THE INVOLVEMENT OF INDONESIAN NATIONAL ARMED FORCES IN COMBATING TERRORISM

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ABSTRACT

Purpose: This study aimed at investigating the use of military force in the fight against terrorism since terrorism has developed into a threat with negative impacts on the global order of life causing a danger to security, world peace, and people's welfare. In the development of threat perspective, the boundary between defense and security sector affairs has become thinner. Therefore, the definition of threats to defense and security is important in determining the steps for involving state apparatus, including Indonesian National Armed Foreces (Tentara Natsional Indonesia/TNI), Police of the Republic of Indonesia (POLRI), and other institutions. One of TNI's main tasks is military operations other than war including overcoming terrorism acts.

Finding: The result of study reveal that the history of each country plays a role and uses the selected approaches strategically. Several countries involve the military in countering terrorism based on two frameworks, namely full militarization and assistance to law enforcement. The wide scope of handling terrorism has resulted in the emergence of the idea of the importance of involving TNI in efforts to eradicate terrorism. This can be seen from the nature of the threat from terrorism acts, which is not limited to criminal acts, but can be seen as a threat to defense, which has implications for changes in the security situation. Hence, in a strategic context, it requires comprehensive handling. The military has a territorial structure and expertise in intelligence. This is an advantage in countering terrorism. However, the control mechanism is necessary so that TNI's task in countering terrorism is in accordance with the applicable legislation.

Originality/Value: This study was the first conducted study to explore the use of military force in criminal acts of terrorism that requires the government to carry out an assessment of the threat level and be able to carefully and quickly determine the gradation of the threat of terrorism, the developing situation, and the strength of TNI, which will be used.

Keywords: The Involvement, Indonesian National Armed Forces, Counterterrorism.

INTRODUCTION

Terrorism has been a major threat facing global security in the world. It has caused ruinous effects to many sectors, including the decrease of economic growth and the reduction of tourist mobility weakening tourism sector. Insurgency in many forms has created insecurities and risk of peace. Since the 9/11 terror attack in 2001, terrorism has been a focus of national security, and many states have made some efforts to understand how terrorism works and how it is prevented. Terrorism is categorized as crimes against peace and security of mankind (Tjarsono, 2012). Thus, comprehensive measures are required to tackle the insurgency.

Some countries in Southeast Asian have made various efforts needed to tackle terrorism through different approaches. Tan (2018) suggests that the responses to counterterrorism vary depending on the scale of insurgent challenge. Singapore and Malaysia, for example, adopted counterinsurgency through judicial system model with tough preventive detention, while China viewed insurgency like warfare and thus responded to counterinsurgency by war model (Tan, 2018; Tan & Nasu, 2016).

In Indonesia, counterinsurgency is responded to a different form influenced by the historical background, institutional change in military forces, and the context of culture, politics, and religion. During the Suharto era, counterinsurgency in Indonesia was responded to using 'hard' approach with the involvement of military, but after the fall of Suharto's regime and the changes in the military institutions, the counterterrorism policy was transferred from military to the police (Hasan et al., 2012). Since Bali bombings in 2002 and the establishment of the national police counterterrorism detachment, the police have remained the forefront in the fight against insurgency (Haripin et al., 2020).

However, due to the wide measures of counterterrorism in Indonesia, the discourse of engaging national military forces to tackle terrorism arises, causing controversy among Indonesian society. The engagement of military forces in counterinsurgency is possible and ruled in the Indonesian Law Number 34 Year 2004 on the Indonesian Armed Forces (TNI/Tentara Negara Indonesia), particularly in the Article 7 (2) on the military operation other than war, including the eradication of terrorism. Besides, since the Indonesian independence, acts of terrorism have threatened the sovereignty of Indonesia in many forms, such as sabotage, kidnappings, and direct attacks against government (Senduk, 2020). Therefore, terrorism is not only limited to criminal actions but also viewed as a potential threat to the national security of Indonesia, and the involvement of military armed forces is thus required. While some argue military involvement in combating terrorism in Indonesia could be a barrier to achieve successful counterterrorism, I argue that it is necessary, with some conditions, to share the role of counterterrorism for the military forces in Indonesia. Thus, this paper presents the historical account of counterterrorism in Indonesia, the paradigm shift in the scale of terrorism threat to national defense and security, and the engagement of TNI in counterterrorism.

