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Democracy and the Legitimacy of Indonesia's Counter-terrorism Policy

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Indonesia's counter-terrorism policy is the product of a political system that transitioned from authoritarianism to democracy. Indonesia did not anticipate the emergence of terrorism but is able to develop a policy that uses hard measures to combat terrorism and at the same time does not ignore democratic principles that the country espouses. As a newly democratic country, it tries to ensure that the principles of democracy and efforts to tackle terrorism can be implemented simultaneously. Although there have certainly been several problems with this policy, it is nonetheless able to minimize the spread of jihadist ideology.

In Indonesia, the correlation between the system of government and the emergence of violence is quite clear. The authoritarian system under Sukarno (1959-1965) fostered the Darul Islam (DI) movement, which launched armed rebellion against the government with the goal of forming an Indonesian Islamic state. Likewise, the New Order authoritarian system under Suharto (1966-1998) spawned a hidden Islamic resistance under the leadership of Abu Bakar Ba'asyir and Abdullah Sungkar whom the government detained before they retreated to Malaysia. During Suharto's time, the remnants of DI followers went to Afghanistan to join the Mujahedeen to fight the Soviet Union. They then returned to Indonesia to commit acts of terror to realize their dream of building an Islamic state. On the surface, it seems like the authoritarian system managed to secure the country from the threat of terrorism, but in fact they fostered the birth of a movement that merely waited to appear. The end of the authoritarian system and the emergence of a democratic regime in 1998 were expected to bring a solution to various political grievances but also opened the door to groups freely expressing their aspirations, including the aspiration to establish an Islamic state.

Indeed, a relatively stable democracy in Indonesia has enabled the development of conventional political activities based on mechanisms such as general elections. The majority of Indonesian society, including Muslims, has confidence in these political mechanisms. In any democratic system, there are also tolerable unconventional political practices such as demonstrations and protests in public because of dissatisfaction with the political process. In circumstances of openness with a robust civil society and free political parties, there should be no need for violent movements to arise because their aspirations can be debated and accommodated in public. Nevertheless, the groups such as DI, Jema'ah Islamiyah, and later those inspired by ISIL believe in violent struggle and do not want to participate in the conventional political channels in the existing democratic system.

The government has to deal with these latter groups because they use violence and terror and because they do not accept the democratic system. However, the

Abubakar Eby Hara, Asia Studies Visiting Fellow at the East-West Center in Washington, explains that "Indonesia demonstrates that in battling terrorism democracy and serious efforts to gain legitimacy from the people before taking action are still necessary as part of a grand narrative to counter ISIL."

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government still needs to ensure that it has sufficient legitimacy before taking action, lest it come under pressure and provoke outcry from the public. Although the threats are often clear enough, the government cannot directly capture suspected terrorists or dissolve their organizations. Besides not having adequate legal tools after an anti-subversion law was repealed following the fall of Suharto, the government also attempted to be sensitive to Islamic groups which initially did not believe that terrorism was being committed by their coreligionists. Legal instruments to arrest suspected terrorists were finally created in 2002 with the issuance of a Presidential Decree. Through a long debate and resistance from some Islamic groups in the parliament, that Decree passed into law in 2003 with a vote—something unusual in the Indonesian parliament where decisions are usually made by consensus. However, the law now needs revising, since it was initially made in haste to provide legal grounds to detain terrorists involved in the Bali bombing in 2002.

These Islamic groups are concerned with the counter-terrorism law because it can be misused by the government, as was the case with the New Order government when it used the anti-subversion law to arrest opposition leaders. Islamic groups together with civil society organizations (CSO) such as Impartial, the National Commission on Human Rights (Komnas HAM) and the Wahid Institute, and social organizations such as Muhammadiyah continue to monitor the implementation and revision of the laws. Most critics point out that the existing laws are enough to fight terrorism. To prevent the emergence of radicalism, the government can also use other laws related to hatred and intolerance. According to the CSOs, shortcomings still exist in the enforcement of those laws. That is why the revision to the anti-terrorism laws continued to experience delays until it was finally brought to Parliament for revision in 2016. Nonetheless, CSOs are still concerned with the potential abuse of power by the state. Muhammadiyah and several CSOs such as Komnas HAM for example, criticized the handling of a terrorist suspect Siyono who died at the hands of Indonesia Special Forces counter-terrorism squad Detachment 88, which did not follow human rights principles, in April 2016. Meanwhile, the government’s National Counter Terrorism Agency wants greater power after a revision to the counter-terrorism law to enable it to act more effectively to arrest terrorists and prevent terrorism. For the Agency, the rules of democracy and human rights often hamper the handling of terrorism quickly. It feels that the handling of terrorism by Indonesia is not as effective as it is in Malaysia and Singapore. These two countries can arrest early-stage terrorist suspects and ban Islamic organizations deemed radical or threatening to the safety of society, through their Internal Security Act.

Indonesia demonstrates that in battling terrorism democracy and serious efforts to gain legitimacy from the people before taking action are still necessary as part of a grand narrative to counter ISIL’s Caliphate narrative. Democratic values such as dialogue, sharing values, peaceful conflict resolution, political openness, and pluralism need to be continually maintained. When terrorist groups have emerged in Indonesia, they were certainly not born out of this tradition, but rather out of contiguity with international movements such as Wahhabism and ISIL. These movements try to offer a solution in the form of a Caliphate system to solve all problems of Muslims today that have been subject to marginalization and injustices by the West. To a certain degree, democratic values have been part of the tradition in Indonesian society which accepted Islam through an assimilation process and not through war. Tolerance and mutual respect have become a tradition in the religious life of the majority of Indonesians and extreme violence such as terrorism is not welcome.

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