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The Role of the Indonesian National Army (TNI) in Eradicating Criminal Acts of Terrorism In Indonesia

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ABSTRACT : The meaning of terrorism has undergone a paradigm shift and expansion, namely crime against the state, now includes crime against humanity. The victims are innocent people and carried out with elements of violence (violence as the goal) and threats of violence. Countering acts of terrorism in the era of globalization is limited to acts of terror and criminal acts. This article aims to analyze the role of the TNI (Indonesian National Army) in eradicating acts of terrorism in Indonesia. The method used in this article is a normative legal writing method with a statutory approach, namely international conventions governing terrorism. The conclusion in this article is that the role of the TNI in combating terrorism is regulated in a Presidential Regulation as mandated by Article 34I of Law no. 5 of 2018 concerning the Eradication of Criminal Acts of Terrorism. The contents of the Presidential Regulation include 3 (three) functions of the TNI, namely the functions of prevention, prosecution, and recovery. These three functions are implementing Article 6 of Law no. 34 of 2004 concerning the Indonesian National Army. The formulation policy is implemented in collaboration with the Ministry or related institutions under the coordination of the agency that carries out affairs in counter-terrorism. However, the implementation of the law relating to the involvement of the TNI in eradicating acts of terrorism as mandated by Article 34I of Law Number 5 of 2018 concerning the Eradication of Criminal Acts of Terrorism, cannot be implemented concretely in the field so that the involvement of the TNI in eradicating acts of terrorism is still an aid to the Polri (State Police of the Republic of Indonesia) institution through state political policies.

KEYWORD: *TNI, Terrorism, Law, Radicalism, and Security.*

I. INTRODUCTION

An act of terrorism is a threat with the use of planned physical violence, carried out suddenly against an unprepared target (non-combatants) to achieve political goals. Terrorism is closely related to extremism and radicalism. Terrorist groups are, of course, extreme and radical groups. In other words, terrorist groups carrying out their actions against their opponents or enemies use compelling and revolutionary means to achieve their political goals. Terrorism, extremism, and radicalisms are the characteristics and characteristics of this group. It has been a long time since various countries that have experienced terrorist attacks have considered terrorism not just a matter of crime or criminal acts. Terrorism can threaten the existence of a country, such as the existence of the Islamic State of Iraq and Syria (ISIS) against the governments of Syria and Iraq; even in the past, the collapse of Great Britain was due to a terror attack from the Irish Republican Army (IRA) (Jackson, 2005).

Crimes of terrorism that have occurred in Indonesia so far are classified as severe crimes or extraordinary crimes against humanity, state security, and state sovereignty as well as against various aspects of social, national, and state life so that the prevention of criminal acts of terrorism needs to be carried out in a sustainable, directed, and effective manner integrated, including aspects of prevention and eradication to maintain a safe, peaceful, and prosperous life based on Pancasila and the 1945 Constitution of the Republic of Indonesia (UUD NRI 1945). The existence of a series of events involving Indonesian citizens joining specific radical organizations that have been designated as terrorist organizations or groups, or other organizations that intend to commit evil conspiracies that lead to criminal acts of terrorism, both at home and abroad, has created fear and has an impact on political, economic, socio-cultural life, security and public order, as well as international relations (Aji, 2013).

Specific organizations that are radical and lead to criminal acts of terrorism are transnational crimes, are organized, and have extensive networks, which have led to massive acts of terrorism that threaten peace and security, if not addressed immediately, both nationally and internationally. Criminal acts of terrorism are regulated in Law Number 15 of 2003 concerning Stipulation of Government Regulations instead of Law

Number 1 of 2002 concerning Eradication of Criminal Acts of Terrorism into Law (Terrorism Law). The Terrorism Law at that time was formed because of a very urgent need, namely a series of bombings that occurred in the territory of the Republic of Indonesia, such as the Bali I bombing and the Marriott bombing, in 2003, which caused widespread public fear, resulting in loss of life and property loss, resulting in the loss of life and property. have an unfavorable influence on Indonesia's social, economic, political life and relations with the international community. The explosion of the bomb is one of the modes of terrorism that has become a common phenomenon in several countries.