RESEARCH METHOD

This study used normative-doctrinal approach or normative-juridical law research examining internal aspects of positive law or regulations. Data collection technique was conducted through library research in the form of secondary data, such as article publications in journals as basic material for research. Data analysis was conducted qualitatively and its results were delivered descriptively, so that the results of analysis could draw a conclusion to answer the research questions in this study (Benuf & Azhar, 2020).

Historical Account of Counterterrorism in Indonesia

In a study conducted, it is known that religion-based causes and motives of terrorism describe broad findings and no single answer (Putra & Sukabdi, 2013). No country is completely free from terrorism, including Indonesia. As one of the largest Muslim countries in the world, Indonesia has made significant progress in becoming a stable and democratic country with a

strong civil society and independent media. Indonesia is one of the countries considered to have a major terrorism threats because of the occurrence of some terror acts. The most frequent suspected terrorist group of being responsible for terror acts is Jamaah Islamiyah based in Indonesia. A number of analysts have linked terrorism in Indonesia to Al-Qaeda international terrorist network. Linking to international networks is an argument that the international community believes in. The United States government believes in the existence of Al-Qaeda network in Indonesia. According to intelligence reports from Singapore and Malaysia, Al-Qaeda is present in the Southeast Asian region through Jamaah Islamiyah whose victims are also foreigners. It becomes an evident that the terrors occurred in Indonesia are international in scale or also known as international terrorism (Windiani, 2017).

Nevertheless, serious human rights issues persist in dealing with terrorism, starting from 2000 with the Jakarta Stock Exchange bombing, followed by the deadly Bali bombing in 2002. Both attacks were the starting point for eradicating terrorism in Indonesia. Based on the socio-legal aspect, it turns out that the counterterrorism policy does not accommodate human rights and democracy in Indonesia. Therefore, it has an adverse impact on the unity and stability of multi-ethnic and multi-cultural Indonesian state (Tegnan, 2018).

Terrorism is a crime against civilization and one of the most serious threats to the sovereignty of individual countries. Since the tragedy of September 11, 2001 in the United States, countries around the world have begun to increase security and anticipatory measures against terrorist movements, both coming from abroad and within their own country. Indonesia was not spared from terrorist attacks with the Bali bombing 1, on October 12, 2002 and the Bali bombings 2, on October 1, 2005, which are considered the worst terrorism events in the history of Indonesia. Ideology and religious reasons are frequently used as the basis for the legitimacy of resistance through terror acts. Between 2000 and 2015, terrorism was carried out by Jamaah Islamiyah terror group linked to Al Qaeda. These terrorism acts were carried out not only to terrorize the enemy, but also to spread against the infidels.

Terrorism acts in Indonesia have a rapidly increasing frequency after the fall of New Order regime. This can be seen from the bombings in a number of big cities, such as Jakarta, Medan, Surabaya, Makassar, and other cities. In Indonesia, terrorism acts show the link between domestic and foreign groups. From the results of the disclosure of cases in Indonesia, international terrorist network existence and activities cannot be detected early, so that it is difficult to prevent it. The situation is almost the same as terrorism acts in Pakistan, Palestine, Iraq, and the Philippines (Syafii, 2017).

Counterterrorism carried out by Indonesia cannot be separated from the political and historical context. Terrorism and counterterrorism are interrelated elements. From a social perspective, several periods of terrorism acts in Indonesia are as follows:

1. Darul Islam, which emerged as a political struggle against Dutch colonialism and secular enemies, namely nationalism and communism aiming at forming a New Republic.
2. The rise of Darul Islam Network, which is a product of ambivalent and cold war conflicts, in which the state's response has been severe and has led to the unintended consequences that manifested itself in a series of terrorist acts in 1970-1980.
3. A series of terrorist attacks targeting Western sites, which is carried out by "*militant Islamists*" aimed at restoring their viability after their dramatic defeat.

