Research article

Securitization of Terrorism and Human Rights Protection in Indonesia

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Abstract.

This article discusses Indonesia's strategy to overcome terrorism which is slightly different from the global approach to counter-terrorism that uses a war strategy and involves regular troops. The Indonesian strategy results from a tug-of-war between the government and civil forces, namely Islamic groups and human rights organizations. Civil society groups, to some extent, have succeeded in preventing the use of military methods that have harmful implications for human rights. Using the securitization theory, this article reveals how government, Islamic groups, and human rights proponents contest to win influence in society. If the government undertakes securitization, civil society groups conduct desecuritization and place problems in law enforcement and human rights. The authors have used media reports, documents, and interviews to strengthen the analysis.

Keywords: terrorism, Indonesia, human rights, Islam, and civil society

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1. Introduction

Terrorism became a global issue after the Cold War, which replaced the East-West conflict. There is no need to wait long for the world to get a new threat, even though many people do not expect it. Terrorism is the main focus of almost all countries in the world. The threat of terrorism is a threat to humanity because terror activities kill everyone without compromise, including those not related to the conflict. But behind this war on terrorism, human rights violations also occur. Governments in various countries use or create new laws to deal with terrorism. In the United States (US) and Western countries, through the process of securitization, the effort to fight terrorism is considered a war that involves intermediaries like a war in general.

Regarding human rights issues and efforts to overcome terrorism, the approach taken by Indonesia from the beginning has a uniqueness that is different from the approach in most countries in the world. Unlike the international trend that uses a war approach,

Indonesia has until now surrendered efforts to overcome terrorism in a relatively ordinary procedure, where the police remain the main institution to overcome the threat of terrorism and do not submit this task to the military as is the case in many countries. The government seems to be cautious in dealing with the threat of terrorism.

The main focus of this paper is how we understand the efforts to tackle terrorism carried out by Indonesia and why Indonesia does not follow global war approaches against terrorism. This certainly does not mean that Indonesia's approach is not without its weaknesses. The threat of terrorism still occurs and is always worrying. But what we want to discuss here is that there is a serious effort from Indonesia to put the process of handling terrorism in the corridor of law and respect for human rights. The social and political context of Indonesia has a great role in shaping the policies taken by Indonesia. Borrowing the securitization theory from the Copenhagen School (CS) [1], these involved the process of securitizing and desecuritizing of the threat of terrorism. It involved a contestation of views and actions that makes the government, on the one hand, continue to work to overcome terrorism, but on the other hand, it must try to maintain the legal and political process in handling terrorism.

2. Securitization Theory and Human Rights

Discussions on how Indonesia can relatively balance efforts to eradicate terrorism and to some extent, continue to respect human rights bring analysis to the three groups of actors namely Islamic groups, human rights groups and the Indonesian government who are concerned with the problem of terrorism. These three groups have different views about who and what threats to Indonesia's security in the context of counter-terrorism. Their views are contesting in Indonesian politics and quite influential in shaping Indonesian anti-terrorism policies.

By using constructivism theory in social science studies, this paper explores how the three main group of actors try to define what is meant by security threats related to terrorism. Securitization is very complicated because it is generally seen as an attempt by the authorities to make a security threat an urgent threat that must be addressed in a way that is out of the ordinary, including by military means [2].

Usually, we analyze efforts to succeed securitization by the government through speech-act. The success and failure of securitization is determined by the ability of actors to convince audiences about the threat through speech acts which are perfor-mative in nature, not just describing but transforming social reality [2]. However, this initial view has been widely criticized. One prominent criticism is that the securitization

process ultimately strengthens the state's role and ignores the role of other groups in defining threats. In other words, because of a strong desire to strengthen the theory of securitization as an explanation of how an issue poses an existential threat, Securitization Theory (ST) loses its emancipatory and normative aspects.

Departing from this criticism, some experts see, it is important to reveal the interests and motivation involved in every securitization process. Moreover, securitization is only possible if other voices, especially marginal ones, are silenced and their efforts to offer alternatives are also inhibited, silenced and marginalized [3]. In addition to the dominant actors in securitization, those who are silenced need to be scrutinized for who they are and their interests and goals. As said by Charrett, alternative approaches from these groups need to be observed [4].

