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The Consequence of Ethical Criticism of Intelligence on Countering Terrorism in Indonesia

I Gede Wahyu Wicaksana

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The global war on terror has raised debates between liberals and realists on the position of ethics in intelligence operations. On the one hand, liberal ethicists insist that the conduct of intelligence gathering to counter terrorism must not violate the security rights of citizens. On the other hand, proponents of realism consider national security to be of greater importance than ethical principles governing individual freedom. This article tries to present an alternative point of view by examining the consequence of ethical criticisms of intelligence activities on the Indonesian government's counterterrorism measures. It proposes two approaches to understanding the connection between ethics and intelligence: examining the nature of the terror threat, and looking at the sociopolitical situations which affect the role of the state's security agencies. Arguably, securitizing intelligence by enforcing an ethical reconceptualization of intelligence roles increases the challenges facing Indonesia's intelligence operatives and damages the effectiveness of the government's counterterrorism policy.

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The Consequence of Ethical Criticism of Intelligence on Countering Terrorism in Indonesia

I Gede Wahyu Wicaksana

The global war on terror has raised debates between liberals and realists on the position of ethics in intelligence operations. On the one hand, liberal ethicists insist that the conduct of intelligence gathering to counter terrorism must not violate the security rights of citizens. On the other hand, proponents of realism consider national security to be of greater importance than ethical principles governing individual freedom. This article tries to present an alternative point of view by examining the consequence of ethical criticisms of intelligence activities on the Indonesian government's counterterrorism measures. It proposes two approaches to understanding the connection between ethics and intelligence: examining the nature of the terror threat, and looking at the sociopolitical situations which affect the role of the state's security agencies. Arguably, securitizing intelligence by enforcing an ethical reconceptualization of intelligence roles increases the challenges facing Indonesia's intelligence operatives and damages the effectiveness of the government's counterterrorism policy.

Key words: ethics, Indonesia, intelligence, policy effectiveness, war on terror

情报伦理批判对印尼反恐的影响

全球反恐战争引起了自由主义者和现实主义者关于道德在情报行动中地位的争论。一方面，自由主义伦理学家坚持收集情报以打击恐怖主义不应侵犯公民的安全权利。另一方面，现实主义的支持者比起个人自由的伦理原则更重视国家安全的重要性。然而，本文试图通过分析针对情报活动的道德批评对印度尼西亚政府反恐手段的后果呈现另一种观点。它提出了两种角度：恐怖威胁的本质和影响国家安全机构作用的社会政治局势。可以说，通过对情报角色进行道德重新概念化来实现情报安全化，加剧了印度尼西亚情报人员所面临的挑战，并损害了政府反恐政策的有效性。

关键词: 伦理, 印度尼西亚, 情报, 政策效力, 反恐战争

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La consecuencia de la crítica ética de la inteligencia en la lucha contra el terrorismo en Indonesia

La guerra global contra el terrorismo ha suscitado debates entre liberales y realistas sobre la posición de la ética en la operación de inteligencia. Por un lado, los éticos liberales insisten en que la recopilación de inteligencia para contrarrestar el terrorismo no debe violar los derechos de seguridad de los ciudadanos. Por otro lado, los defensores del realismo consideran la importancia de la seguridad nacional, en oposición a los principios éticos que rigen la libertad individual. Este artículo, sin embargo, trata de presentar un punto de vista alternativo al examinar las consecuencias de las críticas éticas de las actividades de inteligencia sobre las medidas de lucha contra el terrorismo del gobierno de Indonesia. Propone dos enfoques: la naturaleza de la amenaza terrorista y las situaciones sociopolíticas que afectan el papel de las agencias de seguridad del estado. Podría decirse que asegurar la inteligencia al imponer una reconceptualización ética de los roles de inteligencia aumenta los desafíos que enfrentan los agentes de inteligencia de Indonesia y daña la efectividad de la política antiterrorista del gobierno.

Palabras clave: Ética, Indonesia, Inteligencia, efectividad de políticas, guerra contra el terror

Introduction

One of the negative effects of the global antiterrorist campaign is the increasing level of state violation against the citizens' personal security rights, a phenomenon which is particularly notable in Asian countries (Foot, 2005). This has raised debates on the importance of ethical considerations in counterterrorism activities. Liberals argue that counterterrorism intelligence gathering must be carried out in an ethical manner, which respects human rights, obeys the rule of law, and follows good governance. Brysk (2007) and O'Driscoll (2008) underscore the indispensability for the governments of modern societies to engage moral values when using force to counter threats to the state. Otherwise, as Henschke and Legrand (2017, p. 545) remind us, responses to terrorism could be similar to extremist violence itself.

Realists, in contrast, justify legitimate intelligence operations directed against terrorism through the prism of a state-centric perspective. As Bellamy (2008, pp. 5–8) points out with reference to Machiavelli and Hobbes, morality can be separated from the arena of international politics. According to realism, the state can, and should, employ any means necessary to achieve its political objectives, such as those pertaining to security and power. The Weberian *ethics of ultimate ends* is a suitable principle for state security policies (Hyde-Price, 2008). Based on this, intelligence apologists such as Omand (Omand & Phythian, 2013, pp. 52, 53) notice the saliency of the *just war* tradition for security actions in combating terrorists.

The ethical discourse has also taken shape in the politics of national security and intelligence with regard to countering terrorism in Indonesia. The state intelligence agencies play a crucial role in the efforts of the Indonesian government to combat terrorism. The intelligence services gather, assess, and give essential information to policymakers about terrorist networks and dangerous activities, aiming to prevent future deadly terror attacks. Hence, the government intends to boost their operational effectiveness by increasing the budget of the

intelligence services, improving personnel capability, and upgrading technologies. Nonetheless, the state intelligence services have faced public criticism of their approach, directed by elements of civil society. Human rights activists criticize covert operations directed at individual citizens whose security rights are protected by the state constitution and international laws. Because the fight against terrorism is framed as an unconventional war on extremist violence, the government and its counterterrorism establishment have been accused of manipulating the objective of eradicating terrorism in order to undertake repressive actions against suspected terrorists. These critiques are especially related to intelligence methods for collecting critical information through coercive means. In this context, activists claim the people's security is being victimized by an unethical antiterrorism intelligence regime.

