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**The War On Terror And The Future Of  
Indonesian Democracy**

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***With Compliments***

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## **ABSTRACT**

Prior to the Bali bombings on 12 October 2002, which claimed at least 200 innocent lives and injured many more, Indonesia was indecisive about the war on terror. The indecision stemmed from a number of factors that illustrate the country's complex and difficult transition to democracy: the resurgence of political Islam, the rise of "negative" nationalism, the weak and incoherent civilian leadership and weakened security capability to patrol the vast archipelago due to the prolonged economic crisis. But the Bali tragedy left the government of President Megawati Sukarnoputri with no options but to adopt the "American-imposed" agenda on the war on terror, or risked political and economic repercussions.

The paper examines the dilemmas that Indonesia is facing in balancing the need to accommodate international demands for greater co-operation against terrorism and its volatile domestic political constellation, and the implication of its newfound commitment on the war on terror. The paper argues that Indonesia's war on terror could lead to a disruption of its fragile democratic consolidation process, as it would strengthen intelligence and security institutions that the reform movement has been seeking to reduce and to put under civilian control. Despite the negative trend, however, the paper argues that there are also some positive factors that could inhibit the much-feared scenario of a military takeover.

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## THE WAR ON TERROR AND THE FUTURE OF INDONESIAN DEMOCRACY

Shortly after the Bali bombing tragedy of 12 October 2002 that claimed at least 200 innocent lives and injured many more, the government of President Megawati Sukarnoputri launched a series of measures aimed at combating terrorism, including the enactment of anti-terrorism regulations in lieu of law, which will be applied retroactively for the bombings.<sup>1</sup> On 20 October, after months of indecision, the police finally arrested Abu Bakar Baasyir, the alleged leader of *Jemaah Islamiyah*, listed by the US and the United Nations as a terrorist group.<sup>2</sup> And in international investigations, the National Police (*Polri*) managed in less than one month to arrest a key suspect of the bombings and began to unravel the ring of perpetrators, who could become the first casualties of the new regulation if they were convicted.

Moreover, Megawati broke her customary passivity and worked actively to convince the international community of Indonesia's commitment to fight terrorism. She met her counterparts at the APEC Summit in Mexico in late October and the ASEAN leaders later in early November, and briefed them of her government's next moves. Details of the briefing were not made available, but it was believed that they include a possible clamp down on militant Muslims, if there is evidence against them. Thus, faced with possible government action, the well-armed radical Islamic militia, the Jihad Fighters (*Laskar Jihad*) dissolved itself on 15 October, followed by another radical group Front of the Defenders of Islam (FPI), which temporarily froze its activities on 6 November.

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<sup>1</sup> See *Peraturan Pemerintah Pengganti Undang Undang Republik Indonesia, Nomor 1, Tahun 2002; Tentang Pemberantasan Tindak Pidana Terorisme* and *Peraturan Pemerintah Pengganti Undang Undang Republik Indonesia, Nomor 2, Tahun 2002; Tentang Pemberlakuan Peraturan Pemerintah Pengganti Undang Undang Republik Indonesia, Nomor 1, Tahun 2002; Tentang Pemberantasan Tindak Pidana Terorisme Pada Peristiwa Peledakan Bom Di Bali Tanggal, 12 Oktober 2002*. For full texts, see <http://www.hukumonline.com>, October 22, 2002. On 6 October 2003, the parliament passed the two regulations in lieu of law into laws, despite objections from two House factions. However, Minister of Justice and Human Rights, Prof. Yusril Ihza Mahendra, stated that the government would propose an amendment of some controversial clauses, including the widely criticised provision for the use of intelligence information to investigate terrorist activities.

<sup>2</sup> Baasyir was charged with a series of criminal offences, including involvement in church bombings in 2000, attempts at assassinating Megawati and violation of immigration regulations. But on 21 February 2003, a day before his detention expired, the Police transferred him to the detention of the Attorney General Office (AGO), which altered the charges. The AGO dropped the first two charges and replaced them with "subversion against the legitimate government" but maintained the charge of immigration violation. Baasyir's lawyers accused the Police of not having sufficient evidence to implicate their client and petitioned against his arrest.

Megawati's unprecedented decisiveness was, however, met with mixed reactions. The international community seemed to remain sceptical. As one analyst put it, "Despite the initial flurry of activity after the Bali bombings, we should not anticipate a sustained campaign to eradicate the cells of radical Islamic terrorists."<sup>3</sup> But at home, she had already faced mounting challenges from the Muslims and pro-democracy activists. On 6 November, the National Commission on Human Rights (Komnas HAM) officially rejected the anti-terrorism regulations following earlier moves by two House factions, the Reform Faction and the United Development Party Faction (F-PPP) – arguing that they were prone to political abuse.<sup>4</sup> And, the police handling of Baasyir's investigation also sparked criticisms from Muslim leaders and human rights activists, who alleged that it was conducted to please international opinion. A group of well-respected human rights lawyers also decided to represent Baasyir in court.

Caught between a hard rock and a stone, Megawati was undoubtedly facing one of the biggest tests of her presidency. Will she survive? How would the aftermath of the Bali bombings influence her chances at the 2004 presidential election? And how would the war on terror affect Indonesia's fragile democracy? This paper examines Indonesia's past and present positions on the war on terror and its wider impact on the future of the country's shaky democracy.

### **The Debate over the "Musharraf Scenario"**

The 11 September 2001 tragedy and the American-led war on terror presented Indonesia with a difficult policy dilemma. Unlike other Southeast Asian countries that immediately aligned themselves with Washington, Indonesia remained indecisive. Whilst officially pledging its support for the international fight against terrorism, Jakarta denied the existence of any international terrorism network in the country. It was also reluctant to move against militant Muslim groups suspected of harbouring some operatives of Al-Qaeda – America's post-Cold War nemesis – despite repeated warnings from Washington and neighbouring governments of the danger.

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<sup>3</sup> Barry Desker, *After Bali, Will Indonesia Act?*, IDSS Commentaries, No. 26 (Singapore: Institute of Defence and Strategic Studies, 29 October 2002).

<sup>4</sup> *Detik.com*, "FR Tolak Perpu Anti Teroris", 29 October 2002; *Detik.com*, "F-PPP Tolak Perpu Anti Terorisme", 1 November 2002; and *Kompas*, "Paripurna Komnas HAM Tolak Perpu Anti Terorisme", 7 November 2002.

Indonesia's indecision was due to a number of factors, including the resurgence of political Islam, the rise of "negative nationalism", Megawati's delicate political position and its weakened capability to patrol the borders of the vast archipelago.

In deciding Jakarta's position in the wake of American-led attacks on Afghanistan, Megawati and her advisers were quietly debating the merit of the so-called Musharraf Scenario.<sup>5</sup> Named after Pakistani President General Pervez Musharraf, the "Scenario" proposed that Megawati should follow the general's footsteps in supporting the American-led war on terror and reaping its benefits. Dubbed as one of the greatest ironies of America's post-Cold War foreign policies, Washington lifted the sanctions imposed after Musharraf launched a military coup in 1999, wrote off a significant part of Pakistan's debts and resumed full military ties.

The proponents of the Scenario argued that as leader of the world's largest Muslim nation, Megawati could offer to bridge the widening gap between the West and Islam as a result of the 11 September tragedy. But like Musharraf, she should be prepared to take the risk of acting against radical Islamic groups, suspected of providing fertile ground for religious extremism. They argued that if Megawati took a "measured but decisive" move, these radical groups could be neutralised as they make up only an insignificant percentage of the largely moderate Muslim majority.

In return, Indonesia could expect some debts relief and put an end to the arms embargo imposed on the Indonesian military (TNI) after its alleged involvement in human rights abuses following the vote for independence in East Timor in August 1999. An eased debt burden would help to accelerate economic recovery and the better equipped TNI and Polri would be able to handle armed secessionist movements and other internal security problems. Thus in one stroke, so the argument went, Megawati would be able to resolve both political and economic problems, which in turn, would guarantee easy victory for her and her ruling party, the Indonesian Democratic Party of Struggle (PDI-P) in the upcoming 2004 elections.

