

# **Securitisation of Terrorism in Indonesia**

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## Abstract

This study explores the securitising move attempted by the government of President Megawati Sukarnoputri through the promulgation of Interim Laws 1/2002 and 2/2002 on Terrorism Crime Eradication and their stipulation as statutes in 2003 are examined in this study. This study also examines the discussion of the meaning of and appropriate responses to terrorism in Indonesia's mainstream print media *before* (1998-2002) and *after* (2003-2010) with reference to the securitisation process. The goal of this thesis is to illustrate the continuing influence of the *political meaning* of terrorism on the articulated speech act of the government and the responses of the audiences.

This study shows that the political interpretation of terrorism continually influences its treatment as a public issue, politicised issue and securitised issue. Before its securitisation, terrorism was interpreted as politically motivated violence intended to create disorder and communal conflicts, destabilise the executive power and thwart attempts to put former President Suharto on trial. Terrorism was also seen as an attempt to discredit Indonesian Islam as the perpetrators were described as belonging to an Islamic group. In the aftermath of the 2002 Bali bombings, these political interpretations were overcome by the securitisation of terrorism as an extra-ordinary crime. The choice of language (repertoire) of the government's securitising move indicated an absence of the presentation of an existential threat to state survival. Instead, it emphasised the lack of legal instruments available to respond to terrorism as an extra-ordinary crime. The securitising move also eliminated the political meaning of the concept of terrorism. Interim Law 1/2002 on Terrorism Eradication Law adopted the exclusion of terrorism crime from political violence.

The inherently political meaning of terrorism in Indonesia means that its securitisation rhetoric must choose a language of exceptionalism without invoking identities and political antagonisms. The presentation of terrorism as an extra-ordinary crime which needed immediate legal handling facilitated its approval in the parliament. On the other hand, the explicitly non-political interpretation of terrorism by-passed the differences between interpretations of terrorism and security concepts in the securitisation's wider audiences.

The success of the securitisation process, indicated by the approval of the stipulation of the Interim Laws as statutes, changed the way terrorism is discussed publicly: as a continuing danger which manifested in acts of terrorism, as part of global (Islamic) terrorism problem, as a religious radicalism problem, and as a problem of professional capacity of the security apparatuses. Nevertheless, it did not put the public's political interpretation of terrorism to an end. Two notable frames, the connection between acts of terrorism and local and national elections and their interpretation as a means to discredit Indonesian Islam continued to appear in the media coverage.

This study provides a compelling explanation of how the government adjusted its speech acts to frame terrorism as exceptional and one requiring different responses depending upon the prevailing narrative of the time. The adoption of an extraordinary measure in the aftermath of the Bali bombing was accomplished without the presentation of an existential threat as that would have been counter-productive. This study thus provides an excellent account of Indonesian policy and adds to our understanding of how issues can be securitised.

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## Abbreviations

AFP	Agence France Presse
AMIN	<i>Angkatan Mujahidin Islam Nusantara/ Nusantara Islamic Mujahidin Force</i>
AP	Associated Pres
ATL	Anti-Terrorism Law (Law 15/2003 and Law 16/2003, identical with Interim Law 1/2002 and Interim Law 2/2002, respectively)
BAKIN	State Intelligence Coordinating Agency ( <i>Badan Koordinasi Intelijen Negara</i> )
<i>Bakorstanas</i>	Coordinating Agency for the Maintenance of National Stability/ <i>Badan Koordinasi Pemantapan Stabilitas Nasional</i>
BAIS	Strategic Intelligence Body/ Army Intelligence ( <i>Badan Intelijen Strategis</i> )
BIN	State Intelligence Agency/ Intelligence Coordinating Agency ( <i>Badan Intelijen Negara</i> )
BNPT	National Terrorism Mitigation Body ( <i>Badan Nasional Penanggulangan Terorisme</i> )
CIA	Central Intelligence Agency
CSIS	Central for Strategic and International Studies – Jakarta
DENSUS 88	Detachment 88/ Police Anti-Terror Special Forces
DPR	People’s Legislative Council – Indonesian Parliament ( <i>Dewan Perwakilan Rakyat</i> )
FID	Peaceful Indonesia Forum ( <i>Forum Indonesia Damai</i> )
FPI	Islamic Defenders Front ( <i>Front Pembela Islam</i> )
GAM	Free Aceh Movement ( <i>Gerakan Aceh Merdeka</i> )
GOLKAR	The Functional Group/ Government’s political party ( <i>Golongan Karya</i> )
GPK	Security Disruptor Movements ( <i>Gerakan Pengacau Keamanan</i> )
GULTOR	Detachment 81 Terror Mitigation/ Counter-Terrorist Unit of the Indonesian Army Special Forces ( <i>Detasemen 81 Penanggulangan Teror</i> )
JI	<i>Jema’ah Islamiyah</i>



Kassospol	Chief of Social and Political Staff of the Indonesian Armed Forces ( <i>Kepala Staf Sosial Politik</i> )
KNPI	National Committee of Indonesian Youths ( <i>Komite Nasional Pemuda Indonesia</i> )
KOMNAS HAM	National Human Rights Commission ( <i>Komisi Nasional Hak Asasi Manusia</i> )
KONTRAS	Commission for the Disappeared and Victims of Violence ( <i>Komisi Untuk Orang Hilang dan Korban Tindak Kekerasan</i> )
KOPASSUS	Army Special Forces Command ( <i>Komando Pasukan Khusus</i> )
KOPKAMTIB	Security and Order Restoration Command ( <i>Komando Pemulihan Keamanan dan Ketertiban</i> )
KUHAP	Criminal Procedural Code ( <i>Kitab Undang-undang Hukum Perdata</i> )
KUHP	Penal Code ( <i>Kitab Undang-Undang Hukum Pidana</i> )
LAKSUSDA	Special Local Executors ( <i>Pelaksana Khusus Daerah</i> )
LIPI	Indonesian Science Institution ( <i>Lembaga Ilmu Pengetahuan Indonesia</i> )
MMI	Indonesian Mujahidin Council ( <i>Majelis Mujahidin Indonesia</i> )
MPR	People's Consultative Assembly ( <i>Majelis Perwakilan Rakyat</i> )
MUI	Council of Indonesian Clerics ( <i>Majelis Ulama Indonesia</i> )
NI	Islamic State of Indonesia ( <i>Negara Islam Indonesia</i> )
NKRI	Unitary State of Republic of Indonesia ( <i>Negara Kesatuan Republik Indonesia</i> )
NU	<i>Nahdlatul Ulama</i>
OPM	Free Papua Movement ( <i>Organisasi Papua Merdeka</i> )
PAN	National Mandate Party ( <i>Partai Amanat Nasional</i> )
Pangab	Commander of the Armed Forces ( <i>Panglima Angkatan Bersenjata Republik Indonesia</i> )
PBB	Moon and Crescent Party ( <i>Partai Bulan Bintang</i> )
PBHI	Legal Counsel and Human Rights Association ( <i>Perhimpunan Bantuan Hukum dan HAM</i> )

PDI	Indonesian Democracy Party ( <i>Partai Demokrasi Indonesia</i> )
PDI-P	Indonesian Democracy Party-Struggle ( <i>Partai Demokrasi Indonesia Perjuangan</i> )
PDU	Umma's Sovereignty Party ( <i>Partai Daulat Ummat</i> )
PERPU	Interim Law/ By-Law ( <i>Peraturan Pemerintah Pengganti Undang-Undang</i> )
PK	Justice Party ( <i>Partai Keadilan</i> )
PKB	National Awakening Party ( <i>Partai Kebangkitan Bangsa</i> )
PKI	Indonesian Communist Party ( <i>Partai Komunis Indonesia</i> )
PKKI	Indonesian Unity and Nationhood Part ( <i>Partai Kesatuan dan Kebangsaan Indonesia</i> )
POLRI	Indonesian Police Force ( <i>Polisi Republik Indonesia</i> )
PPP	Unity and Development Party ( <i>Partai Persatuan Pembangunan</i> )
TNI	Indonesian Armed Forces ( <i>Tentara Nasional Indonesia</i> )
UN	United Nations
UNSFIR	United Nations Support Facility for Indonesian Recovery

# Chapter 1

## Introduction

This study explores the securitisation of terrorism in Indonesia in the aftermath of the 2002 Bali bombing. It discusses the government's exceptionalist interpretation of terrorism as part of the evolution of terrorism discourse in post-authoritarian Indonesia from 1999 to 2010. The securitisation of terrorism in this study is therefore a process that takes place *within* the evolving discourse of terrorism in the country. It is a process where 'terrorism' is associated with particular terms, which makes possible the policy response against terrorism through exceptional measures.

The tragic bombings that took place in Bali on 12 October 2002 marked the beginning of the process which resulted in Indonesia's first anti-terrorism law. Interim Laws 1/2002 and 2/2002 were issued within the week after the Bali bombings and they introduced new measures to handle 'terrorism-crime' in ways that were debated by a large part of Indonesian public despite the Bali tragedy. The unspecific stipulations within the law, its broad-worded and non-political interpretation of 'terrorism-crime' and its provision on the aspects of crime that were already present within the existing Penal Code (KUHP) were some of the points of critics who associated the Interim Laws with Indonesia's Anti-Subversive Law in its authoritarian days. On the other hand, those who criticised the Interim Laws' promulgation also came from the voices who wished to see something visibly more decisive was done by the Megawati government at the time.

Interim Laws 1/2002 and 2/2002 were emergency laws. In order to stay effective, interim laws needed to be proposed to the legislative at the soonest

parliamentary session possible to be signed into laws. In order to convince the public and the parliament of the need to legalise the Interim Laws 1/2002 and 2/2002 into laws, the government adopted *one of the existing public discourses* of terrorism, which associated 'terrorism' with legal-humanitarian terms of 'extra-ordinary crime' and 'crime against humanity'. These terms were invoked to project terrorism as an *exceptional* and *depoliticised* issue. 'Terrorism' is exceptional strictly in its essence as indiscriminate mass-casualty killing (extra-ordinary crime) and a violation of basic right to life (crime against humanity).

As such, the terrorism issue deserved two exceptional treatments. First, exceptional measures that had not been adopted in the criminal justice system can be applied to the issue of terrorism as a form of extra-ordinary crime. The most controversial among the anti-terrorism measures proposed in the law is the authority of the police to use intelligence reports vetted by State Intelligence Agency (BIN) and a District Court judge as preliminary evidence to arrest suspects and detain them for seven days.<sup>1</sup> Second, the anti-terrorism law can be applied retroactively to the Bali bombings which took place before the issuance of the law. Retroactive application of laws is unconstitutional according to Indonesia's 1945 Constitution which secured the right not to be prosecuted by a retroactive law as individual citizens' basic right.<sup>2</sup>

This thesis problematizes the fact that Indonesian government's rhetorical speeches to justify the exceptional measures applied to 'terrorism' *do not* reflect a presentation of the issue as an existential threat to the nation. Although terrorism is associated with extra-ordinary crime, it was not presented as a threat to the

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<sup>1</sup> Article 26, By-Law 1/2002 (*Peraturan Pemerintah Pengganti Undang-Undang Nomor 2 Tahun 2002*), accessible online at <http://www.hukumonline.com/pusatdata/detail/17265/nprt/38/perpu-no-2-tahun-2002-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>, accessed 10 September 2010.

<sup>2</sup> Article 22 (1), 1945 Constitution (*Undang-Undang Dasar 1945*), accessible online at <http://www.hukumonline.com/pusatdata/detail/lt4ca2eb6dd2834/node/lt49c8ba3665987/uud-undang-undang-dasar-1945>, accessed on 1 June 2012.

principles, ways of life or survival of the nation. The consequence of not undertaking the exceptional measures is not the loss of survival or a threat to the good life of the citizens. As the government sought to convince the parliament in February 2003 that they needed to approve the Draft Laws on Terrorism-Crime Eradication, they articulated that the consequence of not approving the Draft Laws would be a 'legal-vacuum' where terrorism-crimes, including the one in Bali would be unresolved because terrorism-crime stood outside the remit of any existing criminal laws in the country.<sup>3</sup>

Indonesia's process of *exceptionalising* the issue of terrorism presents a case of securitisation. The securitisation framework seeks to understand how a particular public issue or problem becomes a security issue. It illustrates a move of the issue along the spectrum of different frames of understanding about what type of issue an issue is; from being non-politicised or public, to political, to a security issue. According to the securitisation framework, a *securitising move* is required to make possible for an issue to arrive at a status of a security issue where, upon the approval of the audiences of the move, the issue can be *further proposed* to be treated with exceptional measures.<sup>4</sup> A securitising move is a rhetorical activity where a *securitising actor* presents a particular issue as a matter of security; the rhetorical structure of her/his presentation propounds the understanding of the issue as an existential threat concerning the survival of a particular referent object.<sup>5</sup>

A securitisation framework suggests that the rhetorical formula of existential threat to survival must be adopted to perform a securitising move. Securitising move's rhetorical structure should contain 'the fear that the other party will not let

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<sup>3</sup> S. Butt, *Anti-Terrorism Law and Criminal Process in Indonesia, Islam, Syari'ah and Governance Background Paper Series*, Melbourne: ARC Federation Fellowship, 008, 2008, p. 1-40

<sup>4</sup> R. Floyd, "Human Security and the Copenhagen School's Securitization Approach: Conceptualizing Human Security as a Securitizing Move", *Human Security Journal*, 5, 2007, p. 40

<sup>5</sup> D. Bigo, "Security and Immigration : Toward a Critique of the Governmentality of Unease", *Alternatives*, 27, Special Issue, 2002, p. 73

us survive as a subject'.<sup>6</sup> Such rhetoric was not the feature of the Indonesian government's justification of the exceptional measures. The securitisation of terrorism in Indonesia showed a different form of rhetoric of legal and humanitarian procedure. The frame of terrorism as an existential threat to the nation-state did not emerge in the utterances of the state officials. Yet, the securitising move managed to bring about an anti-terrorism law that visibly securitised the way 'terrorism' is handled in the country. Upon the approval of Interim Laws 1/2002 and 2/2002 into national laws, raids, arrests and killing of terrorist suspects began to be publicly visible. A new police anti-terrorism unit was established as a leading actor in anti-terrorism efforts. The unit's actions were sometimes reported to have stigmatised families of the suspects and there were also media reports on abusive treatments of the suspects.<sup>7</sup>

### Research Question

The absence of a presentation of existential threats presents a conceptual problem for the securitisation framework. The securitisation framework, as presented by Waever, Buzan and De Wilde, proposes that for something to be designated a security issue it should be argued to be above other issues and therefore should take absolute priority because the failure to handle the issue would mean the end of existence to everything else.<sup>8</sup> For the authors of the securitisation framework, a presentation of something as an existential threat is more important than the objective fact of the existence of the threat. A case of securitisation takes place when the presentation of an argument about the absolute priority and urgency

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<sup>6</sup> B. Buzan, O. Waever & J. de Wilde, *Security: A New Framework for Analysis*, London: Lynne Rienner, 1998: p. 26

<sup>7</sup> For example, one of the recent media reports on the abuse of suspects came in 2013 in police's anti-terrorism actions in Poso City, Central Sulawesi. See [http://www.bbc.co.uk/indonesia/berita\\_indonesia/2013/03/130318\\_video\\_polisi\\_komnas\\_ham\\_densu\\_s88](http://www.bbc.co.uk/indonesia/berita_indonesia/2013/03/130318_video_polisi_komnas_ham_densu_s88), accessed in 18 March 2013. Earlier abuses of suspects are discussed to some extent in Chapter 7.

<sup>8</sup> *Ibid.*, p. 24

of an existential threat manages to release the securitising actor from normal procedures. In light of this discrepancy this study asks: **how was it possible that terrorism was securitised without a presentation of an existential threat in the government's rhetorical speeches?**

### Consideration of Securitisation Framework

Securitisation is generally conceptualised as a move that a particular issue or problem undertakes as a certain political actor presents it as something that requires an exceptional treatment. The government is not the only possible actor to commit the securitising move, although the thesis question focuses on the rhetorical speech of the government. Other social actors are capable of committing the securitising move, but the one that has a better chance at producing an exceptional measure is the government. The securitising 'move' performs as a break in the trajectory of a particular issue as it progresses from public, politicised to securitised issue. The realms of the politicised and the securitised are in absolute opposition, as Waever suggested, 'security constituted the opposite of politics'.<sup>9</sup> Buzan *et al* assert that a securitised issue is treated with a temporary disregard to existing rules or values; secrecy, limitation of rights and conscription are the examples of forms of such extraordinary measures.<sup>10</sup> They further assert that a securitised issue enters a security black box where the treatment towards ordinary public or political issues, such as government's accountability on the use of the state's budget is no longer applicable:

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<sup>9</sup> O. Waever, *Securitisation and Desecuritisation*, in R. D. Lipschutz (eds.), *On Security*, New York, Chichester: Columbia University Press, 1995, p. 56–57.

<sup>10</sup> The differentiation between security issue and public/political issue in the work of Buzan *et al* embarks from the idea that 'security' cannot be defined by consciously thinking what it means; security can be defined only by looking at how it is implicitly used. Textual analysis of the use of the word 'security' suggests that it implies a prioritisation of an issue above everything else; such an issue is called an "existential threat" because if it is not handled first, nothing else matters. See B. Buzan, O. Waever & J. de Wilde, *Security: A New Framework for Analysis*, London: Lynne Rienner, 1998: p. 24.

“The presence of a secretive security institution or operation is an indication of a successful securitisation...Non-public security practices presented a very clear case of the security logic.”<sup>11</sup>

The ‘normal politics’, on the other hand, is where the public has influence over the government’s treatment and, more importantly, budget-spending on a particular issue. Politicisation is defined as ‘...to make an issue appear to be open, a matter of choice, something that is decided upon and that therefore entails responsibility’.<sup>12</sup>

The definition of securitisation reflected this break of normal politics by means of security rhetoric:

“...securitization can be defined as the positioning through speech acts (usually by a political leader) of a particular issue as a threat to survival, which in turn (with the consent of the relevant constituency) enables emergency measures and the suspension of ‘normal politics’ in dealing with that issue.”<sup>13</sup>

As an issue becomes securitised, its treatment becomes exceptional; but the process in which the issue becomes securitised is a negotiated one. The positioning of a particular issue as a threat to survival, that is an ‘existential threat’, is not a single event, and rather a process which is itself political. An issue moves along the spectrum of a political to a security issue through a negotiated process between a securitising actor and his/her audiences. In this process, the ‘reality’ about the existential threat that the securitising actor presented to the audiences is negotiated through an exchange of national security discourses and associations between the issue presented as an existential threat with terms or concepts taken from inter-subjectively shared collective memory.<sup>14</sup>

Securitisation process relies on the interpretation of securitising actors over the dynamics of an issue, as well as the ‘public portrayals’ of the issue, as something

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<sup>11</sup> *Ibid.*, p. 28.

<sup>12</sup> *Ibid.*, p. 29.

<sup>13</sup> M. McDonald, “Securitisation and the Construction of Security”, *European Journal of International Relations*, 2008: p. 567.

<sup>14</sup> S. Guzzini, “Securitization as a Causal Mechanism”, *Security Dialogue*, 42: 4-5, 2011, p. 336



that would lead to its manifestation as an existential threat. Existential threat is a combination of an objective fact of a developing threat and socially shared interpretation that designates the threat as exceptional to the survival of the referent subject. To illustrate the existential threat manifestation, the threat of terrorism in the U.S. is escalated by the country's value of American Liberalism which compels it to spread liberal values globally and leads it to view the war on terrorism as a conflict that can only be won through illiberal tactics.<sup>15</sup> In this instance, terrorism becomes an existential threat as it is designated by the U.S. Government as a threat to the continuation of America's basic value of liberalism.

What the Copenhagen School does not clarify in their understanding of an existential threat is that in addition to its objective development and interpretation, an existential threat must also be presented as such by the securitising actors and their audiences. Because the securitised issue is to be designated as a potential negation to the basic principles of the referent subject's existence, it should be posited by the securitisation rhetoric as representation of despised identities and values. In other words, the securitising actors must present themselves as representation of the referent subject's well-being in its encounter with the radical-Other. In light of these explanations, this thesis defines existential threat as an empirical development of a danger that is *presented* as potentially threatening to the way of life, basic values and identity of the society and requiring exceptional treatment.

The presentation of existential threat does not by itself justify a particular policy response to be adopted. Although the presentation of the issue as an existential threat places it outside the bounds of the existing political-legal

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<sup>15</sup> M. Desch, "America's Liberal Illiberalism: The Ideological Origins of Overreaction in U.S. Foreign Policy", *International Security*, 32:3, 2007, p. 8

measures,<sup>16</sup> it is not enough to counter the frames of issue that place it within the limits of the existing institutions to respond. The negotiated nature of the securitisation process means that securitising actors and the audiences present or offer their interpretations over a particular issue.<sup>17</sup> The move of the issue will be determined by the prevailing interpretation.

Who are the securitising agents? Theoretically, the Copenhagen School argues that securitisation is structured by a power hierarchy of actors where some of them are privileged with a recognition to 'speak about security' and others are less so.<sup>18</sup> This study argues that the power to speak security only partly lies in the privileged social or political positions of the actors. More specifically, social actors have specific roles in the securitisation process. The executive has the capacity to influence the framing of a particular issue in order to make possible policies they deem necessary for the issue at hand, so they most likely perform, or (formally) initiate securitisation; the legislative are the functional audience of government's policy-initiatives and they can amplify (securitise) or undermine (desecuritize) these initiatives; the public at large comprises of pundits and journalists who often air their moral support or critiques over the news media which may securitise or desecuritize the issue. However, the key-role should be held by the news media, because it performs as a 'testing water' for the government (the executive) to see if their preferred framing of issue could hold a support in public, for the legislative as well as the public at large to identify the existing frames and make sense of their prevalence over each other.

This study propounds that in presenting a particular issue as an existential threat, the rhetorical formula that the securitisation framework suggested,

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<sup>16</sup> J. Huysmans, "What's in an act? On security speech acts and little security nothings", *Security Dialogue*, 42: 4-5, p. 373

<sup>17</sup> L. Hansen, "Theorizing the image for Security Studies: Visual securitization and the Muhammad Cartoon Crisis", *European Journal of International Relations*, 17:1, 2011, p. 51-74

<sup>18</sup> O. Waever, B Buzan, J. De Wilde, *op.cit.*, p. 32

specifically the presentation of the radical-Other, cannot always be adhered to by securitising actors. An articulation of existential threat and the other party that threatens the survival of a referent object may not be in the repertoire of securitising rhetoric of securitising actors. In addition to considering the linguistic-grammatical rules of the securitising rhetoric, securitising actors also need to be cognizant of the existing public discourse in regard to the issue at hand. The status and nature of the audience, the general conditions and other utterances that place at the same time also *structure* the choice of language in present threats in world politics.<sup>19</sup> Securitising actors must be able to access the reservoir of relevant terms and concepts that can impact the expected behaviour of supporting the exceptionality of the issue.<sup>20</sup>

A successful securitisation process creates more than just an exceptional measure; rather it gives birth to a new limitation for what is acceptable and unacceptable to articulate in public. A securitisation process provides new associations to the issue that make possible its exceptionalisation.

### **Consideration of Terrorism Concept**

The abstract concept 'terrorism' has also been treated both arbitrarily and sociologically in studies on terrorism. In studying terrorism, one can start from adopting a definition most appropriate for the purpose of their study. For example, 'terrorism' can be defined as 'the immediate *intent* of acts of terrorism is to terrorize, intimidate, antagonize, disorientate, destabilize, coerce, compel, demoralize or provoke a target population or conflict party in the hope of achieving from the resulting insecurity a favourable power outcome, e.g. obtaining publicity, extorting ransom money, submission to terrorist demands and/or mobilizing or immobilizing

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<sup>19</sup> T. Balzacq, "The Three Faces of Securitization: Political Agency, Audience and Context", *European Journal of International Relations*, 11:5, 2005, p. 173.

<sup>20</sup> H. Stritzel, Security as Translation: 'Threats, Discourse, and the Politics of Localisation', *Review of International Studies*, 37:5, 2011, p. 2493-2506

sectors of the public'.<sup>21</sup> Attempting to arrive at a set definition reflects an assumption that there are particular aspects of terrorism that can be universally agreed. When a category of terrorism developed from one set of cases does not fit another set of cases, one may invent a new term to include the new set of cases or stretch the concept to include the new set of cases.<sup>22</sup>

This thesis does not aim to invent a new definition of terrorism. It does, however, emphasises the *co-constructed meaning* of terrorism. This means that events become terrorism with the virtue of the role of the 'target population' in interpreting and naming the events. First, the *shock* generated by events such as bomb explosions and the scenes produced by them may generate a spontaneous naming of them as 'terrorism' by the events' eye-witnesses. Secondly, governments or security forces that generate policy responses to the events may also use various names for terrorism such as *terror* or *act of terror* to name the event. Both possibilities may be followed by the public who then discussed the events as terrorism. The 'target population' is therefore the ones who have the 'power' to decide the events to 'become' terrorism in the sense of their presence in the language-in-use (discourse); the 'target population' is far from passive by-standers of terrorism, they are *required* to observe, interpret, even name the events as terrorism.

To see the role of the 'target population' in naming events as terrorism and in interpreting terrorism as a particular problem (crime, political threat, war, etc), the news media is an important source to be analysed. The news media provides a reading into the frames or associations that leaders offer to the public in order to understand terrorism (for example, terrorism as an enemy of democracy), and in that

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<sup>21</sup> A. P. Schmid, "The Revised Academic Consensus Definition of Terrorism", *Perspectives on Terrorism*, 6:2, 2012, p. 6.

<sup>22</sup> L. Weinberg, A. Pedahzur, S. Hirsch-Hoefler, "The Challenges of Conceptualizing Terrorism", *Terrorism and Political Violence*, 2004, 16:4, p. 779

case the news media also indicates the acceptability of an association or frame of terrorism offered by actors, both government and non-government.<sup>23</sup>

Based on its impact on target population, 'terrorism' can be understood as a technique of violence, the use of which produces a *psychological effect* on the population beyond the victims of the violence.<sup>24</sup> This definition serves the purpose of the study of understanding how events are interpreted as terrorism which requires exceptional (securitised) measures, because the emphasis here is on the impact that events of terrorism make upon their observers. More importantly, this definition is sufficiently flexible to serve the need of the study to show the evolution of terrorism discourse in Indonesia. Because same events of terror were associated with different problems - and eventually to extraordinary crime that deserves exceptional treatment – this study shows an evolution of terrorism discourse throughout its period under study.

On the other hand, the understanding of terrorism in this definition is politically neutral. For this study, terrorism is conceptually a political violence because it is a violence which is committed by individuals who have political purposes in their minds and undermines the monopoly of the state use of force within their borders.<sup>25</sup> However, the empirical problem found by the analysts in studying terrorism is that 'there is no satisfactory political definition extant or forthcoming ... no common academic consensus as to the essence of terror and no common language with which to shape a model acceptable to political scientists or

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<sup>23</sup> F. Al-Sumait, C. Lingle & D. Domke, "Terrorism's Cause and Cure: the Rhetorical Regime of Democracy in the US and UK", *Critical Studies on Terrorism*, 2/1, 2009, p. 7-25

<sup>24</sup> This definition is informed by G. Chaliand, "Terrorism and Political Violence Terrorism : A means of liberation?", *Terrorism and Political Violence*, 1:1, 1989, p. 22

<sup>25</sup> A. Roberts, "Ethics, Terrorism and Counter-Terrorism", *Terrorism and Political Violence*, 1:1, 1989, p. 48-69

social psychologists'.<sup>26</sup> While this study *does not promote* an abandonment of the understanding of terrorism as political violence, it does show that such an abandonment is committed on the empirical level by policy-makers for the purpose of making possible the exceptional policies to respond terrorism. One prominent feature of terrorism securitisation in the case study is its formal understanding as a 'politically-sterile' phenomenon and an international problem. This empirical development does not negate the political in terrorism; rather, the political in terrorism lies in the negotiated nature of its meaning-making.

### Central Arguments

**First**, terrorism is a mediated event because it is intended to produce a reaction or response from the audiences towards the act of terrorism.<sup>27</sup> Therefore, one's analysis to the problem of terrorism must treat 'terrorism' as an abstract concept. As an abstract concept, terrorism's meaning is shaped by the society where social actors associate it with terms that they draw from their own life experiences. Without these associations, terrorism would be politically meaningless. How a policy-response towards terrorism becomes possible should be understood through its pragmatic associations in public discourse.

Therefore, a policy of anti-terrorism can be produced out of the escalation of terrorism from a public/political issue to a security issue; as such, a successful securitisation is achieved as one framing or association of issue prevails over other existing frames in the public discourse. Therefore, securitisation needs to be analysed

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<sup>26</sup> R. Monaghan, D. Antonius, S. Sinclair, "Defining 'terrorism': moving towards a more integrated and interdisciplinary understanding of political violence", *Behavioral Sciences of Terrorism and Political Aggression*, 3:2, 2011, p. 77-79

<sup>27</sup> O. Lynch, C. Ryder, "Deadliness , Organisational Change and Suicide Attacks: Understanding the Assumptions Inherent in the Use of the Term 'New Terrorism'", *Critical Studies on Terrorism*, 5:2, 2012, p. 260

in terms of how the issue under securitisation evolves discursively through different associations in the existing public discourse.

**Secondly**, the authority of the securitising actor depends not just on power position but also his capability in presenting an issue as exceptional associating it with concepts and subject positions through a process of linking differentiation.<sup>28</sup> This study argues that securitising arguments are more likely to be articulated within the news media because of their role as a reservoir of frames of issue offered by various social actors. The government's role is to initiate formal securitisation, and when its voice is coherent with a particular existing frame, the latter becomes a prevailing frame for the issue.

**Thirdly**, a framing of an issue as an existential threat requires the securitising actors to designate a radical-Other as a representation of a negation to basic values underpinning the referent subject's existence. The presentation of an issue as an existential threat, however, does not by itself justify exceptional measures. There are other framings and associations that the securitising actors need to undertake in order to justify exceptional measures. Specifically, justifying exceptional measures require public articulations that position them as timely and compatible with the present context, which is a step further than exceptionalising the issue.

**Fourthly**, the securitising actors' choice of language to articulate the exceptional nature of an issue and its requirement for exceptional measure is shaped by the existing public discourse of the issue. This discourse consists of frames of issue that associate it with particular ideas, concepts or problems that precede the securitisation process. Therefore, the framing of issue that

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<sup>28</sup> L. Hansen, *Security As Practice: Discourse Analysis and the Bosnian War*, Routledge: New York, 2006, p. 52

*facilitates* its exceptional treatment already exists before the securitisation process takes place.

**Finally**, this study argues that Indonesia's existing public discourse does not allow for the articulation of the Self and the radical-Other on the issue of terrorism. Terrorism is presented by the government as an exceptional problem, but not through its presence as an existential threat, but rather as an indiscriminate violence that lies beyond the remit of existing legal jurisdiction. Indonesian government's securitisation rhetoric does not posit terrorism as a negation to the basic values or even the national integrity and sovereignty of the state. As a consequence Indonesia's securitisation of terrorism only allows for a *limited exceptional measure* to respond terrorism, which is the legalisation of anti-terrorism laws that embody the exceptional measures to terrorism.

### **Significance of the Research**

First, the significance of this study is in evaluating a discrepancy between the Copenhagen School's securitisation theory and how securitisation takes place on empirical level in a specific context. Securitisation theory is therefore chosen here in order to give a *structure of analysis* to the process in which terrorism gradually develops from public to security issue, but also as a target of evaluation in terms of its facilitating conditions for a successful securitisation. On the one hand, terrorism becomes an exceptional issue, is discussed by various social actors in exceptional terms, and is responded with an exceptional measure; on the other hand, the government, as a securitising actor, does not present terrorism as an existential threat. To answer this discrepancy, this study look mainly at the associations that appear in public between the issue under securitisation and its current context and collective memory. It will show that the government's choice of securitising rhetoric



is shaped or structured by the existing public discourse on the issues under securitisation, rather than manufacturing the security rhetoric independently or self-referentially in accordance to felicitating conditions of a speech act.

Secondly, the significance of the study emerges from the use of the case study of terrorism securitisation. A case of securitisation of terrorism is a moment of double-interpretation. To explain why a particular response to terrorism is undertaken requires analysts to make sense of the political meaning of 'terrorism' as well as 'security' because an adoption of a policy-response is not just about calculation of effectiveness but also what makes it possible under the prevailing context. To make sense of why a particular policy response to terrorism was possible, analysts need to look into the pragmatic interpretation of the concept, which takes place within the public discourse. Therefore, public interpretation of what kind of problem terrorism is directly impacts on the securitisation of the issue.

This has rarely been undertaken in the literature of securitisation. When securitisation literature discusses terrorism it problematizes the implication of the global securitisation of terrorism towards the qualities of democracy such as civil society organisations, constitutional due process of the law, the discrepancy between the real threat and the undertaken policies.<sup>29</sup> When the securitisation process of terrorism is specifically discussed in the literature, it often undermines the connection between securitisation and the public discussion of terrorism, before and after securitisation.<sup>30</sup> For example, Salter has showed that public discussion in regard to terrorism can have a significant de-securitising impact on the ongoing

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<sup>29</sup> Respectively, see for example, A. Fowler, K. Sen, "Embedding the War on Terror: State and Civil Society Relations", *Development and Change*, 41:1, 2010, p. 1-27; T. Wahl, *The European Union as an Actor in the Fight Against Terrorism*, in *A War on Terror? The European Stance on a New Threat, Changing Laws and Human Rights Implications*, M. Wade, A. Maljevic (eds.), New York: Springer, 2010, p. 153.; J. Almqvist, "A Human Rights Critique of European Judicial Review: Counter-Terrorism Sanctions", *International and Comparative Law Quarterly*, 57:2, 2008, p. 303-331

<sup>30</sup> See for example G. Karyotis, "Securitization of Greek Terrorism and Arrest of the 'Revolutionary Organization November 17'", *Cooperation and Conflict*, 42:3, 2007, p. 271-293

securitisation process.<sup>31</sup> This study aims to highlight further the role of public discourse in securitisation, specifically as a limiting structure to what is acceptable and unacceptable for securitising actors to articulate in their securitisation rhetoric for this rhetoric to have a chance of success.

Thirdly, studying Indonesia as a case-study of terrorism securitisation contributes to securitisation studies by way of producing a specific knowledge on the role of public discourse in securitisation that allows the securitising actors to exceptionalise terrorism without designating the terrorists. Indonesia's securitisation of terrorism, as the empirical chapters will explain, show that the public discourse structures the use of language in securitisation rhetoric in a way that places exceptional measures as compatible with, instead of undermining, the democracy. Meanwhile, terrorism is exceptionalised through its presentation as a universal problem in which Indonesia is obliged to prove its commitment due to its new identity as a democracy. The identity-construction that takes place in the securitisation process is not that between the state-Self and the enemy-Other but rather between the present-Self as a democratic state and old-Self as an authoritarian state; extra-ordinary measures are presented as necessary and compatible the identity of the present-Self as a democracy. These are the unique qualities of the securitisation process in Indonesia.

Finally, a ground up study of terrorism discourse contextualises the understanding about terrorism. This study's post-structuralist discourse analytical approach *demystifies the politics of naming* in terrorism and anti-terrorism public discussion by explaining the reasons and the background to terms associated to terrorism throughout the period under study (1999-2010).

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<sup>31</sup> M. Salter, *When securitization fails: The hard case of counter-terrorism programs*, in *Securitization Theory: How Security Problems Emerge and Dissolve*, T. Balzacq (ed.). London: Routledge, 2011, p. 116–131.

### **Historical Background: From Independence to the *Reformasi* Era**

The period under study (1999-2010) is also called the *reformasi* era or reform era where the Indonesian state redefines its political system from semi-authoritarian, governed under the Suharto or New Order government, to democracy. The reform era is marked by the restructuring of core state institutions, political parties, security services (intelligence coordinator and the police) and the armed forces, and new laws for the country's capitalists and civil society.<sup>32</sup> Nevertheless, the reform era is not a total enmity against the New Order; some of the political forces that ruled during the Suharto years maintained their power, notably the New Order's political party GOLKAR. One reason that may explain this lack of enmity with the past is the disunity among the political forces that brought down Suharto from power after 32 years of rule. These forces included political parties, military officials, and Islamic leaders who were hardly united, except in their opposition towards Suharto. The state's political consolidation and institutional building took place after the first free and fair election was successfully held in June 1999. Forces that brought down Suharto in turn competed for political influence and resources attached to political leadership positions. In addition, Indonesia in the immediate years of the reform era began to experience break-outs of sectarian conflicts and acts of terrorism. This historical background explains the aspects of Indonesia's political history since independence; these aspects are pertinent for understanding the public discussion on terrorism since 1998. The first aspect is an Islamic guerrilla-rebel organisation called *Darul Islam/Tentara Islam Indonesia* (Islamic State/Indonesian Islamic Militia, abbreviated DI/TII), which is referred to in Indonesian public as the progenitor of Jemaah Islamiyah, the organisational affiliate of suspected terrorists. The response of the Sukarno regime (1945-1945) during the 1950's and the first half of the 1960's

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<sup>32</sup> M. Bunte, A. Ufen, *Democratisation in Post-Suharto Indonesia*, Oxon: Routledge, 2009, p. Vii-Viii

generated the discourse of terrorism for the first time during Indonesia's history as an independent state.

The second aspect of Indonesian political history is the response of the state to acts of terrorism perpetrated by the so-called *Komando Jihad* following the revival of Darul Islam during the New Order era. The third aspect is communal conflicts that followed the end of Suharto's rule in 1998. A particular element within this third aspect is the notion of involvement of the Indonesian Armed Forces (*Tentara Nasional Indonesia/ TNI*) in instigating these communal conflicts.

### **The Emergence of Darul Islam**

As early as September 1949, 4 years after the proclamation of the Indonesia's independence from the Dutch, the Indonesian press had already used the word 'terror' to describe the activity of Darul Islam, or DI/TII movement.<sup>33</sup> The DI/TII movement was once an organised political Islam activity which accompanied the foundation of the Indonesian nation-state. Since the 1920's Islamic movements in Indonesia began to move from a union of Muslim traders towards becoming a political movement, bringing an aspiration of establishing a community governed by Islamic laws. The underlying concerns that drove Islamic movements in Indonesia stood around the idea of establishing a society that thrives on the teachings of Islam. In Indonesia's colonial era, as a result of the Dutch 'ethical politics', educated individuals initiated organisations to improve the dignity of the indigenous people. Three well-defined ideological lines separated rather than unified this movement: communism, secular nationalism and Islamism. Two different approaches divided the Islamic movements into two large camps: the first emphasises the need to react against socio-economic injustice and accomplish independence as an Islamic state

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<sup>33</sup> *Berita Indonesia*, "DI Attacked – 100 civilians fell victims", 17 November 1949

while the latter emphasises the relevance of Islamic teachings with the progress of humanity and the needs of the plural society.<sup>34</sup>

Prominent in the history of Islamic political movements in the first tradition was an individual named Kartosuwiryo, an East Javanese person educated in Dutch East Indies school, who would later become the Imam of the Islamic State of Indonesia (*Negara Islam Indonesia/NII*) which refers to the territory that DI/TII ruled in the portion West Java beginning in 1949. Kartosuwiryo's Islamic activism was purely political civilian movement during Indonesia's period as the Dutch East Indies; its turn to violence took place after the Japanese occupation in 1942-1945. In Indonesia's colonial era, Kartosuwiryo was one of the movement leaders who sought to realise Indonesian independence as an Islamic, instead of a secular nation. In the beginning Kartosuwiryo was more of an Islamic political activist than an Islamic cleric, and his political activism was aimed at mobilising the Islamic identity of the Muslims for a greater good of the community.<sup>35</sup> His political activism became more structured during the Japanese occupation which, out of its interest to empower Islamic activism as an instrument of war mobilisation, established the Consultative Assembly of Indonesian Muslims (*Majelis Syuro Muslimin Indonesia/ Masyumi*) where Kartosuwiryo served as a secretary of the executive committee; and equipped Masyumi with its own armed wing called *Hizboellah*.

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<sup>34</sup> Islamic-state oriented Islamic movements were a minority among other Islamic organisations in Indonesia from colonial to independence eras that concerned more with education, most notable among which are Muhammadiyah and Nahdatul Ulama. Muhammadiyah was founded by Kyai Haji Ahmad Dahlan in Central Java in 1912 as an educational organization emphasizing strict Islamic doctrines and focusing on invalidating Christian and local mystical beliefs. Meanwhile, Nahdatul Ulama was an association of *Kiyai* (Javanese Islamic clerics) founded by Kiyai Haji Hasyim Asy'ari in 1926, concerned with education of Islam in a traditionalist Indonesian understanding. See F. Lamoureux, *Indonesia: A Global Studies Handbook*, Santa Barbara: ABC-CLIO, 2003: p. 62; R. Michael Feener, , *Muslim Legal Thought in Modern Indonesia*, Cambridge: Cambridge University Press, 2007, p. 21

<sup>35</sup> C. Formichi, *Islam and The Making of the Nation: Kartosuwiryo and Political Islam and Political Islam in Twentieth Century Indonesia*, Leiden: KITLV, 2012, p. 68

On 1 June 1945, Sukarno spoke of the *Pancasila* philosophy as the constitution preamble.<sup>36</sup> On 22 June 1945, the leaders of the Islamic faction proposed a constitution preamble that accepted *sharia* law by affirming ‘the obligation for adherents of Islam to practice Islamic law’. This phrase, which was later on known as the Jakarta Charter (*Piagam Jakarta*), prompted a reaction of the Christian representatives, and failed to see the light of day in the final version of the constitution released on 13 July. Instead, Sukarno’s *Pancasila* philosophy was adopted in the preamble. As Japan’s capitulation in the Pacific was looming, Indonesian politicians hurried themselves to finalise the constitution, and the Islamic faction’s intention to debate it further could not be pursued. Islamic leaders agreed to this position as Sukarno spoke of the temporary nature of the constitution.

The militarisation of Kartosuwiryo’s Islamist movement and its enmity with the Indonesian Republic gradually emerged amidst the invasion of Java by the Dutch in its effort to return to Indonesia in the aftermath of the capitulation of Japan in World War II in the Pacific. After Sukarno and Mohammad Hatta declared Indonesian independence in 17 August 1945, the re-entry of Dutch troops to Indonesia was imminent and it further radicalised the Islamic front. This was notable from the *fatwa* released by Masyumi’s *Majelis Syuro* (consultative assembly), for all Indonesian Muslims to wage a holy war against the Dutch. The invasion of Java by Dutch troops in July 1947 militarised the Indonesian Islamic political movement, but also signified a

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<sup>36</sup> Pancasila is a set of five principles enunciated by Sukarno during the preparation of Indonesian Constitution in June 1945; it was meant to fend off the proponents of Islamism as the basis of the state and unify the nation’s 300 ethnic groups in far-flung islands. *Pancasila* was seen, during the Suharto years, as an exclusivist and centrally-interpreted state ideology, utilised to counter opposition to the ruler. However, on a deeper observation, *Pancasila* was found to be at the heart of Indonesian political discourse. However, the Pancasila ideology does not always perform as an ideological meeting point as it is also used by political leaders as a “counter” to radical ideologies, including Islamism and Communism. This was concluded in D. Ramage, *Democracy, Islam and the Ideology of Tolerance*, London: Routledge, 1995, p. 1-5. *Pancasila* comprises of five principles: belief in the one-ness of God, humanitarianism, the unity of Indonesia, consultative/ representative democracy to achieve consensus, and social justice.

<sup>36</sup> L. Pintak, B. Setiyono, “The Mission of Indonesian Journalism: Balancing Democracy, Development, and Islamic Values”, *The International Journal of Press/Politics*, 2011: 16.

rupture between Republican and Islamic soldiers as the two militias seldom fought in unity against the Dutch. Islamic militias, mostly from Masyumi's Hizboellah and Sabilillah militias, had a stronger presence among the local populace in West Java but were poorly equipped; the Indonesian regular army or the Republican soldiers (*Tentara Nasional Indonesia/ TNI*) were well-armed but perceived by the Islamic militias as under-motivated in fighting the Dutch. The two often clashed as Masyumi militias sought to acquire more weapons and Republican troops accused Masyumi of attempting to establish a substitute government. In the context of this clash between fellow independence fighters, Kartosuwiryo began claiming the territorial hold on West Java by re-structuring the West Java branch of Masyumi under the name of *Darul Islam or Negara Islam Indonesia* (Indonesian Islamic State/NII).

The transformation the Kartosuwiryo-led West Java Masyumi into Darul Islam and the unification of its militias took place after a combination of ceasefire/territorial agreements and Dutch troops' invasions of Sumatera, Java and Madura islands. These agreements and invasions reduced the effective rule of the Indonesian government into Central Java area and forced the republican forces to withdraw from West Java.<sup>37</sup> Kartosuwiryo was upset by these agreements as they reflected the capitulation and the cooperative attitude of Indonesian nationalist leaders, but he was more upset by the return of TNI forces to West Java in late January 1949 which was considered as a breach of NII territory; the Republican Army was seen to have betrayed DI/TII because they knew that West Java was occupied by

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<sup>37</sup> These include, among others, the Linggarjati Agreement, signed by acting Governor General Van Mook and Indonesian Prime Minister Sutan Syahrir in 15 November 1946 which determined the whole Indonesian archipelago as a federative united states consisting only Sumatra, Java, and Madura islands, and a part of the Netherlands-Indonesian Union under the authority of the Dutch Queen; and the Renville Agreement, signed by Van Mook and Prime Minister Amir Sjarifuddin on 17 January 1948, which downscaled the Republican territories even further leaving Central Java as an effective rule of the Republican government, Renville agreement was critical in allowing the returning Dutch to secure their sugar mills and upland estates and rehabilitating their vital export economy; see Formichi, op.cit., p. 96; H. Dick et.al., *The Emergence of A National Economy: An Economic History of Indonesia, 1800-2000*, Honolulu: Allen & Unwin: p. 169

the DI/TII forces before withdrawing to Central Java. By then he was nominated and elected as Imam of the Islamic community in West Java which was then called the Indonesian Islamic State (*Negara Islam Indonesia*/NII) and went further with the political agenda of establishing a constitution and penal code of the Islamic state.

In the beginning, the agenda of establishing an Islamic state and army was welcomed by Islamic leaders from other leading organisations including Islamic Union (*Persatuan Islam*/PERSIS), Nahdlatul Ulama and Muhammadiyah. By the time that colonial rule in West Java officially terminated, following the Round Table Conference in the Hague that lasted until November 1949, the Indonesian press had already begun representing the DI/TII as an impediment to independence by describing them as 'bandits', 'disseminating terror', and 'clashing with other soldiers'.<sup>38</sup> Soon after, even the Masyumi party central distanced itself from DI/TII, although it did not condemn the movement, as Wahid Hasyim articulated: 'Masyumi, as an Islamic political party, agrees with the institution of an Islamic state; it also has to apply itself towards its achievement. However, Masyumi does not agree with the fact that a separatist movement in West Java uses the banner of Islam when the general population wants instead West Java to be a region within the state'.<sup>39</sup> Since 1949, however, Kartosuwiryo managed to establish Darul Islam cells in the cities of Palembang, Bengkulu, Lampung, Jambi, Tapanuli, and Aceh in Sumatra as well as cities in Provinces of South Kalimantan, Maluku, Sumbawa and Lesser Sunda islands.

### **Sukarno-era and the counter-insurgency response to DI/TII**

Throughout the 1950's a stalemate took place in government's response to DI/TII because the government, which also included Masyumi as part of the cabinet,

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<sup>38</sup> *Berita Indonesia*, "DI Attacked – 100 civilians fell victims", 17 November 1949.

<sup>39</sup> *Berita Indonesia*, "Separatism Committed under a New Move Under the Name of Islam", 12 December 1949



perceived the Darul Islam problem as a political problem and prioritised a political solution to eliminate the 'source of disappointment'.<sup>40</sup> Moreover, Sukarno's presidency during the 1950's was also beset by separatist movements in various provinces from North Sumatra to Sulawesi and East Indonesia which were also related to DI/TII in different degrees. Nevertheless, on 17 August 1953, Sukarno reiterated the need to end the Indonesian Islamic State and considered it a major threat to the young nation; he also defined Kartosuwiryo and his Darul Islam as 'enemies of the state', which was followed by Prime Minister Ali Sastroamijoyo's definition of Darul Islam as rebellion.<sup>41</sup> Darul Islam propagated the view that Sukarno government's return to a 'unitary state' system, a change from the federal state system since 1949, represented 'a modern form of colonialism' which made it 'impossible for the Islamic guerrilla to surrender its weapons', because doing so would be the greatest betrayal to the Indonesian people. On the other hand, throughout the 1950's and early 1960's the government's representation of Kartosuwiryo and his Darul Islam movement was already that of an anti-nationalist and terrorist entity. The Ministry of Information for example presented Kartosuwiryo as a 'fake leader who used Islam as a tool to achieve a governmental aspirations and who relied on political opportunism to rally popular support, Kartosuwiryo is an evil person, for whom it 'is better to die than to face defeat'.<sup>42</sup> Islamic teachings were depicted merely as instruments of mobilisation, instead of the guidance of a movement; Kartosuwiryo's dedication to the Islamic state ideal was also undermined by an emphasis of his possession of amulets which led to a presentation of the man as a believer of mysticism.<sup>43</sup>

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<sup>40</sup> M. Natsir, *Capita Selecta*, Jakarta: Abadi-Yayasan Capita Selecta, 2008, vol. 2, pp. 48-50, 66-8.

<sup>41</sup> Formichi, op.cit., p. 160

<sup>42</sup> Ministry of Information (*Kementerian Penerangan*), *Republik Indonesia: Propinsi Djawa Barat*, Jakarta: Kementerian Penerangan, 1953, pp. 218, 234-5.

<sup>43</sup> A. Sjariffudin, *Kisah Kartosuwirjo*, 3rd ed., Surabaya: Grip, 1963, pp. 7, 20-1

A focused and integrated military-civilian strategy in responding to DI/TII and Kartosuwiryo would have to wait until President Sukarno ruled with a pseudo-autocratic government which he called 'Guided Democracy' (*Demokrasi Terpimpin*) between 1959 and 1965. As Sukarno dissolved the constitutional assembly and re-instated the supposedly temporary 1945 Constitution by presidential decree (*Dekret Presiden*), he allowed for a convergence of civilian and military views on Darul Islam to develop an organised response to the rebellion. The government produced Government Regulation (*Peraturan Pemerintah*) 59/1958 to initiate 'Operation Annihilation' (*Gerakan Operasi Penumpasan*) against DI/TII. One crucial part of Operation Annihilation was Operation Fence of Legs (*Operasi Pagar Betis*) where villagers in the surrounding area were co-opted to form a giant circle circumventing the base of a mountain where DI/TII operated; the civilians were ordered to walk towards the mountain top together, creating a human fence, or rather human shield, that forced DI/TII rebels to either show themselves or shoot civilians.<sup>44</sup> The military-civilian operations against DI/TII took place between 1959 and 1962 in West and Central Java, culminating in the arrest or execution of most of the leaders of DI/TII, including Kartosuwiryo. After being convicted by an Army Court Martial, he was executed by firing squad in 12 September 1962. It was recorded that Kartosuwiryo denied the allegation that he ordered his men to assassinate President Sukarno. He also denied the allegation that he fought against the republic of Indonesia, only its incumbent government.<sup>45</sup>

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<sup>44</sup> The Indonesian Armed Forces (*Angkatan Bersenjata Republik Indonesia/ ABRI*) also utilised the manpower from Indonesian Communist Party (*Partai Komunis Indonesia/PKI*) to conduct the Fence of Legs Operation, see J. Roosa, *Pretext for Murder: The September 30<sup>th</sup> Movement and Suharto's Coup d'état in Indonesia*, Madison: The University of Wisconsin Press, 2006, p. 188; Operation Fence of Legs were further conducted to handle Free Aceh Movement (*Gerakan Aceh Merdeka/ GAM*), see R. Sukma, Rizal, *Security Operations in Aceh: Goals, Consequences, and Lessons*, Washington: East-West Centre, 2004, p. 10

<sup>45</sup> Ruslan et.al., *Mengapa Mereka Memberontak? Dedengkot Negara Islam Indonesia* (Why They Rebel? The Founding Figures of Indonesian Islamic State), Yogyakarta: Biopustaka, 2008, pp. 39-46

In the aftermath of his capture, Indonesian Armed Forces (*Angkatan Bersenjata Republik Indonesia/ABRI*) and the Sukarno government presented Darul Islam as a terrorist movement supported by anti-nationalist forces whose actions had been a heavy burden for ordinary civilians. The absence of public debate concerning the ideology and political manifesto that Kartosuwiryo and Darul Islam once publicised meant that the government's representation was accepted publicly. Despite the public ideological flattening of the movement, Darul Islam did not cease to exist with the capture of their leaders; instead, cell-based local networks of Darul Islam, empowered by former members, maintained their existence.<sup>46</sup> This existing Darul Islam network was to be co-opted by the New Order regime.

### **The New Order and Islamic Terrorism**

Suharto's presidency, also called the New Order, was an avowedly anti-Communist regime; it changed the way the government treated Islamic groups as it needed to appear to represent Islamic piety for electoral purposes and to utilise Islamic and other religious groups for purposes of anti-Communism propaganda. To achieve this purpose, the New Order state conducted a combination of depoliticisation of Islamic forces and their cooptation in the state's developmentalist project. Culturally, Suharto pushed for individual piety to monotheistic religions set out by the state as part of an anti-Communism policy. For Islam's adherents, this policy led to transforming mosques into the only available space for the gatherings of Muslim youths and critics of the regime; when this development met with international Islamic revival, the radicalisation of the Islamic movement in the country was inevitable. Politically, however, Suharto made sure that Islamic groups would not have a chance at seizing power, particularly in terms of winning elections;

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<sup>46</sup> Y. Machmudi, *Islamising Indonesia: The Rise of Jemaah Tarbiyah and the PKS*, Thesis, Canberra: Australian National University, 2011, p. 40-41

he merged all Islamic parties into one party called Unity and Development Party (*Partai Persatuan Pembangunan/PPP*) in order to facilitate a better control over all Islamic political forces and more importantly utilise them for his own durability.

Cooptation was practiced as the New Order's political party called The Functional Group (*Golongan Karya/GOLKAR*) was instrumental in co-opting Islamic voters;<sup>47</sup> William Liddle noted that by 1977 GOLKAR had included many local Islamic teachers in its camp as part of its effort to win the 1977 legislative election.<sup>48</sup> More than co-opting local Islamic teachers, as Sydney Jones noted, the Suharto government also co-opted former Darul Islam members to perform as militias to hunt down Communist sympathisers in the aftermath 30 September 1965 movement,<sup>49</sup> while John Roosa noted that figures in Nahdlatul Ulama were included to eliminate cadres of *Partai Komunis Indonesia* (Indonesian Communist Party/PKI), mostly in Java.<sup>50</sup> The most controversial part of New Order's cooptation of Islamic forces was its reconstruction of the Darul Islam network in early 1970s. Ten years after Suharto took effective control of the republic, he conducted a cooptation policy towards Islamic movements in order to endure the victory of government's political party. Under the guidance of National Intelligence Coordination Body (*Badan Koordinasi Intelijen Negara/BAKIN*), former leaders of Darul Islam were facilitated to consolidate the Darul Islam network in West Java, Aceh, and South Sulawesi provinces.<sup>51</sup> These former leaders of Darul Islam or their descendants who were trained and educated by their elders as a Darul Islam family were facilitated to hold a

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<sup>47</sup> M. Ricklefs, *A History of Modern Indonesia Since C. 1200*, Hampshire: Palgrave, 2001, p. 389

<sup>48</sup> R. W. Liddle, "Indonesia 1977: The New Order's second parliamentary election", *Asian Survey*, 18:2, 1978, p. 175-85.

<sup>49</sup> S. Jones, "Recycling militants in Indonesia: Darul Islam and the Australian Embassy Bombing", *Asia Report*, Singapore/Brussels: International Crisis Group, 2005, p. 2-3

<sup>50</sup> J. Roosa, *op.cit.*, p. 93

<sup>51</sup> These individuals include Danu Muhammad Hasan, Adah Djaelani, Ateng Djaelani, Ules Sujai, Dodo Muhammad Darda and Tahmid Rahmat Basuki (Kartosuwiryo's son), See Solahudin, *Nili Sampai Ji: Salafy Jihadisme Di Indonesia*, Depok, Indonesia: 2011, p. 103-115; also N.K. Ridwan, *Regenerasi NII: Membedah Jaringan Islam Jihadi di Indonesia*, Jakarta: Erlangga, 2008, p. 89

gathering in Jakarta in September 1973, and resulted in an agreement among them to uphold the objectives of Darul Islam and to nominate Daud Beureuh as their Imam; the Acehnese Daud Beureuh was the most senior living leader of Darul Islam. Daud Beureuh's initial attitude of 'diplomacy and consolidation' turned belligerent a year after the Jakarta meeting; his change of attitude was due to his disappointment of the growth of extractive industry based on natural gas in Aceh that did not benefit his fellow Acehnese and only enriched the central government.<sup>52</sup> These acts of terrorism initially served two purposes: first they performed as a response against a 'moral decadence' or 'betrayal against Islamic teachings' of the Indonesian government, as Daud Beureuh propagated. Secondly, and more pragmatically, the revived Darul Islam network sought sources of funding and fire-arms; acts of terrorism served as instigators of political instability that would convince donors, specifically the Libyan government, to provide them with fire-arms.<sup>53</sup> However, acts of terrorism that initially took place near Daud Beureuh's base in North Sumatera were replicated by other Darul Islam cells in Java. These violent actions were later on known by the Indonesian public as the '*Komando Jihad* case'. *Komando Jihad* was the first jihadist manifestation of Kartosuwiryo's ideology.

*Komando Jihad* case, following the Darul Islam's revival, spanned between 1976 and 1981. In 1976, violent actions targeting civilians, led by a Darul Islam's armed wing veteran Gaos Taufik and his operatives Timzar Zubil and Abdullah Umar, took place in the cities in Sumatera and Java. They conducted attacks against places that they believed to be owned by 'Christians' or New Order power holders, including a hospital, church, school, bar, cinema, even a mosque in North and West Sumatra provinces; the anti-Christian outlook of their attacks characterized a divergence from

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<sup>52</sup> It is also mentioned that Daud Beureuh's change of attitude was due to his disappointment of increasingly un-Islamic behaviour of the Acehnese because of the area's industrialisation, see Ibid., p. 94-95.

<sup>53</sup> Ibid., p. 100

Kartosuwiryo's principles of struggle that emphasized social progress of an Islamic community. To acquire funding, the group also robbed a rubber plantation in North Sumatera; meanwhile, the attacks were made to look like the work of another religious group in order to create riots. While Libyan arms and weapons flew to Aceh as result of this showcase of terrorism, they did not arm the Darul Islam but only the Acehese insurgency led by Hasan Tiro who took over the leadership of Islam in Aceh from Daud Beureuh and formed the Free Aceh Movement (*Gerakan Aceh Merdeka/GAM*) in 4 December 1976.<sup>54</sup>

Being pursued by security apparatuses, as a result of these violent actions, some of the Darul Islam members in Sumatera fled to Central and West Java. They further connected with Darul Islam network in the area and committed violence there to acquire funds; robberies were committed in the name of fund-raising for the struggle of Islam (known in its Arabic term *fa'i*) by a group led by a Darul Islam veteran called Warman until early 1979; Warman's group actions ended with the capture of all leaders of Darul Islam that BAKIN and the Army used to approach and facilitate with Warman himself shot on sight when he was trying to flee.<sup>55</sup>

The last act of terrorism that took place as a follow up of the revival of Darul Islam in the early 1970's was the hijacking of an Indonesian airliner on 28 March 1981 by a group led by a man called Imran bin Muhammad Zein, another leading figure of Darul Islam who demanded the release of convicted individuals in the *Komando Jihad* case.<sup>56</sup> The "Imran Group" forced a DC-9 airplane owned by *Garuda* to land at Don Muang Airport in Bangkok. The event successfully absorbed the media's attention and ended dramatically with the shooting of all of its perpetrators, with one civilian casualty, by an Indonesian Army Special Forces unit (*Komando Pasukan*

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<sup>54</sup> Ibid., p. 102

<sup>55</sup> Ibid., p. 109-114.

<sup>56</sup> S. Panjaitan, *Perjalanan Seorang Prajurit Para Komando* (The Life of a Para-Commando Soldier) Jakarta: KOMPAS, 2009, p. 265-266. Sintong did not refer to the hijackers as Imran Group, but rather "a group of people who named themselves *Komando Jihad*."

*Khusus/KOPASUS*). This event led the Army to name its KOPASUS counter-terrorist division “Detachment 81” after the year of the hijacking. President Suharto stated that his policy was “not to surrender to the demands of the hijacker or the terrorists, but at the same time to save the lives of the passengers as much as possible”. Strangely enough, the group leader Imran was not found among the hijackers, and it was not clear whether he was captured or killed in the end.<sup>57</sup>

The response of the New Order government to the *Komando Jihad* case was pressed on to the indispensable collective memory of the Indonesian public. The role of an institution called the Security and Order Rehabilitation Command (*Komando Pemulihan Keamanan dan Ketertiban/KOPKAMTIB*) was instrumental in the operation to capture suspects; while the Anti-Subversive Law was instrumental in charging them in the court of law.<sup>58</sup> The KOPKAMTIB was established shortly after the 30 September Movement, a failed coup attempt at President Sukarno in 1965 that was alleged to be the work of the Indonesian Communist Party (PKI). KOPKAMTIB was an institution staffed mainly by Army officers and meant to totally eliminate the Indonesian Communist Party (*Partai Komunis Indonesia*/PKI) and rehabilitate state’s authority.<sup>59</sup> A local level institution that operated KOPKAMTIB’s policies was called the Special Local Executor (*Pelaksana Khusus Daerah/LAKSUSDA*). In the pursuit against individuals suspected to be part of the *Komando Jihad*,

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<sup>57</sup> *TEMPO*, “From Ambon to Don Muang”, 11 April 1981.