Counterterrorism after the Bali bombings, which was influenced by the discourse of the global war on terrorism led by the US and took a hard approach through the military and intelligence services, and a soft approach by mobilizing civil society in the fight against terrorism (Arrobi, 2018). The terrorism threats against the sovereignty of the Republic of Indonesia, starting from the beginning of independence, have emerged in various rebellions and separatist movements (Senduk, 2020). Studies on the causes and motives of religious terrorism illustrate various findings and no single answer. A number of studies reveal that the cause of terrorism is a collective understanding of the verses of the Al-Qur'an and As-Sunnah. The basis for their justification for committing terror is because Indonesia is seen as being in a state of war, so that terrorists justify the act of attacking. Besides that, suicide bombing is believed to be a noble act, the Western countries as a whole are being targeted because it is considered an invader of Muslim countries, and Indonesia is considered an ally (Sukabdi, 2015).

Rationalization of violent actions moderates fundamental Islamic groups and shows a relationship between Islamic fundamentalism and support for terrorism, especially for Muslims who hold low faith in peacefully upholding Islam. The findings show that the fundamental Islamic group has the potential to support both violent and non-violent actions under certain conditions (Putra & Sukabdi, 2014). Several studies have shown that religious ideology-based on involving religious people (Kruglanski & Fishman, 2009). The results of other studies state that belief in jihad is the basis for committing violence that serves as a justification (Muluk et al., 2013).

The counterterrorism unit led by the Police of the Republic of Indonesia (hereafter POLRI/Polisi Republik Indonesia) has not optimally succeeded in stopping the migration of Indonesian fighters to the Southern Philippines under a new group called Katibah Al-Muhajir. Some people believe that the police failed to detect the return of several terrorists, including Dulmatin and Abu Dujana from abroad, even linking this to the success of the jihadists in revenge killing more than 40 police officers. It was against this background that Indonesian National Army (hereafter TNI/Tentara Negara Indonesia), especially Army, began to play a larger counterterrorism role, in collaboration with the police to protect the serious terrorist threat in the country. Serious threats from ISIS occurred in Tinombala became one of the role expansion of military in counterterrorism.

The success of the joint operation between TNI and POLRI is a new phase in the counterterrorism operation in Indonesia in disabling the East Indonesia Mujahidin Group. The Indonesian government in early 2015 assigned TNI the responsibility of stopping the threat posed by Mujahidin Group. In June 2015, the Joint Special Operations Command of TNI and POLRI conducted Tinombala Operation. Their success in Tinombala Operation highlighted a new phase of Indonesia's counterterrorism strategy.

The military's territorial structure, to the most remote villages, is a unique resource. Military forces in counterterrorism in the past had well-trained combat units, supported by good intelligence and a strong foundation to put them in a good position in counterterrorism tasks. Military experience in counterterrorism, proven assets in training, experience, and intelligence in counterterrorism, legal mandate to participate in counterterrorism operations, and the increase of terrorism threats are key factors causing the increase of military role in counterterrorism (Singh, 2016).

Paradigm Shift in the Scale of Threat to National Defense and Security

The preamble of the 1945 Constitution implies that the government of the Republic of Indonesia is obliged to protect its citizens from every threat of crime, both national and international, and to defend the sovereignty of the state and restore national unity and integrity from threats coming from within the country and abroad (Syukriya, 2020). In its development, there is a wide scope of terrorism definition because terrorism is already an international crime that poses a danger to security, world peace, and harms people's welfare. Terrorism cannot only be categorized as a mere crime (Sinaga, 2018); it also includes aspects of changing ideology for religious reasons (Rohmy et al., 2020). It is not only carried out by state actors, but also non-state actors crossing national borders and using guns and explosives, chemical, biological, and nuclear weapons.

Terrorism crime as an extraordinary crime has been viewed as a threat to national security. Its countermeasures must be supported by the development of an Indonesian national security system that should be based on a comprehensive national security concept consisting of national defense, state security, public security, and human security (Anakotta et al., 2020).

Nowadays, the main issue in the countermeasures to terrorism is the anti-terrorism approach based on war on terror versus policing terrorism. The approach of war on terror argue that terrorism is an enemy that must be fought, while policing terrorism must be faced with the enforcement of the rule of law (Lubis, 2021).

Some countries involve the military in counterterrorism based on two frameworks, namely full militarization and assistance to law enforcement (Arif, 2003). In Indonesia, terrorism must be seen as a threat to the defense and security of the Republic of Indonesia. Therefore, so that the handling is not enough just by law enforcement. Terrorism that threatens national defense and security requires handling with full military assistance as well as handling threats to national defense so that countermeasures against the threat of terrorism are more comprehensive and problems related to terrorism can be completely resolved.

