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### **THE ROLE OF THE INDONESIAN NATIONAL ARMED FORCES (TNI) IN COUNTERING TERRORISM**

**Herlina Tarigan**

Defense Economics Study Program, Faculty of Defense Management, Indonesia Defense University  
IPSC Area, Bogor, West Java, Indonesia 16810

[herlin8@yahoo.com](mailto:herlin8@yahoo.com)

**Guntur Eko Saputro**

Defense Economics Study Program, Faculty of Defense Management, Indonesia Defense University  
IPSC Area, Bogor, West Java, Indonesia 16810

[guntur\\_95@yahoo.com](mailto:guntur_95@yahoo.com)

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#### **Abstract**

Terrorism that occurs both in the world and in Indonesia is a crime that cannot be classified as an ordinary crime, academically categorized as an extraordinary crime. Actions of terrorism in Indonesia can already be classified as a military threat namely, threats that use armed force, are organized, and are considered to have capabilities that endanger state sovereignty. The role of the Indonesian National Armed Forces (TNI) task in overcoming these acts of terrorism has not been effective. This study aims to provide government input on the importance of the Indonesian National Armed Forces' role in overcoming the threat of terrorism. This study uses qualitative methods which aim to understand social phenomena from the perspective of the participants. The result of this study found that legally, the military could also be deployed to combat terrorism both from the aspect of domestic law and in the provisions of international law.

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#### **INTRODUCTION**

Indonesia is a country that has a pluralistic population based on ethnicity, culture, race, and religion. The plurality that exists in the Indonesian nation becomes its wealth in realizing unity and integrity with the motto Unity in Diversity. Indonesia has experienced the threat of terrorism since

the beginning of 2000. The terror in the form of threats to the sovereignty of the Republic of Indonesia and the legitimate government has started in the early years of its independence. These threats took the form of rebellions and separatist movements. Separatist movements generally carry out direct attacks against

the central government, as well as other acts such as sabotage, kidnappings, and actions that cause general disturbances (Bakti, 2014).

Distinguishes terrorism and guerrilla, the substance of the activities carried out for the two terms leads to the same thing, namely the achievement of political goals (Ganor, 2002). Guerrilla is a war that is carried out clandestinely, full of speed, sabotage, and usually in small groups but very focused and effective. Terrorism can be divided into two categories, namely enforcement terror carried out by the authorities to suppress challenges to their power, and agitational terror, namely terror that is carried out to disturb the established order to then dominate certain political orders (Windiani, 2018). Terror as a Weapon of Political Agitation 1964 linked terrorism to politics and power as seen in his definition of terrorism as the use of terror as a symbolic act designed to influence policy and political behavior in extra normal ways, especially with the use of terrorism (Thornton, 1964).

Terrorism as politically motivated violence aims at achieving a demoralizing effect on the public and governments. Viotti and Kauppi in Winarno (2014) state that there are three main characteristics of terrorism, including the use of violence, the target is innocent people, and the group tries to attract as much attention as the group demands.

T.P. Thornton in *Terror as a Weapon of Political Agitation 1964* defines terrorism as the use of terror as a symbolic act designed to influence political policy and behavior in extra normal ways, especially by using violence and threats of violence (Thornton, 1964). U.S. Central Intelligence Agency (CIA) states that international terrorism is terrorism committed with the support of a foreign government or organization and/or directed against a foreign country, institution, or government. US Federal Bureau of Investigation (FBI) states that terrorism is the use of illegal violence or

violence against a person or property to intimidate a government, civilians and their elements to achieve social or political goals. Terrorism in Indonesia is a very real threat with a form of blasphemy against religion which affects the integrity and unity of the nation. In reality, the actions of these radical groups have caused material losses, lives, and fear in society.

To overcome the threat of terrorism, this is one of the main tasks carried out through Military Operations Other Than War (MOOTW) following Law No. 34 of 2004 concerning the Indonesian National Armed Forces (*Tentara Nasional Indonesia* or TNI) which is carried out based on state political policies and decisions. But in reality, the TNI's task in overcoming these acts of terrorism has not been effective. This is evidenced by several acts of terrorism that occurred in Indonesia. From the year 2000 to 2018, National Counter-Terrorism Agency (*Badan Nasional Penanggulangan Terorisme* or BNPT) records that 41 terrorism incidents occurred in Indonesia.