There is a large state interest in securitization, namely the interests of power to suppress freedom and marginal voices. In the context of an established democratic regime, there may not be this concern, although protests against human rights violations are strengthened and democratic values are also considered threatened. Different voices need to be seen, especially from how they have criticized elite power over security policies. It needs to be seen who are critically involved and claimed to be the 'regime of truth' of security [5]. Views that reject state domination contain emancipatory aspects that reject the notion of militarism and authoritarianism. Such a view has a normative concern and deserves attention in the study of securitization [3].

In addition to this, the target audiences are also important. Their characteristics are important to be studied to understand the securitization process carried out by securitization actors. In short, according to Balzacq, attention needs to be placed on the context and interaction between the securitizer-audience [6]. Attention to this matter is important to prevent strengthening the State's power vis a vis civil society. Securitization can be an elite tool to maintain group or personal power. It can go far to suppress discordant voices or opposition, and therefore one must be careful about strengthening the institutional power of securitization actors [4].

The attention to the diversification of views on actors and the securitization process above opens opportunities to search for various normative views, conducive to the development of democracy and human rights in a country. The contestation among different views can reveal the main source of the threat. Hence, the way to respond to it becomes more normative and cautious and does not violate the basic ethical values in a society. The securitization actors agreed that there must be urgent action, but the way to do it must consider living and developing values. These values can be found from marginalized voices or victims of this securitization [4]. This can avoid negative

securitization of referent object and overcome the tendency of uncritical processes of domination and exclusion and the creation of the sharp Us and the Other dichotomy [4].

The research method relies on several interviews, media observation and analysis, and document collection for the above purpose. Interviews were conducted in a semi-structured format by following the core topics to determine the views of those interviewed, especially the attitude towards the government's terrorism policies and victims of human rights. I also analyzed the contents of the media and some additional documents. This includes local and national media reports about the war against terrorists and analyzes them qualitatively. The media provides a large collection of information about anti-terrorism policies and their weaknesses among other sources. I also use an online news website in Indonesia as a source of data about the treatment of those accused of terrorism. In addition, I collected official documents related to the subject being investigated both from the government and NGOs about the number of human rights victims.

3. Securitizing Actors on Terrorism

Western countries experiencing terrorism attacks have made terrorism a major threat to domestic and international security. In a short time, the process of securitizing the threat of terrorism was successful. It allowed various urgent measures to be taken even without regard to law and human rights principles. To some extent, Indonesia wanted to be with these countries to fight terrorism which also threatened Indonesia. However, the securitization process is largely determined by the country's context. In an atmosphere of transition to democracy that began since the fall of Suharto in 1988, the euphoria of democracy and freedom is still very strong. The process of securitizing the threat of terrorism has been challenged by various actors, so the government must see these growing views. In this context, the government has an interest in the popularity of its government, especially in the presence of a majority Muslim population.

As mentioned, there are three groups of actors who have different views from the beginning regarding who the terrorists are and how to handle them. The first group is the government, especially security forces such as the military and police. They are at the forefront of overcoming terrorism, wishing a strong power so that urgent action can be taken to overcome terrorism. The second group is radical Islamic groups who feel that Muslims are often cornered in the process of handling terrorism. Some of these groups consider that there is no terrorism committed by Muslims and that it is only

fabricated by the US and the West. According to them, the West is the real terrorism. The third group is the human rights and democracy activist groups. They worry that the securitization of terrorism will give the government great power. Power can be used to limit freedom, suppress opposition, and bring back authoritarianism to Indonesia. Their concern is based on the condition of Indonesia, which has just undergone a transition to democracy from the authoritarian New Order system. They want to limit the power of the State to a minimum, and the government can make effective the existing power to overcome terrorism.

A description of the roles of these three groups of actors, how they define terrorism and what their solutions are will be explained in the three stages of Indonesia's efforts to fight terrorism. The division of this stage does not mean that a rigid line is drawn from one stage to another because there is a lot of continuity between the stages. This division only makes it easier, especially concerning how actors define the threat of terrorism and the development of alternative security solutions offered.