Until now, terrorism has not been stopped even by the state with the highest security level (Sartika, 2016). In its development, terrorism activities have led to the seizure of territory and natural resources. In various countries, military involvement is required. In this case, the military has expertise in territorial and intelligence structures. This is a valuable asset in countering terrorism (Ihsan, 2019). Terrorism in its development is not just a crime, but everything whose objectives is to change ideology, including those using religious reasons (Rohmy et al., 2020).

Terrorism can happen anywhere without being able to be stopped even by the highest security countries (Sartika, 2016). It has developed into a threat with negative impacts on the global order of life. In terms of defense and security, it has implications for changes in the security situation. Therefore, in a strategic context, it requires comprehensive handling. Many countries are rearranging their defense concepts to make them more responsive and adaptable (Boy et al., 2020). Terrorism attacks the resilience and survival of a country's social fabric. There needs to be a collective action taken by one country or a coalition of countries to deal with terrorism. Terrorism is growing more rapidly in countries that are weak or fail to deal with terrorism, such as Somalia, Afghanistan, and Yemen (Olanrewaju, 2013).

Terrorism has implications for collective peace and security around the world, as national boundaries are increasingly blurred and difficult to identify. Citizens of every nation-state

migrate everywhere to other regions of the world. Therefore, every act of terrorism in any part of the world will inevitably have an impact on other parts of the world, resulting in psychological insecurity, depression, and fear for the world's citizens. The influx of refugees arising from this act will have a negative impact on the economy of the host country, and organized terrorism will threaten public security, peace, stability, good governance, and socio-economic development.

Terrorism destroys lives on a massive scale. The damage caused by terrorism to infrastructure facilities, especially those directly related to the development process, such as electricity, communications, and transportation, can slow down prosperity. Investors and tourists (foreign and domestic) are hampered, thereby disrupting state revenues. The situations, where new investments do not emerge (as a result of fear of attack) and existing factories and industries are not producing in reasonable proportions resulting in a reduction in the workforce, can increase the crime rate and worsen the security situation. The economic depression has serious consequences for the welfare of society (Arowolo, 2013).

Since the tragedy of September 11, conventional military forces had defeated contemporary terrorist organizations and prevented future terrorist threats. Contemporary terrorist threats have emerged a debate between civilian and military forces. Analysts believe that a fundamental overhaul is needed in dealing with the current terrorist threats. Terrorism will become a chronic international security problem in the future. Terrorism cannot be eliminated, but it can be reduced. Fighting against terrorism threats requires a comprehensive approach from all national element forces (De-Frias et al., 2012).

The implications of terrorism are so terrible for global security so that countries must intensify their efforts in the areas of conciliation, cooperation, compromise, and dialogue (Arowolo, 2013). In the perspective of religious or political motives-based traditional terrorism, it has a clear goal and limited victims. Meanwhile, terrorists, whether political or religious, have a clear goal and a limited number of victims. In the modern theoretical perspective, it is more lethal because of the modernization and sophistication of weapons technology around the world, so that it has a very serious impact (Asfa & Ahmed, 2012).

Several ASEAN countries have the same characteristics regarding security threats in the form of terrorism and violence by radical Islamic groups. For example, Indonesia and the Philippines have a common history of political violence, high poverty rates, and weak border control. Indonesia is considered a safe haven for Al-Qaeda which strengthens its network with Jamaah Islamiyah. Both groups carry out radical activities that cross national borders, such as piracy, hostage-taking of Western citizens, and attacks on humanity that threaten international peace and security. Therefore, various securitization efforts are needed, including in the form of regional cooperation.

Securitization is a process carried out by state actors to transform security issues, or other forms of politicization that allow the use of extraordinary means to create a sense of security. Securitization means paying attention to a security issue, followed by a promise or action to do something. When objects are threatened, securitizing actors have the right to act or implement policies to ensure the survival of protected objects (Djelantik, 2016). Securitization components that must exist include: 1) existential threat; 2) referent object; 3) emergency situations; 4) extraordinary measures.