<sup>58</sup> The Anti-Subversive Law or Law 11/PnPs/1963 on Eradication of Subversive Activities was initially a President’s By-Law or Decree which was stipulated into Law 11/1963. Article 1 of the law stipulated a Subversive Activity as “an activity that distorts, undermines, or misappropriates the meaning of *Pancasila* or state’s guidance.” The penalty for subversive activities includes death, life-time or 20 year imprisonment. See B. Muqoddas, *Hegemoni Rezim Intelijen: Sisi Gelap Peradilan Kasus Komando Jihad*, Yogyakarta: PUSHAM-UII, 2011, p. 366

<sup>59</sup> KOPKAMTIB was initially led by Major General Suharto since 10 October 1965 after President Sukarno mandated him with the task of undertaking any necessary measure to maintain order, security, and government stability; in the first decade of Suharto’s rule, KOPKAMTIB was the most powerful instrument of authority and conducted screening of individuals for their involvement in a so-called communist plan in instigating the September 30<sup>th</sup> Movement to overthrow the government in 1965, extensive political trials and incarcerating subjects. The implication of this practice went far beyond anti-communism purposes as the state was able to control the movement of individuals and their right to dissent and protest, and to impose a strict control of the press and media. See R. Robison, V. Hadiz, *Reorganising Power In Indonesia: The Politics of Oligarchy in an Age of Markets*, London & New York: RoutledgeCurzon, 2004: p. 48.

KOPKAMTIB coordinated the security apparatuses from the police and the armed forces to pursue, capture, and legally process the suspects. Interviewing the former Head of KOPKAMTIB Admiral (Ret.) Sudomo, who had the leadership of the institution from 1974 to 1983, Muqoddas wrote:

“From 1977, KOPKAMTIB conducted a series of raids in Sumatera to capture the revolutionary imamate movement. Also, in the run up to the legislative election of that year, KOPKAMTIB became highly sensitive and arrested 185 members of *Komando Jihad* in all of the provinces in Java, but mostly in Jakarta.”<sup>60</sup>

KOPKAMTIB, therefore, had a large room for discretion in determining suspects. In a study of former convicts of *Komando Jihad* case, Muqoddas found that their capture was mostly conducted by Army officers without warrants; following an arrest, the suspects were interrogated by LAKSUSDA officers who accused them of involvement in a struggle to establish an Islamic state; and interrogations were often accompanied by sleep deprivation or torture that led to involuntary confessions by suspects.<sup>61</sup> The experience of the Indonesian Islamic community and other critical elements of society with the role of KOPKAMTIB in turn shaped their response to security measures of the state in the post-Suharto era.

Darul Islam veterans were mostly captured between January and June 1977. There is no explicit formal purpose of the government’s underground revival of the Darul Islam network. Solahudin, an Indonesian journalist and an Islamic historian, writes that BAKIN and West Java Army Command (*Komando Daerah Militer/KODAM Siliwangi*) approached and facilitated DI’s former leaders in order to consolidate their members and urged them to participate in facilitating the victory of the incumbent party GOLKAR in 1971.<sup>62</sup> There has been no public explanation of the extent of government’s involvement in *Komando Jihad* problem and the purpose of reviving

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<sup>60</sup> Muqoddas, op.cit., p. 289.

<sup>61</sup> Ibid., p. 293-302

<sup>62</sup> Solahudin, op.cit., p. 103-105



the Darul Islam network, only that it was committed by former runners of Darul Islam as Attorney General Ali Said stated at that time:

*“Komando Jihad is actually a name for various extremist movements led by former runners of Darul Islam. Since 1970, these illegal movements have been active in Java and Sumatra only, and were named differently in different places, such as “Underground Movement of Jihad Fisabilillah” in Jakarta, “Jihad Fillah” and “Jihad Fisabilillah” in West Java, “Jihadi Force” in Sumatra, and “Sabilillah March” in East Java. There has been no sign that these movements are under one command.”*<sup>63</sup>

Who actually created the name *Komando Jihad* is not clear in this statement, but it appears that this name is the government’s own label for the violent groups that marked the revival of Darul Islam. At the very least, there was no reason to suggest that BAKIN did not know about the preparation of violent actions that followed the consolidation meeting as they already infiltrated the network that later on carried out the attacks. One individual who was convicted in the *Komando Jihad* case was Haji Ismail Pranoto, publicly known as Hispran; he confessed in his trial that there was government support in his effort to revive the *Darul Islam* (DI):

*“Together with Danu Hasan and Ateng Djaelani, I recruited some men in East and Central Java to be included in the Jama’ah. In every meeting with those men in Danu’s house, we only talked about the danger of communism. Both Danu and Ateng worked for the government. Danu received a salary and a car, and Ateng was granted with a kerosene distribution authority in West Java. Danu was the leader of the “communist threat oversight movement”. Danu also worked for BAKIN and I have become a victim of Ateng’s diplomacy. My fellowmen in East Java must have thought that I have sacrificed them. But I myself have been cheated. I apologize to my fellows in East Java for their suffering.”*<sup>64</sup>

Hispran’s confessions in his trial expressed his tacit knowledge of the involvement of state apparatus (state intelligence BAKIN) in supporting his activities in preparing and leading the recruits in Java for some violent actions; he was indicted on 19 September 1978 with life imprisonment by Surabaya (East Java) District Court in violation of the Anti-Subversive Law. DI’s former leaders also knew about the

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<sup>63</sup> TEMPO, “DI/TII: The Break-Up of DI’s Leadership”, 30 September 1978

<sup>64</sup> TEMPO, “Who Is Hispran?”, 30 September 1978

intelligence infiltration, but nevertheless took the chance of acquiring funding from the government in order to revive their organisation. The doctoral thesis that Muqoddas did on former convicts of *Komando Jihad* case revealed that the recruits of *Komando Jihad* were told that they were being mobilised to 'fight the communists' in the anticipation of the snowball-effect produced by the fall of Vietnam to the communists in 1975.<sup>65</sup> Regardless of this, the result of this process of Darul Islam revival and the *Komando Jihad* that followed discredited the face of political Islam altogether. As Jenkins argued:

"Islamic political parties presented a formidable challenge to GOLKAR. An effort was needed to ruin the image of Islamic parties by projecting them as an unpredictable political extremism bent on creating an Islamic state. In that purpose, the government announced the existence of an anti-government conspiracy called the *Komando Jihad* towards the 1977 election. The development of events suggested that the leaders of the *Komando Jihad* had a close relationship with Ali Moertopo; at least that was the case in the minds of many Indonesians who saw that there was only a small doubt that *Komando Jihad* was Ali Moertopo's instrument in making the Islamic political parties on the defensive."<sup>66</sup>

The Indonesian public later on became familiar with the neither-confirmed-nor-denied status of *Komando Jihad* and perceived it as nothing more than an entity configured by the Indonesian intelligence community, led at the time by Lieutenant General Ali Moertopo, to discredit legitimate political Islamic movement when necessary.<sup>67</sup> More importantly, the Indonesian public response to the government's policy towards Islamic terrorism in this era also invokes the harsh experiences of Islamic communities in the government's response towards the *Komando Jihad*. It is also embedded in the collective memory of Islamic groups that the *Komando Jihad* case was an exemplary event for the government's modus of cooptation of Islamic groups that proved to be fatal for political Islam in general as violent actions

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<sup>65</sup> Muqoddas, op.cit., p. 100

<sup>66</sup> D. Jenkins, *Suharto and His Generals: Indonesian Military Politics, 1975-1983*, Ithaca, NY: Modern Indonesia Project, Cornell University Press, 1984, p. 63-64.

<sup>67</sup> E. Aspinall, *Opposing Soeharto: Compromise, Resistance, and Regime Change in Indonesia*, Stanford University Press, 2005, p. 38

that took place afterwards discredited Islam in general. *Komando Jihad* case also left an indelible mark that Islamic groups in Indonesia later on invoked in critiquing the government's response to terrorism in the *reformasi* era. On an empirical level, the 1970's-era *Komando Jihad* set the precedent for a *jihadist* approach towards an Islamic state which also belonged to the 'house of Darul Islam'; in the words of a Darul Islam member: "The Darul Islam is a house with many rooms, enough for all the factions."<sup>68</sup>

In the 1980's Suharto government's representation of Kartosuwiryo and Darul Islam became more nuanced in this era as it contextualized Kartosuwiryo's struggle within Islamic political cause and anti-Colonial struggle.<sup>69</sup> However, this did not spell the end of Islamic terrorism; indeed, acts of terrorism re-occurred with a larger lethality. This was perhaps the result of a combination of the push for religious piety, democratic aspirations and the closed-off political expression of Islamic groups as Suharto introduced a policy of "singularity principle" (*asas tunggal*) which meant all political and societal organizations in Indonesia could only adopt one ideological basis and that was none other than *Pancasila*.<sup>70</sup> Delivered on 19 July 1982, this policy signaled that political organizations or parties which were based on ideologies other than *Pancasila* had no right to exist; Suharto articulated that: "*Pancasila* was derived from a Javanese culture which had already been in existence even before any religion set foot on Indonesia."<sup>71</sup> This policy infuriated the Darul Islam members at the time and led them to come to another grand-rendezvous in Jakarta in August 1982 to discuss ways to end Suharto's rule. The response of the government through coercive

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<sup>68</sup> S. Jones, op.cit., p. 31.

<sup>69</sup> C. Formichi, op.cit., 188

<sup>70</sup> The "singularity principle" policy was stipulated in Government's Decree (*Peraturan Pemerintah*) No. 35/1985—PP. No. 36/1985. The law text refers to *Pancasila* as the 'only principle' (*satu-satunya asas*) or 'one and only principle' (*asas tunggal*). See S. Eklof, *Power and Political Culture in Suharto's Indonesia: The Indonesian Democratic Party (PDI) and Decline of the New Order (1986-1998)*, Copenhagen: NIAS, 1999, p. 99.

<sup>71</sup> Solahudin, op.cit., 173

measures against protestors of the one and only-principle policy and non-state violence that accompanied it further shaped the attitude of public in Indonesia. The use of the Armed Forces, instead of the police, and the implementation of the Anti-Subversive Law defined government's response in the 1980's which caused traumatic experiences in the relationship between the state and Islamic groups.

The implementation of the "one and only principle" worsened the relations between Islamic activism and the state as the latter became more sensitive to subordination. Such sensitivity led to a tragic incident where an Islamic community in the Tanjung Priok area in North Jakarta protested against the arrest of their fellow Muslim activists by the Army District Command of North Jakarta; protesters were said to have marched towards the Army base to demand their colleagues' freedom – the soldiers at the base responded with shootings that killed 24 and injured 55; those who survived were detained and sustained torture.<sup>72</sup> One surviving leader of the Islamic activists who protested was arrested and forced to campaign for the government's GOLKAR party.<sup>73</sup> One event that was believed to have been committed in response to the Tanjung Priok incident was high-powered explosives blast in three different places in Jakarta on 4 October 1984, including a business center and two bank offices owned by Suharto's business client Liem Sioe Liong.<sup>74</sup> Commander of the Armed Forces L.B. Moerdani's rhetoric in response to this event stressed that "giving up to terror would lead incremental destruction of the (national) system", justifying the need to do whatever it takes: "to secure 150 million people, hundreds could be detained."<sup>75</sup>

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<sup>72</sup> *Tempo Interaktif*, "National Human Rights Commission on the Tanjung Priok Case", 17 June 2004, available online at <http://tempo.co.id/hg/narasi/2004/06/17/nrs,20040617-14,id.html>, accessed 12 March 2012.

<sup>73</sup> *TEMPO*, "Support from Tanjung Priok", 4 April 1987.

<sup>74</sup> Solahudin, *op.cit.*, p. 186

<sup>75</sup> *TEMPO*, "Anti-Terror for the Terrorists", 13 October 1984.

The year 1989 saw the last notable Islamist violence in New Order Indonesia following the one and only-principle policy. A sub-district head of a remote village in the Lampung Province of Sumatra reported to the local military command about a self-secluded community led by a man called Warsidi who claimed to be the most righteous Muslim in the area that organized military-style training. As this group began to take effective control of 1.5 hectares of land for their base, a group of officials consisting of military, police, and civilian officers took the initiative to visit them. They were greeted with arrows and machete attacks that killed two of the officers. In retaliation, the military sub-district commander Colonel Hendro Priyono led three platoons backed by dozens of militarized police to take control of the group's base-camp. The operation killed 27 and arrested 20 members or sympathizers of Warsidi group. Major General Sunardi who headed the South Sumatra military command said that the group members were resisting the troops; resistance justified the killings.<sup>76</sup> This incident, known by the Indonesian public as the 'Talangsari incident' – after the name of the village in Lampung province, was reported by the news media at the time as a successful operation by the state to bring back normality in the area; in the *reformasi* era this incident became one of the examples that critical Islamic community invoked to show the cost of state's repressive measures.

The combination of kill/capture mission and effectiveness rhetoric that emphasizes the ability of the security apparatuses to bring normalcy to what appeared to be a temporary shock also appeared to characterize government's response. In the *reformasi* era, the kill/capture approach is both loved and hated: Muslim leaders often invoked the capture of Islamic scholars for their opposition against the government in the aftermath of acts of terrorism to criticize coercive

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<sup>76</sup> *TEMPO*, "A Shot Rang Out in Central Lampung", 18 February 1989.

response to Islamic terrorism; while security apparatuses hailed this approach as the most effective response to stop the perpetrators.

Violent action was not the only avenue pursued by Darul Islam group in the Suharto era. Two notable members who were recruited by Hispran in 1970 were Islamic scholars called Abdullah Sungkar and Abu Bakar Ba'asyir. Sungkar and Ba'asyir were founders and teachers of a conservative Islamic boarding school called Al-Mukmin (*Pondok Pesantren Islam Al-Mukmin*) since 1972; their radio broadcasts and the methods of teaching caught the attention of security apparatuses who perceived them as defying the authority of the state, which led to their capture and trial in 1978 for alleged violation of the Anti-Subversive Law. They were released in 1982, only to be charged again in 1985 for subversive activities. To avoid another taima in jail, the two decided to flee to Malaysia.

Sungkar and Ba'asyir fled to the neighbouring state of Malaysia, lived and worked there, preached and taught pupils in a *pesantren* called Al-Hakim. In the late 1980's they also organised the sending of Indonesian militants to participate in *jihadi* training in Afghanistan. The revival of the efforts to establish an Islamic state, or an Islamic caliphate in Southeast Asia as the movement became transnational, had to wait years of self-imposed exile of the two ulamas. In their absence, Al-Mukmin *pesantren* maintained its independence and thrived and further served as a hub of like-minded activists. Abdullah Sungkar and Ba'asyir started a new network of Islamic movement that no longer relied on Darul Islam and yet lived up to the ideals of Kartosuwiryo, perhaps even scaled it up to a transnational caliphate. In 1993, as they withdrew from Darul Islam and settled in Malaysia, Sungkar and Ba'asyir worked together with other fellows from Indonesia and Malaysia to build a new *jama'ah* or Islamic community called Jemaah Islamiyah which aimed at upholding the Islamic

jurisprudence (*syari'at*) through struggle in the name of God (*jihad fisabilillah*).<sup>77</sup> Their adopted strategy was to pursue proselytisation (*da'wah*) in broad daylight but maintain the organization in secrecy. This principle may have led to the absence of anything about Jemaah Islamiyah ever mentioned by Ba'asyir publicly. On the other hand, as he returned to Indonesia in 1999, he always belonged to a particular Islamic societal organization. Two notable organisations associated with Ba'asyir's leadership since his return to Indonesia in 1999 were Indonesian Mujahidin Council (*Majelis Mujahidin Indonesia/MMI*) and *Jamaah Ansharut Tauhid* (JAT). These and other radical Islamic organizations stayed on the margins of mainstream political Islam in post-Suharto era.

### **The Reformasi Era's Communal Conflicts**

During President Suharto's thirty-two years of rule, centrally-governed allocations of resources produced prolonged socio-economic injustices as it favoured one ethno-religious group and side-lined the other. Ethno-religious grievances were resolved only through force, intimidation and coercive power of the state; others are side-lined or manipulated. One particular policy that had a damaging repercussion when combined with this socio-economic injustice was the facilitated transmigration policy that was meant to solve the uneven distribution of population throughout the archipelago. Inter-island migration caused a disruption to the 'balance of representation' between ethno-religious groups specifically because the government-sponsored migrants were mostly Muslims with more advantage in acquiring economic opportunities and employment, who then settled in sparsely populated, under-developed, Muslim-minority areas.<sup>78</sup> The weakening of Suharto's

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<sup>77</sup> Solahudin, *op.cit.*, p. 233

<sup>78</sup> J. Bertrand, *Nationalism and Ethnic Conflict in Indonesia*, New York: Cambridge University Press, 2004, p. 91

political power in the second half of the 1990's translated into a weakening of control over regions outside Jakarta. Ethno-religious groups that were once marginalised saw opportunities to act on their grievances by taking matters into their own hands to improve their status vis-à-vis other groups whom they saw benefitted upon their loss. Their source of grievances was the New Order state, but they transferred their aggression to other ethno-religious groups.<sup>79</sup>

Waves of communal violence had taken place two years before the New Order broke down and they lasted until the first half of 2002. Five provinces in Indonesia that underwent communal violence within this period were West Kalimantan (January-March 1999), Central Kalimantan (February 2001), Ambon (December 1998, June 1999, May 2000 – February 2002), North Maluku (September 1999-December 2001), and Central Sulawesi (April 2000-December 2001). This list excludes the anti-Chinese riots that took place in Jakarta shortly after Suharto resigned. United Nations Support Facility for Indonesian Recovery estimated that non-secessionist collective violence in Indonesia from 1990 to 2003 had cost 10,000 lives.<sup>80</sup> The professionalism of Indonesian military and police forces were publicly questioned and protested in Jakarta; even worse, their failure to avoid a massive casualty number had also encouraged an Islamic militia called *Laskar Jihad* to form up and participate in the communal conflicts between Christian and Islamic communities in Maluku.<sup>81</sup>

While President Suharto was skilful in playing one faction against the other to maintain the loyalty of the Armed Forces, his succeeding presidencies were not able

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<sup>79</sup> Ibid., p. 58

<sup>80</sup> A. Varshney, R. Panggabean, and M.Z. Tadjoeidin, 'Patterns of collective violence in Indonesia (1990–2003)', Jakarta: UNSFIR, 2004, Available online: <http://www.unsfir.or.id/files/workingpapers/20040902101151.pdf>, accessed 16 June 2010.

<sup>81</sup> President Wahid at the time believed that elements of the military were not only turning a blind eye to the *Laskar Jihad*, they were actually providing them with weapons. See G. Barton, *Abdurrahman Wahid: Muslim Democrat, Indonesian President - A View From the Inside*, Sydney: UNSW Press, 2002, p. 306



to do the same. Communal conflicts and secessionist struggles that marked the initial years of the *reformasi* were publicly discussed as partly a result of neglect, unprofessional management, or even the instigation of the Armed Forces. There is no strong evidence for this, but throughout the presidencies of *reformasi* era, such indications were discussed publicly.

The riots that took place in Jakarta shortly after Suharto resigned, for example, indicated a presence of “black-clad riot commanders” who roamed Jakarta in trucks and actively provoked violence without obstruction from the forces most directly responsible for Jakarta’s law and security which was the strategic reserve under Lieutenant General Prabowo and Major General Muchdi; Indonesian observers at the time discussed a possible scenario where violence was intended to discredit the anti-Suharto opposition.<sup>82</sup> Another example is General Wiranto’s removal from his post as Commander of the Armed Forces during President Wahid’s tenure; observers connected this with his possible role in facilitating the conflict between pro-independence and pro-integration fighters in East Timor in the aftermath of the 1999 plebiscite as the TNI troops became revengeful of its results and had to leave the region.<sup>83</sup>

Communal conflicts were connected to policies of the presidents in the *reformasi* era which the TNI did not agree with. This was notable in President Abdurrahman Wahid’s presidency’s progressive results in security sector reform by terminating the political role of the Armed Forces and separating them from the police force, which was accompanied by communal conflicts engulfing all five provinces mentioned above. As President Megawati Sukarnoputri took power in July 2001, military reform stood still and the investigation into the military’s human rights

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<sup>82</sup> R. Hefner, *Civil Islam: Muslims and Democratization in Indonesia*, New Jersey: Princeton University Press, 2000, p.188

<sup>83</sup> G. Klinken, *Communal Violence and Democratization in Indonesia: Small Town Wars*, Oxon: Routledge, p. 28

abuse in the past was terminated. This was accompanied by all communal conflicts dissipating in the Megawati's presidency.<sup>84</sup> Later on in the aftermath of 9/11, the Indonesian military became more 'secure' from the wave of reform that was undesirable to itself as Indonesian government acquired the opportunity to revive contacts between Indonesian military and the U.S. government, and even more so as the urgency to fight terrorism domestically manifested after the 2002 Bali bombings.<sup>85</sup>

## Organisation of Thesis

**Chapter 2** will explain the importance of the public discourse of terrorism. It will argue that terrorism is a socially-abstract concept that it cannot present itself as terrorism. Rather, terrorism is a mediated-event that requires interpretation and articulation through frames and metaphors in the language-in-use. The chapter will discuss literatures that theorise the *discourse of terrorism*. Three methods which are used in the studies in this literature is metaphor-analysis of events and actors associated with terrorism, the juxtaposition of values associated with terrorism, and a conceptual history of terms or concepts associated with terrorism. Together, these methods are instrumental in analysing the *social meaning* of events discussed as 'terrorism' and what makes possible the production of particular policy-responses to terrorism. The chapter will also analyse the studies of representations of terrorism in policy-responses to home-grown terrorism. These studies principally suggest that basic discourses and consequences of the performative level counter-terrorism rhetoric dictate the representation of terrorism that governments can employ. However, these studies have not discussed how these basic discourses are

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<sup>84</sup> Ibid., p. 29

<sup>85</sup> S. Rinakit, "Terrorism and the Resurgence of Military Power in Indonesia", *Nordic Institute of Asian Studies*, 3, 2003, p. 21-24

constructed and influence the choice of performativity by governments. This thesis aims to fill the absence of studies that simultaneously discuss the construction of the public discourse of terrorism and the impact that it makes on the policy-making of anti-terrorism laws.

**Chapter 3** will discuss the way public and political processes or discussions of a particular issue impacts on its securitisation processes. It will outline three interpretations of the influence of public/political process to securitisation: exceptional interpretation, constructivist-political interpretation, and sociological. Following the third interpretation, this chapter will further outline how the public/political processes of a particular issue structures the repertoire of security speech act and the response of the (formal/enabling) audiences. The last section of this chapter will discuss how security rhetoric of the government gains legitimacy. As it positions security speech act as belonging to the wider societal discourse of security, this chapter argues that legitimacy of security rhetoric is gained by articulating *identity* and *policy* simultaneously.

**Chapter 4** will focus on explaining the research methodology which will help illustrate the way in which public discourse of security structures the language-use of a government's securitisation of terrorism and the latter's legitimacy construction through identity construction. The chapter will on explain the principles of post-structuralist discourse analysis which is chosen because of the study's ontological and epistemological positions. Secondly, it will explain the concept of linking-and-differentiation which is derived from post-structuralist discourse analytical principle of chain of equivalence' and 'antagonism' of discourses. Thirdly, it will explain the concept of 'inter-textuality' which is a methodological concept from a tradition of critical discourse analysis. Inter-textuality is an important methodological concept for this study because it allows it to investigate a reference-linkage between a text –

such as a security policy text – with another already-existing text – such as an international convention, a constitution, or an academic text. Inter-textuality analysis informs the impact of public texts to policy texts as the latter make references to the former. By doing so, inter-textuality helps make texts more acceptable for the public. Finally the chapter will specify the research design of this study by outlining the reason for the selection of the case study, followed by the selection of period under study, the texts that are selected to be studied and finally how to read the texts in a way that accomplishes the goal of the study.

**Chapter 5** will explain the development of public discourses of terrorism in Indonesia's post authoritarian history. These basic discourses are associations that the Indonesian public and its government make between the of concept 'terror' and other terms. Three basic discourses of terror during this period are 'provocation', 'instability', and 'terrorism' discourses. It will explain the 'provocation' discourse in the aftermath of the Istiqlal Mosque bombing in 1999. The 'provocation' discourse associates 'terror' with an attempt to instigate or provoke sectarian conflicts and sabotage the 1999 election. An alternative frame that develops alongside the provocation discourse is the 'Islam marginalisation' frame which associates terror with an attempt to discredit Indonesian Islamic activism. It will continue with explaining the 'instability' frame which develops in the aftermath of a number of bombings in 2000. It associates the concept of 'terror' with an attempt to destabilise the government or political instability in general. Developing alongside this discourse is the 'terrorism' discourse which developed in the aftermath of the Philippine's Ambassador's residence bombing; the latter discourse initially brings up the concern over the presence of international terrorism networks in Indonesia. The third part will explain the co-existence between 'instability' and 'terrorism' discourses in the aftermath of the Christmas Eve bombings in 2000-2001.

**Chapter 6** will illustrate the public discourses of terrorism which made possible the exceptionalisation of terrorism. It will show that the *de-politicisation* or *political sterilisation* of the ‘terrorism’ concept in public discourse is an important aspect that allows the Indonesian government to promulgate laws that specifically handles terrorism as a non-politically defined ‘extraordinary crime’ and ‘crime-against humanity’. It will also illustrate the divisiveness of public discourse in early 2002 over the ‘Al-Qaeda presence’ discourse, which was carried forward into the aftermath of the Bali bombings. Two major discourses of terrorism marked a chasm in Indonesian public discourse during this period between ‘terrorism is real’ and ‘terrorism is engineered’ discourses. Furthermore, the chapter will discuss Indonesian government’s anti-terrorism discourse, which utilises frames that can be acceptable to both ‘terrorism is real’ and ‘terrorism is engineered’ public discourses. These frames include ‘terrorism as extraordinary crime’, ‘terrorism as crime against humanity’, ‘anti-terrorism as different from anti-subversive’, and ‘anti-terrorism without the terrorists’. These frames are derived from this study’s tracing of all the coverage on attacks categorised as terror or terrorism in news media. Finally, the chapter will explain the nature of Indonesian anti-terrorism policy as anti-terrorism *without* terrorist designation.

**Chapter 7** will discuss some of the sessions of the parliamentary hearings on the legislation of anti-terrorism law. These public hearings discussed the problems arising from the stipulations within the articles of Interim Laws 1/2002 and 2/2002. The purpose of the discussion of parliamentary hearings is to illustrate the ‘policy-debate’ that took place in the legislation of Indonesian anti-terrorism law. The previous two chapters have illustrated the public discourse of terrorism reflected in the news media; in this chapter, the discourse of terrorism on the parliament floor as

the policy responses to terrorism are negotiated will be discussed based on the transcripts of the hearing sessions.

**Chapter 8** concludes the thesis by outlining its findings. The securitisation of terrorism in Indonesia was made possible through three main features. First, terrorism was made possible through its presentation by the government as 'extraordinary crime' and 'crime against humanity', which bear intertextualities with existing public discourses, academic texts and universal values. Secondly, the success of securitisation is due to the ability of the securitising actor to securitise the issue *without* placing claim to a particular subject as the enemy 'Other'. Thirdly, the success of securitisation is due to the government's ability to convince the parliament of the need to pass the anti-terrorism draft laws into laws in order to avoid a legal vacuum and lead to the inability of the state to prosecute the Bali bombers.

## Chapter 2

### Critical Literature Review

#### Introduction

The central argument of the thesis is that public discourse of terrorism dictates the policy discourse of terrorism. Therefore the presentation of the threat of terrorism is not dictated solely by the facts regarding the threat and the (subjective) consideration of the political leaders; they do determine how the terrorism threat is presented, but they are also *mediated* by the public discourse of terrorism. Having said this central argument, the *public understanding of what events are considered as terrorism* is crucial in considering the contribution of the studies of terrorism. In order to draw useful insights and develop under-studied problems, the texts of terrorism studies in this chapter are scrutinised in terms of their discussion on, or whether or not they discuss *how events are interpreted as terrorism*.

This chapter is structured as follows. First, it will explain the importance of discussion about the public discourse of terrorism. It will argue that terrorism is a socially-abstract concept that cannot present itself as terrorism. Rather, terrorism is a mediated-event that requires interpretation and articulation through frames and metaphors in the language-in-use. The second part discusses literatures that theorise the *discourse of terrorism*. Three methods which are used in the studies in this literature are metaphor-analysis of events and actors associated with terrorism, juxtaposition of values associated with terrorism, and conceptual history of terms or concepts associated with terrorism. Together, these methods are instrumental in analysing the *social meaning* of events discussed as ‘terrorism’ and what makes possible the production of particular policy-responses to terrorism.

The third part of the chapter analyses the studies of representations of terrorism in policy-responses to home-grown terrorism. These studies principally suggest that basic discourses and consequences of the performative level of counter-terrorism rhetoric dictate the representation of terrorism that governments can employ. However, these studies have not discussed how these basic discourses are constructed and influence the choice of performativity levels by governments is not yet clarified. This thesis aims to fill the absence of studies that simultaneously discuss the construction of the public discourse of terrorism and the impact that it makes on the policy-making of anti-terrorism laws.

### **Terrorism as a Public Discourse**

The use of language in public is a social practice. A language user utilises the resources in the language diction in order to create *perspectives with implications*.<sup>86</sup> Through language, one also enacts a specific social identity as a particular Self (against other types of Selves and the Others). The design of a text or speech, which the speaker or writer intends simply to deliver facts, will take on a particular perspective and contest other perspectives. Two understandings of discourse are important here: discourse as a language-in-use or language as it is used in a particular setting to enact activities and identities (usually written as "discourse" with a little d); and discourse as language-in-use which is combined with non-linguistic elements such as values, attitudes, beliefs (usually written as "Discourse" with a capital D).<sup>87</sup> Therefore, discourse or language-in-use is the linguistic unit that a speaker or writer produces; at the same time every writer or speaker belongs a particular Discourse or Discourses. The use of plural a noun suggests that Discourses co-exist in a particular society which may contest for domination as the most-adopted Discourse to express

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<sup>86</sup> J.P. Gee, *An Introduction to Discourse Analysis*, London & New York: Routledge, 1999, p. 3-4.

<sup>87</sup> *Ibid.*, p. 7.



a perspective or identity in regard to particular phenomena. In other words, Discourse can be understood as the pattern which structures the use of language in people's utterances as they take part in various domains of social life;<sup>88</sup> it is a particular way in which actors give meaning to particular events or other actors.

The coupling of 'discourse' and 'public', therefore, will actually be rather redundant if one defines discourse as language-in-use. Public discourse underlines the social context within which a particular phenomenon is responded to through the use of language in public; public discourse makes possible a particular type of policy. An analysis of terrorism as a public discourse focuses on the way 'terrorism' is coupled with other terms in language-in-use in order to create a particular meaning of terrorism as a particular kind of problem and response to terrorism as particular kind of policy. For example as a policy issue, terrorism can be responded as a threat to democratic order,<sup>89</sup> societal problem<sup>90</sup> or problem of safety and security.<sup>91</sup>

The analysis of terrorism as a public discourse underlines the nature of terrorism as a phenomena constituted by mediated events. Events are referred to as 'terrorism' with the virtue of the interpretation of their audience as such. Indeed, for events to 'become' terrorism, they rely on the interpretation, subsequent response, and even an active naming of the events as such by their audience.<sup>92</sup> The nature of terrorism as a mediate or interpreted event does not usually appear in definitions of terrorism which usually presents the phenomena as something that represents itself, as we can see in the definition below:

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<sup>88</sup> M. Jorgensen, L. Phillips, *Discourse Analysis as Theory and Method*, London, California, New Delhi: SAGE, 2002, p. 1.

<sup>89</sup> L. B. Weinberg, W. L. Eubank, "Terrorism and Democracy: What Recent Events Disclose", *Terrorism and Political Violence*, 10:1, 1998, p. 108-118.

<sup>90</sup> G. Bankoff, "Regions of Risk: Western Discourses on Terrorism and the Significance of Islam", *Studies in Conflict & Terrorism*, 26/6, 2003, p. 416.

<sup>91</sup> *Ibid.*, p. 416 & 419.

<sup>92</sup> J. Staun, "When, How and Why Elites Frame Terrorists: A Wittgensteinian Analysis of Terror and Radicalisation", *Critical Studies on Terrorism*, 3:3, 2010, p.403; A. Neal, "Foucault in Guantanamo: Towards an Archaeology of the Exception", *Security Dialogue*, 37:1, 2006, p. 39.

“The immediate *intent* of acts of terrorism is to terrorize, intimidate, antagonize, disorientate, destabilize, coerce, compel, demoralize or provoke a target population or conflict party in the hope of achieving from the resulting insecurity a favourable power outcome, e.g. obtaining publicity, extorting ransom money, submission to terrorist demands and/or mobilizing or immobilizing sectors of the public;”<sup>93</sup>

Based on the above definition, events represent themselves as ‘terrorism’ by the virtue of their inherent characteristic and the intent of the perpetrators to *terrorise*. But what if an event does not actually *terrorise*, is it still *terrorism*?<sup>94</sup> How terrorizing should an event be in order to be a terrorism-event? What is certain is that events become terrorism with the virtue of the role of the ‘target population’ in interpreting and naming the events. First, the *shock* generated by events such as bomb explosions and the scenes produced by them may generate a spontaneous naming of them as ‘terrorism’ by the events’ eye-witnesses. Secondly, governments or security forces that generate policy responses to the events may also use various names for terrorism such as *terror* or *act of terror* to name the event. Both possibilities may be followed by the public who then discussed the events as terrorism. The ‘target population’ is therefore the ones who have the ‘power’ to decide the events to ‘become’ terrorism in the sense of their presence in the language-in-use (discourse); the ‘target population is far from passive by-standers of terrorism, they are *required* to observe, interpret, even name the events as terrorism.

How the discourse of terrorism is constituted, despite the growing prominence of studies undertaken to analyse it, is still treated as a marginal issue in terrorism studies. Ideological and organizational dispositions and the relations between individuals within and between the terrorist entities (organizations, fringe

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<sup>93</sup> A. P. Schmid, “The Revised Academic Consensus Definition of Terrorism, Perspectives on Terrorism”, 6:2, 2012, p. 6.

<sup>94</sup> For example, Rapin suggests that there is a discrepancy of the psychological impact of acts of terrorism between the ‘target population’ or the indirect target of acts of terrorism and the witnesses and the direct victims of the acts see A.J. Rapin, “What is terrorism?”, *Behavioral Sciences of Terrorism and Political Aggression*, 3:3, 2011, p. 161-175.

groups, cells, and network) are the majority of topics in terrorism studies. Relational accounts explain events or phenomena through interactions among social sites or social actors. Changes in the communication among persons and groups, including the use of language, for example between radical networks and members of the same network are explained as a precursor of behaviour or actions. Dispositional accounts explain the actions of actors through their orientations include: motives or 'grievances', emotions, decision logics, ideologies and cultural templates.<sup>95</sup>

In the dispositional tradition in terrorism studies, 'terrorism' represents itself; the audience or indirect target that is *supposed* to play a role in naming terrorism is missing. The exemplary text that represents this character of study is David Rapoport's 1984 article which prompted the development of 'religious terrorism' studies in the subsequent years.<sup>96</sup> Based on literary works and academic texts, Rapoport explained the history of religious acts of violence by the Hindu *Thugs*, the Shi'a-Islamist *Assassins*, and the Jewish *Zealots-Sicarii*, and drew conclusions by comparing their nature and the response of the governments with contemporary terrorism and counter-terrorism. He emphasises in the beginning that his concern is not the social basis of the organisations; it is rather the methods of their work and the doctrines that they adhered to.<sup>97</sup> It is not explicated in the article why the three groups are chosen as subjects under analysis which appears to be purported to illustrate a comparison with 'modern' terrorism and counter-terrorism. Rapoport's neglect of the audience is, however, explicated as the author writes: "For the holy terrorist, the primary audience is the deity, and depending upon *his* particular religious conception, it is even conceivable that he does not need or want to have the

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<sup>95</sup> C. Tilly, "Terror as Strategy and Relational Process", *International Journal of Comparative Sociology*, 46:1-2, 2005, p. 18.

<sup>96</sup> D. C. Rapoport, "Fear and Trembling: Terrorism in Three Religious Traditions", *The American Political Science Review*, 78: 3, 1984, p. 658-677.

<sup>97</sup> *Ibid.* p. 660.

public witness his deed.”<sup>98</sup> This character of neglecting the need for audience, warranted by the terrorists’ religious doctrine is not found in the other two organizations under Rapoport’s study and therefore it is not meant to generalize the character of the “holy terrorist”; but it suggests that for Rapoport ‘terrorism’ is self-representing itself. For example, he mentions that the Thugs do not intend to create terror, and only to worship the Hindu God *Kali*;<sup>99</sup> perhaps ‘terror’ is in the minds of the Thugs’ indirect target population who might think ‘no one knows who could be next’, but even this is not discussed in the article. It may well seem that for Rapoport, ‘terrorism’ is simply there when it is ‘there’.

The tradition of ‘religious terrorism’ is strengthened through its description as “the most vibrant, dangerous and pervasive trends in the post-Cold War world.”<sup>100</sup> The insertion of ‘danger’ in this description contributes to the idea that what is self-representing is not just ‘terrorism’ itself but more specifically ‘terrorism as threat’. The violence committed in religiously-motivated terrorism is distinctively dangerous as it is ‘unprecedented in its scope, selection of targets, lethality and indiscriminate character’.<sup>101</sup> Magnus Ranstrop argued that the behaviour of religious terrorist organisations – ranging from Lebanese Hizb’allah, Palestinian Islamic Jihad, the extremist Sikhs to American white supremacists– is best explained by its religious doctrines; the motivation, targets, choice of enemy, and modus operandi of religious terrorism, although political circumstances dictated their short-term goals and choice of enemy.<sup>102</sup> Referring to the works of Mark Juergensmeyer,<sup>103</sup> Bruce Hoffman,<sup>104</sup>

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<sup>98</sup> *Ibid.*

<sup>99</sup> *Ibid.* p. 664.

<sup>100</sup> M. Ranstrop, “Terrorism in the Name of Religion”, *Journal of International Affairs*, 50:1, 1996, p. 43.

<sup>101</sup> *Ibid.*

<sup>102</sup> *Ibid.*, p. 44.

<sup>103</sup> M. Juergensmeyer, “The Worldwide Rise of Religious Nationalism”, *Journal of International Affairs*, 59:1, 1996, p. 1-20

<sup>104</sup> B. Hoffman, *Inside Terrorism*, New York: Columbia University Press, 2006, p. 55-56.

David Rapoport<sup>105</sup> and various texts from news media, Ranstorp illustrates the major trends in the proliferation of religious extremist movements up until 1995 to answer what causes the rise of religiously-motivated terrorism and the triggering mechanisms that bring about violence. In this sense, religious doctrines and key events are overlapping factors in the behaviour of religious terrorist organisations. Religious terrorist groups also require a hierarchical organisation to interpret the political circumstances, the threat posed by secularisation to their religious causes, and decide actions. In Ranstorp's study, terrorism is not committed for an observing, much less naming, audience, and yet, it is a "vehicle for political opposition" and "tools for specific states in the advancement of their foreign policy agendas."<sup>106</sup> As such, his explanation of events is incomplete because religious terrorist organisations reacted against events, committed these 'reactions' according to their religious doctrines but the meaning of their activities are to the outside world is not discussed.

Ranstorp illustrated the distinctive features of religious terrorist organisations in terms of how they think about the world, for example through a juxtaposition of believers and unbelievers, order and chaos, justice and injustice in order to create a sense of a totality of struggle to achieve political goals such as the establishment of Eretz Israel or Islamic state. The 'essentialisation' of religious terrorist organisation is further pursued by Hoffman as he outlines their core characters as: 1) perceiving the conduct of violence as a divine duty; 2) the choice of enemy in broad terms; 3) perpetrators' disregard of political and moral constraints; and the seeking of fundamental changes in the system which the perpetrators have no feeling of belonging. All of these characters are put against the characters of secular terrorist organisations, such as limited target of attack, political consideration

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<sup>105</sup> D. C. Rapoport, *op.cit.*

<sup>106</sup> *Ibid.*, p. 57.

and the aim for the correction, rather than fundamental change of the system.<sup>107</sup> The authors Ranstorp and Hoffman actually have a central role in interpreting events and actors as 'terrorism' and 'terrorists' but it is not explicated. The terrorists' inner logic, sacred causes and history of their faiths may drive their violent actions, but how the latter actually 'become' terrorism is unclear.

The ideological basis of terrorist organisations is not a satisfying explanation for some analysts to seek to find more about *how individuals join in terrorist activities*. This question focuses on the social process such as the individuals' interaction with radical ideologues, siblings, partners in activities that lead to acts of terrorism. This type of analysis does not aim to explain how the threat of terrorism is constituted, but rather how one becomes involved in terrorism. In this sense, 'terrorism as threat' is already inherent in the analysis. In doing so, however, relational analysis avoids ideology as a causality to acts of terrorism, and rather find the answer through interviewing directly the former members of terrorist organisations about why and how they become part of the organisation as well as what makes them stay in or leave it behind.<sup>108</sup> Sociological aspects such as the individual's relationship with other members in the group, benefits of exiting the group, availability of a job, and community acceptance, rather than ideological aspects support individual terrorists' decision to leave or stay in terrorist organisations; disengagement from violence, however, does not mean a change of belief in radical ideology.<sup>109</sup> Similarly, Mullins writes that social attachments of a member of a member of terrorist group can exert a stronger impact on the decision of the member to disengage from the group.<sup>110</sup> One of the most recent

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<sup>107</sup> B. Hoffman, *op.cit.*, p. 89-90.

<sup>108</sup> See for example J. Horgan, *The Psychology of Terrorism*, Oxon: Routledge, 2005, p. 75-76.

<sup>109</sup> R.W. White, "A Review of: John Horgan. Walking Away From Terrorism: Accounts of Disengagement From Radical and Extremist Movements.", *Terrorism and Political Violence*, 23:1, 2010, p. 127.

<sup>110</sup> S. Mullins, "Rehabilitation of Islamist Terrorists: Lessons from Criminology", *Dynamics of Asymmetric Conflict*, 3:3, 2010, p. 162-193.

developments of the relational aspect of terrorism studies appears to be the utilisation of Social Network Analysis (SNA) to map relations between entities (groups or individuals) that lead to a flow of information as well as moral and practical support.<sup>111</sup> SNA might be the latest development in terrorism studies that no longer seeks to understand the features and root causes of terrorism, and instead to build total control over its entities.

Social network analysis has also been applied by journalist Maria Ressa in her books *Seeds of Terror* and *From Bin Laden To Facebook*. Ressa analyses the ties of kinship of individuals that have been associated with terrorism by the authorities in either the Southeast Asian states or the U.S.; the purpose of this exercise is to illustrate that interconnected links and network are sources of the 'staying power' of the JI network.<sup>112</sup> She consistently seeks to show the similarity and connection of JI and Al-Qaeda, for example in terms of how the two structure their organisations as consisting of two branches of upper ground and under-ground networks which respectively perform as administrative (day-to-day operations and propagation) and operational (paramilitary training and terrorist operations).<sup>113</sup> The author uses the metaphor "jihadi virus" to explain the spread of the ideology through kinship, schools and religious, camaraderie between 'Afghan war veterans' and paramilitary trainees in the Philippines.<sup>114</sup> JI network is explained to stay together through the involvement of family members. For example, she explains that one of the JI leaders Nasir Abbas, now working closely with Indonesian police to advocate anti-radicalism messages, has three sisters who marry other JI leaders, one of which is the late Mukhlis who carried out the 2002 Bali bombings. Some of the family members who are involved in

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<sup>111</sup> R. MacGinty, "Social Network Analysis and Counterinsurgency: A Counterproductive Strategy?", *Critical Studies on Terrorism*, 3:2, 2010, p. 209-226.

<sup>112</sup> M. Ressa, *From Bin Laden to Facebook: 10 Days of Abduction, 10 Years of Terrorism*, London: Imperial College Press, 2013, p. 125-142

<sup>113</sup> M. Ressa, *Seeds of Terror: An Eyewitness Account of Al-Qaeda's Newest Center of Operations In Southeast Asia*, New York: Free Press, 2003, p.49

<sup>114</sup> Ressa, *From Bin Laden to Facebook*, *op.cit.*, p. 135

the JI network are also descendants of the members of *Darul Islam*. Ressa does not write explicitly what one should do with the knowledge about kinship of the JI network, besides to know how the network regenerates and conduct its operations and, perhaps, establish a measurement of guilt by association.

The descriptions of these texts seem only to serve an explanation of how active terrorist groups and individuals who commit acts of terrorism since the 2002 Bali bombings come about; the resulting impression is 'terrorism' is produced directly with Al-Qaeda, JI, and Salafy-Jihadism. Works that Maria Ressa wrote, put together by interviewing security officials and executive power holders and researching classified documents of intelligence agencies, police and armed forces represent a reproduction of (pre-selected) knowledge of the counter-terrorist actors.<sup>115</sup> Because of the missing public discourse in these dispositional and relational explanations of terrorism, these explanations cannot account for the changing way in which Indonesian government represents events and actors associated in these studies with terrorism. They also cannot account for how it was possible for Indonesia to securitise 'JI terrorism' in the midst of public support to Islamic movements and critiques towards the fact that tough anti-terrorism laws have to be implemented in the midst of unfinished democratisation and poor governance, especially of the police who led the counter-terrorism endeavour.

Relational analysis of terrorism is therefore admirable for two respects: first, for 'talking to the terrorists' and understand actions through their relationships with other terrorists, and second, for studying the connections between terrorist entities to understand the roles of individuals and groups in the web of connections that make terrorist activities take place. The aims of relational analysis in terrorism studies, to figure out the reasons for joining and staying in terrorism activities or

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<sup>115</sup> D. Miller, T. Mills, "The terror experts and the mainstream media: the expert nexus and its dominance in the news media", *Critical Studies on Terrorism*, 2:3, 2009, p. 420



leaving them, or the web of relations between entities suggest that there is an unarticulated assumption behind who or what represents 'terrorism'. John Horgan stipulates that terrorism is "a strategy and tactic open to any group from any background and for any politically related reason."<sup>116</sup> However, his choosing an unnamed former member of Provisional IRA as one of the subjects of investigation must be based on some kind of designation of terrorist organisation which is not mentioned or discussed in his book. Indeed, as he articulated that terrorism can be employed by 'any group' from 'any background' and for 'any political reason', the next question is *what makes* this group, background and political reason become terrorism. The foreword to Horgan's book questions what motivates individuals to commit acts of terrorism in a rather peculiar way:

"What are we to make of the myriad small terrorist groups from Iraq to Afghanistan, not to mention Pakistan or Kashmir? Who are these Abu something-or-others cited almost daily in the headlines only to disappear as quickly as they emerged, in a bloody version of 'now you see me now you don't'?"<sup>117</sup>

When events and actors are fleeting in the news media and reported as terrorism and terrorists, what constitutes the meaning of terrorism? To answer this question, one needs to clarify the events and actors associated with 'terrorism'; who produces such associations; and what historical contexts are invoked to make these associations. Because terrorism is a 'social construction' its meaning is shared between members of the social group; the social circumstances when 'terrorism' is invoked to name events are pertinent to the meaning of terrorism because similar events might have been associated to different terms just as the same terrorist actors have been referred to differently in different times.<sup>118</sup>

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<sup>116</sup> Horgan, *op.cit.*, p. 73.

<sup>117</sup> *Ibid.*

<sup>118</sup> R. Jackson, L. Jarvis, J. Gunning, M. B. Smyth, *Terrorism: A Critical Introduction*, Basingstoke: Palgrave Macmillan, 2011, p. 104-105.

## The Constitution of Terrorism Discourse

The terrorism public discourse may be constituted by different kinds of public texts, including academic texts, media texts, and policy texts. This section will illustrate the different *approaches of discourse analysis* that have been undertaken by academics in explaining the discourse of terrorism. The first approach is an identification of 'key ideas' upon which public discussions centralize. Analysts who follow this approach conduct their studies to identify the *evolution of discourse* or the emergence of different discourses of terrorism and counter-terrorism, as well as how these discourses compete through their articulations by various subjects (political leaders, religious leaders, and academics). The purpose of this approach is to show the formations of identity constructions – the 'Self' and 'Other' – in the articulations of discourse. The second approach is that Critical Discourse Analysis (CDA) which seeks to find the instability of the discourses employed by the power holders, and how the employment of these discourses actually manipulates public understandings of terrorism.

One approach in analysing discourse construction in public texts is through analysing academic texts, because terrorism research has also contributed to shape the public discourse and influence the formulation of counter-terrorism policies. Gunning and Jackson trace of the origins of terms used to explain the meaning of religious terrorism in widely cited publications of terrorism research written by authors such as Rapoport, Juergensmeyer, Laqueur, Ranstorp, Sageman, Cronin, Hoffman and other terrorism studies scholars who concentrate their discussions on the particularity of religiously inspired terrorism compared to secular terrorism.<sup>119</sup> The authors' larger purpose, however, is in illustrating the political-normative implications of the religious terrorism framework. The authors conduct a discourse

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<sup>119</sup> J. Gunning, R. Jackson, "What's So 'Religious' About 'Religious Terrorism'?", *Critical Studies on Terrorism*, 4/3, 2011, p. 370.

analysis on the use of 'religious terrorism' in the publications they examine by showing how the legitimacy of the concept hinges on the binary opposition of characteristics connected to the concept of religious terrorism with those connected to secular terrorism. These binary juxtapositions, for example between utopian and un-negotiable goals of religious terrorism and pragmatic and limited political aims of secular terrorism, position religious thoughts as central to explaining the behavior of terrorist groups and individuals. In this regard, the authors point to the empirical inconsistency of the centrality of religion in explaining the behavior of terrorist groups. They argue that many terrorist groups that are labeled 'religious terrorists' do not perceive their adversary as an 'irredeemable enemy' who deserves symbolic and catastrophic violence. 'Compared to the (secular) FARC, the LTTE and the PKK in Colombia, Sri Lanka and Turkey, respectively, Hamas and Hizballah, for example, have been far less lethal and more restrained.'<sup>120</sup> This empirical inconsistency of religious terrorism discourse is problematic because, according to the authors, the organizations that have been labeled 'religious' actually applied secular mechanisms to manage their organizations, for example in their leadership succession.

Gunning and Jackson's analysis implies an instrumental approach to language in which the users are independently capable of *manipulating discourses* in order to allow desired policies to take place, which in their study include depicting religious violent organisations like Hamas as an 'incorrigible spoiler linked to other terrorist organisations'; these depictions in turn lead to both *depoliticisation* and *securitisation* of Hamas as they indirectly justify extreme measures.<sup>121</sup> If one seeks to explore the construction of public discourse of terrorism, perhaps Gunning and Jackson's work will not be the best example, mainly because they do not actually illuminate how 'religiosity' becomes a domineering component of terrorism public

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<sup>120</sup> *Ibid.*, p. 378.

<sup>121</sup> *Ibid.*, p. 382.

discourse. This can be achieved, for example, through the use of media texts to find dominant frames or metaphors in the utterances of political leaders regarding acts of terrorism or organizations like Hamas to show if they really express depoliticisation and securitization. What can also be problematic is the eclectic use of empirical data in order to show the instability of religious terrorism as a mediated phenomenon. One might ask, as they argue that Hamas's leaders are predominantly from secular lines of professions, what this fact actually means for Hamas and its supporters and why studies of 'religious terrorism', except the ones undertaken by the authors themselves, respond to this particular fact. These critiques aside, the authors' method of genealogy, tracing the historical origins of the concept religion in Europe to find what experiences actually inform their users in European society is important method that this thesis will develop on. The same goes to the juxtaposition of values in order to analyse the stability of discourses.

Another prominent example of a work of CDA that traces the public discourse of terrorism is Richard Jackson's *Writing The War on Terrorism* where this time government's stipulations are utilized as a data source.<sup>122</sup> Binary oppositions once again constitute the key element that the author seeks to find in the language-use of political leaders.<sup>123</sup> The author theorises that the use of particular set of words and word formations affect the way that audiences accept some choices as reasonable whilst others are rejected. Thereby, their use generates power for their users. Richard Jackson's exposition of the U.S.'s official terrorism discourse identifies the 'enemy' terrorist in the 'war on terrorism' as the 'enabling other of the state'; the construction of the enemy identity by the state is stabilised by a juxtaposition of 'evil

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<sup>122</sup> R. Jackson, "Language Power and Politics: Critical Discourse Analysis and the War on Terrorism", 49<sup>th</sup> *Parallel*, <http://www.49thparallel.bham.ac.uk/back/issue15/jackson1.html>, accessed on 1 March 2012. (1).

<sup>123</sup> *Ibid.*, 2.

terrorists' and 'good Americans'.<sup>124</sup> In this way, the identity of the Other is essentialised – 'terrorists did what they did because it is in their nature to do so' – and actions committed by the terrorists have neither historical explanation nor contexts. Jackson seeks to expose the rhetoric of counter-terrorism as a site of *identity construction* of Self and (radical) Other, which strengthens the identity of the former, through tracing the use of rhetorical tropes that couple the representation of the terrorist as 'alien and foreign', 'cruel', and 'cowardly' with the representation of Americans as 'good guys', 'generous and loving', and 'brave'. These representations are connected by Jackson to American history; for example terrorism is expressed as 'a threat to our way of life' which is a Cold War expression that inflates the danger of a tiny group of individuals, implying that 'they are as powerful as the Soviet empire'.<sup>125</sup> It is strongly suggested that through a construction of Self and radical Other, political leaders can establish particular views that emphasise certain historical and contextual aspects of identity but suppress others, leading to the adoption of particular policies.

The second approach to terrorism discourse analysis focuses on finding discursive connections articulated in public media that *make possible* certain policies as they reshape political landscape.<sup>126</sup> This post-structuralist approach maintains that, as a public discourse, terrorism is unstable and never complete. Its meaning is publicly negotiated and the appropriate response, at least the way such a response is publicly presented, is limited by the demarcation of meaning created by the public debate.

Post-structuralist discourse analysis traces the construction of terrorism discourse through the analysis of metaphors in public space, such as the news media,

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<sup>124</sup> *Ibid.*, p. 5.

<sup>125</sup> *Ibid.*, p. 9.

<sup>126</sup> F. Al-Sumait, C. Lingle & D. Domke, "Terrorism's Cause and Cure: The Rhetorical Regime of Democracy in the US and UK", *Critical Studies on Terrorism*, 2/1, p. 9.

government stipulations, as well as academic publications. As with post-structuralist discourse analysis, metaphor analysis does not seek to find causality with particular policies, but only what policies are made possible. With reference to metaphors in news media, Alexander Spencer argues that metaphors are more than just applying certain words to actions and objects to which they are not literally applicable. Rather, 'metaphors structure the way people think and [that] the human conceptual system as such is fundamentally metaphorical.'<sup>127</sup> A public discourse of terrorism is constructed through the process of *metaphorisation* where 'terrorism' is regarded in public as an abstract concept that must be understood through importing knowledge from another more familiar concept. In this process, 'terrorism' is a conceptual domain which is targeted with a projection of knowledge from another more familiar conceptual domain in order to make it more understandable for the society where this metaphorisation takes place.<sup>128</sup> Metaphors emerge from a source domain, for example 'crime', and are used in a *target domain* 'terrorism' and shapes the meaning of the latter distinctively; in this case, terrorism as crime, instead of terrorism as war.

The concept from the source domain does not substitute the concept in the target domain entirely and permanently; rather, the use of metaphors only highlight the aspects of the target domain and undermine other aspects that might be highlighted had the source domain been another concept.<sup>129</sup> This makes it possible to imagine that more than one metaphor is used at the same time and only one becomes dominant and becomes the main policy-response. Metaphor analysis, therefore, does not seek to find causality to the production of policy; the use of metaphors structures the possible policies that decision makers adopt: 'Metaphors influence policy indirectly through their impact on the decision makers' general

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<sup>127</sup> A. Spencer, "The Social Construction of Terrorism: Media, Metaphors and Policy Implications", *Journal of International Relations and Development*, 15/3, 2012, p. 4.

<sup>128</sup> R. Hulsse, A. Spencer, "The Metaphor of Terror: Terrorism Studies and the Constructivist Turn", *Security Dialogue*, 39/6, 2008, p. 572.

<sup>129</sup> Spencer, *op.cit.*, p. 5.

approaches to an issue; they will be part of the conceptual foundation, not a detailed policy map.<sup>130</sup> In an earlier publication, Spencer argues that the metaphor 'new terrorism' has opened up a possibility of undertaking new types of measures in counter-terrorism:

"[T]he concept of new-ness and the predicate 'new' actively takes part in the constitution of the world in general, and terrorism in particular. By describing terrorism as 'new terrorism', our understanding of what is considered appropriate in response is already framed in a particular way [...] So despite our disagreements, we seem to agree that the concept of 'new terrorism' can be used, for example, to make new counterterrorism seem appropriate. They make certain reactions seem more appropriate than others."<sup>131</sup>

Spencer's metaphor analysis provides a coherent conceptualisation of metaphor as a unit of analysis of the public discourse of terrorism. There are three critiques that can be pointed out here. First, he leaves under-discussed the question of *where metaphors come from*; why the use of certain metaphors makes sense for a certain society and others make less sense. In his case-study, 'terrorism is war' is ranked *quantitatively* as the most frequently used metaphor in the British newspaper *The Sun*. However in explaining how the metaphor of war is used to frame a certain issue he uses the example of the US Government's use of the metaphor in the past such as 'war on poverty' or 'war on drugs', instead of the British government's or news media's own use of the war frame in the past.<sup>132</sup> The importance of this critique is that the use of metaphor should be socially meaningful and seen in context. Leaders cannot produce a particular metaphor that bears little or no connection to the past experiences of their society. However, in his other publication with Rainer Hulsse, Spencer clearly articulated the importance of metaphors' social meaning. In this article about the use of metaphors in Germany's tabloid *Bild Zeitung*,

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<sup>130</sup> *Ibid.*, p. 7.

<sup>131</sup> A. Spencer, "Sic[k] of the 'New Terrorism' Debate? A Response to Our Critics", *Critical Studies on Terrorism*, 4/3, 2011, p. 465.

<sup>132</sup> *Ibid.*, 11.

the authors explained the shifting metaphor for Al-Qaeda terrorism from war to crime metaphors between 2001 and 2004 because the use of war metaphors is informed by Germany's experience in World War II, while the suffering produced by Al-Qaeda terrorism could not compare with the country's experience in the war.<sup>133</sup>

Secondly, the concept 'metaphor' seems to be confused with the concept 'frame'. Entman defines framing as something that "refers to a process of selecting and highlighting some facets of events or issues, and making connections among them so as to promote a particular interpretation, evaluation, and/or solution."<sup>134</sup> Framing embarks from the idea that public texts deliver more than just data or information, but also 'signals' for their readers which inform how they should think about this data or information; these signals are also informed by the readers themselves through their interaction with the news media, for example through letter to the editor or opinion articles. 'War on terrorism' for example, is best described as President George W. Bush administration's policy framing which is engaged further by the media, critically or (most often) not, as media framing.<sup>135</sup>

Therefore, metaphors and frames have a similar nature: while metaphor suggests an importation of knowledge from a familiar concept to a concept that is considered abstract for a particular audience/readers, 'frame' suggests the use of a central organising idea, based on existing social experiences, for making sense of events.<sup>136</sup> Frames and metaphors also have a similar impact in discourse construction. Both are employed to help make clear what kind of problem a problem is, what sort of policy instruments are possible for coping with it, and which of the

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<sup>133</sup> Hulsse & Spencer, *op.cit.*, p. 584.

<sup>134</sup> R. M. Entman, *Projections of Power: Framing News, Public Opinion and U.S. Foreign Policy*, Chicago: The University of Chicago Press, 2004: 5.

<sup>135</sup> S. D. Reese, S. C. Lewis, "Framing the War on Terror: The Internalization of Policy in the US Press", *Journalism*, 10:6, 2009, p. 782.

<sup>136</sup> F. Vultee, *Securitisation as a Media Frame: What Happens When the Media 'speak security'*, in *Securitization Theory: How Security Issues Emerge and Dissolve*, Thierry Balzacq, (editor), Oxon: Routledge, 2011, p. 78-79.



actors should be targeted or supported. On the other hand, both frames and metaphors compete and interact with other frames and metaphors because both are rooted in long-held ideas in a society.

The difference between frames and metaphors lies in the emphasis on their agency and its absence. Framing can be initiated more freely than metaphors which should be historically informed; on the other hand framing effects are contingent on the sources' credibility as well as the audience's predisposition. Metaphor-analysis focuses on the associations that are made through publicised media, but not on the producer of these metaphors. Because of its emphasis on the *discursive environment* that allows a particular policy to take place, who is responsible for which metaphor and how the existing metaphors relate in oppositional or complimentary fashion, which inhibits or enables a policy, seem under-explained. Frame-analysis, on the other hand, takes into account the producer of frames and the relations between frames. Are the frames produced by the government in harmony or disjuncture with those of the news editorials and public opinion-makers, which of these producers appear to initiate the dominant and alternative frames? These are important questions in frame-analysis, and they make frame-analysis more compatible with the purpose of securitisation studies.

Thirdly, the impact of the use of metaphor in public discourse can actually be analysed in a more direct fashion by treating the discourse of counter-terrorism with the same metaphor or frame analysis. Hulsse and Spencer argue that the use of the war metaphors make possible policies of sending troops to foreign country perceived as 'military-bases' of the terrorists; on the other hand, crime metaphors facilitate intrusive judicial response such as computer and house searches, detainment of suspects, wire taps, and tough anti-terrorism laws.<sup>137</sup> Alternatively, one can also look

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<sup>137</sup> Hulsse and Spencer, *op.cit.*, p. 587.

into the process of policy-making, such as parliamentary debates, and see if war and crime metaphors are used to argue the need for specific military or judicial response to terrorism. Through this process, one can also map key ideas used to argue specific policies, and detect any intertextuality between utterances in the parliamentary debates and media texts, suggesting how the public impacts on policy-making discourse.