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<sup>5</sup> Personal communication.

The key proponents of the Scenario were the head of the National Intelligence Agency (BIN), Lt.-Gen. (ret.) Abdullah Mahmud Hendropriyono, and the Minister of Defence, Matori Abdul Jalil, with the former being the most outspoken spoke person of the camp. Almost from the onset, Hendropriyono spoke openly about the danger of international terrorism in Indonesia and the need to clamp down on Muslim militants, with whom he had personally dealt with. As commander of a sub-province military resort command (*Danrem*) in Lampung, Sumatera in 1989, he led a bloody military operation against members of a radical Islamic sect, the Warsidi Group, killing at least 100 people, an incident which estranged him from human rights and Muslim activists.<sup>6</sup>

This past experience partly explains Hendropriyono's hard-line stance against Baasyir and his radical Islamic movement. The Warsidi Group was one of various splinters of the *Darul Islam* Movement which, according to the official version, attempted to establish an Islamic state. Several clerics from Baasyir's *Ngruki Pesantren* fled to the village of Talangsari in Lampung and joined the group after their school was disbanded following their refusal to accept the state ideology *Pancasila* as the sole principle (*asas tunggal*) in 1984. Baasyir and his senior, Abdullah Sungkar, stayed in the village en route to their exile in Malaysia.<sup>7</sup>

Hendropriyono is an active member of PDI-P and his ties to Megawati dates back to 1993 when as commander of Jakarta's Military Garrison (*Pangdam Jaya*), he helped her to win the chairmanship of the Indonesian Democratic Party (PDI).<sup>8</sup> A seasoned intelligence officer, he is also known to have established excellent contacts with regional and international intelligence agencies.

Yet, Hendropriyono failed to secure Megawati's support of the Musharraf Scenario. At first, Megawati seemed to buy the idea when she became the first leader of a

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<sup>6</sup> *Far Eastern Economic Review*, "In Search of Justice", 31 October 2002.

<sup>7</sup> For details on the Warsidi Affair and the connection between the Warsidi Group and the *Ngruki Pesantren*, see Widjiono Wasis, *Geger Talangsari, Sebuah Kesaksian Serpihan Gerakan Darul Islam* (Jakarta: Balai Pustaka, 2001). Parts of its English version can be accessed through <http://www.gegertalangsari.com/eng/gts.01.html>. On the details of the *Ngruki Pesantren*, see International Crisis Group, *Al-Qaeda in Southeast Asia: The Case of the "Ngruki Network" in Indonesia* (Brussels: International Crisis Group, August 2002).

<sup>8</sup> Megawati was elected as PDI's chairman in an extraordinary party congress in 1993, but the government of President Suharto replaced her by force in 1996. She later formed the PDI-P in 1999. Hendropriyono was said to have risked his career to help Megawati, although recent information indicated that he only carried out a military order. See *Tajuk*, "Bila Jenderal Menunggang Banteng", 1-23 July 1998.

Muslim nation to visit Washington, D.C., after September 11, during which she pledged her support for the American cause. But faced with the domestic outcry against what many Muslims perceived to be America's camouflaged war on Islam, she was forced to water down her tone and to take the side of the opponents of the Scenario instead.<sup>9</sup> It is interesting to note that many members of Megawati's cabinet belonged to the camp, including the Vice President Hamzah Haz, Coordinating Minister of Political Affairs and Security, Gen. (ret.) Susilo Bambang Yudhoyono, TNI Chief, Gen. Endriartono Sutarto, Army Chief of Staff, Gen. Ryamizard Ryacudu and Police Chief, Gen. Da'i Bachtiar.

### **Islam and Nationalism in Unity**

Whilst agreeing about its possible benefits, the opponents of the Musharraf Scenario were generally doubtful that the risks could be minimised. Indonesia had been experiencing an Islamic resurgence since the late 1980s, due to Suharto's policy reversal in bringing Islam back to politics, and to relentless efforts by many Muslim intellectuals to introduce a softer and more inclusive interpretation of cultural Islam as opposed to the hard and exclusive scriptural version of political Islam.<sup>10</sup>

However, Suharto's downfall in 1998 led to a major overhaul of Indonesian politics, including the re-introduction of a multi party system that paved way for the return of political Islam. Although the 14 Islamic parties that contested the June 1999 elections polled less than 15% votes combined – a dismal achievement compared to their predecessors that collected more than 40% votes combined in the 1955 elections – the influence of political Islam is certainly more pronounced than before. But the more worrying phenomenon is the re-emergence of Islamic radicalism. Brutally suppressed under Suharto, it is now determined to seek a place in a more Islamic Indonesia.<sup>11</sup>

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<sup>9</sup> Megawati delivered a speech at the Istiqlal Mosque in Jakarta in conjunction with the commemoration of Prophet Muhammad's birthday (*Maulid Nabi*) in which she criticised the use of violence to fight terrorism without directly referring to the US. Although she merely took a normative position, most political observers interpreted the speech as indicating a retreat from her support on the war on terror. In confidential communication, Palace insiders acknowledged that the seemingly contradictory tone in the speech was due to the fact that the draft was prepared by two presidential speechwriters who do not share a common view on the issue. I am indebted to Dr. Harold Crouch of the Australian National University whose insightful analysis prompted me to re-check the draft speech.

<sup>10</sup> For a discussion on the re-Islamisation process in the last decade of the New Order, see Robert W. Hefner, *Islam, State and Civil Society: ICMI and The Struggle for the Indonesian Middle Class, Indonesia*, Vol. 56, October 1993 (Ithaca, New York: Cornell Modern Indonesia Project).

<sup>11</sup> For a concise analysis on the roots of Islamic radicalism in Indonesia, see Martin van Bruinessen, *Genealogies of Islamic radicalism in post-Suharto Indonesia*, Southeast Asian Research Vol.10, No.2, 2002,

Against this backdrop, it was feared that a security crackdown on Muslim radicals could radicalise the moderate Muslim majority, if it were perceived as unjust and taken at American behest. Heightened tension within the Muslim community would create prolonged instability, which in turn would undermine economic recovery and hurt Megawati's chances for re-election. The risk was exacerbated by the fact that the present government comprises a weak coalition forged under forced circumstances that led to the ouster of President Abdurrahman Wahid in July 2001.

Islam is Megawati's Achilles heel. Although she went on a pilgrimage to Mecca in 2001, she is seen more as a secular nationalist rather than a Muslim figure. She lost her presidential bid to Wahid in October 1999, partly because some Muslim politicians overplayed her anti-Islam image and manipulated a dubious religious ruling barring women from assuming political leadership.<sup>12</sup>

Thus, to keep her hard-won presidential seat Megawati had to rely on Islamic parties to compensate for her lack of Islamic credentials. Her decision to team up with Hamzah Haz, leader of the United Development Party (PPP) who previously opposed her presidential candidacy, was initially hailed as a brilliant move. Hamzah provided her with an "Islamic cover" and helped to secure control in parliament. At first, they seemed to establish a working partnership in which Megawati entrusted her Vice President with the task of keeping Muslim radicals in check. But it later turned into an ugly pairing when Hamzah started to play a "right-wing diplomacy" by providing a virtual political umbrella for the radical groups.<sup>13</sup> Denying the existence of international terrorism in the country, Hamzah said he was prepared to risk his position (*pasang badan*) if indeed the radical Islamic groups were engaged in terrorism activities.

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pp.117-154 (<http://www.let.uu.nl/~Martin.vanBruinessen/personal/publicaties.html>). Interestingly, most of the radical Islamic groups are founded and led by Indonesians of Yemeni descent, who generally subscribe to *salafism*, a rigid scripturalist version of Islam with an apparent mission to correct the syncretic brand of Indonesian Islam. See *Far Eastern Economic Review*, "The Past Catches Up", 14 November 2002.

