABRI) and to separate the Police from the National Armed Forces (TNI). Even Wahid appointed a new Commander-in-Chief of the TNI from the Navy in order to end a long domination of the Army in that role. Tensions emerged not only between the President and the leaders of the TNI, but also between TNI and the Police which had been enjoying the autonomy.

The political tension was very high at that time and encouraged the emergence of militia groups such as Laskar Jihad (established since January 2000) and Majelis Mujahidin Indonesia (established in August 2000 as the umbrella organization for jihadi groups). Clearly, those militia groups appeared during the Wahid administration, instead of during the Habibie administration, which was considered close to Islamic activists. The fact is that Wahid's controversial policies, such as the policy to remove a political ban for communist supporters, had resulted in various radical public reactions.

Vulnerable domestic conditions existed, coupled with new tensions at the international level between the United States, as the only superpower after the collapse of the Soviet Union, and the radical Islamic groups that were represented by the Taliban's regime in Afghanistan. Similar to the pattern of violence in Indonesia, tensions at the global level were also marked with bombings, including the bombing of the U.S.' embassy in Kenya and Tanzania (August 1998) and the bombing of the USS Cole in the Aden, Yemen (October 2000). Wahid would not have time to carry out an in-depth study about correlation between violence at domestic level and international level because his legitimate power would soon end. Even President Megawati<sup>30</sup> who replaced Wahid through the Special Session of the MPR in August 2001 also failed to realize the globalised nature of such violence until the first Bali Bombing.

### **2.3. From Darul Islam to Jemaah Islamiyah**

Long before the first Bali Bombing, then Singapore Senior Minister Lee Kuan Yew<sup>31</sup> had warned Indonesia of the danger of global terrorism. Singapore police had detained 15 Muslim activists accused of being members of the JI and plotting to bomb several targets in Singapore. Lee said that this new terrorist group was formed by two Indonesian clerics, Abdullah Sungkar and Abu Bakar Ba'asyir, when they were in Malaysia, and members of the group were former fighters in Afghanistan. Actually Lee's statement and Singaporean police's action had stunned the Megawati administration as the Indonesian police was still trying to uncover the terrorists behind the Christmas Eve bombings and to handle conflicts in Moluccas and Poso. Surprisingly, Lee added, "There are a lot of sleeping Al Qaeda cells in Indonesia".<sup>32</sup>

Other countries in the Southeast Asia region such as Malaysia and the Philippines seem to be more responsive to the new trends of terrorism following the declaration of the GWOT by President Bush. Malaysia had been even more responsive than Singapore as Prime

<sup>30</sup> In fact, Megawati was the first leader received by President Bush in the White House, a week after the WTC attack.

<sup>31</sup> Singapore Ministry of Home Affairs, "White Paper: The Jemaah Islamiyah Arrests and the Threat of Terrorism", (2003).

<sup>32</sup> Dedi Junaedi, (2003): *Konspirasi di Balik Bom Bali: Skenario Membungkam Gerakan Islam*, Jakarta: Bina Wawasan Press, p.239.



Minister Mahathir Mohammad ordered the detention of the Indonesian Muslim activist Abu Jibril<sup>33</sup> in June 2001. After that, the Malaysian police detained Nik Adli Nik Azis, son of leader of the Malaysian Islamic Party (PAS), i.e. Tuan Guru Nik Abdul Aziz Nik Mat, who was Mahathir's political opponent.

President Gloria Arroyo had also taken a swift action by arresting Fathur Rahman al Ghozi<sup>34</sup> in January 2002 who was believed to be an important JI figure in Southern Philippines. After Al Ghozi, the Philippines' police arrested three Indonesian Muslim activists Agus Dwikarna,<sup>35</sup> Tamsil Linrung,<sup>36</sup> and Abdul Jamal Balfas who claimed to be visiting the country for business. Linrung and Balfas were released while Dwikarna as is still detained for carrying C-4 explosives.

Indonesia, in particular the Megawati administration, was pressured for her failure to realize and identify the presence of a new terrorist group, called JI. Despite the existence of radical groups in the past, Indonesia did not think that such terrorist networks had spread out to neighboring countries during the very brief transitional period. Shortly after the Bali Bombing, the Indonesian police announced that the terrorists were JI.<sup>37</sup> Yet, Indonesia's ambiguous stance reappeared when, upon a recommendation of several countries sponsored by the U.S., the United Nations would list JI as 'an international terrorist group'. Yudhoyono<sup>38</sup>, who was at that time Coordinating Minister for Politics and Security, said: "Indonesia did not take any initiative to encourage other countries and other parties to declare JI as an international terrorist organization." The statement seemed to contradict that of spokesperson of the Ministry of Foreign Affairs, Marty Natalegawa,<sup>39</sup> who justified that Indonesia had officially asked the Security Council of the U.N. to list JI as an international terrorist organization since it had strong links with Al Qaeda. Definitely, the two statements contradicted each other, reflecting confusion amongst the ranks of the Megawati's administration to tackle the latent terrorist threat.<sup>40</sup>

Why was the Government of Indonesian taking an ambiguous position on the existence of JI though many observers<sup>41</sup> have described the vast network of JI and its links to radical

<sup>33</sup> "Tim Jibril, Al-Qaidah dari Solo?", *Tempo*, No. 51/XXX/18, February 24, 2002.

<sup>34</sup> Government of Philippines, "Bureau of Immigration Annual Report 2002", Counterterrorism Operations, 18-20, at: [http://www.immigration.gov.ph/BI\\_PDFdownload/package\\_annual\\_report\\_2002.pdf](http://www.immigration.gov.ph/BI_PDFdownload/package_annual_report_2002.pdf).

<sup>35</sup> Global Security, "Agus Dwikarna: Jemaah Islamiya Terrorist Operations Facilitator", [http://www.globalsecurity.org/security/profiles/agus\\_dwikarna.htm](http://www.globalsecurity.org/security/profiles/agus_dwikarna.htm), accessed April 2, 2007, at:

<sup>36</sup> Tamsil Linrung is a former treasurer of the National Mandate Party previously led by Amien Rais. Now, he is a Member of Parliament from Prosperous Justice Party. See, Sapto Waluyo, "Diplomasi Muka Dua AS", *Republika*, March 28, 2007, at: [http://www.republika.co.id/kolom.asp?kat\\_id=16](http://www.republika.co.id/kolom.asp?kat_id=16).

<sup>37</sup> The first Indonesian public official admitting the existence of JI was Minister of Defense, Matori Abdul Djali. Although President Bush, British PM Tony Blair, and Australian PM John Howard have commented that the Bali Bombing I was committed by JI. See Junaedi, (2003): *Konspirasi*, p.248.

<sup>38</sup> Indonesian Ministry of Foreign Affairs, "Indonesia was pushed by other countries to list JI into the International Terrorist List", October 24, 2002, at: [http://www.lin.go.id/news\\_cetak.asp?kode=241002LNBT0001](http://www.lin.go.id/news_cetak.asp?kode=241002LNBT0001)

<sup>39</sup> *Ibid.*

<sup>40</sup> Even, three years after the Bali Bombing I, such uncertainty remained reflected in statements of the Minister of Foreign Affairs Hassan Wirajuda rejecting a report on pressure from the Australian Government to declare JI as a forbidden organization. President Yudhoyono must have known Wirajuda's reason because "JI is not a formal organization". See, *Detik News Online*, "Minister denies Downer's visit to lobby SBY to ban JI", October 6, 2005, at: <http://jkt.detiknews.com/index.php/detik.read/tahun/2005/bulan/10/tgl/06/time/183056/idnews/456626/idkanal/10>

<sup>41</sup> The first observer giving historical and organizational background of JI presence was Sidney Jones in ICG report, "Indonesia Backgrounder: How the Jemaah Islamiyah Terrorist Network Operates", (11 December



movements in past? It is necessary to open a new discussion on the very different historical contexts of DI and JI. However, it will surely require a specific explanation to find out the metamorphosis of DI into JI or the historical roots of JI as the continuation of DI. DI<sup>42</sup> was a rebellious movement against the central government (Soekarno) which was formed during Indonesian early independence. Until now, DI has a wide influence because it has fanatical followers and populist leaders in West Java,<sup>43</sup> Central Java,<sup>44</sup> Aceh,<sup>45</sup> and South Sulawesi.<sup>46</sup> During the New Order era, DI was banned and the followers tore into several factions, then the leaders were really diasporas. There were indications that DI had been penetrated by intelligence agent.

Meanwhile, JI was born when the Muslim world experienced chaos and the U.S.' hegemony has spread globally. JI's initiators may come from Indonesia, but its supporters were present in Malaysia, Singapore, the Philippines, and even Australia to avoid the reach of law. Furthermore, JI's ideology which is called by Ramakrishna<sup>47</sup> as "Global Jihad" (or Al-Qaedaism) grew in Malaysia. But, it cannot be concluded that "Sungkar and Ba'asyir became further radicalized through their contact with the Middle Eastern group, Gama'a Islami, and the association with Gama'a Islami helped expand their vision to a more global perspective."<sup>48</sup> This is because, at that time, they did not have any global organizational linkages. They were just part of diasporic community of radicals with limited resources and exhausted by internal conflict.

The Indonesian government's rejection of the existence of JI during the transition period was because of the difficulties in defining the new threat. However, the national effort should be aimed to cope with the new threat together and at the same time to move Indonesia out from the shadow of authoritarianism. Ironically, the government in the transitional period had failed to determine its perception of the new threat, resulting in difficulty to develop appropriate policies in the field. In this framework, according to Ganor,<sup>49</sup> a clear definition of terrorism – based on scope of perception of national threats – is essential and fundamental because it is from such point of view that counterterrorism policies can be designed and international cooperation against terrorism be mobilized.

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2002); followed by Zachary Abuza giving regional context of JI in Southeast Asia, (2003): *Tentacles of Terror: Al Qaeda's Southeast Asian Network*, Boulder, Colorado: Lynnee Rienner Publishers, And, Rohan Gunaratna puts JI as part of global terrorism network pioneered by Al Qaeda in his book, (2003): *Inside Al Qaeda: Global Network of Terror*, New York: Berkley Trade, pp.247-256. The writer views that the three observers insist the global and regional trends, but fail to consider the domestic context of Indonesia that has entered the first phase of the Reform era and transition to democracy. Amid euphoria of political liberation, radical groups of any group exist with or without link to the past time. We could not avoid that violence in the past was products of political competition at local and national level, even it was often a product of engineering of irresponsible state apparatus. See Umar Abduh, (2004): *Konspirasi Intelejen and Gerakan Islam Radikal*, Jakarta: Cedsos, 2004.

<sup>42</sup> C. Van Dijk, (1981): *Rebellion Under the Banner of Islam*, The Hague, Martinus Nijhoff.

<sup>43</sup> Karl D. Jackson, (1980): *Traditional Authority, Islam, and Rebellion: A Study of Indonesian Political Behavior*, Berkeley-Los Angeles-London: University of California Press.

<sup>44</sup> Jusmar Basri, *Gerakan Operasi Militer VI untuk Menumpas DI/III di Jawa Tengah*, Jakarta: Mega Bookstore dan Pusat Sejarah Angkatan Bersenjata, n.d.

<sup>45</sup> Nazaruddin Sjamsuddin, (1985): *The Republican Revolt: A Study of The Acehnese Rebellion* Singapore: ISEAS.

<sup>46</sup> Bahar Mattaliu, (1965): *Kahar Muzakkar dengan Petualangannya*, Jakarta: Delegasi.

<sup>47</sup> Kumar Ramakrishna, "Constructing" The Jemaah Islamiyah Terrorist: A Preliminary Inquiry, *IDSS Working Paper*, n° 71, (October 2004), p.10.

<sup>48</sup> Greg Barton, (2004): *Jemaah Islamiyah: Radical Islamism in Indonesia*, n.p.: Ridge Books, p.15.

<sup>49</sup> Ganor, Op cit., pp. 1-8.



### **3. Counterterrorism Policy in the Transitional Era**

Indonesian policies on counterterrorism during its transitional period had its own particularity. During the Habibie and Wahid administrations, terrorism was perceived as an internal-domestic issue, whereas during Megawati and Yudhoyono administrations, it was treated more as external-international issue. Any policy developed in a particular stage of each administration reflected the issue's development and the responses of the four Presidents under his or her constitutional mandate. The emphasis of the mandate was the meeting of the reform agenda<sup>50</sup> and ensuring a peaceful transitional process.

#### **3.1. Baharuddin Jusuf Habibie (1998 – 1999)**

Despite his short administration – 17 months or 512 days to be precise, Habibie had laid a broad-based reform platform, encompassing political, economic and legal aspects<sup>51</sup>. In the arena of politics, Habibie allowed freedom of expression. He even released all political prisoners who were put in jail by Soeharto, except those who were charged for being advocates of communism. All groups, including those with extreme views, could now speak and assemble freely. Habibie facilitated this process by revoking the Anti-Subversion Law No.11/PNSP/1963 which was enforced during the Soekarno era and retained by Soeharto regime to suppress the opposition.