The TNI's task cannot be carried out optimally due to several problems. The first problem is the unclear formal legality of the TNI regarding the handling of terrorism and the national security institutions. This is because of the existence of Law No. 15 of 2003 concerning the Eradication of Criminal Acts of Terrorism that has not sufficiently covered preventive operations in the form of intelligence operations and proactive actions at the beginning. The Indonesian government sees terrorism as a law enforcement problem so that it is handled by the Indonesian National Police (Polri), not a rebellion that must be handled by the TNI. So that until now there are still pros and cons regarding the Presidential Decree on the Involvement of TNI in Terrorism.

Terrorism that occurs both in the world and in Indonesia is a crime that cannot be classified as an ordinary crime, academically categorized as an extraordinary crime. Several bombing

incidents resulted in significant casualties and caused trauma to both the survivors and the community at large. Actions of terrorism in Indonesia can already be classified as a military threat, namely, threats that use armed force, are organized, and are considered to have capabilities that endanger the sovereignty of the country, territorial integrity, and the safety of the entire nation. Based on the foregoing, the various obstacles that hinder the implementation of the TNI's role in countering acts of terrorism in Indonesia, need to be immediately identified. This study is very important because this could be an academic justification that can explain rationally and measurably the importance of the role of the TNI in tackling acts of terror in Indonesia.

According to Biddle and Thomas in Sarwono (2016) indicators of behavior in relation to roles, namely:

- a. Expectation (hope). Expectations about roles are other people's expectations of appropriate behavior.
- b. Norm. A norm is a form of hope. Types of expectations according to Secord & Backman are as follows, (a) Predictive expectations, namely expectations about behavior that will occur, (b) Prescribed role expectations are requirements that accompany a role.
- c. Performance (a form of behavior). The form of behavior in roles. Roles are manifested in real behavior, not just expectations.
- d. Evaluation (assessment) and sanction.

Thomas Hobbes put forward the political theory of State of Nature, namely that one human being becomes an opponent of another human being. This situation is called "In Abstract", which has the following characteristics such as competing, defending oneself, and wanting to be respected. To avoid death, Hobbes put forward a social agreement theory to change the form of human life from a natural state into a state or Commonwealth.

To overcome the threat of terrorism according to Law No. 34 of 2004 concerning the TNI (*Undang-Undang Nomor 34 Tahun 2004 Tentang TNI*, 2004) which is carried out based on state policies and political decisions, one of the main tasks is carried out through military operations other than war (MOOTW). Eradicating acts of terror is a form of Civil Society Organization (CSO) in dealing with asymmetric warfare with four criteria. First, victims or targets of terror are state officials, civilian and military institutions that have become symbols of the state. Second, the weapons used are weapons of mass destruction, nuclear, poisonous gases, bacteria, or viruses. Third, it occurs in the oceans and air, which are the sovereignty or sovereign rights of Indonesia. Fourth, this occurs on an international registration ship or plane flagged in Indonesia or another country. If it is indicated that an act of terror fulfills one or more of the four criteria, the TNI is legal by law to act against it.

The authority to involve the Joint Special Operations Command of TNI (*Komando Operasi Khusus Gabungan* or *Koopsusgab TNI*) to overcome acts of terrorism is the main task of the TNI which is only as an assisting task in carrying out Military Operations Other Than War or MOOTW (*Operasi Militer Selain Perang* or OMSP). When the threat of terror gets high escalation, arrest by the TNI must be professional and follow technical implementation. If the TNI made an arrest that is not following the technical implementation, it could affect the accountability of the Military Criminal Procedure Code and the Military Criminal Code (Syukriya, 2020).

