



The Roles of Indonesian National Army in Dealing with Terrorism

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ARTICLE INFO

Keywords:

Countermeasures;
Optimization Role;
Terrorism; Indonesian
National Army;

How to cite:

Wahyudi, Slamet TrI.,
Et., Al. (2022) The Roles
of Indonesia Natinonal
in Dealing with
Terrorism. Veteran Law
Review (5)1 74 – 88

Received: 2022-05-09

Revised: 2022-05-29

Accepted: 2022-05-30

ABSTRACT

The role of the Indonesian National Army (*Tentara Nasional Indonesia "TNI"*) in countering terrorism is part of the strategy to combat terrorism. With the escalation of the threat of terrorism which not only threatens national security, but also state sovereignty, the involvement of the TNI is a necessity in order to defend the country from threats or terrorist attacks. This study describes the urgency of the TNI's involvement in efforts to overcome acts of terrorism that threaten state sovereignty, and how the ideal role of the TNI in efforts to combat criminal acts of terrorism is described. The method used in this research is normative legal research, using a statutory approach (*statute approach*) and a conceptual approach (*conceptual approach*). The study finds that there is a need for regulations that clarify the main tasks and functions of the TNI in combating terrorism. The proposed efforts to involve the TNI in counter-terrorism include aspects of enforcement and prevention. In the aspect of supporting in combat, the technical involvement of the TNI in counter-terrorism operations is at the back, when the Anti-Terror Detachment 88 is in a condition *beyond over capacity* and the gradation of threats that endangers the sovereignty of the state. In the prevention function, the role of the TNI is more focused on the effective use of intelligence forces in supporting the prevention of criminal acts of terrorism. Technically, the role of the TNI that must be carried out is early warning, early prevention, and combat support and restoration of an area as a result of acts of terrorism.

1. Introduction

The main threats faced by the Indonesian people in the future are very complex. Based on the white paper compiled by the Ministry of Defense of the Republic of Indonesia, that until 2030 the estimated threats and challenges for the future of the Indonesian nation are terrorism which has cross-border networks and arises within the country. In addition, acts of radicalism with primordial ethnic,

racial and religious backgrounds as well as ideologies outside of Pancasila, either stand alone or have links with forces abroad.¹

Terrorism as one type of *Activities of Transnational Criminal Organizations* is a very feared crime. Considering that the threats and consequences are quite broad, which include: threats to sovereignty; towards society; against individuals; to national stability; to democratic values and public institutions; to the national economy; to financial institutions; against democratization; and to development.² Bearing in mind that terrorism is a transnational crime that requires special handling because it can lead to jurisdictional conflicts that can disrupt international relations between countries with an interest in handling dangerous criminal cases that cross territorial boundaries.³

The crime of terrorism is an example of a crime that is cross-territorial in nature because its actions have an impact on more than one country and the facilities and infrastructure as well as the methods used exceed the territorial boundaries of a country. The Hambali case is an example of a particular crime case that crosses territorial borders because the crimes committed by Hambali involved more than two countries, namely the United States, Indonesia, the Philippines, Malaysia, Singapore and Thailand because of their acts of terror that threatened these countries.⁴

Terror acts are no longer a limited or local phenomenon, but have been transformed into a frightening transnational force, because various terrorist networks are very likely to have been linked to each other based on similar interests and motives. That is why we do not consider the tragedy of the World Trade Center (WTC) a few years ago only as a threat to US society, but also to humanity and civilization in general.⁵

Terrorism is increasingly becoming a scourge for modern civilization. The nature of actions, actors, strategic goals, motivations, expected and achieved results, targets and methods of terrorism are now increasingly broad and varied. So that it is increasingly clear that terror is not an ordinary form of destructive violent crime but is already a crime against peace and security of mankind (crimes against peace and security of mankind).⁶

¹ Department of Defense and State Security, *Buku Putih Pertahanan* (Jakarta: Department of Defense, 2015), 282-283, <https://www.kemhan.go.id/wp-content/uploads/2016/04/BPPI-INDO-2015.pdf>.

² Arif Amarullah, "Kebijakan Formulasi Pendanaan Terorisme Dalam Hukum Pidana Indonesia" (delivered in an expert group meeting discussion held by PPATK, Jakarta, Mercure Hotel, Ancol, July 28, 2011), 1.

³ Romli Atmasasmita, *Pengantar Hukum Pidana Internasional* (Bandung: PT Rafika Aditama, 2000), 58.