Existential threat is a higher threat than others based on the dominance of the issue. It can have implications for other issues, so that it is placed in a special important position. Referent

objects are parts that are directly confronted with an existential threat and whose existence is threatened by that threat. In this condition, this object can be in the form of state existence, national sovereignty, national economy, collective identity, and environmental habitat. Obviously, the object of reference and the types of existential threats faced may vary across security sectors. Justification for these two concept variables is important and then proceeds to the stages of emergencies and extraordinary measures. The position of emergencies is the basis for the implementation of extraordinary measures in accordance with maximum-security threats, so that these measures are needed to prevent or mitigate threats. This condition politically has no limits if the process of securitization and justification is running (Ansari, 2019).

In the perspective of security theory, there are several components of politics, namely: (1) the security character of public problems is established; (2) the social commitments resulting from the collective acceptance that a phenomenon is a threat are fixed; and (3) the possibility of a particular policy is created. Security theory has developed rapidly in its capacity to take a specific approach to security (Balzacq et al., 2016). ASEAN countries conduct various approaches in countering terrorism, including cooperating with counterterrorism.

There are two approaches to the framework, namely the military approach and the law enforcement approach. The history of each country plays a role and uses a strategic choice of approach. Indonesia and Singapore tend to choose a non-military approach. Malaysia and Thailand tend to use a military approach. Their experience in fighting against separatist insurgency shapes their preference for using a military approach in dealing with terrorism (Rahman, 2020).

Counterterrorism may change according to the nature of the terrorist threat. International terrorism, particularly Al-Qaeda terrorism, remains adaptive and persistent. While terrorism is a tactic that cannot be completely eradicated, the steps taken can disrupt, dismantle, and ultimately defeat the organization (Rineheart, 2010). The discourse of military involvement in counterterrorism operations in Southeast Asia, particularly the Philippines and Indonesia, continues to grow. In Singapore and Malaysia, the police and intelligence services have well functioned. However, the increasing terrorism threats convinced the Singapore government to form a new military special operations unit, the Army Deployment Forces, to make a swift response to acts of terrorism. The Malaysian government in 2016 established a National Special Operations Forces (NSOF) unit, placed directly under the Prime Minister's office to respond to terror attacks.

The Myanmar military took a dominant role in seeking and detaining or killing Muslim militant fighters following the ongoing violence against Rohingya Muslims in northern Arakan State. In Thailand, the ruling military junta, which staged a coup in May 2015, has increased its military presence in the restive southern interior. The Battle of Marawi in Mindanao, in the Southern Philippines, which lasted from May to October 2017, showed the lack of capacity of the Philippine National Police (PNP) to overcome the terrorist threat in the country. The Philippine government has historically favored the Armed Forces of the Philippines (AFP) as the dominant security service. In Indonesia, demands for TNI involvement in internal security, including counterterrorism, have become even stronger following the inability of the Police, including preventing or prohibiting a series of suicide bombings against three Catholic churches in Surabaya, Indonesia, in May 2018 (Rogozhina, 2020).

In the case of the East Indonesia Mujahidin Group led by Santoso, the police were unable to cope with the threat. Counterterrorism operations have not been very successful in stopping the movement of Indonesian fighters to the Southern Philippines under the leadership of Katibah Al-Muhajir. Police are now faced with a more serious challenge in dealing with the more symmetrical terrorism threats. There is an assumption that the police failed to detect the return of some terrorists from abroad, even the terrorists managed to kill as many as 40 police officers.

Based on the aforementioned background, TNI, especially the Army, began to play a bigger role in counterterrorism in collaboration with the police in protecting the country. The key factor that has led to increased joint military-police counterterrorism operations in Indonesia is the wide range of capabilities built up by the army over the years, within the military territorial structure to remote villages with unique resources. Military strength in counterterrorism in the past and has a combat unit that is trained and supported by good intelligence. This is a solid basis for military deployment in counterterrorism (Singh, 2016).

The aforementioned examples show that military involvement in civilian areas can have a positive impact. They also suggest that civilian institutions actively seek military assistance to implement policies rather than the military actively seeks to regain control in the civilian domain (Sebastian et al., 2018). Several countries in fighting against terrorism use a war model approach and a criminal justice system. The war model approach emphasizes counterterrorism efforts such as in a state of war, while the criminal justice system approach focuses more on handling terrorism, such as criminal acts.

