ABSTRACT

Terrorism emerged as serious security problem in Indonesia since a network of terrorist group rocked this country, started from the Bali bombing (2002) followed by other consecutive bombings, such as, J.W. Marriott Hotel bombing (2003), the Australian Embassy bombing (2004), and the Ritz Carlton Hotel bombing (2009). This article attempts to examine the ways in which the government responded towards the problem. What sort of policies did the Indonesian government take to respond to terrorism during the 2002—2009 period? This study uses a qualitative research method. The data used in this research are derived from official documents, direct interviews with government officials and the secondary sources (books and journals) on terrorism and counterterrorism. This article shows that the government adopted the legal approach or law-enforcement (“hard approach”) by issuing the anti-terrorism law as a legal framework and by reorganizing the police force to strengthen its counter-terrorist capability. It also adopted an “ideological” approach (soft approach) to battle religious extremism. This sort of approach is mainly aimed at defusing and neutralizing the religious extremism of terrorist groups and preventing it from spreading into the wider community.

The following section will elaborate both policy approaches adopted by the government as well as the problems related to the approaches.

RESEARCH METHODS

This study uses a qualitative research method. Qualitative research is characterised by its aims, which relate to understanding some aspect of social life, and its methods which (in general) generate words, rather than numbers, as data for analysis. The data used in this research are derived from official documents, direct interviews with government officials and the secondary sources (books and journals) on terrorism and counterterrorism.

COUNTER-TERRORISM: THE LAW-ENFORCEMENT APPROACH

First of all, the government adopted a legal or law-enforcement approach to physically fight the terrorist network. The main goal of this approach is to destroy individual terrorist cells, their
leaders, their funding and logistic pipelines as well as their immediate support network. Different from the terrorism problem faced by western countries, however, the Indonesian government faces “indigenous” and “home-grown” terrorists whose nationality is mostly Indonesian (Mbai, interview, 2009).

To dent the terrorist network, the Indonesian government promulgated anti-terrorism laws as the legal framework and reorganized law-enforcement agencies that implement the law. According to Gus Martin, the organizational profiles of the law enforcement agencies could vary from country to country, with some countries having large national police establishments and others relying more on local police. Law enforcement agencies, i.e. the police force, take the lead in investigating incidents of domestic terrorism, with other agencies performing a support role to assist in resolving cases. Martin also notes that the “law-enforcement” approach has achieved some success in many countries in disrupting terrorist networks and it has brought closure to criminal cases arising out of terrorist attacks (Martin, 2003: 369).

ADOPTING COUNTERTERRORIST LAW

In responding to the Bali bombing on 12 October 2002, the Megawati government issued a number of crucial policies. The first step is the issuance of anti terrorist law, i.e. Perpu (the Government Regulation in Lieu of Law, GRL) No. 1/2002 concerning the Eradication of Criminal Acts and Perpu No. 2/2002 to make Perpu No. 1 retroactively applicable to the Bali Bombings. The GRL is the legal framework to dent the terrorist network responsible for the Bali Bombing and other subsequent attacks. Both GRLs were overwhelmingly passed by the legislature and became Law (UndangUndang Anti-Terorisme) in the following year (2003) (Juwana, 2006: 295).

Juwana (2006: 295-6) points out that the Anti-Terrorism Law provides four reasons for its promulgation. First, terrorism had 'claimed human lives intolerably and raised widespread fear among the community [and] caused loss of freedom and damage of property.' Second, terrorism had maintained extensive networks, posing a threat to national and international peace and security. Third, national legislation was required to implement international conventions relating to terrorism. Finally, the anti-terrorism law was a matter of urgency because existing legislation in Indonesia was inadequate and failed to deal comprehensively with combating criminal acts of terrorism (Juwana, 2006: 295-6).