⁴ Yulia Fitriliani, "JURISDIKSI NEGARA DALAM KEJAHATAN TERORISME," *ADIL: Jurnal Hukum* 4, no. 1 (2013): 208.

⁵ Eko Sabar Prihatin, *Polisi dan Terorisme (Masalah Keamanan yang Dihadapi Polisi Saat Ini)*, *Masalah-Masalah Hukum*, *Majalah Ilmiah Fakultas Hukum Universitas Diponegoro*, Volume 33, No. 4, 2004, pp. 350.

⁶ Mulyana W. Kusumah, "Terorisme dalam Perspektif Politik dan Hukum," *Jurnal Kriminologi Indonesia FISIP UI*, Volume 2, No. 3, 2002, pp. 22.

Based on the above phenomenon, countries are increasingly worried, because the effects of the above crimes are very bad and will disrupt development programs both nationally, regionally, and internationally. The things above have made it clear to all countries in the world that it is impossible to use traditional and domestic countermeasures to deal with transnational crimes that are already using a global strategy.⁷

Terrorism has been seen as *an extraordinary crime (extra ordinary crime)* so that it also requires handling by utilizing *extraordinary measures (extra ordinary measure)*. In this regard, Muladi stated that every effort to overcome terrorism, even if it is said to be domestic because its characteristics contain elements of "*ethno socio or religious identity*", in overcoming it, inevitably must consider these extraordinary standards by considering the advancement of communication, information and transportation technology. modern. Thus, it is not surprising that *transborder terrorism identity occurs*.⁸

Considering the qualifications of terrorism as an extraordinary crime, the eradication of criminal acts of terrorism cannot use the usual methods, such as dealing with criminal acts in general. Therefore, extraordinary law enforcement is needed, one of which is with "*extra legal instruments*", namely by involving other supporting components in this case the TNI. Considerations for the involvement of the TNI include: TNI has a territorial structure down to the village youth non-commissioned officer (Babinsa) and in the past this territorial apparatus was the spearhead of ABRI in intelligence operations; The TNI has the ability to suppress acts of terrorism through its special units such as the Kopassus Detachment 81 (TNI AD), Jala Mangkara Detachment (TNI AL), Bravo Detachment (TNI AU); Efforts against terror cannot be left solely to the National Police (Detachment 88 or its detective units), because the National Police's capacity in this field is inadequate⁹

This research focuses on optimizing the role of the TNI in countering terrorism, in previous research it has focused more on the role of the TNI in overcoming the COVID-19 pandemic¹⁰, the role of the TNI in national security¹¹, the role and function of the TNI in territorial development and regional government¹² assistance, regional assistance, and the role of the TNI

⁷ Nyoman Serikat Putera Jaya, *Hukum Pidana Khusus*, Semarang: Badan Penerbit Universitas Diponegoro, 2016, pp. 104.

⁸ "Handling Penanganan Terorisme Sebagai Tindak Pidana Khusus (Extra Ordinary Crime)" (Seminar Material at Ambara Hotel Jakarta, June 28, 2004), 1.

⁹ Victor Selean, *Terorisme Agama Belum Berakhir*, Jurnal Study Kepolisian, No. 072, Edisi Maret 2010, pp. 66.

¹⁰ Diandra Megaputri Mengko and Aulia Fitri, "PERAN MILITER DALAM PENANGANAN PANDEMI COVID-19 DAN DINAMIKA PENGAWASANNYA DI INDONESIA," *Jurnal Penelitian Politik* 17, no. 2 (December 31, 2020): 219–234.

¹¹ Susilo Endro Basuko, "Peran TNI Angkatan Darat Dalam Mendukung Ketahanan Nasional (Studi Tentang Kegiatan Pembinaan Teritorial Di Jajaran Komando Teritorial TNI Angkatan Darat," (n.d.), <https://library.ui.ac.id/detail?id=120589&location=lokal>.

¹² Ari Ganjar Herdiansah, Kuntum Chairum Ummah, and Sabar Simanjuntak, "PERAN DAN FUNGSI PEMBINAAN TERITORIAL TNI AD DALAM PERBANTUAN PEMERINTAH DAERAH: STUDI DI KABUPATEN LEBAK," *CosmoGov: Jurnal Ilmu Pemerintahan* 3, no. 1 (April 29, 2017): 65–82.

in security.¹³ nationally, the role of the military in the face of the threat of military and¹⁴ non-military, the TNI's role in securing the outer islands of¹⁵ Indonesia.