Habibie advocated and protected human rights by incorporating them in the amended 1945 Constitution. He bolstered this policy by developing a National Action Plan for Human Rights for the period of 1999-2003 which ratified the UN convention “Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment”, on “Prohibition of the Development, Production, Stockpiling, Use and Destruction of Chemical and Biological Weapons”, and on “The Elimination of All Forms of Racial Discrimination”. All the laws were followed by the issuance of government regulations, although this eventually took form of new restrictions to law enforcers. At the same time, Habibie met the people's demand for revoking the dual-function of the Armed Forces and separating the authority of the Police and the Armed Forces. The inability of the Police in coping with security issues throughout regions and the new emerging tensions in the relationship between the Police and the Armed Forces rendered law enforcement and the solution of local conflicts less effective.

This situation became more problematic as a multi-party system was adopted as a result of the 1999 general election. Each political party could set up its own security forces that acted as a civilian militia. These party militias often started riots, particularly conflicts sparked by pre-campaign activities. Some local riots also featured them as they perceived that in such situations it was part of their duty to protect their constituents. Conflicts driven by such competition to enlarge political support base presented a new problem for Habibie. He could not deploy the country's security forces as he wished against the militias, because they might be backed by big political parties. The situation was even more unclear when prior to

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<sup>50</sup> Student movement set “6 Visions of Reform” for national leaders to observe in the transitional era: (1) Enforce rule of law, (2) Put Soeharto on trial and hold him accountable for his acts during the New Order, (3) Amend the 1945 Constitution, (4) Revoke the Dual-Function of the Indonesian Armed Forces, (5) Extensive regional autonomy, and (6) Create egaliter democratic culture. See, Muridan S. Widjojo, (1999): *Penakluk Rezim Orde Baru: Gerakan Mahasiswa '98*, Jakarta: Pustaka Sinar Harapan.

<sup>51</sup> Bilveer Singh, (2001): *Habibie and the Democratisation of Indonesia*, revised edition, Sydney: Book House, pp. 80-146.



the first general election after the Soeharto era, a bomb exploded at Istiqlal Mosque, the biggest state mosque in Jakarta. Police said that the perpetrator was the AMIN<sup>52</sup>, the Indonesian Mujahidin Force, yet its political target was not clear. Apart from politically motivated conflicts, the bomb was the first of its kind exploded in the reform era.

Habibie dealt with some very delicate issues, among other things were the separatist threats, communal conflicts, mysterious-cultural conflicts (e.g., slaughter of the so called black magic healers or locally termed as *dukun santet*), as well as vertical conflict between the military and civilians. In his accountability report before the General Session of MPR, Habibie<sup>53</sup> highlighted measures taken to deal with such cases. His report suggested that he had tried to comply with all legal procedures, although the legal enforcers seemed not to have sufficient capacity to cope with the issues.

There were quite a number of measures Habibie had not taken during his administration, among them was intelligence reform. Habibie appointed his trusted man, Z.A. Maulani, as the Chief of National Intelligence Coordinating Agency or BAKIN. Yet, the Strategic Intelligence Agency or BAIS, as the most solid institution during the Soeharto era and under the control of the Indonesian Armed Forces, could not be placed fully under the president's coordination. Meanwhile, Security Intelligence under the Indonesian Police still needed to be improved in terms of its capacity. Lack of coordination among intelligence agencies would in the future become a constraining factor to the implementation of anti-terrorism policy<sup>54</sup>.

### **3.2. Abdurrahman Wahid (1999 – 2001)**

Indonesian leaders during the transitional era inherited very difficult issues. Habibie had the intelligence and spirit to complete the reform, yet his legitimate position was largely questioned. On the contrary, Wahid had a strong legitimate position from the start of his tenure, yet his capability did not meet the high public expectation. In the words of Greg Barton<sup>55</sup>, public expectation was too great but the time given to him was too short. Habibie was responsive and productive, particularly in the area of providing the legal basis for a reform agenda. Wahid was even more; he streamlined the bureaucracy<sup>56</sup> and responded to public complaints<sup>57</sup>, yet, he overlooked the fact that what he did was actually undermining the administrative procedures and legal enforcement.

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<sup>52</sup> The abbreviation can be associated to Amien Rais, a reform figure. It was publicly believed that the perpetrator might be one of Soeharto's advocates who was worried of Amien Rais becoming the winner in the 1999 general election.

<sup>53</sup> Singh, *Op cit.*, pp.356-361.

<sup>54</sup> For instance, at February 1999, Omar al Faruq had been detained at an immigration office in Makassar, South Sulawesi, but then released. During Megawati administration, this figure believed by CIA as the founder of the Al Qaeda network in Indonesia. Habibie did not have much time, or did not feed much information, about the key figure on global terrorism.

<sup>55</sup> Greg Barton, (2002): *Abdurrahman Wahid: Muslim Democrat, Indonesian President*, Honolulu: University of Hawaii, pp.300-301.

<sup>56</sup> Wahid, as an example, liquidated the Information Ministry who played an important role as propaganda tool in Soeharto era.

<sup>57</sup> Wahid performed Jum'at praying routinely with ordinary citizen in National Palace Mosque or in the cities' mosques that he visited. After praying, Wahid offer an open public discussion, which usually provoked him to respond controversial issues. At that time, Wahid performed as "kiyai" (spiritual leader), not a head of government, but the media and public did not comprehend his action.



One of strategic policies Wahid implemented was the continuation of the reform process within the Armed Forces and encouraging Police autonomy. Wahid's measure of controlling the Armed Forces sparked disputes when he made General Wiranto resign from his post as Coordinating Minister for Political and Security Affairs. Wiranto was Soeharto's loyalist, and he played an important role in controlling the critical situation during the Habibie administration as well. Even during the MPR Assembly in 1999 that was a decisive factor for Wahid's power, Wiranto was almost in the running himself for the office of Vice President. Wahid<sup>58</sup> asked Wiranto to withdraw from the competition as a result of human rights violations alleged against him.

Wahid's erratic policy for firing his staff members whom he did not trust led to severe side-effects when it came to very sensitive areas. In the closing event of 'Forum Rembug Nasional' (National Dialogue Forum) in Denpasar, Bali, Wahid publicly said that he disliked the Molucca Governor (Saleh Latuconsina) and Chief of the Pattimura Military District Command (Brigadir General Max Tamaela) whom he accused of sparking off the communal conflicts<sup>59</sup>. For that reason, Wahid replaced the Chief of Military District Command with one of the Hindu faith (Brigadir General I Made Yasa) who was seen a neutral person. This form of controversial public statement damaged the substance of policies implemented, and created unprecedented effects in the form of tension within the Armed Forces organization itself and resentment from particular groups in Molucca who had benefitted from the previous military chief. In a forum attended by around 200 people consisting of intellectuals, activists and leaders of various groups, Wahid was advised to improve his communication to the public by appointing a spokesperson. Shortly after that, Wahid appointed the forum spokesperson as the President's spokesperson<sup>60</sup>. Yet, the appointment did not change his leadership style.

As occurred during Habibie administration, terror attacks during Wahid administration were carried out in response to the political measures the President took at that time. At the beginning of August 2000, when Wahid and three national figures of the "Ciganjur Declaration"<sup>61</sup> were having a meeting in the Palace of the Sultan of Yogyakarta and discussion to address national issues, a bomb<sup>62</sup> exploded at the residence of the Philippines Ambassador in Jakarta. The bomb was targeted at the Philippines government or the ambassador himself, but the political threat it entailed also affected the domestic situation. The Yogyakarta dialogue was considered a failure, and a number of national leaders relinquished their support to Wahid leadership<sup>63</sup>. A further explosion took place at the Malaysian embassy compound in Jakarta which did not cause any casualties since it was only a hand grenade<sup>64</sup>. A larger bomb explosion occurred in mid September 2000 at the Jakarta

<sup>58</sup> Singh, op cit., pp.294-296.

<sup>59</sup> "Gus Dur: Pangdam dan Gubernur Biang Kerok Konflik Ambon", *Detik News Online*, July 1, 2000.

<sup>60</sup> The forum spokesperson was Wimar Witoelar. In discussing national problems, forum participants separated in four commission, namely economic, politic, social, and law. One of the most important results was raising social anarchy caused by communal conflict and spreading of civil militias. The forum did not mention about terrorism threat particularly. See, FRN Report, "Mencari Indonesia", conducted 30 July – 1 August 2000, pp.11-12.

<sup>61</sup> Ciganjur Declaration was launched before Soeharto stepping down, and united four reformist figures: Amien Rais, Abdurrahman Wahid, Megawati, and Sultan Hamengkubuwono X.

<sup>62</sup> Two victims dead and 21 wounded, including Philippines Ambassador, Leonides T Caday.

<sup>63</sup> Megawati and Amien Rais left the meeting earlier, without any comments to the press. Wahid accompanied by Sultan Hamengkubuwono X and Akbar Tanjung met the journalists only for taking photos, without any comments on the result of dialogue.

<sup>64</sup> The explosion happened at 27 August 2000 may threaten Mahathir administration who captured many members of radical groups.



Stock Exchange<sup>65</sup>. At that time Tommy Soeharto was being questioned by the Attorney General Office for alleged corruption cases and the following day the trial of former President Soeharto on alleged corruption was also scheduled. Such acts of terror was seen as politically motivated targeted at Wahid who was seen as a threat to the old regime. Even at the beginning of September 2000, another form of violence took place, namely the killing of three UN humanitarian workers in Atambua, West Timor. The killing occurred when Wahid was attending the Millennium Summit at the UN office in New York where he was to deliver a speech before the world leaders.

Terror was the means used to challenge Wahid credibility. Tragically, Wahid responded to the challenge in a very emotional manner firing the Chief of Police whom he considered incapable of arresting the perpetrators. Wahid then created new tensions with not only high ranking officers in the Armed Forces, but also with those in the Police. Both institutions should have been well prepared and fully deployed to stop these acts of terror and resolve communal conflicts.

Intelligence control already weak during the Habibie era became uncontrollable during the Wahid era<sup>66</sup>. With his informal style of leadership, Wahid did not use strategic information prepared by the official state agencies. He trusted more his ‘whisperers’ instead – academics, NGO activists and the so called spiritual leaders. Bomb explosions during the Christmas Eve in 2000 occurred in the light of tension between the Armed Forces and Indonesian Police, detached intelligence channels and the breakup of the national political coalition. Wahid then faced a real danger of greater consequence than the case was with Habibie. He could no longer identify which group was the true national threat, and due to his controversial style, Wahid had made himself a ‘public enemy’ for almost all groups. Wahid soon lost his credibility to convince the public that the old forces of the pro-Soeharto or radical forces of particular religious/ethnic groups were the real threats to the national interests.

### **3.3. Megawati Soekarnoputeri (2001 – 2004)**

Counterterrorism policies were not comprehensively formulated during the Habibie and Wahid administrations. They did not have a strong legal basis for repressive measures or preventive policies to suppress groups which were identified of having potential to carry out terror attacks. As a result, both leaders were likely to give reactive policies upon actual cases they faced from time to time. When serving as Vice President in Wahid administration, Megawati had the opportunity to understand how difficult it was to settle conflicts in Molucca. After the General Assembly of MPR in 1999, Wahid delegated to Megawati the duties of addressing domestic issues, and Wahid focused more on establishing and maintaining foreign relationships. On December 7, 1999, parties engaging in the conflicts in Molucca started a dialogue and agreed the “Declaration to Restrain Oneself and to Cease Violence”. A week later Wahid and Megawati came to Molucca and met with local figures from both disputing parties. They thought conflicts would soon end, but the fact that at the end of that month, violence grew to a larger extent around the region. This was the result of incomprehensive dialogues and agreements which was made only with a very small number

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<sup>65</sup> The morning bombing caused 10 deaths, 90 wounds, and damaged hundreds of cars parked.

<sup>66</sup> Wahid appointed a loyalist from the army officer, Arie J. Kumaat, as Head of BAKIN. However, the coordination between intelligence bodies was still ineffective.



of the elites and did not engage the grass roots, particularly the youth who were easily provoked.

Having learned the lessons from her predecessors, Megawati developed a more systematic policy and started to establish relationships with other countries within Southeast Asia region. Megawati was among the first leaders who visited the U.S. after the WTC attack. President Bush truly understood the strategic position of Indonesia, and thus appreciated the “ASEAN Declaration on Joint Action to Counterterrorism”<sup>67</sup> which was signed on November 2001. Following that, ministerial level meetings were held quite intensively until May 2002 when an action plan was agreed to fight transnational crime<sup>68</sup>; followed by a trilateral agreement (Indonesia, Malaysia, and the Philippines) on information exchange and the establishment of communication procedures<sup>69</sup>.

Megawati realized the important role played by intelligence in counterterrorism. Therefore, she appointed her trusted aide A.M. Hendropriyono<sup>70</sup> to assume the post as Head of BAKIN. She later reformed the institution and renamed it as Badan Intelijen Negara (BIN) or National Intelligence Agency. She also issued Presidential Decrees to intensify intelligence duties in the fight against terrorism. The first decree Number 4/2002 conferred a mandate on the Coordinating Minister for Political and Security Affairs to set up an Anti-Terrorism Desk whose duty was to coordinate with the intelligence and law enforcers, and to establish international partnerships and public information. The second decree Number 5/2002 authorized the Head of BIN to have special coordination in the intelligence community consisting of the Police Intelligence and the Strategic Intelligence of the Armed Forces.