Military involvement, in counter-terrorism using securitization studies, aims to understand securitizing actors, such as what threats are identified by actors (existential threats), who is threatened and needs to be protected (referent object), what are the words that are conveyed by

securitizing actors (speech act), who is the audience (the public who needs to be persuaded to believe in the threat), why the securitization was carried out and what was the outcome of the policy. The issue that is brought to the issue of security is an issue of terrorism which is identified as threatening the existence of a country, this makes military involvement in dealing with terrorism justified (Triskaputri, 2019).

The role of the TNI in eradicating terrorism to safeguard the sovereignty of the unitary state of the Republic of Indonesia in terms of the perspective of criminal law reform can be seen in several stages, namely through the formulation policy stage, the implementation stage, and the role of the TNI in the future (Kriswanto, 2019). The specific conditions of a security threat provide justification for using extraordinary measures to deal with it. The call for security concerns is the key to the legitimacy of the (military) use of force but in general, it paves the way for the state to mobilize, or take special powers to deal with the threat that exists (Triskaputri, 2019). The Indonesian government sees terrorism as a law enforcement problem so that it is handled by the Indonesian National Police (Polri), not a rebellion that must be handled by the TNI. However, the discourse regarding a bigger role division for the TNI in counter-terrorism in Indonesia has continued to emerge, especially since the end of the Tinombala operation in Poso. This discourse is strengthened because the TTNI has the function of preventing and combating terrorism. That function is a part of the main task of TNI in maintaining the sovereignty of the Republic of Indonesia. Terrorism is not only a criminal offense, it is broader than that. Terrorism is anything that wants to change ideologies, including those based on religion. These special operations command deals with the increasing number of criminal acts of terrorism and its spread under the direct orders of the

president. This special operations command is the new structure on the body and deals with pressing matters. The role of the special operations command has not been maximized because it is a new organization. Its existence is as expected because it accommodates this interest, is related to being able to handle strategic matters at the national level so that it can accelerate its placement under the direct command of this commander (Rohmy, Suratman, & Nihayaty, 2020). Therefore, this study was conducted to provide government input on the importance of the Indonesian National Armed Forces' role in overcoming the threat of terrorism.

## METHODS

This study uses descriptive qualitative methods which aim to describe a particular group of people or a description of a symptom or a relationship between two or more symptoms. The group in this study is the Indonesian government, while what is meant by symptoms in this study is terrorism. Data collection techniques in this study using interview and documentation methods. Interviews were conducted with the TNI Headquarters, Polri Headquarters, the National Counter-Terrorism Agency (BNPT), and related informants. Denzin distinguishes four kinds of triangulation as a technique for checking the validity of the data that utilizes sources, methods, investigators, and theory (Lexi & M.A., 2010). Data analysis in this article is carried out through (1) data reduction, namely by summarizing, sorting out the main data, then focusing and arranging the data systematically, (2) displaying data, which is presenting certain data in the form of matrices, graphs, charts, or networks. if necessary, (3) data verification, namely by looking for patterns, themes of relationships, and comparative equations and then making conclusions.

Biddle and Thomas in Sarwono (2016) state that role assessment is giving a positive or negative impression based on

community expectations of the role. Meanwhile, sanctions are people's efforts to maintain a positive value or so that the role manifestation is changed in such a way that what was previously considered negative becomes positive. Assessments and sanctions according to Biddle and Thomas can come from other people and from within oneself (Sarwono, 2016).

## RESULT AND DISCUSSION

### Research Result

To overcome counterterrorism, the Indonesian nation already has a special law on combating terrorism and has been implemented by the TNI and Polri institutions. However, there are still many legal problems that cannot be accommodated by this law and difficulties in implementing it in the field. One thing that stands out is the inability to take action against networks that do not commit acts of violence, but who are active in spreading their radical ideas that challenge the Pancasila ideology and the form of the Republic of Indonesia, for this, it is necessary to analyze and find a solution so that the two institutions can be in line in overcoming acts of terrorism.

The legitimacy aspect starts from the legal basis for the TNI to carry out operations to combat terrorism. Following RI Law Number 34 of 2004 concerning the Indonesian National Army, the TNI has duties that have been further regulated in article 7 which states that the main task of the TNI to uphold state sovereignty, maintain the territorial integrity of the Unitary State of the Republic of Indonesia based on Pancasila and the Indonesian Constitution Law of 1945, as well as protecting the entire nation and all Indonesian blood from threats and disturbances to the integrity of the nation and the State.