3.1. First Stage

The first period of securitization was restricted from the WTC bombing on September 11, 2001, to the Bali bombing on October 12, 2002. This restriction is important because this period can be said to be the start of the securitization process by various actors, including the government against terrorism. In this securitization, Megawati's government faced a big challenge in the country so that it could be said that the securitization undertaken by her government had failed. Public opinion in the country spearheaded by many Islamic organizations and Islamic political parties actually made the United States an existential threat, not the threat of terrorism committed by Al-Qaeda.

Following the Securitization Theory (ST), securitizing moves by the Indonesian government can be said to be carried out by Indonesia when President Megawati visited the United States (US) a week after the WTC and Pentagon bombings on September 11, 2011. She said that Indonesia would support the US policy against terrorism which was a threat to humanity. It was undeniable that the Indonesian government worried about the threat of terrorism and therefore supported the US to fight it. The Megawati government was also preparing urgent measures to deal with terrorism by drafting a Law on Combating Terrorist Crimes (hereafter referred to as the Anti-Terrorism Law) [7].

But since the beginning of the process of handling terrorism, securitizing moves of the government have faced strong challenges from the public, including the parliament (DPR). The main problem discussed is about what the existential threat is or who the

real threat is. There are at least two groups of actors who voiced different views from the government in this securitization process. The first group is Islamic hardliners who actually saw the US as a threat to world security. The second group is the supporters of human rights and democracy. They show that human rights and democracy are threatened in this securitization process.

The first debates among the securitizing actors happened when President Megawati went to the US a week after the bomb attacks on the WTC and Pentagon. The President's statement in support of the US in the fight against terrorism was protested at home. The population of Indonesia, which is predominantly Muslim, looked at the move suspiciously. Even Vice President Hamzah Haz said that the US deserved the attack because of the injustice committed by the US so far on the Muslim world. The Vice President said that the reports from abroad were still limited to discourse and had not been proven in Indonesia. He also said that the US accusation about an Islamic group behind the terrorist attack could provoke anathema to the US [8].

Actions against US policy that planned military action in Afghanistan took place forcefully in a number of cities in Indonesia. Islamic groups such as FPI (Islamic Defenders Front), Hizbuthahrir, HMI (Islamic Student Association), HAMMAS (Inter Campus Student Association), KISDI (Indonesian Committee for Islamic World Solidarity), and other Islamic mass movements, made a demonstration in a number of cities. In Solo, Laskar Jundulah threatened to conduct raids on US citizens in the city. It claimed that the US was managing the issue to discredit Muslims. If it continued, the US would get joint resistance from Muslims. In addition to reminding the US, they also urged the Megawati government not to get caught up in US interests that were always suspicious of Muslims. In such a situation, Megawati's support for the George W. Bush government in fighting terrorism was considered by Muslim radicals as an anti-Islamic bias.

In addition to counters from Muslims, human rights support groups were also critical of the government's plan to create an anti-terrorism law. The law is considered the same repressive instrument as the anti-subversion law during Suharto. This concern, for example, was said by Juwana, who implicitly said that the way to overcome terrorism could not be done by violating human rights but should use the principles of presumption of innocence and due process of law. He also criticized the US efforts to encourage various countries to use hard methods outside human rights principles to tackle terrorism [7]. He did not dismiss the need for an anti-terrorism law in Indonesia, but the law must clearly ensure who terrorists are and their arrest must follow procedures in accordance with human rights [7].

At this stage it became clear that the securitization moves undertaken by Megawati in a meeting with Bush followed by efforts to create an anti-terrorism law, had not yet succeeded in convincing the audience that there were terrorist threats faced by the world and Indonesia. Concerned by the reaction of the majority Muslim population of Indonesia, the Megawati government even turned to criticize the use of military methods by the US in destroying Al Qaeda. This showed that the government's argument about the existence of existential threat in the first stage of terrorist securitization was not entirely successful in convincing the audience. The Muslim community opposed the initial step to securitize by calling terrorism an existential threat. With strong opposition from various groups in the community, Megawati's government, which was also concerned about the popularity and legitimacy of its government in the country, was to some degree subject to public pressure.