The Anti-Terrorism Law applies to any person, including a corporation, who commits or intends to commit a criminal act of terrorism in Indonesia and/or another nation that has jurisdiction and expresses an intention to prosecute that person. It also applies to criminal acts of terrorism which are committed: (a) against the citizens of Indonesia outside the territory of Indonesia; (b) against the state facilities of Indonesia overseas, including the premises of the diplomatic officials and consuls of the republic of Indonesia; (c) with violence or threats of violence to force the government of Indonesia to take or not to take action; (d) to force any international organization in Indonesia to take or not to take action; (e) on board a vessel sailing under the flag of Indonesia or an aircraft registered under the laws of Indonesia at the time when the crime is committed; (f) by any stateless person who resides in Indonesia (Juwana, 2006: 298).

According to Law No. 15/2003 (Indonesia’s Anti-Terrorism Laws), basic definition of criminal act of “terrorism” is, “any person who intentionally uses violence or the threat of violence to create a widespread atmosphere of terror or fear in the general population or to create mass casualties, by forcibly taking the freedom, life or property of others or causing damage or destruction to vital strategic installations or the environment or public facilities or international facilities (Law No. 15/2003). Those who commit this kind of act of terrorism can be sentenced to death, or life imprisonment, or a minimum sentence of four years and a maximum of twenty years. Those who have the intention to commit an act of terrorism can be sentenced to a maximum of life imprisonment (Law No. 15/2003).

Juwana (2006) writes that specific acts of terrorism defined under the Anti-Terrorism Law include a range of specific offences relating to various aspects of aviation security, explosives, firearms and ammunition, and chemical, biological, radiological and other weapons to ‘create an atmosphere of terror or fear in the general population, causing danger and destruction to vital strategic installations or the environment or public facilities or international facilities. Penalties for these offences range from life imprisonment or death to incarceration for a period of between three or four years and twenty years (Juwana, 2006: 298). The adoption of
the Anti-Terrorism Law is very important as the legal bases for the government and its security apparatus to dent terror network in Indonesia.

STRENGTHENING COUNTER-TERRORISM AGENCIES

To implement the anti terrorist law, the government also attempts to strengthen the law-enforcement agencies. The first institution to dent terrorist network is the Indonesian National Police (POLRI). Law 2/2002 on the Indonesian Police of January 2002 defines policing as fostering security and public order, upholding the law, and protecting, guiding and serving the people. It specifies that the police are a national force under the control of the president and spells out powers of arrest, search and seizure. (ICG Asia Report, 2004: 10).

However, POLRI has weaknesses in the fight against terrorism: the intelligence analysis, scientific crime investigation, and post-striking capability. Therefore, the Indonesian Police Chief (KAPOLRI) reorganized the police force to overcome those weaknesses (Bachtiar, interview, 2008). The first step is the establishment of Satgas Anti-terror dan Bom (Anti-Terror and Bomb Task Force, ATB) that is directly responsible to the Indonesian Police Chief. The ATB consists of the best police personnel that have links with the foreign police (Pencegahanan Penanganan Terorisme: 46). KAPOLRI also set up another police unit to manage counter-terrorism efforts. This entity became the core of Special Detachment 88 (Densus 88) which formally established in 2004. Densus 88 is the mechanism by which the POLRI manages counter-terrorism plans and policy, arranges training, and handles funding as well as deploying counter-terrorist teams throughout the country (Wise, 2006:40).

The second institutions are the intelligence agencies. Indonesia has three major intelligence agencies, the National Intelligence Agency (BIN, Badan Intelijen Negara), the TNI's Strategic Intelligence Agency (Bais), and National Police intelligence, plus intelligence elements in the Justice Ministry, Finance Ministry, and the anti-money laundering agency. However, the problem is that these agencies operate independently of each other and do not function as a classical "intelligence community" (Ibid). There is no joint architecture to identify, prioritize and allocate collection requirements, task and manage collection systems and disciplines, or coordinate the analysis of raw information, nor is there a formal mechanism for intelligence sharing among the agencies (Wise, 2006:40). That is the reason why all those intelligence agencies need to work together and coordinate their policy.