In accordance with the National Defense Law and the TNI Law, in carrying out its functions, the TNI has capabilities in the intelligence, territorial, combat, and security sectors. This capability needs to

be utilized and can become an important element in the national counter-terrorism strategy. The TNI intelligence network can support providing important information and detecting terrorism networks and activities in Indonesia to the TNI anti-terrorism unit and law enforcement officials, especially the Police, but until now it has not been optimally implemented, including in implementing the main duties, roles, and functions of the TNI in overcoming terrorism in the field.

The TNI operations in MOOTW (number 1 up to 7) are the main role of the TNI. So, it can be included in the TNI's operational plan because it directly threatens the sovereignty, territorial integrity, national safety and spills Indonesia's blood. Thus overcoming terrorism is the main task of the TNI. Until now, there has been no operational policy regulating assistance from other agencies to the TNI. Meanwhile, this policy is necessary. It because overcoming terrorism cannot be overcome only by Polri. TNI has the capacity and capacity limits. Polri has the ability and capability limits. The Indonesian national defense system adheres to a universal defense system. In overcoming terrorism, it cannot be done by only one institution.

Another problem arises when the TNI refers to Law No. 34 of 2004 (regarding the TNI in article 7 paragraph (2) letter b number 3 in overcoming terrorism), while the Police refers to Law No. 2 of 2002 on Polri article 41 regarding mechanisms assistance from the TNI to the Police, which means that the TNI's task is only to assist the Police in overcoming terrorism. The two laws have different mandates for implementing regulations. The TNI Law mandates the implementing regulations in the law, while the Police Law mandates the assistance of the TNI in dealing with terrorism as regulated in a Government Regulation, thus it can be interpreted that there are still differences in perceptions in overcoming terrorism between the two agencies.

**Table 1.** Indonesian National Army/ TNI Regulation

No	Indonesian National Armed Forces/TNI	Remark
1	Law No.5 of 2018 concerning Amendments to Law No.15 of 2003 concerning the Stipulation of the Perppu No.1 of 2002	Combating Criminal Acts of Terrorism
2	Law No.34 of 2004 on TNI	The task of the TNI to overcome terrorism
3	Article 43 I UU 5/2018	Military operations other than war (MOOTW).
4	Article 7 ayat (2) UU TNI	Military operations other than war (MOOTW) to overcome acts of terrorism
5	Article 43 I regulates the provisions regarding the implementation of tasks to handle acts of terrorism	Further regulated by presidential regulation
6	Presidential Regulation	NIL

Source: Processed by Authors, 2021

In the explanation of Law No. 2 of 2002 on the RI Police, article 15 paragraph (2) letter h, states that the police have the authority to deal with international crimes and one of them is terrorism. Indonesian Police in handling terrorism in Indonesia use a legal approach even though the real conditions in the field of a legal approach are not sufficient, but a security approach is also needed. There are different interpretations between state (national) security which is the duty of all components of the nation including the TNI and public order security which is the duty of the Police which is interpreted as overall security so that all security becomes the duty of the Police, defense becomes the task of the TNI. Specifically for the TNI's duties in Military operations other than war (MOOTW) number 10, assisting the Police in the context of national order security duties which are regulated by law. This has not been explained in detail about the form of assistance, whether in the form of strength or ability, or strength and capability, so there is a discourse that if the TNI does not assist, it will be at the Administrative Court.

Empirically, the TNI has been involved in assisting the police in dealing with domestic threats, such as in handling conflicts. The mechanism for involvement

is based on the Permanent Procedure (*Prosedur Tetap* or *Protap*) which is owned by the police and the TNI itself. The problem is that the Permanent Proedur is not part of the statutory regulation so that its legal status is weak and does not have binding power. In practice, sometimes there is rivalry and a lack of coordination due to weaknesses in the regulation of assistance tasks.