3.2. Second Stage

The second stage of securitization of terrorist threats began after the Bali Bombing on October 12, 2002 to around 2010. The tragedy of the Bali bombings in October 2002 with more than 200 people killed, was followed by bombs at the JW Marriott Hotel in August 2003 with 13 people killed, and a bomb in front of the Australian Embassy in Jakarta on September 2004, which killed nine people. This Bali bombing and other cases strengthened the securitization of the threat of terrorism that had begun in the previous period. They provided a strong justification for the government to convince the public that terrorism was indeed before their eyes and the terrorist network had entered Indonesia. Therefore, urgent action and cooperation with the international world needed to be taken. As dismissing the assumption of some Islamic groups that terrorism did not exist in Indonesia and was only the result of a foreign conspiracy, President Megawati said that terrorism was a real danger facing Indonesia. The day after the Bali bombing, she stated unequivocally that the action was brutal, inhumane and not in accordance with Indonesia's moral, religious and legal teachings and said that Indonesia would cooperate with the international community to tackle the problem of terrorism [9]. Indonesia also received offers of cooperation from the Federal Bureau of Investigation (FBI) and the Australian Security Intelligence Organization (ASIO) to uncover the perpetrators of the bombing in Bali.

In addition to cooperating with the US, about a week after the Bali Bomb incident, President Megawati issued an emergency law called the Government Regulation in Lieu of Law (Peraturan Pemerintah Pengganti Undang-Undang or Perpu) No. 1 of 2002 which

was taken because of an urgent state. The anti-terrorism regulation was followed by Perpu No. 2, which contained the principle of retroactivity to enact Perpu No. 1 so that terrorists could be brought to justice [10]. The Perpu was then ratified to be Law on Anti-terrorism by the parliament. With this development and the formation of an anti-terror body called Special Anti-Terror Detachment 88 (called Densus 88) on 20 June 2003, the terrorism issue could be said to have been securitized in this second stage. In the definition of ST, the issue is securitized, only if the audience accepts and legitimizes the action taken by securitizing actors. The Bali bombings, which were followed by several other bombs had become a strong justification to convince the audience of the legitimacy of government action. The government assured the audience that actions taken would use of a legal umbrella.

However, although the government's actions had been welcomed, it is still important to look at its criticism, because it created a corridor to limit the likely abuse of power by the anti-terror squad. As in the first stage, the debates and complaints in the second stage also included actors who perceived security threats as different from those defined by the government. The first Islamic groups continued to insist that the main security threats were the US and Israel, which they considered the actual terrorists. They also recognized the threat of terrorism from groups such as Al Qaeda, but according to them what they did was not comparable to the threat and actions conducted within the framework of state terrorism by the US and Israel.

However, the voice of Islamic groups was not united anymore at this stage. There was a voice from the second Islamic groups which acknowledged the existence of extreme Islamic groups behind the terrorist attacks. They support government action but reminded of the importance of protecting human rights in combating terrorism. These groups began to withdraw from criticizing the government and trying to distinguish themselves from the radical Islamic groups. These groups can be said to be moderate Islamic groups such as NU and Muhammadiyah. They said that terrorism cannot be linked to the teachings of Islam, and it was purely carried out by people who used religion as a political tool. They then said that there were errors in the teaching and interpretation of the religion of these terrorist groups. One of the influential Islamic leaders at the time, Amien Rais said that the act of terrorism in Denpasar, Bali was the work of savage groups that resulted in the justification of accusations as if Indonesia had become a fertile hotbed for terrorism.

There were also the third group which criticized the government namely human rights groups who saw the threat behind government counter-terrorism campaigns towards human rights, freedom, and democracy. One of its proponents, Mulya Lubis explained

that the issue of terrorism had given birth to various actions that precisely violated freedom and democracy in the world. He cited the example of various countries where the issuance of an anti-terrorism law has caused the suppression of freedom and arrest without legal procedures and even torture that violated the human rights of the terrorist suspects. According to Lubis, Indonesia also faced the same problem with the issuance of the anti-terrorism law. The law contained clauses that could destroy human rights and threaten the transition to democracy [11].

In this stage two, the phenomenon that developed in the DPR and in the community showed a spirit that on one side wanted to fight terrorism but on the other hand, was very worried that the handling would damage the democracy that was being built. They worried that the law would become an arbitrary act in combating terrorism without respecting human rights. They were also worried about the return of authoritarian regimes such as the New Order which arbitrarily suppressed opposition.