In his post as chief of intelligence agency, Hendropriyono aggressively took policies to create a common perception on the potential threat of Islamic radical forces. Hendropriyono<sup>71</sup> was the first government official who revealed Al Qaeda penetration in Indonesia and stated that the movement had set up military training camps in conflict areas in Poso. Hendropriyono’s statement was later rebutted by the Coordinating Minister for Political and Security Affairs Yudhoyono. Hendropriyono’s statement preceded the judgement said by Lee Kuan Yew on JI’s existence as a new terrorist threat in Southeast Asia. Hendropriyono<sup>72</sup> repeated his statement and belief on Al Qaeda training camps in Poso a year later, not long before the first Bali Bombing tragedy.

Unlike Habibie and Wahid, Megawati was considered conservative and introverted<sup>73</sup>. She witnessed dissenting opinions among her ministers, especially between Hendropriyono and Yudhoyono in proposing measures to fight terrorism<sup>74</sup>. She also faced the reality that Vice

<sup>67</sup> Asean Secretariat, “ASEAN Declaration on Joint Action to Counter Terrorism”, Bandar Seri Begawan, November 5, 2001, at: <http://www.aseansec.org/5620.htm>

<sup>68</sup> Asean Secretariat, “Joint Communiqué of the Special ASEAN Ministerial Meeting on Terrorism”, Kuala Lumpur, 20-21 May 2002, <http://www.aseansec.org/5618.htm>, accessed March 25, 2007.

<sup>69</sup> Neal Imperial, (2005): *Securitization and the Challenge of ASEAN Counterterrorism Cooperation*, Hong Kong: Centre of Asian Studies, The University of Hong Kong, 24-26, at: <http://www.rsis-ntasiasia.org/publications/PDF/Neal%20Imperial.pdf>.

<sup>70</sup> Hendropriyono supported Mega’s political position in the era of Soeharto’s repression.

<sup>71</sup> Kompas Cyber Media, “Kepala BIN Hendropriyono: Poso Jadi Ajang Link-Up Terorism Internasional”, December 13, 2001,

<sup>72</sup> “Setapak Jejak Umar al Faruq”, *Tempo*, 30 September 2002.

<sup>73</sup> Hadi Soesastro, (2003): “Introduction: Indonesia under Megawati”, in dalam Hadi Soesastro et al., (eds.), *Governance in Indonesia*, Singapore: ISEAS, pp.2-7.

<sup>74</sup> Tatik S. Hafidz, “The War on Terror and the Future of Indonesian Democracy”, *IDSS Working Paper*, n°. 46, (March 2003), pp.2-5, noticed a debate on “Musharraf Scenario” to tackle terrorism case in Indonesia.



President Hamzah Haz<sup>75</sup> was very adamant in refusing foreign aid and in denying Al Qaeda or JI terrorist network existence in Indonesia. This contradiction within the inner circle of her administration made it difficult for Megawati to settle policy in response to the issue. Whereas, some other countries had taken concrete measures in the fight against terrorism. Mahathir had ordered the apprehension of Abu Jibril<sup>76</sup> and Nik Adli Nik Aziz who was believed to be a graduate of Afghanistan jihad war. Singapore also carried out massive arrests of Islamist in two batches<sup>77</sup> and revealed the existence of JI terrorist network in the country. The Philippines joined the effort by arresting Al Ghazi<sup>78</sup> and Dwikarna<sup>79</sup> together with his two other partners.

The first concrete action Indonesia took in the fight against terrorism was the arrest of Omar al Faruq, in cooperation with the CIA. Al Faruq was believed to be an agent of Al Qaeda. He was arrested in Bogor, West Java and was immediately extradited to Baghram, Afghanistan. The main concern of international community was actually Ba'asyir<sup>80</sup> who was formally the *Amir* or leader of MMI, yet informally he was believed to be the spiritual leader of JI since the death of Sungkar. Based on Al Faruq testimony, Ba'asyir's links with JI and Al Qaeda was constructed; the JI network was not only a threat to US strategic interests in Southeast Asia, but was also planning to assassinate Megawati. Despite mounting external pressure, Megawati did not take any repressive measures against Ba'asyir; similar to Habibie and Wahid, she did not feel that she had enough evidence and legal basis to do so. It was during those pressing moments that the first Bali Bombing occurred. It was as spectacular as the Christmas Eve bombings of 2000, but had more a serious repercussions.

This time Megawati could no longer stay calm. Ba'asyir arrest was immediately carried out. A Government Regulation in lieu of Law on Terrorism (Number 1/2002) and special provision for the first Bali Bombing (Number 2/2002) was also drafted. Both drafts were passed by the parliament as Anti-Terrorism Law number 15 and 16 of 2003. Following that, large scale arrests of suspected terrorists was carried out. However, Megawati did not dissolve radical organizations such as MMI, HTI or FPI, because there was no solid evidence of them conducting acts of terror<sup>81</sup>; whereas Laskar Jihad had dissolved itself not long after the first Bali Bombing happened. The new anti-terror force under the Indonesian Police was formed with support from US and Australian governments<sup>82</sup>. The force called Special Detachment 88 added to the anti-terror unit which had been under the command of the Armed Forces<sup>83</sup>. During the Soeharto administration, there were three anti-terror units under the command of the Armed Forces, namely "81 Anti-terror Special Unit" (under the command of Indonesian Army Special Forces), "Jala Mangkara Anti-terror Special Unit" (under the command of Indonesian Marine Corps), and "Bravo 90 Anti-terror Special Unit" (under the command of

<sup>75</sup> Anthony L. Smith, (2003): "Epilogue: The Bali Bombing and Responses to International Terrorism", in Hadi Soesastro (eds.), op cit., pp.314.

<sup>76</sup> Abu Jibril captured at June 2001 and Nik Adli captured at August 2001.

<sup>77</sup> The captured date in December 2001 and August 2002. See, Singaporean White Paper, 2003.

<sup>78</sup> Captured in January 2002.

<sup>79</sup> Captured in March 2002 along with Tamsil Linrung and Abdul Jamal Balfas.

<sup>80</sup> Fauzan al Anshari, (2003): *Membela Islam bersama Ustaz Abu*, Jakarta: Data and Information Department of MMI.

<sup>81</sup> Khamami Zada, (2002): *Islam Radikal: Pergulatan Ormas Islam Garis Keras di Indonesia*, Jakarta: Teraju, 2002.

<sup>82</sup> Adam O'Brien, "The U.S.-Indonesian Military Relationship", *Council on Foreign Relations*, (October 3, 2005), at: [http://www.cfr.org/publication/8964/usindonesian\\_military\\_relationship.html](http://www.cfr.org/publication/8964/usindonesian_military_relationship.html). Special Detachment 88 was built in 2003 and has already received US\$ 20.8 million from U.S. Government.

<sup>83</sup> "Antiterrorism Taskforce", *Angkasa*, December 3, 2002.



Indonesian Air Force Special Forces). The three units were under the coordination of the Indonesian Armed Forces' Anti-terrorism Desk.

Megawati's duty was to ensure effective coordination among these anti-terror units. However, the next constraint was beyond the executive scope of any authority, since the law enforcement agencies against terrorism cases faced another dilemma. During the transitional era, the demand for democratization and upholding of rule of law were the cornerstone of the administrations (Habibie, Wahid, and Mega) effort to improve the situation. However, on certain points, the implementation of democratization and law enforcement limited the scope for the government to act, because of the public perception of human rights abuse and lack of decisive evidence.

### **3.4. Susilo Bambang Yudhoyono (2004 – 2007)**

Yudhoyono has his own constraints in dealing with the issue. With his experience in previous administrations, he outlined a more integrated framework on counterterrorism policy. The framework is based on five principles – law enforcement, non-discrimination, independence, democracy, and participation<sup>84</sup>. Within the framework Yudhoyono specified direct and indirect measures. Direct measures included three important aspects – legislative process, offensive-police action and judicial process. Whereas indirect measures included public communications, empowerment of community-based organizations and international partnership.

The comprehensive framework was then developed and implemented in line with “Cebu Convention on Counterterrorism”<sup>85</sup> which was agreed by ten leaders of ASEAN countries. Yudhoyono seemed a more legitimate president in comparison to his predecessors, since he was directly elected by the people. This time the significant task of amending the Constitution was completed by the MPR, and an Anti-Terrorism Law was implemented. Theoretically, there are no significant constraints for the government to take preventive, detective, and repressive measures, or even punitive ones; in spite of the fact that the new law (Anti-Terrorism) gives the government more opportunity to act. The law enforcement community once considered the adoption of variation of the Internal Security Act in Malaysia and Singapore or Homeland Security Act in the U.S. Yet, such ideas and proposals had a strong negative response from the parliament members and scholars as well as human rights activists, since it was believed that such measure would threaten the transitional process towards democracy.

President Yudhoyono and his vice president Jusuf Kalla actually had special experience in dealing with the issue when both were ministers during the Megawati administration. Both figures facilitated peaceful solution for Molucca and Poso conflicts through what is known as Malino Agreement I (December 20, 2001)<sup>86</sup> and Malino Agreement II (February 12, 2002)<sup>87</sup>.

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<sup>84</sup> Susio Bambang Yudhoyono, “Terrorism, A New Fight to ASEAN”, keynote speech at the opening of 25<sup>th</sup> ASEAN Chiefs of Police Conference (Aseanapol), *Antara*, May 17, 2005.

<sup>85</sup> Asean Secretariat, “ASEAN Convention on Counter Terrorism”, signed at Cebu, Philippines at January 13, 2007, at: <http://www.aseansec.org/19250.htm>.

<sup>86</sup> Relief Web, “Malino Declaration signed by two warring parties to end conflict and create peace in Poso, Central Sulawesi”, December 21, 2001, at: <http://www.reliefweb.int/rw/RWB.NSF/db900SID/ACOS-64BRC3?OpenDocument>.



The agreements reached by all disputing groups reflected Yudhoyono-Kalla government policy; from stopping of violence via the promotion of a legal process until the rehabilitation of the economy and public infrastructure.

This comprehensive policy is a notable achievement, yet its implementation draws criticism. There are a number of factors indicating the weaknesses of government in implementing its counterterrorism policy – (1) limitation in developing concrete social-economic programs and insufficient budget allocated; (2) lack of coordination between regional and central governments in meeting public needs, particularly those of victim families and refugees; (3) an overt tension between members of the Armed Forces and the Indonesian Police in conflict areas in relation to the mobilization and deployment of soldiers and the provision of facilities; (4) lack of attention to productive and convincing public communication; and (5) less than optimal performance of the intelligence institution in supporting the policy and the detection of the potential problems. Yudhoyono acted more decisively after a bomb hit Australian embassy and the second Bali Bombing erupted. Therefore, he ordered the Police to take stronger measures which resulted in the murder of terrorist leader from Malaysia, Azahari bin Husin<sup>88</sup>, and the arrest of his followers. One remaining task was to arrest Noordin M. Top who is still at large.

A new indirect approach is needed to neutralize the ideology held by the terrorists. The approach of BIN Chief, Syamsir Siregar<sup>89</sup>, to penetrate into the radical movements and divide their power will cause similar complications as seen during the New Order<sup>90</sup>. The intention of Head of Anti-terror Desk in the Office of Coordinating Minister for Political and Security, Ansyad Mbai<sup>91</sup>, to run some sort of supervision for *khatibs* or Muslim preachers at Islamic worship places will spark major controversy. The two proposals are considered direct actions, although they do not involve the use of weapons. Indirect strategy offered by Desker and Ramakrishna<sup>92</sup> is by improving “the quality of governance for their populations”. The government that is serious in doing social-economic development, and is not distracted by power sharing issues, will be considered positive by the people, since they can feel immediately the change in their respective region. Improving prosperity is the key word in removing dissatisfaction or public resentment. Ramakrishna<sup>93</sup> suggested further in his idea on “Southeast Asian Approach” to fight acts of terror through case studies in Indonesia and Malaysia. One of the policies suggested by Ramakrishna is ‘fight fire with fire’ also known as counter-propaganda. In the context of growing Islamic radical movements, Ramakrishna emphasized the importance of having moderate Islamic leader or figures that most people trust leading the way by correcting extremist interpretation of religious texts.

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<sup>87</sup> Relief Web, “The Moluccas agreement in Malino (Malino II) signed to end conflict and create peace in the Moluccas”, February 14, 2002, at: <http://www.reliefweb.int/rw/RWB.NSF/db900SID/ACOS-64CDMA?OpenDocument>.

<sup>88</sup> Azahari is a lecturer at Universiti Teknologi Malaya, studied mechanical engineering in Australia and received PhD degree in Reading University, UK. See, Voice of America.

<sup>89</sup> “BIN Perlu Tekan Islam Radikal Untuk Berantas Teroris”, *Suara Merdeka*, Nopember 29, 2005, at: <http://www.suaramerdeka.com/harian/0511/29/nas11.htm>.

<sup>90</sup> Irfan S. Awwas, (2006): *Awat! Operasi Intelijen*, Jakarta: Ar Rahmah Media, pp.6-21.

<sup>91</sup> “Ansyad Mbai: “It would be a mistake to only target Jemaah Islamiyah”, *Tempo*, n°.6, VI (October 11-17, 2005).

<sup>92</sup> Desker and Ramakrishna, *Op cit.*, p.169.