This article problematizes the idea that so-called *ethical intelligence*—with special focus on the respect for security rights of the people—can be a viable part of a counterterrorism policy. However, its approach is different from the realist way of thinking. Although realism gives convincing justification for intelligence, it ignores the reality that the state authority averting and responding to terrorist activities faces conceptual, structural, and operational constraints, thus affecting its security interests and policy implementation. In this article, the ethics and intelligence relationship is discerned in situational and practical circumstances. Arguably, there are specific factors that influence state security operations, including the nature of the terror threat and its social and political context. The case of Indonesia's intelligence provides empirical evidence to support this alternative point of view.

The article argues that securitizing intelligence by enforcing an ethical reconceptualization of intelligence roles increases the challenges facing Indonesia's intelligence operatives and damages the effectiveness of the government's counterterrorism policy. The argument is elaborated in three sections. The first section describes the nature of the terrorism issue in Indonesia after the Bali bombings while the second section explains why terrorism has become a continuing threat to Indonesia's democratic governance. These two sections provide the context for the third section, which explores the negative consequences of weak intelligence on the effectiveness of Indonesia's counterterrorism policy. The conclusion emphasizes the essential points presented in this article.

Terrorism: A Continuing Threat to Indonesia

After 9/11, a series of terror attacks in Indonesia was linked to the group Jemaah Islamiyah (JI). The major incidents were the Bali bombings (October 12, 2002 and October 1, 2005), suicide bombing in J. W. Marriott Hotel Jakarta (August 5, 2003), bomb blasts in front of the Australian embassy in Jakarta (September 9, 2004), and bomb explosions in J. W. Marriott and Ritz Carlton hotels in Jakarta (July 17, 2009). JI appeared to be a homegrown terrorist network associated with clerics such as Abdullah Sungkar and Abu Bakar Ba'asyir, and also with transnational connections to militants based across Southeast Asia. The objective of JI relates to the global discourse of establishing an Islamic caliphate from the Middle East to East Asia and Oceania. In Indonesia, JI is partly inspired by Darul Islam's aspiration to radically transform society into one true caliphate under *sharia* (Islamic law). To achieve this, Sungkar and Ba'asyir organized paramilitary

wings assigned to wage *jihad* against the enemies of Islam, especially the West and secular governments whom they perceived as having shown hostility toward Muslims and their religion (Barton, 2004). The core *jihadist* militias gained frontline fighting experience in foreign battlefields, such as Afghanistan and Mindanao of Southern Philippines, enhancing their ability to carry out intelligence gathering and execute military-style operations on specific targets (Singh, 2007, pp. 50–99).

Besides the violence, an ideological challenge to the existing democratic social and political system is demonstrated by the emergence of Islamic radicalism and militancy. Supporters are indoctrinated with a particular set of ideas and beliefs that inspire their actions (Waller, 2007). The most important component of this ideology is the religious teachings of the Quranic verses. For followers of such groups, there is no need to reinterpret the text because its relevance is timeless. Contextualizing the Quran for the 21st century is not allowed. The second component is revivalism. This means that past traditions, especially exemplified by the Arabs, are the best reference for religious practices. This can be seen, for instance, in the teaching of Salafi Wahhabi which was inspirational for Indonesian militants. Third is the massive process of Arabization of Muslim aspects of life, such as politics, economy, society, and culture. Fourth is an aggressive bearing and intolerance toward anything deemed to be unrighteous. This can be seen in the way militant groups label both non-Muslims and Muslims who disagree with the militants' interpretation of the Holy Koran as *kafir* (nonbelievers) or even enemies. This view extends to a fierce objection to modernity, pluralism, and democracy, which are considered as un-Islamic and anti-Islam. Fifth, taken together, these elements provide the justification for conducting violence against perceived enemies. Suicide bombings are part of the *jihad* in defense of the faith. Becoming a suicide bomber is a pathway to heaven (Fealy, 2004; Jahroni, 2008).

Following the government's tough counterterrorism actions, JI cells were widely devastated. Their capacity to conduct terrorist acts was significantly weakened. However, terrorism did not disappear. It continues to occur, albeit at a lower intensity. The targets have shifted mainly to the security infrastructure and its personnel, particularly the police. Observers such as Abuza (2009), Jones and Solahudin (2014), and Oak (2010) argue that JI has been able to survive through its reformed structures and modified operational tactics. A closer look at terrorist activity in Indonesia shows that acts of terror are committed in full awareness of the inability to fight against the government's security forces in open conflict due to the imbalance of resources. The demolition of Darul Islam's nationwide armies by the Indonesian military demonstrates to the terrorists that engaging in *jihad* by waging civil war entails the risk of total defeat. Therefore, their strategies have been modified into constructing small-scale social movements for the purpose of constituent mobilization. For example, Islamic study groups called *usroh* and *halaga* were inculcated with radical ideas and used to propagate radical activism (Hairgrove & Mcleod, 2008). In fact, this strategy was effective at avoiding unexpected security impacts emanating from contacts with government intelligence agents. Such a transformation denotes a strategic logic and rational political acumen of terror groups, with the aim of retaining horizontal linkages.

The underground process of sending Indonesian *mujahideens*, organized by leaders of the JI, to combat the Soviet Union in Afghanistan between 1985 and

1987, then their involvement in the Afghan civil war during the early 1990s, as well as their participation in the Mindanao conflict toward the end of the decade—taken together—underline the importance of informal social and religious cells (Bruinessen, 2002). The unity and loyalty of the returning fighters are then strengthened through marriages and business connections.