In its development, terrorist activities aim at seizing territory and fighting over natural resources. The military has a territorial structure and expertise in intelligence. This is an advantage in countering terrorism. However, the control mechanism is required so that the TNI's task in countering terrorism is in accordance with the applicable laws and regulations (Ihsan, 2019). The CJS model relies on a complex bureaucracy with strict government rules and many interacting institutions, making it a slow and lengthy process.

The war counterterrorism model treats like war and terrorism as if they were acts of war and rebellion as a common war between countries. Fighting terrorism in the war model implies that a terrorist group represents a country. This war model is considered fast, effective, and ideal for the new types of threats posed by terrorist networks (Crelinsten, 2014). Although countries oppose it, such as Pakistan, the war model is partly justified by some socio-political analysts. However, the majority opposed the indiscriminate use of force in the fight against terrorism for a long time, as it tends to annoy the public and can lead people to empathize with extremist groups and highlight the gross abuse of basic human rights, which disgraces international image (Shad & Iqbal, 2020).

Involvement of TNI in Counterterrorism

The policies made by Indonesian government in dealing with terrorism are different from time to time. During the Old Order and New Order, the approach taken was tougher because it prioritized the role of security enforcement officers. Meanwhile, during the Reformation period marked by democratization, terrorism policies emphasized law enforcement. However, the discourse about a greater role sharing for the TNI in counterterrorism in Indonesia has continued to emerge, especially since the end of the Tinombala operation in Poso. This discourse is

strengthened because the TNI has the function of deterrence and cracking down on terrorism as part of TNI main task in maintaining the sovereignty of the Republic of Indonesia.

The involvement of the military in counterterrorism has been carried out by Indonesian government since the early days of independence. Military force was deployed as part of the counter-insurgency policy against Darul Islam/Indonesian Islamic Army. While during Soeharto era, military members were the operators of intelligence operations and prosecutions against extremist Islamic groups born from Darul Islam network.

In the perspective of securitization theory, military involvement in counterterrorism operations, the theory used to analyze military involvement in counterterrorism has the aim of understanding a phenomenon brought into the realm of security and identified as a security threat. The securitization study aims at understanding the actors or perpetrators of securitizing actions (securitizing actors), threats that are identified by actors (existential threats), those who are threatened and need to be protected (referent object), words that are conveyed by securitizing actors (speech act), the audience (the public who are the target of the speech act, or are persuaded to believe that there is a threat), the reasons the securitization was carried out, and the results of the policy. In this case, the issue brought into the realm of security is the issue of terrorism # identified to threaten the existence of a country, so that the involvement of the military is justified in dealing with terrorism (Triskaputri, 2019).

The involvement of TNI in countering terrorism must be carried out in an effective manner. An assessment needs to be done to support law enforcement and build a good democratic life (Jusi, 2019). In its development, terrorism activities have led to the seizure of territory and natural resources. In various countries, military involvement is required. In this case, the military has expertise in territorial and intelligence structures. This is a valuable asset in countering terrorism (Ihsan, 2019). In the Terrorism Law, TNI is given wider opportunities in regulating internal security, it is feared that it will jeopardize the reform of TNI.

Setting up a strong counterterrorism governance mechanism has always been a complicated process, as it requires political, managerial, and technical budgets for implementation (Haripin et al., 2020). Since the separation of TNI and POLRI, in dealing with terrorism, TNI has only been a supporter. The discourse of restoring TNI's authority in dealing with acts of terror has received reactions from a number of elements. Although TNI can be seconded on a threat scale to a certain degree, it will intersect with the professional development of TNI and the potential threat to democratic life (Mengko, 2017).

State responses to terrorism vary according to the nature of the threat. Some threats are directed at individual violence as a crime and others involve large numbers of people being treated as war. There are two models of approach used, namely the criminal justice system and the war model. In the model of criminal justice system approach, it is directed to limit the frequency and destructive nature of it. In the war model approach, it uses military force, sometimes on the one hand creates pressure on civil liberties (Tan, 2018). The use of military force in dealing with terrorism is a common practice, for example the operation to free hostages in Russia, the operation to hijack a plane against Israeli Jewish passengers, and operation Woyla. The UN Security Council also fully supports the use of military force in dealing with terrorism, because the threats have been directed all over the world (Rahman, 2020).