<sup>93</sup> Kumar Ramakrishna, “The Southeast Asian Approach” to Counterterrorism: Learning from Indonesia and Malaysia”, *The Journal of Conflict Studies*, Vol. 25 (1), (Summer 2005), p.27.



Dialogue can also be convened with the so called radical groups, including Ba'asyir led MMI. The Head of Lajnah Tanfiziyah MMI, Irfan S. Awwas<sup>94</sup> said, "Propagation of Islamic teachings and jihad, calling for enforcement of Islamic laws are not in contradiction with the state constitution. They do not have the potential to spark disintegration." Awwas stressed that there is some kind of intelligence penetration within the MMI organization, and claimed, "Majelis Mujahidin is not at all related and cannot be related, with any reason whatsoever, to radicalism and terrorism." In the mean time, the police and the judicial process did not find Ba'asyir guilty in charges of terrorism. It is at this point of transitional era, the quality of national leadership was tested – whether or not it was ready to enter into a dialogue with radical forces in the context of ceasing violence and creating national peace based on common perceived threats. The role of Kalla, as Yudhoyono's partner, in constructing the dialogue with a number of non-mainstream groups has become significant; one of his achievement is shown in approaching Ja'far Umar Thalib, former commander of Laskar Jihad who is now close to government officials. The dialogue process<sup>95</sup> does not replace the law enforcement effort to anyone found committing any crime. By doing so, the fight against terrorism can be directed to the 'centre of gravity', namely, center of consciousness of the perpetrators; and there is no need to compromise innocent victims, particularly by the unintentional creation of new terrorists as a by-product of violent measures conducted by the authorities.

#### **4. Dilemmas in Counterterrorism Policy**

Indonesia faces a difficult situation when threats of terror emerged. Transition to democracy is an ongoing process and requires sufficient degrees of freedom for expression, while potential conflicts and violence need to be immediately and effectively dealt with to smoothen the process of democratization. In Clausewitz's words, there will be 'friction'<sup>96</sup>, when a plan does not meet with the expected reality; or as Ganor<sup>97</sup> put it, democratic government is faced with a 'dilemma' by restricting the freedom of the people to create common security.

##### **4.1. Legislative: Anti-Subversion Law vs. Anti-Terrorism Law**

The transitional era requires a clear demarcation line between the past which was full of peculiarity and anomaly and the desired future. In the Indonesian context, law and justice enforcement serves as a corner stone for a better future, marked by the revocation of Anti-Subversion Law<sup>98</sup>. Policies taken during Habibie administration and beefed up during Wahid administration is in line with issue of compliance with human rights which is the mainstream of today's world community. The Anti-Subversion Law was actually produced during Soekarno regime when he was dealing with political challenges including opposition and

<sup>94</sup> Irfan S. Awwas, "Badan Intelijen dari masa ke masa: Alat Negara atau Memperealat Negara?", *Center for Democracy and Social Justice Studies*, (October 26, 2006), at: [http://cedsos.com/more.php?id=22\\_0\\_1\\_0\\_C](http://cedsos.com/more.php?id=22_0_1_0_C).

<sup>95</sup> Saudi Arabian Government launched a special programme for detainees from extreme groups. See, Y. Yehoshua, "Reeducation of Extremists in Saudi Arabia", *Inquiry and Analysis Series*, No. 260, *The Middle East Media Research Institute*, January 18, 2006, at: <http://memri.org/bin/articles.cgi?Page=archives&Area=ia&ID=IA26006>.

<sup>96</sup> Carl von Clausewitz, (1989): *On War*, Michael Howard and Peter Paret, trans. and eds., New Jersey: Princeton University Press, pp.119-121.

<sup>97</sup> Ganor, *op cit.*, pp.178-181.

<sup>98</sup> "The Anti-subversion Law: A Briefing", *Amnesty International*, (February 1, 1997), at: <http://web.amnesty.org/library/Index/ENGASA210031997?open&of=ENG-394>.



local rebellion. The policy was then adopted by Soeharto to suppress opposing groups, including student movements, radical groups and supporters of 'opposition' parties (PPP and PDIP). Implementation of the Anti-Subversion Law had resulted in the abuse of civil liberties, and demands from the public both at home and abroad to lift this unjust law had been voiced repeatedly.

When Habibie decided to revoke the law, the public enthusiastically responded to the long-awaited act. Habibie received even greater appreciation from public when he also released political prisoners and allowed greater degree of freedom of speech and assembly as well as press freedom. This act of liberation entailed the emergence of extreme and radical groups. Yet this extreme condition gradually became a threat to the government and created fear to public, as indicated by communal conflicts and bomb explosions in particular moments of political tension. The threats manifested themselves in a series of bomb explosions in the Christmas Eve 2000 and the first Bali Bombing; both symbolizing the presence of terrorism in Indonesia. In response to the situation, Megawati issued an emergency regulation to cope with the serious threat. It was Government Regulation in lieu of Law on Anti-Terrorism<sup>99</sup> which authorized security officers to arrest and question terror suspects based on intelligence information, detain suspects based on sufficient evidence, close the bank account held by the suspects, open personal mail/documents and tap telephone/communication lines. In the beginning, this regulation was especially applied to track down the perpetrators of the first Bali Bombing, but then it was later adopted as a law for all terrorism cases.

When the issue of upgrading the regulation to law was raised in the parliament, there was a heated political discussion. Some political factions viewed that the regulation embodied the principles of the Anti-Subversion Law and that it had to be rejected and stopped. This political stance was also supported by activists of non-government organizations that were concerned about human rights protection. However, the majority of political forces in the parliament finally agreed to pass the regulation into Anti-Terrorism Law<sup>100</sup> with a number of limitations. Following the promulgation of the Law, the government issued implementation regulations and instructions for its field officers. The officers felt that they had many constraints in performing their duties and were always drawing much public resentment because what they were doing was widely considered in contradiction to the law and human rights. To deal with this issue, some suggested the expansion of the Anti-Terrorism Law by adopting an ISA regulation as implemented in Malaysia and Singapore, with a pretext that a stricter regulation was proven to establish domestic security. For example, it was considered necessary to have a special regulation on dissolving or banning terrorist organization (e.g., JI) or radical groups (e.g., MMI, FPI, etc). This proposal received stronger negative response because ISA was considered worse than the Anti-Subversion Law and the adoption of an ISA was perceived as a backward step returning to an authoritarian order. As a result, the Anti-Terrorism Law was left ambiguous, by allowing its implementation on the interpretation of field officers, particularly Special Detachment 88 as its main actor.

Another issue emerged when the Constitutional Court<sup>101</sup> annulled the Anti-Terrorism Law No.16/2003 that stipulates the implementation of Anti-Terrorism Law No. 15/2003 to

<sup>99</sup> Koalisi untuk Keselamatan Masyarakat Sipil, (2003): *Judicial Review bagi Perppu Anti Terorisme*, Jakarta: LSPP.

<sup>100</sup> Imparsial, (2003): *UU Antiterorisme antara Kebebasan dan Keamanan Rakyat*, Jakarta: Imparsial.

<sup>101</sup> Frans Hendra Winarta, "Putusan Mahkamah Konstitusi dan UU Antiterorisme", *Komisi Hukum Nasional*, (August 2004), at: [http://www.komisihukum.go.id/article\\_opinion.php?mode=detil&id=97&PHPSESSID=463b6266f8b69dd06a22a2b928f25aa3](http://www.komisihukum.go.id/article_opinion.php?mode=detil&id=97&PHPSESSID=463b6266f8b69dd06a22a2b928f25aa3).



investigate the first Bali Bombing. The unfinished investigation of the first Bali Bombing is now of no legal basis. The authorities can be accused of breaching the law if such gaps are not filled immediately. According to Thompson<sup>102</sup>, if the government takes any measures which are considered to be unlawful, its credibility will diminish, and this will lead to ineffectiveness of the implementation of counter-insurgency or counterterrorism policies. The Indonesian government is faced with the dilemma that its policies are often contested and not supported by parliament, leading to public distrust. Ganor<sup>103</sup> emphasized the importance of having a commonly agreed specific definition of terrorism which is considered as public threat and, as a consequence requires its own legislation. The definition will serve as a basis for developing a more concrete framework on both domestic and international levels.

#### **4.2. Law Enforcement: Police Independence vs. Military Dominance vs. Punitive Action**

Other issues encountered by the government during the transitional era is the competition between the Armed Forces and the Police<sup>104</sup>. Although both serve as defense and security tools with their respective functions yet their respective history of establishment and development are very different. The TNI claim themselves to be the guardian of independence and nation sovereignty and because of that they feel they have a special right to take part in politics. There was almost no effective government policy without support from the TNI during Soekarno and Soeharto administrations. Habibie and Wahid intended to end the TNI dominance by restoring it to its main function of defense<sup>105</sup> and consequently put the TNI Commander under the command of Minister of Defense. The policy was followed by providing greater independence to the Police<sup>106</sup> and even such provision was considered too controversial since the Chief of Police is under direct command of the President. This policy was viewed as contradictory and sparked envy among TNI. The question is why the Police is not under the auspices of Minister of Home Affairs in order that the institution can really serve its duties as guardian of domestic security. The issue is being raised again now along with the proposal of a National Security Bill. The roles of TNI and POLRI are being reviewed by taking into account the national defense and security system.

The separation of TNI and POLRI position leads to a structural impact in terms of personnel recruitment and provision of facilities and budget to support the performance of individual duties. Budget allocation for TNI is consequently reduced, while its operational and maintenance cost remain high as ever. Meanwhile, POLRI budget keeps increasing since it requires capacity building in various aspects and regions. POLRI is not only receiving more financial support from the state, but also receives quite a lot of grants from neighboring

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<sup>102</sup> Thompson, *op cit.*, pp.50-57.

<sup>103</sup> Ganor, *op cit.*, pp.192-193.

<sup>104</sup> "Hubungan TNI-Polri antara Bentrokan dan Kepastian Aturan Main", *Kompas Cyber Media*, May 31, 2006, at: [http://www.kompas.com/kompas-cetak/0605/31/Politik\\_hukum/2688571.htm](http://www.kompas.com/kompas-cetak/0605/31/Politik_hukum/2688571.htm).

<sup>105</sup> Indonesia Defense Ministry, "Mempertahankan Tanah Air Memasuki Abad 21", *White Book*, 2003, chapter two on TNI Reform, at: [http://www.dephan.go.id/buku\\_putih/bab\\_ii.htm](http://www.dephan.go.id/buku_putih/bab_ii.htm). The new law of TNI, see, Indonesia Defense Ministry, at: <http://www.dephan.go.id/humas/uutni.pdf>.

<sup>106</sup> Da'i Bachtiar, "Implikasi UU Nomor 2 Tahun 2002 dalam Pelaksanaan Fungsi dan Peran POLRI" (keynote speech on seminar at Bhayangkara University, Jakarta, September 21, 2006). At: <http://lcki.org/mod.php?mod=publisher&op=viewarticle&artid=82>.



countries for their fight against terrorism. This brings about serious impact since in the past it was TNI special units<sup>107</sup> with recognized skills that were able to deal with terrorism issues.

Now the fight against terrorism is the main duty of Special Detachment 88 (Densus 88) under the command of Chief of POLRI with quite abundant facilities but doubted capacity. Several actions of the Detachment were criticized heavily. For example, the arrest of suspected terrorists in Wonosobo<sup>108</sup>, Central Java and in Sleman<sup>109</sup>, Yogyakarta by Densus were considered excessive since innocent victims were involved that should have been avoided. There was also question over the presence of particular press members who seemed to be prearranged to provide press coverage for the supposedly covert operation. The offensive action of Densus 88 has actually generated new fear among some people, not to mention hatred and hostility since the detachment under government control is considered unable to protect all the people. Greater controversy was aimed at the existence of Densus 88 in dealing with the Poso conflict<sup>110</sup>, leading to call for immediate disbandment of Densus 88 by some groups<sup>111</sup>. In addition, the Densus experienced a humiliating misshap when it tracked down terrorist groups and their weapons<sup>112</sup>. The ambush against the Azahari group and Noordin Top gained not only much credit but also raised doubt over the death of Azahari<sup>113</sup>. Police should have been able to answer such doubts if it had followed procedures and accepted standards of competence and provided sufficient degree of transparency. Densus 88 chose to work covertly, while the people's trauma over covert operation during the Soeharto administration had not yet been healed. Allowing wrong perception to exist without giving appropriate and convincing response will reduce the otherwise excellent performance of law enforcement.

Ganor<sup>114</sup> emphasized the importance of setting clear goals and objectives for every offensive action against terrorism. Ganor<sup>115</sup> further described the cost and benefit consideration in every offensive action which entails a risk of death. If the action is not well planned and its standard operating procedures are not observed, such aggressive action will only create a "boomerang effect"<sup>116</sup> which will only damage the fight against terrorism in the long term. Offensive action can also pose a dilemma since now the police are behaving in more military manner. This must be avoided in the transitional era to transform the police force to look more civilian and persuasive in law enforcement. The global mainstream supports military action in dealing with fight against terrorism. This offensive approach has a

<sup>107</sup> Yudhoyono proposed to revitalize anti-terror function of TNI, but being criticized by many figures. See, "Pengaktifan Koter TNI Bukan Jalan Keluar Cegah Teror: 149 Bom Meledak sejak 1998", *Suara Merdeka*, Oktober 7, 2005, at: <http://www.suaramerdeka.com/harian/0510/07/nas13.htm>.