Cases detected since 2014 indicate that more than 100 ordinary Indonesians have been systematically recruited by the extremist group Islamic State of Iraq and Syria (ISIS), and left to carry out *jihad* in Syria. As such, Indonesian militants have again expanded the orientation of their struggle to be part of the global *jihad*, as they did in the 1980s. Syria is viewed as a more attractive place for *jihad* than other hotspots such as Afghanistan, Somalia, and Yemen (Jones & Salahudin, 2015, pp. 154, 155). Several Islamic organizations, including Ba'asyir's Jemaah Anshorut Tauhid (JAT), have publicly declared their allegiance to ISIS. Individuals who become ISIS supporters have an affinity to the *jihad* ideology of groups such as Darul Islam. Thus, Darul Islam, JI, and ISIS followers in Indonesia are interconnected (Mubarak, 2015). The remaining JI members, including sons of the Bali bombers, then reuse clandestine channels to facilitate local *jihadists* to leave for Syria and Iraq to enlist in ISIS. Upon returning home, both the Afghanistan-Mindanao and Middle East veterans share a similar wartime spirit, and direct the trajectory of a renewed *jihad* at their home country. Although not all returnees share the same aim, the rigid networking among them disallows personal disengagement from past collective experiences. Crisis, tension, and conflict pertinent to Muslim causes thus create a domestic battlefield for the terrorists, whose militancy is reinforced by their continued access to radical religious proselytizing disseminated through terrorist publications and social media (Muthohirin, 2015).

The use of repressive force for countering terrorism has not been fruitful. Deradicalization is conducted to complement police actions. It is undertaken by an additional agency called Badan Nasional Penanggulangan Terorisme (National Counterterrorism Desk/BNPT). The objective is to supervise the activities of radical *khatib* (Islamic preachers). Functioning as a soft, indirect method to neutralize terrorism and the extremist ideology that feeds terrorism, deradicalization programs are designed to engage moderate *ulama* (Islamic teachers), Muslim scholars, and civil society associations to counter the militant propaganda (Hikam, 2016). In fact, this combined formula of coercive and persuasive counterterrorism has not yet borne fruit. Not only do terrorist strikes seem to be unstoppable, but the ideology of terror remains alive.

The Complex Social and Political Factors

Four interrelated social and political factors enable terrorism and terrorist renewal to persist. The first circumstance is democracy and openness, which is not accompanied by robust security governance. Indonesia's security apparatus lacks a strong administrative infrastructure; hence, the government fails to meet its primary responsibility, which is to guarantee the security of its sovereign people (Rotberg, 2002). The focus of pro-democracy forces has been on removing barriers to the expression of civil society interests. On the one hand, Indonesia's democratization has succeeded in fortifying nonstate actors, but on the other hand has weakened the state's ability to uphold social order by impeding the

free hand of its security agencies. In a number of instances, the violent behavior of Islamic protest groups directed against particular members of society and government officials has not been policed effectively (Lay, 2009). Although, in relation to terrorism, the government authorizes antiterrorism agencies with sufficient legislative power, the deeper cause of communal violence, which has the potential to fuel extremism, is much harder to touch (Fadly, 2016). Meanwhile, powerful security measures such as the Antisubversion Act have been revoked due to public demand for more reform and accountability within the security sector. At the same time, laws to enhance social and political liberty are being advocated. Consequently, a curious paradox emerges, where democratic governance engenders its own demise in the form of a radical, militant extremism nourished in the name of freedom of expression.

Not one of the successive governments after Suharto could properly deal with militant aggression in the same way as the violence of common criminality. The reason is not a lack of law enforcement tools, but because policymakers, police, and security services have been overly sensitive to the potential political repercussions of violating individual and community rights. This is exacerbated by the fact that civil society components of the democratic system, including moderate Islamic groups, have been unable to meet their responsibilities to address the challenge of radicalism—manifested in the discourse of violence, intolerance, and anti-pluralism at the grassroots level (Ahnaf, 2013).

The second factor is linked to the impact of a liberalized political system, where the lust for power leads to symbiosis between elite pragmatism and radical religious aspirations. Thus, there is a certain irony to the accomplishments of Indonesia's democracy. The Islamic political groups, with their militant elements wanting to found a *sharia*-based state or otherwise inculcating constitutional reform to oblige Muslims to follow *sharia*, used to be one of the stumbling blocks to advancing democratization. Now that this challenge has been absorbed into politics, the public debate and political discourse of its proponents no longer appear to aspire to the establishment of an Islamic state. This trend has been related to the legacy of Suharto's New Order. Suharto conceded space for social and political movements to develop, as long as they did not openly oppose the regime and wished to comply with the government's policies. This produced patronage relationships between the ruling elite and political actors, particularly those who possessed a significant number of constituencies, including leaders of Islamic organizations. The two sides mutually benefited from the distribution of political resources. As a result, influential affiliates of the New Order, whose mentalities are somewhat in contrast to popular democracy, can retain their roles and positions within the current political arena (Aspinall, 2010). Moreover, although secular and Islamic politicians represent divergent interests, they are able to collude in order to achieve shared power objectives.

Officially, the Islamists have failed to impose their ideas on the state administration. This is for two main reasons. First, the government's legitimacy with the electorate is derived not from its adherence to religious doctrines, but from the practice of good governance (Barton, 2010). The second reason is the failure of Islamic political parties to unite all social classes under a single banner vis-a-vis secular populism (Hadiz & Robison, 2012). The Islamists, therefore, rely on a primordial appeal nourished by religious belief (Woodward, 2008,

p. 42). The consequences of this are detrimental to the government's endeavors to implement effective security governance. Of primary concern is the tolerance of underground Islamic radicalization projects, which in turn preserves the political coalition by securing the vote of particular Muslims. This alliance between pragmatic-Islamic actors creates arrangements that favor militant activities. Professional lawyers are provided to defend the militants from law enforcement. The party elite are ready to play out various moves to protect their militant patrons. Critical events such as Jakarta's 2016-17 gubernatorial elections demonstrate the heightening intimacy between pragmatic political players and militant groups, in the form of informal social and massive political mobilizations.