<sup>12</sup> In the wake of the presidential election in 1999, some *habaib* (conservative *ulemas* of Arab descent who claimed direct line to the Prophet) from the PPP issued a *fatwa* (religious ruling) barring women from assuming political leadership, based on a *sahih* (valid) *hadith* (the Prophet's sayings and deeds). But recent studies disputed the validity of the *hadith*, arguing that it was fabricated two decades after the Prophet died. See Fatima Mernissi, *Women and Islam, An Historical and Theological Enquiry* (Oxford: Blackwell Publisher, 2<sup>nd</sup> edition).

<sup>13</sup> Ulil Abshar Abdalla, "Bahaya Diplomasi "Kanan" Hamzah Haz" in *Tempo*, 21 October 2002.

At the same time, Indonesia was experiencing the surge of “negative” nationalism, both at the elite and public levels, due to what was perceived as Western, notably American political interference. A deep-seated suspicion of America stemmed from its repeated involvements in the “regime change” attempts, such as the well-documented CIA-backed PRRI/Permesta rebellion in 1958,<sup>14</sup> the CIA’s alleged role in the Communist Party of Indonesia (PKI) abortive coup in 1965,<sup>15</sup> and more recently, Washington’s open support for Suharto’s exit from power.<sup>16</sup> This historical bitterness seemed to have found recent justification in the IMF’s mishandling of the monetary and economic crises, the Western support for East Timor’s independence followed by the arms embargo and other events that continued to nurture domestic suspicion that some foreign powers were interested in weakening Indonesia.

Interestingly, nationalism is the creed of Megawati and her ruling party, PDI-P. As the daughter of a Third World leader who once told the Americans to go to hell with their aid she cannot afford being seen as “an American puppet”. Moreover, the military shares her sentiment. Contrary to some analysts’ suggestion that the TNI is now represented by many *santri* (pious Muslim) within its senior ranks,<sup>17</sup> which implies its inclination toward Islam, the prevailing stance in the military is of hardened nationalism.

Religious factionalism did exist in the military as a result of Suharto’s policy reversal in the early 1990s, and surfaced in what were known as “the Red and White military” (*ABRI Merah Putih*) and the “Green military” (*ABRI Hijau*).<sup>18</sup> The internal

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<sup>14</sup> For an investigative analysis on American-backed Revolutionary Government of the Republic of Indonesia/People’s Universal Struggle (PRRI/Permesta) rebellion in 1958, see Audrey R and George Mc.T Kahin, *Subversion as Foreign Policy: The Secret Eisenhower and Dulles Debacle in Indonesia* (New York: The New Press, 1995).

<sup>15</sup> There are at least five theories on the origin of the 1965 coup, including Coen Holtzappel’s analysis that it was an intelligence operation conducted by the CIA. A concise recap on the theories can be found in Hermawan Sulistyono, *Palu Arit Di Ladang Tebu, Sejarah Pembantaian Massal Yang Terlupakan (1965-1966)*, (Jakarta: Kepustakaan Populer Gramedia, 2001), pp. 47-60.

<sup>16</sup> *Reuters*, “US Pressures Suharto on Democratic Transition”, 20 May 1998.

<sup>17</sup> Barry Desker, “Will Indonesia Act?”, p.2.

<sup>18</sup> Red and white is the colour of the national flag and symbolises the multi-ethnic and multi-religious nation, whilst green generally symbolises Islam and is largely used as background colour of Islamic parties’ flags. Both camps, however, reject the terms as derogatory for they imply that the “*Green*” officers are less committed to the military’s doctrines of *Sapta Marga* (the Seven Pledges) and *Sumpah Prajurit* (the Soldier’s Oath) and the *Dwifungsi* (the Dual Function), and likewise those who are labelled “*Red and White*” are less Muslim. While the factionalism did affect daily realities such as personnel changes and recruitment, at the ideological level it was meaningless as the real ideology of the military officers is defined in their doctrines. See Salim Said, *Suharto’s Armed Forces: building a power base in New Order Indonesia, 1996-1999*, *Asian Survey*, Vol. 38, No. 6, June 1998 (<http://global.factiva.com/en/arch/display.asp>).

factionalism seemed to culminate when the “Red and White” Armed Forces Commander, General Wiranto, and the “Green” Commander of the Army’s Strategic Reserve Force (*Kostrad*), Lt.-Gen. Prabowo Subianto, fought a quiet power struggle behind the heavily-guarded Palace walls that preceded Suharto’s resignation in May 1998.<sup>19</sup>

But Wiranto was somewhat successful in containing the fallout of the crisis by dismissing Prabowo from active service and sidelining his supporters. Since then, his successor, Admiral Widodo Adi Sucipto, has enjoyed a relative internal stability as the generals closed ranks, and internal debate was focused more on how to redefine the military’s position in the new Indonesian polity. And Widodo’s successor, Gen. Sutarto, is presently more concerned with the deterioration of the military’s physical capability and the demoralisation of its rank and file than past religious factionalism.

Whilst more Muslim officers did indeed make their way up the military ladder, it would be incorrect to suggest that they belong to the kind of “*santri*” grouping of the 1990s. In fact, the present military leadership comprises officers with strong nationalistic fervour. Responding to an American proposal to resume full military ties if the government arrests Baasyir and clamps down on Muslim militants, for example, one prominent TNI general said, “We will never sell our country for American weapons”.<sup>20</sup> Indonesia is currently sounding out the possibilities of buying weapons from former Warsaw Pact countries and China to reduce its dependence on Western armaments. Similarly, the nationalist general responded angrily to a suggestion that Indonesia should follow the “Arroyo Scenario”, i.e., the decision taken by President Gloria Macapagal Arroyo of the Philippines to invite US troops to help the military to combat terrorism, and insisted that, “We can handle our own affairs and don’t need foreign intervention”<sup>21</sup>

Thus, the forces of political Islam and nationalism that were often in conflict with each other in the past, are now manifested in one appearance: resistance to American pressure.

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<sup>19</sup>According to a widely circulated policy paper that bore the names of a group of intellectuals associated with military-linked think tank CPDS (Center for Policy and Development Studies) in mid-1997, Wiranto belonged to the “Red and White” group and Prabowo Subianto to the “Green”. In an interview on 21 August 2001, Wiranto dismissed the categorisation as baseless.

<sup>20</sup> Personal communication, 8 June 2002.

<sup>21</sup> Personal communication, 10 July 2002 See also, *Tapol Bulletin Online* 166/7, April/May 2002, “The Military and the Arrogance of Power”, p. 7 (<http://www.tapol.gn.apc.org/166-7head.htm>).

## Backroom Channel

In January 2002, Singapore announced that a militant Islamic group called *Jemaah Islamiyah*, believed to be the Southeast Asian associate of Al-Qaeda, was operating in the region and began to round up its members. Malaysia and the Philippines followed suit, and further investigations revealed that the group had struggled to create an Islamic caliphate encompassing Singapore, Malaysia, Indonesia, Brunei, Thailand, and the southern Philippines through violent means. The nebulous network was allegedly founded by the Indonesian clerics, the late Abdullah Sungkar and Abu Bakar Baasyir.<sup>22</sup> Accordingly, Indonesia was expected to arrest Baasyir.