In addition, there are previous studies that examine the role of the TNI in eradicating terrorism in the perspective of national defense¹⁶, which differs from this research, that this research study focuses on analyzing the optimization of the TNI's role in countering terrorism which is reviewed through Law No. 34 of 2004 on Indonesia National Army ("TNI Law") and the Law No. 5 of 2018 on Amendment to Law Number 15 of 2003 on Stipulation of Government Regulations in Lieu of Law No. 1 of 2002 on Eradication of Criminal Acts of Terrorism to become Laws ("Terrorism Law").

What distinguishes it from previous research is that this research study focuses on analyzing the urgency or importance of optimizing the role of the TNI in countering terrorism by comparing Law no. 34 of 2004 concerning the Indonesian National Army and Law no. 5 of 2018 concerning the Eradication of Criminal Acts of Terrorism. In addition to the novelty of this research, it offers an offer of the concept of the ideal role of the TNI in efforts to counter terrorism.

In its development, there has been a shift in the motivation for acts of terrorism, which at first was only to create terror and fear by taking the lives of foreigners, as was done by Amrozi cs in the Bali I bombing terror act, based on the confession of Amrozi cs in the trial at the Bali District Court, later shifted into a threat to state sovereignty, one example of which was the terror act carried out by Santoso cs in Poso.

Legal politics in the formation of PERPU no. 1 of 2002 which was upgraded to Law no. 15 of 2003 concerning the Eradication of Criminal Acts of Terrorism, with the background of the first Bali bombing terror carried out by Amrozi cs. In terms of the threat of the Bali I bombing terror, it is only on the scale of security and public order, so the approach taken is by law enforcement which is the domain of the POLRI. Unlike the case with legal politics in the formation of Law no. 5 of 2018, which is motivated by the real threat of combatant terrorism aimed at fighting the legitimate government, and endangering state sovereignty. Because the threat of terrorism is getting more serious, the

¹³ Basuko, "Peran TNI Angkatan Darat Dalam Mendukung Ketahanan Nasional (Studi Tentang Kegiatan Pembinaan Teritorial Di Jajaran Komando Teritorial TNI Angkatan Darat,."

¹⁴ Andri Chandrapatriana, "PERANAN TENTARA NASIONAL INDONESIA ANGKATAN DARAT (TNI AD) DALAM MENGHADAPI ANCAMAN YANG BERSIFAT MILITER DAN NONMILITER DI WILAYAH NEGARA KESATUAN REPUBLIK INDONESIA," *Jurnal Online Mahasiswa (JOM) Bidang Ilmu Hukum* 1, no. 1 (June 20, 2016), 2022, <https://jom.unpak.ac.id/index.php/ilmuhukum/article/view/8>.

¹⁵ Bernard Kent Sondakh, "PERAN TNI AL DALAM PENGAMANAN DAN PEMBERDAYAAN PULAU TERLUAR RI," *Jurnal Hukum & Pembangunan* 33, no. 1 (June 21, 2017): 76-88.

¹⁶ Denny Puspitasari, Sunny Ummul Firdaus, and Agus Riwanto, "PERANAN TNI DALAM PEMBERANTASAN TERORISME PERPEKTIF PERTAHANAN KEAMANAN NEGARA," *Jurnal Hukum dan Pembangunan Ekonomi* 6, no. 2 (February 1, 2018), accessed January 14, 2022, <https://jurnal.uns.ac.id/hpe/article/view/17724>.

government is optimizing the role of the TNI in order to safeguard and defend the sovereignty of the country.

Efforts to tackle criminal acts of terrorism are not only a matter of law enforcement which in fact is the domain of the POLRI, but also the responsibility of the TNI. This is because the threat of terrorism has not only disrupted public security and order, but has also threatened the sovereignty of the state. Therefore, it is not enough just to rely on the law enforcement process, but also to carry out security enforcement.

Optimizing the role of the TNI in countering terrorism is part of the strategy to combat terrorism. With the escalation of the threat of terrorism that not only threatens national security, but also state sovereignty, the involvement of the TNI is a necessity in order to defend the country from the threat of terrorism.