The third factor can be seen in a prevalent characteristic of Indonesian society, which is inclusive of foreigners but disengaged from the government. This state-society disconnect is advantageous for terrorists, who can nurture sleeper cells, escape whenever there is a police foray, and resettle in other places. This situation has been exacerbated by the transformative process of economic development and modernization, whereby the foundations of social cohesion have been undermined by materialism. At all levels of society, the exclusivity of social groups has been damaged by economic pressures, with paradoxical effects on security. Members of society increasingly accept the inevitability of coexistence among different cultures. They welcome the arrival of outsiders with diverse identities, if the latter bring economic and social advantage. People believe that when harmony is well maintained, security will follow (Suparlan, 2004). In fact, terrorists exploit such inclusiveness. Investigations of terrorist networks in Indonesia show that terrorists receive friendly treatment and enjoy a kind of social shelter through their active participation in community life.

Therefore, the system of local security observation does not function adequately. For instance, the community security system known as *sistem keamanan lingkungan* (community security system/*siskamling*) applied under the New Order has been inactive. Yet no alternative measures have been introduced to counter increased insecurity. The government lacks reliable channels of communication to inform the public about the nature and level of threats to its security. This is in addition to the fact that interest groups have lobbied the government so effectively as to influence which actors or groups might formally be determined to constitute a threat (Febrica, 2010). Public opinion surveys indicate that, in general, Indonesian Muslims reject terrorism, albeit they sympathize with the plight of oppressed Muslims in other countries, and are willing to help with financial aid. This means that there is no feeling of solidarity with terrorists. This tendency does seem encouraging. Local attitudes are crucial to strengthen the effectiveness of the government's counterterrorism response (Sukma, Mar'uf, & Abdullah, 2011). Yet there is no hard evidence that antiterrorist sentiment among Muslims has contributed positively to decreasing the radicalism and militancy that permit terrorism.

Finally, ineffective control over cross-border movements of goods and people aggravates the circumstances under which extremism and terrorism prevail in the country. Indonesia consists of thousands of islands and long borders, many of which go unpoliced, where transnational criminals and terrorists can establish safe houses for operational links. The government's lack of a consistent law enforcement capacity, as well as the widening gulf between state-society security

orientations, generates complicated legal and geographical obstacles to counterterrorism operations. JI sanctuaries have been detected which were designed for recruitment, training, communication, and fundraising in regions plagued by social and religious conflicts (Abuza, 2002). Terrorist funding machineries are complex, comprising various conventional and nonconventional sources and methods of transfer (Abuza, 2003). The government's inability to strictly monitor the country's borders enables the terrorists to shift and rebuild their damaged transnational movements. Meanwhile, assets of the financiers of transnational terrorism are protected by their local and international sympathizers, who possess economic and political power.

Within the forum of Southeast Asian intergovernmental cooperation on combating transnational terrorism, ASEAN has evolved intraregional and extra-regional security and diplomatic machinery—for instance, with the European Union—to help member states interdict terror threats (Chow, 2005; Heiduk, 2014; Tan & Ramakrishna, 2004). Improving cross-border control has been one of ASEAN's priorities in regional counterterrorism. In particular, a synergy has developed among policymakers and law enforcers to contain the effects of crime and the expansion of extremism from Indonesia, Malaysia, the Philippines, and Southern Thailand, where Islamist causes have brought about an alarming number of domestic security troubles (Gordon, 2009). However, the impact of ASEAN's cooperation on Indonesia remains unsatisfactory. Despite ASEAN's weak political will to pursue deeper collective action toward its member states' internal security issues as a result of internal and external rift (Floristella, 2015; Tan & Nasu, 2016), Indonesia's own territorial vulnerability is really a formidable hindrance to extraordinary antiterrorism measures.

The Consequence to Intelligence and Counterterrorism

What is needed to support the struggle against terrorism is credible intelligence, which can lead to the prevention of terror attacks. The focus is on the collection and analysis of information about terrorist personnel, more specifically, the plans and activities as opposed to the weapons they have and use (Smith, 2008, p. 163). However, the implications of the social and political context explained above make the task of the intelligence services more difficult. Greater pressure is put on the state's intelligence agencies to adhere to the values of human rights. In international society in general and in Indonesia in particular, no formal moral grounds have been agreed upon on the best practice of intelligence, especially in relation to counterterrorism operations. Despite that, intelligence is nevertheless forced to act in accordance with adapted universal ethics emphasizing the state's obligation to protect the security of individual citizens. Unethical intelligence methods connected with the abuse of personal privacy, use of torture for gaining information from suspects, detention without judicial authorization, as well as the disappearance of targeted individuals have generated public concerns about Indonesia's secret service units undertaking national security missions (Imparsial, 2005). Critical observers such as Bhakti and Mengko (2016) claim that the violent actions are inappropriate as democratic measures for fighting terrorism. The position is widely held by elements of civil society, thus contrasting ethics to the government's security objectives.

This section shows how the ethical critiques have developed into discursive politics, which affect intelligence performance and further disrupt the feasibility of antiterrorism efforts of the liberal democratic government.

Pressure on Intelligence

Politicians and civil society criticize the intelligence establishment for its inability to prevent the inexorable incidence of violence, including terrorism, which causes public anxiety. The criticisms center on two categories of elementary intelligence work. Firstly, members of the legal commission of parliament and strategic intelligence experts affiliated with Universitas Indonesia have revealed that the state intelligence agents have failed to implement an early warning system to avert terrorism. According to the critics, even though the state intelligence had been able to capture Omar al-Faruq in June 2002 and hand him over quietly to the American government authorities, it was unable to detect the planning and execution of the October 2002 Bali bombings (Wibisono, 2009, p. 16). This raises concerns about intelligence capacity in applying an early warning system that includes process analysis and anticipatory strategies. Furthermore, any early warning system has to be followed up by an early prevention system focusing on coordinated actions with other security bodies of the state. Thus, intelligence cannot solely rely on the analysis of collected information, but has to design preventive measures, as well.