But Jakarta was caught in a dilemma as Baasyir had somehow become a symbol: whilst the international community regarded his arrest as symbolising Indonesia's commitment to fight terrorism, many Indonesian Muslims would consider it as Jakarta's capitulation to American pressure. Moreover, the government faced a host of legal constraints which prevented Baasyir's arrest without sufficient legal evidence. The Police sent a team to Malaysia and Singapore to interview *Jemaah Islamiyah* members detained under the Internal Security Act (ISA), but found no solid evidence to implicate him.<sup>23</sup>

In 1998, Indonesia revoked the much-detested Anti-Subversion Law (the equivalent of the ISA in Malaysia and Singapore), which allowed security authorities to conduct arbitrary arrests based on intelligence information and to detain suspects without trial. Under the existing laws, any arrest must be based on Criminal Code (*Kitab Undang Undang Hukum Pidana*, KUHP) and Criminal Code Procedures (*Kitab Undang Undang Hukum Acara Pidana*, KUHAP), which require sufficient legal evidence to be presented before an arrest is made. The suspect could lodge a legal complaint against the arrest,

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<sup>22</sup> The existence of *Jemaah Islamiyah* (literally means Islamic community) and the extent of its network continue to be a subject of controversy. Whilst the organisation formally existed in Singapore and Malaysia, it was not known in Indonesia save for a loose term used alternately by the New Order government with the "Jihad Command" (*Komando Jihad*), a militant Islamic movement in the 1970s. Upon his return to Indonesia in November 1999, Baasyir helped to set up the Council of Indonesian Jihad Fighters (*Majelis Mujahidin Indonesia*, MMI), a legally listed organisation, hence his consistent denial that he was connected with *Jemaah Islamiyah*. However, in several interviews, Abdullah Sungkar acknowledged the existence of *Jemaah Islamiyah* and his involvement in it and that it aspired to achieve a *dawlah-islamiyah* (an Islamic governance). See Johan Effendy, "Jamaah Islamiyah dan Abdullah Sungkar" in *Kompas*, 7 November 2002.

<sup>23</sup> *The Jakarta Post*, "No Evidence that Baasyir is Terrorist Leader: Police", 26 February 2001.

which should be duly annulled if the court rules in his/her favour. Whilst the abolition of the draconian law and the provision of adequate civic rights reflect the new democratic Indonesia, they presented the country with a significant legal loophole as the inept and generally corrupt security and judiciary apparatus are required to work harder to build a credible legal case.

In February, Baasyir was summoned for questioning, but was released because of insufficient evidence to detain him. His case was not unique, as the police had failed to detain the perpetrators of a number of riots and violent activities that had taken place since the fall of the New Order for lack of incriminating evidence despite the availability of intelligence data.<sup>24</sup> Although the security authorities placed Baasyir under tight secret surveillance, they failed to collect enough evidence to nail him.<sup>25</sup>

Despite its reluctance to arrest Baasyir, Jakarta opened a “backroom channel” and participated in international co-operation to track down suspected Al-Qaeda operatives in the country and to break their financial supports. Top American security officials, including the Director of Federal Bureau of Investigation (FBI) Robert Mueller, visited the country and exchanged intelligence information with their Indonesian counterparts. The Central Bank, Bank Indonesia, has conducted extensive investigations on possible terrorism financing, but found no evidence of this so far.<sup>26</sup>

A seemingly major breakthrough was made on 5 June 2002, when Omar Al-Farouq, the alleged Al-Qaeda’s kingpin in Southeast Asia, was arrested in the West Java town of Bogor and handed over to American custody. After three months of silence, Al-Farouq cracked down and began to spill the beans on Al-Qaeda’s “global network of terror”, which prompted Washington to increase its security alert to an “orange” level, and to close some of its embassies overseas in the wake of the 11 September anniversary.<sup>27</sup> Many security analysts used his confessions to “join the dots and fill in the blanks” about Al-Qaeda and its plan to set up “a second frontier” in Southeast Asia with *Jemaah Islamiyah* as its spearhead, despite their apparent discrepancies.

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<sup>24</sup> Interview with former head of Coordinating Board of State Intelligence (BAKIN), Lt.-Gen. (ret.) ZA Maulani, 15 July 2001. According to Maulani, BAKIN had provided intelligence data about the perpetrators of the Maluku Conflict, but the police failed to arrest them.

<sup>25</sup> Personal communication, 23 October 2002.

<sup>26</sup> *Tempo Interaktif*, “BI Belum Temukan Rekening Teroris”, 25 October 2002.

<sup>27</sup> *The Straits Times*, “The Terrorist Who Talked”, 3 November 2002.

## Al-Farouq's Controversy

Al-Farouq's mysterious arrest raised many eyebrows in Indonesia and later, posed the police with a host of legal problems. The public only learned about his arrest when *Time* magazine published a leaked CIA report detailing his confession and the secrecy surrounding his hand over.<sup>28</sup> The report sparked controversy and accusation that the US was mounting a "black propaganda" operation against Muslims in Indonesia, as Al-Farouq claimed that Baasyir and *Jemaah Islamiyah* had been responsible for the bombing of Istiqlal Mosque in 1999, the church bombings in December 2000, and attempted to assassinate Megawati in 1999 and 2000.<sup>29</sup> Except for the church bombings, which appeared to have connections with the Bali bombings, so far no evidence seemed to support the other two allegations.<sup>30</sup>

After a series of conflicting statements and denials from several government officials that reflected poor co-ordination amongst cabinet members, top security minister Yudhoyono acknowledged Al-Farouq's arrest. He said that Farouq was arrested in a joint intelligence operation against terrorism involving the Polri, BIN and other foreign intelligence operatives.<sup>31</sup> Other reports, however, disputed his claim. Quoting Police sources, *Tempo* reported that Police Chief Gen. Bachtiar was upset that he was kept in the dark during the entire "Al-Farouq operation". The magazine said that the immigration officials conducted the operation along with the *Sandi Yudha* intelligence unit of the Army's Special Forces Command (*Kopassus*) led by Maj. (later Lt.-Col.) Andika Perkasa and was directly supervised by his father-in-law, Hendropriyono.<sup>32</sup> But *Kopassus'* participation indicates that the military was involved. In fact, the military intelligence

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<sup>28</sup> *Time*, "Confessions of An Al-Qaeda Terrorist", 16 September 2002.

<sup>29</sup> *The Jakarta Post*, "Moderate Muslim Leader Warns US on Terror Backlash", 23 September 2002.

<sup>30</sup> According to Al-Farouq, an attempt on Megawati's life was carried out by Taufik bin Abdul Halim Al Dany, a Malaysian bomber who was arrested after injuring himself when the bomb he was carrying blew off at a shopping mall in Central Jakarta on 1 August 2001. Al Dany disputed Al-Farouq's statement, maintaining that the bomb was directed at Catholic congregates praying at the shopping mall complex. See *Tempo*, "Jejak Dari Kaki Yang Buntung", 5 January 2003. The police arrested seven suspects of the Istiqlal Mosque bombing on 19 April 1999 and linked them with an unknown radical group called the Force of Indonesian Muslim Jihad Fighters (*Angkatan Mujahidin Islam Nusantara, AMIN*). See *Tempo*, "Aksi Tangan-Tangan Misterius", 5 January 2003. In October 2002, Baasyir sued *Time* Magazine for publishing Al-Farouq's accusation that he, a Muslim preacher, plotted to blow off the grand mosque.

<sup>31</sup> *The Jakarta Post*, "Confusion Reigns Over Al-Farouq's Extradition", 24 September 2002.

<sup>32</sup> *Tempo*, "Menyibak 'Burqa' Al-Qaidah", 30 September 2002.

agency, Bais, led by its head Vice Marshall Ian Santosa Perdana Kusumah took part in it with approval from TNI Commander Gen. Sutarto.<sup>33</sup>

The decision to conduct such a high-level military intelligence operation was taken after Jakarta received confidential information from the US State Department, detailing a list of suspected Al-Qaeda operatives in the country, including Al-Farouq.<sup>34</sup> It appeared that BIN had known of Al-Farouq's activities before information about his links with Al-Qaeda was received from Washington.<sup>35</sup> Intelligence authorities began to track him down and managed to locate him in Bogor where he lived with his Indonesian wife and children.

