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Jokowi After the First Term

Indonesia's Counterterrorism Policy: An Appraisal

By Chaula R. Anindya

SYNOPSIS

President Joko "Jokowi" Widodo's re-election would allow policy continuity in combating terrorism. What is his legacy? What should be done to improve it?

COMMENTARY

DURING THE first term of President Joko "Jokowi" Widodo's administration, Indonesia suffered from various of terror attacks perpetrated by Islamic State (IS) and its affiliated networks. The recent arrest of Jemaah Islamiyah (JI)'s leader Para Wijayanto also showed that this organisation will never fade away and will continually pose a challenge.

Jokowi's administration has taken significant steps to deal with the perennial threat of terrorism, ranging from legal frameworks to a new model of rehabilitation. While these policies are still far from perfect, they provide valuable lessons to enhance the counterterrorism efforts in Jokowi's second term.

Evolving Challenges

At the end of 2018, Indonesia's National Police (POLRI) Chief General Tito Karnavian claimed that terrorism and radicalism will remain major security threats in 2019. President Jokowi also echoed Karnavian's statement in July 2019 when he delivered a speech on the 73rd Anniversary of POLRI and asserted that POLRI should remain alert.

Jokowi's predecessors, Megawati Soekarnoputri and Susilo Bambang Yudhoyono, had established various policy frameworks to deal with terrorism. Megawati, for instance, issued a government regulation in lieu (Perppu) in response to Bali Bombing 2002. The Perppu was eventually ratified as the Law No. 15/2003 on terrorism.

Yudhoyono formed the National Counterterrorism Agency (BNPT) that acts as a coordinating institution in the fight against counterterrorism. These frameworks had been quite effective to eliminate terror attacks in Indonesian soil, particularly JI-affiliated attacks.

However, Jokowi could no longer rely on the old establishment due to the changing terrorism landscape. The nexus of terrorist networks in Indonesia does not only revolve around JI. The rapid use of social media has transformed the recruitment process which is not limited to a face-to-face interaction.

Furthermore, Indonesian IS sympathisers do not have a rigid structure and the chain of command tends to be loose. Security apparatus often struggles to connect the dots between the small cells and the larger organisational structure. Deported terrorist suspects and returning Foreign Terrorist Fighters (FTF) also compound the problems.

Legal Framework

Jokowi's administration has built its own legacy in fighting terrorism. In the aftermath of the East Java Bombings of 2018, Jokowi urged parliamentary members to expedite the revision of the anti-terrorism law, Law No. 15/2003, that was seen inadequate to deal with contemporary challenges. Debate on the new law had been protracted for more than two years since it began after the Sarinah Bombing 2016.

In a matter of days after the deadly attacks in East Java, MPs ratified Law No.5/2018 on terrorism. The new legal framework has empowered security apparatus to take preventive measures against terrorist suspects, including individuals who have fought alongside terrorist organisations overseas.

South Jakarta District Court also issued a ruling court to ban JAD which allows POLRI to arrest individuals who are affiliated with JAD. This measure led to a series of arrests. POLRI claimed that they arrested 81 terrorist suspects from January to May 2019.

The new law also provides a strong legal basis for National Counterterrorism Agency (BNPT) to coordinate 36 governmental institutions in eradicating terrorism. In 2010, BNPT was first established under a Presidential Regulation (Perpres) which counterterrorism practitioners saw as weak. According to the Indonesian legal system, the hierarchy of Perpres is lower than Law (Undang-Undang).

As a result, ministerial institutions often disregarded instructions from BNPT. Under the new law, the role of BNPT is stipulated in article 43E-H which, hopefully, will give leverage for BNPT to lead counterterrorism efforts in the country.

Improving Interagency Collaboration

Under Jokowi's administration, BNPT seeks to improve interagency collaboration. Some notable examples would be the signing of Memorandum of Understanding (MoU) with the Ministry of Social Affairs (Kemensos) and Ministry of Home Affairs (Kemendagri). The involvement of Kemensos has shed light on developing the soft approach in counterterrorism.

Kemensos has been in charge of providing rehabilitation programmes for deported terrorist suspects and the surviving children of East Java bombers. In 2017, Kemensos' social shelters received an influx of deported terrorist suspects from Turkey who sought to emigrate to Syria. Although the social workers in the shelters were completely inexperienced in dealing with radicalised individuals, they are trained to handle juvenile delinquents which eventually builds their patience.

Such relentless patience proves to be significant in establishing trust with the deportees. Subsequently, the government sent the children of East Java Bombings perpetrators to the social shelters to undergo a rehabilitation programme with the assistance of social workers.

Along the same vein, Kemendagri has showed its commitment to assist former terrorists in returning to society. BNPT also shares the data of former terrorist inmates, deportees, and returnees to Kemendagri, hoping that it will provide valuable information for regional governments to monitor their activities. BNPT does not have any local representatives, hence the role of regional governments is significant to ensure the sustainability of reintegration programmes.

What Next? Addressing the Loopholes

Nonetheless, Jokowi's counterterrorism policy is not immune from scrutiny. Firstly, his administration has yet to address the acute problem of prison management. Following the ratification of the law, Indonesia has arrested hundreds of terrorist suspects yet the country does not have adequate prison facilities.

Second, Jokowi has revived the military's special force named Special Operation Command (Koopsus) in late July 2019 without providing specific Rules of Engagement (RoE). Jokowi's administration initially promised to issue a Perpres to regulate TNI's engagement in counterterrorism, but it has been a year since the new law was passed and the Perpres has yet to be finalised.

Lastly, the overlapping responsibilities between governmental and non-governmental institutions often undermine the effectiveness of rehabilitation and reintegration programmes for former terrorists. This problem will not only waste a significant amount of budget, but also risk national security.

In his second term, Jokowi must plug the prevailing loopholes to augment the impact of his legacy. Moreover, the policy should not only focus on the prosecution, but also prevention. Jokowi and elected vice president Ma'ruf Amin vow to revamp education system to prevent radicalisation among youth. This measure should incorporate local values, considering the fact that Indonesia is a culturally-diverse country.

There is no one-size that fits- all. A national-based policy may not necessarily resonate

with local society. The central government should engage the regional governments and local-based organisations for a truly collaborative approach.

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