So far, the Criminal Act of Terrorism does not specify the extent to which the TNI is tackling terrorism. In the regulation, there is only the involvement of the TNI and the provisions of the deployment. This requires further explanation so that it can be understood clearly so that there is no overlap between the powers of the Police and the TNI. In tackling terrorism, as the law regulates, it also does not include the limits of the TNI when it takes action, whether every time terrorism is committed, the TNI is directly involved in it or simultaneously with the Police as well as in taking action against it, the public does not know everything. Then do the Police act first, then if the Police cannot handle it, the TNI should be involved in it, it needs to be regulated concretely.

The use of military force to combat terrorists is a common practice in all countries, such as Operation Woyla 1981,

Operation Entebbe 1976, Operation Russian troops for the release of hostages in 2002 and 2004, as well as several other cases. Military involvement in tackling these terrorist acts such as hijacking Indonesian aircraft, aircraft hijacking against Israeli Jewish passengers, and taking hostages in the Russian state as mentioned above are very urgent to see that the scope of crimes committed by these terrorist actors is beyond the limits of the scope of the civilian security apparatus, namely the police. In this case, the involvement of the TNI in countering terrorist acts such as the hijacking of planes by terrorists in Thailand is a natural thing, considering that the security apparatus of the police in controlling practices is only within the scope of the country. Thus the legal basis for this implementation is the TNI law (Sukma & Prasetyono, 2003).

In countering acts of terrorism in Indonesia, which has the authority to generally take action against the National Police, namely the Special Detachment 88 (*Detasemen Khusus 88* or *Densus 88*) in countering terrorism. In line with that, in the Law on the Eradication of Criminal Acts of Terrorism, there is a mention of the role of the TNI which also has a role in tackling terrorist acts. This means that the TNI can also take part in countering terrorist acts. Where in the previous rules the TNI was involved in tackling terrorist acts before the reformation had served and was at the forefront, which in the end during the new order, the TNI was no longer at the forefront after there was a separation arrangement in the body of the Indonesian Armed Forces, namely between the TNI and the Police. Even though the TNI is no longer at the forefront, it does not mean that it does not have the authority to tackle terrorist acts because the law has regulated its position in countering terrorist acts as a supporting guard. As a supporting guard here it means that the TNI will act if needed by the Police.

## DISCUSSION

According to the indicators of behavior related to the roles already mentioned above, therefore:

- a. Expectation. Expectations about roles are expectations of others about appropriate behavior, which should be shown by someone who has a certain role. The current condition is that the TNI can be involved if the scale of the threat of terrorism has reached the level of crisis or seriousness. The involvement of TNI in overcoming terrorism is based on the scale of the threat, if the threat of acts of terrorism is still below the crisis level then the involvement of TNI is only possible when the Police ask for help. So, the involvement of TNI is under the operational control of the Police. Based on Law Number 5 of 2018 concerning Eradication of Criminal Acts of Terrorism, the leading sector in law enforcement efforts lies with the Indonesian National Police (Polri), not the Indonesian National Armed Forces (Sarwono, 2016)

Acting on terrorism with military instruments is an escalation in the interaction of the state and terrorist groups which share political values and goals (Wibisono, 2018). In its development, the discussion regarding the role and involvement of TNI in countering terrorism has converged on a consensus where this will be regulated through a presidential decree. The technical mechanism as described in the formulation of the presidential decree will regulate the role and involvement of TNI in countering terrorism (Arif, 2018)

The government has presented a draft Presidential Decree (*Perpres*) on TNI Duties in Overcoming Terrorism. The Presidential Decree as an implementing rule for TNI in preventing acts of terrorism has drawn protests and criticism from various circles because it is considered to have

disturbed the criminal justice system, threatens human rights and democracy.