A young man of highly dubious identity, Al-Farouq is said to be a citizen of Kuwait who went to fight alongside many other foreigners in Maluku. But Kuwaiti officials in Jakarta denied this, saying that he is an Iraqi citizen.<sup>36</sup> Indonesian officials, however, found out that he possessed two different identity cards and birth certificates, each indicating that he was born in Makassar, South Sulawesi and Ambon, Maluku.<sup>37</sup> Al-Farouq was put in an immigration detention in Makassar on February 1999 when officials found some irregularities in his passport application, but he managed to flee.<sup>38</sup>

Upon locating him, Indonesian intelligence began tapping his telephone conversations and checking his bank accounts. They found out that Al-Farouq did "establish contact with foreign sources", although it was not clear whether they were Al-Qaeda. As intelligence information cannot be used to make an arrest, it was decided that he should be apprehended in an undercover operation without involving the Police. Once he was arrested, however, another problem arose. Ian Perdana Kusumah insisted that Al-Farouq should be interrogated in Indonesia before he was handed over to the Americans. But Hendropriyono decided to turn him over directly to American officials who had been

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<sup>33</sup> Personal communication, 23 October 2002.

<sup>34</sup> *The Jakarta Post*, "Akbar Believes TNI's Report on Al-Qaeda Network in Indonesia", 20 October 2002. The paper quoted Gen. Sutarto as saying that information about Al-Farouq was received from the US government, not the CIA.

<sup>35</sup> *Tempo*, "Jejak Intelijen di Balik Al-Farouq", 23 November - 1 December 2002. One BIN operative, Abdul Harris, had penetrated Baasyir's MMI since its establishment and was appointed head of a key department before his true identity was exposed by accident in November 2002. In his undercover role as MMI activist he came to know Al-Farouq and helped him to obtain false identities. But it was Harris who led the intelligence team to Al-Farouq's arrest. Later, he accompanied the Police team to interrogate Al-Farouq at his detention at Bagram air base in Afghanistan. See also, footnote 40.

<sup>36</sup> *Tempo*, "Setapak Jejak Umar Al-Farouq", 30 September 2002.

<sup>37</sup> *Detik.com.*, "KTP dan Akte Kelahiran Faruq", 25 October 2002.

<sup>38</sup> *Tempo Interaktif*, "Faruq Punya KTP dan Akte Kelahiran Makassar", 21 October 2002.

waiting at the Halim Perdana Kusumah air base in Jakarta, who then flew him off to Bagram air base in Afghanistan.<sup>39</sup> Hendropriyono's decision later sparked criticisms, even suspicion of his personal motives.

The fact that Al-Farouq sang his songs under the CIA's three months-without-sleep-detention and the report was then deliberately leaked, possibly with the help of BIN and other Asian intelligence agencies, to a number of international media, sparked further controversy in Indonesia.<sup>40</sup> The Police sent a team to Afghanistan to interview Al-Farouq in mid-October and used his testimony to build a shaky case against Baasyir.<sup>41</sup> But it did little to allay the public's suspicion as it turned out that instead of conducting a thorough interrogation, the Police presented Al-Farouq with a questionnaire, to which he only responded "yes", "no", and "no, I don't remember".<sup>42</sup> Even the US government did not help much to convince the sceptical Indonesians by refusing to disclose information it held on *Jemaah Islamiyah*, claiming that it was classified.<sup>43</sup>

Intense public controversy and the Police's ire at being bypassed during the operation against Al-Farouq prompted intelligence authorities to modify their strategy to arrest foreign suspects. Thus, on 16 September 2002, intelligence operatives apprehended Seyam Reda, a Germany citizen of Arab descent and an Al-Qaeda suspect, then turned him over to the Police who later charged him with visa violations.<sup>44</sup> Using a similar strategy, the Indonesian security authorities apprehended at least six foreign nationals suspected of being Al-Qaeda operatives and handed them over to American custody.<sup>45</sup>

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<sup>39</sup> Personal communication, 23 October 2002.

<sup>40</sup> On the possibility that BIN and other Asian intelligence agencies took parts in "leaking" the CIA report, see *Tempo*, "Setapak Jejak..."; and *Far Eastern Economic Review*, "Gently Turning The Heat Up", 3 October 2002.

<sup>41</sup> *Kompas*, 17 October 2002, "Omar Al Farouq Mengaku Bagian Al-Qaeda", 17 October 2002. The police gave some conflicting statements on where exactly Al-Farouq's interrogation was conducted. After stating that the interrogation took place in the US, the police acknowledged that it was conducted in Afghanistan.

<sup>42</sup> *Kompas Cyber Media*, "Berita Acara Pemeriksaan Omar Al-Farouq Berisi Jawaban "Yes" dan "No", 8 November 2002. *Koran Tempo* reported that Gen. Da'i Bachtiar confessed to Permadi, a legislator from the ruling party PDI-P, that the Police team had never met Al-Farouq face to face as the US authority refused to grant them access to him. Bachtiar denied the report. See *The Jakarta Post*, "Al Farouq's Testimony Valid: Police", 11 November 2002.

<sup>43</sup> *Far Eastern Economic Review*, "What If He Isn't Guilty?", 7 November 2002.

<sup>44</sup> *Kompas Cyber Media*, "Soal WN Jerman Yang Ditangkap, Indonesia Tak Langsung Deportasi", 20 September 2002. Currently, Reda is being tried at the Jakarta Court for immigration violations. Interestingly, no charges on terrorism activities were pressed on him.

<sup>45</sup> Personal communication, 23 October 2002.

## Turf Battle

Whilst the strategy seemed to work effectively to net foreign suspects, it failed to nail Indonesian nationals such as Riduan Isamuddin (aka Hambali), who was believed to be the real operator behind a series of terror attacks in Southeast Asia, and his associate, Imam Samudera.<sup>46</sup> Wanted by Indonesian police since as early as December 2000 for his alleged role in a plan to bomb a church in Bandung, West Java, Hambali managed to elude arrest and was suspected to have fled to Malaysia, where he was said to have helped established Jemaah Islamiyah.<sup>47</sup> Born into a religious peasant family in Cianjur, West Java, by the name of Encep Nurjaman, like many members of hard-line Islamic groups, Hambali fled to Malaysia in the late 1980s to evade the New Order's crackdown on the groups.<sup>48</sup>

Indonesian authorities believed that he was a criminal who once hired thugs to blow off a businessman's house as well as a terrorist who masterminded a series of bombings in at least eight cities in Indonesia in 1999 - 2000.<sup>49</sup> As mounting evidence about connections between the domestic insurgencies with international terrorist networks continue to increase, they are convinced that Hambali is the key person to untangle the mystery surrounding Jemaah Islamiyah and its alleged link with Al-Qaeda. In early 2002, intelligence operatives spotted Hambali in the West Java area and tipped the police off. But whilst the police were preparing a legal case against him, the fugitive fled much to their disappointment.<sup>50</sup>

The intelligence agencies' ire at the police and vice versa provides insights into the other dimension of Indonesia's inaction on the war on terror. An acute inter-service rivalry has characterised relations between Indonesia's various intelligence units, but a major overhaul of the military's role and the prolonged financial crisis exacerbated the problem.<sup>51</sup> In August 2000, the People's Consultative Assembly (MPR) passed Decree

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<sup>46</sup> Imam Samudera was arrested on 21 November 2002 whilst trying to flee to Malaysia. Samudera confessed that he was one of the main perpetrators of the Bali bombings.

<sup>47</sup> *Liputan6.com*, "Hambali Bersembunyi di Malaysia", 23 January 2001.

<sup>48</sup> *Jawa Pos Online*, "Yang Ada Aa' Encep", 23 September 2002.

<sup>49</sup> *Liputan6.com*, "Hambali Yang Membuat Repot Polri", 8 November 2002.

<sup>50</sup> Personal communication, 23 October 2002.

<sup>51</sup> There are seven intelligence units housed in various departments, i.e., BIN, Bais, the Police's Intelligence and Security Unit (*Intelpam Polri*), The Office of Attorney General's Intelligence Unit, the Department of Home Affairs' Intelligence Unit, the Department of Foreign Affairs' Intelligence Unit and the Directorate of

No VII/MPR/2000, which formally separated the Police Force from the Armed Forces. Under the new ruling, the TNI is responsible for external defence, leaving internal security to the Police.