There is still a debate about the definition of terrorism, although there are experts who have formulated it and formulated it in the legislation. However, the absence of a uniform definition according to international law regarding terrorism does not necessarily negate the definition of terrorism. According to its national law, each country defines each country to regulate, prevent, and combat terrorism (Van Ham, 2008). In the absence of uniformity regarding the definition of terrorism so far, the meaning of terrorism can easily experience a paradigm shift and expansion, namely as an act that was initially categorized as a crime against the state now includes actions that are referred to as crimes against humanity where the victims are innocent people, everything is done with elements of violence (violence as a goal), violence, and threats of violence (Levin, 2006).

There is a feeling of fear (feeling for anxiety) or intimidating to the public and government whose ultimate goal is related to political offenses, namely changing the political system in a country. The impact is so broad due to acts of terrorism. It is necessary to make efforts to protect citizens and the state's interests by making national legal signs; one way is by ratifying the development of international law on countering acts of terrorism (Wilkinson, 2006).

The state should have the flexibility to develop policies, determine strategies, and mobilize forces in countering terrorism as one of the efforts to secure the shape. Coercive and non-coercive instruments can be used through legitimate policies or decisions. This is at the same time to emphasize that state security, especially from the threat of terrorism, cannot be claimed as a monopoly of authority from an institution. The security situation posed by the threat of terrorism and efforts to overcome terrorism must be placed in an open policy and decision option. This is due to the multi-dimensional and multi-sectoral character of the threat of terrorism. If the state sees terrorism as a threat to the state and public order, the condition can mobilize military power through political decisions made through various available mechanisms (Aji, 2013).

In the democratic model that Indonesia adheres to, military management has shifted towards civilian supremacy where the involvement of the military in issues outside the military must obtain civilian approval, which cannot be done alone through military calculations but must go through civilian participation because it is related to aspects of human rights, civil liberties, and setting limits on military involvement (Ruland and Maria, 2013). The supremacy of civilians over the military in Indonesia has been affirmed in Law Number 34 of 2004 concerning the Indonesian National Armed Forces (UU TNI). As explicitly regulated in Article 7 of the TNI Law, the TNI's primary duties are limited to only two: Military Operations for War (OPMUP) and Military Operations Other Than War (OMSP). OPMUP is related to the main task of the TNI in maintaining the integrity and sovereignty of the Republic of Indonesia. At the same time, OMSP is related to TNI assistance in improving TNI's social services to the community.

Terrorism acts in Indonesia intersect with aspects of National Security and national interests because, in principle, it is based on a politically motivated belief or ideology. Therefore, there is an urgency for the TNI to carry out the mandate of the law. On the other hand, the above understanding of military operations, particularly in dealing with terrorism, cannot be interpreted as a general military operation, but it should be understood as the TNI can implement OMSP in the context of humanitarian assistance and natural disaster management where the TNI can use its capabilities together with other relevant national institutions equally.

II. METHOD

The method used in this paper is a normative legal writing method with a statute approach. What is meant by normative legal writing is the type of writing that is commonly done in legal science development activities. Furthermore, what is meant by the normative legal writing method is a scientific writing procedure to express the truth based on the logic of legal scholarship, especially from the normative side (Marzuki, 2011). With a statutory approach, namely an approach using legislation and regulations. The regulations and legislation in question are written rules that contain legally binding norms in general and are formed or stipulated by state institutions or authorized officials through procedures set out in laws and regulations (Ibrahim, 2007). In this paper, we use a statutory approach to see the consistency and suitability between one direction and another.

III. RESULT AND DISCUSSIONS

The Dynamics of the Strategy of Eradicating Terrorism in Indonesia

In Indonesia, terrorism is not a new issue that emerged after the 1998 reformation. Long before that, many acts of terror had occurred. One of the biggest acts of terror before the reformation was the hijacking of

the Garuda plane in Don Muang or better known as the Woyla incident in 1981. This hijacking was carried out by a group of people calling themselves Komando Jihad under the leadership of Imran bin Muhammad Zein. However, there are various views regarding intelligence engineering in this incident. However, this was seen as an act of terror, both from the *modus operandi* (mode of operation) used or the view of the Indonesian government at that time. This incident triggered a particular unit for counter-terrorism within the Indonesian Armed Forces (ABRI). At that time, the TNI and Polri were still in the same organization as ABRI.