Basically, there is a point of contact between the Police and the TNI related to counter-terrorism. Terrorism can be qualified in two ways, namely as a crime and an action. When terrorism is qualified as a criminal act, it becomes the domain of the Police. This qualification shows that the threat of terrorism is still within the scale of public security and order, so the approach being pursued is law enforcement. For example, the Bali I and II bombings, the bombings in Thamrin, Jakarta, Kuningan, Tangerang, etc. Meanwhile, terrorism, which is qualified as an action, becomes the domain of the TNI. Meanwhile, in the context of acts of terrorism, the context of a serious threat to state sovereignty, therefore becomes the territory of the TNI, because it is related to the function of state defense. The approach taken by the TNI is military operations other than war. Examples of acts of terror that threaten state sovereignty, for example acts of terror that attack state symbols, in this case the President or terrorist attacks on the State Palace.

Based on the description above, the researcher is interested in conducting research with the title "**Optimizing the Role of the TNI in Combating Criminal Acts of Terrorism in Indonesia**". The focus of the problems in this study include, what is the urgency of optimizing the function and role of the TNI in combating terrorism crimes and what is the ideal role of the TNI in countering terrorism crimes.

2. Method

This research is a qualitative legal research which is defined as a method to study things in their natural settings, understand and interpret their social realities and provide inputs on various aspects of social life. It focuses on people's feelings, perceptions, and experiences. In this study, using a statutory approach and a conceptual approach In this study, the authors conducted interviews with I Wayan Midio (former Chancellor of the Defense University) and Imam Subandi (as a member of Densus 88 Anti-Terror and a member of the team formulating Law No. 5 of 2018), this is intended to reveal the existing conditions in countering terrorism, so that they can find solutions in addressing problems related to the prevention of criminal acts of terrorism.

Basically, research is a scientific activity related to analysis and construction, which is carried out methodologically, systematically and consistently. Methodological means according to a certain method or method, systematic is based on a system, while consistent means that there are no contradictory things in a certain framework.¹⁷ The research method used in this study is a normative legal research method. Normative research, namely legal research carried out by examining library materials or secondary data, can be called normative legal research or library law research.¹⁸ Qualitative is research that intends to understand the phenomenon of what is experienced by research subjects such as behavior, perception, motivation, action, holistically, and by way of description in the form of words and language, in a special natural context and by utilizing various natural methods.¹⁹

3. Research Results and Discussion

3.1. The Urgency of Optimizing the Role of the TNI in Combating Criminal Acts of Terrorism in Indonesia

Before explaining the urgency of optimizing the role of the TNI in countering terrorism in Indonesia, we must first describe the notion of terrorism. The definition of terrorism according to *Black's Law Dictionary* "The use or threat of violence to intimidate or cause panic, *expeciale*. As a means of effecting political conduct" Meanwhile, in Webster's New World Dictionary "The act of terrorizing, use force threat to demoralize, intimidate and subjugate"²⁰ The term terrorism, terrorist and terror comes from the Latin *terror*, which is derived from the verb *terrere*, which means "to frighten" (*tofranken*). This term is related to the Greek *trein*, which means *to flee from fear*. Etymologically "terror" means a state of deep fear.²¹

According to Walte Reich, the definition of terrorism²² is *a strategy of violence designed to promote desired outcomes by instilling fear in the public at large*. Meanwhile, Brian Jenkin,²³ explained that terrorism is *...the use or threaten use of force designed to bring about political change*. Hudson further²⁴, explained that

¹⁷ Soerjono Soekanto, *Pengantar Penelitian Hukum*, Jakarta: Universitas Indonesia Press, 1986, Pp. 42.

¹⁸ Soerjono Soekanto and Sri Mamudji, 2014, *Penelitian Hukum Normatif Suatu Tinjauan Singkat*, Cetakan 16, Rajawali Pers, Jakarta, pp. 13-14

¹⁹ Lexy J. Moleong, 2011, *Metode Penelitian Kualitatif*, Cetakan Ke-XXIX, Remaja Rosdakarya, Bandung, pp. 6.

²⁰ Golose, Petrus Reinhard, *Deradikalisasi Terorisme: Humanis, Soul Approach, dan Menyenuh Akar Rumpuk*, (2009) Jakarta: Yayasan Pengembangan Kajian Ilmu Kepolisian, pp. 44.

²¹ Donald Philip Verene, "International Terrorism and the Human Condition", *The Pluralist* Volume 2, Number 3, 2007, pp. 3. yang dikutip dalam Costantinus Fatlolon, *Masalah Terorisme Global "dalam konteks Teori Habermas tentang Kolonisasi Dunia Kehidupan oleh Sistem Modern"*, Yogyakarta: Kanisius, 2016, pp. 58-59.