As a result, TNI's intelligence agency, *Bais*, which technically possesses the best intelligence capability as its operational arm reaches down to the village level owing to the army's territorial structure, was laid idle whilst the Police's intelligence unit, the Police's Intelligence and Security (*Intelpam Polri*), was generally too under-trained and too under-staffed to replace it. Hendropriyono, who became the first head of the state intelligence agency to obtain ministerial status, tried to cope with the problem by recruiting his own shadowy 130-man strong intelligence squad,<sup>52</sup> but his personal integrity was widely questioned due to his political inclination and his proclivity for clandestine intelligence operations.<sup>53</sup> BIN itself has been deeply fractured by various political changes, as each President has tried to restructure the institution to serve his/her own political agenda.

The rivalry worsened as each intelligence unit competed for scarce financial resources. BIN, for example, was only allotted US\$13.8 million for the 2003 fiscal year (far below the proposed US\$26.2 million budget), of which only US\$1.9 million was actually allotted for counter-terrorism activities.<sup>54</sup> *Bais* and *Intelpam Polri* fared worse as the tight TNI and Polri budgets were allotted more for personnel welfare and the maintenance of old equipment.

As rivalry intensified, each intelligence unit became vulnerable to various political interests, both domestic and foreign. An example of this acute "turf battle" was the conflicting reports on the suspected Al-Qaeda training camp in Poso, Central Sulawesi. In early December 2001, Hendropriyono shocked the public when he disclosed that members of Al-Qaeda who fled the American attack on their base in Afghanistan had established a

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Immigration's Intelligence Unit. In addition, each service in the military has its own intelligence unit pooled under *Bais*' supervision. Under the new Presidential Instruction No 5/2002 issued on 22 October 2002, BIN is tasked to co-ordinate the various intelligence activities.

<sup>52</sup> *Far Eastern Economic Review*, "In Search of ..."

<sup>53</sup> For reports on Hendropriyono's political intelligence operations, see *Tempo*, "Intelligence and Recommendations", 5 March 2002; *Tempo*, "Generals At Loggerheads, They Dead in the Middle", 2 April 2002; and *Koran Tempo*, "Dijebak Intel Melayu", 2 April 2002.

<sup>54</sup> *Kompas Cyber Media*, "Untuk Tanggulangi Terorisme, Anggaran BIN Cuma Rp 17 Milyar", 18 October 2002.

military training camp in the jungle of conflict-torn Poso.<sup>55</sup> A number of American media also carried similar stories, which claimed that a high-resolution satellite imagery had confirmed the existence of such a camp. After a few days of public controversy, Yudhoyono disputed Hendropriyono's claim, apparently after receiving local police and Bais reports that such a camp had never existed.<sup>56</sup> A top military intelligence officer who sent his team along with the local police to the location said that, "They found nothing but a boy-scout camp."<sup>57</sup> A number of Western missions in Jakarta also sent their own teams to Poso but found nothing to support the claim of a "foreign base". And, the so-called satellite photographs were later proved "inconclusive" because they failed to show who might have been using the "base".<sup>58</sup>

But nearly a year later, in September 2002, Hendropriyono reiterated his claim. This time he showed a video footage describing a military training camp in Poso, in which Al-Farouq was photographed giving military instructions.<sup>59</sup> A few days after the Bali Bombings, several foreign media carried another "leaked CIA report" that the training camp had been moved to Balikpapan in East Kalimantan, in the complex of the reputedly moderate and modern Hidayatullah *Pesantren* (Islamic boarding school).

The reports angered the *pesantren*'s management, who pointed out that there were at least four compounds of different TNI units in its vicinity, which made it unlikely that clandestine armed trainings could have been conducted without rousing their suspicion.<sup>60</sup> Balikpapan and the nearby town of Bontang are strategic oil cities, which explains heavy security presence armed with the country's best air defence weaponry, including Rapier surface-to-air missiles, in the area. The military intelligence agency supported their denial, maintaining that the information was baseless.<sup>61</sup> Once again, Muslim leaders

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<sup>55</sup> *Kompas Cyber Media*, "Kepala BIN Hendropriyono: Poso Jadi Ajang Link-Up Teroris Internasional", 13 December 2001.

<sup>56</sup> *Kompas*, "Yudhoyono: Informasi BIN Masih Harus Dipastikan", 13 December 2002.

<sup>57</sup> Confidential interview, 23 October 2002.

<sup>58</sup> Greg Fealy, "Is Indonesia A Terrorist Base?", Inside Indonesia, July-September 2002 (<http://www.insideindonesia.org/edit71/fealy1.htm>)

<sup>59</sup> *Tempo*, "Setapak Jejak ..." The magazine questioned intelligence information that Al-Farouq had ever been to Poso and expressed scepticism about the authenticity of the footage.

<sup>60</sup> *Detik.com*, "Berita Sesat Dari Bocoran CIA", 9 November 2002.

<sup>61</sup> Personal communication, 23 October 2002.

suspected that American intelligence was mounting a “black propaganda” operation to discredit Indonesian Muslims and that Hendropriyono may have been taking part in it.<sup>62</sup>

Nevertheless, the truth may remain elusive. But if the turf battle ridden with conflicting interests amongst intelligence units continues, Indonesia is likely to remain as “the weak chain” in regional co-operation against terrorism.

### Caught in the Middle

The Bali bombing tragedy changed the Indonesian political landscape. Today, Megawati had no other choice but to align herself with Washington on the war on terror or risked diplomatic repercussion and perhaps, financial cut off. Citing security reason, the international donor consortium, CGI (Consultative Group on Indonesia) postponed its annual meeting scheduled for November 2002 in Yogyakarta, indicating the use of financial pressure to push Jakarta to do more to fight terrorism. And, ambassadors of the European Union threatened to issue travel warnings if the Indonesian government failed to ensure their citizens’ safety.<sup>63</sup> Indonesia cannot afford to jeopardise the financial lifeline, given the fact that the Bali bombings alone had cost the country up to US\$10 billion, added 600,000 jobless people to the already heavy burden of 38.3 million unemployed workers and forcing the government to revise its annual budget.<sup>64</sup>

But now the financial benefits of linking Jakarta to Washington may not come in handy. Australia, with more than 60 citizens dead from the Bali bombings, has indicated its intention to resume full ties with the TNI, including the *Kopassus*<sup>65</sup> and to offer some cash to help Indonesia cope with the bombings’ economic fallout.<sup>66</sup> But the US has yet to make its final decision, although last July it had resumed the IMET (International Military Education and Training) programme and disbursed a token of US\$50 million aid as

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<sup>62</sup> *Detik.com*, “Berita Sesat...”

<sup>63</sup> *Kompas*, “Menko Polkam Bentuk Desk Antiterorisme”, 25 October 2002. Due to collective pressures from other Southeast Asian countries that suffered the fallout of the Bali bombings, the travel warning was gradually eased.

<sup>64</sup> *Tempo Interaktif*, “Polisi: Ada Missing Link Antara Baasyir dan Amrozi”, 11 November 2002; and *The Jakarta Post*, “A Sense of Urgency Needed”, 11 November 2002.

<sup>65</sup> *The Jakarta Post*, “Australia May Lift Ban on Indonesia Military Unit”, 11 November 2002; and *The Age*, “Taking The War Against Terror to Indonesia”, 26 October 2002.

<sup>66</sup> *Sydney Morning Herald*, “PM May Offer Cash To Help Indonesia Fight Terrorism”, 26 October 2002.

negotiations continued to be marred by allegations of human rights abuses.<sup>67</sup> More importantly, as Washington's attention has shifted to Iraq, Jakarta may not get the financial aid that Musharraf enjoyed when he made his country the frontline of American-led attack on Afghanistan.