The third institution is the Armed Forces as a Supporting Agency. Ministry of Defence officials acknowledge that TNI should play a supporting role in counter-terrorism, with the lead role being played by the POLRI. However, senior military officials argue that the TNI Territorial Command system, which puts a non-commissioned officer in every village in the archipelago, provides a national counter-terrorism asset that should be mobilized to acquire actionable intelligence. The police are skilled in investigating incidents after they occur, but only TNI with its vast network of deployed personnel, can successfully infiltrate terrorist groups, learn their plans and prevent terror incidents before they happen (Wise, 2006: 59). In Indonesia’s experience, however, it is POLRI who plays the leading role in counter-terrorism, but reserve a supporting role for the military "in areas such as the provision of land and maritime assault teams, maritime security, aerospace security, chemical, biological and radiological decontamination, intelligence and logistical support" (Wise, 2006: 59).

Finally, the establishment of the Counter-terrorism Coordinating Desk (CTCD). The CTCD is important because the task is to coordinate and enhance integration in preparing and formulating the Government’s policy and strategy, including intelligence activities, in combating terrorism; Second, to coordinate activities in the area of investigation and prosecution, as well as other legal steps necessary to fight terrorism; Third, to coordinate international cooperation for institutional and capacity building through technical, police and intelligence cooperation (Wise, 2006:38). The CTCD has focused on “harmonization” explaining to police, prosecutors and judges how the new counter-terrorism law should be applied (Wise, 2006:46).

According to Wise, those government agencies see national coordination of counter-terrorism as a zero sum game. In this view, enhancing the power of the CTCD can only diminish the clout of the departments and agencies and perhaps even interfere with their access to budgetary resources and foreign assistance (Wise, ibid). That is the important of enhancing the CTCD and give it more authority so that it can coordinate various anti-terrorism agencies (Muladi, interview, 2009). The CTCD
was finally upgraded into a new agency, *Badan Nasional Penanggulangan Terorisme* (the National Agency for Counterterrorism) which has more authority to coordinate policies among counterterrorism agencies.

**ANTI-TERRORISM: AN “IDEOLOGICAL” APPROACH**

Besides adopting a law-enforcement approach, the government also complementarily adopted an “ideological” approach (“soft approach”) to contain and defuse extremist ideology (Mbai, Interview, 2009). An “ideological” approach, in broad terms, involves the “initiative to curb, refute or suppress the ideological factors supposed to be implicated in terrorist acts.” (Hamilton-Hart, 2006:1). The reason behind this approach is that countering terrorism requires not only the application of law enforcement measures against individual terrorist cells, their leaders, their funding and logistic pipelines as well as their immediate support network (Ramakrishna, 2006:113). However, there is also a pressing need for the government to neutralize the ‘extremist ideology’ behind the mind of terrorist groups and to prevent it from spreading into a wider community.

The Government’s initial intention to include an ideological approach in the fight against terrorism was broached in President Megawati’s statement after the Bali Bombing 2002. In responding to the dreadful events, she appealed to the mainstream Muslim organizations, Muhammadiyah and Nahdlatul Ulama to join in the war on terror by “promoting the image of Islam as a peace-loving and cooperative religion.” (*The Jakarta Post*, 20 November, 2002).

The government commitment to adopt an “ideological approach” increased significantly during the Yudoyono administration, especially, after the Bali Bombing II (2005). The President said after the bombing, ‘the government needs to give the moderate Muslim leaders more room to educate... The society should not be hijacked by small radical groups” (IDSS, 2006:1-2). The Vice President, Jusuf Kalla, also called on Muslim leaders to work in concert with the government to discourage youth from joining terrorist groups. Realizing the importance of the Muslim community’s support, he invited Muslim leaders and Ulama to his palace to watch the video tapes containing terrorists training and the last messages of the Bali suicide bombers 2005. He tried to convince the sceptic Muslim leaders of the existence of religiously-motivated terrorism so that they would support the government’s policy in the fight against extremism (Abimanyu, 2008: 23).

The Coordinating Minister for Political, Legal and Security Affairs, Widodo AS, also asserts that the government is committed to fighting terrorism comprehensively and preventing the growth of radical ideology. He points out that the central part of counterterrorism policy is to neutralize radical ideology. He said, “It is not enough to fight terrorism physically but we have to fight the core of the problem, in particular the radical ideology” (www.kapanlagi.com> 30 November, 2005).