### **Public Discourse and Government's Response to Terrorism**

The metaphors, frames and tropes that are expressed in public discourse dictate what government could express in public in regard to terrorism. This section reviews the literatures that deal with the ways in which public discourse dictates leader's counter-terrorism rhetoric. They fundamentally argue that political leaders cannot independently determine to say what they wish to say in order to respond to events or actors associated with terrorism, although simultaneously governments seek to shape and influence public discourse. As Krebs and Jackson argue:

"[S]peakers may not say just anything they would like in the public arena: rhetoric is not infinitely elastic but is structured. Every community of discourse shares a number of topoi, or rhetorical commonplaces, that both enable and constrain speakers' rhetorical possibilities."<sup>138</sup>

Rhetorical commonplaces are not 'fully predetermined', yet they are 'weakly shared notions that can be 'expressed or formulated in different ways in different, concrete circumstances'.<sup>139</sup> The rhetorical commonplaces are present in *the rhetorical field* which is constituted by *episodes of contestation* and/or by campaigns undertaken in advance with the express purpose of reconfiguring the rhetorical terrain. Therefore, the medium with which rhetorical commonplaces emerge may be

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<sup>138</sup> R.R. Krebs, & P. T. Jackson, "Twisting Tongues and Twisting Arms: The Power of Political Rhetoric", *European Journal of International Relations*, 1/13, 2007, p. 45.

<sup>139</sup> J. Shotter, *Cultural Politics of Everyday Life: Social Constructionism, Rhetoric, and Knowing of the Third Kind*, Toronto: University of Toronto Press, 1993, p. 170-171, quoted in Krebs & Jackson, *ibid.*, p. 46.

initiated by the agent or resulted from the agent's response to spontaneously occurring events. The rhetorical field, when seen as constituted by episodes of contestation, resemble the notion of collective memory. The latter can be defined as knowledge of history that is traceable by anyone who seeks to give moral and political meaning to the events that are happening in the present by connecting them to events in the past.<sup>140</sup> Political leaders, to be sure, are capable of constructing different elements of collective memory or rhetorical commonplaces to present their interpretation of events and necessary solutions more convincingly, but they do not have the liberty to employ entirely novel arguments without risking dissonance with the existing (public) structures of discourse. The plural word 'structures' indicates the existence of multiple structure of discourse at any given time.

Focusing on cases of *home-grown terrorism*, Chowdury and Krebs argue that legitimacy of a counter-terrorism rhetoric containing policy alternatives is generated from its coherence with *underlying discourses*.<sup>141</sup> These authors theorise that political leaders' rhetoric of counter-terrorism is restricted by: 1) dominant discourses, which are rooted in the regime's foundational periods, and limit what narratives may be spun and what rhetorical commonplaces may be deployed and; 2) existing and relatively settled understandings about the terrorist organisations and the population they represent. The representation of actors as 'terrorists' are qualified by two questions: 1) are the perpetrators of terrorism represented as having a political agenda (politicisation question) and; 2) are they represented as potentially legitimate interlocutors (legitimation question)?<sup>142</sup> By recognising that the terrorists have a political agenda, the state recognises the terrorists' agenda as a popular grievance or an agenda that can be fought by legitimate political actors. To clarify this point, the

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<sup>140</sup> K. Fattah, K.M. Fierke, "A Clash of Emotions: The Politics of Humiliation and Political Violence in the Middle East", *European Journal of International Relations*, 15/1, 2009, p. 74.

<sup>141</sup> A. Chowdury, & R. R. Krebs, "Talking About Terror: Counterterrorist Campaigns and the Logic of Representations", *European Journal of International Relations*, 16:1, p. 127.

<sup>142</sup> *Ibid.*, p. 130.

authors' understanding of the state's *not* representing the terrorists as carriers of a political agenda is to represent their agenda, for example, as a reflection of a 'misguided mentality'.<sup>143</sup> Meanwhile, representing the terrorists as potentially legitimate actors means representing the terrorists as acting and speaking on behalf of a particular group in the society. In contrast, the state can also represent the terrorists as 'inhuman criminals' or foreign/ internationalised actors.

By deconstructing the terrorist into its agenda and legitimacy, Chowdury and Krebs seek to test their formula of representing the terrorist, which is to delegitimise the terrorist's way of pursuing their agenda, and therefore to delegitimise their existence entirely, but at the same time politicise their agenda by bringing it up in the policy-making agenda of the state. In this formulation, the state's deligitimation efforts must be targeted at the terrorist organisation and its violence, instead of individual terrorists, therefore 'facilitating the integration of terrorist leaders back into the society and their re-invention as spokespeople of mainstream communal politics.'<sup>144</sup> In the end, their test comes back negative. The state's pursuit of this ideal representation is limited by its access to the collective memory pertinent to the issue of terrorism and its actors. As the information regarding the emergence of terrorist actors and the state's past treatments towards them is publicly available and stored, the state has less independence in choosing the modes of representing the terrorists. They found that state leaders are faced with *discursive constraints* that hold them from pursuing their formula of ideal representational strategy. Rhetorical materials that the leaders need to delegitimise violent extremism and politicise the population's grievances are inaccessible because the *dominant discourse* constitutes the relevant framework for thinking about the problem. For example, the Kemalist ideology

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<sup>143</sup> *Ibid.*, p. 131-132.

<sup>144</sup> *Ibid.*, p. 134.

imagines Turkey as nationally and culturally homogenous, constraining the leaders from making distinction between PKK and less extreme Kurdish nationalists.

The same can perhaps be said in regard to President Obama's unchanging metaphor of 'terrorism is war' in his rhetoric in the day following the so-called 'Christmas Day Plot' when Umar Farouk Abdulmutallab, a 23-year-old from Nigeria, was able to board a plane for Detroit with explosives in January 2009.<sup>145</sup> The stability of the existing 'war on terrorism' frame of reference 'inherited' from the administration of George W. Bush may prove to be an intransigent one as it was forged through an interpretation of events consolidated through enduring collective memory and popular culture.

The terms 'dominant discourse', 'politicisation', and 'legitimation' are not well-defined in the authors' work. This creates a confusion when, for example, one asks whether it is a case of politicisation when a government allows political agenda of the terrorists carried out by non-violent groups. But more importantly is the lack of discussion on the term dominant discourse. It seems that the authors suggest there can be a discourse that can somehow stay 'dominant' perpetually and becomes a reference for the state and society to explain events considered as terrorism. This is problematic because discourse's dominance or hegemony could not be permanent as alternative discourses are always present in the *field of discursivity*.<sup>146</sup> Political subjects, for example 'Islamists', 'Communists' could be fought as enemies in the past but become neutral at present. Permanence, especially when stretched to the point of 'foundational period' can only be achieved by the *state of competition* between political subjects. The term 'dominant discourse' is therefore best understood as

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<sup>145</sup> T. McCrisken, "Ten Years On: Obama's War on Terrorism in Rhetoric and Practice", *International Affairs*, 87:4, 2011, p. 784.

<sup>146</sup> Field of discursivity refers to the inherent inability of discourse to close itself as a totality. Particular terms in the language-in-use may be associated with a particular *nodal point*, for example 'terrorism', other terms that are not associated to 'terrorism' are left out in the field of discursivity, which may replace existing terms. See L. Thomassen, "Antagonism, Hegemony and Ideology After Heterogeneity", *Journal of Political Ideologies*, 10:3, 2005, p. 303.

‘basic discourse’ association between terms that have been made in the past to represent events as a particular problem, which may or may not dominate.

In another article on the government’s rhetoric in domestic counter-terrorism, Beatrice de Graaf and Bob de Graaff write that the dynamics of terrorism, specifically the ‘arc of violence carried out by terrorist movements’, has a distinct relationship with the process and performance of counter-terrorism.<sup>147</sup> By performance of counter-terrorism they do not mean the measures that the counter-terrorist government employs to fight terrorism, but the ways in which it presents the counter-terrorism policy. In this respect, they introduce the concept of *performativity* which refers to the expression with which the government convinces the public of their *representation of events and solutions* pertinent to the terrorism problem and sets the tone for the overall discourse regarding terrorism and counter-terrorism.<sup>148</sup> Terrorism and counter-terrorism, in the authors’ perception, become acts performed in a theatre where members of the public sit as the audience and become subject to emotional mobilisation. Indeed, they argue that performativity determines the extent to which the population is mobilised.

They further elaborate on the factors that increase the ‘performative power’ of counter-terrorism. The first is politicisation of the terrorism issue, indicated by political leaders’ taking the issue of terrorism personally and using it in their competition for votes against other leaders. In this scenario, there is a better chance for leaders of higher echelons to explicitly express their positions rather than leave the issue to security apparatuses. As such, the terrorism issue may take over other issues, for example monetary crisis or deforestation. The second aspect is the discursive framing of terrorism; this aspect includes the subjects included as belonging to the category of the terrorist (specific offenders of law or the broader

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<sup>147</sup> *Ibid.*, p. 268.

<sup>148</sup> *Ibid.*, p. 267.

adherents of their ideologies); the conceptualisation of terrorism; the invocation of the past experiences of the state to relate the current problem with public fear of civil war, chaos and violence. When no shared values can be found between the designated terrorists and the counter-terrorist state, the performative power becomes high and the public is more mobilised to fight terrorism. Finally the third aspect is the *visibility of the policy* of counter-terrorism. This entails visible action for example through the deployment of special units to investigate, prosecute and arrest terrorist suspects. Visibility could also come through the promulgation of a new law on anti-terrorism that establishes new categories of offences or more severe penalties for offences than those currently available under existing law.

These factors provide conceptual guidance on how counter-terrorism policy can be categorised as low or high performativity. A state's response to terrorism can take either of the two types of performativity; the authors suggest that in cases of home-grown terrorism, a high performative counter-terrorism policy can be a boon to the government as well as the society. The authors find that a strongly pronounced, decisive and publicly mobilising counter-terrorism policy is accompanied by an increase in terrorist violence and as the performativity of counter-terrorism declines so does the level of terrorist violence.<sup>149</sup> A long-term domestic counter-terrorism is therefore best approached as crime prevention, a certain level of secrecy and a careful choice of language so as to prevent provoking further antagonism between groups in the society.

As they focus on how government's presentation of counter-terrorism policy 'sets the tone' of public debate, the authors undermine the reverse connection between public discourses and counter-terrorism policy. They have articulated, however, the importance of public discourse as something that lies beyond the

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<sup>149</sup> *Ibid.*, p. 270.

control of counter-terrorism officials: 'The interaction between counterterrorism strategies and terrorist activity did depend on a number of factors over which counterterrorism officials had little control: the initial preparedness of terrorists to commit violence, the existing fears and dominant public discourses as well as the political debates on threats to national security.' The extent to which the state is able to construct the 'Other' as the enemy of the state depends on the Other's *place in the collective memory*.

### **Public Discourses of Terrorism in Indonesia**

Most of the academic publications on Indonesian terrorism pay attention to either the ideological disposition of Jemaah Islamiyah (JI) and its affiliated groups and individuals or the relational aspect between individuals associated with JI. Academic texts that delve into Indonesian public discourse of terrorism are still few and none of them discusses its impact on policy-making of the Anti-Terrorism Laws in 2003. The development of academic works in Indonesian terrorism follows the existing traditions of terrorism studies in general. Nevertheless, the historical uniqueness of terrorist entities in the country gives a different touch to each of traditions of research of terrorism.

Although bombings of public places, usually referred to as *acts of terror* or *bomb terror*, have taken place since Indonesia's independence, 'terrorism' had never appeared as a public discourse. Indonesian news media discussed acts of terror, mostly bombings of public places, and possible or proven perpetrators, but not the concept of terrorism itself. The bombings that re-appeared after the resignation of Suharto from presidency, after no



acts of terror took place during the 1990's, were reported as actions intended to instigate inter-religious civil war in the capital city or produce instability for the incumbent. 'Terrorism' was hardly mentioned by the news media until the year 2000 when bombing became more frequent; 'Jemaah Islamiyah' was also absent from the news. 9/11 changed this situation. Writing in early 2002, Rabasa and Haseman – through interviews and reading media coverage in the region—illustrate Al-Qaeda links to Indonesian mujahidin groups *Laskar Jihad* and and 'terrorist network' JI; the first came to be known from detention and trial in Spain of Al-Qaeda members – one of whom received training at a camp in Indonesia's eastern island Sulawesi– and the latter emerged from the arrest of JI members in Malaysia and Singapore in early 2002.<sup>150</sup> The emergence of 'terrorism' in Indonesian public discourse was therefore in tandem with the association of JI and other Islamic militants in the country with Al-Qaeda. Shortly in the aftermath of the 2002 Bali bombings, the media and academic publications began to run the stories of involvement of JI and its associated individuals and in the bombings in 1999-2001 in addition to the 2002 Bali bombings.

Studies of terrorism that focus on Indonesia proliferated after the 2002 Bali bombings; most of the topics include the ideological and relational aspects of terrorism. The ideology of *Salafi Jihadism* or "neo-Salafiyah" is explained as a core ideological interpretation of the terrorists and the larger

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<sup>150</sup> A. Rabasa, J. Haseman, *The Military and Democracy in Indonesia: Challenges, Politics, and Power*, Santa Monica: RAND, 2002, p. 82

group of Islamic militants in Indonesia and Southeast Asia.<sup>151</sup> The appeal of Jemaah Islamiyah (JI) is explained to come from *Salafi Jihadism*, an ideological stand-point that views the need to take up violence, instead of solely religious propagation (*da'wah*) in pursuing *Salafi*, or religious purification in regard to the implementation of *hadith* (the traditions of Prophet Muhammad) and the Qur'an.<sup>152</sup> The threat of terrorism in these literatures is represented by the 'appeal' of Salafy-Jihadism's purpose of fighting for Southeast Asian Islamic state to numerous non-violent and legitimate Islamic movements in Indonesia and the larger Muslim population and by the challenge it poses to the nationalist and (largely) secular government.<sup>153</sup> Salafy-Jihadism has also been discussed as an ideology that has evolved throughout Indonesian history and adopted by various militant Islamist movements.<sup>154</sup> Two particular individuals Abu Bakar Ba'asyir and Abdullah Sungkar are described to be the progenitors and ideological pioneer of JI.<sup>155</sup>

<sup>151</sup> K. Ramakrishna, S. S. Tan (editors), *After Bali: The Threat of Terrorism in Southeast Asia*, Singapore: IDSS, 2003, p. 49

<sup>152</sup> Z. Abuza, *Political Islam and Violence in Indonesia*, Oxon: Routledge, 2007, p. 55. The Salaf means the companions of Prophet Muhammad who were the first generation of people who received their religious teachings straight from the Prophet himself; the Salafis regarded them as possessing the purest Islamic teaching of all mankind. In Indonesia, Salafi movement was pioneered by West Sumatran pilgrims from Mecca, Saudi Arabia in 1803. In 1912, the Salafi manifested as a modernist Islamic organisation, and one of the largest social-educational Islamic organisation in Indonesia called Muhammadiyah. For the history of modern Salafi movement in Indonesia see Noorhaidi, *op.cit.*, chapter 2; for "global-jihadism" inspired Salafi movement in Southeast Asia see K. Ramakrishna, "Delegitimizing Global Jihadi Ideology in Southeast Asia", *Contemporary Southeast Asia*, 27/3, 2005, p. 343-369; For Salafi as Al-Qaeda's founding ideology see J. Turner, "From Cottage Industry to International Organisation: The Evolution of Salafi-Jihadism and the Emergence of the Al Qaeda Ideology", *Terrorism and Political Violence*, 22/4, 2010, p. 541-558

<sup>153</sup> R. Gunaratna, A. Oreg, "Al Qaeda's Organizational Structure and its Evolution", *Studies in Conflict & Terrorism*, 33: 12, 2010, p. 1044

<sup>154</sup> Solahudin, *The Roots of Terrorism in Indonesia: From Darul Islam to Jema'ah Islamiyah*, translated by Dave McRae, Ithaca & New York: Cornell University Press, 2013, p. 34. For Darul Islam history see Formichi, Chiara, *Islam and the Making of the Nation: Kartosuwiryo and political Islam in twentieth century Indonesia*, Leiden: KITLV Press, 2012, especially chapter 4 which discussed the violent-turn of Kartosuwiryo's movement into Darul Islam.

<sup>155</sup> G. S. Oak, "Jemaah Islamiyah's Fifth Phase: The Many Faces of a Terrorist Group", *Studies in Conflict & Terrorism*, 33/11, p. 989-1018

The public discourse of terrorism in Indonesia tend to centralise on particular individuals and cells associated to JI in varying degrees. Similarly, academic publications on Indonesian terrorism increasingly discuss the relational aspect of terrorist entities, such as the kinship and collegial relations as a functional bondage between members of terrorist cells.<sup>156</sup> Jemaah Islamiyah is not recognised in Indonesian public discourse as an organisation; the captured perpetrators appear to relate to JI as 'the fringe of the fringe' of the network.<sup>157</sup>

Discourse analytical studies on public discourse of terrorism in Indonesia are rare, have mostly been conducted on media texts and still fall short in its discussion of what kind of policy is made possible. Richard Fox's ethnographic discourse analytical study opens up a new field of research on discursive changes in news media coverage in the economically-developing states such as Indonesia.<sup>158</sup> His focus on the choice of phrases, captured pictures, and frames in news media in Indonesia informs the readers about the changing 'pattern of inter-discursivity' with which Indonesian news media work with in order to report events of terrorism. He hypothesizes that because the media of third world nations are weaker in relation to the Euro-American media (specifically *Reuters*, *Agence France Presse* and *Australian Broadcasting Corporation*), they are more likely to submit to a *discursive transformation* which takes place as they translate foreign discourses in their news

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<sup>156</sup> S. Osman, "Jemaah Islamiyah : Of Kin and Kind", *Journal of Current Southeast Asian Affairs*, 29/2, 2010, p. 157.

<sup>157</sup> Jemaah Islamiyah's structure had little relevance to the Bali bombings and subsequent attacks which were initiated through personalised networks. See S. Atran, *Talking To The Enemy: Violent Extremism, Sacred Values and What it Means to be Human*, London: Penguin Books, 2010, p. 162-167. For the role of each of the members of the team that committed the Bali bombings see S. Koschade, "A Social Network Analysis of Jemaah Islamiyah: The Applications to Counterterrorism and Intelligence", *Studies in Conflict & Terrorism*, 29:6, 2006, p. 569-571

<sup>158</sup> R. Fox, "Strong and Weak Media? On The Representation of 'Terorisme' in Contemporary Indonesia", *Modern Asian Studies*, 40/4, 2006, p. 993-1052.

coverage.<sup>159</sup> This conclusion is based on his observation of the news coverage of the Christmas Eve bombings in 2000 which took place in 38 cities in Indonesia, the Bali bombings in 2002 and the Jakarta's Marriott Hotel bombing in 2003; he found a gradually increasing similarity between Indonesian media's use of language and frames and that of Euro-American media from 2000 to 2003.

Gradually within this period under study, Fox suggested that Indonesian news media discuss less about the evidence that can be publicly shown to prove the identity of the terrorists and their possible motivations and more about the damages and casualties they produce through depiction of the immediate and eyewitness account of the destruction and the victims, or "anecdotal gore".<sup>160</sup> He implies two major points: first, this publication of anecdotal gore is the tradition of the Euro-American news media, specifically the AFP, Reuters, and the ABC, whose approach at reporting acts of terrorism was adopted by the Indonesian news media after the 2002 Bali bombings; and secondly, that it is as if the publication of anecdotal gore were substitutes for the lack of clearly defined identity and motivations of the perpetrators of the destructions.

Richard Fox offers a new knowledge in regard to the influence of Western news media on Indonesian news media in regard to terrorism reportage as he focuses more on the style of reporting, the ways in which scenes of the terrorism carnage are depicted, their choice of words, pictures and captions. The period under his study sees a transformation of Indonesian terrorism discourse from adopting its own frames of 'communal conflicts' and 'inter-religious harmony' (in the coverage of Christmas Eve bombings), to an adoption of America's 'war on terrorism' as a dominant frame of reference (2002 Bali bombings), to a 'similar-to-Bali' frame of reference (2003 Marriott Hotel bombing). What he does not discuss, however, is

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<sup>159</sup> *Ibid.*, p. 1044.

<sup>160</sup> *Ibid.*, p. 1009.

what this discursive change means for Indonesia's treatment of the terrorism issue. Fox points out to the 'awkwardness' of the terrorism designation in the Indonesian news media where the mentioning of Jemaah Islamiyah and/or Al-Qaeda in relation to the bombings is always accompanied by the officials or 'terrorism experts' who articulate them.<sup>161</sup> He characterizes the dilemma of the state in designating the non-radical Other as the enemy. What kind of anti-terrorism policy can be produced by the representation of the non-radical Other is pursued further in this thesis.

Other texts which discuss Indonesian public discourse of terrorism usually do so in comparison with media frames employed in other countries. Exemplifying this is Inez Mahony's comparison of coverage of the 2002 Bali bombings in Australian and Indonesia. Through a critical discourse analytical study, pursued with content-analysis method, Inez Mahony finds that there is a discrepancy between Australia's and Indonesia's leading news media's frames of the 2002 Bali bombings.<sup>162</sup> For example, Australian mainstream news media framed "as if most Indonesians denied the existence of terrorists there and supported militant Islamist groups" yet content analysis of her samples shows that the percentage of articles that acknowledge the existence of terrorist groups in Indonesia is higher than the percentage of the same articles in Australia. Jemaah Islamiyah is mentioned in 72% of Australian media samples as 'terrorist organisation' and in 22% of the samples as 'suspected terrorist organisation'; in contrast Jemaah Islamiyah is only accepted as a terrorist organisation in 46% of the articles in Indonesian samples, while the rest of the media samples refer to it as 'suspected terrorist group' or 'linked to terrorist organisation'.<sup>163</sup> The author relates these diverging frames to different histories that establish the journalism styles of the two countries. The Australian press plays the

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<sup>161</sup> *Ibid.*, p. 1028.

<sup>162</sup> I. Mahony, "Diverging frames: A Comparison of Indonesian and Australian Press Portrayals of Terrorism and Islamic Groups in Indonesia", *International Communication Gazette*, 72/8, p. 746

<sup>163</sup> *Ibid.*, p. 749.

role of the fourth estate where journalists act as watchdogs in holding the government accountable of its policies and to inform and educate the masses; as such there is little need to be 'culturally sensitive'. On the other hand, in the historical juncture where 9/11 and the 2002 Bali bombings took place, the Indonesian press was transforming from the role of development journalism where the media were confined to positively promote the government agenda to a relatively free press; as such, generally, negative news could be reported but it had to be constructive and avoid any sensationalism that could cause unrest. Specifically, the Indonesian news media, throughout the period of 2002 and 2010 when acts of terrorism took place, changed its representation of Indonesian Islam by decreasing the portion allocated for the voices of radical Islamism.<sup>164</sup>

Another study which compares public discourse of terrorism is Senia Febrica's comparison of securitisation of terrorism issue in Singapore and Indonesia. The Singapore state, as represented by its news media and government could easily designate Jemaah Islamiyah as a terrorist organisation connected to Al-Qaeda. The same could not be said about the Indonesian state. Febrica argues that this difference stems from the 'dissimilarity of the two states' domestic audiences.' Indonesian public perception towards the state's response to terrorism, according to her analysis, discursively relates a strong response to terrorism with an alliance with the U.S. and with an attack on the nation's Islam in general.<sup>165</sup> This has resulted in an absence of a clear image of the 'enemy' and hampered a development of an aggressive response to terrorism. The Indonesian government is dependent on the support of the military, Islamic clerics and business enterprises further slowed down its response to terrorism. Further, she argues that Singapore's response to terrorism

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<sup>164</sup> *Ibid.*, p. 753. See also S. Nelson, "Southeast Asian Press Coverage of Terrorism and the Bali Bombing", *The Copenhagen Journal of Asian Studies*, 20, P. 47-69.

<sup>165</sup> S. Febrica, "Securitizing Terrorism in Southeast Asia: Accounting for the Varying Responses of Singapore and Indonesia", *Asian Survey*, 50 (3), p. 590.

is *detached from its public/ political discussion* as it is supported by the twin alliances of 'populism', led by People's Action Party, and 'growth'. The first holds the executive power and keeps the oppositional forces and organised militant labour groups repressed; the latter manifested as an overlapping of interests between carriers of development projects aimed at promoting the state's role as a 'convenient productive location for international capital'. As a result, the government proactively asserted itself as an active player of the 'war on terror' in Southeast Asia, and clearly stated "Jemaah Islamiyah network, tied to Al Qaeda", as a threat to Singapore in its 2003 White Defense Paper.<sup>166</sup>

The difference in terrorism representations may owe to the difference of political system. The article's comparative analysis, rather arbitrarily, differentiates 'soft-authoritarian' Singapore from 'democratising' Indonesia, which leads to the audiences in the two countries react differently towards anti-terrorism policy. Another way of interpreting this difference of representation of the terrorist is the public's access to the collective memory connected to the terrorist in question. Jemaah Islamiyah has no 'register' in Singaporean' collective memory, unlike their Indonesian counter-parts for whom Jemaah Islamiyah is connected to Darul Islam movement and Indonesian government's mixture of co-optation and violence in treating it.

## Conclusion

This chapter began with an analysis of why discussing the discourse of terrorism is important. If terrorism is to be defined as an act that is intended to produce a reaction or response from an audience, then terrorism should be analysed as a mediated event. On the societal level, however, terrorism is an abstract concept;

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<sup>166</sup> *Ibid*, p. 574.

societies give meaning to terrorism through drawing on their knowledge of previous experiences. Events are considered and responded to as terrorism through the role of the society, public as well as elites, in interpreting them as such. Through language-in-use, events are framed as 'terrorism' and connected to certain values and terms.

The treatment of terrorism as a mediated event, however, does not transpire from dispositional and relational analysis of terrorism, because in these categories of terrorism studies 'terrorism' is represented directly through the terrorists themselves. The ideological disposition the terrorists and the relational network between the individuals associated with terrorism are intended to explain the behaviour of the terrorists and how one becomes involved in terrorism. Events and actors are pre-designated as terrorism and terrorists by the authors of research outside the research process itself.

Most terrorism studies focusing on Indonesia fall into either the focus on ideological disposition of the terrorists or their relational network. Missing from this discussion is a systematic treatment of public discourse of response to terrorism, such as public discussion in regard to anti-terrorism law. The Indonesian terrorism studies that discuss public discourses of terrorism are still few, and none of them discuss the impact of public discourse on the rhetoric and frames of the government in regard to terrorism.

This chapter has discussed two ways in which terrorism can be constituted in public discourse. The public discourse of terrorism is constituted either through articulation of metaphors and frames associated with events discussed as terrorism; or the juxtaposition of values associated with the counter-terrorist 'Self' and the terrorist 'Other' or between one type of violence and another. In terrorism studies, post-structuralist discourse analysis principally theorises discourse as limits or



structure to what can be articulated as terrorism and counter-terrorism. The aim of this approach is to map the frames of terrorism in public texts and the possible policy implications that follow from them. The advantage of this approach is its ability to show the instability of discourses through illustrating the struggle between discourses that appear in the aftermath of major events.

The second approach to studying the construction of terrorism public discourse is informed by CDA theory and methodology; it aims at revealing the hidden agenda and intentions of the articulators of discourse. This latter approach tends to show discourse instability through empirical analysis, instead of showing the multiplicity of alternative discourses; on the other hand, it explains the authority of discourse through juxtaposition of values associated to nodal points. Both of these approaches maintain that discourses construction is historically and contextually informed. As an abstract concept, 'terrorism' is articulated publicly through metaphors and tropes drawn from past experiences of the society; key ideas or frames that governments and news media utilise are designed to be in consonant with the existing struggle of discourses pertinent to events and actors associated with terrorism.

The existing literatures on rhetorical strategy of governments in responding to domestic terrorism have not sought to explore the discourse construction of terrorism. However, they have explained the need for governments to access *basic discourses* in representing the terrorists in a combination of politicized/depoliticized and legitimized/deligitimised terms. Moreover, the studies in this problem also suggest that government's rhetoric is limited by the corollary of performative level that it generates. Home-grown terrorism presents a social-discursive dynamics where the divisiveness of the society entails a strong articulation of the enemy 'Other' and the responses against it.

There is a need to deconstruct the *embedded meanings*<sup>167</sup> in the public discourse of terrorism through discussing the conceptual history (genealogy) and discursive connections, and their influence to government's rhetoric in policy response to terrorism. Both metaphor or framing analysis and juxtaposition of values are useful methods in tracing the construction of terrorism discourse. These will be discussed in greater detail in the Methodology chapter. On the other hand, there is a need to discuss simultaneously the construction of terrorism discourse and its limiting impact on anti-terrorism policy-making. This will be achieved in this thesis through studying the construction of terrorism discourse in the media texts and parliamentary debates. In that regard, the analytical framework that follows will theorise the limiting impact of public discourse of terrorism of government's rhetoric in regard to securitising the terrorism issue.

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<sup>167</sup> T.A. Reuter, *Inequality, Crisis and Social Change in Indonesia: The Muted Worlds of Bali*, London & New York: RoutledgeCurzon, 2003, p. 43.

## **Chapter 3**

### **Conceptual Framework**

#### **Introduction**

This chapter will provide a Conceptual Framework that will be applied to the empirical chapters of the thesis. This Conceptual Framework will utilise the theory of Securitisation developed by the Copenhagen School of Buzan, Waever and de Wilde. Securitisation theory has been chosen because it allows one to analyse the change of understanding towards a given issue, specifically from a public/political issue to security issue.

This conceptual framework configures the way the public and political processes or discussions of a particular issue impacts on its securitisation process. The next section discusses three interpretations of the influence of public/political process to securitisation. First is the exceptional interpretation, which argues that it is the securitisation speech act that structures public/political process. Second is the constructivist-political interpretation, which argues that the securitisation process constructs the succeeding public/political process, but securitisation itself is also a political process with the speech act standing on a neutral ground unaffected by public/political process that precedes it. Third is the sociological interpretation, which argues that the securitisation process, including the security statements that are uttered take place within the confines or structures of existing political discourse.

Following the third interpretation, this chapter further outlines how the public/political processes of a particular issue structures the repertoire of a security speech act and the response of the (formal/enabling) audiences. The last section of this chapter discusses how security rhetoric of the government gains legitimacy. As it

positions security speech act as belonging to the wider societal discourse of security, this chapter argues that the legitimacy of security rhetoric is gained through the simultaneous articulation of *identity* and *policy*.

### **The Public/Political Process in the Studies of Securitisation**

The securitisation framework illustrates a spectrum of different statuses of a particular issue from non-politicised (or public issue), to politicised, to a securitised issue. The securitising 'move' performs as a break between the politicised and securitised statuses of the issue. The realms of the politicised and the securitised are in absolute opposition, as Waever suggested, 'security constituted the opposite of politics'.<sup>168</sup> Buzan *et al* assert that a securitised issue is treated with a temporary disregard to existing rules or values; secrecy, limitation of rights and conscription are the examples of forms of such extra-ordinary measures.<sup>169</sup> They further assert that a securitised issue enters a security black box in the political process:

"The presence of a secretive security institution or operation is an indication of a successful securitisation...Non-public security practices presented a very clear case of the security logic."<sup>170</sup>

The 'normal politics', on the other hand, is where the public has influence over the government's treatment and, more importantly, budget-spending on a particular issue. Politicisation is defined as:

"...to make an issue appear to be open, a matter of choice, something that is decided upon and that therefore entails responsibility."<sup>171</sup>

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<sup>168</sup> O. Waever, , *Securitisation and Desecuritisation*, in Ronnie D. Lipschutz (editor), *On Security*, New York, Chichester: Columbia University Press, 1995, p. 56–57.

<sup>169</sup> The differentiation between security issue and public/political issue in the work of Buzan *et al* embarks from the idea that 'security' cannot be defined by consciously thinking what it means; security can be defined only by looking at how it is implicitly used. Textual analysis of the use of the word 'security' suggests that it implies a prioritisation of an issue above everything else; such an issue is called an "existential threat" because if it is not handled first, nothing else matters. See B. Buzan, O. Waever & J. de Wilde, *Security: A New Framework for Analysis*, London: Lynne Rienner, 1998: p. 24.

<sup>170</sup> *Ibid.*, p. 28.

<sup>171</sup> *Ibid.*, p. 29.

The definition of securitisation reflected this break of normal politics by means of security rhetoric:

“...securitization can be defined as the positioning through speech acts (usually by a political leader) of a particular issue as a threat to survival, which in turn (with the consent of the relevant constituency) enables emergency measures and the suspension of ‘normal politics’ in dealing with that issue.”<sup>172</sup>

Securitisation is not limited to an utterance of a particular rhetoric.

Securitisation is not defined in this study as a single event where a securitising actor articulates a speech act that constructs the security practices, and the securitisation process is *also* a political process. While securitising statements of empowered agents such as state officials change the course of the political process towards securitisation, they cannot do so without the gradual change of paradigm towards security that has been constituted by both securitising and desecuritising discourses on the given issue. The above definition has also outlined that only ‘with the consent of the relevant constituency’ a securitising speech act can lead to the issue being securitised and treated with extra-ordinary measures. This means that the moment of securitisation actually spans over a period of time between the articulation of the securitising speech act and its acceptance or refusal. This period of time is a political process because it is during securitisation that the securitising actor and his/her audiences negotiate whether or not to treat the issue as a securitised matter.

In the Copenhagen School’s securitisation framework, the speech act separates cleanly the realm of normal politics and security. The Copenhagen School’s framework pays little attention to how public discussion affects the issue’s securitisation process because it rather thinks the other way around: securitisation, or the speech act, reduces public influence on a given issue.<sup>173</sup> In other words, speech

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<sup>172</sup> M. McDonald, “Securitisation and the Construction of Security”, *European Journal of International Relations*, 14:4, 2008: p. 567.

<sup>173</sup> Buzan et al, *op.cit.*, p. 28.

acts structure the way a given issue is publicly discussed. When a particular issue is securitised, the importance of and the relations between the issue and the values of the society, as well as the historical realities concerning it are transformed. This study agrees that the way public discuss an issue can be re-structured by its securitisation; collective memories and historical precedents may still be referred to when the issue is discussed, but securitisation will give them a different new light. For example, the Suharto regime's practice in counter-terrorism of prioritising the use of the Armed Forces and intrusive intelligence network was publicly deplored during the immediate post-Suharto era (1998-2002), but after the Bali bombings in October 2002 such practices were re-considered as a possible measure because of the need to handle the issue of terrorism immediately. However, it also emphasises the importance of public/political discussions in influencing securitisation process, particularly in the formulation of the security rhetoric.

The articulation of the security speech act, in accordance with the Copenhagen School, has the potential ability to structure the social practice of security. As a particular issue is moved beyond its normal politics realm, a set of exceptional measures are legitimated, albeit not straightforwardly. A modus of exceptionality emerges from Waever's analysis of the concept of security as he argues that the 'old way' of thinking about security *in terms of threat to the survival of the nation (threat to sovereignty)* should be brought forward and shown by security scholars to work in 'new ways' and 'new places' that they wish to consider of including under the remit of the security field.<sup>174</sup> Waever criticises the approach to 'security' from the understanding of being secure in the everyday because the security field has its own specific field of social interaction, set of actions and codes known by a set of agents. The exceptional measure is the main effect that uttering

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<sup>174</sup> Waever, *op.cit.*, p. 49.

the security rhetoric has a potential to produce; if successful, it would lead the audience to tolerate violations of rules that would be obeyed in 'normal political' situation.<sup>175</sup>

In the securitisation framework, the felicity conditions of security speech act are formulated independently from the public and political processes that precede the securitisation process.<sup>176</sup> Indeed, the felicity conditions are formulated independently as an analytical tool by Buzan et al. Its 'facilitating conditions' are said to comprise of: 1) linguistic-grammatical rules of security rhetoric and 2) the power position of the enunciator of the security speech act and the features of the threat in a given case.<sup>177</sup> The grammar of security, which is the internal felicity condition of a speech act, is where a particular issue is phrased as a problem that requires immediate radical treatment otherwise nothing else matters and "constructs a plot that includes existential threat, point of no return and a possible way out."<sup>178</sup> The arguments that securitising agents marshalled in their security rhetoric are empowered by the biases mobilised from existing security policy discourses and identities.<sup>179</sup>

The external conditions include the existence of certain objects that can be referred to as a generally threatening entity and the social capital of the enunciator or the *securitising actor*. The likelihood of the audience accepting the credibility of the security speech act hinges on the relationship between the securitising actor and the *audience*. The reputation and the positional power of the securitising agents are

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<sup>175</sup> H. Stritzel, "Towards a Theory of Securitization: Copenhagen and Beyond", *European Journal of International Relations*, 2007: p. 361.

<sup>176</sup> Felicity conditions are conditions that must be met in order for utterances to have illocutionary effect, including the utterance of particular words, by particular people, in certain circumstances and the conduct of actions suggested by these words by the audience of this utterance. These conditions are formulated by Austin. See Austin, J. L. Austin, *How to do Things with Words*. Oxford: Oxford University Press, 1962, p. 14-15, in T. Balzacq, "Three Faces of Securitisation", *European Journal Of International Relations*, 11:2, 2005, p.175

<sup>177</sup> Buzan et al., 1998: p. 32.

<sup>178</sup> Buzan et al., 1998: p. 33.

<sup>179</sup> S. Guzzini, "Securitization as A Causal Mechanism", *Security Dialogue*, 42: 4-5, 2011: p. 335.

also the sources of power for the securitising arguments. Securitising agents most of the times are also facilitated by functional agents like the media to empower their arguments. The reputation, and the positional power, of the securitising agents may change during the politicisation and securitisation processes, and therefore, as external aspects, they are also endogenous to the process.<sup>180</sup>

Because the security realm has its own rules, and a securitised issue was once before a public and political issue, one may ask whether the way the issue is publicly and politically discussed influences its securitisation. More specifically, to what extent does the success of government's articulation of security rhetoric in moving the issue to a securitised status hinge on its public/political discussions? Because securitisation itself is a public and political process, arguably the public/political discussions of a given (non-securitised) issue have a strong impact on its securitisation.

Politics or the political can be defined as the 'activity of establishing meaning and identity' and refiguring 'the relationship between the past and the future'.<sup>181</sup> Based on the way public/political discussion of a given issue affects securitisation, the studies that develop or critique the Copenhagen School's securitisation framework can be categorised into five interpretations: exceptional, constructivist-political, sociological, sectoral, and practice-oriented interpretations.

Exceptional interpretation argues that securitisation framework's speech act is a *decisionist* decree of the securitising actor following an exceptional event. Securitisation is the sovereign voice that decides the exceptional status of a particular issue. This interpretation pays the least attention to the impact of the issue's preceding public/political discussions compared to other interpretations of

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<sup>180</sup> *Ibid.*

<sup>181</sup> U. P. Gad & K. L. Petersen, "Concepts of Politics in Securitization Studies", *Security Dialogue*, 42: 4-5, 2011: p. 318.



the securitisation framework. Exemplifying this interpretation is Andrew Neal's construction of the exceptional as he argues that the starting point of a construction of a security discourse is something (event) that lies at the limits of normal politics, rules of law, implementation of civil rights and technical administration; exceptional events stand outside the limits of 'normal life', and are therefore moments of challenge to the sovereign.<sup>182</sup> The central role of the sovereign to impose an exceptional situation resembles the suggestion of Carl Schmitt that exceptionalism has the capacity to establish a legal order: 'Order must be established for juridical order to make sense. A regular situation must be created, and sovereign is he who definitely decides if this situation is actually effective'.<sup>183</sup>

In the process of securitisation, identities are re-defined as exceptional events and their securitising rhetoric determines the collective political subjectivity that must be defended; how events are defined as exceptional and exceptional measures are delimited by the sovereign power.<sup>184</sup> In this interpretation, politics or the political is reduced into the intention of the actor who articulates an issue as an existential threat. The securitisation, in this interpretation, is not a process, which hints that the securitising actors and their audiences negotiate whether or not to securitise the issue; it is rather a single moment where the sovereign chooses to securitise the issue.

The audience's reception to securitisation is under-discussed, or becomes irrelevant because the securitisation framework put too much emphasis on the rules for the felicitous formulation of the speech act and the strong position of the securitising actor that 'certain structural, institutional and ethico-political

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<sup>182</sup> A. Neal, *Exceptionalism and the Politics and Counter-Terrorism: Liberty, Security, and the War on Terror*, Abingdon: Routledge, 2010, p. 100-102.

<sup>183</sup> C. Schmitt, *Political theology: Four Chapters on the Concept of Sovereignty*, G. Schwab (trans). Chicago: Chicago University Press, 1985: p. 5.

<sup>184</sup> Neal, *op.cit.*, p. 103.

implications are already implicit'.<sup>185</sup> According to Neal, by ceding the mobilising and imperative qualities of securitisation to the symbolic elements of security discourse (the sovereign and its speech act), the securitisation framework's logic implicitly suggests that exceptional event will eventually lead to exceptional measures.

Writing in a similar vein is Jorgen Staun who emphasises the linguistic role of securitisation theory and focuses on the internal dynamics of the language game.<sup>186</sup> He argues that when security language game takes over, the relations between political actors will be based on their identification with their positions to the existential threat; he parallels this position with Carl Schmitt's argument that the distinction between friend and enemy, when security language game takes over, is the essence of the political.<sup>187</sup> He propounds that the success of the securitisation process depends on its ability to 'articulate the referent object metaphorically as something that is threatened in its very survival; an entity that can be talked about as living being that can be killed or exterminated metaphorically'.<sup>188</sup> In this respect, society is not explained as a political order formed by intentionality, law, and individualism, but formed by 'destiny, blood, spirit, love directed at the collective'.<sup>189</sup> Therefore, the performative power of a security speech act in Staun's analysis is discussed in isolation with the wider social and cultural context, and related only with the exceptional event of an existential threat to the society.

The Schmittian characterisation of the political *established by* securitisation has been criticised by Williams arguing that in liberal societies 'fear' of a given issue is not supposed to cede to the state an absolute authority to do whatever it takes to handle it; in the contrary, the liberal society's fear of letting the state to 'colonise' the

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<sup>185</sup> A. Neal, "Foucault in Guantanamo: Towards an Archaeology of the Exception", *Security Dialogue*, 37: 1, 2006: p. 34.

<sup>186</sup> J. Staun, "When, How, and When Elites Frame Terrorist: A Wittgensteinian Analysis of Terror and Radicalisation", *Critical Studies on Terrorism*, 3:3, 2010, p. 412

<sup>187</sup> *Ibid.*

<sup>188</sup> *Ibid.*, p. 413.

<sup>189</sup> *Ibid.*

social sectors with security practices (the fear of fear) will inhibit securitisation.<sup>190</sup> In practice, Williams connects normal politics and security politics through the society's treatment of the fear of fear as reflected at:

“the level of individual mores, social norms, and political and legal institutions. Indeed, it is the relationship between these three – and particularly the ways in which rules and norms operate at the individual and social levels (what the Copenhagen School would call ‘securitizing actors’ and the ‘audience’) as well as in formal institutions – that is crucial for analysing important dimensions of security politics in liberal societies.”<sup>191</sup>

In the constructivist-political interpretation of securitisation framework, the choice of deciding to treat an issue as an existential threat is political. Therefore, securitisation is indeed a process where the exceptionality of an issue is intersubjectively negotiated, instead of decided unilaterally by the sovereign. This is the position of the Copenhagen School itself. Although separating the normal politics and security in absolute separation, Buzan et al also assert that “it is always a political choice to securitise or to accept securitisation.”<sup>192</sup> The political or politics is considered as something that influences the use of a specific way for actors to handle a major challenge; actors may choose to handle it in a specific way other than securitisation and this choice is politics because “it is not possible (whether or not to securitise) by investigating the threat scientifically.”<sup>193</sup> The political, therefore, is within the securitisation process itself, in the negotiation between securitising actors and their audiences: ‘...the theory places power in-between humans – not least through the central role of the audience – and insists on security-ness being a quality not of threats but of their handling’.<sup>194</sup> The securitisation theory emphasised the political nature of a designation of issues as security.

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<sup>190</sup> M. C. Williams, “Securitization and the Liberalism of Fear”, *Security Dialogue*, 42: 4-5, 2011, p. 455.

<sup>191</sup> *Ibid.*, p. 456.

<sup>192</sup> Buzan et al, *op.cit.*, p. 29.

<sup>193</sup> Buzan et al, *op.cit.*, p. 32.

<sup>194</sup> O. Waever, “Politics, Security, Theory”, *Security Dialogue*, 42: 4-5, 2011, p. 468.

However, the political does not reach out or influence the securitised realm and the security speech act seems to stand on a neutral ground between the two realms, governed by the felicity conditions set out by the Copenhagen School; as long as the politics influences the way a particular issue is treated the issue is still in the realm of politics. The political empirics that the securitisation theory is most interested in do not include those that take place during the public discussions of the issue by the audiences, but rather include the ones that take place during the mechanism of the securitisation: 'who does what kind of securitisation, how, with how much success and what side-effects, and resisted by whom'.<sup>195</sup> The so called 'political process' actually takes place in two different phases: before and after the securitising move. Political decision makers already discussed the issue which will be securitised, and political process takes place again after the executive power or the sovereign makes it securitising move, which may or may not end in a successful securitisation, depending on the response of the deciding audience.

Exemplifying the political nature of the securitisation process was the study of securitisation of terrorism issue in Greece. The political process is marked by disagreements in the parliament over how to define and respond to terrorism.<sup>196</sup> The study that Karyotis did on the securitisation of terrorism in Greece illustrates that the securitisation process is, following the Copenhagen School, a political process. Normally, a political process does not require a securitising move, but the securitising move is *still* followed by a political process that decides whether or not to approve the securitising move. However, once the issue is *securitised* an exceptional logic and treatment of the issue will follow. The focus on the process of securitisation in isolation from the wider social environment where it takes place, which Karyotis'

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<sup>195</sup> Waever, 2011, p. 466.

<sup>196</sup> G. Karyotis, "Securitization of Greek Terrorism and Arrest of the 'Revolutionary Organization November 17'", *Cooperation and Conflict*, 42(3), 2007, p. 271-293.

study exemplifies, means that there is a disconnection between public (moral) support and institutional (formal) support; the latter's approval or disapproval for securitisation takes place in isolation. The consequence is that the exploration of the 'second' (successful) securitisation process in Karyotis' study appears to contain a *bias of success* because the difference of interpretations over the concept of security and terrorism, which is present in its public and political discussions, is at this stage not discussed.<sup>197</sup> Furthermore, the author's emphasis on the events that preceded the successful securitisation, instead of how securitising actors convey their statements to persuade the audience to approve securitisation, means this analysis may also fall into the 'Schmittian trap' that Andrew Neal articulated in his interpretation of securitisation framework. The stability of the security and terrorism concepts seems to be the indication of the performativity of security speech act.

The sociological interpretation of the securitisation framework argues mainly that the success of a speech act hinges on the existing discourse within which securitisation takes place. In this regard, securitisation process transforms the way a particular issue is treated only within the limits of existing meanings and identities. The political process takes place not just in the moment of deciding the security-ness of a given issue, but also in the moment of deciding the need for responding with extra-ordinary measures. In this third variation, the meaning-making practice of politics is apparent in the influence of the wider historico-political environment to securitisation; politics is a discursive place within which securitising moves take place.<sup>198</sup> The status and nature of the audience, the general conditions and other

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<sup>197</sup> *Ibid.*, p. 282. The speech acts articulated the exceptionality of terrorism as "costly at the national and societal level" and the priority of counter-terrorism as "government's top priority". The conspiratorial connection between PASOK and 17N in the past and the debates over conceptualising terrorism appear to have no impact after the parliament shared a need to securitise the issue of terrorism. As a result, a new anti-terrorism law was adopted in June 2001, which securitised the practices of terrorism handling as an extra-ordinary crime; the law legitimises the Public Order Minister to undertake intelligence cooperation with other states and the strengthening of the country's anti-terrorist squad.

<sup>198</sup> M. C. Williams, "Securitization and the Liberalism of Fear", *Security Dialogue*, 42: 4-5, 2003, p. 512.

utterances that take place at the same time structure the “linguistic manufacture of threats in world politics.”<sup>199</sup>

Studies of securitisation which explore the psycho-cultural condition of the audience and the political circumstances that surround the securitisation reveal how these factors structure what is possible to be achieved in the securitisation process and how the process itself unfolds. Developing further from Balzacq’s differentiation between formal and moral audiences, Paul Roe’s study on the securitisation of Iraqi Weapons of Mass Destruction in 2002 in Britain reveals that the role of audience structures a two-stage process of securitisation: the identification process which decides on the ‘security-ness’ of a given issue and the mobilisation process which decides on the approval for extra-ordinary measure.<sup>200</sup> Therefore, an audience approval of a given issue’s security-ness is not a *carte blanche* for the securitising actor to undertake extra-ordinary measure; rather, the latter needs to convince specifically that such measure is relevant. In a study of securitisation of community identity by the Chinese educationalists in Malaysia, Allan Collins finds that the securitising actors can decide not to pursue an extra-ordinary measure as a solution to an already-securitised issue,<sup>201</sup> as they consider that such measure would invite a harsh treatment from the government.<sup>202</sup>

Related to the meaning-making process is the concept of *intertextuality* from the literature of Critical Discourse Analysis which means that ‘texts are always situated within and against other texts, which are in turn situated within and against other texts and meanings, and so on indefinitely’.<sup>203</sup> The power of a securitising actor

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<sup>199</sup> Balzacq, 2005, p. 173.

<sup>200</sup> P. Roe, “Actor, Audience(s) and Emergency Measure: Securitization and the UK’s Decision to Invade Iraq”, *Security Dialogue*, 39: 6, 2008, p. 620.

<sup>201</sup> A. Collins, “Securitization, Frankenstein’s Monster and Malaysian Education”, *The Pacific Review*, 18: 4, 2005, p. 573.

<sup>202</sup> *Ibid.*, p. 575.

<sup>203</sup> H. Stritzel, “Securitization, Power, Intertextuality: Discourse Theory and the Translations of Organized Crime”, *Security Dialogue*, 43:6, 2012, p. 555.

is constituted not just by his/her position in the society but also by the notions or frames that s/he draws from history and social experiences; and the securitising actor's security rhetoric creates an impact in persuading audiences and thereby moving an issue to the securitised real also with the virtue of its intertextuality with history and culture. In other words, the social and the political are produced by the intertextuality, as Stritzel writes:

“[...]sociolinguistically, intertextuality can play a central role in contextualized descriptions of the principal linguistic rules of a securitizing speech act: claim, warning, demand and propositional content; relatedly, sociopolitically, intertextuality contributes to the constitution of authority and processes of authorization in discourse.”<sup>204</sup>

The next two interpretations of the securitisation framework problematizes not the speech act but the organisation and order management of the public sphere by the nation-state which the securitisation process either entails or is realised; either way, the emphasis is that securitisation takes place in a *spatially demarcated sphere*. Following from this, the sectoral interpretation of the securitisation framework argues mainly that securitisation is part of a management of a particular public sphere; securitisation studies perceived sectors and issues as social categories, each of which is ruled by a particular logic. This interpretation emerged as the Copenhagen School discusses the practice of securitisation in the political, societal and economic sectors; in the Copenhagen School's security studies, sectors appear to be seen as analytical lenses extracted from the usage of securitisation discourses.<sup>205</sup> The sectors of the securitisation study are later on analysed as emerging from 'functional differentiation' in modern societies, which refers to the character of a society where functional specification structures social relations more prominently than status or place, with functional specification means: “basically that in modernity, politics, the economy, law, art, science, etc., emerge as relatively

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<sup>204</sup> *Ibid.*, p. 554.

<sup>205</sup> Buzan *et al*, *op.cit.*, p. 168.

autonomous realms of society, and this specification over time becomes more important than specifications according to status (as in stratified societies) or place (as in segmented ones).<sup>206</sup>

The practice-centered interpretation of securitisation argues that politics is spatially demarcated by bureaucratic practices. Politics as management of order resides in the practices a handling of particular issue by state-apparatuses. Exemplifying this variation is Jef Huysmans' exploration of *practices of security* deployed to the problem of migration as a result of common regulations on migration in Western Europe; the securitisation of immigrants was achieved through the institutional inclusion of the socio-economic project within the remit of internal security project, which establishes a connection between 'internal market' and 'internal security problematique'.<sup>207</sup> As security instruments, notably the police and other departments under the Ministry of Home Affairs, take a prominent role in the regulation of migration, discourses are produced to connect the creation of an internal market not only with free movements of citizens of member states but also with illegal activities of terrorists, international criminal organisation, asylum-seekers and immigrants.<sup>208</sup> This study aims to illustrate the impact of public/political process on the choice of language in security statements. The next sections develop on the sociological interpretation of securitisation framework.

### **Public Process and the Securitisation Process**

This section mainly proposes that the separation of the political and the securitised world is not clear cut among the audiences, specifically the non-deciding or non-elite audience; they may still perceive the issue under securitisation process

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<sup>206</sup> M. Albert, B. Buzan, "Securitization, Sectors and Functional Differentiation", *Security Dialogue*, 42: 4-5, 2012, p. 422.

<sup>207</sup> J. Huysmans, "The European Union and the Securitization of Migration", *Journal of Common Market Studies*, 38: 5, 2000, p. 770.

<sup>208</sup> *Ibid.*, p. 760.



in a politicised lens. Therefore, to ensure the success of their securitising move, securitising actors must formulate their security rhetoric with regard to the preceding public and (normal) political processes. This is important because the separation between the formulation of a speech act and its political environment means that: '...on the empirical side, a speech act conception of security poses a problem in that it is *disconnected* from the actual dynamics of world politics wherein the meaning of actions is not always determined by the conventional rules governing illocutionary acts'.<sup>209</sup>

The security speech act is imagined to be non-political as the politics now resides in the intention or motivation of the securitising actor; the audience received the securitisation act from outside of the production of meaning and therefore the success of the speech act is actually separable from the intention of the speaker.<sup>210</sup> To be sure, the security speech act was not perceived by Buzan et al as a rhetoric that any power holder can invoke; indeed, what they aim for was to limit the use of the security speech in as little situation for its probable success as possible and therefore the internalist, linguistic-grammatical rule and the externalist, power-positional and objective-threat facilitating conditions must concur in order for the security speech act to succeed. The three conditions that the Copenhagen School stipulated are merely *felicitous*, which means they do not by themselves decide the success of the speech act; the decision is reached inter-subjectively between the securitising actors and the audiences.

However, the dual purpose of fulfilling the procedures of a felicitous speech act and impacting an approval of audience can be contradictory. There is a tension in analysing *successful speech acts* as statements that simultaneously follow the felicity

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<sup>209</sup> T. Balzacq, "The Three Faces of Securitization: Political Agency, Audience and Context", *European Journal of International Relations*, 11: 2, 2005, p. 176.

<sup>210</sup> U.P. Gad, L. Petersen, "Concepts of Politics in Securitization Studies", *Security Dialogue*, 42:4-5, 2011, p. 318.

procedures and are agreed by the audience. This tension means that it is both illocutionary and perlocutionary, because it is not just a self-referential practice but also has the effect of a particular behaviour among its audience, which is to approve the securitisation of a particular issue.<sup>211</sup> On the one hand, security rhetoric is formulated strictly with the rules of the securitising framework, without being influenced by the preceding political context; on the other, its success produces a perlocutionary effect on its audiences who may or may not agree with the security-ness and/or extra-ordinariness of the issue. In the words of Balzacq: '...although the Copenhagen School appeals to an audience, its framework ignores the audience, which suggests that the Copenhagen School opts for an illocutionary view of security yielding a magical efficiency rather than a full-fledged model encompassing perlocution as well'.<sup>212</sup>

The securitisation framework developed in this study refers to the statements that describe the issue as a threat and the required solution or measure to handle the issue as a threat as *security statements* or *security rhetoric*. Because the notion of speech act in the Copenhagen School's framework is constituted by the contradictory purposes of performing illocutionary and perlocutionary effects, security statements or rhetoric of the securitising actors cannot always comply with the Copenhagen School's felicity conditions. The analysis of a successful securitisation process should put the security statements against the preceding public discussion of a given issue and historical experiences of the audience. Likewise, the response of the formal/enabling audience is a reflection of the public responses to the security statements.

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<sup>211</sup> Balzacq, *loc.cit.*, p. 177.

<sup>212</sup> *Ibid.*, p. 178.

The security rhetoric becomes felicitous as the securitising actor takes into consideration the preceding public political articulation of the issue and the features of the issue that is under securitisation process. The language game between the securitising actors and their audiences cannot single-handedly determine the outcome of a securitisation. Securitisation practice relies on a reservoir of ‘common meanings’ and ‘social relations understandings’ which analysts need to look into to explain how it is possible that certain political processes lead to securitisation or desecuritisation.<sup>213</sup>

The way a given issue is publicly discussed as a non-securitised issue affects the formulation of security statements during its securitisation. The *public expression* regarding a given issue, the severity of impact that it creates upon the society, and what kind of problems that it generates against the masses (as the audiences of securitisation) shape the security rhetoric that securitising actors articulate. This is not accommodated by the Copenhagen School’s emphasis in the compliance of the speech act to the choice of words (existential threat and emergency procedure) and the *reality* of the threat. What needs to be emphasised here is that the public frames within which a given issue is discussed limits the choice of frames for the security statements.

The analysis of a successful securitisation should determine the congruence or incongruence between the frames of security statements of officials and publicly uttered statements or arguments in regard to a given issue. In democratic states, the more congruent the security statements with the public’s experiences regarding the given issue, the more likely the issue will be successfully securitised, as Balzacq writes:

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<sup>213</sup> Guzzini, *loc.cit.*, p. 335.

“To persuade the audience (e.g., the public), that is, to achieve a perlocutionary effect, the speaker has to tune his/her language to the audience’s experience...an effective persuasion requires that a speaker’s argument employs terms that resonate with the hearer’s language by ‘speech, gesture, tonality, order, image, attitude, idea, identifying (her/his) ways with (her/his).”<sup>214</sup>

The semantic repertoire that securitising actors may choose from in order to formulate their security statements is constituted by the knowledge about the concept of security that the audiences popularly acquire, both at present and at their previous interactions and situations. Various properties of the threat are structured by a frame forged by the linguistic (present) and cultural (past to present) knowledge regarding the concept of security. Balzacq iterates that:

“More pragmatically, the basic idea is this — the performative dimension of security rests between *semantic regularity* and *contextual circumstances*. Indeed, security utterances are complex strings of creative and performative arguments pointing toward an external threatening referent subject.”<sup>215</sup>

The notion of semantic regularity refers to the need for securitising actors to pay attention to how the terms or concepts that they use in security statements are spoken and written in the language of their audiences at the moment of securitisation. In this respect the articulation of the security rhetoric specifies *what kind of threat* is the issue under securitisation. Specifically as this study address the securitisation of terrorism issue, it is important to note how the securitising rhetoric specifies what kind threat the domestic terrorism poses, for example a threat to public safety, territorial integrity, disruption of domestic order, or a threat to state sovereignty, each of which may invoke a particular episode in the national history that determines the strength of securitisation.

A specific problem in following the Copenhagen School’s frame of analysis of successful speech acts is that to present an existential threat, a security speech act

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<sup>214</sup> T. Balzacq, *A Theory of Securitization: Origins, Core Assumptions, and Variants*, in *Securitization Theory: How Security Problems Emerge and Dissolve*, T. Balzacq (ed.), Oxon & New York: Routledge, 2011, p. 9.

<sup>215</sup> Balzacq, *loc.cit.*, p. 183.

has to invest a particular group identity with culpability for the impending danger. This is not a condition that the Copenhagen School specifically prescribes as a felicity condition, but the presentation of an existential threat means a presentation of a vector of threat that must be eliminated before it is too late. Balzacq notes that the capability of the securitising speech act to modify its own conditions and receptivity is realised through 'investing an individual group with a specific ominous tone'.<sup>216</sup> A specific identity that has been publicly invested with a feeling of enmity is projected as an existential threat in the securitising speech act in order for speech act to gain a *high performativity* (more convincing for the audience). Thus, when followed to its logical conclusion, a requirement for a presentation of an existential threat to survival requires a specific identity of threat.

In order 'to create reality', the statements, enactments, activities, expressions made by the government to present a new policy, specifically in their case a counter-terrorism policy, must fit together with existing threat perceptions in the population, tune in to historical experiences, depict the alleged threat as foreign and alien or fundamentally hostile, and promote the elimination of the threat as a central issue in a political campaign.<sup>217</sup> This means that government's projection of threat and the agency of this threat cannot emerge from an entirely self-referential practice, it must rather resonate with the *public* perception of the threat. These requirements of successful security rhetoric resonate with Balzacq's externalist approach to securitisation 'that the words of the securitising actor needs to resonate with the context within which his/her actions are collocated'.<sup>218</sup> The acceptance of these representations of enmity marks a success of the security rhetoric; but more than that, it also heightens political and social conflicts. This is because, as a

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<sup>216</sup> Balzacq, *loc.cit.*, p. 181.

<sup>217</sup> B. De Graaf, B. De Graaff, "Bringing Politics Back in: The Introduction of the 'Performative Power' of Counterterrorism", *Critical Studies on Terrorism*, 3 (2), 2010, p. 276.

<sup>218</sup> Balzacq, *loc.cit.*, p. 182.

securitised matter, the limits for public discussion of the issue are also marked, including what ideas are still tolerated, what level of sympathy to the enemy is permitted and which violation of civil liberties are accepted for the sake of conducting the *extra-ordinary measure* require to respond to the threat.<sup>219</sup>

Because of its potential to heighten social and political conflicts, the presentation of an existential threat pointing towards a particular agent's culpability *cannot* be expressed as an existential threat to survival when it is expected to result in the divisiveness of the community whose survival is at stake (the referent subject). This is the case with security problems that are largely home-grown and involved domestic groups. In such cases, a troubled historical experience in dealing with the security problem in the past can be a source of divisiveness when the problem is projected as an existential threat. The securitising actor must heed the treatment of the problem by the audiences as a public and political issue and its characteristics as a threat. In this manner, the context influences the security rhetoric by 'selecting' or 'activating' certain properties of the security concept and 'concealing' others. The threat's feature as a threat to public safety or as something that the state should handle immediately can be chosen to express the 'securityness' instead of, for instance, the identity of the perpetrators as a threat to the survival of the state. In cases of home-grown domestic threat, signifying the antagonism between the identity of the nation-state and the enemy would be socially divisive and counter-productive to the securitisation itself.