Secondly, there has been criticism of intelligence practices driven by political interests. Reflecting on the past, under the Suharto administration, Indonesian intelligence was closely linked to the military and enjoyed considerable power from the authoritarian regime. Military intelligence officers managed to go about their business amid feeble legislative and societal supervision. Therefore, the security service capability was easily abused by the ruling elite in suppressing political opponents. With the rise of democratization, however, the pro-democracy activists have urged that intelligence be returned to its professional duty and freed from political interference. This argument suggests that improving intelligence professionalism is a necessary element of governance to restore security, empower civic life, and protect human rights (Hadiwinata, 2007; Sulistiyanto, 2007, pp. 29, 30). For this reason, the public has demanded that intelligence must be reformed to improve its role. A Jakarta-based think tank known as the PACIVIS Center for Global Civil Society Studies has been one of the most active articulators of the agenda of democratizing Indonesia's intelligence. It publishes academic drafts on intelligence reform and provokes public debates on the necessity of reorganizing the intelligence institution and inculcating democratic values and norms in the secret services' terms of reference (e.g., the publication by Widjajanto [2006]).

The government has responded to the demand for intelligence reform in two related ways: revitalizing the way in which intelligence is organized and devising a legal umbrella of counterterrorism tools to legitimize intelligence means. President Megawati Sukarnoputri, who inherited unstable political and social conditions from the administration of President Abdurrahma Wahid, issued Presidential Decree No. 5/2002 instructing the state intelligence agency known as Badan Intelijen Negara/BIN to coordinate all intelligence activities conducted by the executive government's institutions (Coordination of Intelligence under

the State Intelligence Agency, 2002). Since then, BIN has been positioned as the central intelligence office that can arrange and oversee the intelligence of the police and armed forces. In the aftermath of the Bali bombings, an executive government regulation, Government Regulation No. 1/2002, was issued to complement existing criminal laws which had not ruled on the act of terrorism (Countering the Act of Terrorism, 2002). One of the rules' notable points was the expansion of BIN's authority to take necessary action against terror threats. This policy raised a critical reaction from Islamic organizations and political parties, such as the conservative Majelis Ulama Indonesia (Indonesian Council of Ulama/MUI), Partai Persatuan Pembangunan (United Development Party/PPP), and Partai Keadilan Sejahtera (Justice and Prosperous Party/PKS), who did not believe that their Muslim fellows could become terrorists. Nevertheless, due to the dominance of government parties in parliamentary politics, the government regulation was finally passed into Law No. 5/2003 on the eradication of terrorism activities (Antiterrorism, 2003).

President Susilo Bambang Yudhoyono revived the local security system of intelligence—of which, Komunitas Intelijen Daerah (Local Intelligence Community/Kominda), formerly the regional branches of the national intelligence agency under Suharto, was reshaped in order to assist BIN in conducting communication with local government security apparatus, including local police, lawyers, and military units. The Ministry of Home Affairs was assigned to provide administrative support for Kominda's job. According to a senior official of the ministry, collaboration between central and local government in intelligence matters was required to detect terror planning as early as possible (Komunitas Intelijen Daerah. Local Intelligence Community, 2006). In parallel, anti-terror legislation was further revised. The Yudhoyono government determined that counterterrorism agencies were in need of a more supportive regulatory context for intelligence gathering and terror prevention (“Menko Polhukam: TNI Punya,” 2009). Implicitly, the government wanted to legitimize the use of more coercive methods of intelligence gathering and apprehension. Minister of Defense General (ret.) Ryamizard Ryacudu even called for revitalizing a program called *bela negara* (defending the country), in which recruited citizens would be given basic intelligence skills training to help the government fight against terrorism. Indonesia's 2015 Defence White Paper promoted *bela negara* as the grassroots component of the national security strategy (Ministry of Defence of the Republic of Indonesia, 2015).

Protests ensued as human rights advocates, particularly Komisi Nasional Hak Asasi Manusia (National Commission on Human Rights/Komnas HAM), and Komisi untuk Orang Hilang dan Korban Tindak Kekerasan (Commission on Disappeared People and Victims of Violent Action/Kontras), expressed concern over the potential of both intelligence and counterterrorism policies to be misused by government to restrict political freedom and repress religious expression for reasons of national security. After more than five years of political debate since the revival of Kominda, the parliament laid down Law No. 17/2011 on state intelligence, which formally regulates state intelligence activities and attempts to accommodate public demand for intelligence reform (State Intelligence, 2011). For example, intelligence roles have been restricted specifically to areas of information gathering, whereas the authority to capture terrorist suspects has

been assigned to the police. While the revision of anti-terror law has become increasingly complicated, its potential outcomes remain inconclusive. Political process and legal discourse have encroached upon the basic values and norms of the national constitution—such as those defined in chapter 1 article 2 of the 1945 Constitution, which states that the state is based on people’s sovereignty. Arguments about national unity and social justice have also risen in the mass media. Critical voices are particularly prevalent among major Islamic-oriented papers like *Republika*.

Critics question the domestic orientation of the government’s policy to enhance intelligence roles. This is because intelligence is actually used to pursue and maintain the state’s strategic national interests in world politics by safeguarding territorial sovereignty from outside penetration. Thus, intelligence is more appropriately utilized as a device of foreign policy and conventional war, while internal security affairs are submitted to the law enforcement system of police, lawyers, and justice. There ought to exist a clear demarcation between the job of intelligence to serve external defense and to deal with internal security issues that focus on disturbances to social order and threats to political stability. With regard to terrorism, proponents of this view emphasize the need to uphold national law instead of conducting extrajudicial actions to fight terrorism. For this reason, intelligence is required to meet standard operational procedures, to which apply the principles of transparency and accountability. As a result, when dealing with the pressing problem of gathering information, intelligence agents have to comply with more rigorous ethical procedures. This development has in fact restricted the opportunities, approaches, and room for security service actors to contribute significant policy input to the government. In the meantime, war on terror still requires accurate and actionable intelligence assessments.