In general, military force is used in dealing with terrorism if the escalation of terrorist attacks has threatened the sovereignty of the state. In Law Number 5 Year 2013 concerning

Stipulation of Government Regulation in lieu of Law Number 15 Year 2003 concerning Stipulation of Government Regulation in lieu of Law Number 1 Year 2002 concerning Combating Terrorism. In the amendment to the Law, there is an additional article that regulates the involvement of TNI in dealing with acts of terrorism.

Further provisions regarding the involvement of the TNI will be regulated through a Presidential Regulation. This regulation received rejection from a number of worrying elements, a paradigm shift with the use of military force (Rosadi, 2018). Since the separation of the TNI and POLRI in 1998, the Police have become the leading sector in countering terrorism. The TNI is the supporting guard in countering terrorism. However, to a certain degree, the TNI can be involved in supporting counterterrorism efforts. However, the authority given to the TNI is expected not to be counterproductive and not to interfere with democratic life (Mengko, 2019).

After reformation, the roles of the police and TNI were reorganized. The police are in charge of maintaining internal security, while TNI is in charge of maintaining national security and national defense. However, the impact of terrorism threats on national security has sparked a discussion about who is responsible if the threats affect regional, national, and global security. At the domestic level, the police are in charge of regulating internal security. Meanwhile, the military also has a task in countering terrorism, which is included in the scope of military operations other than war (Menko, 2019).

Responses to acts of terrorism must be carried out proportionally to determine how effective the handling of terrorism is and under what circumstances military engagement is required. Overreaction will cause collateral damage and allow for overreaction that will be used by terrorist groups to recruit new members. Meanwhile, a too week response gives the impression of a weak state commitment in countering terrorism. Counterterrorism is usually used when the escalation of a terrorist attack has threatened the sovereignty of the state, for example an attack on a vital state object or in the pursuit of separatism. Currently, military involvement in handling terrorism on a Low Intensity Conflict scale is also possible in the assistance mechanism as stated in the framework of Military Operations Other than War (Rosadi, 2018). Terrorist acts that cross national borders are not only carried out by state actors, but also state actors by using more sophisticated modes and funding terrorism acts both from within and outside the country.

Law Number 34 Year 2004 stipulates TNI's task to carry out military operations other than war against threats and disturbances to the integrity of the nation and state, among others in the form of terror acts (Sinaga, 2018). Many countries involve the military in countering terrorism. There are two basic frameworks in countering terrorism, namely full military assistance such as the United States and Military Aid to the Civil Authority (MACA) with the case of Britain in Northern Ireland and Australia (Arif, 2003). The counter insurgency approach introduced by the US in 2006 is a representation of a significant military approach in operations in Iraq and Afghanistan. In practice, however, such an approach is an inappropriate tool for addressing the social and political problems of Iraq and Afghanistan and an unsuitable platform for the realization of the principles of human security.

The counter insurgency model in the US becomes an unlikely vehicle for the long-term development of positive peace in the societies in which it is implemented and risks seriously jeopardizing the credibility of future efforts to help protect security and well-being (Gilmore, 2011). The military is called a professional organization because it has a unique task requiring special skills to protect the country. In this case, the society is military clients and the

relationship is comparable to that of clients and consultants (Alagappa, 2001). Indonesia, until now, has used a hard approach and a soft approach in countering terrorism. The former is as the police and military do, while the latter is carried out by the Ministry of Education and state actors such as Islamic organizations (Hasan et al., 2012).

Counterterrorism operations in Indonesia after the Bali bombings were heavily influenced by the US-led global war on terror. It consists of a hard approach conducted by the police and military and intelligence services and a soft approach mobilizing civil society organizations in combating political ideologies (Arrobi, 2018). The involvement of TNI requires a threat assessment so that it is right on target and does not injure the law and democracy, as well as avoiding overlapping authorities with the police (Jusi, 2019). TNI is the main component in the national defense system, which has the main task of maintaining the sovereignty of the state, the territorial integrity of the Unitary State of the Republic of Indonesia, and the safety of the nation from threats or disturbances to the integrity of the nation and state (Efendy, 2014).