In regard to responding to a problem of domestic terrorism, Beatrice and Bob de Graaf underlined the difference between a highly performative counter-terrorism policy and a successful one. A highly performative policy is highly visible and mobilising, but a successful response to domestic extremism and terrorism is best

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<sup>219</sup> De Graaf & De Graaf, *loc.cit.*

conducted behind closed doors with little to no public announcements about the activities pertinent to the response. To respond a domestic terrorism problem, the government is required to pay attention to a number of factors, including: 'the initial preparedness of terrorists to commit violence, the existing fears and dominant public discourses as well as the political debates on threats to national security'.<sup>220</sup>

In addition to potentially increasing domestic political tension, the reason why a particular 'enemy identity' can be counter-productive for securitisation is that it targets a positively constructed group of the population. Writing from the policy design literature, Schneider and Ingram argue that the social construction of a target population has a significant influence on public officials and shapes the policy agenda and even policy designs.<sup>221</sup> The authors define 'target population' as the group of people identified by a certain policy and whose behavioral change is sought by enabling or coercing them to do things they would not have done otherwise.<sup>222</sup> Securitising actors, therefore, need to be cognizant of social construction of target population. On the other hand, analysis of a securitisation process needs to pay attention to a social construction of a particular group of the population presented publicly as a target population.

The proposed measure in a securitisation process ideally avoids positively constructed social groups and targeted the negatively constructed ones. In addition, securitising actors must steer clear from identifying their target population with a social group with strong electoral power. A proposed security policy for home-grown domestic threat will be more felicitous if deviants such as criminals are its target population. Such a proposed security policy is perceived publicly as a punishment for a 'deserving' target population.

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<sup>220</sup> *Ibid.*, p. 270-271.

<sup>221</sup> A. Schneider, H. Ingram, "Social Construction of Target Populations: Implications for Politics and Policy", *The American Political Science Review*, 87:2, 1993, p. 334.

<sup>222</sup> *Ibid.*, p. 335.

Therefore, the context that shapes the speech act of domestic terrorism problem also includes the preceding public discussion and political debates around the concepts of threat and security because the securitising statements need to be congruent with the public's expression of experiences regarding the issue. The public is certainly not the deciding audience; rather, it is a moral support which conditions the support of formal institutions, notably the parliament. This is the discussion of the next section.

### *Historical and Contextual Conjuncture*

As the public discussion of a given issue also affects the way securitisation speech acts are formulated, consequentially a security speech act becomes more felicitous as it is uttered in the midst of public expression where the issue is expressed by the audience as a kind of threatening development that requires immediate handling. The choice of timing by the securitising actors to deliver their security rhetoric impacts on the perlocutionary effect of the security rhetoric, as Balzacq iterates:

“Therefore, the positive outcome of securitization, whether it is strong or weak, lies with the securitizing actor's choice of determining the appropriate times within which the recognition, including the integration of the “imprinting” object—a threat—by the masses is facilitated.”<sup>223</sup>

“Historical conjuncture” between the utterance of the speech act and the circumstances that surround it; securitising actors' choice of the timing for the utterance of their security rhetoric affects the felicity condition for the recognition of the issue as an existential threat by the audiences. A securitisation of terrorism issue in the aftermath of a tragic act of terrorism and 11 September 2001 is more felicitous than in other periods of time.

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<sup>223</sup> *Ibid.*, p. 182.



The criticality of the moment chosen to deliver the security rhetoric can be emphasised by including it in the rhetoric. The concept of security used in the rhetoric will force its audience to pay attention to their surrounding conditions; the more relevant the conditions invoked in the security rhetoric with the conditions perceived by its audience the more likely the audience accept the justification of its articulation. By including the context in the security rhetoric, the securitising actor selects and emphasised particular aspects of the threat and de-emphasised others; at the same time securitising actors are not independent to choose which aspects to emphasise as they need to heed the social construction of social identity which the resulting security policy targets.

However, this does not mean that securitisation of the issue will not trigger a counter-securitisation move. Existing security discourses are also constituted with collective memories of abusive security policies that led to a tradition to pre-empt securitisations.<sup>224</sup> Security discourses are therefore heterogeneous, comprising of both securitising discourse of state-empowerment on responding to threats and desecuritisation discourse of handling issues through publicly accountable policies. However, both securitisation and desecuritisation discourses create its own 'routine', as Guzzini noted: 'Both securitizing and desecuritizing moves can be part of self-fulfilling prophecies by becoming shared beliefs – and then affecting pre-existing routine action-complexes related to them'.<sup>225</sup> During public/political process a non-securitised issue is 'automatically' discussed as requiring a publicly accountable policy response, securitisation breaks this routine and it is now discussed as security. De-securitisation processes, theoretically take place in an opposite direction. By implication, the notion of 'exceptionality' is not just about legitimising rules-breaking measures. Rather, exceptionality also hinges on the sudden change of 'routine

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<sup>224</sup> Guzzini *loc.cit.*, p. 336.

<sup>225</sup> *Ibid.*

action-complexes' established by one discourse which is over-powered by another as a result of securitisation. The final effect is not a total demise of securitisation or de-securitisation discourses, because both are rooted in a reservoir of security policy discourses.

### *Collective Memory*

The repertoire of security speech acts are also influenced by the need of the securitising actors to connect to their audiences. To induce the audience with a particular interpretation of an event, securitising actors' choice of language not only reflects a high sense of urgency, but also inclusiveness (for example by the use of plural pronouns), and draws from collective memories and general feeling of the public. Therefore, a practice of delivering a security speech act is a political action, because the connection between the securitising actors and their audiences is not given, as in the Copenhagen School's framework, but also nurtured during the securitisation process.

The cultural-historical aspect of influence to the security rhetoric lies in the nation-state history and the settled understanding of the threat. In responding to domestic or home-grown terrorism, Chowdury and Krebs argue that the 'rhetorical path' of the governments is shaped by:

"(1) dominant discourses, whose roots lie in the regime's foundational periods and which limit what rhetorical commonplaces may be deployed and what narratives may be spun; and (2) existing, relatively settled understandings of the insurgent organizations and the populations they represent."<sup>226</sup>

The rhetorical statements of officials about domestic terrorism reflect the intention of the regime in regard to the *politicisation/de-politicisation* and

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<sup>226</sup> A. Chowdury, R. R. Krebs, "Talking About Terror: Counterterrorist Campaigns and the Logic of Representation", *European Journal of International Relations*, 16: 1, 2010, p. 127.

legitimation/de-legitimation of the perpetrators of terrorism.<sup>227</sup> The authors argue that ideally governments' rhetoric in responding to domestic terrorism deligitimise terrorist violence and at the same time politicise the substantive grievances of the communal populace. However, the common result in their findings is that the rhetoric against domestic terrorism problem is constituted by *depoliticisation* of the terrorism perpetrators which recognise them as the members of the polity but attribute their violence to non-political causes. State's political-security rhetoric also consists of the frame of denial of the terrorists' political purpose and representativeness.

The cause of this 'deviation' from the ideal rhetoric is the limit of discursive field to which the rhetorical strategies of the government can access, which is shaped by 'foundational experiences' of the polity.<sup>228</sup> The extent of common understanding of the terrorist organisation which the public share, including its ideological positions and cause, the factions within it and their relationship with the state, determines the government's inclusion of the terrorists' political agenda. Where the public shares little common understanding of such knowledge about the domestic terrorist organisation, there is little incentive for the government to politicise the terrorist's political agenda; rather, the government has a leeway in representing the terrorist entity in depoliticised and delegitimized terms. In contrast, where this knowledge is shared, the government needs to allow (politicise) the inclusion of their agenda in public/political discussions and at the same time depoliticise and delegitimise their violence in order to separate the political from the violent, the moderate and cooperative from the more radicalised ones.

The notion of collective memory of the audiences shows the audience-centered character of the securitisation process. The securitising actors need to

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<sup>227</sup> *Ibid.*, p. 130.

<sup>228</sup> *Ibid.*, p. 135.

infuse their securitising statements with social experiences and expression of public feelings, but at the same time their access to collective memories is limited by the extent of the audiences' knowledge in regard to the issue or particular identities relevant to the issue under securitisation. It is difficult for securitising actors to manipulate or do away with collective memories of the audiences, although they may be modified by a series of events that challenge the moral values towards the violent organisation, for example a series of acts of terrorism that victimise innocent civilians. Other than that, collective memories, as settled public understandings of actors that are pertinent to a particular threat development, for example (in the case of domestic terrorism) terrorist organizations, moderates, and their past relations to the state are a key constraint for the articulation of securitising rhetoric.

### **Public Process and Audience Approval**

In the securitisation framework, the role of the audience is to grant the securitising actors the permission to commit extra-ordinary measures which override rules that are applied in normal politics. Balzacq iterates that audience should be further categorised into enabling and empowering audience. The enabling audience, also called the 'formal audience', have a direct causal relation with the securitisation process and can enable securitising actors adopt measures they deem necessary to alleviate the threat; while the empowering audience, also called the moral-support audience, consist of the larger audience or the masses with which the securitising actors also persuade during securitisation as a public/political process.<sup>229</sup> The securitisation process can be said to be successful when the enabling audience agree with the claims stipulated by the securitising actors.

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<sup>229</sup> Buzan *et. al.*, *op.cit.* p. 34-35.

How does the formal or 'enabling' audience respond to the state's securitising move? As the state needs to access the social experiences pertinent with the issue, the formal audiences also looked at the way the issue is publicly discussed (by the masses or moral-support audience) in formulating their responses. In other words, the way the formal audience responds to securitising actors' securitisation speech acts are also shaped by the preceding public/political processes. The response of the masses will partly define *what kind of securityness* and *what kind of extra-ordinariness* appropriate for the issue. A security issue, for example, may be defined as a threat of communal conflicts requiring the coordinated response of domestic security counter-measures, a threat of territorial integrity requiring the use of the armed forces to bring back political order, or an extra-ordinary crime requiring new legal instruments and counter-measures. The securityness and appropriate extra-ordinary measures in the view of the moral-support audience is likely to be followed by the formal audience. Therefore, the preceding public discussion informs the formal audience which institution and with what sort of measure are allowed to perform a securitised response against the issue based on how the issue is handled during when its status as a public issue.

In the literature of securitisation studies, the audience's response defines not just the security-ness of a given issue, but also its extra-ordinariness. Paul Roe argues that the process of negotiating the security-ness and the extra-ordinariness between the securitising actor and the audiences are two distinct processes of 'stage of identification' and 'stage of mobilisation'.<sup>230</sup> Therefore, the *intersubjective-ness* between the securitising actors and their audiences is defined not just by the negotiation for the security-ness of the issue but also the policy implications that will entail that frame of reference. The importance of Roe's analysis is that the inter-

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<sup>230</sup> Roe, *loc.cit.*, p. 618.

subjective agreement on the status of the issue does not lead to an unconditional public approval to any extra-ordinary measure.

Parallel with the idea that extra-ordinary measure is negotiated between the securitising actors and their audiences on a different stage from the issue's securityness is the idea that securitisation of the issue does not terminate with the approval of its status as a securitised matter. Rather, securitising actors need to re-articulate the security-ness of the issue as it develops and new frames are used to represent it.<sup>231</sup> Furthermore, new measures that have not been included in the preceding securitisation process can also be discussed and negotiated in public afterwards. This 'further securitisation' may include the establishment of new institutions to lead the practice of security on the securitised issue or to include existing ones that are not included in the preceding securitisation process. The public can evaluate and criticise the practices of security after securitisation and consider the impact of new institutions.

However, now that the issue is securitised, there is a smaller room for the public voice to make an impact to the treatment of the issue, because there is little that the public can actually know from the government's treatments on a given issue once it is securitised. Indeed, once the issue is securitised, a particular security actor is institutionalised to run the security policy as defined by the formal mandate resulting from the securitisation process. As the securitisation process moved an issue into the realm of security it designates security and legal apparatuses as the legitimate voice to speak on the issue and thereby influence the construction of meaning. This aspect is a more 'sedimented form of context' which informs the place

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<sup>231</sup> *Ibid.*, p. 626.

of relevant actors within a particular social environment that enable them to influence collective meaning construction.<sup>232</sup>

### **Securitisation of the non-Radical Other**

Security is universally about that which requires utmost priority; but to convince a community about the need to prioritise a particular issue, chosen words of security rhetoric must reflect the community's experiences and needs. Only then the security rhetoric can impact on the enactment of policies, and thereby allocation of sources of power. As the political is defined as a meaning-production activity, and because successful security rhetoric mobilises its audience to do something, an enunciation of security rhetoric is also a practice of producing identities.

Theoretically, to be accepted by the enabling audience, extra-ordinary measures should be accepted as suitable with the *identity of the state* or the *type of state* where securitisation takes place. Successful security rhetoric defines the *identity of the state* in a fashion that suits the employment of a security policy for a given issue. A securitisation process positions the state as particular *type of state* in the historical juncture where it takes place, and this type of state may differ from the period before securitisation. More importantly, this production of identity is *required* for the success of the security rhetoric because it legitimises the need for measures proposed in the security policy. These measures suit the type of state that the security policy establishes. In other circumstances, the securitising government may represent the state as in compliance with other states with a similar identity (a democratic state, for example) which already securitised a given issue.

Post-structuralist scholars in Critical Security Studies have pointed to the importance of identity construction in the presentation of threat.<sup>233</sup> Campbell

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<sup>232</sup> Stritzel, 2007, *loc.cit.*, p. 372.

proposes that the identity of 'Self' (the United States) is constructed, produced, and maintained by the practice and analysis of foreign policy.<sup>234</sup> Identity is constituted in relation to difference; and difference is constituted in relation to identity. Campbell theorised that the constitution of identity is achieved through a performative effort at inscribing boundaries which demarcate the self from the other, the domestic from the foreign and the inside from the outside. This relational connection between identity and difference is important in post-structuralist understanding of security and state sovereignty, because it means that national (in)security project is never final. The absence of movements that challenge a state's representation and identity would render the end of the need for disciplinary authorities, and with it the end of the state.<sup>235</sup>

Similar to Campbell, Jutta Weldes theorised that state officials draw on cultural and linguistic resources available within the "security imaginary" to populate their world with the Self and Others.<sup>236</sup> Security imaginary in Weldes' explanation appears to be discursive resources for determining what is appropriate to be invested with extensive authorities to define national interests and threats to their fulfilment. The 'Others' that are derived from the language-use in the security imaginary, according to Weldes, are either state or non-state actors and 'each of them is *given with an identity*; it is endowed with characteristics that are sometimes precise and certain, at other times vague and unsettled'.<sup>237</sup> The identity of 'Self' and 'Other' make a particular security policy reasonable and warranted. The identities of 'Self' and 'Other' in Weldes' conception appear to be produced unilaterally as the

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<sup>233</sup> C. Peoples, N. Vaughan-Williams, *Critical Security Studies: An Introduction*, Oxon & New York: Routledge, 2015, p. 82-83.

<sup>234</sup> D. Campbell, *Writing Security: United States Foreign Policy and the Politics Of Identity*, Minneapolis: University of Minnesota Press, 1992, p. 8.

<sup>235</sup> *Ibid.*, p. 11.

<sup>236</sup> J. Weldes, *Constructing National Interests: The United States and the Cuban Missile Crisis*, Minneapolis: University of Minnesota Press, 1999, p. 13.

<sup>237</sup> *Ibid.*, emphasis added.



stateSelf gives or ascribes an identity to Others. Although this act of giving identity to the Others may explain how security policies are possible, it does not explain how the identity given is publicly acceptable. In addition, it can be problematic when we think about how identities become stable or change over time.

A legitimate and mobilising security rhetoric, therefore, juxtaposes the signs of 'Self' and 'Other'. However, juxtaposition of a Self and the radical Other is not always found on an empirical level. As has been explained earlier in this chapter, in the conduct of domestic counter-terrorism, low performativity policy is called for to avoid social and political divisiveness, and therefore the construction of the radical Other may not be publicly and entirely accepted. Although the radical Other is not found, it does not mean that identity construction is not stabilised by a distinction between the Self and a varying degree of the Other. To limit the Other as radical forms of identity is to prevent an engagement with important aspects that actually construct security in a given community. As Weldes pointed out earlier, the Other is not always strongly differentiated against the Self.

Constructing a radical other is not the only modality with which the state engages the world. What are the forms of expressions that can be identified as the state's identity construction of the non-radical Other? To answer this question this study *inverts* Rob Walker's conception of state sovereignty in *Inside/Outside: International Relations as Political Theory* where he illuminated the disjunction between international and political theories, in which the absence of ethics in international relations is resulted from spatial and temporal expressions of state sovereignty principle.

Walker argues that sovereignty relies on spatial and temporal distinction between inside and outside, where the inside is associated with safety, security and

amity – while the outside is with lawlessness, insecurity and enmity.<sup>238</sup> Spatial construction of national security demarcated a territorially bounded space in which order and security, instead of anarchy, should be expected; society of this territorially-bounded space endures progress from one point in history to their present time; the state and its citizens carry a responsibility towards one another.

Security rhetoric, as a manifestation of national security discourse, delineates the identity of the Self in a territorially bounded nature. In order to gain a strong legitimacy, the identity of the self is spatially delineated. The security policy proposed by the rhetoric should appear to strengthen the boundaries of the state from unwanted values or intrusions that might harm the citizens or throw them into chaos. When securitisation is conducted against a radical Other, we may find keywords in the security rhetoric that directly articulate the spatial identity that territorially separated from the Self, such as the names of other states or foreign terrorist organisations. Spatial construction of Self and Other may also take place more subtly. For example, some of the academics in Indonesia are keen to relate Jemaah Islamiyah with Indonesian Muslims who travelled to 'Afghanistan' during the 1980's; despite the truth value of the argument, its effect is 'extra-territorialisation' of the terrorists as foreign or 'non-Indonesian'.

Using the same principle of spatial differentiation of sovereignty discourse, one can argue for an inverted logic of the discourse where the inside is in need of a reference to the outside world because of an 'acute danger' that the inside is facing. In an inferior relations between the state Self and the Others, this inverted logic of the spatial discourse of sovereignty may take place. In this respect spatiality can be hinted by abstract political subjects such as the 'international community', or even universal discourse such as 'human rights'. When the abstract political subjects and

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<sup>238</sup> R. B. J. Walker, *Inside/Outside: International Relations As Political Theory*, Cambridge, UK & Victoria, Australia: Cambridge University Press, 1993, p. 62.

universal discourses are mobilised in security rhetoric, they signified a relational contrast with the internal condition which the security policy is targeted. The invocation of 'international community' delineates a demarcation between the universally held values with which the state belongs to, and the Others who belong to other opposing values.

Security discourses also gain legitimacy through articulation of *temporal* identity. Temporally, as Walker argues, state sovereignty draws a line of difference between the possibility for progress, democracy and justice, which can take place within the state, and conflict and warfare, which belonged to the area outside the state. History as a progressive teleology is only possible within state; between states, the possibility is merely of recurrence and repetition.<sup>239</sup>

Again, Walker's temporal principle in sovereignty must adapt in this study as it pursues a differentiation against a non-radical Other. In this respect, the state Self can differentiate temporally against itself in the past;<sup>240</sup> this is particularly pertinent for states that just newly transform into a democracy. For example, securitising actors in Indonesia delivered arguments that as the state had transformed from an authoritarian to a democratic state, security practices of the state were more 'accountable'; the executive ruler was increasingly controlled by the legislative, while the Armed Forces and the security apparatuses had relinquished their political agenda and subjected to civilian-oversight. On the other hand, they also argued, terrorism had become an international concern; the state needed to be in compliance with this concern and therefore produced a policy that reflected it, i.e. counter-terrorism or an anti-terrorism policy. These key-words of 'civilian-oversight', 'legislative control over the executive rule', and 'compliance with international

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<sup>239</sup> *Ibid.*, p. 63

<sup>240</sup> L. Hansen, *Security As Practice: Discourse Analysis and the Bosnian War*, Routledge: New York, 2006, p. 52

concern', as they coincided with the circumstances where an authoritarian ruler has been deposed and public's freedom of speech is rehabilitated, gave birth to the identity of a democratic state. More importantly, the identity of democratic state became a justification point for an adoption of extra-ordinary measures by the security apparatuses.

A particular insight drawn from temporal identity construction for terrorism studies is that temporal identity for the Other might be eliminated or changed. While a temporal identity of the Self is highlighted to construct a suitable identity for the adoption of security policy, the temporal identity of the Other is de-emphasised or neglected by the security discourse. The Other is presented to have no history. In consequence, security rhetoric may present the issue in a de-historicised sense; the issue is presented as having no relevance with the state's political past. In doing so, the features of the issue under securitisation become more limited and controllable and the desired measures can be more acceptable for the audience. Exemplifying this, some of the Indonesian newspaper editorials explicitly sought to mobilise readers not to relate to Indonesia's collective memory of authoritarian past where terrorism is understood as 'a means of eliminating political rival and silencing critical figures as practiced by the rulers of the new order'; instead, 'terrorism is terrorism' (*teror adalah teror*); it is a lethal threat to everyday life of Indonesians.<sup>241</sup>

Finally, both spatial and temporal 'mechanisms' in which the principle of state sovereignty applies itself relies on the possibility of an ethical community inside the state or a community; indeed: 'the disjunction between ethics and international relations reflects the schism between community and anarchy, temporal progress and geopolitical contingency, politics and relations'."<sup>242</sup> An articulation of political space adopts an ethical obligation of the state and reinforces the state vis-à-vis its

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<sup>241</sup> N. Yudho, "The Terror Hunts Us Yet Again", *KOMPAS*, 11 September 2004.

<sup>242</sup> Walker, *op.cit.*, p. 64.

public as it is articulated. A security policy discourse gains more legitimacy as it is presented as the state's moral responsibility to protect its citizens. Security rhetoric might convey a message that granting the state's security apparatuses with more powers to prevent the threat from materialising or defeat the sources of threat supports the state to fulfil its responsibility to protect its citizens.

The security rhetoric of the state often emerges from a dominant construction of Self and Other. There are other constructions of the Self and the Other and policies that are deemed to be appropriate that may support or criticise the constructions chosen by the state. Study of articulations of identity and policy within particular texts, media, or other genres and situate them inside the context of political debate. Reading a larger number of texts, a discourse analyst should seek to identify key representations of identity; they might be geographical identities, historical analogies, and political concepts.

## Conclusion

To understand securitisation pragmatically means to see it as a continuous argumentative practices aimed at convincing the audiences to accept the claim that a specific development is threatening enough to deserve an immediate policy to curb it; the audience's acceptance is based on what they have known previously about the world.<sup>243</sup> A successful securitisation process therefore should be analysed in terms of how securitisation fits into the existing public process in discussing the issue since before it undergoes securitisation.

The influence of public process to securitisation impacts on the securitisation process through a number of aspects. First, it limits the choice of language and frames utilised by securitising actors to formulate their security statements. Social

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<sup>243</sup> F. Vultee, *Securitization as a Media Frame: What Happens When the Media 'Speak Security'*, in T. Balzacq (ed.), 2011, *op. cit.* p. 78.

experiences of the audience related to the issue under securitisation should resonate with the terms adopted in the statements and ideas of securitising actors. Related to this point, security statements cannot always invest a particular group of identity with culpability for the impending danger when this is expected to result in heightening the potential for political conflicts. This is specifically the case in the securitisation of domestic terrorism where projecting the enemy's ethno-religious identity can cause national divisiveness. A troubled history of dealing with the issue in the past can also raise traumatic social experiences, which is also a cause of divisiveness.

Second, public discussion of a given issue determines the political and security circumstances that securitising actors need to include in their security statements in order to raise the sensitivity of the audience to their surrounding context. The importance of this aspect of influence is that to elicit the assent of the audience security or securitising statements have to expect the emergence of counter-securitisation ideas. Highlighting the relevant security and political dynamics are required to marshal the audience approval in the face of public counter-securitising expressions.

Third, public discussion of a given issue also contains collective memory or shared public knowledge in regard to events and actors pertinent to the issue. Specific on the problem of domestic terrorism, publicly shared knowledge regarding the terrorist entity and its history with the state and society determines the politicisation-legitimation aspect of government's rhetoric. As the knowledge on the terrorist organisation's political history is publicly shared, the government's rhetoric needs to be inclusive of the political agenda of the terrorist entity while deligitimising their violent method; as the public shares little knowledge on the

political history of the terrorist entity, the government has more leeway in representing the terrorist entity in depoliticised and delegitimized terms.

The response of the audience also reflects the impact of the public discussion of the issue under the securitisation process as the audience is divided into formal-support/enabling audience and moral-support/public audience. Institutions targeted for approval mobilisation by the securitising actors also need to access public discussion on the issue to respond to government's securitising move. As the securitisation process ends with the approval of a particular solution or measure to the securitised issue, the securitising actors may still articulate the security-ness and the need to undertake further measures. Further discussion of the securitised issue is influenced by the security institution mandated by the securitisation process.

Having articulated the substantial influence of public discourses to the securitisation process, this chapter maintains that identity construction is the way in which security rhetoric becomes publicly convincing. For security rhetoric to find a stable meaning it has to be constructed by public expectations of what the state should be. Security rhetoric, therefore, is also a practice of identity construction of the Self and the Others. However, the Self and the Others are not in absolute contradiction because of the need to maintain low performativity of security policy. Rather, a discursive differentiation between the Self and the non-radical Other, each linked to different signs or terms, facilitate the security rhetoric. In order to clarify this linking-and-differentiation, a methodology of discourse analysis is required to identify articulations of signs or terms that characterise the identities, concepts, and political subjects that are involved in the securitisation process.

## Chapter 4

### Methodology

#### Introduction

The previous analytical framework chapter has explained that public discourse of security limits the language-use in a government's practice of securitisation. It has also argued that the practice of securitisation also constructs the identity of 'Self' and (radical or non-radical) 'Other' in order to establish the legitimacy of the policy-measures proposed under the securitisation process. This chapter focuses on explaining the research methodology. It facilitates the study in illustrating the way in which the public discourse of security structures the language-use of government's securitisation of terrorism issue and the latter's legitimacy construction through identity construction.

The first section focuses on explaining the principles of post-structuralist discourse analysis which is chosen because of the study's ontological and epistemological positions. The second part explains the concept of linking-and-differentiation which is derived from a post-structuralist discourse analytical principle of chain of equivalence' and 'antagonism' of discourses. The third part explains the concept of 'inter-textuality' which is a methodological concept from a tradition of critical discourse analysis. Inter-textuality is an important methodological concept for this study because it allows it to investigate a reference-linkage between a text – such as a security policy text – with another already-existing text – such as an international convention, a constitution, or an academic text. Inter-textuality analysis informs the impact of public texts to policy texts as the latter make references to the former. By doing so, inter-textuality helps make texts more acceptable for the public.



The fourth section focuses on the notion of genre of texts. This section explains that the authority of texts can be derived from its genre; this is the case when particular genres such as legal texts are being referred to. The fifth section begins to specify the research design of this study by outlining the reason for the selection of the case study, followed by the selection of period under study, the texts that are selected to be studied and finally how to read the texts in a way that accomplishes the goal of the study.

### **Utilising the Post-Structuralist Discourse Analysis Methodology**

Ontologically, this study regards that security threats such as acts of terrorism are real events (violent attacks and bombings that endanger and kill people), but they are also discursively mediated. This position has two implications. First, how 'threats' become constituted in the first place is something that cannot exist independently from the state's own construction.

<sup>244</sup> Threats are given meaning through *language use as a social practice*.<sup>245</sup>

The latter means that language-use is not a private property of the user. To make oneself comprehensible, specifically to impact a certain action on the side of one's audience, one needs to access the existing discourse understood by the audience. Secondly, the categories that are employed by the state to articulate threats are dependent on the societal discourse in regard to a given issue at a particular historical juncture. For example, Indonesia's adoption of a discourse of terrorism as 'crime against humanity' or 'extra-ordinary crime' and the particular construction of 'Self' as a democratic and economically viable state in the midst of public concern of international attention were required to respond to terrorism through a securitised

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<sup>244</sup> H. Stritzel, "Security as Translation: Threats, Discourse, and the Politics of Localisation", *Review of International Studies*, 37/5, 2011, p. 2493.

<sup>245</sup> J. Huysmans, "Defining Social Constructivism in Security Studies: The Normative Dilemma of Writing Security", *Alternatives*, 27/Special Issue, 2002, p. 44.

frame. As it investigates the relational aspect of language between social agents, this study is not about the causal impact of the use of language to the production of a particular policy. This study does not account for how public discourse or identity creation becomes more important than material fact of threats in causing the success of securitisation or the production of policy. Rather, the challenge undertaken by this study is to illustrate the discursive belonging of material facts and subjects.

Epistemologically, the study emphasises the role of language in enacting the construction of identity and policy to respond to threats. Identity and policy are dependent on the role of political agency to have an ontological significance. The language use in security rhetoric of the government is both constrained and influenced by the public discourse of security. The analytical framework has also articulated the inter-twined relationship between identity and policy. Identity of 'Self' and 'Other' are constructed through the articulation of policy, at the same time they also give legitimacy to the policy proposed. Both the public and the government conceptualise or construct identity and policy through linking the concepts such as terrorism with signs or terms and differentiate it with another concept such as anti-terrorism which is also connected to particular signs or terms. This relational juxtaposition of concepts and identities stabilises the policies that are required to handle an issue in a securitised manner and regularise a language-use in the discussion of concepts.

Because of its ontological and epistemological positions, the methodology of this study regards discourse and language as not simply instruments of power of their users.<sup>246</sup> As the previous chapter explains, public discourse has a substantial impact on what securitising actors choose to articulate. The post-structuralist tradition of discourse analysis introduces the understanding of language-use as a social practice;

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<sup>246</sup> R. Hulsse, A. Spencer, "The Metaphor of Terror: Terrorism Studies and the Constructivist Turn", *Security Dialogue*, 39/6, 2008, p. 578.

it propounds that the structure of meaning of linguistic signs is constituted by existing public discourse; at the same time, meanings are fixed and challenged through negotiations and conflicts in social contexts. The struggle of fixing the meaning of signs takes place through placing or *articulating* the sign in relation to other signs. It is impossible to fix the meaning of a sign permanently; or rather, permanence of meanings is unnecessary. Discourse analysts' task is to map out the process in which the struggle for the fixation of meaning of signs takes place, and how meanings become naturalised.

A discourse is made up of two parts: a connection between signs or *moments* and the differentiation between these connected signs or moments with another connected-signs, which is the process that fixes their meanings. This understanding can be derived from the following passage from Laclau and Mouffe's *Hegemony and Socialist Strategy*:

"In the context of this discussion, we will call *articulation* any practice establishing a relation among elements such that their identity is modified as a result of the articulatory practice. The structured totality resulting from the articulatory practice, we will call *discourse*. The differential positions, insofar as they appear articulated within a discourse, we will call *moments*. By contrast, we will call *element* any difference that is not discursively articulated."<sup>247</sup>

Moments are terms that are articulated in a discourse but exist in a differentiated position; we can say that moments are minority or challenging discourse, while signs belong to a hegemonic discourse. For example, the discourse of terrorism always employs two sets of sign-connections: while terrorism is connected to some signs such as 'radicalism' and 'threat', anti-terrorism is connected to 'constitutionality' and 'national security'. A relational aspect between discourses is also suggested by Wodak's definition of discourse:

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<sup>247</sup> E. Laclau, C. Mouffe, *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics*, Second Edition, London & New York: Verso, 1985, 2001, p. 105; emphasis in original.

“[Discourse is] a complex bundle of simultaneous and sequential interrelated linguistic acts, which manifest themselves within and across the social fields of action as thematically interrelated semiotic, oral and written tokens.”<sup>248</sup>

Discourses can be both resources and practices: people activate discourses to construct meanings about their world and activities; on the other hand, discourses are the structures for the meanings that people use for their activities.<sup>249</sup> The social practices of actors affected discourse, but they are also embedded in it. Included in this social practice is language-in-use, because “language is a means to instantiate, to realise and to give shape to aspects of the social”.<sup>250</sup>

Because articulation is ‘any practice establishing a relation among elements’, discourses are material as well as linguistic, because differences between signs are expressed not just through language. Thus, physical institutions and physical features are part of the discourse about signs used in societies. What is important is that physical reality is superimposed by the social: as signs in language are relationally defined and therefore acquire their meaning by their difference from one another, social actions derive their meaning from their relationship.

As we can see from the connection and differentiation of signs that made up discourse, a discourse is established through a prioritisation of a particular sign around which other signs are ordered; this privileged sign is called the *nodal point*.<sup>251</sup> For example, the concept of ‘anti-terrorism’ can perform as a nodal point in Indonesian terrorism discourse as it is articulated in connection with ‘national unity’, ‘constitutional obligation of the state’, and ‘law enforcement’. The nodal point constituted a hegemonic discourse, which means there are other discourses that link

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<sup>248</sup> R. Wodak, *The Discourse-Historical Approach*, in R. Wodak, M. Meyer (editors), *Methods of Critical Discourse Analysis*, London: SAGE, 2001, p. 66.

<sup>249</sup> T. Balzacq, *A Theory of Securitization: Origins, Core Assumptions, and Variants*, in T. Balzacq (editor), *Securitization Theory: How Security Problems Emerge and Dissolve*, Oxon & New York: Routledge, 2011, p. 39.

<sup>250</sup> H. Stritzel, “Securitization, Power, Intertextuality: Discourse Theory and the Translations of Organized Crime”, *Security Dialogue*, 43:6, 2012, p. 552.

<sup>251</sup> E. Laclau, C. Mouffe, *op.cit.*, p. 112.

the same privileged sign with other signs unused by the hegemonic discourse (moments). The totality of discourse is therefore never permanent, because of the challenge that it receives from the wider *field of discursivity*. The struggle taking place over meaning of privileged signs can be gradually mapped out; and signs that have a relatively stable meaning can be highlighted as well.

Although the meaning of signs is never fixed permanently, discourses or stable connections between signs do not easily change. The ever-present possibility of change or reproduction of discourse is the analytical drive of discourse theory. Discursive contingency/continuity is the central question on which political process such as securitisation should be investigated. Securitisation, in addition to being a political activity, is articulated within a society based on existing conventions of the meaning of signs building up as public discourse. Possibilities that political processes and actors have to articulate a new discourse is limited by existing structures. Securitising actors must work on the basis of the existing social structures and are most of the times expected to ensure continuity of meanings in the society. Meanings are never completely fixed, but nor are they ever completely fluid and open; introducing a new discourse requires one to work within the existing structure of sign-meanings – a successful discourse may create a new structure, as Laclau and Mouffe asserted:

“[W]e are presented with the conditions of possibility of a closed system: only within it is it possible to fix in such a manner the meaning of every element. When the linguistic model was introduced into the general field of human sciences, it was this effect of systematicity that predominated, so that structuralism became a new form of essentialism: a search for the underlying structures constituting the inherent law of any possible variation.”<sup>252</sup>

For a change in a system of meaning to take place, a social situation in which an extent of public expressions of dissatisfactions aggregate around one particular issue must precede. In discourse theory, the aggregation of public dissatisfactions

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<sup>252</sup> *Ibid.*, p. 113.

under one particular issue or problem as a totality is a process called *chain of equivalence*.<sup>253</sup> All public dissatisfactions such as economic inequality, lack of security, or political corruption are either temporarily marginalised or included within the chain of equivalence creating the most important demand of all – the one that requires prioritisation before everything else. The emergence of a chain of equivalence that links all popular demands under one most populist demand is actually a sign of an institutional/administrative failure of the state to solve public dissatisfactions before they emerge as populist demands. The concept of chain of equivalence explains securitisation process as a creation of a populist discourse; the securitisation process connects a particular issue with other issues – a particular issue becomes a *key signifier* that imbues the floating signifiers with a meaning, producing *hegemony* of a particular identity with its issue/problem over other identities holding different particular issues.<sup>254</sup> How this chain of equivalence is represented is what constructs the identities of ‘Self’ and ‘Other’. The representation of the chain of equivalence, or the security issue, takes place through a:

“totalisation (through signification) of the power which is opposed to the ensemble of those demands constituting the popular will. [F]or the equivalential chain to create a frontier within the social it is necessary somehow to represent the other side of the frontier.”<sup>255</sup>

Identities are discussed in two respects in regard to the creation of chain of equivalence: subject positions and political subjects. “Subject position” is the positioning of subjects within a discursive structure which may take multiple forms by which agents are produced as social actors; for an example an individual may adopt a subject position of a ‘Muslim’, a ‘liberal-nationalist’, and ‘middle-class’ at the same time. The second concept for understanding identity is political subjectivity

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<sup>253</sup> E. Laclau, *Populism: What’s in a Name?*, in *Populism and the Mirror of Democracy*, F. Panizza (editor), New York: Verso, 2005, p. 37.

<sup>254</sup> *Ibid.*, p. 39.

<sup>255</sup> *Ibid.*

which is an identification of individuals with certain political projects. In other words, “subject position” is individuals’ ‘passive identity’ (less visible and dormant positioning of identity within the discursive horizon), while “political subjectivity” is an activation of subject positions manifested in their political behaviour.<sup>256</sup> The subject is not autonomous - it is determined by discourses; and it is not positioned in one way by one discourse but is ascribed different positions by different discourses. A discourse interpellates the subject in a particular position; at the same time, discourses exist in competition with one another which means that a subject is interpellated by different discourses towards different directions.<sup>257</sup> Securitisation process can be seen as a political project that interpellates subject positions or forces them to determine its relations with the project and become political subjects.

Discourse theory suggests that analysts should focus on finding specific articulations that establish relational links between elements or subject positions/political subjects, while excluding links to other elements. Investigating these articulations requires one to find: the discourse or discourses that the specific articulations draw on, or the discourse that they may produce; as well as the existing discourse that they challenge and transform by redefining some of its moments.<sup>258</sup> In addition, discourses and political subjects are established relationally to their opposite chain of equivalence. The material of texts under study should determine the lines of conflict and the extent to which discourses co-exist or antagonise each other.

There is now a need to specify the way in which discourse is created through a chain of equivalence and relates in opposition against another discourse. This is particularly required because, as the previous chapter already made clear, the

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<sup>256</sup> D. Howarth, A. Norval, Y. Stavrakakis, *Discourse Theory and Political Analysis: Identities, Hegemonies, and Social Change*, Manchester: Manchester University Press, 2000, p. 3-13.

<sup>257</sup> Individual subjects are called upon to support certain discourses and refuse others, see M. Jorgensen, L. Phillips, *Discourse Analysis as Theory and Method*, London, California, New Delhi: SAGE, 2002, p.15.

<sup>258</sup> *Ibid.*, p. 29-30.

identity construction in this study's securitisation is not against a radical 'Other'. A constitution of a particular discourse of terrorism requires an opposition of signs connected to another discourse of terrorism. The same process takes place for the discourse of anti-terrorism.

### **Linking-and-Differentiation**

The chain of equivalence and differentiation between signs are the mechanisms of identity and discourse construction needs to be made more systematic. In this respect, Lene Hansen theorises that foreign policy rhetoric links each of the identities of 'Self' and 'Other' with signs or terms, and the differentiates or juxtaposes these linked 'Self' and 'Other'; link-and-differentiation is defined by Hansen as an analysis where

"Meaning and identity are constructed through a series of signs that are linked to each other to constitute relations of sameness as well as through a differentiation to another series of juxtaposed signs."<sup>259</sup>

Linking and differentiation allows one to identify not just a construction of 'Self' and 'Other', but also discursive instabilities where alternative construction to the dominant construction of 'Self' and 'Other' take place. For example, as a particular concept such as terrorism is constructed through its linkage with some terms or signs and juxtaposition with another concept (anti-terrorism) and its terms, other discourses may emerge linking terrorism with other terms. These competing discourses construct terrorism through its linkage with other signs which meant a requirement of different response. For example, the concept of terrorism can be linked to the political grievances of particular groups in the society, instead of 'extraordinary crime' or 'crime against humanity' which requires more than the pursuit of designated criminals.

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<sup>259</sup> L. Hansen, *Security as Practice: Discourse Analysis and the Bosnian War*, Oxon, New York: Routledge, 2006, p. 44.



The link-and-differentiation is a discursive structure, not a structure of the text that delivers the rhetoric. The task of the analyst is to find the explicit articulation of the terms that characterise the identity of 'Self', or the concepts that belong to the 'Self', as well as the 'Other'. Explicit discursive articulations by a particular discourse or text are what the methodology of discourse analysis is looking for. This is a task of a discourse analyst to identify the terms or signs that indicate a construction of the 'Other' and terms that indicate the construction of the 'Self' and how the two are coupled to achieve discursive stability.

Because there is a degree of otherness that the 'Self' may employ, an existential threat from another state or a threatening and dangerous subject is not the only discursive subject that securitising actors may characterise as the 'Other'. The ontological flexibility of the construction of 'Self' and 'Other' facilitates different degrees of *radicalisation* of the 'Other'. This analytical framework allows this study to utilise *identity construction* as a point of reference in determining the legitimacy of security rhetoric. The enunciation of the concept terrorism with terms such as 'disintegration' or 'economic crisis' together with the enunciation of 'anti-terrorism' with terms such as 'national unity', 'financial-market revival' inform the analysis of how security rhetoric becomes legitimate. Certainly, the articulation of these concepts and signs is dependent on the collective memory.

As an example to the juxtaposition of 'Self' and the non-radical 'Other', Indonesian securitizing actors present terrorism problem as *linked* to the concept of 'crime against humanity'. In the aftermath of the 2002 Bali bombings, the terrorism problem was discursively linked to the sign of 'crime against humanity' largely because of the indiscriminate nature of terrorism. On the other hand, the response of the state or the government, specifically in producing the emergency laws to handle terrorism, was linked with 'constitutionality', for example a 'constitutional

obligation of the state' implying that the audience should not concern the laws would violate human rights, and indeed they should be seen as the preventer of human rights violation. The concepts of terrorism and anti-terrorism are linked to different categories to give legitimacy to the latter. Similarly, the discourse of "new terrorism" is created through an explicit linking of the predicate "new" with the concept of terrorism in public language-use of officials, projecting an understanding that only "new" mechanisms are appropriate for responding the "new terrorism".<sup>260</sup> Although the newness of terrorism has been called into question, the impact of the language of "new terrorism" has created real policy impact and consequences.

The less-than-radical 'Other' can also be presented as part of a web of identities. The 'Other' is in this construction not a monolithic 'Other', it is rather composed of two or more subjects. The construction of threat is not directed against the union of both subjects but only one of them, while the relationship with the other subjects are left ambiguous. It is commonly found in the domestic counter-terrorism that the 'terrorist' identity is split between the 'radical violent' and 'radical non-violent'.<sup>261</sup> Indonesian counter-terrorism analysts often split the 'terrorist' identity in even more varieties including 'radical', 'radical violent', and 'radical terrorist violence', indicating a very small group of individuals who are actually targeted as the terrorist.<sup>262</sup> While the relationship between the 'radical violent' and the state is between the radical 'Other' and 'Self', the relationship with other identities are ambiguous.

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<sup>260</sup> A. Spencer, "Sic[k] of The 'New Terrorism' Debate? A Response to Our Critics", *Critical Studies on Terrorism*, 4/3, 2011, p. 460.

<sup>261</sup> See for example J. Bartlett, C. Miller, "The Edge of Violence: Towards Telling the Difference Between Violent and Non-Violent Radicalization", *Terrorism and Political Violence*, 24:1, 2012 p. 1-21; M. Sedgwick, 'The Concept of Radicalization as a Source of Confusion', *Terrorism and Political Violence*, 22: 4, 2010, p. 479-494.

<sup>262</sup> See for example P. Chalk, A. Rabasa, W. Rosenau, L. Piggot, *The Evolving Terrorist Threat to Southeast Asia*, Santa Monica: RAND, 2009, p. 100; Z. Abuza, *Political Islam and Violence in Indonesia*, New York: Routledge, 2007, p. 75.

## Media Frames

Frames become important as the securitisation process is about persuading an audience to follow a particular interpretation of events. Social actors employ frames to locate the occurrences in their life-space, but they cannot do so independently; rather, it takes place “through the resort to cultural reservoirs of meaning.”<sup>263</sup> Frames employed by the social actors will gain *traction* with the larger audience and thereby form new discourses that either contradict or co-exist with existing ones. There are two conditions for frames to make such an impact. First they need to be *echoed, repeated, or strengthened* by the frames of other social actors. Secondly, they need to engage with the existing assumptions, actors and identities within the existing social structures.

The acceptance and repetition of frames are based on what the audience have known previously about the world.<sup>264</sup> Ideas and facts articulated by political actors and opinion makers are picked up by the media and then amplified or toned down, in order to channel the ways in which issues are thought about. Studying the role of media in securitisation becomes important when events are understood through interpretation of news media, and the government is *not always* present in designating the threat. The interaction between the public, the media, and the government projects securitisation as an impact that can be seen in the news media as the *line of conflict* that emerges between ‘believers’ and ‘non-believers’ of securitisation.

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<sup>263</sup> D. Pisoiu, "Pragmatic Persuasion in Counterterrorism", *Critical Studies On Terrorism*, 5:3, 2012, p. 299.

<sup>264</sup> F. Vultee, *Securitisation as a Media Frame: What Happens When the Media 'speak security'*, in *Securitization Theory: How Security Issues Emerge and Dissolve*, T. Balzacq (editor), Oxon: Routledge, 2011, p. 78

A sociological conception of frame stipulates that it is an element of media discourse that provides a “central organising idea...for making sense of events”.<sup>265</sup> This definition implies that news media delivers more than just data or information, but also ‘signals’ for its readers which inform how they should think about this data or information; these signals are also informed by the readers themselves through their interaction with the news media, for example through letters to the editor or opinion articles. Through a ‘social framing’, news media prioritises the data in the coverage of an event to represent it as one kind of problem or another. People constantly apply strategies to minimise complexity and maximise accuracy. While news consumers expect news media to provide reliable information, they also expect them to help to get through a complexity of arguments and comparisons. Therefore, media framing performs not just as a data organising instrument for news provider, but also a ‘heuristic cue’ that guides and channels the readers’ attention to particular texts and contexts, and not so much attention on others.<sup>266</sup> Securitisation can perform like this heuristic cue, although not all news media choose to do so, even when they are covering terrorism.

Entman defines framing as something that “refers to a process of selecting and highlighting some facets of events or issues, and making connections among them so as to promote a particular interpretation, evaluation, and/or solution.”<sup>267</sup> He argues that frames help make clear what kind of problem a problem is, what sort of policy instruments are used for coping with it, and which of the actors should be targeted or supported. On the other hand, frames compete and interact with other frames and long-held ideas in a society; and framing effects are contingent on the sources’ credibility as well as the audience’s predisposition.

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<sup>265</sup> F. Vultee, *Securitization as a Media Frame: What Happens When the Media ‘Speak Security’*, in T. Balzacq (ed.), 2011, *op. cit.* p. 79.

<sup>266</sup> *Ibid.*, p. 80

<sup>267</sup> R.M. Entman, *Projections of Power: Framing News, Public Opinion and U.S. Foreign Policy*, Chicago: The University of Chicago Press, 2004, p. 5.

Entman does not explain explicitly where frames come from. He does, however, explain that frames that employ more “culturally resonant terms” have the greatest potential for influence.<sup>268</sup> Therefore, frames employed by the media are constituted by journalists/editors continued interaction with their sources whose schemas (interpretive processes in their minds) are reflected in the words and images they invoke in their assertions about certain events. Certain images or words bring to mind conscious memories of events that activate negative or positive feelings to the audience.<sup>269</sup> A frame, therefore, is a package containing at least two channels: one channel carries data and another carries a set of signals that put the data in context and informs the news consumers how they should feel about the data. Frame can therefore be understood as similar to the definition of discourse in critical discourse studies as a “bundle of simultaneous interrelated linguistic acts which manifest themselves as thematically interrelated semiotic, oral and written tokens.”<sup>270</sup> Discourse, like frames, coordinate or organise “discursive and non-discursive social and political practices and actions.”<sup>271</sup>

How do we constitute frames in our studies? Entman proposes three focuses that news frames inform: events, issues and actor.<sup>272</sup> The framing function or ‘object of discourse’ for each of these focuses depends on the analytical focus of the study. A study on securitisation against the issue of terrorism provides a problem definition, identification of cause/agent, solution and moral evaluations.

The event frame focuses on what kind of problem a certain event presents, what causes the event and what is the most appropriate response to the problem. The issue frame focuses on what needs to be done towards who/what causes the

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<sup>268</sup> *Ibid*, p. 6.

<sup>269</sup> This is called “spreading activation”. *Ibid*, p. 7.

<sup>270</sup> R. Wodak, M. Meyer, *Methods of Critical Discourse Analysis: Rhetorics of Racism and Antisemitism*, London: Routledge, 2001, p. 66.

<sup>271</sup> G. Weiss, R. Wodak, *Critical Discourse Analysis: Theory and Interdisciplinarity*, Basingstoke: Palgrave Macmillan, 2003, p. 22.

<sup>272</sup> Entman, *op.cit.*, 2004: 22-24

event, what resources are needed and how it is justified. Actor frame specifies the cause of the event, explains what may cause it and the proper solution against it. On every focus of framing, news texts may also offer a moral designation, an evaluation of morality behind particular actors.

### **Inter-textualising Anti-Terrorism Policy**

Empirical analysis of how links are made between security policy texts and other texts written in different genres, or inter-textuality analysis, is required to understand the way in which a security policy builds authority and speak about particular issues. Inter-textuality is a concept borrowed from a tradition of Critical Discourse Analysis and is pertinent for this study because it situates securitisation process as being influenced by collective memory, historical conjuncture, and preceding public discussion. The lack of methodological guidance in post-structuralist discourse analysis means an adoption of method from another branch of discourse analysis.

Inter-textuality emerges from the assumption that discourses are created, supported, contested through the production, dissemination of texts.<sup>273</sup> Inter-textuality goes beyond the use of keywords or concepts in already-existing texts explicitly. There are a number of theoretical principles of inter-textuality. First, a reference to a pre-existing text does not emulate its idea in totality because this reference is made in the textual context of the new text. The ideas or meanings articulated in older texts do not transmit smoothly and totally into a new text. A text incorporates as well as 're-reads' past texts; a text conveys its *own message* by borrowing ideas and reformulating previous texts; inter-textuality is therefore not a

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<sup>273</sup> J.E. Richardson, *Analysing Newspapers: An Approach From Critical Discourse Analysis*, Hampshire & New York: Palgrave, 2007, p. 24.

simple and linear process.<sup>274</sup> Moreover, ideas or concepts that are not articulated explicitly or intended to be present in a text by its author can be captured by its readers who would probably develop it in their texts, because “often what is said is not what is meant, and what is meant is not what is said.”<sup>275</sup> This is propounded by John Gee:

“Producers and receivers may know and use only some of these potential situated meanings. They may not activate them or only partially activate them. But such meanings are always potentially open to being activated or more fully activated. They are like a virus that may remain inactive for a long while, but that is always there and potentially able to infect people, situations, social practices, and Discourses with new situated meanings.”<sup>276</sup>

Secondly, inter-textuality can take place explicitly, through quotes and references, and implicitly, through secondary references, conceptual and catchphrases. Certainly, inter-textuality can be identified when a text explicitly refers to a past text. One can empirically identify inter-textuality through a *secondary reference* where an author writes that a particular text under study draw references from a previous text; and *conceptual reference* or catchphrases where a text uses a concept that is discussed in larger body of pre-existing texts. In regard to conceptual reference, terms that are used in texts written in the past and used at present include concepts as well as *political subjects* which are actors that have been connected to political meanings because of certain events. Conceptual inter-textuality is not always explicit, but the presence of the concept suggests an *implicit reference* to earlier texts on the same subject.

Thirdly, by referring to a previously existing text, a text can gain a degree of authority. A constitution, for example, can be referred to in a text in order to generate an authority upon its audience as its content proposes an idea mandated by

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<sup>274</sup> *Ibid.*, p. 100.

<sup>275</sup> J. Der Derian, “Anti-Diplomacy, Intelligence Theory, and Surveillance Practice”, *Intelligence and National Security*, 8/3, 1993, p. 37.

<sup>276</sup> J.P. Gee, *An Introduction to Discourse Analysis*, London & New York: Routledge, 1999, p. 55.

the founding fathers of the nation. Formal policy texts might also refer to an academic text in order to provide an authority to a concept pertinent to the policy. Referring to historical concepts can be seen as an exercise of power over a society in which such concepts are held dear throughout its history.<sup>277</sup> In the securitisation process, referring to legal and/or academic texts a security discourse is a way for securitising actors to legitimise the extra-ordinary measure that they propose. Legal texts define the organisational or procedural elements that a nation uphold; academic texts provide scholarly tested ideas concerning the feasibility of these procedures, as well as the relevance of fundamental ideas (identity, history, culture) and values (humanitarianism, social and economic standards) of a given society.<sup>278</sup>

The security rhetoric and the response of an audience to it are discourses that seek to stabilise or destabilise the securitised status of an issue. The material texts in this study are included so as to allow it to identify *basic discourses* adopted by the government and oppositions. There are two categories of discourses in this study: discourses produced by official policy and those that are produced by major actors, mostly the mainstream print journalism, which also influence the security rhetoric of the government and politicians outside of the executive branch. Each discourse is made up of a corpus of texts or enunciations. Inter-textuality takes place between texts in a single discourse or outside of it.

What are the discourses that can be included in an inter-textuality analysis? The first category of inter-textuality study focuses on *official security discourse* which is where the state action is legitimised. In this first category, the goal is to investigate the way in which the *construction of identity and policy* is stabilised by inter-

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<sup>277</sup> P. Graham, *Critical Discourse Analysis and Evaluative Meaning: Interdisciplinarity as a Critical Turn*, in G. Weiss, R. Wodak (eds.), *Critical Discourse Analysis: Theory and Interdisciplinarity*, Hampshire & New York: Palgrave, 2003, p. 126.

<sup>278</sup> R. Wodak, G. Weiss, *Analyzing European Union Discourses: Theories and Applications*, in R. Wodak, P. Chilton (eds.), *A New Agenda in (Critical) Discourse Analysis*, Amsterdam & Philadelphia: John Benjamins, 2005, p. 130-131.



textuality and thereby generates authority for its articulation. The focus of this first category is texts and statements made by political leaders with an official authority to sanction security policy as well as the executors of this policy. These political leaders reside in the executive branch of the government, while the policy executors reside in the police force, the Armed Forces, or the intelligence community. In this model, inter-textuality is to be found in speeches or statements of the state officials, or articles and books written by them. Intertextual references can be made by the officials themselves or pointed out by other authors; and the texts that the official security texts refer to may be written either in support of a proposed policy or competing discourses.

In the second category are texts produced by the audience of the official security discourse. Included here are texts produced by political oppositional parties as well as the media. The goal of this second category of inter-textuality study is to investigate the challenges and supports that the official security discourse endures from the public discourse represented by the media or political competitors. The stability of the official security discourse can be seen in this avenue of inter-textuality. The integrity of the construction of identity of the state that official security discourse attempts to establish and the security policy that it entails are responded by alternative identities and policies. Alternative identity construction emerges as the concept and political subjects are linked to different signs, and thereby producing an alternative policy. For example, the Indonesian government linked the concept of 'terrorism' to a sign of 'crime against humanity'; and linked the 'emergency law' or 'anti-terrorism law' to notions of 'constitutionality' and 'legality' or 'legal legitimacy'. Taken together, in opposition to terrorism's identity as a human rights violator, the state's action remains democratically legitimate and defines the identity of the state in opposition to its authoritarian past. Public discourses emerge

as they relate 'terrorism' to 'public insecurity' or 'ordinary citizens' insecurity', and by implication suggest that an appropriate response is a more coordinative action between the security institutions that do not require an emergency law. As these alternative discourses emerge, we can also assess whether official discourses incorporate or respond to critical reports.

Media texts provide one genre in which alternative discourses may appear. There are various categories of media texts including editorials, field report, opinions, and news analysis on public debate. One can also investigate what critical positions or ideas are published by the media, whether there are prominent academics whose opinions were repeatedly quoted and discussed, and whether influential non-governmental organisation's voices are juxtaposed with security officials. One can also assess how the government utilises the media to put forward its official discourse and responses to alternative discourses. Another important genre of texts in this type of inter-textuality is parliamentary hearings where oppositional political discourses are voiced. One can assess the extent of unity between executive officials who present the official security discourse and the impact that discourses from oppositional political parties make upon the official security discourse.

The third category of intertextual study focuses on popular culture discourse constituted by texts that do not explicitly engage official security discourse and those that engage the security policy discourse with a marginalised alternative discourse. Representations of security policy issues are articulated within works of popular culture such as films, fiction, television, computer games, and comic books. Investigations of security texts in this genre can compare representations of threat and the state's policy to respond it. In this category of intertextual analysis, one can assess whether the production of popular culture aligns with or opposes the official security discourse. The room for public effort to produce a product of popular culture

which engages with a securitised issue can be highly limited by the existing bureaucracy produced by securitisation. Take for example an Indonesian not-for-profit organisation Lazuardi Birru which published a comic book on the life of a convicted terrorist Ali Imron 8 years after the 2002 Bali bombings; the head of the organisation articulated that the purpose of publishing the comic was to “raise awareness among young pupils against the danger of radicalism”, a message that aligns perfectly with government’s rhetoric.<sup>279</sup> Discourse analysis aims not just to understand official security discourse and the influence which it draws from other texts, but also how it is presented as legitimate in relation to the larger public discourse and how the latter reproduces and provides alternatives to it.

### **How Authority is Constructed in Texts**

The authority of texts is established consciously by their authors. Authors intertextually refer to past texts and write their knowledge in a particular genre, a particular rationale that guides the schematic structure of discourse within it and determines their choice of content and style. A chosen genre guides an author to follow certain expected traits and conventions in constructing knowledge in a text. For example, knowledge should be constructed with logical structure and verifiable evidence in academic texts; journalism texts also require verifiable facts combined with some elements of structure that leads to the readers’ interest; political campaigns raise an awareness towards a particular issue and brand the authors (political leaders) with some label socially responsible person. Therefore, the genre of articulations of identity and policy in texts also establish their authority. Discourses are defined by these articulations; and the debates between *basic discourses* structure the political positions of different agents (producers of texts).

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<sup>279</sup> “Bali Bomber Ali Imron Becomes Comic Book Character”, 6 August 2010, <http://www.bbc.co.uk/news/world-asia-pacific-10893889>, accessed on 31 January 2012.

All genres differ from each other in providing the authors or enunciators' with *modality of authority*, a particular method of choosing the source of reference and construct knowledge in text. Modality of authority appears in facts-finding and the invocation of verifiable facts and expression of public perceptions for journalists; fact-finding, consistency of arguments and tested findings for academics; reference to legal-moral texts, history, culture and construction of responsibility and power for politicians. The construction of these components builds up knowledge and thereby the authority of a text.

Authorities are not constituted through knowledge alone. The social and political roles of authors also infuse a particular authority. Politicians' authority is also constituted by their ability to take responsibility and deploy power. Governing political leaders can define security policy through their institutional power; and they discursively mobilise their ability to deploy power as they encounter enemies and allies. Politicians' texts are constructed to reflect and support their leadership, determination, and their mandate to provide security of the nation-state. Journalists and academics' texts reflect their construct authority by reflecting their roles in the provision of knowledge. The modality of authority over security issues for journalists and academics is also constituted by their roles to provide information and knowledge that are independent from political/financial power.

### **Research Design**

The following section clarifies the selection of case studies, the period under study, what texts are studied and how to study them. Combining the principles of post-structuralist discourse analysis and the inter-textuality of critical discourse analysis, this aims to gradually map out the construction of terrorism discourse and clarify the inter-textuality between policy text and other texts in public.

### *Selection of Case Study*

This study chooses to have a single 'Self'-identity in its examination of securitisation process, because it prioritises on how the 'Self' engages with different articulation of Selves within it. Specifically, the Indonesian state, including its government and political actors, constructed different identities of the Indonesian state as they securitise and counter-securitise the terrorism issue. There is no clearly identifiable 'Other' in the Indonesian discourse of terrorism, although counter-discourses appear in relation to the formal policy discourse. The identity of the terrorist, its organisation and particular traits and values were never explicitly articulated by the state. In other words, the terrorist's identity is not a radical 'Other' in the Indonesian discourse of terrorism, and yet the securitisation process successfully legislated an emergency law on anti-terrorism. This does not mean that the articulation of threat is completely absent. Rather, the concept of terrorism is linked to the signs or terms which differ from one discourse of terrorism to another across the period of time under study.

The choice of the Indonesian state as a subject of securitisation process is based on its 'political pregnancy' with terrorism discourses during its securitisation process between the 2002 Bali bombings and the 2003 promulgation of the anti-terrorism laws. Different and opposing discourses appear in a consistent manner in regard to terrorism between this period and beyond. Indonesia during this period is a typical case of securitisation where the process takes place shortly after a violent transformation; basic discourses that oppose the securitisation link themselves intertextually with political subjects and concepts in Indonesia's authoritarian past, which dictate the government's choice of language as it securitises terrorism. In addition to national discourses, it is difficult to argue whether Western discourse of terrorism, specifically American and Australian discourses, impact on the success of

securitisation, although it is arguable that the construction of terrorism discourse in mainstream media intertextually, sometimes explicitly, linked to Western academic and legal discourses of terrorism.

#### *Selection of Period and Events under Study*

The selection of period under study is based on the changes of political structure and institution in Indonesian history. Specific attention is paid to a period between 1998 and 2010 where two periods can be identified by the power relations between elites: the period of political-security crisis immediately following the resignation of Suharto from the presidency (1998-2002) and the period of political-security stability (2003-2010). The first period of 1998-2002 was marked by legal-constitutional processes that reset the positions of the Armed Forces, the Police force, and the intelligence community; the rebalancing of power between the legislative and the executive bodies; communal conflicts in some cities which marked the lowest depth of re-structuring security and political institutions. The legislation of the anti-terrorism laws in 2003 marked a more stable relation between political and security authorities, where some of the fundamental laws required for the management of national security affairs were already promulgated. On the other hand, the Indonesian House of Commons had begun to establish itself as a formal-critical law-making institution. What followed this change of security-political structure was a change of security and terrorism discourses. Terrorism discourse changed from 'terrorism as security-political instability' requiring avoidance of provocative measures into terrorism as an extra-ordinary crime requiring specialised counter-measure. In addition to this chosen period of study, the historical development of political subjects and the concept of terrorism discussed during the period under study are also required. This historical period goes back to the time

surrounding the Indonesian independence declaration in 1945. The focus of the research to the period following the fall of Suharto is therefore informed by how concepts and political subjects were generated by their interaction with the government.