²² Brian Jenkinsen, "International Terrorism" in *The Use of Force*, edited by Robert Art and Keneth Waltz, 5th Edition, MD: Rowman et Littlefield, Lanham., 1999

²³ Hendropriyono, *Terorisme "Fundamentalis Kristen, Yahudi, Islam"*, (Jakarta: Kompas, 2009), pp. 26.

²⁴ Rex A. Hudson and Marulysin, Majeska (ed.), "The Sociology and Psychology of Terrorism, Who Becomes Terrorist and Why", 1999, dalam http://www.loc.gov/rr/frd/pdf-files/Soc_Psych_of_Terrorism, diunduh pada tanggal 7 Maret 2016.

terrorism is violence that is planned and directed against unarmed targets, all of which have political motives and goals.

In its development, terrorism crimes that have occurred in Indonesia have become very dangerous, this is because domestic terrorist groups are affiliated with the international terrorism group (ISIS). Several bomb tragedies in Indonesia were driven by ISIS, even ISIS claimed to be the party responsible for the bomb explosion in Tahmrin and several other bomb explosion cases. The National Counterterrorism Agency (BNPT) stated that from the start it had detected the entry of the *Islamic State of Iraq and Syria* (ISIS) into Indonesia. The idea that ISIS entered Indonesia more through the internet network. Indonesian people easily access information such as news, articles, and videos about ISIS understanding in the Middle East.²⁵

According to data obtained by BNPT, the spread of ISIS in Indonesia is quite massive because several influential radical figures have declared themselves to join this movement, such as Oman Abdurrahman and Santoso. In addition, several old radical groups have also declared themselves to support the ISIS movement such as the East Indonesia Mujahideen, Jamaah Ansharut Tauhid, Jama'ah Islamiyah, Islamic Shari'a Activist Forum, Awhid wal Jihad, Daulah Supporting Forum, Ashbal Tauhid Indonesia, Pulpit of Tauhid wal Jihad, KUIB (Bekasi) and many others in the form of changing names. From this movement, many foreign fighters have joined ISIS. Even for fighters from Indonesia in October 2014, the Malay ISIS "Katibah Liddaulah " was formed in Syria by Bachrumsyah & Abu Jandal which accommodates Indonesian and Malaysian citizens, which is estimated at 100 people.²⁶

The ISIS threat is not only aimed at Indonesia, but several Southeast Asian countries have also become targets for ISIS attacks, for example the ISIS attack on the Philippine government by using civil society through *proxy war*. The fact that the influence of ISIS has spread in several Southeast Asian countries and the involvement of ISIS in several bombing tragedies in Indonesia has become a serious concern for the DPR and the government, in an effort to draft Law no. 5 of 2018 concerning the Eradication of Criminal Acts of Terrorism.²⁷

The increasing status of danger posed by criminal acts of terrorism, which was originally a threat to security and public order, later developed into a serious threat to state sovereignty. This is the background of the idea or idea to optimize the function and role of the TNI in combating terrorism.

²⁵ , N.d., <http://www tempo.co/read/news/2014/08/04/078596975/Bagaiman-ISIS-Masuk-Indonesia>,.

²⁶ septiana chandra dewi, "upaya bnpt dalam menghadapi ancaman keamanan dari kelompok radikal isis (islamic state of iraq and syria)," *ejournal.hi.fisip-unmul.ac.id* (n.d.).

²⁷ "Results of an Interview with Sayful Bahri, Member of Commission I of the DPR (as the Team for Formulating the Anti-Terrorism Bill), Which Was Conducted at the PKB DPP Office,Central Jakarta,," n.d.

The idea of optimizing the role of the TNI in combating criminal acts of terrorism becomes very relevant, because in practice the POLRI has limitations in terms of enforcement operations in the field. In reality, the enforcement operations carried out by POLRI are not alone, but are a joint team, consisting of the Special Detachment 88 Anti-Terror, Team Gegana, Brimob etc. However, in practice in Poso, the joint team was not able to incapacitate the terrorist group Santoso cs, because basically the joint team was not a special unit formed and intended for combat operations, so it would find difficulties when faced with an organized and armed terrorist group.