At that time, through the Special Forces Command (Kopassus), the ground forces established a unit of Detachment 81 or better known as Den 81 Kopassus, in 1982 to tackle terrorism. This unit is responsible for tackling acts of terror in several strategic locations, such as rescuing hostages on buses, trains, airplanes, buildings, and forest areas. MatraLaut also established the Jalamangkara Detachment, better known as Denjaka Marines, in 1984. The person was recruited from the Frog Troop Command (Kopaska) and the Marine Amphibious Unit (Tafibib Marine). The Jalamangkara Detachment consists of one HQ Detachment unit, one technical unit, and three combat units. This force is responsible for tackling terror acts in the sea area and carrying out intelligence activities in Indonesian waters. The air force also formed a particular party called the Bravo Detachment (Den Bravo Paskhas) in 1990, part of the Air Force Special Forces (Paskhas). Den Bravo is responsible for tackling terror acts at various airports, hijacking ships, and carrying out intelligence activities that support air force operations (Sudradjat, 2014).

Meanwhile, the Police at that time, who were still members of the Armed Forces, did not have a particular unit handling terror acts. The Police tend to be seen as the only supporting guard in handling terrorism cases. During the New Order era, the handling of acts of terrorism was entirely dominated by ABRI by prioritizing military strength. Although there is no formal or regulatory basis for dealing with terrorism in Indonesia, it can be said that the New Order government used a war model approach to place terrorism as a threat to the state, using military force as the front line to destroy terrorists groups. However, the end of the New Order and the change in the political system to democracy significantly impacted ABRI. Through Decree No. VI/MPR/2000, the Police were separated from ABRI, or there was a separation between the TNI and the Police. Polri is responsible for the security sector (law enforcement), and the TNI is precisely in the defense sector. To support the effectiveness of each institution, the Indonesian government also established Law No. 34/2004 on the TNI and Law No. 2/2002 on the Police (Kriswanto, 2019).

However, this separation of the TNI-Polri does not necessarily eliminate the anti-terrorism units within the TNI, and these units still exist today. In subsequent developments, the repeal of the Subversion Law provides fresh air for terrorist groups to develop networks and carry out terror acts. Since 1998, there has been an increase in cases of acts of terrorism. From 1998 to 2001, there were at least 126 cases of acts of terrorism in various foreign government installations and several strategic places as well as several churches in various parts of Indonesia. The Bali bombing that occurred on October 12, 2002, spread massive terror and fear to all Indonesian people. President Megawati Soekarno Putri at that time took steps to form Perppu No.1/2002 and Perppu No.2/2002. These two regulations later became the reference for the formation of Law No. 15/2003 on the Eradication of Criminal Acts of Terrorism. This regulation mandates the Police to form a particular unit to counter-terrorism. The Police welcomed this by creating a Special Detachment 88 (Densus 88) through the Regulation of the Chief of the Indonesian National Police No.30/VI/2003. In the organizational context, the structure of Densus 88 is under the Criminal Investigation and Investigation Agency (Bareskrim) of the National Police Headquarters. It is led by a Head of Special Detachment 88 (min. Brigadier General of Police).

Meanwhile, at the regional police level, Densus 88 AT is under the Directorate of Investigation (Ditserse) and is led by a mid-level police officer. Densus 88 has the main task of investigating and investigating criminal acts of terrorism. The following are the functions of Densus 88 based on the Regulation of the Head of the Indonesian Police: 1) Intelligence functions, which include early detection, analysis, and counterintelligence activities; 2) Repressive functions, which include negotiation, prevention, penetration, and disposal of explosives; 3) Investigation function, which includes an examination of crime scenes, examination of witnesses and defendants, as well as submitting evidence and cases following the framework of the criminal justice system; 4) Support functions, which include the provision of supporting equipment such as communication equipment, transportation, logistics, coordination, and international and national (inter-institutional) cooperation (Puspitasari et al., 2018).

At this point, it can be said that there has been a change in the approach to counter-terrorism strategies in Indonesia. The military is no longer placed as the front line in dealing with acts of terror, but the government views terror as a crime or a violation of the law, so that legally, Indonesia uses a criminal justice model approach in dealing with acts of terror in its country. However, the Indonesian government still views terrorism as a threat that can disrupt and endanger state sovereignty so that it still allows the involvement of the TNI in overcoming terror acts within the framework of Military Operations Other Than War (OMSP), as regulated in Article 7 paragraph 2 of Law No. 34/2004 concerning TNI.