The formation of this Presidential Regulation is consulted with the House of Representatives of the Republic of Indonesia (*Dewan Perwakilan Rakyat RI* or DPR RI) following the explanation of Article 43 I paragraph (3) of Law Number 5/2018, it is hoped that the regulation of TNI task to overcome acts of terrorism is the mandate of the law. The regulation of Law 5/2018 is a legal basis that provides legitimacy and legality of regulating the TNI duties in dealing with acts of terrorism through a Presidential Decree. The legislative preview process is also an effort to control the substance of the people's representative institutions regarding the regulation of one of the TNI's main tasks. In this way, substances that have the potential to deviate from the rights of the community can be prevented through the legislative preview process. This includes accommodating the aspirations of the developing community regarding the regulatory material.

- b. Norm. The second indicator according to Biddle and Thomas in Sarwono (2016) is a norm which is a form of hope. The current condition is that the TNI can be involved if the scale of the threat of terrorism has reached the level of crisis or seriousness. The involvement of the TNI in overcoming terrorism is based on a temporary threat scale, if the threat of acts of terrorism is still below the crisis level then the involvement of TNI is only possible when the Police ask for assistance so that involvement. TNI is under the control of the Police operation. Based on Law Number 5 of 2018 concerning Eradication of Criminal Acts of Terrorism, the leading sector in law enforcement efforts lies with the Indonesian National Police (Polri), not the Indonesian National Army.

Based on Hans Kelsen's theory of jabbing legal norms (1970), it is explained that norm formation is explained that the formation of lower norms is determined by higher norms and the series of legal formation processes is terminated by the highest basic norm, which is the highest basis for the validity of the entire legal order. It can be analyzed that the two laws are currently not being implemented optimally because there are no clear derivative regulations.

Several existing legal sources indicate that it is hoped that there will be no reason for the TNI are not to be involved in overcoming terrorism, which has not only destroyed the nation's image of honor in the eyes of the international community but has destroyed the foundations of humanity.

- c. Performance. The third indicator according to Biddle and Thomas in Sarwono (2016) is Performance (the form of the actor). TNI, in its involvement in overcoming terrorism, is regulated in The Indonesian National Armed Forces Law Number 34 of 2004 article 7 paragraph 2b. The main task of carrying out military operations other than war includes overcoming acts of terrorism. In the Republic of Indonesia Law Number 5 of 2018 concerning amendments to Law Number 15 of 2003 concerning the stipulation of barrier regulation in lieu of Law Number 1 of 2002 concerning the eradication of criminal acts of terrorism into Law. It is stated in article 431 paragraph 1 that the task of the TNI in dealing with acts of terrorism is part of the operation military other than war. In paragraph 2 it says that overcoming acts of terrorism as referred to in paragraph 1 shall be carried out following the main tasks and functions of the TNI, in paragraph 3 further provisions regarding the implementation of overcoming acts of terrorism as referred to in paragraph 1 shall be regulated by a



Presidential Decree.

The obstacles faced in increasing the task of TNI in overcoming acts of terrorism are that The Indonesian National Armed Forces Law Number 34 of 2004 article 7 paragraph 2b cannot be properly applied. The main tasks of carrying out military operations other than war include overcoming acts of terrorism and in the Republic of Indonesia Law Number 5 of 2018 concerning eradication terrorism crime. Currently, countering terrorism is an assisting operation against the National Police, while the weakness faced is that until now there has been no presidential regulation regarding further provisions regarding the duties of the TNI in the implementation of dealing with acts of terrorism.

According to the TNI Law No. 34/2004 Article 6 states that TNI as a means of state defense functions, as an antidote against every form of a military threat, and an armed threat from outside and within the country against the sovereignty, territorial integrity and safety of the nation, b. Take action against every form of threat as referred to in paragraph 1c. Restorer of the state's security condition which was disturbed due to security chaos. With this explanation, TNI duties must be explained in detail in the Presidential Decree, especially at the deterrence, action, and recovery stages so that the TNI has clear formal legality in handling acts of terrorism.

The overall ability of an individual consists of two groups of factors, namely (a) intellectual ability, which is the ability needed to perform various mental activities (thinking, reasoning, and solving problems); (b) physical ability is the ability to perform tasks that require stamina, skills, strength, and similar characteristics (Robbins, 1996).