In an effort to deal with terrorists who are equipped with military training and equipped with full weapons, strategically mature and strong institutions are needed in terms of combat in the field, so that an institution such as the TNI is considered appropriate as an additional and supporting component to assist the police in their efforts to combat crime. terrorism crime. Considerations for the involvement of the TNI include: TNI has a territorial structure down to the village youth non-commissioned officer (Babinsa) and in the past this territorial apparatus was the spearhead of ABRI in intelligence operations; The TNI has the ability to suppress acts of terrorism through its special units such as the Kopassus Detachment 81 (TNI AD), Jala Mangkara Detachment (TNI AL), Bravo Detachment (TNI AU); Efforts against terror cannot be left solely to the National Police (Detachment 88 or its detective units), because the National Police's capacity in this field is inadequate.²⁸

The involvement of the TNI in combating criminal acts of terrorism was previously regulated in Law no. 34 of 2004 concerning the Indonesian National Army, Article 7 paragraph (2) point 3 which states that "*the main task of the TNI as part of military operations other than war is to overcome acts of terrorism*". Furthermore, the provision of paragraph (3) provides confirmation that "*The provisions as referred to in paragraph (2) are implemented based on state policies and political decisions*". In this context, the implementation of the TNI's duties in dealing with acts of terrorism refers to the provisions of the Terrorism Law, in which the role of the TNI is only of assistance.

Furthermore, the role of the TNI in countering terrorism is emphasized in the provisions of Article 43 I (paragraph 1) of Law no. 5 2018 which reads, "*tduties as the Indonesian Armed Forces in dealing with terrorism action is part of military operations other than war*". Furthermore, in the provisions of paragraph (2) "*in overcoming the acts of terrorism as referred to in paragraph (1) shall be carried out in accordance with the main tasks and functions of the Indonesian National Army*".

²⁸ "Terorisme Agama Belum Berakhir," *Jurnal Study Kepolisian*, No. 072 March 2010 Edition (n.d.).

The enforcement operations that have been carried out by the TNI are based on two things, *first, the* consideration of the gradation of the threat of terrorism, which is considered to have threatened the sovereignty of the state. In this context, the role of the TNI is only limited during an emergency situation, such as the operation against terrorists in Poso. *Second,* there is a request for assistance from the Police. In this context, it is the authority of Densus 88 to determine when and in what ways the TNI can be involved in terrorist suppression operations. The basic argument for the involvement of the TNI must refer to the request for assistance from the Police, because the approach taken by the TNI is a military operation other than war (OMSP) and specifically to disable armed terrorists who threaten state sovereignty, so that the involvement of the TNI must be carried out carefully so as not to violate human rights. .

In reality, the involvement of the TNI in the regulation of the Terrorism Law can only be done at a request from the Police. The TNI cannot take direct action against acts of terrorism it encounters without a request for assistance from the Police. In the provisions of Law no. 5 of 2018 does not regulate the TNI's authority to take direct action, because the substance of the improvement or revision of the previous Terrorism Law only emphasized the institutional functions and roles of the TNI in combating terrorism crimes, without explaining in detail related to the authority and domain of the TNI's role.

The phrase involving the TNI as mentioned above shows that the TNI's position is passive and limited, because it has to wait for requests for assistance from the Police. If interpreted using the interpretation of the *argumentum acontrario*, then when there is no request for assistance from the Police, the TNI cannot carry out its defense function in the context of countering terrorism. In another perspective, with the scale of the threat of terrorism that endangers state sovereignty, there should be a certain space for the TNI to be able to maximize its role without being bound by the rules for requesting assistance from the Police. The context of space, in this case, is to remain guided by the gradation of the threat of terrorism that endangers state sovereignty.

In the context of an emergency and the scale of the threat that has the potential to threaten state sovereignty, there must be room for the TNI to carry out its defense function when facing a direct terror threat. For example, when members of the TNI on border guard find suspicious movements, they turn out to be members of ISIS, Al-Qaeda or the like who have formed an evil conspiracy with a local terrorist group to attack the Indonesian government, or in another event, when a local terrorist group with careful planning to attack state symbols.

With the scale of the threat of terrorism that endangers state sovereignty, there should be an expansion of jurisdiction for the TNI to be able to maximize its role without being bound by the rules for requesting POLRI assistance. The context of the expansion of this jurisdiction is guided by the gradation of the threat of terrorism that endangers the sovereignty of the state.