<sup>108</sup> "DPR Pertanyakan Penembakan Anak Buah Noordin M Top", *Detik News Online*, May 1, 2006.

<sup>109</sup> "Kasus Terorisme, Ada Stigmatisasi Kelompok Tertentu", *Media Indonesia*, March 24, 2007, at: <http://www.media-indonesia.com/berita.asp?id=128216>.

<sup>110</sup> "Ketua MPR; Densus 88 Harus Ditarik dari Poso", *Detik News Online*, January, 24, 2007,

<sup>111</sup> "FUI Minta Komnas HAM Usut Baku Tembak di Poso", *Detik News Online*, January, 25, 2007,

<sup>112</sup> "Perburuan Noordin M. Top Nihil", *SCTV Online*, August 3, 2006, at: <http://www.liputan6.com/view/7,126878,1,0,1.html>.

<sup>113</sup> Cecep Darmawan, "Azahari dan Terorisme di Indonesia", *Pikiran Rakyat*, Nopember 14, 2005, at: <http://www.pikiran-rakyat.com/cetak/2005/1105/14/0802.htm>.

<sup>114</sup> Ganor, *op cit.*, pp.102-106.

<sup>115</sup> *Ibid.*, pp.106-107.

<sup>116</sup> *Ibid.*, pp.129-135.



number of limitations<sup>117</sup>. With that in mind, an evaluation on Densus 88 is necessary before the competence of POLRI and credibility of government are eventually questioned.

Rivalry between and among law enforcers eventually presented constraints at judicial level. Many cases did not have enough hard evidence and some of the charges were inconclusive. Trial for the perpetrators of the first Bali Bombing was convened through a lengthy process. In the verdict, the three main defendants (Amrozi, Mukhlas, and Imam Samudra) were sentenced to death, while five others (Ali Imron, Mubarok, Roichan, Sawad, and Abdul Ghani) were sentenced life imprisonment. A number of other defendants were sentenced from 5 to 15 years of imprisonment. They belonged to the Lamongan group (collecting weapons), Semarang group (logistics and transport), Serang group (preparation of the suicide bombs), Solo group (meeting for planning), Palu and East Kalimantan groups (hiding the fugitives). Of the long list of defendants, there are still some key perpetrators who are still not yet arrested, including Noordin Top, Dulmatin and Umar Patek. The Police have worked hard in cracking the terrorist network, yet the bomb makers and their propagandists are still fugitives.

The following trials against the perpetrators of Marriott bombing, Australian Embassy and the second Bali Bombing show quite glaring differences; the key perpetrators of Marriott bombing were sentenced to 10-12 years of imprisonment (Tohir, Ismail Datam, and M. Ihsan), perpetrators of Australian Embassy bombing were sentenced to death (Rois and Ahmad Hasan), while the perpetrators of the second Bali Bombing were sentenced to life imprisonment (Subur Sugianto), 18 years of imprisonment (M. Cholily) or 15 years of imprisonment (Anif Solchanudin). The trials imply that the prosecutors had difficulty in proving that the defendants had direct involvement in every act of violence and as a result, the judges could not pass the maximum sentence for them. Even in the trial of the second Bali Bombing it was revealed from the defendants plead that they had no significant contribution to actual bombing act. For instance, Subur was found only to have protected and recorded Noordin speeches, and Cholily who was the student of Azahari in bomb assembling, and Anif who was ready to perform a suicide attack was later replaced by someone else. Other defendants, Abu Sayyaf (protecting Noordin) was sentenced to 12 years of imprisonment, Dwi Widiarto (delivering recorded video of Noordin) and Abdul Aziz (uploading Noordin video to website [www.anshar.net](http://www.anshar.net)) were sentenced to 8 years of imprisonment, and Ahmad Basyir Umar (protecting Noordin) was sentenced to 3 years of imprisonment.

The trial of Ba'asyir was even more complicated. He was on trial for two different offences; in the second case, he was charged not on the basis of the Anti-Terrorism Law but by using the Criminal Code (KUHP) article 187 relating to "arson that can generate public danger, death toll and property loss". The District Court of South Jakarta sentenced him to 2.5 years of imprisonment for his involvement in the first Bali Bombing and the Marriott bombing and, yet the Supreme Court absolved him of all charges and ordered the authorities to restore or rehabilitate his name. All the arguments and the long investigation processes the police had undertaken to prove Ba'asyir's involvement in the first Bali Bombing and other acts of terror were in vain. The Supreme Court decision is irrevocable and final and all public assumptions constructed based on the statements of Al Faruq and Hambali and testimonies of Nasir Abbas and Abu Bakar Bafana et.al. that Ba'asyir was the spiritual leader of JI and controlling all the acts of terror were rejected.

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<sup>117</sup> Rob de Wijk, (2002): "The Limits of Military Power", in Russell D. Howard and Reid L. Sawyer, *Terrorism and Counterterrorism: Understanding the New Security Environment*, revised and updated Guilford: McGraw-Hill, 2002, pp.482-494.



Ganor<sup>118</sup> reminds policy makers that “punitive means against terrorist organizations” is aimed at sending a message to public on the effectiveness of counterterrorism measures, showing that the government has achieved its goals of creating safety for its people. Ganor also highlights the correlation between “offensive punishment” against terrorist leaders and activists and “judicial punishment” against the perpetrators of terror operations. All such acts have direct and indirect effects on the public who are affected by them.

However, we see how contradictory the government measures are in dealing with terrorism. In the early stages, we can see stern measures of police officers, especially Densus 88 in arresting and detaining the suspects. However, the follow-up processes by the assigned prosecutors was difficult in terms of building cases, bringing charges and giving hard evidence and there was not sufficient monitoring in the rehabilitation program by the Ministry of Justice for the prisoners charged with acts of terror. For example, we know that Imam Samudra was not totally isolated since he still could maintain communication through a laptop, and Mukhlas could still maintain contact with perpetrators of violence in Poso through a cellular phone. The Indonesian government had not initiated an ideology neutralization program for the prisoners who are considered beginners in the movement and may still change their minds to become better citizens. If an integrated and comprehensive program is not implemented, terrorism will remain a latent threat.

#### **4.3. Security Agencies: Intelligence Body vs. Anti-Terrorism Desk**

Poor coordination among and between state agencies and law enforcers is a cliché in Indonesia. The fact that Indonesia has many units dealing with one case does not make settlement of such case faster, it even brings about new problems since every unit processes the case individually. Establishment of new units such as Densus 88 and Anti-Terrorism Desk often creates long bureaucratic process and loss of leadership control in general, since operators in each unit think they have their own authority and autonomy. The crucial issue is who to report what to whom, and who will make the decision based on what report.

The Anti-Terrorism Desk needs an independent body such as the Corruption Eradication Commission that has clear authority. The question is whether the fight against terrorism has been considered as the nation’s top priority and whether the state can afford to finance the program and mobilize all of the resources. People have been frustrated at what has happened to other state commissions that are proven not effective. The National Commission for Human Rights is now having a budget constraint, while it is required to deal with a considerable number of cases. The Police Supervisory Commission (Komisi Kepolisian) and the Prosecutor Supervisory Commission (Komisi Kejaksaan) that supervises the performance of their respective law enforcers serve only as advisors not as supervisors. The Judicial Commission is often seen in dispute with the Supreme Court whom it supervises, since the commission is considered weakening or limiting the court authority.

Weaknesses in organization development can be seen when BAKIN was transformed to BIN. There was no clear design of duties and authority. The Intelligence Bill is still being discussed and reviewed by the government and not yet submitted to the parliament. Meanwhile, public and non-governmental organizations have long voiced and advocated a Freedom of Information Bill which is believed to be the legal basis for disseminating public

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<sup>118</sup> Ganor, *op cit.*, pp.202-203.



information. This accords with the main reform agenda in this transitional period. The problem is that both BIN and Ministry of Defense object to such a public proposal. To contest the proposal, they submitted the State Secrecy Bill. Negotiation on public freedom and state interests are getting more tense yet there exists no sign of compromise between the two. In this uncertainty, either the intelligence or the anti-terrorism desk leaders often voiced their personal stance or try to act covertly which raised great controversy since they do not achieve their real targets.

The intelligence initiative was, for example, through the implanting an agent named Haris in the management of MMI. Haris was quite widely recognized among radical Islamic activists; he was even present at the preliminary meeting for the formation of MMI in Yogyakarta (2000). According to Irfan Awwas<sup>119</sup>, at that time Haris was leading the audience to name the newly formed organization as “JI”. Yet his proposal did not receive much positive response, and it was agreed that the organization named MMI. In his review, six years later, Awwas realized how the efforts to associate MMI and JI have gone long since the public presence of Ba’asyir. Haris was known to have a special position as a BIN agent, and played an important role in Molucca conflicts, from where he introduced and married his daughter to Al Faruq. When Al Faruq was arrested by the CIA, with support of BIN, Haris disappeared. This kind of operation reminds people of such a covert operation led by Ali Moertopo (Personal Assistant to Soeharto for intelligence affairs) to mobilize DI members, ending with the formation of “*Komando Jihad*” (*Komji*) or Jihad Command led by Haji Ismail Pranoto. *Komji* then carried out a series of acts of violence and was terminated. Now JI carries out the same violence and will likely to have the same ending. Such patterns or similarity forms a public opinion that acts of violence may not always originate from extreme groups but may be purposely designed by the intelligence.

If the intelligence institution does not make quite significant efforts to bring about a positive image and performance, and improve its coordination with its counterparts, such public perceptions will still remain. Measures taken by the authorities in fighting the acts of terror will receive criticism while terrorist groups gain public sympathy, although what they do is crafted<sup>120</sup>. People observe and feel how terror threats affect their lives. Therefore, they wait for the presence of law enforcers who will stop this public fear completely. Strategic information is the key answer.

#### **4.4. Public Communication: Personal Rhetoric vs. Institutional Leadership vs. Media Exposing**

Institutional weaknesses can be remedied, if the competence standards and willingness of officials who run the law enforcement agencies are improved. Yet, such an ideal description is hard to realize in the democratic transition era. Many public officials are over-reactive in a continuously changing environment. As a result, when responding to an event, or describing the background of an event or validity of a policy, they often engage in heated argument and debate. Take the ambush by Densus 88 in Poso<sup>121</sup> that killed 14 people, including a

<sup>119</sup> Awwas, Cedsos, (2006).

<sup>120</sup> One of the famous figures from the first Bali bombing perpetrators is Ali Imron who confessed to make the sophisticated bomb, and now become very important source protected by the Police, although he has been convicted life sentence. See, “Ali Imron: Saya Tak Menyangka akan Jadi Bintang Lapangan”, *Tempo Interaktif*, at: <http://www.tempointeraktif.com/harian/wawancara/waw-AliImron01.html>.

<sup>121</sup> “Baku Tembak di Poso Akibatkan 14 Orang Tewas”, *Detik News Online*, January, 23, 2007,



policeman, for example. The Police reported that they shot the suspects because they drew their weapons which were the same organic fire-arm that the police and military use. The Chief of TNI<sup>122</sup> immediately responded to the report by stating that there had been no weapons stolen by the terrorists from the TNI arsenal. Meanwhile, the Chief of BIN<sup>123</sup> confirmed that there were weapons stolen from the arsenal of the Police Mobile Brigade in Molucca in 2000. Therefore, the House of Representatives<sup>124</sup> expressed their regret for such offensive measures taken by the Police and urged the formation of an investigation team.

The controversy got more heated and was fueled by some government officials' statements. Vice President Kalla<sup>125</sup> rebutted the judgement of Chief of Anti-Terrorism Desk that the Malino Peace Agreement had failed. It was an understandable reaction since it was Kalla with Yudhoyono who initiated the peace agreement during Megawati administration. To end the unnecessary controversy, President Yudhoyono instructed the Coordinating Minister for Politics and Security Widodo A.S. to complete the operation, prevent breaches by the police, inform the residents of the current situation, and coordinate with law enforcers. It was the correct instruction but was too late since the public already perceived that government officials were disputing only to retain their own posts. Policy-makers in both President and Vice President offices were proven incapable of controlling their high-ranking officers in the field. Unfortunately, journalists viewed the controversy as a news opportunity. For the Indonesian press during the transitional time controversy news was considered to be more news worthy than reasonable explanations and efforts to settle issues. This is when reform had its deficit, since the public became victims of unintegrated policies and disharmonious communications.

The Police seemed to be enjoying much media exposure compared to intelligence agents. From the arrest of Amrozi in Lamongan and the ambush of Imam Samudra at Merak Seaport (2002), to the attack against Azahari group in Malang (2005), and sweeping for JI members in Wonosobo and Sleman (2007), the press was always in the right place at the right time<sup>126</sup>. The Police has repeatedly denied revealing information or briefing a number of journalists before such arrests, yet the plan was usually revealed to only a few number of senior journalists who are close to officers<sup>127</sup>. What effect is expected from such repeated offensive measures? The good achievement by the police may be widely recognized, yet people are becoming scared of such open gun conflicts which are considered vulgar and some instances were recorded by the camera which led to public doubt over the effectiveness of such operations. The camera does not lie. In several broadcasted scenes, the police were seen overreacting while the terrorist group was not as tough as once thought. The public impression is that the police have arbitrarily accused good citizens as being perpetrators of acts of terror and thus they have breached the law.