Intelligence is faced with tension between the normative requirements and practical aspects of counterterrorism governance. This affects the ways in which intelligence officers can collect critical information. Three reliable sources of information about clandestine activism in Indonesia are the captured terrorists, terror suspects, and successfully deradicalized members of militant groups who then cooperate with the police and BIN. A former militant involved in fighting in Afghanistan, Nasir Abbas, trained both the Bali bombers; and one of the Bali bombers, Ali Imron, is the youngest brother of Mukhlas, who is the senior paramilitary leader of JI. Now, Abbas and Imron are actively cooperating with Indonesian security officials to help uncover terrorist networks, as well as undertaking deradicalization programs. Bearing this in mind, BIN is convinced that the authority to arrest terrorist suspects is actually vital to intelligence operations. The former head of BIN Sutiyoso, who was appointed by President Joko Widodo, has often affirmed that without the authority to arrest terrorist suspects, intelligence cannot do anything to prevent terrorism (Savitri, 2016). Commenting on the policy weakness, the Commander-in-Chief of the Indonesian Armed Forces General Gatot Nurmantyo proposed the direct involvement of the military services to strengthen the weak counterterrorism efforts (Kuwado, 2017). The general has been outspoken in defining terrorism, and its external penetration into national jurisdiction, as a crime against the state; therefore, it has also become the responsibility of the armed forces to tackle terrorism.

In this context, the security sector leaders' assurance implies the broader institutional difficulties related to distinctive ethical behavior imposed on each security structure of government. Since the ratification of Law No. 17/2011, BIN is no longer allowed to capture terrorist suspects and, in fact, has to share information, as well as coordinate with the police before detaining suspects. This is certainly a less efficient way of processing findings in the field into active measures. In many respects, however, bureaucratic barriers exist between the two security organizations, largely due to sectoral egocentrism, which have prompted a conflict of interests (Muradi, 2009). Input from the intelligence agencies is sometimes ignored by the police, especially if the latter sees no significant need for follow-up. The police run their own intelligence unit known as Badan Intelijen Keamanan (Security Intelligence Agency/Baintelkam), which is directly commanded by Kepala Kepolisian Republik Indonesia (Head of the Republic of Indonesia's Police/Kapolri). The Head of Police General Tito Karnavian, who is a counterterrorism specialist, has widened the authority of Baintelkam, enabling it to become more independent from outside supervision. Moreover, from the state's legal perspective, there is no formal obligation for the police to listen to and act on BIN's advice. Although the BIN's organizational leadership comprises elements of the police and military personnel, inter-intelligence coordination remains hampered.

External pressures have likewise prevented intelligence organizations from working effectively. Religious and human rights activists often exaggerate cases of mistreatment of terrorist suspects. Interrogation of captives has had to be suspended because of public scrutiny of alleged torture carried out by interrogators. Intelligence officers have to be responsible before parliamentary commission hearings.

The case of Siyono attracted public attention. Siyono was an activist detained for involvement with an underground militant movement. Following news of torture during his interrogation, the National Commission on Human Rights, the Antiviolence NGO, and Muhammadiyah urged parliament to hold a special session to investigate any security misconduct. Intelligence and police officials were finally asked to appear before the parliament legal commission to explain what happened to Siyono ("Di DPR, Kepala BNPT," 2016). As political actors can interfere in the implementation of counterterrorism operations, security agencies have been forced to consider the wider impact of processing an alleged terror suspect. Although the majority of citizens endorse the government's attempts to eradicate terrorism, this does not positively relate to the elevation of public trust in the state's security services and law enforcement. This is why issues of violence involving intelligence personnel can be further damaging to the government's legitimacy.

The terror attacks that have occurred in Indonesia should not be viewed narrowly as extremist violence committed by individuals or groups coming from one particular area of the country. Followers of JI and ISIS in Indonesia originate from various locations and represent a cross-section of social backgrounds (Abuza, 2015). In comparison with the threats posed by insurgents, or secessionists that associate themselves with certain territories, terrorists have been able to transcend state jurisdictional boundaries and organize a transnational struggle. Therefore, BIN has had to direct their operations against a less predictable nexus

of terror groups originating from both within and outside the country. In spite of this, BIN has not been equipped with sufficiently reliable equipment to observe and assess this huge amount of suspect intelligence. It relies instead on intelligence sharing with other institutions, including foreign intelligence agencies. Indonesia's cooperation with the United States provides BIN with a terrorism database and counterterrorism education (Muhibat, 2016, p. 143). Therefore, intelligence materials utilized by BIN are dependent upon its counterparts.

BIN's international collaboration became the subject of polemics following the publication of a document by the Open Society Foundation, which accused Indonesia's intelligence authority of collaborating with the CIA in the secret global rendition of suspected terrorists to unlawful prisons in nine overseas sites. This rendition program practiced brutal interrogation techniques, thus violating the human rights of the terror suspects (Singh, 2013). Activists of the Commission on Disappeared People and Victims of Violent Action reacted angrily to the report, insisting the government organize an independent investigation into potential intelligence misconduct. This demand soon gained the support of parliamentarians, such as the deputy head of the House of Representatives who is affiliated with the opposition Gerindra Party, who were concerned by their government's apparent collusion with foreign agents ("Diduga RI Bantu Amerika," 2014). By and large, this issue of international violence surrounding intelligence activities has created a negative perception of the state's execution of the war on terror. As a consequence, BIN is less able to obtain political approval of any initiative to gain wider powers to conduct anti-terror operations, including the power they seek to arrest terrorist suspects (Stefanie, 2016). Moreover, such a controversial environment has ensured that BIN will remain overly sensitive to potential concerns over unethical conduct during future intelligence gathering.

Ethics and Ineffective Counterterrorism

At present, the Indonesian government is faced with a perilous security situation, which has been evolving since 9/11 and the Bali bombings. Two terrorist groups, JI and ISIS, and their local fighters threaten innocent citizens and the state itself, while counterterrorism policies have not worked particularly well. Arguably, insistence on ethically acceptable intelligence has diminished the effectiveness of counterterrorism operations. Advocates of a more ethical counterterror policy have not presented any concrete moral guidance to which intelligence agencies may refer, so that the operation of information gathering can be deemed ethically acceptable. Even activists who emphasize civil liberties, human rights, and religious freedoms tend to overlook the fact that terrorism violence itself has no intrinsic moral code. Terrorism is immoral. Failure to comprehend this very basic characteristic of terrorism has perhaps led to censure of the government's plan to enhance the operational capacity of the intelligence services. The lack of public knowledge about terrorism may have also contributed to the enervating atmosphere in which the activities of intelligence agencies are scrutinized. Indeed, terrorist group networks such as JI and ISIS have never been able to demonstrate inherent ethical substance in either their long-term strategies or their immediate tactics.