The choice of this period of study generates knowledge in terms of the discursive changes in the public discourse of terrorism and security which shaped the rhetoric of security and anti-terrorism that the government produced. A comparison of terrorism discourses with a longer period between 1945 through to 2010 is also arguably interesting choice, but the need to discuss the success of securitisation of terrorism in 2003 means that the focus should be on the years following the transition period, because it is on this period that the change of public and political discourse on terrorism from 1998 to 2003 took place and gave way to the securitisation of the issue on 2003. Previously important discourse of 'terrorism as security-political instability', prominent in 1999 and 2000, subsided in the wake of the 2002 Bali bombings. This change of discourse gave a 'fitting place' for the official terrorism discourse of terrorism as extra-ordinary crime, leading to its approval as a law in March 2003. What is explored by this study during this period is the identity-construction attempted by the security rhetoric of the government to securitise terrorism.

Turning to the decision of events to be studied, the events that are located within the chosen period under study picked for their accumulation of expressions of identity construction and policies. The events are acts of terrorism occurring in two periods of Indonesia's post-authoritarian political history: pre-Anti-Terrorism Law or pre-securitisation (1998-2002) and post-Anti-Terrorism Law or post-securitisation (2003-2010). The choosing of these events is based on the need to examine a transformation and repetition of discourse of terrorism.

### *What Texts to Select*

To answer the question of how security rhetoric becomes successful in securitising an issue without a presentation of an existential threat, this study analyses how official security discourse is presented as legitimate in relation to the larger public discourse. Public discourses limit the security rhetoric of the political leaders, but political leaders also make references to public discourses to establish authority of their policy discourse. Therefore, the links of inter-textuality in this study takes place between the first and second categories of discourse, which is official security discourse and public security discourse.

The intertextual analysis on the two categories of discourse provides a structured view of different locations of political debate, different type of actors and genres. From here, one can assess the type of links of inter-textuality (reference to other official texts, media text, or popular culture) articulated in official security discourse and the extent to which links to critical and oppositional discourses are made. This is to determine the degree of attention of official security discourse to counter critical discourses.

The majority of this study focuses on parliamentary hearings, media texts, policy texts and academic analysis. Indonesia in the period under analysis provided a unique case study of securitisation in the middle of transition to democracy. The seriousness of the problem under securitisation and the urgency to adopt a new policy must be undertaken against public demands to strengthen democracy.

The materials for discourse analysis in this study are chosen in accordance with two considerations. First, the majority of texts are taken from the time under study. In addition, there are materials that are taken from the period before the time under study because they help to trace the genealogy of the concepts and political subjects discussed in public and official discourses. The second consideration is texts



that are frequently quoted in public and official debate on terrorism issue; they are nodes in these debates.

The primary texts in this study include presidential and ministerial statements and speeches, parliamentary hearings, laws and draft laws, news reportage and editorials. Discussions of primary texts and broader presentations of terrorism, or secondary sources, are conceptual histories and works on the history, processes, events and debates constituting the security issue that is under the securitisation process.

Knowledge of the language and signs used within it is of importance in this study. The primary texts in this study were not aimed at an international, or English-speaking, audience. The media texts, the laws and draft laws, and the parliamentary hearings are all written in the national language. Key *political vocabularies* pertinent for the context of Indonesia might not be present or under-prioritised in texts written for English-speaking readers. The political vocabulary and its conceptual history are important to identify a contextualised constitution of meaning.

The identification of key texts for the materials situated at the time of study is made from reading policy speeches, media coverage, opinion articles, and academic analysis. The media texts were not acquired from using digital search engines prominently used by academics. Because of their nature as national media, written for national/domestic readership, the search for these media texts was conducted by two ways: digital search engine provided by the media's website and primary texts acquired from the media's office.

Texts are selected based on three criteria. First, they presented an articulation of concept (terrorism), political subjects (organisations, individuals) and policy response. An articulation of identity (of concepts and political subjects) and policy makes it possible for the analysis of securitisation and identity construction. In

order to co-influence the limits of terrorism discourse, texts should be discussing aspects terrorism or responses to terrorism.

Secondly, they are widely read and attended to. As texts are widely read, they have a role in defining dominant discourses. News media articles represent the widely-read sources capable of co-influencing terrorism discourse. They perform as independent agents of knowledge that wield an authority based on their knowledge as information gatherers and processors, but at the same time they are also vessels for other non-formal agents of knowledge to gain recognition as an authority figure in the shaping of terrorism discourse.<sup>280</sup>

Thirdly, texts are selected because they are produced by formal authorities. Policy texts, laws, enunciations of the security officials, academics from the state's science academic and the legislatures written in the transcripts of parliamentary hearings bear the voices of formal authority. They have an authority to define a political position in a society as well as mobilise the formal audience towards enacting policy-responses.

It is difficult to find texts that meet all three criteria. A formal text such as a presidential speech projects policies to be undertaken to respond to terrorism; it has vague but traceable identity construction and is widely attended to by public and formal audiences. Parliamentary hearings, as in the case of the discussion of the anti-terrorism laws in Indonesian parliament, articulate identity construction and policies, and the speakers are either elected parliamentarian or executors of policies, yet they are not read by the public in general. Laws and draft laws, as well as resolutions and statements are widely attended to and articulate policies clearly, but are very vague, even absent, in terms of identity construction. Presidential statements and prominent politicians are expected clarify the meaning and importance of the laws

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<sup>280</sup> H. Stritzel, 2012, *op.cit.*, p. 550

and draft laws, but the fact is that formal and institutional texts are unlikely to reveal constructions of identities.

Media texts are differentiated between two dominant types: field reporting and editorials. The latter constitutes *authoritative political voice* and may have explicit articulation of policy proposals and identity construction. Field reporting has no such articulations except when sources are quoted to have articulated them. In addition, there is also opinion articles written by a host of writers, mostly academics but also politicians sometimes, which articulate identity construction more explicitly. However, they have less formal authority than either the editorials or field reporting.

Adopting a post-structuralist methodology of discourse analysis means quantitative consideration is not the basis of how much of the text materials should be read. Statistical significance is not chosen to measure how one words-association is more important than others. What is more important is the root and meaning of words or terms associated with terrorism. In order to make claim of having identified the dominant discourses, the selection of texts is based on the *readership of the text* which is published during periods of higher levels of political and media activity. Selecting texts around periods of intensive political/media activities makes it more manageable. On the other hand, this basis of selection provides structure for analysis of change and repetition of discourses in the face of public debates, ongoing on-the-ground developments and findings of facts.

### ***Texts of Parliamentary Hearings***

Documents of parliamentary hearings were acquired personally from the Secretariat Office of the Indonesian House of Commons in Central Jakarta. Parliamentary hearings are included to clarify the positions of the source-persons as

they represent the society according to their professions and the political parties in the parliament.

There were a total of ten meetings between the *Special Committee on four Bills on Terrorism Crime Eradication* of the House of Commons (henceforth the Special Committee) and the source persons or speakers whom they invited to evaluate the anti-terrorism bill. These source persons include executive, security and judicial officials, academics, religious leaders, and human rights advocates. Source-persons were invited to present their views and analysis concerning the anti-terrorism bill in front of members of the Special Committee; these were then followed by several rounds of question-and-answer sessions between the members of the Special Committee and the source-persons. The purpose of inviting these source-persons was to hear their evaluation and feedbacks in regard to the articles of By-Law 1/2002 and 2/2002 and whether or not they agreed with stipulating them into national laws or statutes; members of the Special Committee then express their agreement or disagreement or ask questions.

For the purpose of this chapter, only five meetings between the Special Committee and the source of persons will be discussed, including: meeting with scholars/diplomat (10 February 2003); meeting with the former Head of State Intelligence Coordinating Body (BAKIN) (13 February 2003); meeting with the Head of Indonesian Police and Deputy Attorney General (17 February 2003); meeting with the National Human Rights commissioner and human rights activist Munir (20 February 2003); meeting with the Commander of the Armed Forces, Senior Deputy Governor of Bank of Indonesia and Deputy Head of State Intelligence Body (BIN) (21 February 2003).

### ***Laws and Draft Laws***

The central discussion in this study is By-Law 1/2002 because of its richness in articulation of identity and policy. As the government securitised the issue of terrorism By-Law 1/2002 and 2/2002 were proposed to the House of Parliament as both bills or draft-laws for Terrorism Crime Eradication Laws as well as a by-law to be adopted or stipulated as a law (Law 15 & 16/2003). A formal written speech by the Minister of Law and Human Rights Yusril Mahendra was studied closely as this speech was meant to explain the need for Terrorism Crime Eradication Laws to the House of Parliament. Other laws that entail the promulgation of Terrorism Crime Eradication Laws were studied not as closely as the text of By-Law 1/2002 because the limit of their policy articulation, these laws include: Presidential Decree 52/2010 on Organisational Structure and Governance of the Police Force; Law 17/2011 on Intelligence; Law 7/2012 on Social Conflict Handling. Laws and draft laws used in this study are searchable online from [www.hukumonline.com](http://www.hukumonline.com) or the relevant ministries which produced the draft laws.

### ***Media Texts***

Media texts form the next corpus of texts that constitute the evidence under study. The role of the news media assisted as well as challenged government's securitisation of the terrorism issue. Political actors supported and debated each other's position through the news media. Therefore, Presidential and ministerial statements are mostly found in media texts. Issues that are left under-discussed or marginalised as they are absent from the articulation of any political actor can also be found by tracing opinion articles published by the media. Depending on the

media's "central organising idea for making sense of events",<sup>281</sup> which tends to be consistently maintained by each of the mainstream news outlets, their editorials are often the site of securitisation and de-securitisation of terrorism.

For the reason of its richness in articulation of policies and identity constructions, media texts are extensively analysed in this study. In addition, extensive use of media texts allows one to know the exact limits or boundaries of the field of discursivity,<sup>282</sup> the limits of what is possible and what is not possible to be articulated because the news media always look for the "culturally resonant terms" to highlight some facets of events, a particular interpretation, evaluation, and solution.<sup>283</sup> The news media can perform as information provider as well as a provider of interpretations of social construction of ideas and images. At the same time, the media function within some form of governmental, societal, and economic functions; and in Southeast Asia, journalists are encouraged to support their government's efforts to develop the nation and instil a sense of national identity in their coverage.<sup>284</sup>

A selection of three print news media is based on readership, ownership and variety of terrorism discourse. Because of the need to satisfy all aspects, this study does not choose news media solely based on their number of circulation, but also the variety of terrorism discourse that it represents. All of the news media selected, however, circulated nation-wide and were widely attended to by policy makers and public alike. Two newspapers and one magazine are selected: KOMPAS, REPUBLIKA, and TEMPO. The three news media belonged to different media group ownership:

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<sup>281</sup> This is a definition of media framing, see F. Vultee, *Securitisation as a Media Frame: What Happens When the Media 'Speak Security'*, in T. Balzacq (ed.), *Securitisation Theory: How Security Issues Emerge and Dissolve*, Oxon: Routledge, 2011, p. 79.

<sup>282</sup> S. De Nelson, "Understanding the Press Imaging of 'Terrorist': A Pragmatic Visit to the Frankfurt School", *International Communication Gazette*, 70/5, 2008, p. 325.

<sup>283</sup> R.M. Entman, *Projections of Power: Framing News, Public Opinions and U.S. Foreign Policy*, Chicago: The University of Chicago Press, 2005, p. 5-6.

<sup>284</sup> S. De Nelson, "Southeast Asian Press Coverage of Terrorism and the Bali Bombing", *The Copenhagen Journal of Asian Studies*, 20, 2004, p. 47.

Kompas Gramedia Group (for KOMPAS newspaper), Mahaka Media (for REPUBLIKA newspaper) and Tempo Inti Media (for TEMPO magazine).<sup>285</sup> Each of the media groups has more than one news outlet.

The first one is KOMPAS newspaper, which has the largest readership in Indonesia, approximately 1.2 million readers, and prints out approximately 500,000 copies per day.<sup>286</sup> KOMPAS represented a 'developmentalist' voice of Indonesian public that aspired to empower the state institutions in the face of challenges against it, terrorism included.<sup>287</sup> The second newspaper REPUBLIKA has much less readership compared to KOMPAS with a circulation of 106,000 copies per day; it represented a different discourse of terrorism as it sought to represent the Indonesian Muslims' political interest by connecting terrorism with conspiratorial notions of schemes to discredit Indonesian Islam. The last one was a magazine called TEMPO which printed 180,000 copies every week but had a readership much larger than this number, around 600,000 due to its multiple forms of publication including digital-form magazines. TEMPO consistently propounds a view of response to terrorism that avoids emergency and supports a more diligent effort at criminal prevention and investigation. The circulation numbers of these newspapers hide the real number of readership which may be much higher as all these news media have gone online and allowed their readers to subscribe or purchased digital versions of their copies.<sup>288</sup>

There are different ways to acquire old copies of these news media. KOMPAS newspaper and TEMPO magazine have online archives and search engines. A prepaid account is needed to access KOMPAS' archives and download its articles; customers

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<sup>285</sup> Y. Nugroho, et. al., *Mapping the Landscape of the Media Industry in Contemporary Indonesia: Assessing Media Policy and Governance in Indonesia Through the Lens of Citizens' Rights*, Jakarta: CIPG and HIVOS, 2012, p. 4.

<sup>286</sup> Indonesia: Media and Telecoms Landscape Guide, <http://www.cdacnetwork.org/contentAsset/raw-data/0df69be9-1727-43af-8e97-c3e72bb9596f/attachedFile>, p. 24, accessed on 1 February 2012.

<sup>287</sup> E. Gazali, *Communication of Politics and Politics of Communication Indonesia*, Doctoral Thesis, Radbound University Nijmegen, 2004, p. 28-29.

<sup>288</sup> Y. Nugroho, et. al., *op.cit.*, p. 18.

pay the amount of bytes of data spent on every article downloaded. TEMPO magazine's copies can also be purchased online; an account is also needed but payment is only made when a copy is purchased. REPUBLIKA does not have an online archive; one needs to visit the newspaper's office in Jakarta and search manually for relevant articles.

### **(Absence of) Interview Sources**

This research was not designed to gather data through interviews because of its focus on public discussion articulated by the news media. Interviews can be useful to confirm the public discourses of terrorism that are mapped out in this study. However, the present study's aim is limited to the mapping of terrorism discourse evolution and explains in depth the frames of associations that lead to its securitisation. The trustworthiness of the data gathered in this study is based not on the credibility of interviewees but rather the representativeness of public coverage on terrorism events.

### **How to Read the Selected Texts**

The aim of reading the texts in this study is not to find how articulations of speech acts are organised or how certain variables are likely to influence language-use as in the methodology of structured coding.<sup>289</sup> Coding for textual analysis in securitisation studies usually involves identification of instances where particular linguistic phenomena like syntax, exchange structure, prosody, etc. take place; this is undertaken to investigate the contexts in which these instances take place. Therefore, the emphasis of quantitative coding method does not serve the

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<sup>289</sup> M.D. Lampert, S.M. Ervin-Tripp, *Structured Coding for the Study of Language and Social Interaction*, in J.A. Edwards, M.D. Lampert, *Talking Data: Transcription and Coding In Discourse Research*, New Jersey & London: LEA, 1993, p. 171.



investigation of how discourses actually form up in public texts and antagonise or co-exist with each other. As Waeber suggested, the reading of texts in through discourse theory should aim at a gradually generated map of a struggle between discourses.<sup>290</sup>

Analysing the texts in this study has been conducted with a questions-guided reading is required.<sup>291</sup> Texts are interrogated with three questions:

1. What are the terms or characters connected to the concepts of 'terrorism' and 'terrorist' in the text?
2. What policies are suggested or denied and for what reason?
3. Who are the articulators of the concepts and policies?

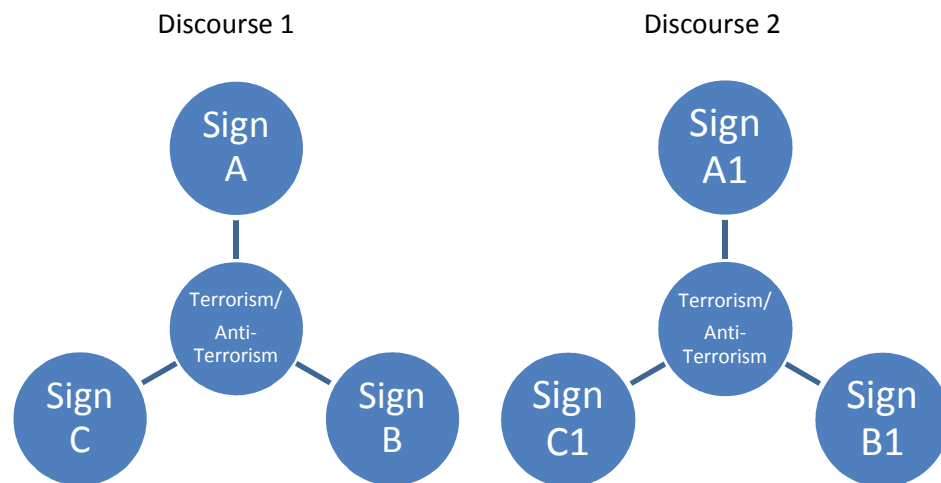
The answers to these questions form up discourses through their linkage with terrorism/anti-terrorism concepts and the political subjects (chain of equivalence). The legitimating mechanism is established through the juxtaposition with other discourses that link up the concepts and political subjects with other terms or characterisation. The result of this link-and-differentiation analysis is a map of discourses and counter-discourses and the political actors who articulate them, as well as the genealogy of concepts that informs them. The following diagram illustrates the link-and-differentiation between discourses of terrorism and anti-terrorism.

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<sup>290</sup> O. Waeber, *European Integration and Security: Analysing French and German Discourses on State, Nation, and Europe*, in *Discourse Theory in European Politics*, D. Howarth, J. Torfing (editors), Hampshire: Palgrave MacMillan, 2002, p. 54-56

<sup>291</sup> I. Á. Jóhannesson, "The Politics of Historical Discourse Analysis: A Qualitative Research Method?", *Discourse: Studies in the Cultural Politics of Education*, 31: 2, 2010, p. 256.

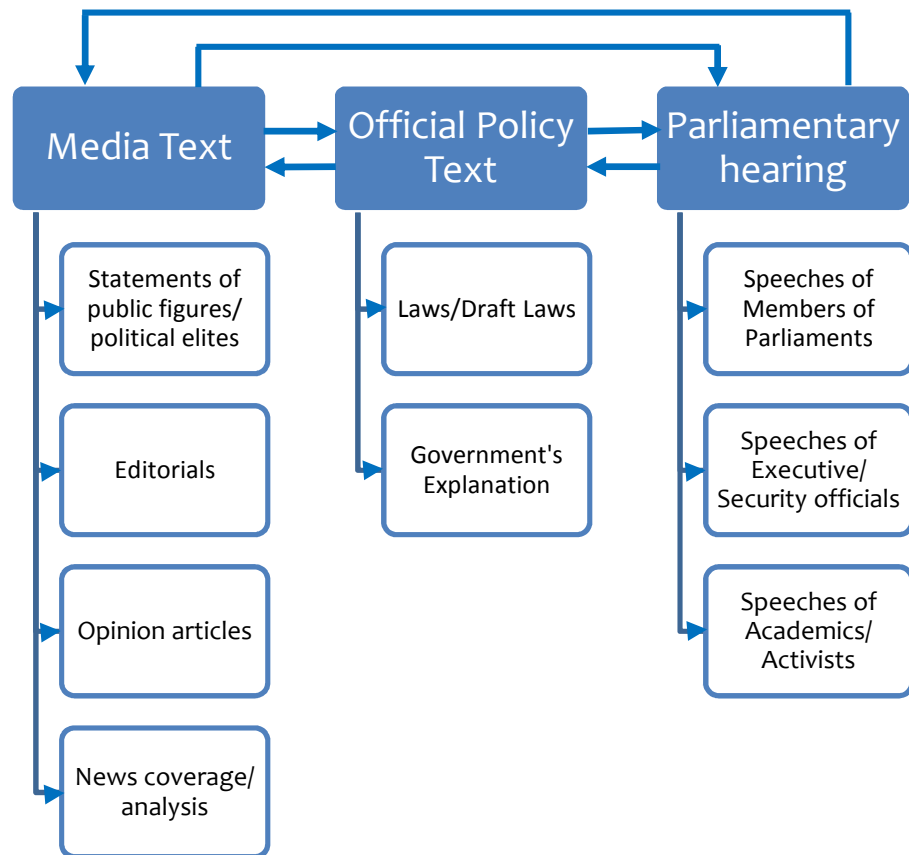
Diagram 1



A discourse comprises of a set of juxtaposition of chains of equivalence 'terrorism' and 'anti-terrorism'. The stability of these discourses is challenged alternative chains of equivalence offered by other public/political actors. The impact of these challenges is in the limit to the extent to which the government's (the hegemonic) discourse could develop or expand into new policy measures. The influence of genealogy of concepts to public discourse, the influence of the latter to security rhetoric and vice versa are analysed through inter-textuality between the genealogy of concepts and subject positions and the media texts; between the media texts and the parliamentary hearings; between both the parliamentary hearings and the media texts and the anti-terrorism laws; and finally between the anti-terrorism laws and the proceeding media texts. These relations are shown in the following diagram.

Diagram 2

Inter-textuality Between Official Policy, Media, and Parliamentary Hearing



### Conclusion

The methodology of this study combines the principles of post-structuralist discourse analysis and critical discourse analysis. The chain of equivalence and differentiation between signs, which construct discourse, is adopted from the first. In this respect, concepts and subject positions/ political subjects are connected to particular signs or terms. This understanding of the construction of discourse is pertinent for the study to explain how terrorism discourse and identities of the terrorist and the state are established. Lene Hansen's concept of link-and-differentiation systematises the construction of identities and discourses for foreign and security policy.

In order to illustrate how this discourse and identity constructions fits within the public discourse, the concept of inter-textuality from critical discourse analysis is required. Inter-textuality allows the analyst to evaluate the referencing, explicit or implicit, of one text to other texts. The three genres of texts selected in this study, policy texts (laws and draft laws, media texts, and parliamentary hearings) are evaluated in terms of how a text refers to its previous texts. The choice of language-use of the government to securitise terrorism, through this methodology, can be situated within the limits set by the texts produced in public discourse; the influence of formal security discourse can also be evaluated on the proceeding public discourse after securitisation.

The plan of the case-study chapters that follows allows the explanation of this relational connection between the gradual construction of terrorism discourse in public and the formal policy discourse. The first case-study chapter explains the history of the concepts used in contemporary Indonesian discourse of terrorism and the development of the discourse in the early years of post-authoritarian era. The second explains the development of the discourse in the wake of the 2002 Bali bombings and the counter-discourses that emerged together. The third explains the discourses of terrorism that developed within the parliamentary hearings. Finally, the fourth explains the development of terrorism discourse and the co-existing alternative discourses following the promulgation of anti-terrorism laws.

## Chapter 5

### Discourses of Terrorism in the Immediate *Reformasi* era (1999-2001)

#### Introduction

The purpose of this chapter is to explain the development of *basic discourses of terrorism* in Indonesia's post authoritarian history. These basic discourses are associations that the Indonesian public and its government make between the concept 'terror' and other terms. Three basic discourses of terror during this period are 'provocation', 'instability', and 'terrorism' discourses. These basic discourses are useful for two reasons. First, these basic discourses can help the study of the 'sources of knowledge' for the understanding of terrorism discourse in Indonesia. Secondly, these basic discourses are referred to in the discussion of terrorism that began to dominate in the aftermath the 2002 Bali bombings.

The period under the discussion of this chapter contains episodes of public discussion of acts of terrorism which are taking place as public places are bombed. New political circumstances and historical experience are associated with 'terror' by the Indonesian public to interpret these bombings. Securitisation rhetoric over the issue of terrorism did not surface in the larger part of the period under study in this chapter. This is due to the interpretation of the bombings not as 'terrorism' but rather as 'politically-motivated terror' or acts of terror for political purpose. The general theme of this political purpose is a derailment of the agenda of political change in the post Suharto era.

The discourses of terror in the period of 1999-2001 are observed through the media coverage of bombings of public places. These include the bombings that took place in: Istiqlal Mosque (1999), Jakarta Stock Exchange (2000), the residence of the

Philippines Ambassador for Indonesia Leonidas Caday (2000), 38 churches in major cities in Indonesia (2000), and the Plaza Atrium bombing (2001). The Istiqlal Mosque bombing is chosen as the start of the timeline because it is the first *politically motivated terror* in the public discourse of post-authoritarian Indonesia. The discussion of the media coverage is undertaken chronologically in order to signify the evolution of discourse about public place bombings throughout this period from the association of terrorism with provocation, 'instability', and 'professional terrorist organisation'.

The first part will explain the 'provocation' discourse in the aftermath of the Istiqlal Mosque bombing. The 'provocation' discourse associates 'terror' with an attempt to instigate or provoke sectarian conflicts and sabotage the 1999 election. An alternative discourse that develops alongside the provocation discourse is the 'Islam marginalisation' discourse which associates terror with an attempt to discredit Indonesian Islamic activism. The second part will explain the 'instability' discourse which develops in the aftermath of a number of bombings in 2000. It associates the concept of 'terror' with an attempt to destabilise the government or political instability in general. Developing alongside this discourse is the 'terrorism' discourse which develops in the aftermath of the Philippine's Ambassador's residence bombing; the latter discourse initially brings up the concern over the presence of international terrorism network in Indonesia. The third part will explain the co-existence between 'instability' and 'terrorism' discourses in the aftermath of Christmas Eve bombings in 2000-2001.

### **The First Democratic Election and Communal Conflicts**

The Istiqlal Grand Mosque bombing took place on 20 April 1999. It *did not* result in Indonesia's most respected mosque to collapse as it only exploded several

offices on its ground floor. The 1999 Istiqlal bombing was one the first public place bombings to take place in Jakarta since the mid-1980's. However, two other bombings that took place before Istiqlal (one in 1998, another one shortly before) were perceived to be purely for material gains; therefore, the Istiqlal bombing in 1999 was the first to be discussed in the media discourse as 'politically motivated violence'. The conclusion of the bombing case was inconclusive in the media coverage. On 15 June 1999, the police announced the suspect's initials to the media and described that the suspect placed the bomb inside the mosque under a threat of his family's life; who threatened the suspect and how it actually led to the bombing remained obscure.

The central organising ideas in the mainstream media were 'communal conflicts' and 'election'. The frame of communal conflicts presents the Istiqlal bombing as part of the ongoing break-outs of sectarian conflicts in Indonesia's provinces. Waves of communal violence had taken place two years before the New Order broke down and they lasted until the first half of 2002. Five provinces in Indonesia that underwent communal sectarian violence within this period were West Kalimantan (January-March 1999), Central Kalimantan (February 2001), Ambon (December 1998, June 1999, May 2000 – February 2002), North Maluku (September 1999-December 2001), and Central Sulawesi (April 2000-December 2001). This list excludes the anti-Chinese riots that took place in Jakarta shortly after Suharto resigned. United Nations Support Facility for Indonesian Recovery estimated that non-secessionist collective violence in Indonesian from 1990 to 2003 had cost 10,000 lives.<sup>292</sup> Each of these conflicts pitted one group within the society against another along the ascriptive lines of ethnic origins or religions; the triggering cause for each

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<sup>292</sup> A. Varshney, R. Panggabean, and M. Z. Tadjoeddin, "Patterns of Collective Violence in Indonesia (1990–2003)", Jakarta: UNSFIR, 2004, <http://www.unsfir.or.id/files/workingpapers/20040902101151.pdf>, accessed 16 June 2010.

conflict is youth brawls between neighbouring villages which quickly intensifies in terms of violence and involvement of fighters.<sup>293</sup> The Istiqlal bombing in 1999 is represented by the “communal conflict” frame as an effort to reproduce the same type of sectarian conflict in the capital city by provoking the anger of Muslim citizens.

The Indonesian communal conflicts are themselves the site for an employment of various frames. One prominent frame was the tacit involvement, or neglect, of the Indonesian security forces. The professionalism of Indonesian military and police forces were publicly questioned and protested in Jakarta; even worse, their failure to avoid a massive casualty number had also encouraged an Islamic militia called *Laskar Jihad* to form up and participate in the communal conflicts between Christian and Islamic communities in Maluku.<sup>294</sup> Communal conflicts and secessionist struggles that marked the initial years of the *reformasi* publicly discussed as partly a result of neglect, unprofessional management, or even the instigation of the Armed Forces as the latter felt embittered by military reform in the post-authoritarian era. Van Klinken, for example, showed that the escalation of the communal conflicts were associated with policies of the presidents in the *reformasi* era which the TNI did not agree with; this was notable in President Abdurrahman Wahid’s presidency’s progressive results in security sector reform by terminating the political role of the Armed Forces and separating them from the police force, which was accompanied by communal conflicts engulfing all five provinces mentioned above.<sup>295</sup> As President Megawati Sukarnoputri took power in July 2001, military reform stood still and all investigations on military’s human rights abuse in the past

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<sup>293</sup> G. V. Klinken, 2007, p. 59 & 98. For brawls as the cause of conflict in Poso, Central Sulawesi province, see D. McRae, *A Few Poorly Organised Men: Interreligious Violence in Poso, Indonesia*, Leiden: Brill, 2013, p. 38.

<sup>294</sup> President Wahid at the time believed that elements of the military were not only turning a blind eye to the *Laskar Jihad*, they were actually providing them with weapons. See G. Barton, , *Abdurrahman Wahid: Muslim Democrat, Indonesian President - A View From the Inside*, Sydney: UNSW Press, 2002, p. 306.

<sup>295</sup> *Ibid.*, p. 29.



terminated; this was accompanied by all communal conflicts dissipating in her era. Later on in the aftermath of 9/11, the Indonesian military became more 'secure' from the wave of reform that was undesirable to itself as the Indonesian government acquired the opportunity to revive contacts between the Indonesian military and the U.S. government, and even more so as the urgency to fight terrorism domestically manifested after the 2002 Bali bombings.<sup>296</sup>

The second central frame is the 1999 election. The bombing was widely framed in the mainstream media as an effort to scuttle or sabotage the President Habibie's government to hold the first democratic election in Indonesia since 1955. For President Habibie, the 1999 election was an emergency election that was required to elect the new president; and he sought to become more than a 'placeholder president'.<sup>297</sup> The successful administration of the 1999 election was President Habibie's important political agenda to place himself firmly as a pro-democratisation leader.

### **Terror as Provocation**

The word 'terrorism' or *terorisme* was absent in Indonesian mainstream news media on the coverage of the Istiqlal bombing. The word 'terror' is usually used as an adjective that accompanies other words to refer to an abstract threat, such as 'act of terror' (*aksi teror*)<sup>298</sup>, terror threat (*ancaman teror*)<sup>299</sup>, bomb terror (*teror bom*)<sup>300</sup>, terror pattern (*pola teror*)<sup>301</sup>, mental terror (*teror mental*)<sup>302</sup>; or abstract

<sup>296</sup> S. Rinakit, "Terrorism and the Resurgence of Military Power in Indonesia", *Nordic Institute of Asian Studies*, 3, 2003, p. 21-24.

<sup>297</sup> A. Rabasa, P. Chalk, *Indonesia's Transformation and the Stability of Southeast Asia*, Santa Monica: RAND, 2001, p. 38.

<sup>298</sup> *KOMPAS*, "President's Order to Jakarta Police: Quickly Reveal the Istiqlal Bombing", 22 April 1999, p. 1.

<sup>299</sup> M. A. Alfian, "Nine Threats to the 1999 Election", *KOMPAS*, 13 May 1999, p. 14.

<sup>300</sup> *KOMPAS*, "Bomb Terror in Jakarta: Quality Improves, but No Pattern", 25 April 1999, p. 7.

<sup>301</sup> *Ibid.*

<sup>302</sup> J.A., Denny, "Reflection on A Year of Reform: A Permanent Transition", *KOMPAS*, 20 May 1999, p. 4.

individuals of perpetrators, such as “terrorist-for-hire” (*teroris bayaran*)<sup>303</sup>. Such use of the word ‘terror’ follows previous use of the word in events of violence perpetrated by non-state groups for political motives. The phrase ‘terror for political motives’, or simply ‘terror’, is more commonly found in Indonesia’s mainstream news media reporting of violence for political motives. To quote an example of the use of the word ‘terror’ in mainstream news media, the following excerpt is taken from *Tempo* news magazine published in the aftermath of a bombing in central Jakarta in 1984; this excerpt is a good example as it associates events and actors with ‘terror’ in Indonesia’s history as an independent state:

In the war of independence, various armed groups and militias often *terrorised* the public through kidnappings and killings in order to seize an opportunity to take over the young republic. During the “Madiun Rebellion” in 1948 for example, the *Indonesian Communist Party (PKI)* terrorised the society through mass-murders of religious and nationalist groups as well as members of the armed forces; most of them were executed in open fields. The *Darul Islam* group led by Kartosuwirjo in the West Java and Kahar Muzakar in South Sulawesi also terrorised the people through attacks and arsons of villages, robbing and murdering the people. In the era of President Sukarno, the most infamous *terror with political motive* was the event that occurred in Cikini (Jakarta) on 30 November 1957 where five grenades were tossed towards the President. The perpetrators were soon caught; they stated in their trial that they belonged to the “Anti-Communist Movement” or “Zulkifli Lubis Movement”. Responding to this attack, Vice-President Hatta stated: ‘Terror, murder, intimidation in all forms are the characters of fascism and do not belong to democracy’.<sup>304</sup>

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<sup>303</sup> *KOMPAS*, “President’s Order...”, *loc.cit.*

<sup>304</sup> *TEMPO*, “From Grenade At Cikini Area to Bombing at BCA Bank, Acts of Terror is Anything But New in Indonesia”, 13 October 1984, emphasises added.

The excerpt is replete with identity constructions as it associates 'terror' with political movements (PKI, Darul Islam, Anti-Communist Movement) that challenge the sovereign and with their ideologies (Communism, Islamism, Fascism), as well as their actions (kidnapping, killing, mass-murder). Together, these terms position the state 'Self' as a democratic entity facing an anti-democratic 'Other', which is an anathema to Suharto's own "co-optationist" regime.<sup>305</sup> However, the use of the word 'terror' in the 1999 Istiqlal bombing conveys a different kind of identity-constructions, because it is used within the frame of the communal conflicts and the 1999 parliamentary election explained in the beginning of this chapter.

The use of terror is not directed to topple or take over the sovereign – although it can be the logical corollary of the action – but the more immediate aim of 'terror' is to provoke the populace to instigate communal riots and scuttle the plan for the 1999 parliamentary election. The word that is used more frequently to express the purpose of the bombing is "provocation" (*upaya provokasi*) and the perpetrator is therefore labelled as "agent-provocateur" (*provokator*). Specifically, this provocation is framed as an effort to provoke *Muslims* to instigate communal riots; the notion that Muslims might get provoked by the bombing to instigate riots hinges on the frame of the communal conflicts as pitting Muslims against non-Muslim groups and the failure of the security forces to act professionally to avoid them. The idea that the bombing is an act of provocation is uttered by President Habibie's statement on the day of the bombing:

"The act of destruction, especially the bombing of a place of worship is a *cruel and uncivilized act*, and in contrary to the *cultural* and *religious* values we profess. They are trying to provoke Muslims to commit acts of

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<sup>305</sup> Co-optation is used in reference to a mixture of tolerance, repression and coercion that the Suharto regime used to control dissent. See for example E. Aspinall, *Opposing Suharto: Compromise, Resistance, And Regime Change in Indonesia*, Stanford: Stanford University Press, 2005, p. 2.

unrestrained violence to cause conflict between peoples of different religions.”<sup>306</sup>

The president’s statement led to the production of public discourse. The newspaper *KOMPAS* immediately gave support to Habibie’s frame of the bombing as an act of provocation, as its editorial wrote:

“If [the bombing] is indeed an act of provocation, then it is easy for us to figure out its purpose: to raise the anger of the Muslims, to push the religious communities to blame each other and therefore ignite major riots that have already been raging everywhere. In light of this consideration, we support the calling from Islamic and other religious leaders, as well as leaders of the government, the police and the military, for us to *control ourselves*. We need to be angry, we need to condemn, but at the same time we need to *stay in control*. Because if we are provoked by such uncivilised action, we will *fall into the trap* of committing actions that lead to violent conflicts between religious groups, and the purpose of the bombing will be fulfilled.”<sup>307</sup>

The bombing is placed as a *potential part* of the communal conflicts, instead of a similar type of event. The effect of provocation is avoided through ‘controlling’ oneself (*mengendalikan diri*), and the ones who are provoked are those who ‘fall into the trap’ (*terpancing*) of doing the things that the *agent provocateur* aims to produce. The word ‘*terpancing*’ (literally means ‘to become a fish hooked on a bait’) is widely uttered by political leaders, including President Habibie, to express caution for the populace against taking matters into their own hands.<sup>308</sup> Another word used by media commentators was ‘bringing into conflict’ or ‘*adu domba*’<sup>309</sup> (literally means ‘pitting sheep against each other’).

The word ‘provoke’ or ‘provocateurs’ had previously been used by the news media commentators to refer to an unidentified group of people who was consciously *let by the security apparatus* to instigate riots in the days following the resignation of President Suharto. For example ‘agent provocateur’ was used in the

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<sup>306</sup> *KOMPAS*, “President on The Istiqlal Bombing: A Barbaric and Uncivilised Act”, 21 April 1999, p. 1, emphasis added.

<sup>307</sup> *KOMPAS*, “We Condemn the Bombing”, editorial, 21 April 1999, p. 4, emphasis added.

<sup>308</sup> *KOMPAS*, “President on The Istiqlal Bombing...”, *loc.cit.*; *KOMPAS*, “President’s Order...”, *loc.cit.*

<sup>309</sup> *KOMPAS*, “President B. J. Habibie: All Religions Call For Love”, 9 May 1999, p. 1; *KOMPAS*, Head of Province Police: No Military Members Are Involved”, 27 April 1999, p. 17.

coverage of the riots that took place on 13 and 14 May 1998, shortly before Suharto resigned from the presidency on the 21; it referred to the presence of “black-clad riot commanders” who roamed Jakarta in trucks and actively provoked violence without obstruction from the forces most directly responsible for Jakarta’s law and security; Indonesian observers at the time discussed a possible scenario where violence was intended to discredit the anti-Suharto opposition.<sup>310</sup> The word “provocateur” or ‘*provokator*’ is also used in the same meaning with the words “puppeteer” or “mastermind” (*dalang*).<sup>311</sup> According to Charles Coppel, the use of the words “dalang” and “provokator” may have been informed by a pre-occupation with threats to security coming from “shadowy organisations” and “formless figures”.<sup>312</sup> Together, the use of the words “provokator” and “dalang” suggested two ideas: that Indonesian people are unable to initiate movements on their own, that incidents owe to the shadowy mechanisms of actors who are much more powerful than the actual ‘foot-soldiers’; and a conspiracy theory suggesting that these powerful actors are either members or former members of the state elite.

The use of the word ‘puppeteer’ or ‘mastermind’ however, does not lose its relevance in Indonesia’s more recent coverage of terrorism. ‘Mastermind’ discourse is rooted in the experience of the outburst of violent mobs in Indonesian riots, dating back to 15 January 1974 riots called the “Malari event” (*Peristiwa Malari*) where competition among military and political elites were believed to have been behind the riots.<sup>313</sup> In contemporary events of acts of terror, mastermind discourse appears

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<sup>310</sup> R. Hefner, *Civil Islam: Muslims and Democratization in Indonesia*, New Jersey: Princeton University Press, 2000, p. 188.

<sup>311</sup> KOMPAS, “President on The Istiqlal Bombing...”, *loc.cit.*; KOMPAS, “President B. J. Habibie: All Religions Call For Love”, *loc.cit.* The word ‘dalang’ refers to a puppet master in Indonesian traditional performance of arts called *wayang kulit* (shadow puppet) where the dalang’s role is to narrate the story in addition to moving the puppets. See F. Lamoureux, *Indonesia: A Global Studies Handbook*, Santa Barbara: ABC-CLIO, 2003, p. 143.

<sup>312</sup> C. A. Coppel, *Violence: Analysis, Representation and Resolution*, in *Violent Conflicts in Indonesia: Analysis, Representation, Resolution*, C. A. Coppel (editor), New York: Routledge, 2006, p. 14.

<sup>313</sup> Aspinall, *op.cit.* p. 16

in public when the catastrophe of the act is perceived to be unprecedented. In such cases, mastermind is an ideational association to a figureless higher power that employs disparate individual perpetrators. The role of mastermind, at the very least, may amount to *knowingly letting* the preparation of violence. In the latter association, 'mastermind' is an association to a figureless power to explain why the meticulous planning and preparation of explosives and their placement at the scenes of terror could take place unhindered by the authorities.

### **Terror as Election-Sabotage**

The frame of 1999 parliamentary elections was used in utterances of media commentators. Perpetrators of the bombing are addressed as being *controlled* ('dikendalikan') by *masterminds* ('dalang'). The use of "controlling masterminds" refers to powerful actors who support the former President Suharto and aim to sabotage Indonesian democracy. In the following quote, Chairman of the Board of Nahdlatul Ulama (NU) Abdurrahman Wahid articulated that he has not yet had the evidence of 'pro-Suharto' people in the bombing, but it does not mean that they are not behind it; his articulation of 'terrorist-for-hire' signifies the role of 'masterminds':

"The bombing was carried out by people who wanted to derail the elections by means of *bringing into conflict* the religious communities. I hope none of the religious communities falls into the trap. Bombings and physical violence have not been able to impact on our nervous system. People are not afraid of bombs and physical threats like these. The perpetrators of the bombing of Istiqlal Mosque are *terrorists-for-hire*. I have not obtained any information on whether the blast was *masterminded by followers of Suharto* or not, but they certainly do not want the 1999 elections to take place."<sup>314</sup>

Many observers framed the bombing in Istiqlal, and subsequent bombing after it, as the work of 'hard-line Suhartoist' who sought to scuttle or sabotage the 1999 parliamentary election. This notion of pro-Suharto people' involvement was backgrounded by the Abdurrahman Wahid's announcement on 20 March 1999 that

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<sup>314</sup> *KOMPAS*, President's Order to Jakarta Police, *loc.cit*, emphasis added.

he had failed in his mission to persuade Suharto to restrain his followers.<sup>315</sup> At the same time, observers also noted that the Habibie government was under pressure to pursue the legal prosecution against corrupt members of the Suharto family, which many believed Habibie was unable to deliver as the corruption trial against former president Suharto stalled.<sup>316</sup> In the latter bombing coverage, the frame of pro-Suharto people's involvement becomes more prominent as President Wahid expedited the legal due process for Suharto's corruption trials.

### **Terror as Islam-Marginalisation**

An alternative frame was run by *REPUBLIKA* newspaper by reporting its interviews with political leaders who commented on the bombing as "engineered" (*direkayasa*) to discredit Islam. The frame came up after the police investigation associated the bombing with a group named Nusantara Islamic Mujahidin Force (AMIN/*Angkatan Mujahidin Islam Nusantara*) to the Istiqlal bombing. The Islamic connotation in the name of the alleged perpetrator led Islamic leaders to frame the bombing as an attempt to discredit or marginalise Islam. The same comments did not appear in another newspaper *KOMPAS*. Exemplifying this is Mr. Amien Rais' comment quoted in *REPUBLIKA*:

"...whenever radical or terrorism movements emerged, Islam was always associated with the problem through the use of the word *jihad* which implicitly meant to marginalise Islamic *umma*. It is no wonder that *Komando Jihad* was created. The use of the word *jihad* is until today felt hurtful for Islamic *umma*."<sup>317</sup>

The 'Islam-marginalisation' is a re-emerging discourse in the public discussion of terrorism in Indonesia. The experience of *Komando Jihad* where acts of terror took place in the cities of Sumatera and Java and led to the detention of numerous Islamic

<sup>315</sup> R. Hefner, *op.cit*, p. 211.

<sup>316</sup> *KOMPAS*, "One Year of Habibie Government: Inconsistency and Military Control", 21 May 1999, p. 19;

<sup>317</sup> *REPUBLIKA*, "AMIN Will Only Bump Against The Wall", 5 May 1999, p. 5.

activists is continually referred as an exhibit of government's ability to manipulate Islamic activism. *Tempo* magazine covered the 1999 Istiqlal bombing as a *not unprecedented* event as April 1978 was also marked by the bombing inside the mosque.<sup>318</sup> A movement called *Komando Jihad*, represented by a cell led by an elusive individual called Imron was alleged to be behind it. The article further elaborates that both of the 1978 and 1999 bombings did not result in live casualties, although both caused a serious damage to the Mosque; and same as 1978, a group with an Islamic identity called *Angkatan Mujahidin Islam Nusantara* (National Islamic Warrior Front/AMIN) led by Eddy Ranto was alleged by the police to be behind the bombing, but no evidence was found or publicised. The invocation of *Komando Jihad* in media analysis is meant to underline the possibility that the result of the *Komando Jihad* case, i.e. the plummeting number of votes gained by Islamic parties in 1977 and 1982, would repeat itself in the 1999 parliamentary election.

The mid 1970's through to the early 1980's saw the revival of Darul Islam network, a former insurgent organisation aimed at establishing an Islamic state in Indonesia and was defeated by military operation in 1962. The interactions between members of Darul Islam to re-unite, prepare a new structure of leadership, raise funds through armed robberies in 1976, and successfully lobby the Libyan government for arms and ammunitions, all under the nose of National Intelligence Coordination Agency (*Badan Koordinasi Intelijen Negara*/BAKIN).<sup>319</sup> BAKIN Head Lieutenant General Ali Moertopo allowed Darul Islam senior member Adah Djaelani, who was interestingly provided with a kerosene distribution business by the intelligence agency, to revive Darul Islam; he then waited for them to commit terrorist acts before rounding them up.<sup>320</sup> It was not clear what the Indonesian

<sup>318</sup> *TEMPO*, "Istiqlal Bombing Will Bump Against the Wall Again?", 3 May 1999, p. 15.

<sup>319</sup> *Ibid.*, 60-64.

<sup>320</sup> *Ibid.*, 65.



government or BAKIN intended to achieve through this deliberate toleration. It is not clear what makes *Komando Jihad* – the longest campaign of non-state terrorism in the New Order, before Bali bombings and Al-Qaeda – possible in the first place.

As a traumatic event to Indonesia's political Islam, *Komando Jihad* became the corner stone for suspicion of the government's intention towards Indonesian political Islam. Specifically discussing *Komando Jihad*, Muqoddas's recent study situates the case entirely as the Indonesian government's manipulative effort to drag the Darul Islam movement into committing acts of terror and arrest its members with the Anti-Subversive Law.<sup>321</sup> The author illustrates, through interviews with former detainees of *Komando Jihad* case, the misconducts in the due process of law suffered by suspects of the *Komando Jihad* case, many of whom are captured without warrants, given no legal counsels, and forced to confess their involvement in the case.<sup>322</sup> Through interviews with former suspects of the case, Muqoddas also shows that anti-communist propaganda was utilised to recruit participants in Sumatera, Java and Kalimantan Islands. Therefore, the political context that made the case possible was a combination of international circumstances and New Order's total obstruction of Islamic movements from taking an independent political standing.

Therefore, the historical comparison with *Komando Jihad* suggests a notion of similarity with the past, that the 1999 Istiqlal bombing is also an attempt at smearing the status of political Islam in Indonesia. The speculative notion of government apparatus involvement surfaces among the published opinion that places the Istiqlal bombing as an attempt to discredit political Islam:

“Indonesian Muslims seem to have grown wiser and realized that in this country there is always a group of political adventurers who want to stick bad names to Muslims. The trick is by pitting Muslims against other religious

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<sup>321</sup> Muqoddas, Busyro, *Hegemoni Rezim Intelijen: Sisi Gelap Peradilan Kasus Komando Jihad* (The Hegemony of Intelligence Regime: The Dark Side of the Trials of *Komando Jihad* Case), Yogyakarta: Pusham UII, 2011, p. 90.

<sup>322</sup> *Ibid.*, chapter 3.

groups or blaming a group for an act of violence by labelling them *Komando Jihad* that aspires to establish an Islamic state. Various documents and testimony, which had been hidden, one by one began to unfold: the existence of political actors and intelligence plots in the purpose of creating defamation of Muslims. This bombing may well be a continuation of these plots.”<sup>323</sup>

The association between the Istiqlal bombing with *Komando Jihad* suggests a notion of the involvement of rogue elements within the military or security apparatus in the Istiqlal bombing. On the other hand, the opinion also reflects the uncertain condition of the relationship between the state and political Islam as power holders or ‘political adventurers’ often exist and plot scenarios to generate more effective control of the state.

### **The Year of ‘Political Terror’**

Three major events of public place bombing took place throughout 2000. The first was a bombing that took place on 5 July 2000 inside the complex of the Attorney General’s office; the bombing did not kill or injure anyone. The second was the 1 August 2000 bombing in front of Leonidas Caday’s residence, Philippine Ambassador to Indonesia; the bombing killed two and injured 21, including the Ambassador. The third one was the bombing at the underground parking lot of the Jakarta Stock Exchange building; it killed 10 and injured 15. The fourth one was the Christmas Eve bombings on 24 December 2000, which killed 15 and injured 96 people.

### **Terror as Instability**

The instability discourse emerges as the main interpretation of bombings throughout the year 2000. Keywords ‘political terror’ (*‘teror politik’*), ‘political motive’ (*‘motif politik’*), and ‘military-involvement’ (*‘keterlibatan militer’*) are used to signify the purpose of creating *political instability* behind the bombings. In the latter

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<sup>323</sup> K. Hidayat, “Provoking the *Umma’s* Anger”, *TEMPO*, 3 May 1999, p. 42.

sense, instability discourse has a proximity with Islam-marginalisation discourse. The political purpose of the bombings was also signified in public discussions as the bombings target government's buildings and at one point also political actors. 'Terror' is an abstract term which is interpreted through the knowledge gained from a more familiar term to Indonesian public at the time, which is the competition between political and military elites. The unclear motives behind the bombings is also perceived by some academics as intended by the perpetrators to increase uncertainty and suspicion in the society; the accumulation of uncertainty is further associated with public distrust towards the government, which is the intended political result of the bombings.<sup>324</sup>

The discourse of 'political terror' was established by an identity construction of pro and anti-democratisation as the democratisation process brought about dissolution of institutions and political positions that were deemed to be anti-democratic. However, there are a number of derivatives of the political terror discourse. Specifically, the democratising policies of presidents after Suharto sought to undo the political authorities of Indonesian military through reducing gradually their seats in the parliament, ending the practice of appointing active military officials to hold public positions from ministers to village heads, and separating the police from the military.<sup>325</sup>

Meanwhile, the Indonesian military (*Tentara Nasional Indonesia/ TNI*) institutionally regards itself to stand above all ideological and ethno-religious groupings within the society, as a the guardian of the Indonesian *Pancasila*-state, a

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<sup>324</sup> T.R.R. Nitibaskara, "Communicating With Bombs", *KOMPAS*, 2 October 2000, p. 4.

<sup>325</sup> Before the gradual reduction of national and local parliamentary seats between 1999 and 2004, the Indonesian military held 75 of the 500 legislative seats in the Indonesian Parliament (DPR) and 2,800 seats in regional and sub-regional representatives. In addition, the Indonesian military's influence to Indonesia's local politics was maintained by the system of military-employment called territorial-command where every level of civilian government's structure (from province down to the village levels). See L.C. Sebastian, I. Gindarsah, *Assessing 12-year Military Reform in Indonesia: Major Strategic Gaps for the Next Stage of Reform*, Working Paper No. 227, S. Rajaratnam School of International Studies (RSIS), p. 3-4.

gate-keeper to ideological variants of Communism and Islamism that are perceived to be perpetual challengers to *Pancasila*. Therefore, Indonesian Armed Forces tread carefully with democracy, and propound *Pancasila* and Indonesian “integralistic state” as the main discourses to argue against the reduction of its political roles.<sup>326</sup> This latter dynamic is the source of political antagonism between political and military elites. The Indonesian Armed Forces stresses its obligation to correct any “deviations” from the *Pancasila* ideology whenever they deem it necessary to do so. In this respect, the Indonesian Armed Forces, even in the post-Suharto era, still maintain the principle that they should watch closely the Indonesian political dynamics and intervene when such deviations from *Pancasila* is seen to have taken place.<sup>327</sup> The ‘political terror’ discourse is therefore articulated through a association between acts of terror and the TNI reform. The following excerpt articulates a more tangible reason why democratic reform “economically affects” the Indonesian military, as Indonesian political scientist argued in the news media:

“This series of acts of terror may well be associated with political struggle between military elites, specifically between the marginalised groups as the system transforms from authoritarian to democracy. Government’s effort to reduce the political role of the TNI, through dissolution of institutions that used to give political role to it, would economically impact on its members. For example, the dissolution of BAKORSTANAS will affect the fate of hundreds of Colonels who may have gained side income through backing up the non-indigenous Indonesian businessmen. Similarly, military officers will no longer be able to pursue gubernatorial and mayoral seats. This situation will be hurtful for the military as it has been powerful for decades during Suharto’s rule.”<sup>328</sup>

Publicly accepted as a discourse, ‘political terror’ associates the decreasing political role of the military with acts of terror. The discourse of ‘military-

<sup>326</sup> The “integralistic state” is an interpretation of Pancasila which regards the ideology as more than a consensus between socialism, Islamism and constitutional democracy; rather, Pancasila is regarded as an indigenous political culture which is hostile to both Islamism and democratic ideologies. Following this interpretation of *Pancasila*, the military regards the *Pancasila* state as a non-communist, non-Islamic, unitary state. See D. Ramage, *Politics in Indonesia: Democracy, Islam and the Ideology of Tolerance*, London & New York: Routledge, 1995, p. 6 & 40.

<sup>327</sup> A.A. Wibisono, B. Wardoyo, Y. Kasim, *Satu Dekade Reformasi Militer* (A Decade of Military Reform), Jakarta: PACIVIS, 2008, p. 44-45.

<sup>328</sup> KOMPAS, “Political Terror and New Order’s Legacy”, 18 March 2000, p. 5.

involvement' is articulated simultaneously with 'Suharto's involvement' discourse. Exemplifying this is the bomb that went off in the Attorney General's office an hour after the former President Suharto's son Hutomo "Tommy" Mandala Putera was investigated by the Attorney General office as a suspect in a corruption case when his father ruled; and unexploded TNT was found in the vicinity still bearing the label "M1" (military one), facilitating the association with the Indonesian Military (*Tentara Nasional Indonesia/TNI*).<sup>329</sup> As with the previous and succeeding bombings that took place in Jakarta and Bali, the bombing of the Attorney General's building was followed by public questioning of the motive of the perpetrators who made no announcements. The existing discourse of political terror that developed since the beginning of the year, as it associated the bombings with military's withdrawal from politics, gradually added new characteristics to the possible perpetrators, including 'professional', 'well-armed', and 'military-related', as academics quoted by *KOMPAS* uttered:

"Judging by the explosives used for the bombings, I think the perpetrators have access to *all kinds of gun-powder*, from the simple and easily-traced to the sophisticated and easily-removable ones. I am very sure that the bombings have been conducted by *the same people* who must have *a team with special skills* and *access to explosives*. Defecting military officers who dedicate themselves to particular groups, for either political or financial reasons may have been involved; but what I am concerned most is the possibility that active military-men have been acting out of the control of their commanding officers."<sup>330</sup>

Indonesian police officials also articulated the political terror discourse as one senior official uttered: "I suspect that bomb threats would continue in the future if the political temperature fails to cool down. Based on previous experiences,

<sup>329</sup> *KOMPAS*, "Bomb! Loud Noise With No Perpetrator, 12 July 2000, p. 19.

<sup>330</sup> A. Meliala, criminologist from Universitas Indonesia, quoted in *KOMPAS*, "Bomb! And the Police Would Only Have to Draw Scetches", 4 September 2000, p. 17, emphasis added.

whenever political temperature rises, threats of security disturbances also increase.”<sup>331</sup>

The association between the bombings that took place since early August 2000 – including the ones that hit the Attorney General’s office, Philippines Ambassador Caday’s residence and the Jakarta Stock Exchange – with the trials of former President Suharto’s corruption cases also emerged in public discourse.<sup>332</sup> Since early August 2000, South Jakarta District Court began to process the corruption cases of the former president which was followed by the indictment of Suharto as a municipal detainee; President Wahid was determined to put Suharto on trial. The ‘Suharto-involvement’ discourse had risen in the 1999 Istiqlal bombing, but in 2000 this discourse is uttered more frequently. Discussing the bombing at the Jakarta Stock Exchange, *KOMPAS* editorial framed the difficulty of the police in resolving the cases of bombings of public places because the bombings are partly associated with Indonesia’s issues in dealing with its past, including putting former President Suharto on trial, cases of human rights violations, and the corruption cases involving a number of tycoons in Suharto’s circle.<sup>333</sup>

The Jakarta Stock Exchange bombing marked the moment where the ‘Suharto’s involvement’ discourse reached its peak articulation as President Wahid’s government directly blamed Suharto’s son Tommy for the bombing. In the immediate aftermath of the bombing, Coordinating Minister for Economic Affairs stated that the bombing is an economic sabotage with political purpose by ‘old powers’ who are regarded as ‘economic-saboteurs’:

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<sup>331</sup> Head of Jakarta Police’s Criminal Investigation Directorate Senior Superintendent Montolalu, quoted in *KOMPAS*, “Bomb! And the Police Would Only Have to Draw Sketches”, *ibid*.

<sup>332</sup> 55% respondents in a poll conducted by *KOMPAS* expressed this association, as shown in *KOMPAS*, “Bomb, Suharto, and Public Perception”, 18 September 2000, p. 7

<sup>333</sup> *KOMPAS*, “The Bombing at Jakarta Stock Exchange Had Tremendous Security, Political and Economic Impacts”, editorial, 15 September 2000, p. 4

"The remnants of the old powers must be taken care of decisively because [what they have done] is already on the level of economic sabotage."<sup>334</sup>

President Wahid announced that he had ordered the police to arrest Tommy Suharto in relation to the Jakarta Stock Exchange bombing:

"I have given the order [the authorities] during yesterday's cabinet meeting to arrest Tommy Suharto. [He is to be] examined, so this arrest does not mean that he is guilty. However, we consider that there are sufficient reasons to arrest Tommy. [This is necessary] in order to prevent incidents such as the bombing at Jakarta Stock Exchange. Pity the poor the people. The victims are all poor people, not the powerful ones."<sup>335</sup>

'Terror as instability' frame is also used by international coverage of the Jakarta Stock Exchange bombing. The coverage of a *Financial Times* report associated the bombings with political instability and international pressure on President Wahid's government over the killing of UN workers in West Timor. Similar to the coverage of the bombings in Indonesia, it also gives voice to the concern over military-involvement and associated security problems with political instability:

"The professional nature of the bombing is likely to add to investors' concerns about political stability in Indonesia ... Indonesia has been swept by *political instability* since the autocratic President Suharto stepped down in May 1998 amid riots and popular protests. *Security* problems and *political uncertainty* have hampered Indonesia's progress towards economic recovery, at the same time as its neighbours are emerging from the region's financial crisis."<sup>336</sup>

'Suharto's involvement' discourse lasted well into the aftermath of the Christmas Eve bombings although it has never been conclusively proven. Tommy's role or that of any other members of the Suharto's circle in the bombings was never clarified. As Tommy Suharto fulfilled the police's subpoena, the Indonesian police could only announce that he had no knowledge of the bombings that had taken place

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<sup>334</sup> KOMPAS, "Rizal Ramli on the Jakarta Stock Exchange bombing: Economic Sabotage by Old Powers", 15 September 2000, p. 1. The Jakarta Stock Exchange bombing, in this sense, also initiated a discourse of 'bombings as economic sabotage' as the impact of bombings is seen in light of how low the exchange rate of the Rupiah against the U.S. Dollar and the joint stock prices index dives in the aftermath of the bombing.

<sup>335</sup> KOMPAS, "In Regard to the Jakarta Stock Exchange Bombing, President Ordered Tommy's Arrest", 16 September 2000, p. 1.

<sup>336</sup> T. McCawley, "Jakarta Car Bomb 'Was a Military Device'", *Financial Times*, 15 September 2000, p. 5, emphasis added.

in Jakarta.<sup>337</sup> Three weeks into the aftermath of the Jakarta Stock Exchange bombing, the Indonesian police announced thirteen individual suspects of the bombing, funded by Free Aceh Movement's official Malik Muhammad.<sup>338</sup> There was no association with Tommy Suharto being mentioned or asked in the news media at the time.<sup>339</sup> The result of the Jakarta Stock Exchange bombing investigation also showed the involvement of military personnel in its execution, which was also confirmed by Indonesian Armed Forces; the latter articulated that the involvement of "rogue elements" (*oknum*) in the bombing would not be tolerated. The conclusion of the Jakarta Stock Exchange bombing was framed as incomplete as it did not satisfy public curiosity if the bombing stood alone or part of a series conducted by the same organising entity.<sup>340</sup>

### **Terror as Terrorism**

The bombing in front of Ambassador Caday's house initiated the discourse of international terrorism. The word '*terorisme*' ('terrorism') actually began its appearance in the mainstream media as part of the discourse of international terrorism. The use of the word 'terrorism' appears more in editorials and newspaper's analysis rather than the utterances quoted from the security officers or executive officials. Security experts began to warn against the presence of international terrorist network in Indonesia. "The police must be vigilant against the

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<sup>337</sup> *KOMPAS*, "Tommy Suharto: I Am Deeply Disappointed", 17 September 2000, p. 1

<sup>338</sup> *KOMPAS*, Police Announced 13 Suspects of the Bombings, 6 October 2000. The arrest was made after the group managed to toss a live grenade into the Malaysian Embassy complex.

<sup>339</sup> Tommy Suharto 'resurfaced' once as a possible suspect of bombing in the aftermath of the Christmas Eve bombings; a person named Eliza Tuwahatu was apprehended with a pack of three bombs which she admitted to have been acquired from Tommy, as reported in *KOMPAS*, "Tommy Suharto Suspected To Be Involved in Bombing Case", 21 January 2001, p. 1. Tommy Suharto was finally convicted for fifteen years of imprisonment for a premeditated murder of the Supreme Court Judge in 2002.