In this provision, it is stated that the TNI's Main Duties are carried out through the OMP and OMSP, among others, are to overcome acts of terrorism (Principle no. 3), and it is possible to assist the Indonesian National Police in the framework of the task of security and public order as regulated by law (principle no. 10). However, following the basic principles of OMSP in various countries, the TNI cannot necessarily be directly involved in the implementation of OMSP's duties. In this case, the TNI can only be applied if the state's political decision is as stated in Article 7 paragraph 3 of the TNI Law. The state political decisions in question are the political policies of the government together with the House of Representatives (DPR) which are formulated through a working relationship mechanism between the government and the DPR, such as consultation meetings and work meetings in accordance with statutory regulations (Explanation from Article 5 of the TNI Law). The 2008 defense white paper also explained that the implementation of OMSP (including the handling of terrorism) can only be carried out if the usual methods or functional handling are no longer effective or are expected to cause substantial loss of life, severe damage to infrastructure, and severe property. The basis for the regulation is Law no. 15 of 2003 concerning Criminal Acts of Terrorism and Law No. 34/2004 concerning the TNI later became the basis for the Indonesian government to handle various terrorism cases in the country until now. The existence of these regulations also formally strengthens the criminal justice model approach used by the government to deal with acts of terror (Sudradjat, 2014).

Since the enactment of Law No. 15/2003 concerning the Crime of Terrorism and the establishment of Densus 88, the TNI has been relatively not involved operationally in dealing with terrorism issues in the country. Apart from the reason for the criminal justice model approach, it is also essential to understand that at that time, the resistance of the community and the world to the TNI was quite significant due to the misuse of the TNI during the Soeharto era to protect his regime. At the beginning of the reform, the TNI was more encouraged to carry out self-improvement and carry out internal reforms. In dealing with acts of terror, the police have been quite successful in uncovering terrorist networks in Indonesia. They have been able to suppress terror acts on several occasions. Two months after Densus 88 was formed, they were immediately confronted with the terror incident of a car bomb explosion at the JW Marriot Hotel (2003), which claimed 13 victims. In just a matter of weeks, Densus 88 was able to track and arrest this terrorist network. Then on September 9, 2004, another car bomb exploded in front of the Australian Embassy and killed dozens of people. In dealing with it, Densus 88 and the Australian Federal Police (AFP) worked together to dismantle the case. Their cooperation resulted in the arrest of the terrorists.

The Bali Bombing II explosion incident then again shocked Indonesia. However, this incident became the entrance for Densus 88 to track down Dr. Azhari. Dr. Azhari was then attacked by the Densus 88 team in Batu Malang, East Java, and caused the terrorist to die due to the shootout that occurred. After arresting the most wanted terrorist in Indonesia and Malaysia, Densus 88 is seen as one of the most respected units in Asia. At almost the same time, Densus 88 also succeeded in arresting the perpetrators of the bombing at the Palu Traditional Market, which was later discovered to be one of the groups involved in the conflict in Poso (Kriswanto, 2019).

Meanwhile, in 2006, Densus 88 AT also opened the door to hunt for one of the most wanted terrorists, Noordin M. Top. Densus 88 AT raided Binangun Village, Wonosobo, Central Java. Although Noordin was able to escape, Densus 88 AT could capture two other terrorists and shoot down two other suspected terrorists. A year later, on March 22, 2007, Densus 88 attacked terrorism groups in Central Java and succeeded in dismantling the largest network of weapons and bombs used by terrorists in the last 30 years. This raid was carried out in the Sleman area, Yogyakarta, and succeeded in arresting seven suspects who were proven to possess, store, and assemble explosives.

After uncovering a terrorist network in Central Java, Densus 88 also succeeded in immobilizing Abu Dujana alias Ainul Bahri and Zarkasih, members of the Jamaah Islamiyah (JI) network. This then led Densus 88 to raid Mojosongo, Surakarta, Central Java on September 17, 2009. In this operation, Densus 88 demonstrated its effectiveness in dismantling terrorism networks by shooting the most wanted terrorist fugitive, Noordin M. Top. In the following years, acts of terrorism in Indonesia continued, such as the shooting of civilians in Aceh (2010), the Cirebon Bombing (2011), the Gading Serpong Bombing (2011), which was foiled, the Solo Bombing (2011 and 2012), Poso Police Bombing (2013), Thamrin Bombing (2016), Surakarta Police Bombing (2016) and Kampung Melayu Bombing (2017) (Kriswanto, 2019).