The Indonesian National Armed Forces Law Number 34 of 2004 article

6 states that TNI as a means of state defense functions, as an antidote against every form of military threat and armed threats from outside and within the country against sovereignty, territorial integrity and national safety, taking action against every form of threat as referred to in paragraph 1, and restoring the state's security condition which was disturbed due to security chaos.

The TNI capabilities include intelligence operations and territorial operations. Among them, there are early detection and early prevention activities. The TNI abilities with its territorial development include the regional command, military resort commando, military district commando, and military rayon commando. The Indonesian National Navy with maritime potential guidance is the main base for the naval forces and naval warfare base. The Indonesian National Air Force with the development of potential aerospace the main base for the naval forces, naval warfare base located throughout the territory of the Republic of Indonesia.

Other military rayon commando capabilities include prosecution, including hostage release operations, operations to overcome terror attacks, special reconnaissance operations, and sabotage operations. The facilities owned by the military rayon commando include Steyr assault rifles, AR 10 sniper rifles, communication devices, night surveillance devices, bugging devices, micro-recorders, interceptors, signal jamming machines, bomb squad with complete equipment, tactical vehicles, and special Hercules aircraft.

d. Evaluation. The fourth indicator according to Biddle and Thomas in Sarwono (2016) is evaluation. Role assessment is giving a positive or negative impression based on community expectations of the role. Military involvement in countering terrorism is normal. In general, the state

involves the military in countering terrorism in two frameworks, such as full militarization as carried out by the United States in Afghanistan and assistance to law enforcement authorities military aid to the civil authority (MACA) as happened in the case of Britain (in Northern Ireland) and Australia, may also have several negative implications.

Involving the participation of military rayon commando to support measures to eradicate terrorism means considering acts of terrorism as an action that can threaten the sovereignty of the country (Triskaputri, 2019). The involvement of military rayon commando in counter-terrorism efforts is also supported by the opinion of Forst (2008) which states that if diplomacy fails, military strength must be considered because the military intervention is seen as achieving tactical and strategic advantages to eliminate short-term terrorism threats and deter future attacks as long term prospects.

In the Draft Law on Amendments to Law Number 15 of 2003 concerning Stipulation of Government Regulations in Lieu of Law No. 1 of 2002 concerning the Eradication of Criminal Acts of Terrorism, the role and involvement of TNI in countering terrorism are stated in the draft of Article 43B paragraph (1), "National policies and strategies for dealing with Crime of Terrorism are implemented by the Indonesian National Police, the Indonesian National Army, and government agencies related following their respective authorities coordinated by non-ministerial government agencies that carry out counterterrorism, and paragraph (2), "The role of TNI as referred to in paragraph (1) functions to assist the Indonesian National Police". Later on in its development, the discussion regarding the role and involvement of TNI in countering

terrorism has led to a consensus where this will be regulated through a Presidential Decree (Undang-Undang Republik Indonesia No. 5 Tahun 2018 Tentang Perubahan Atas Undang-Undang No 15 Tahun 2003 Tentang Penetapan Peraturan Pemerintah Pengganti UU No 1 Tahun 2002 Tentang Pemberantasan Tindak Pidana Terorisme, 2018)

If evaluated from a legal perspective, the national security institution faces problems because the existence of Law Number 15 of 2003 concerning the Eradication of Criminal Acts of Terrorism has not sufficiently covered preventive operations in the form of intelligence operations and proactive actions at the beginning. Conceptions of Counter-Terrorism Strategies and Policies in Indonesia. Internally, the efforts made by Indonesia to tackle terrorism include law enforcement. One of the main principles of Indonesia's counterterrorism strategy according to the Chairman of the National Counter-Terrorism Agency (BNPT) that the Indonesian Government treats acts of terrorism as a criminal act so that it uses a legal approach (Peraturan Presiden Republik Indonesia Nomor 46 Tahun 2010 Tentang BNPT, 2010).

The implementation of law enforcement against criminal acts of terrorism is regulated by Law Number 15 of 2003 which stipulates *Perpu* Number 1 of 2002 concerning the Eradication of Criminal Acts of Terrorism as a Law. Then, it made Law Number 8 of 2010 concerning Prevention and Eradication of Money Laundering and Number 9 of 2013 concerning the Prevention and Eradication of Terrorism Financing Crimes. In general, this law enforcement strategy can be said to still face various challenges. Law enforcement against the terrorism crime system is still considered weak.