<sup>340</sup> *KOMPAS*, "Let the Police Do Their Job Conclusively", editorial, 26 September 2000, p. 4.



possibility of terrorist operation in Indonesia. If the police are not serious and we are not vigilant, urban citizens will undergo a terrible 'fear of crime'." <sup>341</sup>

Nevertheless, even the discourse of international terrorism is still associated with political motive, as the statement proceeds: "the motive behind the bombings can vary, but the most possible motive is political." <sup>342</sup> The discourse of international terrorism appears to sit uncomfortably with the domineering discourse of 'terror as instability'. This is specifically because the bombing in front of Ambassador Caday's residence (also discussed as the 'Philippines Embassy bombing') took place a month after the bombing that torn apart a section of the Attorney General's building in central Jakarta on 5 July 2000, which is related to the trial of Suharto's son Tommy. The Philippine's Embassy bombing's international terrorism discourse was brought about by President Wahid's same-day announcement that the bombing might be related to an airplane high-jacking in Jolo, Southern Philippines:

"This [bombing] is related to the Southern Philippines situation. Possibly, it is related to an airplane hijacking in Jolo. We will see into this. Tonight, I will call President Estrada." <sup>343</sup>

*KOMPAS'* editorial questioned the discourse of international terrorism by juxtaposing it with the fact that the bombing took place right after a meeting between five political elites in Yogyakarta in order to "scale down the political tension". The meeting between President Wahid, Vice President Megawati, MPR (*Majelis Perwakilan Rakyat*/People's Consultative Assembly) Chairman Amien Rais, and DPR (*Dewan Perwakilan Rakyat*/Parliament) Chairman Akbar Tanjung and Yogyakarta Governor Sultan Hamengku Buwono X took place at Gedong Jene, Yogyakarta province (near Central Java), and expected to clarify the direction of the state's reform process. As the meeting successfully affirmed the commitment of the

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<sup>341</sup> *KOMPAS*, "Awaloedin Djamin On Bomb Terror: Be Vigilant Against Actions of International Terrorists", 9 September 2000, p. 8

<sup>342</sup> *Ibid.*

<sup>343</sup> *KOMPAS*, "Bomb In Front of The Philippines Ambassador's Residence: Possible Related to an Action in the Philippines, 2 August 2000, p. 1.

elites to maintain state's territorial unity and fight corruption, the bombing at Ambassador Caday's residence was perceived to be something that could set back the progress achieved at the meeting.

"The incident may scuttle the hard work that has been put in Yogyakarta. The meaning that was meant to be achieved from the meeting in Gedong Jene building was drowned by the impact of the bombing. In the end, we are back in the situation that we can hardly predict ... How are we to analyse this bombing? A number of speculations surfaced. One side argues that the incident is part of *act of terrorism*; another argues that it is committed by a particular group to discredit the incumbent government ... Judging by the strength of the bomb, there is a high possibility that the action was meant by a particular group to *discredit the government*."<sup>344</sup>

'Terrorism' as a concept is introduced by a number of articles in *KOMPAS* written by its journalists or opinion writers but never used to report a bombing until the Christmas Eve bombing on 24 December 2000. For example, in the aftermath of the Ambassador Caday's residence bombing, the concept of 'urban terrorism' is discussed as "the most recent development in the violent tactics to achieve political and ideological purposes".<sup>345</sup> Books written by Alex P. Schmidt, Albet Jongman and Claire Sterling are discussed in terms of how terrorism is defined; this discussion is therefore importing the knowledge of Euro-American concept of terrorism and counter-terrorism to the discourse of bombings in Indonesia.

In the aftermath of the Jakarta Stock Exchange bombing on 13 September 2000, 'terrorism' is uttered more frequently by Indonesian *non-official* public to describe the bombings of public places; 'terrorism' is uttered by non-governmental organisation activists, political party leaders, human rights lawyers and academics

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<sup>344</sup> *KOMPAS*, "Bomb Explosion At the Philippines Ambassador's Residence", editorial, 3 August 2000, p. 4

<sup>345</sup> R.L. Pattiradjawane, "Terrorism Spreads Fear Among the Urban Society", *KOMPAS*, 6 August 2003, p. 3

described as an ‘unacceptable crime’ (*kekejaman yang tidak bisa diterima*), ‘barbaric event’ (*peristiwa biadab*), ‘immoral’ (*orang-orang tak bermoral*), undermining all principles of humanity, and the cause of people’s crisis of confidence in the government.<sup>346</sup> Similar to the association of terrorism with ‘immorality’ and ‘barbarity’ or ‘savagery’ is the association with ‘humanitarianism’ where terrorism is argued to be “an abomination of humanitarian principles’.<sup>347</sup>

The association of the concepts of humanitarianism and exceptional crime with terrorism would become more familiar in the aftermath of the Bali bombings in 2002. Nevertheless, in 2000, Indonesian public seemed to be in difficulty in applying ‘what they had known’ from terrorism abroad in Indonesian bombings. The notion of Islamic terrorism or *salafy-jihadism* was still absent from Indonesian public discourse; the ideological purpose of pursuing the establishment of Islamic state as one academic articulated:

“Unlike in Indonesia, most of the bombings abroad are always followed by a claim from the perpetrators who articulate clear demands.”<sup>348</sup>

A particular solution frame began to form in Indonesian public discourse of terror, including intelligence agencies reform, police reform, and the court of law:

“Police must not be half-hearted in *fighting acts of terrorism* such as the Jakarta Stock Exchange bombing. The bomb materials’ trading network must be completely deconstructed. All responsible individuals must face the court of law. Announce publicly all the findings on the investigation of the bombings; that way, the police will gain support from the society”<sup>349</sup>

Indonesian public began to express their concern over the issue of public place bombings as part of the increasing manifestations of violence that injured and took lives of ordinary citizens. Non-governmental organisations began to organise marches in central Jakarta to protest the unending series of bombings.<sup>350</sup> However,

<sup>346</sup> KOMPAS, “People Condemn the Jakarta Stock Exchange Bombing, 15 September 2000, p. 27

<sup>347</sup> H. Awaluddin, legal expert, quoted in *ibid*.

<sup>348</sup> KOMPAS, “Revenge Is Part of the Nation’s History”, 16 September 2000, p. 8.

<sup>349</sup> *Ibid.*, emphasis added.

<sup>350</sup> KOMPAS, “Resisting Urban Terror, Raising the Feeling of Togetherness”, 20 September 2000, p. 29

the Jakarta Stock Exchange bombing and the Christmas Eve bombings that were about to take place afterwards could not be a momentum *for securitisation of the bombings as terrorism*. The bombings are just one issue among others that are considered to be more serious, including:

“Indonesian state’s need for foreign loan just to pay for its own routine spending; Ongoing violence in Atambua, East Timor, that killed three employees of the United Nation’s High Commission for Refugees; horizontal conflicts; violent actions and people taking matters into their own hands.”<sup>351</sup>

Another reason for the absence of securitisation is that Indonesian public perceived the bombings largely as part of history of violence that the Indonesian state committed towards its own citizens including the 1965-1966 massacre,<sup>352</sup> the killing of citizens in Tanjung Priok, Jakarta in 1984,<sup>353</sup> in Lampung in 1989,<sup>354</sup> the implementation of military operation in Aceh 1989-1998, Papua,<sup>355</sup> the 27 July 1996 incident,<sup>356</sup> the students’ shootings in May 1998.<sup>357</sup> In this regard the protestors voiced a cautioned solution that put forward the need for the state to fulfil its responsibility for providing security and order, but not to become the terror itself:

“Experts of war and peace studies from Columbia University, the U.S., write in *A Time of Terror* (1978) that solutions to the problem of terrorism must be

<sup>351</sup> KOMPAS, “How Should We Respond to Criticism and Pressure?”, editorial, 21 September 2000, p. 4

<sup>352</sup> Elimination of alleged communist sympathisers in the aftermath 30 September 1965 movement and cadres of *Partai Komunis Indonesia* (Indonesian Communist Party/PKI), mostly in Java, see for example J. Roosa, *Pretext for Mass Murder: The September 30<sup>th</sup> Movement and Suharto's Coup d'Etat in Indonesia*, Madison: The University of Wisconsin Press, 2006, p. 93

<sup>353</sup> Tragic incident where an Islamic community in Tanjung Priok area in North Jakarta protested against the arrest of their fellow Muslim activists by the Army District Command of North Jakarta, see National Human Rights Commission on the Tanjung Priok Case, *Tempo Interaktif*, 17 June 2004, available online at <http://tempo.co.id/hg/narasi/2004/06/17/nrs,20040617-14,id.html>, accessed 12 March 2012.

<sup>354</sup> This incident, known by Indonesian public as the “Talangsari incident” – after the name of the village in Lampung province, was reported by the news media at the time as a successful operation by the state to bring back normality in the area; in the post-authoritarian era this incident became one of the examples that critical Islamic community invoked to show the cost of state’s repressive measures. See for example *TEMPO*, ‘A Shot Rang Out in Central Lampung’, 18 February 1989, p. 10.

<sup>355</sup> In regard to military operation against Free Papua Movement (*Organisasi Papua Merdeka/OPM*), see for example A. Rabasa, P. Chalk, *Indonesia's Transformation and the Stability of Southeast Asia*, Santa Monica: RAND, 2001, p. 38.

<sup>356</sup> The attack upon the headquarters of the Indonesian Democracy Party (*Partai Demokrasi Indonesia/PDI*) on 27 July 1996; later investigations by Indonesian Police (Polri) have shown that there was direct interference by the Kassospol Lt Gen. TNI Syarwan Hamid, Commander of the Armed Forces (Pangab) General TNI Feisal Tanjung, and even President Suharto and senior military officials, see for example Honna, Jun, *From Dwifungsi to NKRI: Regime Change and Political Activism of the Indonesian Military*, in *Democratization in Post-Suharto Indonesia*, M. Bunte & A. Ufen, Oxon: 2009, p. 233-235

<sup>357</sup> *Ibid.*; This listing of violence appear in KOMPAS, “Resisting Urban Terror...”, *loc.cit.*

responded with caution. The most dangerous enemy is the enemy within us. Terrorists' bombings would never make a democratising society close again; but the legislative can do such thing. Terrorists could produce absolute fear, but absolute repression cannot be applied in a democratic society."<sup>358</sup>

The discourse of 'political terror' also seems to relate the bombings with an existing culture of political communication that Indonesian political activists learn from their authoritarian past in dealing with dissidents. Acts of terror are part of a method that is inherited by the Indonesian people from their ruler Suharto in the authoritarian past where the state is directly involved in the perpetration of terror. In this sense, political terror is already well-introduced into Indonesian society: "The acts of terror that emerge lately are derivatives of New Order's violence culture. It is the incumbent government's home work to erase this culture."<sup>359</sup>

## **Christmas Eve Bombings and the Tension between Political Terror and Terrorism**

### **Frames**

The public frames of the bombings that took place on the evening of 24 December 2000 is divided between 'terror as instability' and 'terror as terrorism' frames. For the 'terror as terrorism' frame, the bombings are 'terrorism' and their perpetrators 'organised terrorists'; these frames are pronounced more decisively and frequently. The simultaneity of the bombings of churches in the provinces of West Java, Riau, West Nusa Tenggara, Jakarta, North Sumatera and East Java 'facilitated' the notion that the bombings were well-coordinated and therefore 'terrorism'. Interestingly, the same notion of a well-organised act of terror also lends in support for 'terror as instability' discourse, because it highlights the notion of the role of masterminds in employing disparate groups of individuals to do their bidding.

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<sup>358</sup> *KOMPAS*, "Resisting Urban Terror...", *loc.cit.*

<sup>359</sup> Hendarli from Legal Counsel and Human Rights Association (*Perhimpunan Bantuan Hukum dan HAM/PBHI*) quoted in *KOMPAS*, "Political Terror and New Order's Legacy, 18 March 2000, p. 7.

### **Frame 1: 'Terror as Instability'**

The 'political terror' discourse has not completely dissipated. However, blaming 'old powers' or political elites of the Suharto regime has become rarely mentioned as a frame for 'political terror' discourse; rather the political terror discourse is emphasising the perpetrators' political objectives, as President Wahid articulated in the aftermath:

"Their aim is to destabilise the government, create fear and panic so that the government stalls. This is the work of *various groups* in creating chaos."<sup>360</sup>

The president further expressed that he already knew 'who the perpetrators are'. His emphasis of political purpose behind the bombings is to dissociate the bombings with themes of triggering religious conflicts through the bombings.

"I am certain that the bombing perpetrators can be captured soon. Sufficient amount of evidence is required in the face of the law to capture them. In actuality, *we already know who perpetrated the bombings*, but since we have no evidence, there is nothing we can say. The bombings have nothing to do with matters of religion – all religious leaders have stated that the bombings are not matters of religion – rather, they are an abuse of religion for *political purpose of particular people*."<sup>361</sup>

Indonesian language for 'perpetrators' (*pelaku*, literally means 'doer') can be ambiguous as to whether the executor or the organiser is referred to. The president in the excerpt above most likely meant the organiser or 'mastermind'. The public discourse of the existence of 'mastermind' behind the bombings came to prominence once again, even more articulated, in the aftermath of the Christmas Eve bombings. The fact that the bombs that went off on the evening of 24 December were made up of identical materials suggested that the field perpetrators were organised by 'commanding network': "This kind of network consists of *embittered people*— be they

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<sup>360</sup> KOMPAS, "Series of Bombings Condemned; 15 Died, 96 Injured", 26 December 2000, p. 1, emphasis added.

<sup>361</sup> KOMPAS, "FID Fact-Finding Team on The Bombings: Evidence of Infiltrations Found", 30 December 2000, p. 1, emphasis added.

from the military, political parties, or other groups – who resented today's current political change.”<sup>362</sup>

The notion of ‘embittered groups’ or ‘embittered people’ (*orang-orang sakit hati*) gained prominence as President Wahid articulated in an interview with *Newsweek* magazine that two retired generals had lamented to him that their names came up in police investigations:

“I have received a message from Prabowo that he was upset because his name came up in police reports. Prabowo said that if this were the case then substantial evidence is needed to prove it. Police reports also mention former Army Chief of Staff Hartono. This only means that the police will investigate and anyone's proven involvement will lead to his/her detention.”<sup>363</sup>

President Wahid's unnecessary reference to specific names of a retired Commander General of Indonesia's Army Special Forces Prabowo Subianto and retired Army Chief of Staff Hartono at times of public focus on the investigation of the bombings created an uproar of the two persons.<sup>364</sup> It also indicates President Wahid's continued intention to keep the ‘political terror’ discourse alive, perhaps due to the fact that he was himself an embattled president, being on the brink of – and finally realised – impeachment in 2001. However, this time Indonesian public expressed their unsatisfied feeling to hear that the bombings have been driven by political purposes. Such rhetorical speeches should not lead to the notion that bombings are business-as-usual, as one human rights lawyer Asmara Nababan articulated:

“The government and apparatuses should not respond to the bombings and terror-bombs as routine problem. They need to reveal and investigate the bombings conclusively. Not just the field perpetrators, the masterminds of the bombings must also be brought to justice. It is dangerous for us when the

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<sup>362</sup> K. Anggoro, senior researcher at Central for Strategic and International Studies (CSIS) Jakarta, quoted in *KOMPAS*, “Embittered Groups Are Still Strong”, 29 December 2000, p. 7.

<sup>363</sup> *KOMPAS*, “On That “Newsweek” Interview”, Why Is It So Sensitive and Uproarious?” 18 January 2001, p. 4.

<sup>364</sup> *KOMPAS*, “President Did Not Accuse Hartono and Prabowo – Hartono Considered Legal Action”, 17 January 2001, p. 1.

government and its apparatuses, including the military, act as if bombings are a routine problem.”<sup>365</sup>

For them, if indeed the bombings have been driven by political motives of powerful actors then the government should invest in a serious time and effort and unite all the resources of the state and society to resolve the case.<sup>366</sup> A number of human rights activists, lawyers and academics organised themselves under an organisation called *Forum Indonesia Damai* (Peaceful Indonesia Forum/FID), headed by human rights lawyer Asmara Nababan; FID formed a fact-finding team to lead an investigation of the bombings. The announcements of the FID team are widely reported and tend to substantiate the public discourse of political terror, strengthen President Wahid’s initial utterance that the bombings were meant to create political instability.<sup>367</sup> The team framed the bombings as ‘masterminded’ by a highly organised actor. One of the members of the fact-finding team, Budiman Sudjatmiko, former political prisoner in the Suharto era, articulated that while the field perpetrators are not very professional, as some of the bombs detonated prematurely,<sup>368</sup> the mastermind that organised them are highly professional:

“[T]he bombings were not meant to destroy churches or confront the Christians. Rather, the churches were targeted because such actions could be ‘commissioned’ by the mastermind of the bombings to groups within the society. Religion can indeed become a reason that can trigger conflict, but in actuality the perpetrators just wanted to send a signal that they exist and they can do something; they expected some kind of bargaining with the government.”<sup>369</sup>

The team later on publicised their finding that the field perpetrators did not originate from the same organisation or even ‘political orientation’ (*‘aliran politik’*);

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<sup>365</sup> *KOMPAS*, “FID Fact-Finding Team Temporary Report: Christmas Eve Bombings Were Meant To Create Instability”, 13 January 2001, p. 3.

<sup>366</sup> *KOMPAS*, “Indeed, It Is Time To Manage Security Effectively”, editorial, 5 January 2001, p. 4.

<sup>367</sup> *KOMPAS*, “FID Fact-Finding Team Temporary Report: Christmas Eve Bombings Were Meant To Create Instability”, *loc.cit.*

<sup>368</sup> Four perpetrators died while carrying the explosives, as articulated in *KOMPAS*, “On The Bombings: Police Suggested Having 19 Suspects”, 5 January 2001, p. 1

<sup>369</sup> B. Sudjatmiko, quoted in *KOMPAS*, “FID Fact-Finding Team: One Victim in Jakarta Suspected as Perpetrator”, 4 January 2001, p. 3.



their involvement in the bombings resulted from an organised effort to link them all for a specific terror agenda.<sup>370</sup> The FID team also critically questioned the fact that networks of perpetrators had been able to operate and acquire relatively easy access to explosives. Their *solution frame* is to apply a stricter regime of explosives distribution and production control than what was then implemented,<sup>371</sup> as FID member Munir articulated:

“At the moment what is interesting is that the Parliament (DPR) had not yet taken the initiative to audit the companies that are licensed to produce explosives and question BAKIN [State Intelligence Coordinating Agency] about the accountability of these companies.”<sup>372</sup>

Indications of the involvement of military intelligence as well as gaps in the police investigation two months after the case further strengthened political terror discourse. *TEMPO* magazine’s investigative reporting supports a speculation that military are the instigator of the Christmas Eve bombings. One of the articles in the report package stated:

“The investigation of this magazine reveals a number of Islamic activists involved in the planning of a church bombing Bandung. But they are all just pawns.”<sup>373</sup>

These ‘pawns’ were suspects captured by the police, and found to have indications of working for a higher-level organiser that they refused or were unable to divulge. The report for example described that the main suspect captured in the Bandung bombing, an Islamic activist named Iqbal, was charged by the police as the organiser of the bombing, which could not be factually confirmed as he was barred from talking to reporters. Indication of military intelligence’s involvement appears most strongly in the reporting of the bombing in Medan city, North Sumatra, where the main suspect was a leading figure in the *Gerakan Aceh Merdeka* (Free Aceh

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<sup>370</sup> *KOMPAS*, “FID Fact-Finding Team Temporary Report: Christmas Eve Bombings Were Meant To Create Instability”, *loc.cit.*

<sup>371</sup> *KOMPAS*, “Bombing Actions, and The Weakness of Explosives Control”, 13 January 2001, p. 1.

<sup>372</sup> *KOMPAS*, “On The Bombings: Police Suggested Having 19 Suspects”, *loc.cit.*

<sup>373</sup> *TEMPO*, “Intelligence Network Behind the Christmas Eve Bombings, 19 February 2001, p. 17

Movement/GAM). He is described to have been working with a person who happened to be a 'double agent' of both GAM and the Indonesian Army. The latter was also found to communicate with a businessman who gained concessions from the military and Army Intelligence officer in the West Sumatra Command. In the end, Army intelligence's involvement remains speculations at best because no conclusive evidence is found to allege them for being responsible about the bombings.

***Frame 2: "Terror as Well-Organised Work/ Terrorism Securitisation"***

The Christmas Eve bombings is also explicitly referred to as the work of a professional terrorist organisation, which would become more prominent as a dominant discourse in the aftermath of the 2002 Bali bombings. Signifying the 'terrorism' discourse is the naming of perpetrators as more specific than 'bombing perpetrators' ('*pelaku peledakan bom*') but more directly as the 'terrorist'; the naming itself does not imply a specific designation but rather a characteristic of a professional violence operator. An identifiable securitising actor was Coordinating Minister for Political and Security Affairs Yudhoyono. It is not clear *what terrorism actually threatens* as Yudhoyono articulated:

"The bombings are strongly suspected as a work of a terrorist organisation with the aim of *destroying the security situation*, disturbing prayer activities and establish fear and anxiety in the society."<sup>374</sup>

The word 'destroying' in Yudhoyono's articulation may best be interpreted as an escalated version of 'compromising' the 'security situation', which is not the same with 'national security' as it suggests a more temporally specific designation of the current situation. Other articulators of 'terrorism as threat' discourse related the concept 'terrorism' with the organised nature of and the uniformity of bomb

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<sup>374</sup> KOMPAS, "Perpetrators Are Suspected To Be Terrorists: Police Examined Two Suspects in Bandung", 26 December 2000, p. 1, emphasis added.

materials used by the perpetrators. For example, Jakarta Governor Sutiyoso expressed:

“The bombings have been conducted by terrorists because the targets, the timing of attacks and the bomb materials are identical; it also seems that the bombings are part of the previous bombings in Jakarta.”<sup>375</sup>

The continuity with previous acts of terror and their possible perpetration by one particular organisation seem to be important indications for ‘terrorism’ for Indonesian officials, as Head of Police Bimantoro expressed:

“The fact that the bombs went off simultaneously at around 20.30 means that the perpetrators knew exactly the schedule of the targeted churches during Christmas Eve ... There is an indication that the bombings may have been conducted by one group.”<sup>376</sup>

The categorisation of the bombings as terrorism was still a new discursive move so that the articulators of the discourse need to express it with reasoning. The categorisation of bombings as terrorism relies on a conceptual understanding that terrorists mostly rely on bombings, as Hamid Awaluddin, one of the Indonesian academics who campaigned for the notion of ‘terrorism as extraordinary crime’ writes:

“The bombings that took lives on a massive scale such as the ones that took place last Christmas Eve can be categorised as terrorism because – while terrorism has begun to gain condemnation and categorisation as an international crime – the modus operandi and instrument of the terrorists have relied mostly on bombings. Thus, bombings have now been associated with terrorism.”<sup>377</sup>

Terrorism discourse is also established through the association of the bombings between acts of terrorism and humanitarian values. Bombings are expressed as a sign of ‘cowardice’, ‘loss of consciousness’ and ‘humanity’ from Indonesia’s sense of nationhood; the bombings are also expressed a manifestation of barbarism or incivility (*tidak beradab*):

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<sup>375</sup> KOMPAS, “Series of Bombings Condemned; 15 Died, 96 Injured”, 26 December 2000, p. 1

<sup>376</sup> *Ibid.*

<sup>377</sup> H. Awaluddin, “Bombings and Acts of Terrorism”, KOMPAS, 2 January 2001, p. 7.

“It feels like we live in a barbaric society. From the legal, especially human rights point of view, the bombings are human rights violation, a severe and serious one indeed. This is because the bombings have been undertaken with clear design, careful planning, to annihilate people inside the churches through systematic and devastating actions. The planners and executors knew the consequences.”<sup>378</sup>

Furthermore, the ‘terrorism’ discourse’s solution frame is the need for a new law that specifically governs terrorism and anti-terrorism and to stop relying on the existing Penal Code. The need for an anti-terrorism law is therefore produced from the ‘universalising’ the bombings as a human rights violation and positioning of Indonesia as part of a global citizen:

“The bombings, as a severe violation of human rights, are no longer murder as stipulated in the existing Penal Code. Because of such characteristics [of the bombings], I am not surprised if one day the international attention finally comes up. When that day comes, we have to behave wisely and objectively, instead of over-react with various sorts of apologetic political and religious reasonings. This is a matter of a universal and globalising humanitarian matter. We must not let this problem go unsolved.”<sup>379</sup>

Securitisation of terrorism found its first appearance also in the aftermath of the Christmas Eve bombings. The ‘terrorism securitisation’ discourse associates the predictive assessment of the capability of the terrorists to continue their acts of terror, and their characteristics as highly-skilled group of people, with the threat to ‘national unity’. Similar to Hamid Awaluddin’s statement above, the use of the concept ‘terrorism’ indicates a suggestion to disassociate ‘terror’ from political debates and instead highlight ‘terror’ as a national threat. This is apparent in the statement of member of the Parliament from the PKB Party Taufiqurrahman Saleh below:

“The capacity of the *rabble-rousers* in committing *terrorism* is real; they will always attempt to create chaos that will threaten Indonesia’s unity. Everyone must realise that there is a *well-organised* and *highly-skilled* movement that has managed to stage bombings in 26 different places simultaneously. If the Parliament and the government continue to be pre-occupied by their own agendas, we may well fall into the *terrorism scenario* that the enemy has

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<sup>378</sup> H. Awaludin, legal expert, quoted in *KOMPAS*, “Embittered Groups Are Still Strong”, *loc.cit*

<sup>379</sup> *Ibid.*

arranged; they may well want to destroy this nation. The people may also hate and get bored with politics when the Parliament and the government refuse to think about fundamental problems such as the threat [of terrorism] to disintegration.”<sup>380</sup>

Securitisation of terrorism discourse was only found in this statement. Mr. Saleh’s statement was not followed by similar statements from the executive officials. As the excerpt shows, the designation of the terrorists is still ambivalent (‘rabble-rousers’, instead of ‘terrorists’). However, the subtle call to securitise terrorism was followed by Indonesian Council of Press (*Dewan Pers*/ government-affiliated press association) which called on the:

“...news media in Indonesia to unite in the face of terrorism which aims to hold back the progress of reform and terminate the spirit of openness, justice and democracy. The spirit of democracy is the basis on which freedom of expression should develop and protect the freedom of press.”<sup>381</sup>

On the other hand, a frame of ‘bombings as terrorism’ still sits uncomfortably with the previously dominating ‘bombings as political terror’. The first emphasises the character of bombings as a work of a particular terrorist organisation; while the latter emphasises the presence of an ‘*ad hoc*’ team of perpetrators organised and funded by political actors, signifying the role of the latter as ‘puppeteers’ or ‘masterminds’ (‘*dalang*’).

*KOMPAS* editorial argues that the bombings fall short of being ‘terrorism’. Terrorists should consider well the targets that they are attacking, techniques and locations in order to gain the highest effect of terror.

The Christmas Eve bombings were too scattered and unfocused. People’s attention was too divided because the explosions took place in places as far in between as Medan city in the west and Mataram city in the east. The simultaneity of the bombings reflects a well-planned program, but *real terrorists* would not risk

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<sup>380</sup> *KOMPAS*, “FID Fact-Finding Team on The Bombings: Evidence of Infiltration Found”, 30 December 2000, p. 1, emphasis added.

<sup>381</sup> *KOMPAS*, “The Press Needs To Unite Against Terrorism”, 13 January 2001, p. 6.

conducting such a plan because it has a high degree of possibility to fail. One or two actions at the same time are usually the case with *real terrorists* from time to time. Therefore, we can conclude that the Christmas Eve bombings did not reflect a work of a terrorist organisation as we have read in the literature.<sup>382</sup>

### **Critical Acceptance of 'Terrorism' Discourse**

2001 was 'uneventful' compared to 1999-2000 in terms of bombings. The bombing that took place at a shopping mall called Plaza Atrium on 23 September 2001 did not take lives or injure anyone. The bombing that took place on 23 September 2001 was the third time the shopping mall was hit with a bombing; previously, a bomb went off on 1 August 2001 and 11 December 1998, none of which was investigated conclusively by the police. The news media were divided between framing the event as 'terrorism' in light of the tragic events on 11 September 2001 at New York and Washington D.C., and as 'police professionalism' problem. The two frames indicated that the Indonesian public had begun to accept the frame that 'bombings are terrorism', but that does not lower their demand for quality in the conclusive investigation of the bombings.

As part of the first frame, *KOMPAS* reported Coordinating Minister for Political and Security Affairs Yudhoyono's address at the Plaza Atrium bombing as "part of the terror that must be eradicated" and a "calling for Indonesia to rise up to handle terror"; subtly putting the Atrium bombing against 9/11, he articulated that "as the world faced act of terror, Indonesia should not take it as customary" ("*kelaziman*").<sup>383</sup> The newspaper's editorial places the bombing that hit Plaza Atrium as part of the series of bombings that had taken place in Jakarta within the past two

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<sup>382</sup> R. Bagun, "This Is Terror, Not Terrorists' Actions", *KOMPAS*, 31 December 2000, p. 1.

<sup>383</sup> *KOMPAS*, "Bomb Explosion Shocked Atrium at Senen Area Again", 24 September 2001, p. 1.

years; overall they “showed that the *terrorist people* have more freedom of movement in Jakarta.”<sup>384</sup>

An alternative frame was provided by *TEMPO* magazine.<sup>385</sup> The news magazine reports the existing gaps in the police investigation of the bombing. The Jakarta police accused someone named Ismuhadi and his partner Ramli as perpetrators of the mall blast; the two were members of the Free Aceh Movement (GAM). Some gaps in the investigation include the fact that the car used as the carrier of the bomb was Ismuhadi’s own car. The magazine rhetorically asked “was it possible that perpetrators of a terror act used properties that could be easily traced back to themselves. Secondly, Ismuhadi was in prison for unrelated charges, so “how did an inmate organise a bombing in a mall in central Jakarta?” Police explained that this was possible because Ismuhadi collaborated with a colleague named Ramli to execute the plan, but Ramli was never found. The news report was written in a sceptical tone that questioned the gaps in police investigations as they make the police conclusion of Ismuhadi and his GAM networks’s culpability fail to add up to an objectively satisfying conclusion. Some sentences in the report are written satirically for example: “It’s extraordinary, how an inmate could still do that.” or “It may well seem that Ismuhadi’s colleague Ramli has a capability to do a vanishing act”, all of which reflect a sceptical view towards the quality of police work conducted on the case.

The first frame tends to dominate. *KOMPAS* editorial lamented the difficulty of securitising the issue of terrorism because

“Indonesian public felt anxious and afraid of acts of terror, but later on they tended to forget until the next bombing took place. The pattern played over and over again after every bombing action. The phenomenon of terrorism in Indonesia is often *relativized*. The level of public and awareness and

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<sup>384</sup> *KOMPAS*, “The Bombing at Plaza Atrium Showed the Danger of Terrorism Yet Again”, editorial, 25 September 2001, p. 4.

<sup>385</sup> *TEMPO*, “Jihad?”, 7 October 2001, p. 17

government's concerns tend to slacken, so that the terrorist threat can arise easily at any time."<sup>386</sup>

*KOMPAS*'s discourse of terrorism appears more clearly in its report of four "terrorist groups" who perpetrated bombings in Indonesia in its past two years.<sup>387</sup> The police who reported the evidence of these groups did not name them 'terrorists'; rather, it appears on the title of the article. In this article 'terrorist groups' include the Free Aceh Movement (*Gerakan Aceh Merdeka*/GAM), "Jihad Group" led by Imam Samudra and Hambali, people who were organised by Tommy Suharto, and 'private individuals'. The year 2001 marked the beginning of appearance of two names that later on became frequently discussed in Indonesian public discourse of terrorism, as well as academic publications discussing terrorism in Indonesia; Imam Samudra and Hambali.

## Conclusion

While the concept 'terrorism' does not make an appearance in the news media coverage until mid-2000, the concept 'act-of-terror' appears throughout the coverage of the bombings that took place between 1999 and 2001. The Indonesian public interprets the bombings through the ongoing political dynamics and their experiences of political terror in the authoritarian era. Basic discourses that can be identified in the news media coverage of the bombings, associate 'act-of-terror' with 'provocation of sectarian conflicts' and 'election sabotage' (terror-as-provocation), 'anti-political change' (terror-as-instability), and finally with 'terrorism' (terror-as-terrorism). As 'act-of-terror' sometimes targets sites of prayer, an alternative discourse emerges associating 'act-of-terror' with 'anti-political Islam' (terror-as-anti-Islam). Another alternative discourse associates 'act-of-terror' with 'security forces

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<sup>386</sup> *KOMPAS*, "The Bombing at Plaza Atrium Showed the Danger of Terrorism Yet Again", *loc.cit.*, emphasis added.

<sup>387</sup> *KOMPAS*, "There are Four Terrorist Groups Who Committed Bombings", 25 September 2001, p. 17.



professionalism' (terror-as-security problem), as bombings continue to take place throughout the two years under study. Securitisation of terrorism issue appears explicitly but very rarely in the aftermath of the Christmas Eve bombings on 24 December 2000. Securitisation rhetorical speech is articulated by disregarding any political motives or purposes that might have driven the acts-of-terror, and describing the characteristics of their impacts to their victims.

The discourse of terror-as-provocation associates the concept 'terror' with the ongoing circumstances of sectarian communal conflicts and the set plan for emergency election in June 1999. The subject of terror perpetrator is labelled not as terrorist, but *provocateur* or *agent-provocateur* (*provokator*), which refers undefined figures who are employed to instigate conflict but also, when they are suspected to be elements of the security apparatus, to let people instigate conflicts. Along with the subject *provocateur* is the *mastermind* (*dalang*) organises and employs provocateurs to their work. The *provocateurs* are associated with the characters of *uncivilised* or *barbaric* and *anti-religious*; and provocateurs seek to accomplish a derailment of election plan through instigating communal conflicts. The government, through the characterisation of the *provocateurs* as such, is associated with the mission of bringing back civility, and religious values of peace and inter-religious harmony.

Terror-as-instability discourse partly plays out the similar association between terror and sectarian conflict, as the Christmas Eve bombings coverage shows. However, more dominating than this association is the association between terror and the anti-*reformasi* movement; the latter refers to a force that aims to derail the effort to uphold political reform, specifically in terms of military reform and bringing former President Suharto to justice for corruption charges, through creating instability for the incumbent government. The subject perpetrator in terror-as-

instability is called *old-powers* (*kekuatan lama*) or *embittered people* (*orang-orang sakit hati*). Old powers have a more specific reference than *provocateurs*; they fit more firmly with the subject *masterminds*. Old powers are articulated in conjunction with the speculative notion that acts of terror are perpetrated to derail the legal due process of Suharto's corruption cases and warn against political changes that embitter Suharto's inner circle, such is the case in President Wahid's direct naming of Tommy Suharto in the aftermath of the Jakarta Stock Exchange bombing. The terror as instability discourse is most clearly articulated in the aftermath of the Christmas Eve bombings where *old powers* are characterised as a mastermind or employer to disparate groups of perpetrators; similar with *provocateur*, *old powers* or *embittered people* are associated with values of anti-democratic reform.

Both terror as instability and terror as provocation frames are initiated by President's public announcement, respectively Presidents Wahid and Habibie. Unlike these discourses, 'terror as terrorism' is initiated by citizens, mostly academics, human rights activists, and the news media. Terror as terrorism discourse represents a frustration or unsatisfaction with the 'political terror' discourses where acts of terror are continually described as being committed for some political purposes of anti-reform powerful actors. Emerging from the concern of human rights activists over the victims of the Jakarta Stock Exchange and Ambassador Caday's residence bombings who needed assistance for their losses, the terror as terrorism discourse discounts the need to think about political motives of terror. Rather, the discourse associates terror with 'barbarism', 'human rights violation', international concern over the issue of terrorism, the possible presence of international terrorism network in Indonesia, and most importantly the need for a new law, in addition to the existing Penal Code. Terror as terrorism discourse is gradually adopted by the police and the government, notably the Coordinating Minister of Political and Security Affairs

Yudhoyono. In 2001, in the aftermath of the Plaza Atrium bombing, terror as terrorism discourse began its dominance as the most pronounced frame of the bombing by the Indonesian government.

Terror as terrorism discourse co-exists as an alternative to terror as instability discourse which still dominates in the aftermath of the Christmas Eve bombings. Different from terror as terrorism discourse, terror as instability, represented by the FID fact-finding team, propounds the need to do less extraordinary policy, including strict regime of explosives control and better management of the security sector, including the police and intelligence agencies. Terror as security problem discourse develops alongside the emergence of terror as terrorism discourse as a solution-oriented frame of events that changes the focus from the need to ponder on the political purpose and masterminds of terror to the reform of the security sector to respond more effectively to terror. Similar to the terror as instability discourse, terror as security problem does not relate to the need for extraordinary responses; professional investigation of the police, coordination of intelligence agencies to prevent acts of terror, securing the nation's borders are propounded as solution frames to the issue of terror.

In addition, another alternative minority discourse that stays relevant when religious symbols are targeted is terror as anti Islam discourse. This discourse is not specific in the subject that it adopts as the perpetrators; terror is associated with the discrediting of political Islam or Islamic legitimate political activism. As such, terror as anti Islam discourse is a reactive response of Islamic media and political activists who aim at distancing the terrorism discourse from Islam as far as possible.

## Chapter 6

### Securitisation of Terrorism Issue in Public Discourse

#### Introduction

The purpose of this chapter is to illustrate the public discourses of terrorism which make the exceptionalisation of terrorism possible. It will show that the *de-politicisation* or *political sterilisation* of the ‘terrorism’ concept in public discourse is an important aspect that allows the Indonesian government to promulgate laws that specifically handles terrorism as a non-politically defined ‘extraordinary crime’ and ‘crime-against humanity’. The Indonesian government adopted its anti-terrorism frames from the existing discourses of terrorism which had developed since 1999, the 1945 Constitution and Rome Statute of the International Criminal Court. The government’s discourse of anti-terrorism must ‘relegate’ the naming of perpetrators to evidence-based police investigation; at the same time it must also be relatable to ‘immediacy’ and ‘breakthrough measures’. This is encapsulated in the promulgation of Interim Laws 1/2002 and 2/2002 on Terrorism-Crime Eradication and its retroactive application on the prosecution of 12 October 2002 Bali bombers.

The **first** section of this chapter is the public discourses of terrorism that are identifiable from the news media discourses in the period of the first half of 2002. The discussion of public discourses on this period is important, because this period marks the first clear divisiveness in the Indonesia public discourse that would stay on in the aftermath of the Bali bombings. The ‘Al-Qaeda’s presence’ discourse was largely criticised as foreign discourse and associated to ‘interventionism’, ‘Islam-discrediting’ and ‘disruptiveness to democratisation’; early divisiveness appeared in

differing arguments of social actors in each of the episodes of Al-Qaeda's presence discourse.

The **second** part of the chapter illustrates that the divisiveness that already appeared in early 2002 over the 'Al-Qaeda's presence' discourse was carried forward to the aftermath of the Bali bombings. Two major discourses of terrorism marked a chasm in Indonesian public discourse during this period between 'terrorism is real' and 'terrorism is engineered' discourses. 'Terrorism is real' associates the concept of terrorism with 'real danger' to public security, 'vulnerable national security', 'weak intelligence apparatus', 'tragic ignorance' of the Indonesian state towards international warnings, and the need to view terrorism as a cause for 'national unity'. Three major frames that appear to signify the 'terrorism is real' discourse include 'terrorism as real danger', 'terrorism as Self-humiliation', and 'terrorism for national unity'. 'Terrorism is engineered' discourse emerged as a contending discourse; it associated the concept 'terrorism' with 'Islam marginalisation' and the 'entrapment of America's War on Terror'. Securitisation of terrorism issue is advocated in frames of 'terrorism is real' discourse through demands of a visibly decisive response to terrorism.

The **third** part explains the Indonesian government's anti-terrorism discourse, which utilises frames that can be acceptable to both 'terrorism is real' and 'terrorism is engineered' public discourses. These frames include 'terrorism as extraordinary crime', 'terrorism as crime against humanity', 'anti-terrorism as different from anti-subversive', and 'anti-terrorism without the terrorists'. The **fourth** section explains the nature of Indonesian anti-terrorism policy as anti-terrorism *without* terrorist designation. The strategy of non-designation is pursued through an avoidance from naming Jemaah Islamiyah (JI) as a terrorist entity while maintaining compliance with the designation of the United Nations; externalisation

of JI; and disassociation of JI from the Bali bombings. This chapter concludes that the securitisation of terrorism issue in Indonesia is a bottom-up process because the securitisation frame had appeared in the public discourse before the government initiated the formal securitisation. Securitisation of terrorism began to take place in public discourse as the concept 'terrorism' is no longer associated with domestic political power holders and political motivation, but rather with transnational actors, ideological ambitions, and indiscriminate violence.

### **The Build-up of 'Al-Qaeda's Presence' Discourse**

In the days following 9/11, the public discussion of the tragic events debated the possibility of the presence of Al-Qaeda network in Indonesia.<sup>388</sup> For Indonesian observers the connection between any Indonesian groups with Al-Qaeda was not impossible; the Head of State Intelligence Body (BIN) Hendropriyono already stated on 24 August 2001 that some groups in Indonesia had served as a "shelter for international terrorism agents".<sup>389</sup> Meanwhile, there were actors that had so far been associated with Indonesian terrorism: Jihadi Group led by Imam Samudra and Hambali, Tommy Suharto, and Aceh Free Movement.<sup>390</sup> However, Indonesian state officials were divided on the confirmation of Al-Qaeda's presence; while in general they denied that the presence of Al-Qaeda had any evidence, some officials and diplomats articulated that a number of foreign citizens associated with Al-Qaeda were already evicted from Indonesia *several times*.<sup>391</sup> The 'Al-Qaeda's presence' discourse also created a divisiveness in the public discourse of terrorism, between critical frames against the international warnings of Al-Qaeda's and JI's presence and

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<sup>388</sup> KOMPAS, "Vice President: The U.S. Should Not Accuse The Islamic *Umma* Hastily", 14 September 2001, p. 6.

<sup>389</sup> KOMPAS, "Possibility of Osama bin Laden's Network in Indonesia Is Slim", 12 September 2001, p. 6.

<sup>390</sup> *Ibid.*

<sup>391</sup> KOMPAS, Fujimura: Al Qaeda Exists in Indonesia, 24 May 2002, p. 1.

minority frames that demanded the government to clarify the state of Al-Qaeda's presence conclusively.

The discourse of 'Al-Qaeda's presence' in Indonesia (*kehadiran Al-Qaeda*) began to build up in the public discourse since early 2002 with the arrest of members of *Jemaah Islamiyah* (JI) in the Philippines, Malaysia and Singapore. However, the event was treated as a *foreign discourse* in Indonesia. The news reports of these arrests and the following news about the plots of attacks that they had planned were written by the news media with reference to the news wire services including *Reuters*, *Agence France Presse (AFP)* and *Associated Press (AP)*; they are repeatedly cited as sources of news reports related to JI before the Bali bombings. The arrest of an Indonesian militant Fathur Rahman Al-Ghozy by the Philippines police for his act of terrorism at Metro Manila was an entry-point of the discourse of JI. Al-Ghozy was the first person that was explicitly and publicly known as a 'JI member', associated to a particular terrorist crime, and alleged Al-Qaeda member. Before him, the names Hambali and Imam Samudra already emerged following the investigation of the Christmas Eve bombings, but they were not associated with JI, and their roles in the bombings were not yet clarified. Since Al-Ghozy's arrest, Indonesian public discourse not only associated 'terrorism' with 'Jemaah Islamiyah', but also with 'transnational network' and 'Al-Qaeda' because the publicly narrated history of JI showed the transnational activity of its associated individuals. This connection between 'terrorism', 'Al-Qaeda', and 'JI' marked an evolution in Indonesian public discourse of terrorism which previously associated the concept with domestic political motives and power holders. 'Terrorism' is *transnational*, involving both foreign and domestic actors in different roles. In the days that following the 2002 Bali bombings, officials and news editorials were populated with assertions of "terrorism exists in Indonesia"

or “this is terrorism”, referring to the Bali tragedy; the ‘terrorism’ concept in these assertions referred to its transnational rather than domestic association.

The association of terrorism with Al-Qaeda in the wake of 9/11 gave a new more deplorable meaning to terrorism. In its domestic political association, ‘terrorism as political terror’ is more *understandable* for the Indonesian public; it is interpreted as a result of resistance of power holders to political change. The Indonesian police’s own announcement which listed Tommy Suharto as one of the ‘power brokers of terror’ in the aftermath of the Plaza Atrium bombing in 2001 (see previous chapter), confirmed public belief about the problem of terrorism. However, the association of terrorism with ‘transnational network’, ‘Al-Qaeda’, and generally never-heard JI suggests a “professional” and elusive network of terrorists whose political motives hardly touches upon matters of domestic political situation.

The ‘Al-Qaeda presence’ discourse is discussed in three frames of disbelief: ‘anti-intervention’, ‘anti-Islam-discrediting’, and ‘pro-democratisation’. **First**, ‘Al-Qaeda presence’ discourse is discussed in the frame of ‘anti-intervention’ which intermingled with the **second** frame of ‘anti-Islam-discrediting’. These two frames appeared in the news media following the statement from Singapore’s Senior Minister Lee Kuan Yew, published in *The Straits Times* on 18 February 2002, that Singapore was still vulnerable to terrorist attacks because the leaders of the extremist cells, notably the ‘leader of JI’ Abu Bakar Ba’shir, were still roaming free in Indonesia.<sup>392</sup> This statement was back-grounded by the finding that emerged following Al-Ghozi’s confession to the Philippine police that he had planned attacks against American facilities in Singapore, in addition to his involvement in the bombing of Metro Manila train station on 30 December 2000.<sup>393</sup> The arrest of Fathur Rahman Al-Ghozi was initially reported in a small column in a newspaper *KOMPAS* at

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<sup>392</sup> *KOMPAS*, “Singapore Shocked By Indonesia’s Reaction On Terrorism”, 23 February 2002, p. 1.

<sup>393</sup> *KOMPAS*, “The U.S. Started Terrorism War In The Philippines”, 31 January 2002, p. 3.



the end of January 2002, as “the main leader of Jemaah Islamiyah” whose interrogation led to the capture of individuals believed to have been a member of Al-Qaeda network in Southern Philippines.<sup>394</sup> Following Ghazy’s arrest, US Ambassador for Singapore Frank Lavin announced that 13 suspected terrorists who planned the attack against American targets, including the US Embassy in Singapore had fled to Indonesia. Ambassador Lavin expressed his concern by comparing the performance of Southeast Asian States in counter-terrorism:

“I sense an uncertainty of the nature of the challenge faced by Indonesia; we have seen arrests in Singapore and Malaysia, but we have not seen such response in Indonesia, and this is worrying. President Megawati had voiced her full support on the global coalition of anti-terrorism. Therefore, we expect a follow-up from Indonesia.”<sup>395</sup>

Along with these 13 suspected terrorists wanted by the Singaporean authority was Abu Bakar Ba’asyir; this article was one of the first to mention his name. The Indonesian government’s and public’s attitude ranged between unresponsive and reactive. Ambassador Lavin’s remark produced no visible response from the Indonesian government, but when the same demand was voiced by Singapore’s Senior Minister Lee Kuan Yew, the response of some within the public were highly reactive. Radical Islamic/ thuggish organisation Islamic Defenders Front (*Front Pembela Islam/FPI*) and Abu Bakar Ba’asyir’s organisation Indonesian Mujahidin Council (*Majelis Mujahidin Indonesia/ MMI*) wasted no time to mobilise its supporters on the street to protest the Singaporean government the next day for its discrediting of Indonesian Islam, accusing their “revered teacher” Ba’asyir as a terrorist, and “intervening” in Indonesia.<sup>396</sup> Vice President Hamzah Haz accommodated the criticism of the protesters: “Singapore’s complaint and

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<sup>394</sup> *KOMPAS*, “Again, the Philippines Captured An Al-Qaeda Associate”, 22 January 2002, p. 2.

<sup>395</sup> *KOMPAS*, “The U.S. Expected Indonesia to Act Strongly Against Terrorists”, 3 February 2002, p. 1.

<sup>396</sup> *TEMPO*, “FPI and Indonesian Mujahidin Council Protested Lee Kuan Yew’s Statement”, 25 February 2002, p. 3.

clarification were not necessary because it is not true that the [terrorists] are related to Indonesia and they could also impact on Indonesia's economic restoration."<sup>397</sup>

Indonesian academics were divided in their response to Lee Kuan Yew's statement. The 'anti-intervention' frame was amplified with the notion of Singapore as America's "henchman" (*Kaki tangan*, literally meaning "legs and arms"): "Singapore has always been the *henchman of the U.S.*, and probably Singapore wishes to satisfy the U.S. in its role as the latter's microphone."<sup>398</sup> Meanwhile, other academics think that Indonesia should have done something earlier instead of reacted in anger to Lee's statement because Singapore's Prime Minister and Foreign Minister, in addition to Ambassador Lavin, had articulated similar concerns and gained no response whatsoever.<sup>399</sup>

The anti-Islam-discrediting also appears in Foreign Minister Wirayuda's criticism against Singapore for not being 'more understanding' about Islam in Indonesia:

"When we talk about terrorism, we associate the word with other regions, why is it now in Southeast Asia? I think it is because national and regional media blew it up. The negative impact of the talk on terrorism is the association between Islam and terrorism. When Afghanistan was bombed, Indonesians could at least felt that [the 'war on terrorism'] was a war against Islam. States with Muslim majority also became targets, or at least felt that Islam had been discredited. Outsiders may not know that Indonesian mainstream Islam is moderate. I could understand if this is not well-known in the West, but *I would expect differently from an ASEAN state.*"<sup>400</sup>

The **third** frame of 'pro-democratisation' discusses 'Al-Qaeda's presence' discourse as a potential disruption to democratisation. In early February Indonesian news media began to 'own' the Al-Ghozi's story through its own investigation. The presence of Al-Qaeda network was already voiced by BIN Head Hendropriyono but,

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<sup>397</sup> *KOMPAS*, "Singapore Shocked By Indonesia's Reaction On Terrorism", *loc.cit.*

<sup>398</sup> R. Sihbudi, researcher at Indonesian Science Academy (LIPI), quoted in *KOMPAS*, "On the Controversial Statement About Indonesia: Lee Kuan Yew Should Have Been More Careful", 25 February 2002, p. 1.

<sup>399</sup> J. Sudarsono, International Relations Lecturer in Universitas Indonesia and C.P.F. Luhulima, researcher at CSIS Jakarta, quoted in *ibid.*

<sup>400</sup> *KOMPAS*, "Foreign Minister: No Pressure From the U.S.", 6 March 2002, p. 3, emphasis added.

as *TEMPO*'s editorial lamented, "his statement might have been driven by the need to have the arms-embargo lifted by the U.S."<sup>401</sup> 'Pro-democratisation' frame associates the 'presence of Al-Qaeda' with prioritising the security sector and views that heavy-handed approach to terrorism would scale back the progress of democratisation that Indonesia had achieved thus far; it shows the difficulty of the 'Al-Qaeda's presence' discourse to fit with the existing terrorism discourse because of the former's corollary of heavy-handed approach. Questioning the Al-Qaeda connection also means separating the 'culpability of terror attacks', such as Al-Ghozi's culpability in bombing the Metro Manila, with a 'connection with Bin Laden'. Hence, this frame admits that 'terrorism exists', or rather, Indonesian citizens are guilty of perpetrating terror, but puts into question the Al-Qaeda connection. This view is sensitive to the source of information, because a slight clue that the information comes from the U.S. would be interpreted as slanted towards vindicating Al-Qaeda's presence, rather than resolving the crime that had been committed. *TEMPO*'s media frame in addition to highlighting the catastrophes Al-Ghozi carried out in the Philippines and the potential danger of his accumulated explosives,<sup>402</sup> also questions how the Philippines police came to know his whereabouts. A section titled "Fact or American Propaganda" specifically explains where the Philippines police force acquires tips for their successful round-ups of Jemaah Islamiyah operatives:

"The Philippines law enforcers obtained the information of Ghozi's whereabouts from the Singaporean police last month as the latter arrested fifteen alleged perpetrators of terror using the Internal Security Act ... A Singaporean official said they obtained a video footage and notes in Arabic found by the U.S. forces in the ruins of a house belonging to one of the leaders of Al-Qaeda in Afghanistan. In other words, the information that came from America."<sup>403</sup>

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<sup>401</sup> *TEMPO*, "Ghozi, Al-Qaeda, and Megawati", 28 January 2002, p. 17.

<sup>402</sup> *TEMPO*, "Al-Qaeda Made in Madiun? A Villager from Madiun Was Caught in the Philippines and Accused of Connection with Bin Laden's Terror Network – Is this Valid?", 28 January 2002, p. 19.

<sup>403</sup> *Ibid.*, p. 20.

The U.S. action of disseminating intelligence about the whereabouts of Al-Qaeda's possible links to Singapore, Malaysia and the Philippines was associated by *TEMPO*'s editorial to the need of those regimes to quell civilian dissidents, which was exactly what the Indonesian government sought to avoid. On the other hand, the capture of Al-Ghozi was soon to lead to the demand for the capture of Abu Bakar Ba'asyir who was hailed by Islamic activists for consistently fighting against Suharto's despotism to establish an Islamic state. Indonesia's terrorism genealogy was linked to the U.S. 'war on terrorism' discourse through the figure of Al-Ghozi. He was educated in Al-Mukmin, the Islamic boarding school that Ba'asyir founded before he was arrested for alleged involvement in *Komando Jihad* whose actions were an early articulation of 'terror' in Indonesian public discourse.<sup>404</sup> Relating Ghozi with Ba'asyir through his studentship at Al-Mukmin *pesantren* is an entry point for the Indonesian public to learn the existence and history of *Jemaah Islamiyah* group, which later on became a central point of narrative in Indonesian terrorism after the 2002 Bali Bombing.

The 'anti-intervention' frame picked up once again more intensely following the arrest of Omar Al-Farouq in June 2002 an Al-Qaeda operative in Southeast Asia. Published in *TIME* magazine, the story also widely circulated among the Indonesia news media. Al-Farouq was a Kuwaiti-born Indonesian living in Bogor, West Java. On 5 June 2002, he was apprehended by Indonesian intelligence which handed him over to the Central Intelligence Agency. As a result of the CIA's interrogation, Al-Farouq confessed to have planned an attack against various American targets in Southeast Asia, to have a plot to kill President Megawati.<sup>405</sup> As in the aftermath of Lee Kuan Yew's statement, Al-Farouq's arrest received protests from many within the public for its possible impact of national unity. President of Justice Party (PK), an

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<sup>404</sup> *TEMPO*, "Is He The Imam?", 3 February 2002

<sup>405</sup> *KOMPAS*, "Straits Times On The Assassination Attempt on Megawati", 5 October 2002, p. 2.

increasingly popular Islamic party established in the beginning of the *reformasi* era, labelled Al-Farouq's published confession on the plot to kill Megawati as a "foreign power's black propaganda" aimed at disintegrating the nation.<sup>406</sup>

There is a differing attitude between two largest Indonesian Islamic mass organisations Muhammadiyah and Nahdlatul Ulama (NU) on Indonesian government's handling of terrorism. Muhammadiyah prioritised the need to have the U.S., represented by Ambassador Ralph Boyce to make a joint statement that Indonesian Islam was a moderate Islam and that Indonesia is not a "terrorist state". Islamic pro-violence organisations *Laskar Jihad*, Islamic Defenders Front (FPI), and Islamic Mujahidin Council (MMI) had no association whatsoever with international terrorism network.<sup>407</sup> On the other hand NU, represented by its political wing the National Awakening Party (PKB), announced to the media that the government must immediately respond to the issue of terrorism by declaring its formal and explicit attitude on terrorism issue. They were concerned that absence of a formal attitude from the government would lead to "mutual recriminations" in the society.<sup>408</sup>

Ba'asyir confessed to have no knowledge regarding Al-Farouq,<sup>409</sup> and Indonesian authorities followed up the knowledge on Al-Farouq after the 2002 Bali bombings by visiting him in his detention facility.<sup>410</sup> Later on, the Indonesian police used his confession as a basis to arrest Mr. Ba'asyir for charges related the Christmas Eve bombings, Megawati assassination plot, and immigration violation. Al-Farouq's confession to the U.S. was critical to the development of Indonesian terrorism knowledge as it established an answer for 'who was behind' Istiqlal Mosque bombing in 1999 and Christmas Eve bombings 2000. In other words, Al-Farouq's confession

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<sup>406</sup> KOMPAS, "Eight National Elements Reject America's Black Propaganda", 23 September 2002, p. 6, *Ibid.*

<sup>407</sup> KOMPAS, "Vice President on Terrorism: Do Not Anger Indonesians", 29 September 2002, p. 1.

<sup>408</sup> KOMPAS, "Government Is Slow On Responding to Terrorism Issue", 30 September 2002, p. 6.

<sup>409</sup> TEMPO, "Mukhlis The Warlord", 29 September 2002

<sup>410</sup> KOMPAS, "House of Representatives Endorses Anti-Terrorism Interim Laws", 18 October 2002, p. 4.

facilitated the discourse of 'mastermind' or 'puppeteer' that the Indonesian public prioritised, as the previous chapter shows. Al-Faruq's confession about his plans and activities in Southeast Asia also built a connection between JI and Al-Qaeda. However, Indonesians' experience of government's anti-subversive practices have made them sceptical about information produced from 'interrogations'.<sup>411</sup>

Studies of terrorism focusing on Indonesia cited Al-Faruq as a justifying linkage between Al-Qaeda, JI and the acts of terror in post-Suharto Indonesia. Al-Qaeda's presence in Indonesia was analysed by Rabasa and Haseman in early 2002 as part of their assessment of the need for Indonesia to have its arms-embargo lifted by the U.S. government. According to their analysis, radical Islamic groups in Southeast Asia share *the same ideological orientation and biases* and were therefore susceptible to international terrorist groups' infiltration and influence.<sup>412</sup> Through interviews and media coverage, the authors illustrate Al-Qaeda's links to Indonesian mujahidin groups *Laskar Jihad* and and terrorist network *Jemaah Islamiyah*; the first came to be known from the detention and trial in Spain of Al-Qaeda members who received training at a camp in Indonesia's Poso city in Central Sulawesi province and the latter emerged from the arrest of JI members in Malaysia and Singapore in early 2002.

After the Bali bombings, Al-Faruq is mentioned as an "Al-Qaeda trainer" and a central figure in establishing a training camp in the Southern Philippines to train Southeast Asian groups in guerrilla warfare and terrorism.<sup>413</sup> Another author wrote that Islamic groups in Indonesia and the Philippines sent their members to Afghanistan as *Mujahidin* in the war against the Soviet troops, and Al-Faruq was

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<sup>411</sup> T. Dahlby, *Allah's Torch: A Report from Behind the Scenes in Asia's War on Terror*, Harper Collins e-books, 2004, p. 143.

<sup>412</sup> R. Angel & J. Haseman, *The Military and Democracy in Indonesia: Challenges, Politics, and Power*, Santa Monica: RAND, 2002, p. 81.

<sup>413</sup> M. Chandler & R. Gunaratna, *Countering Terrorism: Can We Meet the Threat of Global Violence*, London: Reaktion Books, 2007, p. 157.

central in the establishment of cooperation between Al-Qaeda and these Islamic groups afterwards.<sup>414</sup> Faruq's interrogation was also mentioned as a source of warning released by the US government to Indonesia about an impending threat of a terrorist act a few months before the Bali bombings occurred.<sup>415</sup>

For the Indonesian public, the concern is as much about Al-Faruq's, and later on Hambali's Al-Qaeda connection as the government's own handling of the issue; handing them over to the US authorities was a heavily-criticised step as it was associated with the Indonesian government's role as 'serving America's order'.<sup>416</sup> Despite the claims of a number of authors about Al-Faruq's role in Southeast Asia and Indonesia in particular, the public discussion of Indonesians in general was about *who he was* and *what he had done* but also about the accurate whereabouts and treatments of Al-Faruq and Hambali, both of whom were captured by Indonesian officials and handed over to US custody. There were calls that they should be extradited back to Indonesia for trial, which was responded to with a defense-for-inaction by Indonesian Minister of Foreign Affairs that acts of terrorism were 'non-traditional criminal acts' that did not warrant protection of the state to a citizen implicated in those acts.<sup>417</sup>

Security officials did not seem to have a significant role in shaping the discourse of Al-Qaeda presence. In addition to Chief of Police Bimantoro's mention of "*jihadi* group of Malaysia origins" and the names Imam Samudra and Hambali as leaders of this group in association with the Christmas Eve Bombings,<sup>418</sup> the Indonesian intelligence community also confirmed the presence of Al-Qaeda

<sup>414</sup> M.N. Murphy, *Small Boats, Weak States, Dirty Money*, London: Hurst, 2008, p. 282.

<sup>415</sup> M.S. Malley, "Indonesia in 2002: The Rising Cost of Inaction", *Asian Survey*, 43:1, 2003, p. 135-146.

<sup>416</sup> *TEMPO*, "The Mystery of the Last Day: According to BIN, Al-Faruq was Deported for Fake Passport, but too many Discrepancies Abound Around His Arrest, 1 December 2000, p. 83.

<sup>417</sup> H. Juwana, *Indonesia's Anti-Terrorism Law*, in *Global Anti-Terrorism Law and Policy*, V.V. Ramraj, et.al (eds.), New York: Cambridge University Press, 2005, p. 300.

<sup>418</sup> *KOMPAS*, "Possibility of Osama bin Laden's Network in Indonesia Is Slim", 12 September 2001, p. 6, see also previous chapter.

associated individuals in the country, but somehow did not seem to present it as national security problem. As a result, their analysis is ‘buried’ under the media frame’s emphasis on the domestic roots of ‘terrorism’, which signified its origins as an Islamic movement, as the following excerpt from investigative journalism report in *TEMPO* exemplifies:

"According to our source, one of the top intelligence officials, *there is no evidence of a relationship between Al-Faruq’s network and Ba’asyir*. Furthermore, this source claimed that the CIA was supplying dozens of names of foreigners suspected to be part of Al-Qaeda in Indonesia, since the beginning of this year. *But, in addition to not necessarily being true, the number may not be that many*. Islamic movements in Indonesia, labelled a radical, already have a long historical root. It all began with the Darul Islam rebellion in the 1940s led by Sekarmadji Maridjan Kartosuwiryo which proclaimed the Islamic State of Indonesia (NII) in 1949.”<sup>419</sup>

In contrast to their denial of Farouq – Ba’asyir connection as the excerpt suggests, the aftermath of the 2002 Bali bombings would see the Indonesian police adamantly held on to Al-Farouq’s confession to arrest Ba’asyir.