<sup>122</sup> "Poso guns do not belong to armed forces, says TNI", *The Jakarta Post*, January 20, 2007, at: <http://www.thejakartapost.com/detailheadlines.asp?fileid=20070127.A05&irec=4>.

<sup>123</sup> "Kepala BIN pastikan senjata DPO Poso dari gudang Brimob Ambon", *Detik News Online*, January 25, 2007.

<sup>124</sup> "Polisi dinilai kurang hati-hati, Komisi III kirim Tim ke Poso", January 23, 2007, *Detik News Online*.

<sup>125</sup> "Tak perlu operasi militer di Poso, JK sesalkan Kepala Desk Antiteror", January 26, 2007, *Detik News Online*.

<sup>126</sup> "Penggerebekan Wonosobo Polri Dituding Pilih Kasih", and "Penggerebekan Wonosobo Kapolri Bantah Istimewakan ANTV", *Detik News Online*, May 15, 2006.

<sup>127</sup> A senior journalist who has close ties with police is Karni Ilyas, ex-editor on criminal issues in Tempo Magazine, then assigned as news director of SCTV, and now working as news director of ANTV. SCTV once became the first media that aired the capturing of Amrozi and Imam Samudra live. Meanwhile, ANTV has got the first information on ambush to Azahari group, but her journalist was not so fast than Metro TV. And finally, ANTV is the only media that aired police ambush in Wonosobo live.



Similar negative effects were once a controversy when Kalla invited *ulamas* or Muslim scholars and public leaders to watch the video-recorded testimony of the perpetrators of the second Bali Bombing at the Vice President's Palace. The video was played as it was, including war training and bomb assembling, without necessary editing for public consumption. As a result, some media observers and communication experts voiced their comments saying that such a show was actually a free course on becoming terrorists. Young people with shallow understanding of religious teachings and weak socio-economic background will likely get enticed by viewing such videos. Taking into account the comments, the government chose not to make intensive and structured campaigns for the fight against terrorism and extremism. No more video clips were especially made and distributed to TV stations, nor audio clips to radio stations, nor official texts spread to prevent terrorism propaganda. The government may give to the press items which news are worth printing or broadcasting. The press consider that the government allows them to broadcast or print whatever the public may be interested in. There is no systematic effort on shaping public opinion for countering the spread of terrorism. It may happen the perpetrators of terror become public heroes<sup>128</sup> under a widespread feeling that the social situation are unsatisfactory.

## **5. Domestic Factors and Foreign Tensions**

As described previously, referring to Allison's framework, the foreign policy and decision making process of a particular country are determined by organizational and bureaucracy dynamics in the government. Counterterrorism policy also includes domestic (i.e. response to communal conflicts threatening national integrity) and international (i.e. responses to global war against terrorism) aspects.

### **5.1. Domestic Factors**

#### **A) Economic Crisis**

The difficult situation due to the economic crisis in 1997-98 had stirred public frustration and anger to the new governments in the transitional era who were unable to provide basic necessities. People lost their confidence in the governments, especially during the Habibie and Wahid era. Distrust among the public grew because some groups have benefitted illegally. This frustration was made a justification for the radical groups to oppose all government policies and to blame other groups that they suspected of wrongdoings. The seed of terrorism grows well in the economic downturn, because violent tools such as weapons or explosives are easily available without necessary control by the security apparatus.

Megawati<sup>129</sup> learned from the positive and negative aspects of policy conducted by her two predecessors, in which the national interest should always be the main parameter, i.e. "national survival and economic well-being". Therefore, any policy conducted by the government, either foreign policy or counterterrorism policy, should focus more on the

<sup>128</sup> "Merilis VCD Teroris", *Suara Pembaruan*, at: <http://www.suarapembaruan.com/News/2005/11/27/Utama/ut01.htm>, March 25, 2007.

<sup>129</sup> Dewi Fortuna Anwar, (2003): "Megawati's Search for an Effective Foreign Policy", in Hadi Soesastro, op cit., pp.70-71.



response for domestic condition than on the external problems. Because the domestic demand is remain superior than international commitment in the case of war on terror policy<sup>130</sup>. Mega restored the relationship with IMF, and, in fact, she visited Washington in the first week after WTC attack occurred. Due to her sympathetic attitude, Mega received significant economic assistance form President Bush<sup>131</sup>. Such assistance was considered as “carrot” from U.S. Government to invite Indonesia to join the GWOT. However, Mega kept maintaining her distance and remained independent in selecting her foreign policy options. One of dilemmas was pressure to arrest Ba’asyir as the main symbol of terrorism and the need to ban JI. Mega conducted such measures halfheartedly, due to friction within her security team, but she could not keep silent when the first Bali Bombing occurred. The bombing created a dual impact since the country should bear the cost of US\$ 10 billion of lost income from the tourism sector as well as the addition burden adding of 600,000 people to the existing number of 38.3 million unemployed people. If we notice the perpetrators of violent acts since the first Bali Bombing were from poor families and lacking of proper education. Amrozi and Lamongan Group represented the economically disadvantaged with very decent educational background (i.e. Islamic boarding school in Tenggulun Village). The economical condition of Imam Samudra and Banten is far below the normal standard. The same can be said to the actors of J.W. Marriot and Australian Embassy bombings, including the second Bali Bombing

During the Megawati era, Yudhoyono was one of the office bearers refusing to implement any offensive measures against the radical groups. An offensive policy was in line with the U.S. global strategy. However, Yudhoyono preferred to concentrate more on economic development by implementing several policies, one of them was by accelerating the foreign loan repayment. With a competent and market-friendly economic team, the macroeconomic indicator seemed to be stable though the level of poverty and unemployment was still high. It was believed that this vulnerable condition sowed the seed of extremism<sup>132</sup> though there were arguments stating that terrorism was not only done by the poor<sup>133</sup> and uneducated people<sup>134</sup>. It was clear, in the context of Indonesia, that national economic recovery and community welfare improvement became not only the key element in preventing and controlling the terrorism, but also the important factor for Indonesia to be a country strong enough to face the threat of terrorism and the problems surrounding it.

## B) Violent Conflict

We may not examine the terrorism indicators occurring in Indonesia recently without a complete understanding of the history of conflict and violence in the past. The socioeconomic disparity and political-ideological polarization make this archipelagic region a country with

<sup>130</sup> Shafiah Fifi Muhibat, “Komitmen Internasional dan Kepentingan Domestik”, *Koran Tempo*, August 12, 2004.

<sup>131</sup> *Ibid.*, p.85. Bilateral Assistance from U.S. Government includes a package of US\$ 130 million grant, US\$ 400 million in trade and investment promotion, and US\$ 100 million in additional benefits under the GSP.

<sup>132</sup> Syafi’i Ma’arif (Islamic scholar) and Effendy Chorie (member of parliament) suggest that the poverty is the basis for any terrorism indications to occur. Therefore, welfare improvement policy is an appropriate solution. See, “Syafi’i: Kemiskinan Penyebab Munculnya Terorisme”, January 5, 2006, *Detik News Online*.

<sup>133</sup> Alberto Abadie, “Poverty, Political Freedom, and the Roots of Terrorism”, *National Bureau of Economic Research, Working Paper*, n°.10859, (2004).

<sup>134</sup> Alan B. Krueger & Jitka Maleckova, “The Economics and the Education of Suicide Bombers: Does Poverty Cause Terrorism?” *The New Republic*, June 24, 2002, at: <http://www.tnr.com/doc.mhtml?i=20020624&s=krueger062402>.



high explosive potency. If we refer to Clausewitz's thesis<sup>135</sup>, the phenomenon of conflict such as war, has three paradoxical indicators, namely "primordial violence, hatred, and enmity"; "the play of chance and probability within which the creative spirit is free to roam" and "element of subordination, as an instrument of policy, which makes it subject to reason alone". Those three indicators of conflict exist in the transitional-period Indonesia, such as primordial violence (in Sambas and Sampit, West Kalimantan as well as Banyuwangi, East Java and Ciamis, West Java); conflict due to competition of economic/political interest (Molucca and Poso) and conflict due to policies applied by the government (Aceh and Papua). In fact, in the Soeharto era, it was a public secret that there were "conflicts manipulated by the intelligence services", though it was difficult to prove. This necessitated that the responses by the government to a particular conflict must be appropriate and conclusive. Inappropriate and inconclusive responses would worsen the situation and not solve the problems, and even trigger new conflicts.

The terrorists understand the situation well and exploit the weaknesses of government and instigate wider conflicts by exploiting emotions of the masses. They instigate an ideology of hate that exploits the frustrations of victims in conflict areas. Mass anger is then gradually justified by the religious values, even though there is actually no religion which teaches violence to its followers. We may trace it back by observing the conflict in Ambon (1999) which was actually triggered by a relatively small and insignificant incident, that is, a fight between a thug and a public transport driver on Idul Fitri (Muslim holiday). Several months before the incident, there was a gang fight between the most influential Muslim and Christians groups in the slum area in Jakarta. The defeated gang went back<sup>136</sup> to Ambon. The gang's resentment met further fuelled by condition they observed on returning to Ambon where economical and political condition of local Ambonese (the majority of them are Christian, though there were many Muslim as well) were overwhelmed by transmigrants (the majority of them are Muslim, though many were Christian as well). Internal conflicts inevitably took place and became more complicated with the coming of militias, such as Laskar Kristus and Laskar Jihad. This conflict became more complex because of foreign interference, for example, weapons supplied from South Philippines or Australia. Conflicts occurring in Molucca were difficult to describe since each group developed their own misperceived ideology, the extreme groups became the networks, the unemployed youths and thugs were recruited as "mujahidin" or "holy soldiers".

In conflicts with such complexity, Beaufre's understanding<sup>137</sup> on indirect strategy becomes relevant, by focusing on psychological and ideological solutions toward groups that had committed violence. It was because offensive measures would raise perception as being one-sided to one group. For example, the accusation directed at Pattimura Military Region Commander, Brigadier General Max Tamaela, when he declared a military emergency in Molucca. Habibie had used a psychological approach through dialogue by inviting leaders from the fighting groups to the State Palace. Wahid and Megawati achieved some momentum to end the conflict when they visited the conflict areas and witnessing the agreement made by the conflicting groups. Unfortunately, they did not succeed because the deal was only established among the elite groups. Yudhoyono who was assisted by Kalla took a positive measures by rehabilitating the socio-economic conditions there, yet it is considered that success was only achieved in Aceh, while the same never occurred in Molucca, Poso or

<sup>135</sup> Howard and Paret, *op cit.*, pp.89.

<sup>136</sup> Alternatively, being mobilized to come home? This question is still discussed until now. See, Rustam Kastor, (2000): *Konspirasi Politik RMS Menghancurkan Umat Islam di Ambon – Maluku*, Yogyakarta: Wihdah Press.

<sup>137</sup> Beaufre, *op cit.*, pp.107.



Papua. The counter-ideology has not been seriously carried out<sup>138</sup>, as suggested by Beaufre and further described by Ramakrishna<sup>139</sup>. Indonesian history notes that various religious and political ideologies have been used to be the catalyst for rebellions, such as DI (in West Java, Aceh, and South Sulawesi) or RMS (in Molucca); moreover, the radical Hindu groups had proposed the “Independence for Bali” idea. Secular ideologies such as communism also motivated rebellions and had lead to civil wars which claimed a large number of victims. The terrorists may have inherited such radical ideologies.

### C) National Leadership

The leader’s character influences the attitude of the state entirely. It is true particularly in Indonesia that the practice paternalistic culture mostly followed by the Javanese – largest ethnic group. From the four national leaders in transitional era, only Habibie was non-Javanese (i.e. from South Sulawesi). The others – Wahid, Mega and Yudhoyono – are all Javanese; in fact, Mega and Wahid have fanatic supporters who are nationalist and Muslim-traditionalists. Habibie<sup>140</sup> offered a special concept when describing the need for law enforcement. It may not be conducted only through structural development (law enforcement agency), substance (law content), and cultural (community’s perception toward law); but also through leadership enforcement that will be the role model in the importance of law supremacy. The new leadership is needed to handle the new kind of threat such as terrorism<sup>141</sup>. Wahid, on the other hand, became the ambiguous model since corruption cases took place in his era, meanwhile the public still perceived him as a clean and democratic figure. The weakness of Wahid leadership made violent conflicts were difficult to resolve. Mega constantly complied with legal procedures and constitutions, though her silent attitude on a number of problems raised many questions, and can be presumed as undecisive. Until the first Bali bombing happened as a trial for her leadership<sup>142</sup>. While in general, Yudhoyono supported law enforcement, such as by granting investigation permits to cases on corruption involving government officers, with some exceptions on his closest aides. Such preferential treatment or discriminative policy might take a concern on terrorism issue<sup>143</sup>.