3.2. The Ideal Role of the TNI in Combating Criminal Acts of Terrorism in Indonesia

Optimalisasi peran TNI dalam upaya pencegahan terorisme berfokus pada tindakan preventif terhadap penyebaran paham radikal. Sebelum menjelaskan secara detail tentang strategi pencegahan TNI, maka terlebih dahulu menjebarkan tentang pengertian radikalisme dan ancamannya terhadap keamanan negara. Terorisme di Indonesia sangat terkait dengan radikalisme, paham ini menginginkan perubahan yang mendasar terhadap tatanan sosial kehidupan berbangsa dan bernegara. Pada umumnya gerakan ini menggunakan aksi kekerasan untuk menimbulkan ketakutan serta merusak kehidupan sosial dan mengancam nyawa masyarakat. Adapun aksi teror yang dilakukan dengan pembakaran, dan pemboman.²⁹

Secara terminologi, arti kata *radikal* berasal dari bahasa latin "*radix*" yang artinya akar. Dalam bahasa Inggris kata *radical* dapat bermakna *ekstrim*, menyeluruh, fanatik, revolusioner, ultra dan fundamental. Sedangkan *radicalism* artinya doktrin atau praktik penganut paham radikal atau paham ekstrim.³⁰ Dalam Kamus Besar Bahasa Indonesia, radikalisme diartikan sebagai aliran yang menginginkan perubahan dengan cara keras atau drastis.³¹

Pada hakikatnya, seseorang tidak langsung menjadi radikal, karena untuk menjadi radikal pasti membutuhkan proses.³² Proses seseorang menjadi radikal itu disebut radikalisasi yang artinya adalah proses seorang individu berubah dari kepasifan atau aktivisme menjadi lebih militan dan ekstremis.³³ Radikalisme yang berujung pada aksi terorisme menjadi masalah besar bagi umat Islam di Indonesia. Dua isu tersebut menyebabkan Islam dilabeli sebagai agama teror dan umat Islam dianggap menyukai jalan kekerasan suci untuk menyebarkan agamanya.³⁴

Terrorism can be qualified in two ways, namely as a criminal act of terrorism and an act of terrorism. When terrorism is qualified as a criminal act, it becomes the domain of the Police in law enforcement efforts. Meanwhile,

²⁹ Yusgiantoro. P, *Ekonomi Pertahanan : Teori dan Praktek*, Jakarta: Gramedia Pusataka Utama, 2014, pp. 573.

³⁰ Nuhriison M. Nuh, *Faktor-Faktor Penyebab Munculnya Faham/Gerakan Islam Radikal di Indonesia*", Jurnal Multikultural & Multireligius, VIII, 2009, pp. 36.

³¹ Departemen Pendidikan dan Kebudayaan RI, *Kamus Besar Bahasa Indonesia*, (Jakarta: Balai Pustaka, 1989), pp. 719.

³² Yosua Praditya, *Optimalisasi Sinergitas TNI-POLRI dalam Menghadapi Ancaman Radikalisme dan Terorisme di Indonesia*, Jurnal Pertahanan, Volume 6, Nomor 1, April 2016, pp. 33.

³⁴ Abu Rokhmad, *Radikalisme Islam dan Upaya Deradikalisasi Paham radikal*, Jurnal Walisongo, Volume 20, No. 1, Tahun 2002, pp. 80.

qualifying terrorism as an action becomes the domain of the TNI. The context of acts of terrorism shows that there is a serious threat to state sovereignty, therefore it becomes the territory of the TNI, because it is related to the function of state defense. The approach taken by the TNI is a military approach by cracking down on armed terrorist groups.

According to **I Wayan Midio**³⁵, the context of the classification does not mean separating the roles of the Police and the TNI and limiting them to the domain of each institution as outlined by law. In law enforcement practice, the involvement of the TNI is very possible. When the Police have difficulty in arresting or disabling terrorists, this condition is termed *beyond policy capacity*, so they must ask for assistance from the TNI, as was the involvement of the TNI in crippling the terrorist group Santoso cs in Poso.

This statement is corroborated by **Imam Subandi**,³⁶ the operations carried out by Densus 88 Anti-Terror have been carried out independently and in secret, but during an emergency, Densus 88 had difficulty in immobilizing terrorist suspects, known as "*beyond over capacity*", so they coordinated with the TNI, which means that coordination efforts between the POLRI and the TNI are only established under certain circumstances.