Law Number 34 of 2004 has

Provided a legal umbrella for the TNI to be involved in overcoming acts of terrorism. The TNI should have done preventive efforts in advance rather than handle it after the bomb exploded or find out about the perpetrator.

Evaluation of military involvement through the revision of the Terrorism Law and Presidential Decree on the role of TNI in countering terrorism ensures the role and involvement of TNI in countering terrorism within the framework of civilian supremacy and democracy and does not interfere with the course of the Security and Military Sector Reform agenda. The revision of the Terrorism Law and Presidential Decree should regulate the involvement of TNI in countering terrorism based on a threat assessment carried out by the civilian authorities followed by a political decision to use the force of TNI.

Referring to Law Number 34 of 2004 concerning TNI in Article 7 paragraph 1 is very clearly stated, that the main task of TNI is to uphold the sovereignty of the country, maintain the territorial integrity of the Republic of Indonesia based on Pancasila and the 1945 Constitution, and protect the entire nation and all Indonesian blood from threats and disturbances to the integrity of the nation and country. As confirmation, paragraph 2 of the article states, the main task as intended is to carry out military operations for war and military operations other than war. Military operations other than war are intended, among others, as an effort to overcome armed separatist movements, armed rebellions, acts of terrorism and to secure border areas.

Military forces can and are even natural to be involved in efforts to counter terrorism, whether from a technical, capability, legal or political perspective. Technically, the military capability has various capabilities, including early warning, early prevention, repression, and security as well as restoring the situation

of an area or society as a result of acts of terrorism. Legally, the military can also be deployed to combat terrorism both from the aspect of domestic law and in the legal provisions of international law. Politically, the deployment of military force in countering acts of terrorism is a political decision that is taken based on the gradation assessment of threats made by political decision-makers. In relations between nations, the use of military force to combat acts of terrorism is not an uncommon practice. Even the United Nations has opened up space for the state to use its military power to fight terrorism, for example by permitting to attack Afghanistan (Wulansari, 2017).

## CONCLUSIONS

The perspective of TNI involvement in the context of countering the threat of terrorism must be seen and based on operational reasons. If we look at the historical aspect of countering terrorism in Indonesia, TNI has proven itself to be playing a role and certainly plays an important role.

The involvement of TNI has also been regulated in statutory regulations, including The Indonesian National Armed Forces (TNI) Law Number 34 of 2004, seen in the main duties of military operations other than war (MOOTW). In the development of the strategic environment both nationally and internationally, terrorism movements are increasingly diverse, including hostage-taking and large-scale terror attacks. In these cases and scenarios, of course, the state can take advantage of elements of TNI with clear legality so that the implementation of TNI duties in the field can run under a clear legal umbrella.

In essence, TNI is carrying out its duties and responsibilities as the main component of State Defense and following the Constitution Law of 1945. In connection with the Terrorism Law, Law Number 5 of 2018 concerning criminal acts of terrorism, the involvement of TNI

in the issue of Terrorism is pros and cons, but in the Constitution Law of 1945, TNI has the duty and responsibility to safeguard the sovereignty of the Unitary State of the Republic of Indonesia. In terms of organization and function, TNI has special forces that can be mobilized, coached, and capable of by the TNI Chief of Staff so that at any time they can carry out the orders of the TNI Commander. These organizations include the Jala Mangkara Detachment of the Indonesian Navy, the Bravo B-90 Unit of the Indonesian Air Force, and Counter-Terrorism Unit 81 of the Indonesian Army.

The existence of the military when viewed from the legality aspect, the military can be deployed in the context of fighting terrorism both from national legal studies and in legal provisions internationally. Judging from a political aspect, the deployment of military force in countering the threat of terrorism is a political decision based on an assessment of the escalation of threats based on political decisions. When viewed from the aspect of international relations in the context of relations between nations, military involvement in the context of countering terrorism is a common thing.

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