From these terror events, the police continue to be at the forefront of dealing with terrorist acts that occur and can effectively dismantle terrorist networks in Indonesia. However, the number of prosecutions for acts of terror as well as the disclosure and arrest of terrorism networks in Indonesia at the same time illustrates that the problem of terrorism in Indonesia is so complex that it is not finished and it is necessary to involve all components of the nation to overcome it. The involvement of the TNI in overcoming terrorism is carried out in deterrence as well as prosecution and recovery. In the prosecution, the involvement of the TNI to tackle acts of terrorism was successfully carried out in the release of the hostage KM Sinar Kudus, while in the country the involvement of the TNI has occurred since early 2016, namely capturing the fugitive terrorist Santoso et al hiding in the Poso forest area. In this case, the government sees that the TNI's capability in forest and

mountainous situations will support the effectiveness of operations. The joint TNI-Polri team, known as the Tinombala Task Force, consists of 1,543 Polri members and 1,888 TNI members. This task force then brought result with the capture of fugitive terrorist Santoso (Puspitasari et al., 2018). The TNI's success in the Tinombala operation also demonstrates the TNI's professionalism in dealing with terror acts which have been feared to have the potential to violate human rights. However, this success has also received a lot of criticism because it is considered not in accordance with the legislation in its implementation.

TNI's Role in Combating Terrorism

The government's strategy in countering terrorism is implemented through preemptive, preventive, and repressive efforts. Pre-emptive efforts are carried out by eliminating extremism and radicalism by involving community and religious leaders in enlightening the community, adjusting laws and regulations, and strengthening anti-radicalism and terrorism socialization. While preventive efforts are non-penal efforts to prevent terrorism before it occurs. The purpose is to improve certain social conditions that affect efforts to prevent acts of terrorism. The government's prevention efforts issued PP 77 of 2019 concerning the Prevention of Terrorism Crimes and the Protection of Investigators, Public Prosecutors, Judges, and Correctional Officers. Based on the PP, the Prevention of Criminal Acts of Terrorism is carried out through increasing national preparedness, counter-radicalization and de-radicalization. National preparedness is carried out through: community empowerment, capacity building of the apparatus, protection and improvement of infrastructure, development of terrorism studies and mapping of areas prone to radicalism. Counter radicalization is carried out directly or indirectly through counter narrative, counter propaganda or counter ideology. Repressive efforts are carried out through the criminal justice model in the form of using penal suggestions by using criminal law and the sanctions are in the form of criminal. Although the use of crime is the oldest method, as old as human civilization in crime prevention, (Muladi and Barda Nawawi, 1998), various repressive efforts have been carried out, such as the establishment of the BNPT, pursuit and raids as well as the arrest of terrorists and the imposition of criminal sanctions for those who are proven to have committed crimes.

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Since the Bali Bombing I in 2002 until 2013, the number of terrorists arrested was around 840 people.⁴ Even though the Police have made many arrests, acts of terrorism still occur and have an existence so that they become a serious threat to watch out for. As a transnational crime, organized and has a wide network, counter-terrorism needs to involve various agencies and even all components of the nation must be involved to combat it. However, there is a need for coordination and integration in centralized handling. Therefore, with Presidential Regulation No. 46 of 2010 the government formed the Counter-Terrorism National Agency (BNPT) which was later changed to Presidential Regulation No. 12 of 2012.

After the Tinombala Operation in 2016, the Government and the House of Representatives (DPR) discussed the revision of Law No. 15 of 2003 concerning the Eradication of Criminal Acts of Terrorism. This was also driven by the Thamrin Bombing which shocked many parties, thus sparking a proposal to revise the Law on Combating Criminal Acts of Terrorism. Coordinating Minister for Political, Legal and Security Affairs Luhut Binsar Panjaitan asked the DPR to revise Law no. 15 of 2003 concerning Eradication of Criminal Acts of Terrorism. The hope is that the new law can prevent terrorist acts preventively so that attacks do not occur (Rofiq Hidayat, 2018).