### **The 2002 Bali Bombings**

The bombings in Bali on 12 October 2002 were unprecedented in terms of the catastrophes that they produced. Three explosions took place at 23.15 on the Saturday of 12 October; two exploded on a restaurant and a club located on a same highly-crowded street in an area frequented by foreign-tourists called Legian Street, another one exploded near a US Consulate office. At the same time, another bomb went off in Manado city in North Sulawesi, near the Philippine general consulate. The horrible conditions left by the bombings in Bali complicated the counting of victims. The final tally stopped at 202 deaths and more than 300 injured victims.<sup>420</sup>

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<sup>419</sup> Tempo, “Jemaah Islamiyah’s Basis in Milk Factory?”, 29 September 2002, p. 27, emphasis added.

<sup>420</sup> Jane’s World Insurgency And Terrorism, “Jemaah Islamiya”, 2010, <http://jtic.janes.com>, accessed 5 August 2010.



The terrorism discourses in the aftermath of the Bali bombings were markedly different from the ones that are observable in the 1999-2001 period where frames of 'terror as instability' and 'terror as provocation' dominated the public discourse of terrorism. The Bali bombings produce different frames of reports, officials' statements, and opinions debating the 'reality of terrorism'. Two major discourses appeared to compete for public attention: 'terrorism is real' and 'terrorism is engineered' discourses. The first positions the Bali bombings as a turning point, from over-criticism and deliberations on the identity and motives of the masterminds of the bombings to swift pursuit of perpetrators and mitigation of events. The latter discourse views the Bali bombings as *status-quo*, which means the Bali bombings should not lead to radical changes in the policy-response; the notion of political masterminds that employ, organise, or at least knowingly tolerate the perpetrators is still relevant. The old frame of 'terrorism as Islam-marginalisation', on the other hand, grew stronger as a frame that signifies 'terrorism as engineered' discourse. In this sense, while political terror discourse lost its vigour in the aftermath of the Bali bombings, it is adopted by the 'terrorism is engineered' discourse.

### **Terrorism as Security Issue**

The phrase 'national security' is hardly found among the Indonesian officials' utterances after the Bali bombings. Since the initial government's address to Bali bombings on 13 December 2002, it was clear that – even then – terrorism fell short of being presented as a threat to national security. After conveying her deepest condolences and sympathies to the family of the victims, President Megawati addressed the bombings as a *brutal* and *inhumane* act of violence that "contradicts

the principles of laws, religions, and moral values that Indonesians profess".<sup>421</sup>

Furthermore, the President warned that the bombings were a sign of terrorism as a 'real danger' and a 'potential threat to national security':

"The security apparatuses are in the middle of a hard work to investigate the bombings and bring the perpetrators to justice. To all the people of Indonesia I ask you to remain calm while increase your alertness. The bombings should be a reminder to us all that **the danger of terrorism is real** and a **potential threat** to national security."<sup>422</sup>

The government's articulation of 'terrorism threat' is not through confronting the 'terrorist' with the nation-Self; terrorism is articulated as an existing problem where it becomes more important to *handle the problem* than to *confront the enemy*. Publicly admitting that 'terrorism exists' appeared to be the first important message. Coordinating Minister for Political and Security Affairs Yudhoyono, who first emerged as a securitising actor of the terrorism issue in the aftermath of the Christmas Eve bombings, performed a more visible role in setting the tone of public speeches on terrorism than the President. His emphasis was on the character of terrorism as a nation-wide and long-term problem requiring common-responsibility of the citizens; but his message was also implicitly political as he warned other public officials – through warning the public – against speaking along the lines of the notion of 'there is no terrorism':

"*Terrorism is all around us and right in front of us. Let us not lose conscience and common sense. We need to prevent and deter [terrorism]. If [an act of terror] takes place again, we have to **respond to it decisively**. I wish not to hear comments that say the government has trumped up the notion that there is no terrorism in Indonesia.* The bombings are a **turning point** for Indonesia to stop being hesitated about handling terrorism through the existing legal and humanitarian guidelines. We should all choose, whether to give a space to an extraordinary crime such [as terrorism] or to decisively prevent and deter a similar event. We will not, however, easily point to a particular group as the perpetrator."<sup>423</sup>

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<sup>421</sup> KOMPAS, "Indonesia In Danger – President Condemned Bombing Actions Heavily", 14 October 2002, p. 1.

<sup>422</sup> Media Indonesia, "182 Died, Government Condemned the Bombing in Bali", 13 October 2002.

<sup>423</sup> *Ibid.*, emphasis added.

Mr. Yudhoyono associated 'terrorism' with a resourceful group of perpetrators that specializes on 'creating terroristic violence', and differentiates the Bali bombings from the bombings that were publicly discussed as 'politically motivated'; it is a turning point for Indonesians to see acts of terrorism in a depoliticized manner, simply as an inhumane violence. However, Minister Yudhoyono was not entirely non-political; he was indirectly referring to Vice President Haz who conveyed his denial of the existence of "terrorism network" – which he actually meant the Al-Qaeda network – less than a month prior to the Bali bombings.<sup>424</sup> In an indirect response, Vice President Haz articulated the Bali bombings as a sign of "weakness of political and security management in Indonesia who should have worked harder to eliminate and detect [threats]",<sup>425</sup> hence accusing the ministry that Mr. Yudhoyono led for being unable to perform its portfolio. The emergency cabinet meeting that took place shortly after the bombing was reported to host a row between the two ministers.<sup>426</sup>

The Indonesian public seems to wield a more decisive tone than the Indonesian government in articulating terrorism as a serious threat; because of this, the struggle of discourse between 'terrorism is real' and 'terrorism is engineered' appears fierce between news media frames. The Indonesian public appears to be ahead of simply admitting that 'terrorism is around us' by articulating the increasing quality of the threat that terrorism presents. For example Indonesian National Youth Committee (*Komite Nasional Indonesia Pusat/KNPI*) stated:

"This act of terrorism is [a sign of] an empirical reality that Indonesia is now a target of acts of terrorism that have become **increasingly organised and expansive**. They also have a massive capital and human resources and plan everything well in advance. Bali is not a conflict area; the bombing is

<sup>424</sup> KOMPAS, "Vice President On Terrorism Network in Indonesia: No Need To Give Formal Reaction Yet", 26 September 2002, p. 1.

<sup>425</sup> KOMPAS, "Indonesia In Danger – President Condemned Bombing Actions Heavily", *loc.cit.*

<sup>426</sup> KOMPAS, "A "Merry" Cabinet Meeting", 16 October 2002, p. 6.

therefore an act of terrorism with political, ideological, and economic motive.”<sup>427</sup>

One member of House of Commons who articulated rather clearly the discourse of threat to national security is Sutradara Gintings from Indonesian Unity and Nationhood Party (*Partai Kesatuan dan Kebangsaan Indonesia*); his utterance came close to pronouncing a ‘threat to national security’ as he articulated the bombings as a sign of ‘vulnerability’ of Indonesia’s national security. ‘Terrorism’ is put together with other forms of ‘non-state use of violence’ that increased in the wake of the *reformasi* era:

“We do not need to find a scapegoat, but we need to be honest and admit that there are *vulnerabilities in our national security [system]*. The bombings in Bali and other places in Indonesia, the findings of illegal arms and ammunitions and the emergence of armed civilians taking over the role of the police showed the highly **vulnerable** state of the **national security**. If we fail to handle this properly, this problem may threaten our existence as a nation.”<sup>428</sup>

Islamic political leaders, notably from the PKB Party (National Awakening Party) articulated the need for the government not to ‘conceal’ the fact that ‘terrorists are real’. This view relates directly to the Al-Qaeda’s presence discourse where the counter-frame of anti-intervention frame propounded the need for the government to clarify and explicitly publicise their position in regard to Al-Qaeda’s presence. The regret towards ignorance towards other governments’ warnings also signifies a reference to ‘Al-Qaeda’s presence’ discourse:

“The government must not conceal the fact the terrorists really exist in this country. This is important [to emphasise] in order to avoid incidents such as the one in Bali; not only that it hurt Bali but also Indonesia’s image on international relations. We demand the government to take very strong measures towards the perpetrators of the bombings. There have been many warnings from friendly states and other actors abroad. Had the government been more alert, the damage would not be this massive.”<sup>429</sup>

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<sup>427</sup> KOMPAS, “Government Must Not Conceal Terrorists’ Existence”, 14 October 2002, p. 6.

<sup>428</sup> *Ibid.*, emphasis added.

<sup>429</sup> *Ibid.*

There is a lack of specificity on the ‘warning from other governments’. A general warning was issued by the U.S. State Department to American citizens abroad on 10 October 2002 on the possibility of terrorist attacks on ‘soft targets’. ‘International warning’ is a continually-appearing discourse in the immediate wake of the Bali bombings, which may not refer to specific warnings but the terrorist plots that had been publicised before the Bali bombings such as the catastrophic plots revealed after the capture of Al-Ghozi and Al-Farouq. The failure to heed the international warning constitutes a prominent theme of misplaced confidence that the terrorism threat is not real.<sup>430</sup>

Minister of Defense Matori became the only official who iterated explicitly early on that Al-Qaeda was behind the Bali bombings, which placed him together with Prime Minister John Howard from Australia who hinted early on that Al-Qaeda-associated JI should be considered a suspect.<sup>431</sup> Defense Minister Matori Djalil associated the severe catastrophe of the Bali bombings with ‘professionalism’ of the perpetrators in conducting violence and the real presence of Al-Qaeda in Indonesia:

“In regard to the destruction of the bombings, the terrorist group who committed it must be professional. This is clearly a professional terrorist group. Therefore, I dare to say – while all this time people have constantly denied that Al-Qaeda network is in Indonesia – now I’m convinced that Al-Qaeda network truly is in Indonesia.”<sup>432</sup>

### **Terrorism as Self-Humiliation**

Terrorism as a security issue is also presented in a self-undermining tone which positions the nation-Self as “soft” (*lembek*), “vulnerable to bombings” (*rawan untuk dibom*), and employs a “weak intelligence apparatus”.<sup>433</sup> The nationalist/secular mainstream news media in the initial days following the Bali

<sup>430</sup> *Media Indonesia*, “Catastrophe of Pride”, editorial, 15 October 2002, p. 6.

<sup>431</sup> *KOMPAS*, “World Condemns, Indonesia Avoided”, 14 October 2002, p. 1.

<sup>432</sup> *KOMPAS*, “Government Will Produce Anti-Terrorism Interim Laws”, 15 October 2002, p. 1.

<sup>433</sup> *Media Indonesia*, “Tragedy in the Island of Gods”, 14 October 2002, p. 3.

bombings led with the idea that the carnage was an 'embarrassment' for Indonesians, rather than an idea to retaliate against a particular enemy:

"We can imagine how we look like to the rest of the world as we are humiliated, harassed, sued and held accountable [for the act of terrorism]. Is this event a confirmation of our chaotic domestic situation? It is outrageous if we can only shrug and deny that this is terror, if we can only throw blames, deny responsibility and deepen the prejudice between us."<sup>434</sup>

The 'humiliated Self' frame also appears through reporting Indonesia as an 'avoided country' – followed by an elaboration of travel warning from various countries – and a country which other governments demanded to handle terrorism seriously;<sup>435</sup> and the need to draw back the denials of international terrorism network's existence.<sup>436</sup> The 'humiliated-Self' further continues after the Anti-Terrorism Interim Laws – which *Media Indonesia*'s editorial cited as the only sign of government's decisiveness – with the argument that the Bali tragedy belongs not to Indonesia but to other governments whose many citizens were slaughtered in the Bali bombings, whose counter-terrorist strategies globalise, or need to warn their citizens to leave or avoid Indonesia:

"Suddenly Bali tragedy belongs to Australia, only because many of its citizens constitute most of the victims ... Bali tragedy also suddenly belongs to the U.S. because of the pros and cons on the strategy of terrorist counter-measures ... Britain also produced a travel warning for its citizens ... Then, where is Indonesia in this tragic stage? We are marginalised. Our only role appears in the presence of an Indonesian named Abu Bakar Ba'ashir, a sixty-something man who was accused to be associated with Al-Qaeda which is alleged to be an international terrorist brain."<sup>437</sup>

### **Terrorism as a Cause for National Unity**

The nationalist news media wrote in its editorials an expression of dissatisfaction to government's response to the Bali bombings which seemed to fail to reflect a sense of urgency. The government's inaction to foreign governments'

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<sup>434</sup> *KOMPAS*, Indonesia Is At Stake In the Bali Bombings, editorial, 14 October 2002, p. 4.

<sup>435</sup> *KOMPAS*, "World Condemns, Indonesia Avoided", 14 October 2002, p. 1.

<sup>436</sup> *Media Indonesia*, "The Firmness Is Called Interim Laws", editorial, 18 October 2002, p. 1.

<sup>437</sup> *Media Indonesia*, "Bali Tragedy Without Indonesia", editorial, 19 October 2002, p. 5.

warnings of the presence of Al-Qaeda and JI members who planned to strike at American and Israeli targets in Singapore was deplored by editorials of *Media Indonesia*<sup>438</sup> and *KOMPAS*;<sup>439</sup> their criticisms centralised on the confusion of information and conflicting ideas and conspiratorial analysis that was also widely published, as a result of a lack of a visible sense of urgency from the government.

One editorial notes:

“Honestly, what is wrong with us? Why hasn’t the Bali tragedy led us to unite and rise together and instead become an opportunity for conflicts and competition? We don’t know what to think. Perhaps, as a nation we are tired of looking at elites and the government in the reform era turned out to be more ignorant towards the fate of the people and returned to self-preservation culture; benefitting from opportunities and power while they can.”

The Bali bombings was framed as momentum for the government, political parties, leaders of civil society organisation and the larger Indonesian public to build a “togetherness”, leaving aside self-interests and agendas and build a common attitude; the editorial claimed to speak for the lay people’s voice critiquing why the Bali tragedy resulted in a chasm and people capitalising on differences, instead of unity.<sup>440</sup> News media editorials also lamented the lack of ‘solidarity’ and ‘unity’ that the Bali bombings produced;<sup>441</sup> there is an expression of dissatisfaction to the government’s lack of ‘ownership’ to the Bali tragedy and, more specifically, to the absence of ‘national enemy’ designation in the government’s rhetorical speeches.<sup>442</sup> Within the frame of ‘terrorism for national unity’, what appears is self-criticism for not having a united front in the face of terrorism. The state is perceived to be too tolerant to ‘radicalism’ and at the same time ‘fractured’ in responding to the threat of terrorism. Different from the previous bombings of public places where the

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<sup>438</sup> *Media Indonesia*, “Bali Tragedy Merely Becomes A Commodity for Political Party Elites”. 17 October 2002, p. 3.

<sup>439</sup> *KOMPAS*, “Government’s Seven Steps Need To Be Accompanied with Urgency”, 9 November 2002, p. 2.

<sup>440</sup> *KOMPAS*, “We Shouldn’t Merely Think About Terrorism”, editorial, 31 October 2002, p. 2.

<sup>441</sup> *Kompas*, “One Homeland, One Nation, One Language, One Country”, editorial, 28 October 2002, p. 5.

<sup>442</sup> *Media Indonesia*, “Elite Solidarity In A Tunnel”, editorial, 26 October 2002, p. 3.

question of motive and perpetrators' identity seem to be of the utmost importance; the aftermath of the Bali bombings saw a priority over the need to take account of victims and losses, although the rejection to accept the Islamic identity of the perpetrators and to align Indonesia's response to terrorism with the U.S. counter-terrorism policy was also still there.<sup>443</sup>

### **Contending Frame: Terrorism as Conspiracy**

Within the week in the aftermath of the Bali bombings, newspaper's coverage was also populated by assertions of various Muslim academics and politicians which conveyed suspicions that the bombings have been 'engineered by foreign agents', notably the US, as a way to strike against hard-line Islamic groups suspected to be terrorists,<sup>444</sup> and to validate the image of Indonesia as an insecure state vulnerable to terrorism.<sup>445</sup> The government's failure to act on foreign governments' warnings in the run up to Bali bombings, while seen as a regrettable fact within the 'terrorism is real' discourse, was perceived as an indication of conspiracy. A parliamentarian stated 'the fact that the US had been warning Indonesia of the possible scenarios of terrorism act before Bali suggested that the bombings were somehow planned beforehand'.<sup>446</sup> He speculated that "the US was behind the bombings purported to entangle Indonesia into supporting a policy or global counter-terrorism, including the upcoming invasion of Iraq."<sup>447</sup> A leader of Justice Party (PK) perceived the bombings as an opening to foreign intervention to

<sup>443</sup> *KOMPAS*, "Calculating the Losses from the Bali bombings", 18 October 2002, p. 1.

<sup>444</sup> *REPUBLIKA*, "Bali Case Could Have Been Engineered by Foreign Agents", 13 October 2002, p. 3.

<sup>445</sup> *REPUBLIKA*, "Terror was Designed to Validate Indonesia as Terrorism-prone Area, 13 October 2002, p. 1; *REPUBLIKA*, "America and Al-Qaeda Accused to Conduct the Bali Bombings", 13 October 2002, p. 2; *REPUBLIKA*, "Foreign Agents Entrapped Indonesia with the Bombing", 13 October 2002, p. 3.

<sup>446</sup> Muttammimul Ula from Justice and Prosperous Party (PKS), quoted in *REPUBLIKA*, "Vice President Haz: Bali Tragedy was Deliberately Engineered", 15 October 2002, p. 4.

<sup>447</sup> *REPUBLIKA*, "There are Terrorists in Indonesia, So...?", 21 October 2002, p. 2.



respond terrorism in the framework of the existing 'war on terror'.<sup>448</sup> The usual frame that the newspaper *REPUBLIKA* adopted was that there was a deliberate operation by foreign agents to drive a discourse creation on Indonesia being a dangerous terrorism hot spot requiring a swift and strong response.<sup>449</sup> This 'foreign involvement' frame developed as the newspaper learned from the coverage of *The Guardian* that the Central Intelligence Agency (CIA) might already know that the Bali bombings might take place; it reported that the CIA disseminated the information to the State Department, but the latter 'did nothing about it'.<sup>450</sup> *REPUBLIKA* framed this report as an idea that the Bali bombing was not entirely unavoidable and that it was further used to force Indonesia's hand in joining the US 'war on terror'.<sup>451</sup>

The 'terrorism as Islam-marginalisation' frame is indicated by the key-phrase of 'discrediting of Islam'. The phrase discrediting Islam<sup>452</sup> (*'memojokkan Islam'*, literally means 'putting Islam in the corner') together with 'deliberate engineering' (*'sengaja direkayasa'*), associates 'terrorism' with an attempt to marginalise the political influence of Islam in Indonesia through a conspiracy that led to the Bali bombings. Voicing the 'terrorism as Islam-marginalisation' frame in the following excerpt is Vice President Hamzah Haz who announced that he did not believe that Indonesians dared to commit acts of terrorism, including the Bali bombings, because:

"It is *spiritually difficult* to believe that devoted and pious Muslims volunteer as terrorists and deeply involve themselves in evil-doing. Therefore, I believe that the Bali bombings have been conducted by people who claim to be Muslims. Their objective is to *discredit* Islam."<sup>453</sup>

The 'terrorism as marginalising Islam' has an implicit purpose of distancing terrorism as far away from Indonesian Islam as possible. The logic of de-securitisation

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<sup>448</sup> *REPUBLIKA*, "Justice Party: War Against Terrorism Should Not Turn Into War Against Certain Religions", 17 October 2002, p. 5.

<sup>449</sup> *REPUBLIKA*, "There's Foreign Intelligence Ops to Destroy Indonesia's Credibility", 18 October 2002, p. 4.

<sup>450</sup> *REPUBLIKA*, "CIA Already Warned of Bombing Imminence in Bali", 17 October 2002, p. 5.

<sup>451</sup> *REPUBLIKA*, "CIA Already Warned About the Terror Threat", 18 October 2002, p. 6.

<sup>452</sup> *REPUBLIKA*, "An Unending Islamophobia", 13 October 2002, p. 3.

<sup>453</sup> *TEMPO*, "Hamzah: The Perpetrators Discredit Islam", 16 October 2002, p. 10, emphasis added.

takes place through an association between ‘anti-terrorism’ with past experiences of Islam’s marginalisation in Indonesia during the New Order. Islamic academics quoted in *REPUBLIKA* associated the raids and searches that the Indonesian police did in the Islamic boarding school Al-Islam where Ba’asyir taught with the history of *Komando Jihad* where some of the Islamic *ulamas* or clerics were detained for their alleged involvement in the movement.<sup>454</sup> Mr. Ba’asyir also made the association between the Bali bombings and *Komando Jihad* in terms of the condition in which Islamic movements must live with, where Islamic movements were ‘made up’ and somehow manipulated into violence. In his view, Jemaah Islamiyah is similar with *Komando Jihad*, both are the products of an attempt at discrediting Islam. In an interview with *KOMPAS*, Mr. Ba’asyir articulated:

“There is a kind of infiltration into Islamic movements. In the past [the Islamic movement was] named *Komando Jihad*; now it is called Jemaah Islamiyah and Al Qaeda. These organisations never exist but are publicised massively. *Jemaah Islamiyah* simply means a congregation of Islamic adherents; in this way, Muhammadiyah is also Jemaah Islamiyah, so is NU and other Islamic political parties. All Indonesian Muslims can be called [collectively] as Jemaah Islamiyah.”<sup>455</sup>

As Mr. Ba’asyir ‘equated the partial with the whole’, Indonesian politicians became careful not to mention even the name Jemaah Islamiyah and ‘terrorism’ within the same text or speech. The cleric’s arrest on 30 October 2002 as a suspect of immigration violation and involvement in the Christmas Eve bombings led to the notion among Muslim activists that the Bali bombings became another moment that looks like *Komando Jihad*.<sup>456</sup> The relevance of *Komando Jihad* in the Bali bombings coverage was not made solely by Indonesian Islamic leaders but also non-Indonesian observers. David Jenkins wrote, for example, that the return of the *Komando Jihad*

<sup>454</sup> *REPUBLIKA*, “Islam’s Increasingly Associated with Terrorism”, 10 November 2002, p. 3.

<sup>455</sup> *KOMPAS*, “Even the Police Couldn’t Build That Bomb”, 17 November 2002, p. 5.

<sup>456</sup> *Bali Post*, “On Ba’asyir’s Arrest: Islamic *Umma* Need Not Be Restless”, 31 October 2002, p.1.

ex-convicts, including Abu Bakar Ba'asyir to Indonesia was related to the Bali bombings:

"Indonesia has a deepening problem with radicalised Islam. And while it is too early to say who is behind the Bali bombing ... it seems clear that some of Suharto's Komando Jihad chickens seem to be coming home to roost."<sup>457</sup>

On the other hand, the discrediting Islam discourse is not adopted by all Islamic political factions. The news media coverage reflects a duality between the voices of Islamic political leaders from the PKB Party and the PAN Party. The PKB (National Awakening Party/*Partai Kebangkitan Bangsa*) originated from social Islamic organisation called *Nahdlatul Ulama* (NU), while PAN Party (National Mandate Party/*Partai Amanat Nasional*) originated from another social organisation called *Muhammadiyah*. Both NU and Muhammadiyah are the two largest Islamic social organisations in Indonesia and are publicly regarded as the 'anchor' of Indonesian Muslims' interpretation of Islam and the 'rock' that separates them from Islamic radicalism. In terms of responding to terrorism the PKB figures voice the need to securitise against the issue of terrorism through a categorically strong response against the perpetrators:

"We demand the government to take very strong measures towards the perpetrators of the bombings. There have been many warnings from friendly states and other actors abroad. Had the government been more alert, the damage would not have been this massive."<sup>458</sup>

PAN, on the other hand, as shown by the statement of Amien Rais, leader of PAN and Chairman of the People's Consultative Assembly, is more cautious towards its suggestion for response. He warned that the Anti-Terrorism Interim Laws must not threaten the people who fought for democracy; otherwise it would revert Indonesia back to authoritarianism:

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<sup>457</sup> D. Jenkins, "Soeharto's Komando Jihad Chickens Come Home to Roost", *Sydney Morning Herald*, 14 October 2002.

<sup>458</sup> *KOMPAS*, "Government Must Not Conceal Terrorists' Existence", 14 October 2002, p. 6.

“We must not live in the era of Security and Order Recovery Command in the past; otherwise we will re-enliven the horrifying *haatzaai artikelen*.”<sup>459</sup>

The frame of ‘terrorism as Islam-marginalisation’ is more susceptible of adoption by purist tradition of Islam. The activism of this tradition of Islamic movements originated from the continued struggle to make Islam as part of the ‘formal identity’ of the state through an implementation of *sharia* as part of the national ideology.<sup>460</sup>

The frequent reference to *Komando Jihad* by ‘terrorism as Islam marginalisation’ frame indicates the association between the Bali bombings with acts of terrorism in 1976-1982 which led to the arrest and killing of Islamic activists and clerics at the time. The frame propounds the argument that, like the *Komando Jihad* event where Islamic activists were provoked to commit violent actions that led to the weakening of political Islam, the Bali tragedy is an engineered violence to discredit political Islam and leave it no choice but to follow the government’s limitations in political participation. This is certainly far from the case in the post-New Order era. On the contrary, the rise of political Islam in post-Suharto Indonesia at least limits the ways in which the Indonesian government tackles Islamist political violence and terrorism.<sup>461</sup> Rather than ‘provoking violence’ the government had been at pains to stop violent actions, terrorism or otherwise, from Islamic groups.

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<sup>459</sup> KOMPAS, “Government Will Produce Anti-Terrorism Interim Laws”, 15 October 2002, p. 1.

<sup>460</sup> This categorisation is similar to Clifford Geertz’s categorisation of Indonesian Muslims into *santri* and *abangan*; where *abangan* means nominal Muslims who profess Islam as a symbolic overlay on pre-existing Hindu, Buddhist, and Javanese religious beliefs and *santri* means followers of Muslim political parties and social organisations. *Abangan* constitutes the secular nationalist political activism while *santri* further differentiates between puritan Modernist (led by Muhammadiyah) and pluralist Traditionalist Islam (led by Nahdhatul Ulama). See D.E. Ramage, *Politics in Indonesia: Democracy, Islam and the Ideology of Tolerance*, London & New York: Routledge, 1995, p. 5-10.

<sup>461</sup> Z. Abuza, *Political Islam and Violence in Indonesia*, Oxon: Routledge, 2007, p. 2.

## Government's 'Anti-Terrorism' Discourses

The government's securitisation rhetoric appears more visible in their effort to justify the need for Anti-Terrorism Interim Laws to be used to prosecute the perpetrators of the Bali bombings. Interim Laws are emergency laws in Indonesian legal parlance. Their promulgation is justified by article 22 of the 1945 Constitution which stipulates that "in matters of *forcing urgency* (*kegentingan yang memaksa*), the government is authorised to promulgate regulations in lieu of law."<sup>462</sup> The constitution specifically defines a "forcing urgency" as a situation where "the survival of the state is maintained by a government that is facing a crisis and needs to act swiftly and correctly".<sup>463</sup> The notion of 'forcing urgency' in Indonesian public discourse is equated with 'emergency'; it refers to the situation where one is obliged by the situation one is in to do something radical, decisive and quickly.

There were two Interim Laws produced in the name of anti-terrorism. The first Interim Law is the anti-terrorism Interim Law itself; it is called Interim Law 1/2002 and titled 'Interim Law on Eradication of Terrorism Crime'. The second was a retroactive law to apply the first Interim Law in the Bali bombings called Interim Law 2/2002 and was therefore titled 'Interim Law on Implementation of Interim Law 1/2002 on the Bali Bombings on 12 October 2002'. At the end of the parliamentary sessions in March 2003, these Interim Laws were stipulated into Anti-Terrorism Laws; Interim Laws 1/2002 & 2/2002 became Law 15/2003 and 16/2003, respectively. Without the Interim Laws, perpetrators of the Bali bombings would be prosecuted with existing Penal Code (KUHP), Criminal Procedure Law (KUHP) and the Law on Arms and Explosives Possession (Law 12/1951). The Interim Laws are the product of terrorism securitisation; they are meant to provide measures, notably the use of

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<sup>462</sup> 1945 Constitution, Article 22.

<sup>463</sup> 1945 Constitution, Explanation to Article 22.

*intelligence report* as preliminary evidence, which are not regulated in the existing laws.

The department of Justice and Human Rights was in possession of a draft law on Anti-Terrorism which it had developed for some time (the draft was in its sixth version by the time the Bali bombings took place); instead of submitting it as a draft law to the House of Representatives, the Megawati government chose to convert it into Interim Laws, and later on submit to the House two set of draft laws: the first set was an identical copy of the Interim Laws called “Draft Laws on Terrorism-Crime Eradication”; the second was called “Draft Laws on the Stipulation of Terrorism-Crime Eradication Interim Laws Into Statues”, which simply contained a statement that the Interim Laws are laws. The House was given a choice by the executive government either to choose stipulating the Interim Laws into Laws *without any amendments* or discuss and provide amendments to the draft laws. Despite heavy criticisms towards the promulgation of the Interim Laws, the first choice was picked by the House.<sup>464</sup> The following chapter 7 will explain that the parliament is mostly moved or convinced to promulgate the Anti-Terrorism Interim Laws as Anti-Terrorism Laws by the prospect of an inconclusive end to the Bali bombings investigation if the Anti-Terrorism Interim Laws are not promulgated as laws and therefore revoked.

#### *A Particular Kind of ‘Emergency’*

The Bali bombings were not represented as a precursor to a national emergency. The Megawati government did not declare a national emergency situation following the Bali tragedy, which became a source of public dispute as the government produced emergency Interim Laws and yet did not perform policies or

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<sup>464</sup> KOMPAS, “Government Asked Parliament to Discuss Anti-Terrorism Bills First”, 1 November 2002, p. 5.

anticipations that reflect an emergency situation. Anti-Terrorism Interim Laws do not reflect a clear status as to whether Indonesia is in a state of emergency or not, and it was criticised because it resulted in the production of rumour and unreliable information:

“...the ruling government never clearly and decisively impose a state of emergency in the aftermath of the 12 October Bali bombings, which led to anticipatory actions. The result is a deception of information leading to a confusing total darkness.”<sup>465</sup>

The central government did not declare a nation-wide emergency and instead handed over this authority to Bali’s Governor and the provincial military and police commanders; the emergency status itself was locally limited to Legian, a name of a street in Bali where the bombs went off, as Minister Yudhoyono announced:

“[For the purpose of investigation], we authorised the Bali Governor to declare a state of emergency for one or two days for the area surrounding Legian so that this area can be cordoned off, controlled, and restricted from ordinary people’s entry and exit. I asked the Bali governor to coordinate with Provincial TNI Commander and Chief of Police to determine the need for declaring an emergency status.”<sup>466</sup>

However, it appears that the understanding of ‘emergency’ in the Indonesian government’s interpretation in the Bali bombings aftermath does not imply the existential threat to the survival of the state, although *constitutionally* it should. The discourse of ‘emergency’ appears as the government convinced the public for the need of the Anti-Terrorism Interim Laws. For example Minister of Law and Human Rights Yusril Mahendra stipulated:

“The condition at the moment is sufficiently proportional for the government to promulgate Interim Laws because the bombings in Bali have now led to an urgency or an *emergency situation* that requires *enabling regulations*.”<sup>467</sup>

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<sup>465</sup> KOMPAS, “Intelligence Operations: Towards Legal Empowerment”, 28 October 2002, p. 3.

<sup>466</sup> KOMPAS, “Indonesia In Danger – President Condemned the Bombings Heavily”, 14 October 2002, p. 1.

<sup>467</sup> KOMPAS, “Party Leaders At the House of Commons Agree With Anti-Terrorism Interim Laws, Their Contents Need To Be Consulted”, 17 October 2002, p. 1.

It is not clear what Minister Mahendra meant by ‘urgency’ as to what kind of crisis is faced by whom, whose survival is at stake, and in what sense the situation can be called an emergency. Why the Bali bombings need to be responded swiftly and correctly *with a new set of emergency laws* is never clarified in the government’s rhetorical speeches. What is obvious is that the government requires an extra-regulation to ‘enable’ it to do something different from what has been done before to the same issue of terrorism, and they need to do so quickly. Few members of the House of Representatives mentioned *subjectively* that the Bali bombings had produced “fear in the society”,<sup>468</sup> but how the response of the government, with promulgating Interim Laws, alleviates a wide-spread fear is not clarified.

Invoking article 22 of the Constitution to justify the need for Anti-Terrorism Interim Laws, President Megawati emphasised the lengthy nature that a normal legislation process would take:

“The government needs a legal basis to commit actions in responding to terrorism, without which the government will encounter many impediments; it takes months for the parliament to legislate an anti-terrorism draft law into an anti-terrorism law and we do not have that much time at the moment.”<sup>469</sup>

The Indonesian government held the view that the meaning of ‘emergency’ that they profess is a crisis produced by an absence of legal instrument to investigate the Bali bombings quickly. Minister of Justice and Human Rights Mahendra explained how the Indonesian government actually defined the notions of “state of emergency” within the confines of *emergency requirement* or *instrument* in responding to the Bali bombings. Asked whether the current situation had fulfilled the character of “emergency situation” which forced the government to promulgate Interim Laws, Minister Mahendra clarified that the state of emergency had been

<sup>468</sup> KOMPAS, “House of Representatives Endorses Anti-Terrorism Interim Laws”, 18 October 2002, p. 2.

<sup>469</sup> KOMPAS, “Parliament Supported Anti-Terrorism Interim Laws”, 18 October 2002; REPUBLIKA, “Government and Parliament Agreed on Anti-Terrorism By Law”, 17 October 2002, p. 1.



created by the absence of legal instrument to investigate the Bali bombings as he stipulated:

“In the aftermath of Bali bombings, the republic did not undergo an emergency situation; nevertheless, there has been an emergency situation in responding to Bali bombings as the crime could not be resolved without promulgating the Interim Laws. I have inquired Chief of Police and Chief of BIN whether or not they could solve the Bali bombings using the existing laws, and they said they had given up ... Therefore, we need to produce new penal code and code of criminal procedure to conduct investigation and prosecution [of terrorism].”<sup>470</sup>

The need to respond effectively to the Bali bombings, to investigate the crime effectively and quickly, was the core rhetoric of justification for the anti-terrorism Interim Laws. The state was not under emergency situation, but there was an urgency to solve the Bali bombings as an *unprecedented crime*, or rather a crime of a different category than crimes governed under the existing laws. The securitisation of terrorism issue does not follow the argument of exceptionalism or a trade-off between the ongoing democratisation and security; the Interim Laws are presented solely for the *operational effectiveness* of the police and intelligence agencies in solving the crisis produce by the Bali bombings.

#### *Terrorism as an ‘Extraordinary Crime’ Creating ‘Legal Insufficiency’*

Although the Bali bombings did not constitute an “emergency situation”, the bombings constitute an exceptional issue: “acts of terrorism have been recognised as a *crime against humanity* as well as an *extraordinary crime*.”<sup>471</sup> The exceptionality of the bombings was also constituted by the international perception to the Bali bombings as “the second most catastrophic case (of terrorism) after 9/11.”<sup>472</sup>

Terrorism as an extraordinary crime and crime against humanity are the frames that constitute the core securitisation argument that the Indonesian officials

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<sup>470</sup> REPUBLIKA, “Minister Mahendra: This Is Solely for Terrorism, Not Politics”, 21 October 2002, p. 4.

<sup>471</sup> KOMPAS, Signed, Two Interim Laws on Anti-Terrorism, 19 October 2002, p. 2.

<sup>472</sup> REPUBLIKA, “Minister Mahendra: This Is Solely for Terrorism, Not Politics”, *op.cit.*

articulated publicly to defend the need for Anti-Terrorism Interim Laws. These same arguments would play out once again during the parliamentary meetings which will be discussed in the next chapter. The first frame used for the argument is ‘terrorism as an extraordinary crime’, which leads to the justification of a state of ‘legal-insufficiency’ or insufficiency of the legal instrument. The second frame of argument is ‘terrorism as a crime against humanity’ which leads to the justification of ‘retroactive application’ of the law. The first frame of argument fundamentally explains *why a new law is required to handle terrorism*, specifically to prosecute the Bali bombers. The second frame of argument explains *why the new law needs to be applied retroactively on the 12 October 2002 Bali Bombings and only on that event*.

The extensive damages and victims caused by the Bali bombings were the basis of categorising terrorism as an extraordinary crime; the corollary of the categorisation is terrorism can only be addressed with a new law, because the existing laws (Penal Code, Criminal Procedure Law and Law 12/1951 on possession of arms and explosives) are “insufficient” to prosecute the perpetrators, this can be seen in a following press conference held by the minister:

“Since the Bali bombings had caused victims that were not small in number and expansive social, economic, political and diplomatic impacts, the event can be categorised as extraordinary crime and crime against humanity.”  
<sup>473</sup>

Minister Mahendra’s own explanation about why *exactly* ‘terrorism’, specifically the one that took place in Bali, should require a new law is hard to find. More frequently found are quotes from legal experts explaining the ‘extra-ordinariness’ of terrorism crime. The exceptionality or extra-ordinariness of ‘terrorism crime’ (*kejahatan terorisme*) is constituted by its execution through:

“systematic, professional and organised regional as well as international network, its political or ideological purposes, and the result of its actions which includes fear, panic, and chaos in the society, massive

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<sup>473</sup> *Media Indonesia*, “Two Interim Laws on Terrorism Issued Cautiously”, 19 October 2002, p. 3.

casualties of innocent civilians, and possibly even the collapse of the national economy ... The essence of terrorism-crime is wide-ranging and complex; therefore, terrorism crime requires a special treatment.”<sup>474</sup>

Because of its ‘essential characteristics’, terrorism-crime falls outside of the boundaries of the existing laws. The concept of ‘extraordinary crime’ essentialises ‘terrorism’ through connecting it with a number of characteristics: “professional execution”, “organised network”, “regional/transnational scope of work”, “political/ideological purposes”, “resulting in a wide-ranging fear”, “massive casualties”, “social panic”, and “economic breakdown”. These characteristics became important in *exceptionalising* terrorism. Acts of terrorism are exceptionalised from the ordinary; it is exceptionalised from ordinary crime and, because of its repercussions, from ordinary political consideration. Terrorism is no longer thought of as being driven to achieve particular power-related purpose or by particular power holders, as the 1999-2001 period shows; rather, terrorism is essentialised as a type of crime. As such, ‘terrorism’ is by itself an enemy. While the Indonesian government rarely used the word ‘enemy’, their exceptionalisation of terrorism issue was carried further by newspaper editorials:

“The government and the people are facing *an enemy that has an unclear identity but a deeply frightening action*. The massive casualties and damages, the trauma and the anxiety that it produces are *extraordinary*. The problem now is how to identify *the terrorist people*. Their movement is slicker and craftier than the apparatuses, not to mention the fact that they are *highly funded*...It is truly silly the people who refuse to support to fight terrorism. No matter what, everyone is directly and indirectly a potential victim of acts of terrorism.”<sup>475</sup>

Through the connection between ‘terrorism’ and the characters of ‘frightening action’, ‘highly funded’, ‘slick and crafty’; it is *essentialised* as an enemy of the government and the people. In government’s anti-terrorism discourse, terrorism issue is exceptionalised in order *to avoid reliance* on the existing laws. With

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<sup>474</sup> *Ibid.*

<sup>475</sup> *KOMPAS*, “The Danger of Terrorism Escalates, The Philippines Is Still Shocked By Bombs”, editorial, 22 October 2002, p. 3, emphasises added, emphasis added.

the Interim Laws put into force, the existing criminal laws could perform as an addendum, instead of the main legal instrument, in the prosecution of terrorism.

The concept legal-insufficiency is often used in the public utterances to explain the impact of the exceptionality of terrorism-crime. The phrase *legal-insufficiency* or *legal-vacuum* (*kekosongan hukum*) is a result of exceptionalising terrorism-crime. As in the concept of extraordinary crime, the legal-vacuum reason is rarely explained in public by the government. President Megawati said that the main reason for the issuance of the Anti-Terrorism Interim Laws was to provide a legal basis (*landasan hukum*) in conducting action to fight terrorism – without such a legal basis, the government would encounter many impediments.<sup>476</sup> The phrase legal basis implies the essential nature of the Interim Laws as the *only* possible way the Bali bombers can be prosecuted. *KOMPAS* editorial uses another reasoning to express the *fundamentality* of the Interim Laws:

“There will be a legal problem if the Interim Laws are immediately rejected by the parliament – there will be a legal vacuum, specifically in terms criminal procedure law in the examinations of terrorism cases.”<sup>477</sup>

The concept *legal vacuum* or the absence of legal instrument, is used to signify the consequence of the parliament’s rejection of the Anti-Terrorism Interim Laws when the legal due process of the Bali bombers is still underway: they might get away as innocents because there is no regulation that could penalise them. This is of course an exaggeration, because the existing laws and they also govern the crimes committed in acts of terrorism. In terms of criminal procedure law, Interim Law 1/2002 specifically regulates that intelligence report can be used as a basis of terrorism-crime arrests. This aspect will be discussed further in the next chapter on parliamentary debates. Legal vacuum also means that without the Interim Laws, “the

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<sup>476</sup> A.B. Purnomo, “Anti-Terrorism Interim Laws and Our Humane Face”, *KOMPAS*, 25 October 2002, p. 3.

<sup>477</sup> *KOMPAS*, “Juxtaposing Anti-Terrorism Draft-Laws and Interim Laws”, editorial, 22 October 2002, p. 3.

handling of terror-implicating crimes would be weakened”.<sup>478</sup> While the meaning of ‘weakened’ is not elaborated by the opinion piece writer Gayus Lumbuun; it may well mean the sanctions that could be charged against the terrorists are stiffer than the existing laws. This is particularly the case for accessory criminals. It is not entirely clear, however, whether severe punishments of the law could be directly linked with mitigation of terrorism-crime. Finally the legal-vacuum concept is also projected, by the opinion author, as something terrible that should be considered to be more important that the possibility of power abuse by particular power holders using the anti-terrorism Interim Laws:

“By having a legal instrument in handling terrorism, the concern that the authorities would abuse the law for the interest of particular groups is unreasonable because the legal-vacuum in terrorism eradication cannot be tolerated.”<sup>479</sup>

#### *Terrorism as Crime Against Humanity Justifying Retroactivity*

The second half of the justification the promulgation of the Interim Laws is constituted by the association between ‘terrorism’ and the concept of ‘crime against humanity’, which argues why the law must be applied retroactively. The concepts of ‘extraordinary crime’ and ‘legal-vacuum’ were articulated together with ‘crime against humanity’ to justify the (unconstitutional) retroactive application of the law. The crime against humanity concept is specifically meant to strengthen the argument for retroactive application of Interim Law 1/2002, which is a *limited constitutional infringement*. Article 46 of the Interim Law stated that “the articles of this Interim Law can be retroactively applied on particular cases that took place before the law’s entry into force; a separate law is required for this retroactive application.”<sup>480</sup>

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<sup>478</sup> G.T. Lumbuun, “Rechtsvacuum” Is an Impediment in Terrorism Handling”, *KOMPAS*, 19 October 2002, p.3.

<sup>479</sup> *Ibid.*

<sup>480</sup> Article 46, Interim Law 1/2002.

Retroactive application is in violation of Indonesia's Constitution (article 28i)<sup>481</sup> and Penal Code (Article 1).<sup>482</sup> However, as the previous chapter already showed, the frame of terrorism as a 'crime against humanity' already emerged in the discourse of terrorism in the aftermath of the Jakarta Stock Exchange bombing; the strong 'wave' of political interpretation at that time and the stronger question of 'mastermind' and 'political motive' seemed to make this "alternative frame" a minority. In the aftermath of the Bali tragedy, Minister Mahendra's association of terrorism with 'extraordinary crime' and 'crime against humanity' was based on its congruity with an existing public discourse which preceded his frames of terrorism.

The invocation of the crime against humanity concept is a selective intertextuality strategy to legitimise the anti-terrorism policy. The discourse of 'crime against humanity' was spoken and written in texts by Minister Mahendra *without translation into Indonesian words*. This indicated a direct inter-textuality with article 7 of the Rome Statute of the International Criminal Court which defines 'crime against humanity' as actions (in this case 'murders') which are 'committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack'.<sup>483</sup> By that definition, crime against humanity itself is not unprecedented before the Bali bombings, and it is not just indicated by the previous public place bombings. In 1998, for example, National Commission on Human Rights had found an indication of crime against humanity in the riots that followed the resignation of Suharto from presidency in May 1998 where repeated cruel gang rapes of ethnic Chinese women and other Indonesian citizens in Jakarta and other towns; an independent fact-finding team confirmed this, and suggested further investigation

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<sup>481</sup> Article 28i of 1945 Constitution stated: "... the right not to be prosecuted by a retroactive law cannot be derogated in any circumstances."

<sup>482</sup> Article 1 of the Penal Code stated: "An action cannot be prosecuted except by an existing criminal law."

<sup>483</sup> Rome Statute of the International Criminal Court, UN document A/CONF.183/9, 17 July 1998, articles 7, 'Crimes against humanity'.

into the already-sacked Lt. General Prabowo Subianto, Suharto's son-in-law.<sup>484</sup> The invocation of the concept was strictly limited to the 2002 Bali bombings and was mostly driven by the need to successfully promulgate the anti-terrorism Interim Laws and stipulate them into laws.

The norm-breaking aspect of the anti-terrorism Interim Laws, which is their extra-constitutional retroactive application on the Bali bombings, is presented to be proportional because of two reasons: the exceptionality of the event, in regard to its massive casualty and impact, and the need to uphold human rights which is the 'spirit' of the constitutions. Therefore, Minister Mahendra upheld the principle of human rights but restricted it for the purpose of the application of Interim Law 1/2002 on the 2002 Bali bombings instead of *other crimes against humanity* that took place before them. Specifically, the part of the constitution that the Minister invoked was Article 28J of the constitution which generally maintains that one's pursuit of fundamental rights must not reduce others' fundamental rights. Invoking this article, Minister Mahendra used another concept called 'balance of justice' (without translation into Indonesian language) which maintains that the fulfilment of the fundamental right of the citizens not to be prosecuted by a retroactive law must be balanced against the nature of terrorism as a crime against humanity.

"In light of the *balance of justice* principle and other considerations implied by article 28J verse 2 of the 1945 Constitution, it is necessary to apply this Interim Law retroactively. It would be in violation of the spirit and meaning of article 28J verse 2 to let the perpetrators of the Bali bombings to escape prosecution by hiding behind the regulation of article 28 J verse 1. However, this retroactive application is restricted for the investigation and prosecution of the perpetrators of the bombings in Bali on 12 October 2002, and not for other cases which fall into the scope of governance of the Interim Law 1/2002."<sup>485</sup>

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<sup>484</sup> S. Blackburn, *Women and the State in Modern Indonesia*, Cambridge: Cambridge University Press, 2004, p. 205-206.

<sup>485</sup> *Media Indonesia*, "Two Interim Laws on Terrorism Issued Cautiously", 19 October 2002, p. 5.

Minister Mahendra presented the infringement of the constitution as *constitutional* by invoking article 28J of the Constitution verses 1 and 2. Verse 1 of article 28 J obliges the citizens to 'respect others' human rights'; this verse is a continuation of article 28I which mentions that 'not to be prosecuted with retroactive law is part of human rights'. Verse 2 of Article 28J stated:

"In professing his/her rights and freedom, one must obey the limits set by the laws strictly in order to guarantee the recognition of the rights and freedom of others and in order to meet a fair demand..."<sup>486</sup>

The government, as Minister Mahendra represented, regarded that the fulfilment of the 'right not to be prosecuted with retroactive law' for the Bali bombers (as article 28J verse 1 suggests) should be balanced against the fact that terrorism-crime itself is a human rights violation. Therefore, human rights violators must be 'ready' to have one of their fundamental rights (in this case not to be prosecuted with retroactive law) reduced. On the other hand, the anti-retroactive principle is still respected through a strict application of retroactivity on the 2002 Bali bombings. The use of the concept of "balance of justice" is always wrapped up with an emphasis that this frame of thinking is pursued to make sure that the Bali bombers could be prosecuted with a new law. Former Minister of Justice Muladi stipulated that the Interim Laws' issuance is a correct measure because: "*the KUHP [Penal Code] cannot comprehensively mitigate what has taken place in Bali; while the retroactive application of laws is highly dangerous, balance of justice is important; [avoiding retroactive application law] is meant to protect human rights, but retroactive application is required when more severe violation takes place, but only for Bali.*"<sup>487</sup>

In this regard, 'balance of justice' is by implication a 'balance of violation', because the previous bombings, or violation of human rights, although fulfilling the criteria of 'extraordinary crime' (chaos, panic, economic downturn, etc), are disregarded through the strict application of retroactivity. Retroactive application of the law is presented as *the only way* to prosecute the perpetrators of the Bali bombings. Minister Mahendra defended the need for retroactivity application to make sure the Bali bombings perpetrators did not escape from the charges of terrorism. The retroactive application can be justified as the only way to prosecute

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<sup>486</sup> Article 28J (2), 1945 Constitution.

<sup>487</sup> *KOMPAS*, Chief of National Human Rights Commission: Judges Are Not Trained to Check Intelligence Report, 21 October 2002, p. 1, emphasis added.



the bombers as the anti-terrorism Interim Laws are presented as *the only legal instrument* with which the perpetrators can be prosecuted. The latter is justified by the essentialisation of terrorism as extraordinary crime.

### *Terrorism and Indonesia's Temporal Identity*

Government's arguments in explaining the need for Anti-Terrorism Interim Laws *juxtaposed* two identities of Indonesian national-Self as the 'authoritarian past' and the 'democratic present'. Indonesian government justified the need for Anti-Terrorism Interim Laws as a required legal instrument that would be different from Indonesia's past application of national security instruments. The government's explanation generally emphasised the irrelevance of the notion that the anti-terrorism Interim Laws could be a gateway for the return of authoritarianism. The juxtaposition of temporal identity takes place through two frames. First is the frame that "Indonesia is a changed polity". The Interim Laws on anti-terrorism is legitimised through its *disassociation* with the repressive and authoritarian power that violates human rights of Indonesian New Order past.<sup>488</sup>

The articulation of 'strong legislature' and 'strong civil society' of today's Indonesia is employed to project a different 'today's Indonesia' compared to its authoritarian past. Armed Forces Commander General Sutarto uttered this historical disconnection in the following excerpt:

"The anti-terrorism Interim Laws should not be seen against the background of Indonesia's past political system; in the past, when the military said two plus two equals five, those who said four would have to apologise; now, both the parliament and civil society organisations are much stronger."<sup>489</sup>

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<sup>488</sup> KOMPAS, "Baronnes Amos Values Anti-Terrorism Interim Laws Highly Positively", 22 October 2002, p. 2.

<sup>489</sup> REPUBLIKA, Anti-Terrorism Interim Law Has Been Promulgated, 19 October 2002, p. 5.

The critiques of the anti-terrorism Interim Laws – despite the fact that they highlight the technical weaknesses of the laws – are associated with ‘trauma’ triggered by memories of authoritarian past. Foreign Minister Wirajuda stressed the ‘harmlessness’ of the anti-terrorism Interim Laws by characterising the critics as traumatised people:

“There is no intention whatsoever in making the law a pretext for human rights violation ... People are justified to think so, because of the existing trauma, but today is a different era.”<sup>490</sup>

‘Anti-subversive law’ is often invoked in the rhetorical speeches of officials in order to compare the anti-terrorism Interim Laws with the New Order government’s anti-subversive law. On the surface, the articulation of Indonesian officials may seem inharmonious. Minister Mahendra stipulated that the two have substantial difference.

“There are many political aspects governed by the Anti-Subversive Law. Anti-Terrorism Law, on the other hand, strictly governs [act of] terrorism, that is an action that employs violence and result in massive casualties and extensive damages. There should not be a perception that Anti-Terrorism Interim Laws are similar to *Anti-Subversive Law* because the two contain different materials.”<sup>491</sup>

For observers, the Anti-Terrorism Interim Laws signify a specific governance on *actions of terrorism*, not membership of terrorist organisations or adherence to a terrorist ideology.<sup>492</sup> In other words, *terrorism is non-political violence*. Minister Mahendra’s excerpt’s above juxtaposes Anti-Terrorism Interim Laws’ content as “non-political” and Anti-Subversive Law as “highly political”, with a purpose of *presenting Anti-Terrorism Interim Laws as ‘harmless’* to the Indonesian public. The rhetorical strategy does not undermine the authoritarian past; rather, it signifies the

<sup>490</sup> REPUBLIKA, “Minister of Justice Denied Anti-Terrorism Interim Law To Arrest Islamic Figures”, 19 October 2002, p. 2; REPUBLIKA, “VP: Anti-Terrorism Interim Law Not To Arrest Randomly”, 28 October 2002, p. 2.

<sup>491</sup> REPUBLIKA, “Minister Mahendra: Anti-Terrorism Interim Law Is Different From Anti-Subversive Law”, 17 October 2002, p.1; REPUBLIKA, “The Anti-Terrorism Interim Laws Have Been Promulgated”, 19 October 2002, p.3.

<sup>492</sup> L. Sebastian, Leonard, “The Conundrum of Jakarta’s Anti-Terrorism Moves”, *The Straits Times*, 2 November 2002.

Interim Laws' character as non-political, in contrast with the political character of the Anti-Subversive law.

A short introduction of what Anti-Subversive Law is required here to show why the Anti-Subversive Law is considered 'highly political' in the Indonesian context, The 'Anti-Subversive Law' refers to a law that was implemented in Indonesia from 1963 to 1999. Originally, the anti-subversive law was promulgated in 1963 as Presidential Decree on Eradication of Subversive Activities. The promulgation of the decree was back-grounded by occurrences of armed rebellions either in the purpose of changing the state's ideology or to separate from the Indonesian state. President Sukarno was noted to articulate in Dutch that Indonesia was in a state of war and siege (*Staat van Oorlog en Beleg*).<sup>493</sup> The New Order government deposed Sukarno from his power but maintained the anti-subversive law. Indeed, it 'upgraded' the law from its status as a presidential decree to a national law through Law 5/1969. During its implementation, the anti-subversive law had been used to criminalise various individuals deemed to be in violation of the law, from a musical band, alleged members or sympathisers of Indonesian Communist Party (PKI), alleged perpetrators of the *Komando Jihad* (including Abu Bakar Ba'asyir), to the people collectively accused of belonging to "Security Disturbance Movements" (*Gerakan Pengacau Keamanan*) in Papua and Aceh provinces.<sup>494</sup> Chief among the substance of the Anti-Subversive Law is the sanctioning of persons who are categorised as subversive because their actions:

"contradict *Pancasila* as the state ideology, undermine the state's power and authority, spread a feeling of enmity, disintegration and instability, disrupt government's economic activity, sympathise with enemies of the state, cause destruction to public or personally owned buildings, and are considered espionage and sabotage".<sup>495</sup>

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<sup>493</sup> B.W. Soeharto, "Dreaming National Security Law", *KOMPAS*, 10 March 1997, p. 4.

<sup>494</sup> *Ibid.*

<sup>495</sup> Article 1, Presidential Decree 11/1963, in B. Susanti, *National Security, Terrorism, and Human Rights in Indonesia*, paper presented in "International Workshop on National Security and Constitutional Rights in the Asia-Pacific Region", The Australian National University, Canberra, 9 October 2002.

Because of its governance on multiple aspects and utilisation to criminalise various sorts of people, the anti-subversive law's regulations are dubbed "rubber articles". On the 14 April 1999, in a joint session between Minister of Justice Muladi and the House of Representatives, the Anti-Subversive Law was revoked.<sup>496</sup>

Does the adoption of anti-terrorism Interim Laws represent a complete break from Indonesia's authoritarian past and its association with anti-subversive law? The employment of the 'Indonesia as a changed polity' frame does not contradict democratic values with security. It *does not deplore* the implementation of Anti-Subversive law described above. The democratic or reformist Indonesia today is *not presented to be better* than the authoritarian Indonesia in the past; and Suharto's Indonesia or New Order Indonesia is not articulated as an authoritarian, *never-again*, kind of era. Rather, what transpires from the rhetorical speeches is that *the function of Anti-Subversive law is required but its political characters are not*; that there is a need to *repeat* the function of Anti-Subversive Law for the *pragmatic purpose* of anti-terrorism. This is articulated by Minister of Foreign Affairs Hassan Wirajuda:

"In this reform era, the government has realised the importance of *upholding human rights* as one of the pillars of *reformasi*, in addition to the fact that early mitigation of terrorism has become a crucial matter. When a terror threat is before our eyes, prevention efforts must be undertaken *in accordance to the existing laws*. In the past, we have Law 15/1951 on Possession of Fire-Arms and Interim Law 66/1966 on Anti-Subversive Act. Now, those legal instruments are gone, and as a substitute we have the penal code which is *no longer sufficient* to facilitate today's anti-terrorism. *We need legal instruments like them.*"<sup>497</sup>

Indonesian government is employing the pragmatic persuasion strategy. Today's Indonesia is associated with 'strong legislature', 'strong civil-society', 'weak executive', and juxtaposed with the old Indonesia which is associated with

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<sup>496</sup> Detikcom, "Goodbye Anti-Subversive Law", 14 April 1999 from

<http://www.library.ohiou.edu/indopubs/1999/04/14/0099.html>, accessed 5 January 2010.

<sup>497</sup> Media Indonesia, "Anti-Terrorism Interim Laws Not In Contradiction with Human Rights", 18 October 2002, p. 5, emphasis added.

‘strong/political Military’. The juxtaposition between the two is not aimed at *undermining* the old authoritarian Indonesia, but strictly to justify the adoption of Anti-Terrorism Interim Laws. The statements from the officials above transpire a lead-idea which is: *‘today’s democratic Indonesia will conduct the legal means of national security (Anti-Terrorism Law) in a different manner than the old authoritarian Indonesia – without a political interpretation of violence and in consideration of separation of powers’*.

In addition to contrasting anti-terrorism Interim Laws with the anti-subversive law, the government also contrasted the character of anti-terrorism with the anti-political Islam character of Indonesia under Suharto. To pursue this identity creation of the anti-terrorism Interim Laws, the government legitimised the objectives of organisations, including the objectives sought by JI, of establishing the Islamic state or upholding the Islamic jurisprudence (*sharia*) in Indonesia. This discursive strategy fits into the rhetorical strategy of domestic counter-terrorism where a combination of *delegitimisation of means* and *politicisation of aspirations* takes place.<sup>498</sup>

“The Anti-Terrorism Interim Laws are not meant to arrest Islamic leaders. If the Islamic *umma* wish to fight for Islamic *sharia*, they need not worry as long as they pursue constitutional means. People may preach publicly to campaign for the creation Islamic state and they will not be arrested; but once they carry bombs to blow up supermarkets then they will be pursued as terrorists.”<sup>499</sup>

The government, particularly Minister Mahendra who came from an Islamic political party (Moon and Crescent Party/PBB) felt the need to emphasise explicitly that Anti-Terrorism Interim Laws were not purported to hunt down radical Islamic leaders, as

<sup>498</sup> A. Chowdury & R.R. Krebs, “Talking About Terror: Counterterrorist Campaigns and the Logic of Representations”, *European Journal of International Relations*, 16:1, 2009, p. 125-150

<sup>499</sup> *REPUBLIKA*, “Minister Mahendra: Anti-Terrorism Interim Laws are Different from Anti-Subversive Laws”, 17 October 2002, p. 2.

he expressed that 'It is impossible for the government, comprising mostly of Muslims, to commit a policy that goes against the majority of its own people'.<sup>500</sup>

As part of the disassociation between Anti-Terrorism Interim Laws and Indonesia's authoritarian past, this specific frame of 'Anti-Terrorism Interim Laws as 'Islam-friendly' was employed partly to distance the policy from Indonesia's New Order government. The early 2002 publications of the history of JI and Abu Bakar Ba'asyir in the news media had previously *refreshed the collective memory* of the Indonesian public about the harsh treatment of the Suharto government to Ba'asyir and his colleagues which pushed them to find refuge in Malaysia. In addition, Indonesian government's arrest of Mr. Ba'asyir following the Bali bombings, based on the confession of Omar Al-Farouq, was not a convincing independent policy for Islamic activists and responded by them with protests.<sup>501</sup>

### **Public Response to Anti-Terrorism Interim Laws**

Indonesian public discourse is divided in responding to the government's promulgation. The news media outlets used for this thesis consistently divide the supportive comments published in *KOMPAS* and *Media Indonesia* on the one hand, and the critical views of *TEMPO* and *REPUBLIKA* on the other. The resonance signalled by supportive voices in the first two media is present in the arguments that associate the anti-terrorism Interim Laws with "decisive terrorism eradication",<sup>502</sup> "an effective and quick instrument to avoid barbarism",<sup>503</sup> "legitimacy of swift

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<sup>500</sup> *REPUBLIKA*, "The Anti-Terrorism Interim Laws Have Been Promulgated", 19 October 2002, p.3.

<sup>501</sup> *TEMPO*, "Operation Ngruki One at Solo: Police determined Abu Bakar Ba'asyir as a suspect and city detainee: The Al-Mukmin Pesantren leader still laid in the hospital. Why should the police prepare military back-up?" *TEMPO*, 21 October 2002; it was only after TIME's coverage of Al-Farouq's confession of Megawati's assassination plot that Indonesian Police Chief Bachtiar asked the US government to let an Indonesian team to interrogate Al-Farouq.

<sup>502</sup> *Media Indonesia*, "Anti-Terrorism Laws Will Be Legislated on March 2003, 12 November 2003, p. 4.