In particular, the writer observes the leadership style of the four Presidents in transitional era that may be categorized into: governance by regulations (Habibie), governance by statements (Wahid), governance by silence (Mega), and governance by good performance or image (Yudhoyono). Habibie did not often produce public statement, perhaps he learned from the leadership style of Soeharto. He faced mounting criticisms, but yet he managed to issue substantive policies, such as provision of special autonomy to Aceh and granting referendum to East Timor. Such policies had reduced separatism tendencies which had created a positive

<sup>138</sup> One important role that oftenly neglected is to invite the moderate and traditional groups of Muslim to fight against radicalism with educational approach. See, “Berantas Terorisme Secara Persuasif, Pesantren Harus Jadi Komunitas Nilai”, *Pikiran Rakyat*, December 30, 2005, at: <http://www.pikiran-rakyat.com/cetak/2005/1205/30/0302.htm>.

<sup>139</sup> Ramakrishna, op cit., pp.27.

<sup>140</sup> Singh, op cit., pp.133.

<sup>141</sup> A brief review on Habibie leadership from the very beginning can be seen, “Membangun Budaya Kepemimpinan a la Indonesia”, *Media Transparansi*, No. 3, December 1998, at: [http://www.transparansi.or.id/majalah/edisi3/3berita\\_3.htm](http://www.transparansi.or.id/majalah/edisi3/3berita_3.htm).

<sup>142</sup> Novel Ali, “Penyelesaian Tragedi Bali: Ujian Kepemimpinan Megawati”, *Suara Merdeka*, November 20, 2002.

<sup>143</sup> “Wahid Plays Down Extremism, Derides SBY”, *Laksamana News Web*, December 14, 2004.



effect (i.e. the freedom of speech) as well as negative effect, i.e. high number of controversies. Megawati was even more silent in public than Habibie, and left her deputies to respond to all controversies on policies. For example, the Minister of Law and Human Rights Yusril Ihza Mahendra who should expound upon the importance of Regulation in Lieu of Law and the Law on Antiterrorism when it questioned by the parliament; and the Head of BIN Hendropriyono who frequently warned about terrorism threats from radical Islamic groups, although Mega never mentioned about it. Yudhoyono appears more flamboyant as a result of a direct presidential election that requires media campaign. Yudhoyono's attitude is slightly different from the leadership style of Kalla who is informal and speaks to the point, as he is a businessperson. For example, regarding the second Bali Bombing and the death of terrorist leader Azahari, Yudhoyono would prepare a small meeting in advance before organizing a press conference. Every statement he said, every answer given to the journalists, as well as his body language had been scripted. However, public relations aside, problem solving made in the field was another matter, which rarely correlated to his personal style.

The leadership dimension<sup>144</sup> that should be possessed is the ability to control, coordinate and optimize all "governance infrastructures" to achieve the national objectives and interests. For the leaders in transitional era<sup>145</sup>, the capacity being demanded is higher than before, since they should be able to manage, accommodate and direct all the community's potencies constructive for achieving the national objectives and interests. As an initial step, a complete belief in the government to formulate and apply appropriate policy such as counterterrorism policy<sup>146</sup>, still needs public participation. Genuine participation does not mean to approve and leave the government to fight the terrorism threat by itself, however, the public should be proactive to prevent the growth of terrorism from its early stages as well as to destroy terrorism network that might be hiding behind a particular social group. A strong and trustworthy national leader should include local and informal leaders<sup>147</sup> in every region. These leaders should understand that terrorism is a common threat, not only a threat for the government or particular group. A strong and charismatic national leader should initiate dialogue with the leaders of other interested countries', since the roots of terrorism problem are actually different. If terrorism is considered as a "regional threat"<sup>148</sup> or even a "global threat"<sup>149</sup>, a constructive dialogue should be prepared through open forums in reliable institutions such as ASEAN (for regional interests), Organization of Islamic Conference (for Islamic community's interests) and United Nations (for global interests). As strong as a country might be, it may not allow itself to dictate to other sovereign countries to follow its will in fighting terrorism through unilateralist approaches.

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<sup>144</sup> One of the important study on Indonesian leadership in transition era, see Sudarsono Hardjosoekarto, (2003): *Krisis di Mata Para Presiden: Kaidah Berpikir Sistem Para Pemimpin Bangsa*, Yogyakarta: Matabangsa.

<sup>145</sup> Ikrar Nusa Bhakti, (2004): "Transition to Democracy in Indonesia: Some Outstanding Problems", in Jim Rolfe ed., *The Asia-Pacific: A Region in Transition*, Honolulu: Asia-Pacific Centre for Security Studies, pp.195-206.

<sup>146</sup> Ganor, *op cit.*, pp.147-149.

<sup>147</sup> Marcus Mietzner, "Local Democracy: Old elites are still in power, but direct elections now give voters a choice", *Inside Indonesia*, Vol. 85, (January - March 2006), at: [http://www.insideindonesia.org/edit85/p17-18\\_mietzner.html](http://www.insideindonesia.org/edit85/p17-18_mietzner.html).

<sup>148</sup> Bilveer Singh, (2003): "ASEAN, Australia, and the Management of Ji Threat", *Canberra Papers on Strategy and Defence*, n°.152, , pp.3-14.

<sup>149</sup> Louise E. Richardson, (2002): "Global Rebels: Terrorist Organizations as Trans-National Actors", in Howard and Sawyer, *op cit.*, pp.67-73.



## 5.2. Foreign Tensions

### **A) Neighboring Countries**

Indonesia realizes its strategic role in Southeast Asia. Therefore, its peaceful democratic transition will have a positive effect for the region. Conversely, the threat of terrorism spreading also has serious impact on neighboring countries. Each country in the region responds differently toward terrorism, and domestic consideration play a role. Malaysia is one of the first countries experiencing threat of terrorism by Islam radicals after local mujahidin returned from Afghanistan war. Mahathir identified that these radicals originated from the opposition groups, who had taken the issue of global repression of Muslim ummah as the reason for their long-term political campaign. Repressive measures were taken against the members of Militant Mujahidin Group (KMM), some of whom were affiliated with PAS. In the process, Mahathir found out that there were a group of Indonesians who had similar aspirations. Mahathir though did not want to mention their names at that time since he was worried that it would impact the sensitive relations between Indonesia and Malaysia in the post-Soeharto era. Singapore conducted the same policy as Malaysia, and took further steps; not only destroying domestic terrorism networks but also cited a violent scenario that would threaten the interests of Singapore or the U.S. and labeled the new regional terrorism groups as "JP". The relationship between Singapore and Indonesia in the era of Habibie actually were strained, though Wahid and Mega later made efforts to reconstruct this relations.

The Philippines and Thailand's attitude was even tougher. They had to deal with radical groups in revolt against the central government. Gloria Arroyo action may have contributed to the further radicalization of Abu Sayyaf Group formerly a radical fragment of Moro Islamic Liberation Front (MILF). Before that, Arroyo was one of the first and major leaders from Southeast Asian region who approved the U.S. policy to fight global terrorism. Due to such attitudes, Arroyo received economic and military assistance, similar to the assistance received by General Musharraf from Pakistan. The Philippines did not hesitate to refer to such the Islamic radical groups as a national threat, since MILF and other Islamic radical groups have long be seen as a threat to the state. Arroyo did not provide an autonomy option (as taken by Habibie for Aceh), or even referendum for independence (as in the East Timor by Habibie for East Timor), however utilized mainly repressive measures. These measures were not able to defeat terrorists and they were able to launch attacks after years of onslaught by the Philippines army. Measures that are more repressive taken by Thailand in the Thaksin Shinawatra era; group of Islamic guerrillas in southern region was considered as separatists. Many have become victims in three provinces in Southern Thailand, yet such violent acts did not show any sign of abating. Thaksin, like Arroyo, blamed the separatists for giving protection to terrorists, and even established regional network. Those becoming the target of repressive measures were Indonesian terrorists, namely Al Ghozi, executed by the Philippines' military apparatus and Hambali who was arrested by Thailand's intelligent service and handed over to the CIA.

Indonesia understands the reason behind the counterterrorism policy taken by its neighboring countries. Malaysia and Singapore have to deal with the threat from oppositional groups, while the Philippines and Thailand have to deal with separatism. Their offensive policies may not any present complication for each country's domestic politics. However, Indonesia has had bitter experiences, both the Soekarno and Soeharto regimes utilized repressive measures to stifle opposition and destroy separatist movements through the use of armed force. Compare for instance the success of Indonesia in conduct nonviolent measures



to stop the separatist movement in Aceh, based on Thompson's formula<sup>150</sup>, and the significant achievements in the transitional era. Indonesia continues looking for a form of democratic political system that provides a reasonable space for opposition groups in the framework of unitary state. The presence of radical groups, either from Islamic groups or other ideological or religious groups should be part of the democratic dynamic, provided that those groups do not commit violence, respect the constitution and unitary state.

## B) Changing in Muslim World

As a country which is mostly populated by Muslims, the current development in the Islamic World would have impact on the domestic condition and governmental policy of Indonesia. A number of domestic Islamic groups<sup>151</sup> use the global issues to campaign for their political agenda, such as, the application of Islamic shariah and opposition to the U.S. hegemony. The government realizes the emergence of these radical groups since the era of Habibie and Wahid. However, the government may not proscribe them if they do not commit criminal and violent acts. Especially in the era of Megawati and Yudhoyono, a number of Islamic parties had joined the government coalition, such as Partai Persatuan Pembangunan<sup>152</sup> (United Development Party), or Partai Bulan Bintang<sup>153</sup> (Moon and Star Party), and Partai Keadilan Sejahtera<sup>154</sup> (Prosperous Justice Party).

The world also witnesses the injustice in Islamic countries, such as the war in Afghanistan which was initiated by Bush's pursuit of Osama bin Laden, and to overthrowing the Taliban regime led by Mullah Mohammad Omar. Till now, the condition of Osama bin Laden and Mullah Omar remains a mystery, either alive or dead, yet total destruction has been befallen upon the people of Afghanistan. A similar situation also taking place in Iraq. People are being attacked by the Bush administration on the pretext of Saddam Hussein owning weapons of mass destruction. However, after Saddam collapsed and even sentenced to death by brutal hanging, such frightening weapons have never been found. Most of Indonesian leaders perceived that the U.S. attack was merely Bush's propaganda<sup>155</sup>. The people of Iraq now suffer from a civil war between Shiite and Sunni groups as the U.S. struggles to bring peace to the region. All tensions occurring in Muslim world, including Israel's oppression on

<sup>150</sup> Thompson suggests to reduce insurgent capabilities with creating public involvement and conducting local election in order to accommodate dissent aspiration. Thompson, *op. cit.*, p.111.

<sup>151</sup> The most vocal groups driving the application of Islamic canon law are MMI and HTI that have affiliations in many regions. Surprisingly, a number of regions actually governed by secular parties, such as Golongan Karya, proposed Regional Regulation on Prohibition to Immoral Acts (gambling, alcohol beverages, and free sex) having Islamic law nuances.

<sup>152</sup> The leader of PPP, Hamzah Haz, had become Vice President in Mega administration, and he accommodated the Islamic radical groups.

<sup>153</sup> PBB was one of the parties who first supported the Yudhoyono's nomination in the presidential election along with Democrat Party. The leader of PBB, Yusril Ihza Mahendra, is currently assigned as State Secretary and is well known as a vocal person supporting the application of Islamic canon law in revising Indonesian national law.

<sup>154</sup> PKS is the party supporting Yudhoyono in the second round of presidential election. Former President of PKS, Hidayat Nur Wahid, is recently assigned as the Spokesperson of MPR, and has big opportunity to be the candidate of president or vice president in 2009 general election.

<sup>155</sup> One of the moderate Muslim leaders, K.H. Abdullah Gymnastiar, refused the invitation to meet President Bush in Bali (2003), because he assumed Bush has done a big mistake in Afghanistan and Iraq wars. The other famous Muslims scholar, Prof. Nurcholish Madjid, even joined with the biggest demonstration and peaceful managed by Justice and Prosperous Party (PKS) which was involved many organizations of non-Muslims. See, Sapto Waluyo, (2005): *Kebangkitan Politik Dakwah*, Jakarta: Harakatuna, pp.137-140.



the people of Palestine, mould the perception of disoriented Islamic groups in Indonesia to become more radical. As stated by Leonard Sebastian<sup>156</sup>, the attack of the U.S. on Afghanistan intended to as a response to WTC attack provides new evidence for the Islamic radical groups that the world is conspiring to destroy Islam. Although the U.S. expects to destroy terrorism directly at its source, such brutality conducted by the U.S. provides legitimacy and opportunity for radical groups to emerge as the savior for “oppressed people”.

The Indonesian people carefully observe the development in Muslim world not only in the side of the occurring conflicts, but also the democratic dynamics occurring in Turkey, Egypt, or Palestine. In those three countries, and also in other several countries in the Middle East, political Islam achieves significant support, and, in fact, the Islamist wins the current general election in Turkey and Palestine. The Islamic group views that the Western countries apply double standards when witnessing the success of Islamic parties in the democratic life when most of the Western countries refuse to acknowledge as is occurring in Egypt. The contradiction could be seen also in the Algerian tragedy which happened due to riots after the success of Front Islamique du Salvation (FIS). Turkey is one model that should be taken into consideration, which shows that the victory of the Islamic-rooted Justice and Development Party (AKP) could bring stability and improve the welfare of the population. In Palestine, Hamas is presented with the difficult task of establishing national integration along with Fatah and other PLO factions. The new political changes in Palestine bring significant inspiration since a group which has been branded as terrorist has now become the authoritative government, when Hamas changed its strategy, i.e. “from bullet to ballot”. Following the long history of Israel’s oppression, Hamas concludes that the legitimacy obtained from the ballots is more effective than bullets they fired. Their aim, of course, is to achieve an independent and sovereign Palestinian state. If the democracy practiced by Hamas is being ignored and the Palestine democratization process is denied, new forms of terrorism will emerge, and the repercussion will have impact on Indonesia as well. The radical Islamic groups will obtain more proof that the secular principles of Western countries do not provide peaceful solutions to settle their problems completely and genuinely.