Thus it may no longer be relevant to ask whether Indonesia "will act" after the Bali bombings. Perhaps it would be more appropriate to assess "how" Megawati will act and the extent her "actions" will influence her political future and bring about a wider impact on Indonesian politics. Under current circumstances, Megawati is likely to survive until 2004. Prior to her ascent to the Presidency in July 2001, she had secured an unwritten guarantee from the other political leaders that she would serve her full term.<sup>68</sup>

Her first test, however, will be the investigation on Baasyir and the Bali bombings, since she has to balance her moves so as to convince the international community of her commitment to root out Islamic radicalism without radicalising the rest of the moderate community. For the moment, leaders of mainstream Muslim organisations such as Nahdlatul Ulama and Muhammadiyah have thrown their weight behind her government, although they also expressed criticisms of her passivity in mobilising the moderate Muslims' support for her anti-terrorism measures.<sup>69</sup> Moreover, the much-feared "Muslim backlash" has yet to take place, as the Muslim leaders have managed to control their masses and the police was careful enough not to incite their anger.

But there is suspicion amongst Muslim leaders that the government would emulate the New Order's tactic to exploit the issue to discredit Islamic parties ahead of the 2004 elections.<sup>70</sup> Therefore, Megawati's failure to present a credible case to justify moves

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<sup>67</sup> *The Washington Post*, "Military Allegedly Talked of Targeting Mine", 3 November 2002 and *Tempo Interactive*, "TNI Chief To Sue Washington Post", 8 November 2002. *The Post* alleged that TNI Chief Gen. Sutarto was directly involved in planning a 31 August 2002 attack that killed two Americans and one Indonesian in the vicinity of an American mining company, Freeport, in Papua. But in response to Gen. Sutarto's legal complaint, *the Post* expressed regret and retracted its story. On 25 February 2003 it published a correction under the title "Post Corrects Nov 3 Report on Freeport Mine Ambush".

<sup>68</sup> Personal communication, 28 August 2001 See also, *Media Indonesia*, "Lima Syarat Megawati", 5 June 2001.

<sup>69</sup> *Kompas*, 13 November 2002, "Pemerintah Didesak Tindak Tegas Radikalisme", 13 November 2002.

<sup>70</sup> *Media Indonesia*, 11 November 2002, "Kondisi Hubungan Pemerintah Seperti 80-an Terulang", 11 November 2002. For an analysis on the New Order's tactics to discredit Islamic parties, see Ikrar Nusa Bhakti, et.al., *Militer dan Politik Kekerasan Orde Baru* (Bandung: LIPI and Penerbit Mizan, 2001), pp. 47-117.

against Muslim militants could easily turn the support into confrontation, which could lead to another political crisis and jeopardise her chances for re-election.

Indeed, her real test will be the 2004 presidential elections, which for the first time will be determined by direct popular vote. One analyst suggested that Megawati's lack of leadership in handling the Bali bombings has made her a liability for her party and that PDI-P will be forced to seek another presidential candidate.<sup>71</sup> It appears to be a prematurely exaggerated analysis, for Megawati remains one of Indonesia's most popular political leaders. It is true that there has been a growing disillusionment amongst party cadres towards her controversial policies (such as her support for the highly unpopular Jakarta Governor Lt.-Gen. (ret.) Sutiyoso), which could affect internal party support, but Megawati's popularity within PDI-P is derived largely from primordial loyalty to her father, Sukarno.<sup>72</sup>

However, it will be safe to predict that support from outside her own traditional constituents will be hugely affected. Megawati's success in the 1999 elections was largely due to her perceived image as a clean alternative to the corrupt Suharto's New Order which drew strong grass root and middle class supports alike regardless of their religious beliefs. Today, with the impoverished grass root becoming increasingly restless, the critical middle class becoming impatient, and the largely suspicious Muslims becoming more disillusioned, she is unlikely to enjoy similar supports.

Would Islamic parties be able to seize the opportunity? Again, it is interesting to draw a parallel between Pakistan and Indonesia. Last October, in a highly rigged election held for the first time since Gen. Musharraf took power, a six-party alliance of conservative, non-violent Islamic parties won 51 of 272 seats selected, or six times their best performance prior to the coup, in a clear defiance of Musharraf's pro-America policy.<sup>73</sup>

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<sup>71</sup> International Crisis Group, *Indonesia Briefing: Impact of the Bali Bombings*, (Jakarta/Brussels: International Crisis Group), 24 October 2002, pp. 1-2.

<sup>72</sup> During its national meeting in Jakarta on 12-15 March 2003, PDI-P officially nominated Megawati as its presidential candidate. For an analysis on Megawati's popularity and her possible running mate for the 2004 elections, see for example, Soegeng Sarjadi Syndicated, *"The Ultimate Duets for the 2004 Presidential Race"* (Jakarta: Soegeng Sarjadi Syndicated), March 2003.

<sup>73</sup> *Asian Wall Street Journal*, "Pakistan's Path Reveals Risk Megawati Faces", 23 October 2002.

Indonesian Islamic parties are generally more divided than their Pakistani counterparts. A heavy security crackdown on radical Muslims may provide them with an impetus to close ranks and defy the pressure, but given the fact that the Islamic parties performed very poorly in the last election – aside from the PPP which managed to collect 11% of the votes – it is unlikely that they will be able to translate the renewed vigour of faith into real political power.

### **Wither Indonesian Democracy?**

With Megawati and her nationalist party weakened but Muslim parties unprepared to offer an alternative thus signalling the “failure” of civilian politicians, would Indonesia’s third power in the troika, i.e., the military, be drawn to fill in the vacuum? In other words, as Indonesia is now unofficially adopting the Musharraf Scenario, would it also be compelled to traverse its “dark path”, i.e., the return of military dictatorship?

Indeed, the greater concern now is how the Washington-imposed agenda on the war on terror would affect Indonesia’s fragile democracy. As the first casualty of war is freedom, the war on terror could lead to a premature halt to Indonesia’s new-found freedom after three decades of authoritarian rule. The concern is exacerbated by the fact that the two forces that gave impetus to Indonesia’s march to democracy in 1998, i.e., the domestic push for democratic change and international support for the emergence of the world’s second biggest democracy, have been very much weakened lately.

Domestically, the four years of *reformasi* has been generally perceived as failing to deliver on its early promises. Whilst there are some positive developments such as the amendment of the 1945 Constitution that paved the way for a more democratic political system, the snail-like and chaotic process has caused deep apathy amongst the public. Internationally, democracy as the buzzword of the 1990s has been replaced by the new millennium’s war on terror. Whilst democracy holds up civil liberties and respect of human rights, the war on terror requires that those values yield to the clear and present danger.

Thus, the US that lauded and supported Indonesia’s march to democracy was encouraging the country’s conservative government to put a rein on it (taking into

consideration, of course, that Clinton's Democrat administration has been replaced by Bush's Republican government). For example, whilst Indonesia is struggling to uphold the rule of law, Washington's top officials have urged Megawati to simply waive aside all legal niceties to arrest Baasyir.<sup>74</sup> Moreover, realising the need to have a reliable partner on the war on terror, the Pentagon has promised full resumption of military ties if the Indonesian security launches a crack down on radical Muslims, even if evidence was lacking to implicate them.<sup>75</sup> Ironically, it was the Indonesian side who turned down the "undemocratic" proposals.

Indonesia's war on terror requires a strengthening of the security and intelligence apparatus that the reform movement has been seeking to reduce and to put under public control. Take for example the case of anti-terrorism regulation, which was hastily enacted under intense international pressure. Whilst many legal activists acknowledge the need of a stricter law to combat terrorism, they are cautious about the use of intelligence information to make an arrest without adequate provisions to protect the suspect's civic rights.<sup>76</sup> More importantly, given the horrifying record of intelligence agencies and the weaknesses of an inept judiciary system, they are concerned that the law could lead to political and human rights abuses *a la* the New Order.