**NEUTRALISING EXTREMISM: POLICE AND THE DE-RADICALIZATION PROGRAMME**

Since the first Bali bombings in October 2002, more than four hundred terrorists have been arrested and most have been brought to trial. Many have been released after serving their sentences, some sixty in 2006 and 2007 alone, including some senior AJAI leaders. What happens inside prison, in terms of recruiting ordinary criminals and prison guards and dissemination of extremist ideology, thus becomes critical, as does what happens after their release (Jones, 2008: 75-6).

To neutralize religious extremism among terrorists, the government (i.e POLRI) conducted what is known as the “de-radicalization” programme. The programme generally aims at converting imprisoned terrorists into moderate Muslims who would also preach moderation to their colleagues (Effendy, 2008). The fundamental idea behind this de-radicalization programme is that as well as detaining, punishing, preventing and deterring terrorists, the government and community should make a serious effort to reclaim them and their families for moderate mainstream society (Sheridan, 2008).

Although de-radicalisation has become popular in counter-terrorism circles in Indonesia, ICG report shows, it remains poorly defined in terms of its ultimate aims or criteria for success (*Crisis Group Asia Report*, 2007: 11). At different times, depending on who is speaking, it can mean a process of counselling aimed at modifying interpretations of key religious texts; distancing or disengagement from specific extremist groups; or support for rehabilitation and reintegration of extremist detainees into society. It can embrace community outreach programmes to “inoculate” vulnerable groups against extremist ideology through travelling “road shows” of...
popular Islamic scholars who reject violence; innovative use of the Internet and other media to counter extremist teachings; and youth activity programmes directed at young men in their late teens and early twenties who might otherwise be subject to recruitment (Crisis Group Asia Report, 2007: 12).

According to ICG, de-radicalisation programmes can be aimed at strengthening “moderate” institutions—an approach full of pitfalls—or addressing social and economic grievances in those areas where marginalization and discrimination have fostered extremism. Most de-radicalisation programmes start with prisons and are mostly conducted by the police (Crisis Group Asia Report, 2007: 12). The main aims is to cure and defuse radical and extremist thinking among terrorists prisoners so that they will live in normal life after their released from prisoners.

Of course, the government need support from the support of Muslim leaders and scholars (ulama) as well as the wider Muslim community in the implementation of this ideological approach. As a Muslim majority country, the support is very crucial for the success of government policies.

CONTAINING EXTREMISM: INDONESIAN ULAMA COUNCIL (MUI)

As an Islamic institution, the MUI represents a wide range of ulamas from the two biggest Muslim organizations, i.e. Nahdlatul Ulama and Muhammadiyah as well as other small Muslim organizations, i.e. Syarikat Islam, Persi, Al-Washliyah, Math’lau’l Anwar, GUPPI, PTDI, DMI and al-Ittikadiyah. In the fight against terrorism, MUI has attempted to counter religious extremism among a small minority of Muslims and to prevent ‘the radical mindset’ spreading into the wider Muslim community. Their concern about religious radicalism can be observed from the statement of the Fatwa commissioner.

To prevent the raising of new generation of extremist groups, MUI issued an important fatwa no. 3/2004 on “terrorism” (Kumpulan Fatwa-Fatwa Aktual, 2006: 164-5). The fatwa of the MUI clearly stipulated that “terrorism is a crime against humanity and civilizations and a serious threat to state sovereignty, to world peace and security, and to the welfare of the community.” The fatwa also differentiates the meaning of ‘terrorism’ and ‘jihad.’ According to MUI, terrorism is destructive (ifsad) and anarchic or chaotic (ja‘faha); the aim is to create and/or destroy others; it has no clear goals and no limits. In contrast, ‘jihad’ is an improvement (ishlah), even if using war, the aim is only to defend Islam or to defend the oppressed people. Jihad follows the rules stipulated in Islamic teachings. In jihad, the enemy is clear and it is not indiscriminate attacks on civilians. Committing terror acts, whether the action is conducted personally or collectively, is haram in Islam; but performing jihad is compulsory (Kumpulan Fatwa-Fatwa Aktual, 2006: 165).