Islam does not teach Muslims to kill guiltless people in order to achieve religious objectives. The rejection of terrorism has been widely voiced by prominent

moderate Islamic organizations in Indonesia. They believe that terrorists abuse Islamic teaching for poorly understood political aims. Even some radical clerics have gradually objected and acknowledged terrorism as un-Islamic, claiming that the terrorists do not understand Islam and the real meaning of *jihad*. For instance, Ja'far Umar Thalib, the founder of Laskar Jihad, showed an unfavorable attitude toward Osama bin Laden and his religious ideology (Umam, 2006, p. 14). Recently, Thalib has committed to preaching anti-radicalism. Regarding ISIS, the fundamentalist group Majelis Mujahideen Indonesia, that used to be led by the radical Ba'asyir, has said that the violent caliphate or Islamic state activities have violated Islamic teaching (Liow, 2014, p. 3). Perhaps, they are aware of the destructive effect caused by terrorism on Muslim social life and the religion itself.

The terrorists claim that they struggle to correct injustices existing in society, particularly to remove what is perceived to be an un-Islamic social and political order that has harshly suppressed Islam and Muslims. To this end, violence toward nonbelievers is justified. The militants even publicly promote acts of terror as being equal to the fight for justice in Islam. JI leaders, particularly Ba'asyir, vindicate their politics of terror by promoting the agenda of Islamic justice (Andalas, 2010, pp. 59–77). Conversely, state counterterrorism, which aims to reduce and, if possible, completely eradicate the terrorists' ability to destroy the constitutional rights of the Indonesian people, is itself accused of being unethical. Such a position must be untenable. Extremist terror attacks in Indonesia have wounded and murdered hundreds of innocent people, while the very ethos of counterterrorism is to protect innocent people and to seek justice when that security has been threatened or violated.

Intelligence strategies are designed to boost counterterrorism effectiveness. However, ethical judgment can impede intelligence agencies from maximizing their potential strengths (Clifford, 2017; Freilich, 2017; Sheehan, 2017). Firstly, intelligence agents cannot use all viable tactics and techniques to explore information, especially that from targeted individuals who do not want to cooperate. This presents a significant burden to security personnel when they are charged with investigating and uncovering underground terror networks—with the risk of failure liable to have a catastrophic impact on society. In contrast, terror groups can exploit the social, political, and territorial vulnerability of the country to employ any strategy and approach they deem feasible in order to accomplish their mission. In the context of such an asymmetry, terror detection and prevention may come too late.

Secondly, lessons learned from looking back on the changing nature of security problems in Indonesia would appear to demonstrate a general propensity for the central government to manage turbulent situations stemming from internal wars. Even though counterinsurgency or counter-separatism operations have taken years to complete, subnational threats have been overcome. Seen from this viewpoint, the security agencies are likely to succeed in combating terrorism that is conducted by nonstate actors with weaker military capabilities. Nonetheless, the comingling of national and transnational terror networks complicates the context in which domestic security decision making takes place, a factor which does not hamper investigations into conventional criminal violence

(Waluyo, 2007). The function of intelligence is to support the policy process and system. Intelligence explains the intention and rationale of a terror plan and analyzes the likelihood of an attack. The demands made on the state intelligence services by attempts to ethicize every aspect of its work in line with parameters, which govern the policing of domestic crime, can only impede effective counterterrorism operations.

Thirdly, peace and social activists in Indonesia like to link the phenomena of religious conflict and terrorism to structural factors, and hence the resolution of the problems must be formulated with reference to Galtung's conception of dynamic peace (1996). For instance, Misrawi (2010) and Panggabean and Ali-Fauzi (2011, 2014) mention that the ineffectiveness of the government's policy on countering extremist violence is exacerbated by the absence of comprehensive government proposals to mitigate social and economic injustices in society. The focus of counterextremism has to be defined in tandem with the improvement of democracy, economic prosperity, and human rights protection. This comprehensive approach must also incorporate long-term counterterrorism aimed at integrating persuasive and coercive treatments of violence. However, Indonesia needs quick, visible, and measurable results. In a political environment where matters of ethics and decision making are affected by particular interest groups, noticeably the coalition between pragmatic elite and militant religious organizations, a more encompassing strategy is likely to be sacrificed for short-term political utility. Meanwhile, and as a consequence, the more urgent measures needed to strengthen Indonesia's intelligence services, such as nurturing morale, the provision of essential resources, and improved coordination between intelligence and law enforcement, are being neglected. The prolonged political debate on the antiterrorism law is an obvious example of how the country's strategic national security focus has been disrupted by subjective individual interpretation. The basis of conducting peace, this study emphasizes, are the real social and political conditions of the troubled society.

Conclusion

This article has tried to assess the impact of ethics on the politics of intelligence and counterterrorism in Indonesia. It has discovered that the characteristics of threats to national security and the prevailing social and political circumstances have generated complicated security environments in which normative ethical considerations have had an important influence on counterterrorism policy-making and its application. Democracy facilitates demands for an intelligence reform which has encompassed its institutional and operational components. Legal products regulating intelligence disallow the use of violent means to obtain information about terror planning and extremist activism. Intelligence gathering for counterterrorism must be conducted in accordance with the principles of human rights especially with regard to the protection of individual freedom and security.

As a consequence, the state intelligence agencies are under increased external pressure. Besides a high risk of failure, which could severely affect national security, intelligence agents are required to work effectively within an obstructive political milieu shaped by multidimensional influences. In some significant ways, this tendency reduces the capacity of the intelligence services to implement

counterterrorism measures. Critics of the country's intelligence have not offered any viable measure of what constitutes ethical and effective intelligence in the war on terror. Instead, they assume the need for nonviolent actions and adherence to human rights as the standard moral grounds on which any countermeasure to terror should be undertaken. Thus, the overt focus on ethics has added more impediments to intelligence gathering, which has in turn undermined the efficacy of counterterrorism efforts in Indonesia.