The war on terror would also indirectly affect military reform and further strengthen the institution. As security is now tightened and intelligence information is needed to prevent terrorist attacks, the military would see no urgency to dismantle its territorial structure – criticised by many analysts as a "shadow government" – as initially planned.<sup>77</sup> And it would also lead to a gradual revision of its defence role. The Police's ineffectiveness in handling security disturbances in conflict-torn areas such as Maluku, Poso, Papua and Aceh has led to a de-facto military "take over".<sup>78</sup> But the war on terror

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<sup>74</sup> *Far Eastern Economic Review*, "Gently Turning ..."

<sup>75</sup> Personal communication, 8 June 2002.

<sup>76</sup> *Kompas*, "Isu Subversif dalam Perpu Nomor 1 Tahun 2002", 11 November 2002.

<sup>77</sup> *Kompas*, "KASAD: Tak Ada Lagi Kodam Bubar", 17 October 2002. According to a proposal approved in 2001, the territorial structure will be dismantled gradually in approximately 19 years. See Lt.-Gen. Agus Wijoyo, *Refungsionalisasi Binter Sesuai Paradigma Baru Peran TNI*. The paper was presented at the commanders of sub-province military resort (*Danrem*) roll call in October 2001 in Jakarta.

<sup>78</sup> Following a clash between the army and police personnel in Maluku, Jakarta decided to place the command of the security restoration operation in the province under a two-star army general. The decision violated the TAP VII/MPR/2000, but both the government and the parliament accepted it, arguing that the situation in Maluku was "abnormal". Similarly, the operation command in Aceh has been gradually shifted from the police to the military.

would force the Police to allocate most of its limited resources to conduct criminal and forensic investigations, thus shifting internal security back to the military's jurisdiction.

The concern was intensified when in February 2003, BIN proposed an intelligence draft law that would allow the intelligence apparatus to detain a suspect based on intelligence information. Almost simultaneously, the TNI also proposed a military law, which recently created a public uproar due to a controversial clause allowing the TNI Chief to take militaristic action in a case of emergency without first notifying the President and the parliament. Although it is certainly an exaggerated suspicion that the clause was deliberately designed to prepare a legal ground for the TNI to launch a military coup, but the proposal underlines a growing concern and impatience amongst the generals with the direction to which the chaotic reform is leading to. In late February, Army Chief of Staff Gen. Ryamizard Ryacudu, the outspoken leader of military hard-liners, hosted a reunion of around 250 retired army officers, during which the "old soldiers" expressed encouragement that the TNI should re-assert its role as "guardian of the unity and unitary state of Indonesia".<sup>79</sup>

However, whilst the strengthening of the military could pose a danger to the empowerment of civil society, it does not necessarily mean that it would lead to a military takeover. Although there is the possibility that a civilian failure might trigger a military takeover,<sup>80</sup> an assessment of the TNI's historical, ideological and present realities demonstrates that it would not take place in the near future.

Historically, the Indonesian military has never been involved in a direct military coup, which makes it different from its Latin American and African counterparts.<sup>81</sup> Ideologically, the TNI prides itself as the institution that upholds the principles of Pancasila and the 1945 Constitution, which are embodied in its *Sapta Marga* and *Sumpah*

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<sup>79</sup> *Tempo*, "Merdeka Barat dan Pasal Kudeta Itu", 16 March 2003.

<sup>80</sup> In fact, it was the (then) TNI's Chief of Territorial Affairs (*Kaster TNI*) Lt.-Gen. Agus Wijoyo who first came up with the "warning" about civilian failure in 2000. In response to mounting tension between the military and the erratic President Abdurrahman Wahid, he cautioned that "military take over would take place if the country is in the condition of complete breakdown." See *Tajuk*, "Agar Tak Ada Kudeta Militer", 3 January 2000.

<sup>81</sup> For analyses on the origin of TNI's involvement in politics, see Ulf Sundhaussen, *The Road To Power: Indonesian Military Politics, 1945-1967* (Oxford: Oxford University Press, 1982), chapter 2, 3 and 4; Harold Crouch, *Army and Politics in Indonesia* (Ithaca: Cornell University Press, 1978), chapter 1; and Salim Said, *The Genesis of Power, General Sudirman and the Indonesian Military in Politics, 1945-1949* (Jakarta: Pustaka Sinar Harapan, 1992).

*Prajurit* pledges. It was this constitutionalism that prevented the military under General Wiranto from taking over power in the chaotic days that preceded Suharto's downfall in May 1998, although the beleaguered President had empowered him to do so.<sup>82</sup> Army Chief Gen. Endriartono Sutarto took the same position when he openly challenged President Wahid's intention to dissolve the parliament in July 2001.<sup>83</sup>

Presently, the TNI leadership comprises of "field soldiers",<sup>84</sup> who are known for their distaste of politics and to a large extent, contempt of civilian politicians. Blaming political involvement as the cause of today's military estrangement from the people, the TNI concluded its four-year-long reform by deciding to terminate its representation in the legislative bodies by 2004, despite attempts by some civilian politicians to persuade them to stay.<sup>85</sup> Accordingly, military politics would take a "softer" form through indirect influence over political leadership in matters relating to military interests.

Thus, instead of worrying over the "Musharraf Scenario", many Indonesian analysts ponder the probability of the "Turkish Scenario". Unlike their Pakistani counterparts, Turkish generals step in when civilian rule fails, after which they would immediately conduct popular elections to restore it. In fact, the Turkish Scenario and its Southeast Asian variant, i.e., the Ramos Scenario, named after General Fidel Ramos of the Philippines, were debated amongst the military generals on a number of occasions when Indonesia was faced with serious political crises. General Ramos was generally seen as the president who brought about stability and economic development in the Philippines after a chaotic transition period under his predecessor, President Corazon Aquino.

In November 1998, when massive public protests against civilian President, B.J. Habibie, led to the outbreak of a bloody clash known as the Semanggi I Incident, a number of retired generals urged TNI Chief, Gen. Wiranto, to launch a "temporary take over", which he declined. Similarly, in October 1999, when an apparent tension between the

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<sup>82</sup> Gen. (ret.) Wiranto, interview, 21 August 2001.

<sup>83</sup> Gen. Endriartono Sutarto, interview, 28 August 2001.

<sup>84</sup> The term "field soldiers" (*tentara lapangan*) generally refers to soldiers who serve in combat units as opposed to "political soldiers" (*tentara politik*) who serve in socio-political positions.

<sup>85</sup> According to the MPR Decree No. VII/MPR/2000, the TNI and Polri are represented at the People's Representative Council (DPR) and the MPR until 2004 and 2009 respectively. However, as a consequence of the MPR's ruling to abolish appointed membership made during its annual session in August 2002, the presence of the TNI and Polri will terminate in 2004, thus officially ending their political involvement earlier than required.

supporters of the incumbent President Habibie and the winner of the 1999 elections, Megawati Sukarnoputri, threatened to plunge the country into a bloody grass-root conflict, a series of proposals were internally discussed to elevate Wiranto as Indonesia's General Ramos.<sup>86</sup> Although these political crises were resolved relatively peacefully, the fact that the "Turkish Scenario" was continuously debated underlined the political importance of the military, despite its pledge to stay out of day-to-day politics.

However, the TNI is so deeply fractured and weakened as a result of more than three decades of internal politicking that it could hardly stand up as a cohesive alternative power to carry out either the Turkish or Ramos Scenario, let alone the dominant political role it assumed in 1965. Moreover, unlike their Turkish and Philippine counterparts, the TNI has been involved in massive human rights abuses and political violence in the past such that any attempt at restoring its political power would meet strong public resistance.

Nonetheless, the absence of a cohesive and decisive power – be it civilian or military – will pose Indonesia with an unresolved cycle of political crisis. Therefore, it is imperative for both the Indonesians and the international community to ensure that Indonesia's war on terror will not disrupt its democratic consolidation process. Otherwise, the world's fifth most populous nation and largest Muslim country would plunge into a deep political atrophy, which would present the region with continuing instability.

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<sup>86</sup> *Tajuk*, "Presiden Wiranto?", 15 April 1999.

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