Along with the discussion of the Anti-Terrorism Bill in 2016, various acts of terror continued to occur such as the Bomb attack at the Police Headquarters in Solo, St. Joseph's Catholic Church Bombing in Medan, Ecumenical Church Bombing in Samarinda and Budi Dharma Vihara Bombing in Singkawang. In 2017 the intensity and quality of terrorist acts have not subsided, such as the Kampung Melayu bombing and continued in 2018 with consecutive bombings in East Java, namely three churches in Surabaya and the Wonocolo Flats in Sidoarjo on 13 May and a bomb attack at the Surabaya Police Headquarters on 14 May. This prompted the government to urge the Anti-Terrorism Bill to be ratified immediately. After going through a fairly long process on June 21, 2018 the government passed Law Number 5 of 2018 concerning changes to Law Number 15 of

2003 concerning Stipulation of Government Regulations in Lieu of Law Number 1 of 2002 concerning Eradication of Criminal Acts of Terrorism into Laws . The law mandates that the TNI is tasked with dealing with acts of terrorism within the framework of Military Operations Other Than War (OMSP) which will be regulated in a Presidential Regulation.

However, this discourse raises controversy in the community. From the results of an opinion poll conducted by Kompas in mid-June 2017, only 38.3 percent of the public agreed that the TNI would act autonomously (given the same authority as the Police), while 55.1 percent of the population preferred the involvement of the TNI in terrorism only in the context of assistance. Against the Police.²⁴ Basically, the emergence of discourse to involve the military in dealing with terrorism or using the war model can indeed be understood psychologically as an instinct to strengthen self-defense after a terrorist attack. However, this argumentation basis is not sufficient to decide to involve the military in dealing with terrorism. The government and the DPR also need to be observant to see the facts and implications that may arise from this decision, namely:

1. The problem of terrorism does not always require a large enough coercive handling force such as the specialization of military forces. The root of the problem of terrorism lies in the aspects of ideology, economic and political injustice. While other factors only trigger or fertilize acts of terror. In that context, of course, how can the military approach answer the problem of the roots of terrorism in terms of ideology, economic and political injustice? In this case, it will encourage the emergence of stigma and customs that political, economic, and social problems (aspects that are the root of terrorism) can be resolved through violence or military instruments. The involvement of the military approach is usually used by states only when terrorism has developed into an existential threat to the state, such as acts of terrorism sponsored by other states (state-sponsored terrorism) or using nuclear, chemical, and biological materials. Even if this happens in Indonesia, the involvement of the TNI can already be accommodated through the TNI Law with the state's political decisions. This country's political decision becomes a crucial point because it will involve considering the context of the escalation of threats and how the TNI can contribute effectively in handling terror acts. In addition, this country's political decisions are also important because they involve the principle of civil supremacy adopted in a democratic country;
2. The deployment of military forces in dealing with terrorism has the potential to trigger the emergence of other forms of military intervention in civilian affairs. In other words, military involvement has the potential to weaken civilian control over the military which can encourage the emergence of military regimes such as what happened in Argentina and Brazil.⁶ What is also feared is that the involvement of the TNI in counter-terrorism also has the potential to become an irreversible action in the future, in other words, it is feared that it will be difficult to withdraw the TNI after the degree of terrorism threat decreases;
3. It is feared that excessive involvement of the military to assist civilian authorities, including in dealing with terrorism, could weaken the capacity of military resources in carrying out their central task, namely fighting;
4. Besides securitization on terrorism issues can show the state's commitment to deal with threats, there is a concern that securitization can also be interpreted as a form of recognition and granting legitimacy to terrorist groups. The involvement of TNI is feared to strengthen the commitment of terrorists to achieve their goals. There is a concern that the involvement of the TNI in dealing with acts of terrorism psychologically can make terrorists feel equal to the TNI;
5. The concern that almost always exists in every form of military deployment is the potential for human rights violations by the military. This refers to the experiences of various developed countries which show that even the most trained soldiers with the most complete weapons are still prone to committing human rights violations.

There is concern about the TNI involvement implications in OMSP in order to overcome terrorism, which is a natural thing and becomes a matter of thought in order to find the right form / format in the concept of TNI involvement in overcoming terrorism. What also needs to be considered is that Indonesia has a different history from other nations, both in gaining independence and developing values, to military history and the concept of a state defense system that has been tested and proven (battle Proven) in the face of various forms of threats to national security, safety and sovereignty. The facts also show that efforts to reform and transform the TNI into soldiers, units/institutions that are more professional can be carried out so that now TNI is a trusted institution. Changes in the body of the TNI continue to be carried out so that they are increasingly able to show their identity as people's soldiers, warrior soldiers, national soldiers and professional soldiers who always follow the state's political policies that adhere to the principles of democracy, civil supremacy, human rights, provisions of national law, and international law.