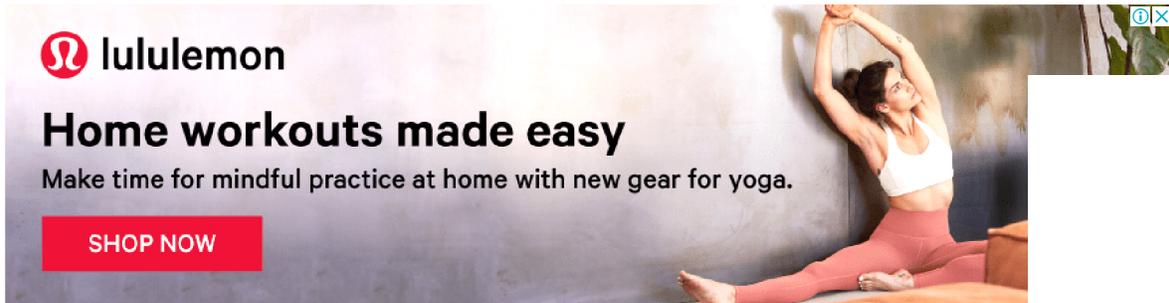
This article reinforces the argument that general theories linking ethical aspects of politics and the national security practices, as promoted by both liberal and realist scholars, need to be scrutinized in a specific case context. The Indonesian experience tells about particular domestic developments that have become important variables to look at.

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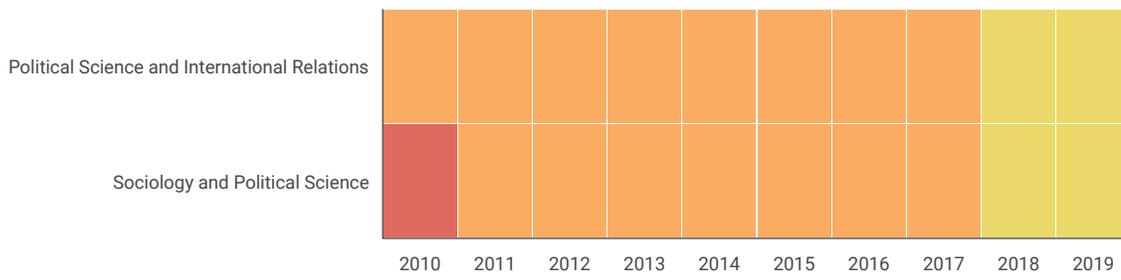
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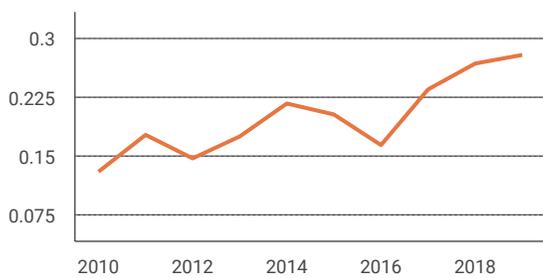
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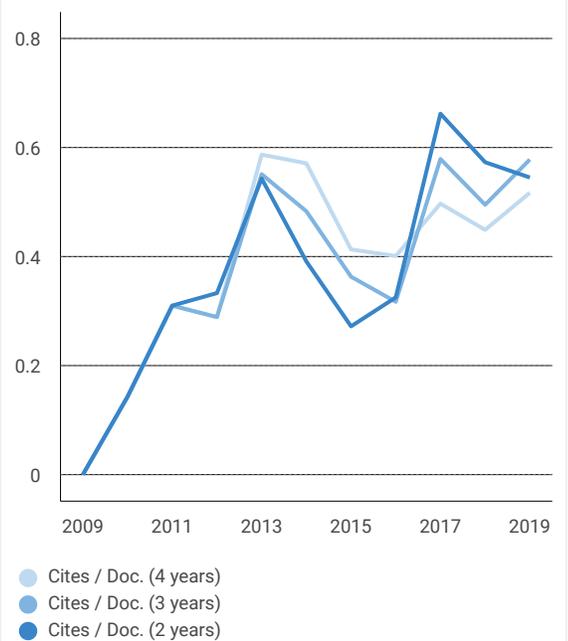
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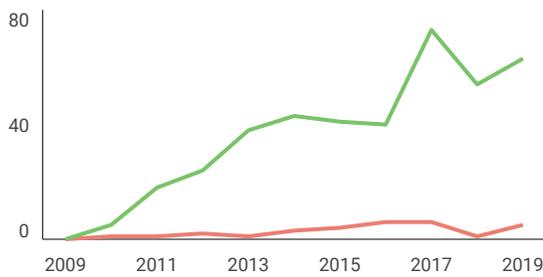
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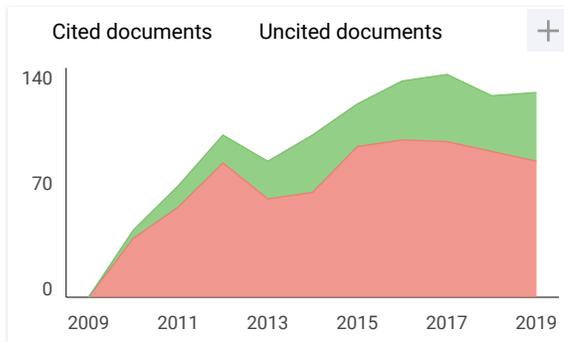
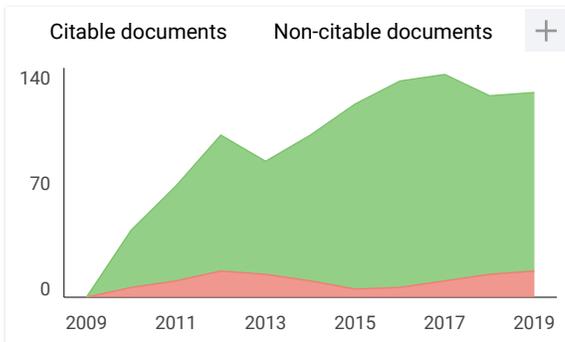
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