Terrorism involves many dimensions, so its countermeasures must involve the participation of all components of the nation, both military and non-military. The president, as the holder of the highest government power, and the Supreme Commander has the authority to make decisions on the involvement of TNI in carrying out military operations to eradicate terrorism. Military involvement can be used if the escalation of terrorism threats attacks has threatened the sovereignty of the state. The handling of criminal acts of terrorism has so far been carried out by the police as the leading sector of handling terrorism. Until now, military involvement in the handling of terrorism on a moderate or even low scale is possible in the assistance mechanism as stated in the framework of military operations other than war.

The wide scope of handling terrorism resulted in the emergence of the idea of involving TNI in efforts to eradicate terrorism. This can be seen from the nature of the threat from acts of terror which are not limited to criminal acts, but it can also be seen as a threat to the defense, security, and sovereignty of the Unitary State of the Republic of Indonesia (NKRI/Negara Kesatuan Republik Indonesia). Given the wide scope of terrorism definition, since terrorism is already an international crime that poses a danger to security, world peace, and harms the welfare of society, terrorism cannot only be categorized as a criminal act. Therefore, the handling is not enough only with law enforcement, but it requires the handling of national defense threats. Hence, the countermeasures against terrorism threats are more comprehensive, and problems related to terrorism can be completely resolved. However, TNI involvement needs to be regulated again in a presidential regulation as the rules of engagement for TNI involvement in dealing with terrorism. Thus, the presidential regulation must contain basic principles that regulate under what circumstances and under what conditions TNI can be involved and the things that TNI can and cannot do in countering terrorism.

The threat of high escalation must include the definition and size or limitations that must be carried out by TNI-owned institutions in carrying out operations to deal with terrorism acts. According to the national defense doctrine, it has been explained that the threat of high escalation is a threat when the dynamic social conditions of society are disrupted due to non-military attacks in various aspects. This happens when the state is in a dangerous condition which can threaten the state sovereignty, state territorial integrity, and the safety of the entire nation. If the state determines that the security situation has been threatened and takes a political decision to deploy military force, terrorism is no longer seen as a criminal act. Hence, the Law

that sees terrorism as a criminal act needs to be expanded by using the legal basis for threats to the state.

The involvement of TNI in fighting against terrorism has been regulated in Law Number 34 Year 2004 concerning TNI, namely Article 7 paragraph (2) specifically regarding the main tasks of TNI in carrying out military operations other than war. One of this operations is the eradication of terrorism which must be based on state political policies and decisions (Article 7 paragraph (3) of Law Number 34 Year 2004 concerning TNI). This Article is the basis for the involvement of TNI in the form of operational counterterrorism operations. Although there are parties who are concerned on the authority possessed by TNI in fighting against terrorism, in fact, TNI has a foothold besides having to be based on presidential regulations and political policies. The military operations other than war carried out by TNI is a task to support civilian authorities by looking at the conditions, urgency of needs, and the function of TNI as humanitarian assistance: assistance to the police to carry out security and public order tasks and assistance to civilian authorities whose implementation is carried out with combat and non-combat activities.

CONCLUSION

Some principles must be considered in carrying out military operations other than war's main tasks. First, operations must have clear objectives, so that there is no doubt and no potential violation of human rights. Second, all operational activities are under the command of the person in charge of the designated state institution in accordance with the applicable laws and regulations. Third, the use of military force includes the use of weaponry, the sufficient equipment deployed, the clear standard of operation, and the avoidance of actions beyond reasonable limits. Forth, operational actions must ensure security, confidentiality, and freedom of movement, avoid falling of information to opposing parties, and protect their own units. Fifth, operations require a common perception, coordination, and integration with institutions outside TNI. Sixth, the use of force must be calculated carefully, so that in its implementation, force can be mobilized effectively and efficiently.

However, Indonesia does not yet have a technical arrangement regarding the mechanism for military assistance. The involvement of TNI through co-administration will be regulated in a Presidential Regulation (Peraturan Presiden). Additionally, the use and deployment of TNI must be based on a state political decision, namely presidential decision, with the consideration of DPR. Counterterrorism operations need a clear domain between the main tasks of TNI and Police. The government must carry out an assessment of the threat level and be able to determine carefully and quickly the gradation of terrorism threats, the developing situation, and the strength of TNI to be used.

The use of military force in the countermeasures of criminal acts of terrorism is possible to do. It is proportionally by noticing the scale of the threat that has disrupted the state's sovereignty. The state should have flexibility to determine strategic policies and mobilize force in countering terrorism as one of the efforts to safeguard the state.

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