### C) US Global Dominance

The GWOT has lost its normative foundation, when Bush stated that his conduct was a “crusade”<sup>157</sup>. This term reminds everyone of war fought on behalf of religion in the middle ages. The well-known Bush’s slogan, “Either you are with us, or you are with the terrorists.”<sup>158</sup>, has also separated the world merely into pro-U.S. and anti-U.S. There is no neutral and independent state. This is the formation of a new Cold War. Before the WTC attack, Bush stated that Iraq and Iran and North Korea were the “Axis of Evil”<sup>159</sup>. The penchant for Bush stigmatize is not over yet as he developed his ideas of “Islamofascism”

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<sup>156</sup> Leonard Sebastian, “Indonesian State responses to September 11, the Bali Bombings and War in Iraq: Sowing the Seeds for an Accommodationist Islamic Framework?”, *Cambridge Review of International Affairs*, Vol.16, n° .3, (October 2003), pp.441-442.

<sup>157</sup> White House, press conference, September 16, 2001, at: <http://www.whitehouse.gov/news/releases/2001/09/20010916-2.html>.

<sup>158</sup> White House, The President’s address to a Joint Session of Congress and the American People, September 20, 2001, at: <http://www.whitehouse.gov/news/releases/2001/09/20010920-8.html>.

<sup>159</sup> White House, The State of the Union Address on January 29, 2002, at: <http://www.whitehouse.gov/news/releases/2002/01/20020129-11.html>.



development<sup>160</sup>. Why should Bush always takes this confrontational move despite the fact that the U.S. actually depends on oil resources from Islamic countries? Neo-conservatism ideology dominating the U.S. politics highlighted by Fukuyama currently has changed the face of the world<sup>161</sup> with slightly desperate sound, for several years Fukuyama stated “the end of history”<sup>162</sup> with the evidence of democratic-capitalism winning over communist-totalitarianism.

The U.S. should admit that they owed much to Afghani Mujahidin since these Islamic guerrillas had conducted war by proxy with Soviet Union. The U.S. in the era of Ronald Reagan did not expect that the war in Afghanistan would end so phenomenally with the retreat of Soviet (1989), and even followed by the collapse of Soviet federation (1992). The U.S. concerned that the new mujahidin government would grow to be a strong government like Iran under the Islamic revolution commanded by Ayatollah Khomeini. The Afghanistan war was more dreadful than Iran revolution since the war had raised the spirit of “global jihad” to fight against oppression in other Islamic countries. Beside, the Iranian revolution was held in a limited area and Shiite ideology which inspired the revolution was hard to be accepted in Sunni area. Tragically, the victory of mujahidin was aborted by the presence of Taliban group, also part of the mujahidin movement aided by the support of the intelligence service of Pakistan, funded by Saudi Arabia, with weapons supply from U.S. From this perspective, it may be concluded that the phenomenon in Afghanistan was not “fundamentalism reborn”<sup>163</sup>, but the “aborted Islamic revolution”. The U.S. now finds a new enemy after the collapse of the Soviet Union, ‘glorifying’ the position of the Taliban and Al Qaeda. At the same time, the U.S. actually conducts public relations campaign to ‘demonizing’ Islamic countries and groups struggling for their rights<sup>164</sup>.

The issues of global terrorism placed Indonesia in difficulty coming under the pressure of the U.S. and its alliance partners – especially Australia, Britain and the Philippines. Indonesia has had a bad experience with U.S. intervention in the case of PRRI/Permesta rebellion in the era of Soekarno and in the bloody rebellion committed by PKI in 1965, which was probably initiated by CIA maneuver, until intervention in East Timor in 1976. The bad memory of intervention became clearer when the U.S. forced Indonesia to prohibit the existence of JI organization, to arrest and sentence Ba’asyir, and to shut down radical organizations such as MMI and FPI. As concluded by Abuza<sup>165</sup>, Indonesia is situated in a strategic geopolitical position since it becomes the biggest country populated mostly with Muslim in the world, the third biggest democratic country in the world and since its geographical location is actually in the center of Southeast Asian region. Therefore, its handling of terrorism has wide implications in the domestic, regional and global levels. Numerous suggestions are offered by Abuza to the U.S. government to protect its vital interests in Indonesia and improve its relations with Indonesia in various sectors. Most important is the suggestion that “the United

<sup>160</sup> White House, President Bush and Secretary of State Rice discussed the Middle East Crisis, August 7, 2006, at:

<http://www.whitehouse.gov/news/releases/2006/08/20060807.html>

<sup>161</sup> Francis Fukuyama, (2006): *After the Neocons: America at the Crossroads*, London: Profile Books.

<sup>162</sup> Francis Fukuyama, (1993): *The End of History and the Last Man*, reprint edition, New York: Harper Perennial.

<sup>163</sup> William Malley (ed.), (1998): *Fundamentalism Reborn? Afghanistan and the Taliban*, New York: New York University Press.

<sup>164</sup> Such typical policy can be learned from Palestinian case that were occupied by the Israeli, and also can be examined in Uzbekistan conflict when U.S. supported the repressive ruler against Islamic protesters. See, “Anger as US backs brutal regime”, *The Guardian*, at: <http://observer.guardian.co.uk/international/story/0,6903,1484251,00.html>.

<sup>165</sup> Zachary Abuza, (2007): *Political Islam and Violence in Indonesia*, London and New York: Routledge, p.103.



States also has a vested interest in Indonesia's democratic transition and commitment to human rights and the rule of law. While Washington should support the new Yudhoyono administration, it should remember that he cannot be perceived as being a servant of US interests," Abuza said<sup>166</sup>.

Abuza is point well regarded, though in the beginning of his conclusion, Abuza had arguably generalized three groups, namely Islamists (political Islam), Muslim militants, and terrorists – in the same line of struggle. According to Abuza, it there may crossover of those three in terms of objectives and methods. If this occurs, Indonesia will be a threat for its neighboring countries and the US as well. Such perception represents the general attitude of the US experiencing "sorrow of empire"<sup>167</sup> syndrome, since the only superpower feels disappointed because not all things running in this world do in accordance with her desire. Indonesia in the transitional era becomes the absolute model portraying that it is not so simple for the U.S. to force her will.

### **Conclusion: Indonesia's Predicament**

After reviewing some factors that affected the counterterrorism policy making process in Indonesia, the writer concludes that Indonesia is in a predicament and in critical situation which threatens its existence as a unitary state, when it fails to implement firm policies to fight terrorism that has a long presence in the national history. The past indicators of terrorism are frequently related to the phenomenon of separatism. This has the potential of jeopardizing the survival of the archipelagic nation sheltering various ethnic, religious, and socio-political groups. The phenomenon of terrorism in the transitional era become a test for the ongoing democratization process, since the heirs of the former authoritarian regime maintain their efforts to make a comeback to power using any methods, including by spreading terror.

This article has attempted to address why does Indonesian government seem to be finding difficulties to cope with the terrorism threat during its democratic transition. The author assumes that combination of domestic and foreign factors has presented difficulties to the Indonesian government in transitional period to determine a strong and effective policy to fight terrorism. Domestic factors includes the continuing economic crisis, widening social gap, and stable national leadership. The factors mentioned above have induced the emergence of radical groups who are dissatisfied with government policy and take up violent means to fulfil their aspirations.

These two factors, the domestic and foreign factors, occur simultaneously and are examined by the policy makers in Indonesia, yet the bureaucratic characters of the four governing administrations in the transitional era (Habibie, Wahid, Megawati, and Yudhoyono) produced different responses. It seems that their policies have been formulated partially, which are possibly intended to provide a space for situational changes, yet it has resulted in incomplete and inconsistent implementation of the given policies. Each president responds differently to the arising situations; Habibie was oriented to rescue the "huge plane called Indonesia" that was going to crash down, Wahid aimed at safeguarding the freedom that as the central idea of reform, Megawati realized the importance of negotiation with foreign powers, and Yudhoyono is certain about the significance of a powerful and reliable

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<sup>166</sup> *Ibid.*, p.119.

<sup>167</sup> Chalmers Johnson , (2004): *The Sorrows of Empire: Militarism, Secrecy, and the End of the Republic*, New York: Metropolitan Books.



national leadership to end this transitional era and return Indonesia to normality. Unfortunately, the responses given by the national leaders were not always recognized and implemented by their subordinates, and were frequently misunderstood by some of community members.

Therefore, there were dilemmas arising when the governments of this transitional era desired to implement a comprehensive and effective counterterrorism policy on the ground. These dilemmas could be deemed at least from four aspects, namely the process of legislation, law enforcement, coordination between security agencies, and public communication management. Dilemmas in the legislative arena occurred since the governments in the transitional era had revoked the Law of Anti-Subversion, which was an authoritative instrument of the New Order to silence the opposition. Governments in transitional era are also expected to enforce the law supremacy and human rights protection, and the actions conducted by governmental apparatus to deal with terrorism should be legitimised by a particular legal instrument. In the aspect of law enforcement, there are difficult options between quick actions through repressive measures by police and the military apparatus and court proceedings which will take a lot of time. Lack of coordination between the intelligence service and anti-terrorism desk, which is directly responsible to the President, is another aspect, that needs to be examined and is compromised due to personal rivalry. Also, the aspect of public communication is another problem. If it is not managed systematically, the community may not understand the difference between political rhetoric of officers and the policy's substance that should be implemented without discrimination while the press freedom has already played their part influencing public sentiment for the process of the settlement of the problem.

Finally, the author has discovered that the national leadership is not able to formulate the common threat called "new terrorism" nor able to direct all national agencies to work together to put an end to it. Each leader in the transitional era tends to manifest his/her own characteristics than to establish a new integrated national leadership system that can deal with this new regional and global threat. The figure of national leadership that must be established should have an open-mind and reliable attitude, a responsive and accountable behavior, or in brief, he/she should be a "charismatic democrat". The sincerity needed to accommodate all the community's aspirations and to overcome the extreme/radical aspirations using dialogue, whereas the firmness is needed to make the established policy be implemented by governmental apparatus and create security and welfare in the community<sup>168</sup>. Responsive behavior means responding immediately to the rapid changes of the situations in the community, yet this should be accompanied by responsibility for any action and policy taken in any urgent or normal conditions. It is this new democratic leadership that will make this country survive through the long transitional era, and that ensures that the third biggest democratic country in the world will not experience authoritarianism once more. If a new authoritarianism takes control in Indonesia, the terrorists will be pleased since they find a new legitimacy to continue pursuing their violent acts.

This study has limitations, yet it may be used as a foundation for a further study. For instance, the development of contemporary terrorism groups in Indonesia, which are frequently assumed having members of jihadi veteran of Afghanistan and Moro, as well as the ideological and organizational relation between DI and JI may be investigated. A comprehensive study on such phenomenon of modern violence will conclude the polemics

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<sup>168</sup> For the pathways out of terrorism within the democratic framework, see Paul Wilkinson, (2001): *Terrorism versus Democracy, the Liberal State Response*, London & New York: Frank Cass Publisher, pp. 222-224.



avoided by the Indonesian government, since JI may not be treated as a subject proceeded in legal court. Each terrorist perpetrator has to be addressed based on their actual violent offense they have committed, and not solely based on multi-interpreted political and ideological aspirations they may express. To make it clearer, it is more accurate to address the radical group lead by Abdullah Sungkar which was established outside Indonesia (i.e. Malaysia) as “Sungkar Group” rather than using a generalized brand of “JI”; it is also more accurate to address the group lead by Noordin M. Top who is still at large as “Noordin Group” than to name them as “JI Splinters”. The bigger frame on “new threat of terrorism” is indeed required, but must be based on solid evidences and undisputable logic. Such study may also be a valuable source to formulate the term of national threat in accordance with the national interest of Indonesia, thus it may not create stigma on one of community groups; in fact, it is a risky action if the government wants to forfeit the Islamic group which have played important role in the national history.

Further analysis may also be conducted on legal products and the more detailed policies in the transitional era. This may become a guideline for the management of transitional nation in dealing with the triple dimensions of terrorism threat – national, regional and global. A challenging study may also be conducted on the effectiveness of counterterrorism policy in each country, thus it is possible to do comparison of democratic and authoritarian countries in evaluating if such countries are strong, weak, or fail to overcome the threat.

Other countries dealing with similar problems as Indonesia may learn lessons that it is difficult to formulate the threat or even to devise appropriate policy to overcome it conclusively. The Indonesian government will not ask other countries to understand the difficulties it encounters, yet the government also does not want any other countries dictate their interests. Each country should independently formulate and implement their own domestic methodology in counterterrorism policy using their collective awareness, even though terrorism is a common threat for all communities who aspire freedom and security throughout the world.

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**Appendix. Diagram of Counterterrorism Policy Making Process**