However, to determine the appropriate model of TNI involvement in dealing with acts of terrorism, it is also necessary to consider various issues of TNI involvement when viewing terrorism as a criminal act, such as:

1. Indonesia does not yet have clear parameters to assess the escalation of the terrorism threat, which in turn creates confusion from the TNI and Polri authorities. In that context, the involvement of the TNI can only be done if there is a request from the Police, namely in the context that the Police are no longer able to deal with the development of the terrorism threat. In terms of assisting the Police, empirically the TNI has carried out several assistance tasks to the Police based on fixed procedures (permanent procedures). The problem is that fixed procedures are not part of the statutory system so that their legal status is weak and has no binding force. In practice, there is a possibility of rivalry and lack of coordination due to weak regulations regarding assistance tasks. Therefore, it is necessary to regulate starting from the threats escalation to the rules of engagement;
2. The military involvement implications on the legal system in Indonesia are also important to consider. So far, the National Police has an accountability mechanism through the general court in human rights violations cases and has the authority to search (with court permission) terrorism cases. This is different from the TNI, which does not yet have an accountability mechanism through the general court. Furthermore, it would be ambiguous if the TNI was given the authority to conduct searches, considering that this authority is closely related to the realm of law enforcement. If this authority is legitimized, it is tantamount to withdrawing the military from the Indonesian law enforcement system. This will certainly disrupt and damage the state legal system in Indonesia, considering that the military is not a law enforcement officer but a means of state defense.

The involvement of the TNI in dealing with acts of terrorism has urgency because terrorism is an extraordinary transnational crime which can escalate at any time, thus endangering state sovereignty and human rights. In addition, the Indonesian nation have vulnerability when faced with an increasingly complex and unpredictable threat perspective. An organized and closed terrorism network makes it difficult to carry out early detection and prevention. Meanwhile, the National Police under certain conditions have limitations in dealing with acts of terrorism. TNI's success in various missions of counter-terrorism operations is one of the important considerations for the involvement of the TNI in overcoming acts of terrorism. In the aspect of deterrence/prevention, the TNI is part of the state's resources that can be utilized to carry out early detection and prevention against development of terrorist networks and movements in Indonesia, both through intelligence approaches and territorial. The involvement of the TNI is also a form of commitment and responsibility of the State to ensure legal certainty, upholding the rule of law as well as efforts to realize the goals of the state in ensuring public safety, human rights protection and maintaining the sovereignty and integrity of the state.

In order to uphold state sovereignty, maintain territorial integrity and protect the entire nation and all Indonesian people from the threat of terrorism, TNI involvement in overcoming acts of terrorism is not only to take action with a war model approach, but also to deterrence and recovery. Deterrence is carried out through strengthening early detection and prevention of terrorist network movements, while prosecution is carried out through a criminal justice system approach, war model or combination model which is a breakthrough so that the involvement of the TNI in overcoming acts of terrorism can be more effective, efficient and accountable. The involvement of the TNI in overcoming acts of terrorism is carried out based on state policies and political decisions which are carried out proportionally by considering the escalation of threats, so that they will contribute to the realization of the goal of national defense.

IV. CONCLUSION

The implementation of the Indonesian National Armed Forces role in eradicating criminal acts of terrorism has been explicitly regulated in several laws and regulations such as Law no. 3 of 2002 concerning National Defense, Law no. 34 of 2004 concerning the TNI, and Law no. 5 of 2018 concerning Eradication of Criminal Acts of Terrorism. However, the implementation of the law relating to the involvement of the TNI in eradicating acts of terrorism as mandated by Article 34I of Law Number 5 of 2018 concerning the Eradication of Criminal Acts of Terrorism, cannot be implemented concretely in the field so that the involvement of the TNI in eradicating acts of terrorism is still like assistance to the Polri institution through state political policy. The role of the TNI in the future in stopping acts of terrorism is policy-oriented, and at the same time, a value-oriented approach, but must prioritize the principle of law enforcement. Policy orientation can be seen in the formation of Law Number 5 of 2018 concerning the Eradication of Criminal Acts of Terrorism and the plan to issue a Presidential Regulation that regulates the involvement of the TNI in eradicating terrorism. The value orientation is that the involvement of the TNI is based on the consideration that the criminal acts of terrorism that have occurred in Indonesia are serious crimes that endanger state ideology, state security, state sovereignty,

values, humanity, and various aspects of social, national and state life. and is cross-country, organized and has a vast network, and has a specific purpose.

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