The fatwa of MUI clearly stipulates that “suicide bombing is prohibited in Islam (haram) because it is a form of hopelessness (al-ya’su) and a form of self-destruction (bhak an-nafs), regardless of whether it is committed in the peace zone (dar al-shulh/ dar al-salam/ dar al-da’wah) or in the war zone (dar al-harb).” Efforts to seek martyrdom (Amaliyah al-Istisyhad) are allowed because it is part of jihad bin-naﬁsi which is conducted in the war zone (dar al-harb) or in a war situation to create fear (rhab) and bigger damage/loss to the enemy of Islam, including an action that can kill the actor himself. ‘Amaliyah al-istisyhad is different from suicide (Kumpulan Fatwa-Fatwa Aktual, 2006: 166-7).

Some are pessimistic and question the effectiveness of the fatwa. This scepticism emerged since some fatwas issued by MUI have created public controversies recently, e.g. the fatwa on religious pluralism and on the Ahmadiyah sect (ANTARA News, 2007). Azymardi Azra notes critically that the fatwa will have no significant impact on a terrorist group because terrorists have been brainwashed intensively. They will not follow the fatwa because they perceive that the ulamas issuing the fatwa are considered as ulama su’ (bad ulama) (Azra, 2005). Before his execution, the convicted Bali Bomber denounced the ulama and said, “The title of ‘terrorist’ is much better than ulamas that do not care about their Muslim brethren being butchered by infidels” (Tempo/News.com, 2008).

However, the scepticism missed the point since the main audience of the fatwa is the Indonesian Muslim community. Firstly, the fatwas of MUI could play a crucial role in countering radicalism and terrorism since the Muslim community use them as religious references. Second, if the fatwas are disseminated widely and well-socialized into the wider Muslim community, it can prevent the young Muslims from joining the terrorist network or prevent them from committing suicide bombings (Azra, ibid). What plays a role in the effective-

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ness of the fatwas is their enormous dissemination through the printed media, radio, television, and the Internet (Kaptein, 2004:18). More importantly, since the fatwa is a rule and norm for the Indonesian Muslim community in general, it can prevent them from joining or supporting the fringe, extremist groups.

CONTAINING EXTREMISM: PARTNERSHIP WITH THE MUSLIM COMMUNITY

Besides the police’s de-radicalization programme focusing on imprisoned terrorists and MUI’s fatwa containing extremism in the wider Muslim community, the government has also forged a strategic partnership with mainstream Muslim organizations. It is noteworthy that, although extremist Muslims exist, they represent only a tiny minority in the world’s biggest Muslim majority country. The majority of Muslims remain moderate and function as the main pillar for Indonesian civil society and bulwark against extremism.

The head of the BNPT, Ansyad Mbai, points out clearly that “one of the government approaches in the fight against extremism is through “strengthening the partnerships with religious leaders and religious organizations” (Mbai, 2009: 1). This partnership with the Muslim community is to emphasize moderate teachings and non-violent resolutions to religious conflict through massive religious education campaigns. As has been elaborated, many Muslim leaders initially denied the existence of the Muslim radicals who were involved in terrorism. After the Bali Bombing 2002, the perception changed significantly.

The mainstream Muslim communities in Indonesia are represented organizationally by two moderate Muslim organizations, Nahdlatul Ulama and Muhammadiyah, who play major role as the crucial bulwark against extremism. The two organizations play an important role in countering radicalism and openly condemning terrorism. Both have also been promoting interfaith and inter-civilizational dialogue, the peace movement, and international co-operation. Both put forward the idea of Islam as rahmatul-alamin (“the mercy for all beings”) reflecting characteristics, such as inclusive, moderate, tolerant, straightforward, egalitarian, and prosperous. Their objectives are nothing less than sustaining or empowering the justice, law enforcement, and people’s prosperity within the frame of good governance. These characteristics are the result of their understanding of historical as well as contextual Islamic traditions. Therefore, both organizations are crucial in countering the infiltration and the development of radical Muslims in Indonesia (Muhammad, 2006).