Furthermore, I Wayam Midio revealed that according to **I Wayan Midio**, the understanding of acts of terrorism is based on military action, when there is an armed terrorist attack that threatens national defense, it becomes the domain of the TNI, on the other hand, if terrorism whose scale only disturbs public security and order becomes the domain of the TNI. POLRI. He added, do not force the TNI to enter or be fully involved in civil affairs, because this area is law enforcement that refers to the Criminal Code, while the TNI will only take care of matters related to national defense.³⁷

Efforts to counter terrorism are not only a matter of law enforcement which incidentally is the domain of the POLRI, but can also be the task of the TNI, when the nature of the threat changes from a criminal act to a terrorist act that threatens state sovereignty. Therefore, it is not enough just to rely on the law enforcement process, but must also be balanced with security enforcement efforts.

The enforcement operations carried out by the TNI are based on consideration of the gradation of the threat of terrorism, which is considered to have threatened the defense and sovereignty of the state. TNI crackdown operations are only limited to emergency situations, for example the terrorist group in Poso, the Santoso cs terrorist group which uses fully equipped and organized weapons, is very dangerous, at that time the POLRI was unable to paralyze it, so the POLRI requested assistance from the TNI to carry out the

³⁵ Hasil wawancara dengan Letjen. I Wayan Midio, selaku mantan Rektor Universitas Pertahanan Indonesia

³⁶ "The Results of an Interview with Imam Subandi, as a Member of the POLRI Anti-Terror Detachment 88 as Well as the Drafting Team of Law No. 5 of 2018 Concerning Eradication of Criminal Acts of Terrorism," n.d.

³⁷ Hasil wawancara dengan Letnan Jendral. I Wayan Midio selaku Rektor Universitas Pertaanan Indonesia

function of cracking down on terrorism crimes. This is an example of the cooperation between the TNI and POLRI in dealing with acts of terrorism.

The existence of the TNI in carrying out the function of state defense is very important, considering that the handling carried out by the Detachment 88 police is very limited. Security enforcement carried out by the TNI in an effort to maintain national defense and security does not only emphasize the aspect of supporting in combat, but also strives for the role of prevention.

The function and role of the TNI is not only limited to the use of military force, but also includes aspects of preventing criminal acts of terrorism. TNI intelligence efforts to monitor every movement that contains threats, especially those related to terrorism, are a form of preventing potential acts of terrorism from an early stage.

In the prevention function, the role of the TNI is more focused on the effective use of intelligence forces in supporting the prevention of criminal acts of terrorism. Technically, the role of the TNI that must be carried out is early warning, early prevention, and supporting in combat and restoration of an area as a result of acts of terrorism.

The preventive approach taken by the TNI in efforts to combat terrorism is one part of the strategy in dealing with criminal acts of terrorism, namely by maximizing the role of intelligence to seek information about the movements of terrorists in order to stop them as quickly as possible so that they do not enlarge and endanger defense and security. country. This preventive measure cannot only be carried out by the POLRI and the TNI, but also involves other related institutions including the BNPT, and civil society.

In the aspect of prevention, the TNI's intelligence function can be maximized as well as possible, in order to detect and prevent acts of terrorism from an early stage. Therefore, success in prevention efforts can be realized if there is good collaboration between the Indonesian National Police and the TNI, BNPT and civil society in efforts to combat terrorism.

4. Conclusion

Given the scale of the threat of terrorism that endangers state sovereignty, it is important to strengthen the function and role of the TNI. In an effort to optimize the function and role of the TNI, especially efforts to suppress terrorism, it is necessary to expand its jurisdiction, however, it is still guided by the gradation of the threat of terrorism that endangers state sovereignty. The function and role of the TNI is not only limited to the use of military force, but also includes aspects of preventing criminal acts of terrorism. In the aspect of prevention, the role of the TNI is more focused on the use of intelligence power. The TNI's intelligence function can be maximized as well as possible, in order to detect and prevent acts of terrorism at an early stage.

With the scale of the threat of terrorism that endangers state sovereignty, it is important to strengthen the function and role of the TNI. The ideal role of the TNI in countering terrorism includes aspects of prosecution and prevention. In the aspect of prosecution, the technical involvement of the TNI in counter-

terrorism operations is at the back, when the POLRI Anti-Terror Detachment 88 is in a condition *beyond over capacity* and the gradation of threats that endangers the sovereignty of the state. Meanwhile, in the prevention function, the role of the TNI is more focused on the effective use of intelligence power for early detection of the threat of terrorism.

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