3.3. Third Stage

The third stage of the securitization of terrorism can be said to have begun around the end of the 2010 till now when smaller-scale terrorist incidents occurred in various places, and the Densus 88 had difficulty anticipating these attacks. This related to changes in global terrorism leadership from Al-Qaeda to ISIS which have implications for their strategy. Previously what happened was a suicide bombing towards a target of Western interests or relating to the West,

now the bomb is directed at all targets including those considered sympathetic to the West.

Difficulties to overcome these sporadic terrorist attacks encourage efforts to revise the anti-terrorism law by incorporating the role of the military (Indonesian National Arm Forces or TNI) and by amending articles that limited the role of the Police and TNI to anticipate terrorist attacks. One of the official documents about the need for the TNI to take an official part in combating terrorism was found in the study of the Seskoad (Army Commando School) TNI titled Implementation of the Role of the TNI in Overcoming Terrorism. It did not demand the amendment of anti-terrorism law directly but mentioned the important role of the military to get involved in fighting terrorism [12].

The demands for the revision of the Terrorism Law are fluctuating and usually will resume after a bombing case occurred. Ansyaad Mbai, former Head of National Counterterrorism Agency (BNPT) (2011 - 2014) said the need for the law to be revised and the need for the involvement of the TNI to overcome the difficulty in dealing with the

terrorist threats (interview with Mbai, September 2016). He was later involved in various campaigns and discussions on various campuses to show the importance of revising this anti-terrorism law.

In the end, on May 25, 2018, Law No. 15/2003 on terrorism was revised after a series of bombings following the Sarinah bombings in 2016 occurred until 2018 and after the President gave an ultimatum that he would issue a Perpu if the DPR did not pass the amendments to the Act. In the amendment, the role of the TNI was finally included but the control was under the President. The TNI then formed a special force called the Special Operation Command (Koopsus). The President is expected to issue a regulation regarding this special force of the TNI, although until now the regulation has not been issued.

The revision of the Act basically received the same response as in the previous two stages, where Islamic groups and human rights groups showed various objections to several articles to be revised. They especially highlighted the possibility of abuse of power that would occur if the law was revised to include the role of the TNI and if the detention period for terrorist suspects was added (Interview with Imparsial's program director, Al Araf, September 2016). Araf showed reports of dozens of human rights violations that had occurred even with the Anti-Terrorism Law before it was amended [13]. According to him, what was needed was not a change in some of the items in the Law, but the work and commitment of the police to tackle terrorism more strongly.

Human rights groups also protested the mistreatment and arrest of terrorist suspects. One example was the arrest of Siyono a terrorist suspect from Solo and later died in detention on March 2016. Several human rights groups, including those from Muhammadiyah, Human Rights Commission and Kontras (Commission for Missing Persons and Victims of Violence), protested the hasty action of the Densus [14]. This is one of the many concerns of human rights supporters regarding how to deal with terrorism.

In general, in this third stage, Islamic groups that had initially defined the threat of terrorism as coming from the US and the West has changed their views a lot. The majority of Muslims has accepted the fact that terrorism is a common threat that must be overcome. The main Islamic organizations such as NU and Muhammadiyah are trying to fight terrorism by giving awareness to the public about, for example, the true meaning of jihad. Some joined the human rights group to advocate and protect against human rights violations by apparatuses when arresting terrorist suspects.

4. Conclusion

Through securitization theory that examines the various actors and groups behind the securitization process, this paper shows how Indonesia overcomes the threat of terrorism in a different way from that of the US global war approach. Although in the end, the military force or TNI were involved as mentioned in the revision of the Anti-Terrorism Law, their role was minimal and under the control of the President. Pressure from religious groups and human rights supporters succeeded in ensuring that the revised anti-terrorism law did not give too much power to TNI apparatuses that could lead to abuse of power.

The analysis in this paper attempts to enrich the theory of securitization. So far, securitization theory is seen mainly in the context of speech act, but in the case of Indonesia securitization is related to practices, a series of events that occur and the context of the community. Rather than seeing securitization as carried out by the government alone, it is important to see the reactions of other actors and their interests in the securitization process. By looking closely at the views of other actors about the definition of security threats and how they fight for their views, we can find various normative aspects that these actors stand for. One normative aspect found in the debates is the struggle to uphold human rights and democracy amid the massive securitization of terrorism both at home and abroad. Such analysis also shows that criticism of securitization theory that is too positivistic and ignores normative aspects can be bridged.

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