The support of both Muslim organizations in the government’s fight against extremism is very crucial since they claim memberships of 57 million and 32 million, respectively. Both organizations can create awareness through their educational, social and humanitarian networks. Possessing around 14,000 schools from kindergarten to university level, they have also used the networks to enlighten and spread awareness of the dangers of terrorism and injustice (Ansar, 2005).

Hasyim Muzadi (of NahdhatulUlama) and Syafii Ma’arif (of Muhammadiyah) are two Muslim leaders representing the Muslim voice against extremism. The two leaders have supported the Indonesian government’s call to fight against extremism and terrorism by showing their willingness to mobilize their civic organizations to correct or enlighten misconceptions about Islam. They are sure that their organizations could help fight the scourge by using their vast grassroots-networks to create awareness that radicalism and terrorism are the enemies of humanity and civilization. Nahdhatul Ulama and the Muhammadiyah can take the role to correct or enlighten this misinterpretation (Ibid). Furthermore, both have agreed to promote a moderate form of Islam and forge national unity.

To prevent extremism, Nahdhatul Ulama and Muhammadiyah, for instance, made crucial joint statements on radicalism and terrorism in the Islamic New Year of 1427 Hijriyah (Pernyataan bersama PBNU dan PP Muhammadiyah, 2006). Most notably, both have spoken out plainly against the more radical versions of political Islam, in contrast to their previous hesitation. These two groups, theological and political rivals, have even issued a joint condemnation of terrorism after both the Bali and Marriott blasts. This type of commentary from Islam’s mainstream leaders has emerged since the Bali blast, and has gone some way to convince a sceptical public that there is a problem in their midst.

The joint statements stipulated firmly that the Muslim community must not use violent and terror means to achieve its goals which are inconsistent with the nature of Indonesian Muslims. Violence and terrorism have a damaging impact on Muslims themselves and are worsening the image of Muslims and Islam. Violence and
terrorism will only further the forces of “Islamophobia” in finding a justification to stigmatize Islam as ‘a cruel religion.’ The joint statements strongly call for the Muslim community to understand the meaning of ‘jihad’ as efforts to fight the backwardness in education, the economy, and human resources. ‘Jihad’ should be directed to fight ignorance, poverty, backwardness, and the moral degradation among the Muslim community. From the joint statements it is clear that both Muslim organizations are strongly against the myopic and violent interpretation of jihad and support ‘peaceful jihad’ to solve the real problems faced by the Ummah (Pernyataan bersama PBNU dan PP Muhammadiyah, 2006).

CONCLUSION

This article has demonstrated that the government take two-pronged policy to counter terrorist threat. Firstly, the government adopted the legal approach by adopting anti-terrorism laws as a legal framework to fight terrorism. In responding to the Bali bombing on 12 October 2002, it issued anti terrorist law, i.e., Perpu (the Government Regulation in Lieu of Law, GRL) No. 1/2002 concerning the Eradication of Criminal Acts and Perpu No. 2/2002 to make Perpu No. 1 retroactively applicable to the Bali Bombings. Both GRLs were overwhelmingly passed by the legislature and became Law in the following year (2003).

The government also reorganized the police force by forming the Anti-Terror and Bomb Task Force and Densus 88 to strengthen its capacity in denting the terrorist network. The government also issued a guideline to counterterrorism policy: Kebijakandan Strategi Nasional Pemberatasan Terorisme (The National Strategy and Policy to Eradicate Terrorism) in 2006.

Secondly, the government also adopted an “ideological” approach to battle against the “extremist ideology.” This approach is mainly aimed at refuting and neutralizing religious extremism of terrorist groups and preventing it from spreading into the wider community. The police conducted the de-radicalization programme aiming to convert imprisoned terrorists into moderate Muslims who would also preach moderation to their colleagues.

The government also relies on the role of Majelis Ulama Indonesia (MUI) to speak out in the public by issuing fatwa haram towards terrorism. Besides that, a government’s strategic partnership with mainstream Muslim organizations, such as, Muhammadiyah and Nahdhatul Ulama, also plays a crucial role in containing radicalism and extremism in the Muslim community. Indonesia’s experience shows that the combination of two-pronged policy approaches are very effective in countering terrorist threat in Indonesia.*

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