<sup>503</sup> *Media Indonesia*, "Anti-Terrorism Interim Laws To Avoid Barbarism", 29 November 2002, p. 3.

action”;<sup>504</sup> the critical-supportive arguments characterise the Interim Laws as “necessary but too late.”<sup>505</sup>

The critiques of the Anti-Terrorism Interim Laws focused on the lack of specificity of the Interim Laws. The first lack of specificity is visible on the regulation of the use of intelligence reports to carry out arrests, where critics argue that there is a lack of proper parameters for intelligence reports assessment to legitimise arrests;<sup>506</sup> this was related to the fact that Indonesian judges had not been trained to assess intelligence reports.<sup>507</sup> The concept of ‘power-abuse’, associated with the similarly unspecific articles of the Anti-Subversive Law and its flexibility in including legal subjects which the law can be applied to, is present in the critics of the Anti-Terrorism Interim Laws.<sup>508</sup> Another lack of specificity is in the absence of definition of terrorism in the Anti-Terrorism Interim Laws. Instead of defining ‘terrorism’, Interim Law 1/2002 *describes* the ‘terrorism-criminal’ as anyone who committed violence or threat that resulted in “an atmosphere of terror or fear on a massive scale”;<sup>509</sup> the “multi-interpretative” words in the Interim Law raises criticisms from renowned penal code experts.<sup>510</sup>

Human rights activists and penal law experts criticised the retroactivity of the anti-terrorism Interim Law as Indonesia’s constitution and Penal Code specifically articulated that no crimes could be punished by a law that came after they were committed; the investigation of the Bali bombings should rather proceed with

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<sup>504</sup> *Ibid.*

<sup>505</sup> *Media Indonesia*, “The Decisiveness Is Called Interim Law”, 18 October 2002, p. 3.

<sup>506</sup> *KOMPAS*, “National Human Rights Commission Plenary Rejects Anti-Terrorism Interim Laws”, 7 November 2002, p. 1.

<sup>507</sup> *KOMPAS*, “National Human Rights Commission: Judges Are Not Qualified to Check Intelligence Reports”, 21 October 2002, p. 1.

<sup>508</sup> *KOMPAS*, “Bali Bombings Disrupted Democratic Transition”, 21 October 2002, p. 3.

<sup>509</sup> Article 6, Interim Law 1/2002.

<sup>510</sup> *KOMPAS*, “Parliament Is Asked To Amend The Anti-Terrorism Interim Laws”, 29 October 2002, p. 2.

declaring an emergency situation in Bali and utilise the existing Penal Code and Law 12/1951 on illegal procurement and assembly of explosives and fire-arms.<sup>511</sup>

### **Anti-Terrorism Without The ‘Terrorists’: How *Not* To Designate the Enemy**

There is no specific entity that is designated as ‘terrorist-enemy’ in the public discussion of the Bali bombings or the securitisation of the issue of terrorism leading to the promulgation of anti-terrorism laws. Indonesian government, as Armed Forces Commander Endriartono Sutarto articulated, ‘did not fight a particular group in its fight against terrorism’.<sup>512</sup> The word ‘fight’ (*memerangi*, literally means ‘waging war against’) is commonly used *not* in conjunction with particular terrorist-subjects, but rather the abstract term ‘terrorism’. Suspects of the Bali bombings and the bombings that followed in between from 2003 to 2009 are not associated to JI by Indonesian officials, at least not in its role as a terrorist organisation. Rather, suspects appeared as individuals who worked with their own independent cells, connected loosely and implicitly with JI.

Indonesian government’s non-designation of the terrorist is pursued through three rhetorical steps. First, the Indonesian government did not by itself designate terrorist organisations, but instead adhered to designations of terrorist organisation by other international actors, including other states and the UN. Thus, in regard to JI, the Indonesian government did not designate it as a terrorist organisation but would respect others’ decisions to do so.

“When other states, through their intelligence cycle and legal process stated that [JI] is an international terrorist organisation, Indonesia is in no position to disbelieve or stop them [from designating JI as an international terrorist organisation]. Indonesia certainly cannot deny and

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<sup>511</sup> *KOMPAS*, Anti-Terrorism Interim Laws Violate Criminal Law Principles, 20 October 2002, p. 1.

<sup>512</sup> *Media Indonesia*, “TNI Has Prepared An Anti-Terror Unit to Help The Police”, 31 October 2002, p. 5.



must agree with other states' [designation of JI] as an international terrorist organisation."<sup>513</sup>

Secondly, there are Indonesians who are involved in leading JI, but their activities as part of the terrorist organisation are conducted *not in Indonesia*, but rather in Singapore and Malaysia. Here, the Indonesian government's concern is avoiding obligations that entail a *proven JI's involvement* in acts of terrorism in Indonesia. The discourse of 'proven involvement' (*bukti keterlibatan*) or 'indication' (*indikasi*) is consistently invoked whenever particular entities, including JI,<sup>514</sup> Abu Bakar Ba'syir,<sup>515</sup> and Al-Qaeda<sup>516</sup> are associated with the 'act of terrorism' in Bali. In this respect Minister Yudhoyono stated "Jemaah Islamiyah is an organisation operating in Malaysia and Singapore, not in Indonesia. Once there is an indication that the leaders of Jemaah Islamiyah are involved in an act of terrorism, the government will take legal measures."<sup>517</sup> Minister Yudhoyono elaborated this statement further:

"I have said multiple times, what is meant by 'Jemaah Islamiyah' is an organisation that formally conducts its activities in Malaysia and Singapore. According to Singaporean and Malaysian intelligence, JI was established by the late Abdullah Sungkar, an Indonesian citizen, and other Indonesians Abu Bakar Ba'asyir and Hambali were listed in its membership. However, their activities were conducted when they were still in Malaysia and Singapore."<sup>518</sup>

Third, the act of terrorism that took place in Bali on 12 October 2002 is not to be declared to have connections with JI. JI is not just geographically externalised from Indonesia but also *factually* from the Bali bombings. With Bali bombings separated from JI, there is no need to proscribe the organisation, or to set it as an enemy of the state that would lead to a 'war against JI'. Even if a JI member is

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<sup>513</sup> KOMPAS, "Ba'asyir Is Called In As A Suspect", 18 October 2002, p. 1.

<sup>514</sup> *Ibid.*

<sup>515</sup> KOMPAS, "Ba'asyir Refused Police Warrant", 21 October 2002, p. 1.

<sup>516</sup> KOMPAS, "Ba'asyir: Omar Al-Farouq's Statement Is A Lie", 19 October 2002, p. 1.

<sup>517</sup> KOMPAS, "Australians Delegates Met With Megawati. Joint Investigation Team on Bali Agreed, 17 October 2002, p. 3.

<sup>518</sup> *Media Indonesia*, "Jemaah Islamiyah Is Not In Indonesia", 17 October 2002, p.3.

involved in acts of terrorism before Bali bombings, this would not entail his/her treatment as a terrorist, because of the limited retroactive application of the law. In the initial aftermath of the Bali bombings, the event was declared to have no proven connection as of yet with JI, as Minister Yudhoyono stipulated:

“There are statements out there that associated Ba’asyir and Hambali with the event in Bali. Let us not jump to conclusions. Investigations are under way. The Indonesian police are working with police of other states and BIN is doing intelligence analysis. Let’s not bother them, let’s not intervene them.”<sup>519</sup>

Later on, as suspects of the Bali bombings were officially declared by the Indonesian police, the ‘Jemaah Islamiyah’ is stated in an indirect manner and certainly not a denominator for the suspects’ organisational origins. To exemplify this rhetorical strategy, excerpted here is the announcement of the Indonesian police spokesperson Brig. General Aritonang on the list of suspects of the Bali bombings:

“As a result of our investigation on the ‘Solo Document’ and the reconstruction in Solo, West Java, Lamongan, and East Java we have six new suspects who were involved in the Bali bombings on 12 October 2002, they are Zulkarnen, Dr. Azhari, Noordin Mohammad Top, Achmad Roichan, Heri Hafidin, and Mubarak. In the ‘Solo Document’, Zulkarnaen is the Warlord of Jemaah Islamiyah troops, and he was in Hernianto’s house in Solo to discuss the plan for the bombings in Bali. While Azhari, a Malaysian citizen, was the one who prepared and taught the techniques of bomb-making, Noordin Top – another Malaysian – was mentioned in the document to be the funding agent.”<sup>520</sup>

The excerpted statement marked the beginning of the Indonesian police’s domination of the rhetoric of terrorism discourse. Indonesian terrorism is strictly limited to *names of suspects* not an organisation, including Jemaah Islamiyah, or a particular ideological identity. When JI is mentioned by the police it is mentioned *indirectly* through a reference to a source external to the speaker.

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<sup>519</sup> *Ibid.*

<sup>520</sup> *Media Indonesia*, “Police Announced Six New Suspects of the Bali Bombings”, 24 December 2002, p. 1.

As Jemaah Islamiyah was designated as a terrorist organisation by the United Nations and a number of states,<sup>521</sup> the Indonesian government submitted its support to the designation and promised to legally handle its citizens involved within the organisation.<sup>522</sup> The government recognised the existence of Jemaah Islamiyah as a terrorist organisation through its designation as a terrorist organisation by the United Nation Security Council Resolution 1267.<sup>523</sup> The absence of geographical information on the origins or whereabouts of JI in the UN resolution was used as a basis for not recognising JI as 'existing in Indonesia', as Indonesian Foreign Minister Wirajuda's stated:

"The UN's decision did not reveal the place where JI was established. *Many thought* that JI was established in Malaysia and Singapore in the mid-1980's by a number of activists."<sup>524</sup>

By emphasising that Jemaah Islamiyah is not an Indonesian organisation – although it might harbour some Indonesian citizens – the Indonesian government's view of who the terrorist is fits with the interest of Islamic groups of *externalising the perpetrator* – government's designation was committed in a way that avoids from suggesting Indonesia 'a source of terrorism', which would upset the Islamic leaders.<sup>525</sup>

The Al-Qaeda connection discourse that was debated in the run up to the Bali bombings had been expressed more freely by Indonesian news media in their aftermath. Three perpetrators of the Bali bombings were associated with Al-Qaeda and Osama Bin Laden through the results of police raids into their shared house.<sup>526</sup> The Al-Qaeda connection discourse appears stronger in public discourse as

<sup>521</sup> KOMPAS, "Jemaah Islamiyah Listed As The Terrorist By The United Nations", 27 October 2002, p. 3.

<sup>522</sup> *Ibid.*

<sup>523</sup> Al-Qaida Sanctions List (<http://www.un.org/sc/committees/1267/delisting.shtml>, downloaded 19 August 2014) stipulated: "Jemaah Islamiyah operated in Indonesia, Malaysia, and the Philippines".

<sup>524</sup> REPUBLIKA, "JI Officially Included in the Terrorists List", 22 October 2002, p.5, emphasis added.

<sup>525</sup> REPUBLIKA, "Minister of Religious Affairs Is Silent on Jemaah Islamiyah", 27 October 2002, p. 4;

REPUBLIKA, "Jemaah Islamiyah does not Exist in Indonesia", 26 October 2002, p. 3.

<sup>526</sup> Media Indonesia, "Police Raided Imam's Hide-Out In Sukoharjo", 25 November 2002, p. 3.

Indonesian media reported the report of *TIME* magazine about the existence of a person named Saifullah, an Al-Qaeda member that was described as the 'boss' of Imam Samudra.<sup>527</sup> Ba'asyir's arrest shortly after the Bali bombings shows Indonesian officials' recognition of the Al-Qaeda connection. Indonesian police's charges against him included his involvement in the assassination plot against President Megawati in 2001, the bombing of Istiqlal Grand Mosque in 1999 and a number churches in 2000, all of which were based on the confession that Al-Farouq gave to a team of Indonesian police assisted by American intelligence agents in Afghanistan; Al-Farouq mainly pointed to Ba'asyir and the Jemaah Islamiyah organisation as the perpetrator of terror in Southeast Asia. Police team leader Aryanto Sutadi said "based on Al-Farouq's information, I am convinced Ba'asyir should be our suspect."<sup>528</sup>

## Conclusion

The securitisation of terrorism issue in Indonesia took place gradually since early 2002 with the public discourse of 'Al-Qaeda's presence'. The discourse of Al-Qaeda's presence in Indonesia was treated as a foreign discourse as it was mostly associated with 'intervention of stronger foreign powers, 'Islam-discrediting' and 'disruption to the democratisation processes'. The term 'Al-Qaeda's presence' was also discussed in a manner that demanded the government to act decisively to handle the terrorism issue, specifically in acting upon the warnings of other governments associated with the presence of Al-Qaeda. Whether it was criticised or supported, the 'Al-Qaeda's presence' discourse in early 2002 introduced the Indonesian public to 'Al-Qaeda-associated Jemaah Islamiyah', and the names that were associated with it, notably Abu Bakar Ba'asyir. As a result, the concept

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<sup>527</sup> *Bali Post*, "Revealing The Veil of Imam Samudra's Network: Saifullah the Real Imam", 28 November 2002, p. 1.

<sup>528</sup> *TEMPO*, "Chasing Phantom: Detained under common Criminal Articles, Ba'asyir will be Charged with Anti-Terrorism Interim Law", 3 November 2002, p. 5.

'terrorism', is associated with 'Al-Qaeda', 'Jemaah Islamiyah', and 'transnational network'. This association led to the evolution, or rather revolution, of the terrorism concept, from terrorism as political violence in the 1999-2001 period, where domestic power holders of Indonesia's authoritarian past are associated with acts of terrorism, to 'terrorism' as terrorism itself where the concept is associated with transnational groups which specifically sought to conduct acts of terrorism ("professional groups"). While 'old terrorism' of 1999-2001 was associated with ongoing domestic political dynamics, the 'new terrorism' beginning with the 2002 Bali bombings is dissociated from national politics, and discounted from the consideration of a political mastermind as it is arranged by a transnational network of actors. The new concept of terrorism is more capable of being securitised as it has more freedom from national political associations.

In the aftermath of the Bali bombings, minority counter-frames that in the early 2002 demanded the government to heed the warnings of other governments emerged as dominant frames of 'terrorism as real danger', 'terrorism as national humiliation', and 'terrorism for national unity', which altogether constituted the 'terrorism is real' discourse. 'Terrorism is real' associated the concept of terrorism with 'danger to public security', 'decisive response' in handling terrorism, 'vulnerable national security', 'weak security intelligence capability', and 'lack of unity'. The 'terrorism is real' discourse competed with 'terrorism is engineered' discourse which associates the concept terrorism with 'Islam-marginalisation' and 'conspiracy to push Indonesia into the War on Terrorism'. This competition reflects a deep chasm in the Indonesian public discourse of terrorism which began to appear since early 2002. On the other hand, such competition also strengthens 'Terrorism is real' discourse which was propounded mostly by Indonesian social organisations, academics, legal experts, and political parties, instead of the government. With the exception of Minister of

Defense Matori Djalil, Indonesian officials, notably President Megawati and Minister Yudhoyono presented terrorism less than a threat to national security and more as nation-wide problem that requires coordinated handling and mitigation. They presented the Bali bombings as a 'turning point from hesitation to decisiveness in handling terrorism'.

As the society was already divided in its public discourse of terrorism, the Indonesian government utilised frames of anti-terrorism policy justifications that were purely legal-humanitarian in nature. Their anti-terrorism discourse is a set of argument frames to justify the Anti-Terrorism Interim Laws, or Interim Law 1/2002 on Terrorism-Crime Eradication and Interim Law 2/2002 on the Retroactive Application of Interim Law 1/2002 on the Bali bombings. They include terrorism as a particular kind of emergency, terrorism as an extraordinary crime implicating in legal vacuum, terrorism as a crime against humanity implicating retroactivity, and anti-terrorism as different from anti-subversive law. First, terrorism is associated with a particular kind of emergency. It is not an emergency resulting from a condition of emergency, but rather an emergency in terms missing a legal instrument required to handle terrorism. This type of emergency is deemed to be in congruence with the Constitution's governance of the promulgation of Interim Laws, which are essentially emergency laws. The second frame was terrorism as an extraordinary crime where the 2002 Bali tragedy was used as a 'model' to characterise the indiscriminate violence, severe damages, and mass casualties of terrorism-crime as an extraordinary crime. As such, existing legal instruments were presented to be 'insufficient' to handle terrorism. A new legal instrument is required; otherwise there would be a legal-vacuum where the Bali bombers would be free or punished lightly. In addition to its severe punishments, Interim Law 1/2002 provided new Criminal Procedure Law that allowed investigators of terrorism to use intelligence reports to make arrests.

The 'extra-ordinariness' of the anti-terrorism Interim Law, its allowance for the use of intelligence report as preliminary evidence was the main motive of the promulgation, not the extra-ordinariness of terrorism-crime.

The third frame of justification argument is 'terrorism as crime against humanity'. As a crime that fundamentally violates human rights, terrorism perpetrators' right not to be prosecuted with retroactive law should not allow them to escape the law, because that would also be in violation of the constitutional mandate that people should enjoy their rights within the limits of the rights of others. As human rights violators, the Bali bombers' right not to be prosecuted with retroactive law becomes reducible. However, the retroactive application is specifically on the Bali bombings only, which means the crimes against humanity that took place before them cannot be treated with Anti-Terrorism Laws. The fourth frame is anti-terrorism law as dissimilar with anti-subversive law. In this frame, anti-terrorism law is presented to have a different content than the Anti-Subversive Law of Indonesia's authoritarian past. The government, however, did not deplore Indonesia's authoritarian past. As Indonesia's authoritarian past is not a radical Other, Anti-Subversive Law and other laws in Indonesia's authoritarian era are not entirely positioned as an avoided model of law. Indeed, Minister of Foreign Affairs Wirajuda stated 'we need laws like them'. A closer look at officials' statements on comparing Anti-Terrorism Law and Anti-Subversive Law suggests that the function of Anti-Subversive Law without its political characters is what is required in Indonesia's anti-terrorism policy.

Up to this point, the securitisation of terrorism was not a top down process where the government initiated a securitising move to change the status of a particular issue from political to securitised issue. The move from political to security for the terrorism issue in Indonesia takes place gradually as terrorism is associated

with different terms through a period of time in Indonesian public discourse. The Indonesian presidents may or may not have a central role in 'setting the tone' of public discourse that plays out in the aftermath of acts of terrorism. Either way, media commentators and news editorials determine the associations between events of 'terror' or terrorism with other terms and eventually what discourse dominates over others for the time being. This is most notable in the aftermath of the Bali bombings where there are more opinion writers, editorials and commentators than government officials who associate terrorism as a threat or vulnerability to national security and the state of the nation following the Bali tragedy as an emergency. These terms evolve from domestic political powers and domestic political motives (terrorism as political issue) to transnational actors, international concerns, and indiscriminate violence (security issue).

The government's role in the aftermath of the Bali bombing provides the frames of anti-terrorism discourse as terrorism is already securitised in public discourse. These frames of justification of anti-terrorism Interim Laws are employed specifically to apply a law that can accommodate nationalist and Islamist sentiments which seek to securitise terrorism and protect the Islamic *umma* from terrorism securitisation, respectively. In order to gain authority, government's Anti-Terrorism frames signal an inter-textuality with the 1945 Constitution, the Rome Statute on the establishment of International Criminal Court, Anti-Subversive Law of Indonesia's authoritarian past and existing discourse of terrorism. Finally, in order to make its anti-terrorism policy acceptable, specifically to Indonesian political Islam, the Indonesian government avoids any designation of terrorist-enemy, through adherence to UN's designation, externalisation of JI, and disassociation between the 2002 Bali bombings from JI. In addition, the government delegitimized terrorist



violence while allowing its political objective, Islamic state establishment, in the parliament.

## **Chapter 7**

# **Parliamentary Hearings on Anti-Terrorism Draft Laws and Terrorism Public Discourse in Post 2002 Bali Bombings**

### **Introduction**

As the previous chapter shows, the Bali bombings on 12 October 2002 created divisiveness in the public discourse of terrorism. On the one hand the issue is exceptionalised through its association with massive casualties, professional network of terror, transnational terrorist activities, 'Al-Qaeda', 'Jemaah Islamiyah (JI)' and local groups of individuals indoctrinated with 'Islamic radicalism'. On the other hand, an alternative discourse developed associating terrorism with 'political Islam marginalisation' and 'conspiratorial entrapment of Indonesia into the War on Terrorism'. The government's anti-terrorism discourse associated terrorism, not with Al-Qaeda or JI, but with the character of its indiscriminate and mass-casualty violence, and hence framed it as an extra-ordinary crime. As the Indonesian parliament convened in February and March 2003 to decide whether or not they should accept the stipulation of Interim Law 1/2002 on Terrorism-Crime Eradication and Interim Law 2/2002 on the retroactive application of Interim Law 1/2002 into laws, the division of public discourse was brought on the parliament floor.

This chapter will discuss some of the sessions of the parliamentary hearings on the legislation of anti-terrorism law. These public hearings discussed the problems arising from the stipulations within the articles of Interim Laws 1/2002 and 2/2002. The purpose of the discussion of parliamentary hearings is to illustrate the policy-debate that took place in the legislation of Indonesian anti-terrorism law. The previous two chapters have illustrated the public discourse of terrorism reflected in the news media; in this chapter, the discourse of terrorism on the parliament floor as

the policy responses to terrorism are negotiated will be discussed based on the transcripts of the hearing sessions.

The **first** section of this chapter will discuss the format of the parliamentary hearings where the speakers invited for the hearings and political parties composing the special committee on the anti-terrorism legislation. The **second** section will explain the government's formal explanation to the parliament as it introduced the draft laws to be discussed on the parliament floor. This section critically discusses the discursive strategy of the government in convincing the parliament of the need to sign the Interim Laws 1/2002 and 2/2002 into laws. The **third** section of the chapter discusses some of the regulations provided in the anti-terrorism law. The purpose here is to illustrate the exceptional nature the law as a product of the exceptionalisation of terrorism. The **fourth** section discusses the parliamentary hearings and it is divided into a number of sub-sections based on the group of arguments articulated including the arguments that defend the stipulation of anti-terrorism Interim Laws into laws and the critical arguments that demand more specific stipulations of articles in order to limit the extra-ordinary powers granted to the investigators and the State Intelligence Agency. The **fifth** section explores discourses of terrorism in the post 2002 Bali bombings. This section explores new associations between 'anti-terrorism' and terms of 'national unity', 'marginalisation of Islam', and 'public security'. The **sixth** section explores the manifestations of anti-terrorism policy in Indonesia.

The securitisation of terrorism through the stipulation of the interim laws into laws was accomplished due to the *inability of the parliament* to make necessary amendments to the draft laws proposed by the government. While the ATL already contains intrusive preventive measures, these measures are not further discussed during the parliament hearings, in terms of the review mechanisms which evaluate

their effectiveness and public acceptability. At the end of the parliamentary hearings, *the parliament accepted the stipulation of Interim Laws into laws instead of making amendments to the Draft Law on Terrorism-Crime Eradication*. The absence of the definition of 'terrorism', the imprecise mechanism in which intelligence reports are assessed in order to be used as preliminary evidence, and an absence of review mechanisms are some of the 'defects' of Interim Law 1/2002, which were criticised by the invited speakers as well as some of the parliamentarians, but were somehow left undisturbed until the time of writing of this theses. The legislation process of the ATL reflected the *inferior* nature of the Indonesian parliament in regard to security policies such as the ATL. The parliament had inferior access to information and data that it required to make substantive assessments of threat to national security and the fundamental issues encountered by the security services in regard to counter-terrorism. As a result, Interim Laws 1/2002 and 2/2002, which the government had themselves 'warned' to have defects and encouraged the parliament to amend, were passed into laws without a single amendment. In the situation where the parliamentarians were inexperienced with security policies and limited by time constraints of the legislation process, the 'legal vacuum' argument was key in allowing the stipulation of the Interim Laws into laws. Both parliamentarians and security officials are in agreement that the rejection of the Interim Laws while the Draft Laws had not been passed into laws would cause a state of 'legal vacuum' where the ongoing investigation on the Bali bombings would lose its legal basis.

### **The Format of the Parliamentary Hearings**

The parliamentary hearings on the anti-terrorism draft laws took place between February and March 2003 in the Indonesian House of Representatives (*Dewan Perwakilan Rakyat/DPR*). The parliamentary hearings explored in this chapter

were conducted in a format of a dialogue between a panel of source persons and their audience who are the parliament members from the *Special Committee on Four Draft laws on Terrorism Crime Eradication* (herein after the Special Committee). These hearings, called “*Public Hearings*”, were meant to acquire feedback from the government officials, scholars, experts and practitioners about the provisions stipulated in Draft Law on Terrorism-Crime Eradication. Public hearings are open to all citizens and often reported in the newspapers. However, they are not meant to reach decisions. Upon listening to the views of the select few representatives of the society, parliamentarians meet up with their fellow political party faction members, after which they inform the Special Committee on the provisions that they agree or disagree with. Disputed articles will be discussed further by the Special Committee together with the government representatives who will be invited to give further explanations. The articles that are agreed substantively will be written into the body text of the law by Formulator Team. Legislation process is usually heavily time-consuming. Normal legislation process can take up to a year. When the draft law happens to be on a very sensitive subject, such as Law on Intelligence; it can take years before the parliament passes it into law. The period of two months that the anti-terrorism law spent before passed into law can be considered an expedited process.

The phrase ‘anti-terrorism law’ in this chapter refers to Interim Law 1/2002. The hearings were meant to decide if this Interim Law and its pair Interim Law 2/2002 should be accepted as national laws. The government submitted two sets of draft laws to the house of representatives: Draft law on Terrorism Crime Eradication, Draft law on the Application of Terrorism Crime Eradication Law on the Bali Bombings on 12 October 2002, Draft law on the Stipulation of Interim Law 1/2002 as Statute, and finally Draft law on the Stipulation of Interim Law 2/2002 as statute.

Since the Draft Law of Terrorism-Crime Eradication and Interim Law 1/2002 are identical, they are both referred to in this chapter as the ‘anti-terrorism law’ (ATL). Hence, the Committee was named the “Special Committee on Four Draft laws on Terrorism Crime Eradication”. In providing two sets of draft laws, the government provided the House with two options: either accept the stipulations of the anti-terrorism Interim Laws into laws in their entirety without correction or reject them and proceed with the discussion of the Draft Law, which enabled the correction of its articles. At the end of the process, the parliament chose to have both of the choices.

All but three political parties represented in the Special Committee accepted the stipulations of the Interim Laws into national laws, instead of making amendments to the Draft Law on Terrorism Crime Eradication, mostly because of the fear that the rejection of the Interim Laws would result in a “legal vacuum” in the prosecution of the Bali bombers. At the same time, the accepting political parties also demanded the government to continue amending the articles in Draft Law on Terrorism Crime Eradication after the signing of the Interim Laws.<sup>529</sup>

The Special Committee on Four Draft-Laws on Terrorism-Crime Eradication consists of fifty parliamentarians from nine political parties that were represented unevenly. The number of political party representatives sitting in the Special Committee was determined by the strength of their number in the parliament. The Indonesian Democracy Party-Struggle (PDI-P), which was led by President Megawati herself, had the largest number of representatives with 15 members, followed by GOLKAR party, the New Order government’s electoral machine with 12 members. The rest of the parties had between one to six members, including United and Development party (PPP/6 members), National Awakening Party (PKB/6), Reform

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<sup>529</sup> *Dewan Perwakilan Rakyat RI* (Indonesian People’s Legislative Assembly), “Final Positions of political party factions sitting in the Special Committee of Four Draft Laws on Terrorism-Crime Eradication”.

Alliance (4), Military/Police Faction (TNI/POLRI Faction/4), Crescent and Moon Party (PBB/1), Indonesian Unity and Nationality (KKI/1), and Umma's Sovereignty Party (1). PDI-P, GOLKAR, and KKI were the only parties with nationalist/secular strokes, together with Military/Police faction which did not represent a political party. The rest of the parties were much smaller than the two parties and all had Islamic political identity. In addition, GOLKAR, PPP, and TNI/POLRI faction were the only three political forces that had sat in the parliament since the authoritarian years. PDI-P party was a break-up from its host PDI Party in 1997, and the latter dissolved after the 1999 election.

The process of legislation in the wake of the Bali bombings may well follow a familiar pattern of anti-terrorism legislations in the wake of disastrous tragic events, where the parliament usually accepts the threat assessments from the government and ultimately 'participates in a discourse of fear'.<sup>530</sup> Andrew Neal argues that in addition to parliament's lack of access to intelligence and symbolic authority vis-à-vis the executive power, parliament's acceding to its legislative demands means that anti-terrorism legislation process in the wake of tragic events is usually an expedited process. However, Indonesia's Anti-Terrorism Legislation in the wake of the Bali bombings shows deviations from Andrew Neal's observation. The government *did not declare an emergency* situation following the Bali bombings and threat assessments are rarely provided by the security officials during the parliamentary hearings. Instead, as the previous chapter shows, the 'emergency' nature is defined as an urgency to acquire a new legal instrument to be used to prosecute the Bali bombers. Secondly, the government actually *encouraged* the parliament to amend the Draft Law of Terrorism-Crime Eradication instead of signing the Interim Laws into

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<sup>530</sup> A. W. Neal, "Normalization and Legislative Exceptionalism: Counterterrorist Law-making and the Changing Times of Security Emergencies", *International Political Sociology*, 6:3, 2012, p. 266.

laws.<sup>531</sup> As they signed the Interim Laws into laws, the parliament asked the government to continue discussing the amendments to the Draft Law with them. These amendments, although publicly discussed at some length, never came into being. Until the writing of this thesis, Indonesia's only ATL is the one adopted from Interim Law 1/2002.

### **The Executive's 'Voice'**

Executive officials were not present in the hearings of Special Committee meetings. The only voice of the executive body during the hearings was found in a speech conveyed to the parliament in writing by Minister of Justice Mahendra – instead of the President – to 'introduce' the four draft laws. The written speech bears the title "Government's Explanation about the Draft Law on Terrorism Crime Eradication and the Draft Law on the Application of Terrorism Eradication Law on the 12 October 2002 Bali Bombings" (henceforth Government's Explanation).<sup>532</sup>

Government's Explanation does not point out to the nature of the terrorism problem or terrorist threat assessment in Indonesia as a starting point of explaining the need for anti-terrorism laws. Rather, the Government's Explanation points out to the *universal and academic references of terrorism*, including the nature of terrorism as 'a transnational crime, organized and extensively networked international crime'. The concepts of terrorism 'extra-ordinary crime' and 'crime against humanity' are invoked yet again in Government's Explanation. Discussions of terrorism as 'crime against humanity' had appeared previously, for example, in the work of Irwing Cotler who provided legal arguments that terrorism is an attack against human rights and that the struggle against terrorism must be seen as part of the struggle for

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<sup>531</sup> KOMPAS, "Comparing the Draft Law and the Interim Law", 22 October 2002.

<sup>532</sup> Ministry of Justice and Human Rights, "Government's Explanation on the Draft law on Terrorism Crime Eradication and the Draft law on The Application of Terrorism Crime Eradication Law on the Bali Bombings on 12 October 2002", 2003, p. 6-7.



human rights.<sup>533</sup> As in its public discussion, the issue of terrorism is exceptionalised through its association with 'threat or violence that causes loss of many lives indiscriminately, tears apart social and political fabrics', and 'to a certain degree a threat to the existence and survival of the nation and the state'.<sup>534</sup> Exceptionalisation of terrorism seems to stop at describing the *lethality* of the violence as it is not articulated as to how *the risk of terrorism* compromises the values of the state and presents a risk to liberal and moral values such as rights and justice.<sup>535</sup> Along with a continued emphasis on human rights, the international importance of the issue of terrorism is repeated a few times in the Government's Explanation, despite the fact that the anti-terrorism law is actually used to target home-grown terrorism. UN Resolution 1438 (2002) and 1373 (2001) are invoked twice in the document, as well as International Convention for the Suppression of Terrorist Bombings (1997).

The government's discursive strategy appears to be *reification of terrorism*.<sup>536</sup> Sentences that describe the danger of 'terrorism' are written in an order that put 'terrorism' as a subject, such as '*terrorism kills* indiscriminately and *produces* wide-spread fear in the society; *terrorism causes* loss of freedom and properties; *terrorism has* extensive network and therefore *projects* a threat to peace and national as well as international security'.<sup>537</sup> Terrorism performs as a figure of 'societal danger' which is able to invade and end the good life of the people.<sup>538</sup> As a result of this reification of terrorism, the assessments of the terrorist identity, what ideological ambitions they represent and how they have come about in the society

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<sup>533</sup> I. Cotler, "Towards A Counter-Terrorism Law and Policy", *Terrorism and Political Violence*, 10:2, 1998, p. 3

<sup>534</sup> Ministry of Justice and Human Rights, *loc.cit.*, p. 2.

<sup>535</sup> P. Palmer, "Dealing With The Exceptional: Pre-Crime Anti-Terrorism Policy and Practice", *Policing and Society*, February 2012, p. 9

<sup>536</sup> A. Rapin, "What is terrorism?", *Behavioral Sciences of Terrorism and Political Aggression*, 3:3, 2011, p. 173

<sup>537</sup> Ministry of Justice and Human Rights, *loc.cit.*, p. 6, emphasises added.

<sup>538</sup> J. Huysmans, "The European Union and the Securitization of Migration", *JCMS: Journal of Common Market Studies*, 38:5, 2000, p. 757

are completely missing from government's explanation. The 'terrorists' are reduced from being a political subject, with their own history, values, and critical thinking,<sup>539</sup> to 'people suspected to have done or been involved in terrorism-crime'.<sup>540</sup> Terrorism as politically-motivated violence is *substituted* by terrorism-crime (*tindak pidana terorisme*).

The reification of terrorism stems from the fact that the ATL excludes terrorism-crime from politically motivated crime. The reason for such exclusion is formally ambiguous. Article 5 of the ATL stipulated that terrorism crime is excluded from politically-motivated crime 'because the categorisation of terrorism crime into politically-motivated crime inhibits extradition process'. The Government's Explanation stipulates that terrorism is excluded from politically motivated crime for purposes of bilateral and multilateral cooperation in counter-terrorism.<sup>541</sup> The Explanation Section of the Draft Law, however, stipulates that terrorism crime is excluded 'to avoid terrorists from hiding behind political backgrounds, motivations and purposes and escape investigation, prosecution, examination and sanctioning in court of law'.<sup>542</sup> The depoliticisation of terrorism can be explained as a result of a conscious disassociation between the ATL and the Anti-Subversive Law, which the previous chapter already showed. The Anti-Subversive Law was considered highly political; the definitional explanation of terrorism in the law as 'political' would allow the public to associate it with Anti-Subversive Law and create an even bigger resistance to the ATL.

Another result of depoliticisation of terrorism is the definitional focus of the 'terrorism' concept on the *harms done by the acts of terrorism*. The ATL does not provide an exact definition of terrorism. Government's explanation states:

<sup>539</sup> M. B. Steger, "An Autopsy of Marxist Socialism", *Peace Review: A Journal of Social Justice*, 9:1, 1997, p. 30

<sup>540</sup> Ministry of Justice and Human Rights, *loc.cit.*, p. 11

<sup>541</sup> Ministry of Justice and Human Rights, p. 7-8

<sup>542</sup> Explanation Section, Interim Law 1/2002, p. 6.

“This law does not provide a definition on the *term terrorism* because various references suggest that it is not easy to define terrorism; rather, terrorism can be acknowledged based on its characteristics ...Therefore, we define terrorism in this Interim Law as *actions that fulfil the elements of terrorism-crimes*.”<sup>543</sup>

The anti-terrorism law does not define terrorism *per se*. Article 1(1) of the ATL, which is traditionally a place for the definition of key terms in Indonesian laws, does not define terrorism and instead stipulates: ‘Terrorism-crime is all actions that fulfil the aspects of crime governed by this Interim Law’.<sup>544</sup> The anti-terrorism law was not meant to define terrorism, only to describe its elements. Articles 6 through 23 are the stipulations of these elements of terrorism crime. Article 6 and 7 define ‘who the terrorist is’ by describing the terrorists’ actions, as Article 6 stipulates:

“Anyone who intentionally commits violence or threat of violence that causes an atmosphere of terror or fear on a massive scale or causes mass casualties, by taking the liberty or lives and properties of others, or causes damages or destruction of strategic vital objects or the environment or public facilities or international facilities, faces death penalty or life imprisonment, or between 4 to 20 years of imprisonment.”<sup>545</sup>

Article 7 is a virtual reproduction of article 6 with the word ‘cause’ substituted by ‘intended to cause’.<sup>546</sup> Thereby, Article 7 governs actions of violence or threat of violence that does not actually cause terror or massive casualties, but is intended to produce such an effect. The stipulations of article 6 and 7 have been analysed to be too broad-worded because the phrases ‘widespread atmosphere of terror’, ‘mass casualties’ and ‘massive scale’ are not defined, which allow the police, prosecutors and judges to use their own interpretations.<sup>547</sup> The elucidation of article

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<sup>543</sup> Ministry of Justice and Human Rights, *Government’s Explanation, op.cit.*, p. 10, emphasis added.

<sup>544</sup> Article 1(1), Interim Law 1/2002 On Terrorism-Crime Eradication (*Peraturan Pemerintah Pengganti Undang-Undang No. 1 Tahun 2002 Tentang Pemberantasan Tindak Pidana Terorisme*), accessible from <http://www.hukumonline.com/pusatdata/detail/17264/node/lt52283d8baca11/perpu-no-1-tahun-2002-pemberantasan-tindak-pidana-terorisme>, accessed 10 January 2010

<sup>545</sup> Article 6, Interim Law 1/2002

<sup>546</sup> Article 7, Interim Law 1/2002

<sup>547</sup> S. Butt, *Anti-Terrorism Law and Criminal Process in Indonesia*, The University of Melbourne, 2008, p. 5-6.

6 in the Explanation section does not help clarify the definition as it focuses on what the article means by 'damages or destructions to the environment'. The broadly worded phrases such as the ones in article 6 means that Interim Law 1/2002 can be applied to a wide range of activities. Indeed, the law has been used to investigate, prosecute and convict individuals in violence that originated from communal conflicts in Indonesia.

Another important stipulation in the Government's Explanation is the formal intention of the government to make the ATL an 'umbrella provision for other laws that are relevant to counter-terrorism'.<sup>548</sup> Because these 'other laws' did not yet exist at the time, the ATL legislation represents the early, perhaps *the first experience*, of the Indonesian House of Representative in legislating a national security law. Indeed, the legislation of the law was followed by the legislation of laws on the Indonesian Police, Indonesian Armed Forces, access to public information, and later on intelligence. At the same time, the ATL is also stipulated as a 'coordinating act', which means it relates with the articles in the laws that do not specifically govern terrorism-crime, and yet might affect the government's response to terrorism.

### **How 'Extra-Ordinary' Is the Anti-Terrorism Law?**

There are two aspects of the anti-terrorism law that categorise it as a product of exceptionalisation of terrorism issue. The **first** is the criminalisation aspect. The anti-terrorism law governs crimes that were already governed in the Penal Code (KUHP) and Law 12/1951 on the possession of arms and explosives, but with more severe sanctions. Some of the articles in the anti-terrorism law are redundant with the two existing laws. Article 8, which governs specific acts of terrorism relating to aviation security, is a reproduction of articles 479(a) to 479(r) of

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<sup>548</sup> Ministry of Justice and Human Rights, p. 7

the Penal Code (the KUHP). Article 9, which governs firearm and explosives offences relating to terrorism, is also not uniquely made for anti-terrorism law; it is rather a virtual reproduction of article 1(1) of Law 12/1951 on the possession of firearms and explosives. Offences relevant to terrorism and their related penalties that have been covered by the KUHP include murder, arson, property damage, group violence, dealing with explosives, and assault.

‘New crimes’ within the ATL include Article 10 and 12, which govern the use of biological, chemical, radiological and other weapons of mass destruction, which is unprecedented in Indonesia. Another aspect of criminalisation is the provision of penalties for *ancillary offences* such as providing aid, assistance or refuge to a terrorist-criminal<sup>549</sup> as offences in their own right which result in significant penalties up to 15 years imprisonment.<sup>550</sup>

The major difference between the anti-terrorism law and the KUHP is that the penalties provided by the KUHP are significantly lighter than those provided in the anti-terrorism law. Penalties under the KUHP for offences that are conducted to pursue terrorism are also not as severe as those that can be brought about under the anti-terrorism law. In addition, the anti-terrorism law’s broad-worded definition of terrorism makes the offences stipulated in the law easier to prove than their equivalent KUHP offences. The KUHP can sanction those who incite or complicit in committing a crime as severe as the perpetrators,<sup>551</sup> but attempted crimes face lighter penalties. For example, those who deliberately provide the opportunity, means or information for the commission of a crime face ‘a maximum penalty of

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<sup>549</sup> Article 13, Interim Law 1/2002

<sup>550</sup> Butt, *op.cit.*, p. 13-14.

<sup>551</sup> Article 55, Penal Code (*Kitab Undang-Undang Hukum Pidana/ KUHP*); Indonesian Penal Code is an inheritance of Dutch Colonial authority and was originally titled *Wetboek Van Strafrecht* issued on 15 October 1915, accessible from <http://www.hukumonline.com/pusatdata/detail/lt4c7b7fd88a8c3/node/38/wetboek-van-strafrecht-%28wvs%29-kitab-undang-undang-hukum-pidana-%28kuhp%29>, accessed at 10 January 2010

two-thirds of the maximum penalty that would apply to the perpetrators'.<sup>552</sup> Meanwhile, Articles 14 and 15 of the anti-terrorism law sentence to death or life imprisonment those who attempt, assist and incite to commit a terrorist offence.

The **second** aspect of the anti-terrorism law's extra ordinariness is in the aspect of *criminal procedure*. The extraordinary powers that the law grants to the investigators of terrorism-crime include: 1) investigators can use intelligence reports that have been examined by the State Intelligence Agency (BIN) and District Court to determine that a terrorism-crime has taken place; 2) investigators, prosecutors and judges can order banks and financial institutions to freeze the accounts of people known or suspected to have committed a terrorism crime; 3) the items that can be categorised as evidence of terrorism-crime include items that are not regulated as evidence in the existing Criminal Procedure Code, including information sent electronically; 4) the use of teleconference in court.

The most controversial of these extraordinary powers is the use of intelligence reports as preliminary evidence which may lead to a seven-day detention for suspected terrorists. The anti-terrorism law allows the use of intelligence report as a preliminary evidence of a prosecution of terrorism-crime. Intelligence reports must first obtain the authentication credentials from State Intelligence Agency, after which the Head of the District Court must examine these reports to decide whether they can be used as preliminary evidence within three days at the most.<sup>553</sup> This provision enables the investigators and prosecutors not to rely on the existing criminal procedure code (the KUHAP) which imposes a significant limitation upon the use of evidence. The KUHAP strictly defines a piece of evidence as an item that the judge can consider confidently as an evidence, which includes witness testimony, expert testimony, documents, circumstantial evidence, and testimony from the

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<sup>552</sup> Article 56, KUHAP.

<sup>553</sup> Ministry of Justice and Human Rights, *op.cit.*, p. 10-11.

accused.<sup>554</sup> Other items cannot by itself work as a piece of evidence unless they are a corroborated by a witness, an expert, a document, a circumstantial evidence, or a testimony from the accused. Each of these types of evidence is further regulated; for example the testimony from at least two witnesses, or a single witness supported by another piece of valid evidence – instead of just one piece of evidence – is required.<sup>555</sup>

The anti-terrorism law allows for several different items that have not been covered by the KUHAP to be treated as a piece of evidence (*alat bukti*, literally translated as *instrument of evidence*), which include information that is sent, received or stored electronically, and data, recordings, or information which can be seen, read and/or heard, expressed with or without assistance of a medium.<sup>556</sup> By expanding the types of evidence that judges can consider as a piece of evidence, the law makes it easier for prosecutors who bear the burden to prove guilt to satisfy the requirements for conviction in terrorism cases. The finding of two pieces of *preliminary evidence* that a terrorism-crime has taken place warrants an arrest of a suspect for six months<sup>557</sup> for investigators to conduct an investigation and levy charges. Preliminary evidence is further governed in article 26(1) which states that 'in order to acquire sufficient preliminary evidence, investigators are allowed to use *any intelligence report*'. Article 26(2) articulates that to determine the adequacy of *preliminary evidence*, Chief Judge of a District Court or his/her deputy must conduct an examination process together with State Intelligence Agency (BIN). The 'intelligence report' mentioned by article 26(1) is further explained in the Explanation Section of the law as:

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<sup>554</sup> Article 184, Law 8/1981 on Criminal Procedural Law, Article 26, Law 8/1981, accessible at <http://www.hukumonline.com/pusatdata/detail/2647/node/629/uu-no-8-tahun-1981-hukum-acara-pidana>, accessed on 1 September 2010.

<sup>555</sup> Article 185 (2), Law 8/1981 on Criminal Procedural Law.

<sup>556</sup> Article 27, Interim Law 1/2002

<sup>557</sup> Article 25, Interim Law 1/2002

“[...]reports that are relevant to the matters of national security. Intelligence reports can be obtained from Ministry of Internal Affairs, Ministry of Foreign Affairs, Ministry of Defence, Ministry of Justice and Human Rights, Ministry of Finance, the Police, the Armed Forces, Attorney General’s office, the State Intelligence Agency, or other relevant institutions.”<sup>558</sup>

The obtainment of preliminary evidence will justify an arrest<sup>559</sup> and confiscation of mail, interception of conversations over telephones or other communication devices for up to one year pursuant to court order.<sup>560</sup> The law grants investigators with the authority to detain terrorist suspects without a charge and trial for up to seven days based on intelligence reports. Two articles in the law govern the procedure of arrest based on intelligence reports. Article 28 of Interim Law 1/2002 allows investigators to arrest any person whom they strongly suspect to have committed a crime of terrorism based on a *preliminary evidence* for a maximum period of 7 days.

The stipulation of Article 26(1) of the Interim Law *reflects the partial application* of Indonesia’s existing criminal procedural law (KUHAP) in terrorism cases as this article specifically focuses on the use of intelligence report as a preliminary evidence. Preliminary evidence is *not evidence* in itself; it is an instrument of evidence that investigators, mostly the police, can utilise to determine that a crime has taken place and a particular person can be suspected to have committed it; preliminary evidence is required to start a *further investigation (penyidikan)* on a particular person as this person becomes a suspect in a criminal case. The use of an intelligence report is not governed in the KUHAP; this means that if the preliminary evidence is not in the form of an intelligence report, then the KUHAP will be used to detain a person who is strongly suspected to have committed a terrorism crime. The importance of the examination by Chief Judge of District Court that article 26(2)

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<sup>558</sup> Explanation Section, Interim Law 1/2002

<sup>559</sup> Article 28, Interim Law 1/2002

<sup>560</sup> Article 31, Interim Law 1/2002



governs, arises when investigators use an intelligence report; their examination is required to make sure that the intelligence report constitutes sufficient preliminary evidence upon which to base further investigations. This extra ‘hurdle’ is not needed when they use preliminary evidence other than an intelligence report. In such cases, the KUHAP will apply, and the investigators do not require judicial hearings to start an investigation.

On the other hand, the 7-day arrest regulation in article 28 only applies to those arrested based on intelligence reports. For persons arrested based on other forms of piece of evidence, a one-day arrest to corroborate the evidence, as the KUHAP governs, applies; in either case, confirmed preliminary evidence is followed by six-month detention for further investigation.<sup>561</sup> This is because article 28 explicitly relates to article 26(2) regarding intelligence reports as evidence. What also follows from this is that, an arrest of a person and a further investigation against him/her, when it is based on an intelligence report, does not require two pieces of evidence as required by the KUHAP. The use of an intelligence report seems to suffice *as a piece of evidence* to detain a suspected person for seven days, after which the person must be formally detained as a suspect using two pieces of evidence.

### **The Parliamentary Hearings**

The speakers/panellists who were present during the parliamentary hearings for the legislation of the anti-terrorism law include law-enforcement, intelligence, and military political and legal scholars, human rights advocates, religious leaders, trade representatives, and the Bank of Indonesia. The speakers are divided in their attitude towards accepting the ATL as a national law. Most of the speakers supported and suggested amendments to strengthen the regulations within the law. Among

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<sup>561</sup> Law 8/1981 on Criminal Procedural Law (the KUHAP) permits suspects to be arrested for only one day before being formally detained.

those who were sceptical and suggest a new form of law to embody the policy of anti-terrorism include political scientists from Indonesian Science Institution (LIPI) and human rights advocates from National Human Rights Commission (KOMNAS HAM) and human rights Non-Governmental Organisation KONTRAS.

Most of the parliamentarians' arguments and questions reflect scepticism towards the ATL, only a few of them expressed support for the justifications of the ATL's adoption into national law permanently. Different from the invited speakers, the parliamentarians' arguments do not provide any assessment on the lack of specificity in the law. They tend to focus more on the professionalism of the military and intelligence agency.

### **Defending the ATL: Exceptionalism Arguments**

The security officials who presided over the parliamentary hearings perform a role of representing the executive body in defending the measures stipulated in the ATL. Their session was the last in the series of hearings between the parliament and the panellists. Their views can be categorised into three: 1) defending the need for intelligence reports for the due process of law of terrorism-crime, and at the same time demanding the Draft Law to authorise more forceful actions based on intelligence findings (intelligence community); 2) associating the unresolved bombings before Bali as a result of the absence of ATL (police); 3) convincing the parliament that the ATL will be 'harmless' and beneficial for the Indonesian state as part of its democratisation achievement (the military). Each of the security institution promoted their own institutional capacities to lead a role in the 'anti-terrorism project', except the Indonesian police which was already prioritised in the ATL's granting of extra-ordinary powers to the criminal justice apparatus.

Security officials associate the problem of terrorism with different terms according to their institutional interests and knowledge; these different associations create different forms of exceptionalisation of terrorism. Vice-Head of State Intelligence Agency (BIN) As'ad Ali associated terrorism with the terrorists' character as 'disciplined, nimble, and self-sufficient' group of individuals. For Mr. As'ad Ali, this spells out the need for intelligence reports to serve as an early warning for *preparations or early stages of terrorism-crime*. He did not articulate specific assessments of the threat of terrorism in Indonesia that could be responded to with the ATL effectively.

"Acts of terror can only be prevented if they are detected since their planning stages, because terrorism-planning is carried out in secret by a closed group of disciplined, nimble and self-sufficient individuals. To anticipate this problem, we need to be able to use intelligence reports as preliminary evidence. In this case, *intelligence reports perform as a reference in order to make the investigation carried out by the police more focused*. As we all know, under the existing penal law, the police solve the problem of terrorism based on evidence from the crime scene. In other words, they are acting merely as a *fire department*. It is very risky to expect that acts of terror can be prevented simply by relying on the Penal Code."<sup>562</sup>

In addition to defending the need for ATL, Mr. As'ad Ali also suggested that a regulation was added in the existing Draft Law to authorise the State Intelligence Agency with authority to detain and interrogate suspects and recruit them as double agents. The rhetorical strategy is through associating 'terrorism' with 'barbarism' (*biadab*) and the 'Us' as 'civilised' (*beradab*), proceeded with an argument for the 'policing' authority of the intelligence agency. The essential character of the 'terrorist as barbaric' and its juxtaposition with 'Us' as civilised is straightforwardly proceeded with appropriate action of the intelligence agency. The severity of the consequences of arresting the wrong person is undermined:

"People who committed acts of terrorism are barbaric; since we are civilised, *we should not let the uncivilised [violate] us*. There should be a

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<sup>562</sup> As'ad Ali, Minutes of Meeting of Special Committee on Four Draft Laws on Terrorism-Crime Eradication, Public Hearing, Tenth Session, 21 February 2003, emphasis added.

stipulation within the Draft Law that grants the State Intelligence Agency with an authority to detain and interrogate terrorist suspects for a maximum of 96 hours. First we can make sure whether the person is a terrorist or not; if he is then we can find out more about his network and plans and stop his activities from taking place. Secondly, we can also recruit him as a double agent which can effectively reveal the activities of an entire group of terror. If this person happens to be innocent, we can *simply let him go* with all the consequences, including rehabilitation, damages, pre-trial, *et cetera*.”<sup>563</sup>

It can be noted how quickly the exceptionalisation of terrorism leads to exceptionalisation of anti-terrorism. In the previous chapter, exceptionalisation of terrorism has not led to specific exceptional counter-measure; as the discourse gains public support, it is coupled with an association with an exceptional anti-terrorist measure that involves a policing action by the State Intelligence Agency. The second discursive strategy of the Vice-Head of BIN is through positioning Indonesia in an inferior position vis-à-vis other ‘developed’ states in terms of fighting terrorism. This strategy associates ‘developed’ with the adoption of decisive measure in fighting terrorism that prioritises ‘public interests’ over ‘private interests’.

“Many developed states adopt the laws to protect public interests above private interests. America's Patriot Act, Malaysia's and Singapore's Internal Security Act are decisive in punishing those suspected to commit actions that threaten public security, including terrorism.”<sup>564</sup>

Finally, Mr. As’ad’s rhetorical strategy seizes the morality of the audience through making them responsible for the consequences of a ‘weakened’ ATL. There is no specific terrorist entity discussed in the entire parliamentary hearings, and Mr. As’ad Ali’s utterances were no exception. The threat of terrorism – rather than coming from a particular terrorist – comes from other states’ response to Indonesia of the latter fails to respond to terrorism. This discursive strategy might gain its relevance at the moment the U.S. and its coalition already invaded Afghanistan and Iraq for reasons of responding to international terrorism.

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<sup>563</sup> *Ibid.*, emphasis added.

<sup>564</sup> *Ibid.*

“If this law on terrorism is weak, Indonesia will become a hotbed of international terrorists, and this will invite other countries to intervene by doing their own counter-terrorism operations which will sacrifice our own people.”<sup>565</sup>

Exceptionality of terrorism, for the Chief of Police, lies in its essence as an *indiscriminate killing*, which requires a new law which governs *indiscriminate murder*. In his understanding, ‘terrorism’ is reduced to *indiscriminate murder*, a type of crime which had not been governed by existing laws.

“In the cases of terror bombings before Bali, we heavily relied on articles on murder or premeditated murder from the Penal Code and articles on illegal possession of fire-arms and explosives from Law 12/1951 to prosecute the perpetrators. However, *as we all know, terrorism is categorised as an extra-ordinary crime*. We can also name this crime *an indiscriminate crime because it is unclear to us who the victim actually is*. The application of the KUHP in such indiscriminate crime is problematic because we cannot determine who the target actually is...”<sup>566</sup>

Chief of Police’s statement attempts to turn the indiscriminate nature of terrorism violence into a justification of ATL. It is interesting how the difficulty in deciding the ‘actual murder target’ is why terrorism is an extra-ordinary crime. To be sure, the Indonesian penal code (the KUHP) does not stipulate that the murder articles became inapplicable when a murder is indiscriminate.<sup>567</sup> The reduction of ‘terrorism’ to indiscriminate murder means that acts of terror that do not result in death casualties – even though they *probably* cause “wide-spread terror” – are not prosecuted with the ATL. This was apparent in the prosecution of a bombing that took place near the police headquarter in Jakarta; the publicly embarrassing event

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<sup>565</sup> *Ibid.*

<sup>566</sup> Da’i Bachtiar, Minutes of Meeting of Special Committee on Four Draft Laws on Terrorism-Crime Eradication, Public Hearing, Eighth Session, 19 February 2003, emphasis added.

<sup>567</sup> Article 338 of the KUHP stipulates: “Anyone who intentionally takes other people’s lives faces 15 years of imprisonment.” While article 340 stipulates: “Anyone who is intentionally and pre-meditatively take other people’s lives faces death penalty, life-time imprisonment, or twenty-year imprisonment.”

killed/injured none, and the perpetrator was prosecuted with the Penal Code instead of the ATL.<sup>568</sup>

In addition, Police Chief presented the ATL as a solution to find the 'mastermind' of the bombings that could not be found in the bombings before Bali. The Penal Code and Law 12/1951 were presented to be inadequate. While the explanation on why these cases are still unresolved may be of other professionalism-related reasons, the ATL presented to be the solution of the missing 'mastermind'.

"As I look back into the cases of terror with bomb explosions in various places in Indonesia, I can say that the networks that sponsored these bombings have not been revealed. This is the case because all of the perpetrators that we caught could not tell who controlled them, and information collected from evidence and witnesses are limited."<sup>569</sup>

Armed Forces Commander General Sutarto iterated the association between terrorism's exceptionality and 'legal insufficiency'; the latter is associated with the lack of authorities that security services have in the possession to prevent terrorism.

"The existing penal laws are no longer sufficient for the apparatuses to handle something that could compromise people's feeling of security at a massive scale such as terrorism. Such cases cannot be solved with these ordinary criminal codes. Therefore, I think *the emphasis of this law should be the empowerment of the apparatuses of the state to conduct preventive steps against terrorism.*"<sup>570</sup>

General Sutarto's second rhetorical strategy is presenting the democratic Indonesian state in opposition to its authoritarian past. As the previous chapter shows, General Sutarto was keen on propounding the difference between these two temporal identities.

"The purpose of the ATL is to provide adequate weapons to the apparatuses to prevent and act on terror. I understand that there are many people who perceive this as an attempt of the government to use the ATL for purposes beyond its intended purpose. This concern is only warranted when the situation is one where the executive power is highly dominating like the

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<sup>568</sup> *Media Indonesia*, "Police Guesthouse Bombing Trial Began At South Jakarta District Court", 7 July 2003.

<sup>569</sup> Da'i Bachtiar, *loc.cit.*

<sup>570</sup> Endriartono Sutarto, Minutes of Meeting, 21 February 2003, emphasis added.

one we knew during the New Order. Now, the situation is in contrast with the New Order. Today, if the government were to do things beyond the purpose of the ATL, they would doom themselves. If you do not grant the necessary powers to the state apparatuses, then we will fail to empower the state's instruments to do something that contributes to national interest and that is people's feeling of security."<sup>571</sup>

The legal insufficiency argument in Endriartono's statement refers to the authorities or powers of the security apparatuses to solve the cases of terrorism. He referred to the cases of terrorism where bombings of public places took place in 1999-2001, which were discussed publicly as 'inconclusive' although individuals had been arrested. The notion of remedying the 'legal insufficiency' through granting extra powers to security apparatuses means that the existing laws are not providing sufficient *operational easiness* to the apparatuses, specifically in the area of finding and establishing evidence of terrorism crime before it was successfully executed.

All of the security officials converged on the notion of legal vacuum. The 'legal vacuum' frame is constituted by an association between the ATL and the exceptionality of terrorism issue. The ATL is argued to be designed to prevent terrorism-crime *since the existing penal code cannot be used* to prevent the perpetrators of acts of terror. The security officials, most notably the State Intelligence Agency attempted to convince the Special Committee of the need to establish a 'pre-crime anti-terrorism policy'. Terrorism is a 'risk' that emerges from activities and associations deemed to precede it; in order to identify and manage these activities and associations, the security services demanded additional powers.<sup>572</sup>

Exceptionalist arguments for justifying the ATL were not the domain of security officials alone. A legal scholar named Loebby Luqman was invited to give his

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<sup>571</sup> Endriartono Sutarto, *Ibid.*

<sup>572</sup> Palmer, Phil, *loc.cit.*, p. 2

feedback about ATL to the parliament, and articulated the exceptionality of terrorism in a slightly different meaning:

“A lot of people out there think that we need to act in accordance with existing rules, whereas *we can make exceptions to these rules* and we have to do so because terrorism is an extra-ordinary crime, [and it has become such crime] *because for some the terrorists are heroes but for others they are villains.*”<sup>573</sup>

The notion of terrorism as an extra-ordinary crime as Loebby Luqman iterated here is different from what was uttered by most other speakers for whom the exceptionality of terrorism is derived from its repercussion of violence. Luqman’s exceptionality of ‘terrorism’ is derived from its nature as inherently disputed political meaning; therefore, the state must take an over-arching decision that stands above this dispute. Specifically, further down into his talk, Mr. Luqman moves towards justifying the normalisation of extra-ordinary *unprecedented* measures, including the criminalisation of ‘ideological masterminds’ or ‘intellectual actors’ of terrorism and an application of ‘grand jury’ and ‘jurisprudence’ in Indonesian court rulings.

The ‘terrorism-exceptionalisation’ frame also belongs to officials from Bank of Indonesia, Attorney General, and Foreign Ministry. Conceptual association appears in the Foreign Ministry official Mr. Makmur Widodo’s statement whose association of the concept ‘terrorism’ with ‘crime against humanity’ seeks to deligitimise deliberation on terrorism and human rights:

“Terrorism is a crime against humanity. We do not need to debate what human rights mean and what the motives of terrorism are. Terrorism is a violation of human rights of any kind and to democracy, whatever its motives are.”<sup>574</sup>

### **Special Committee’s Response**

The speech delivered by Vice-Chief of BIN Mr. As’ad Ali shaped the direction of the hearing towards criticisms against the agency, and it distracted the

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<sup>573</sup> Loebby Luqman, Minutes of Meeting Minutes of Meeting of Special Committee on Four Draft Laws on Terrorism-Crime Eradication, Public Hearing, Fifth Session, 10 February 2003, emphasis added.

<sup>574</sup> Makmur Widodo, *Ibid.*



parliamentarians from focusing on the more important issue, which is the lack of specificity on the regulation of the use of intelligence reports as preliminary evidence. Parliamentarians' response to the State Intelligence Agency and the military mostly targets the latter's professionalism. These criticisms position the security institutions as 'ineptitude actors' in responding to domestic security challenges. The meeting session between the Special Committee and the security officials from BIN and TNI became a hearing for complains and expression of distrust for the security apparatuses. In response to BIN's suggestion for granting the agency with policing authorities, the parliamentarians argue that since the performance of the agency had so far been poor, granting them extra-powers would seem unlikely. The critiques came mostly from the ruling party PDI-P.

“The performance of our security intelligence (BIN) is less than satisfying in public's perception. BIN's intelligence has so far been perceived to be lies. How can we grant larger authorities to the institution while it does not have a commendable performance?”<sup>575</sup>

The parliamentarians associated the granting of extra-ordinary powers with their own experiences as political activists during Indonesia's authoritarian years. The task of State Intelligence Agency (BIN), established in 1999 as an evolution from its older format as a State Intelligence Coordinating Agency (BAKIN) is likened to the New Order's KOPKAMTIB.<sup>576</sup> The latter was an intelligence 'super body' which was authorised to arrest, interrogate and detain individuals based on the Anti-Subversive Law.<sup>577</sup> It appears that the State Intelligence Agency and the Armed Forces were perceived to be representations of 'old powers' that had not always been subordinate to the executive since the Suharto resigned in 1998.

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<sup>575</sup> Susaningtyas Kertopati, Minutes of Meeting of Special Committee on Four Draft Laws on Terrorism-Crime Eradication, Public Hearing, Sixth Session, 13 February 2003.

<sup>576</sup> A. Rabasa, J. Haseman, *The Military and Democracy in Indonesia: Challenges, Politics, and Power*, Santa Monica: RAND, p. 31

<sup>577</sup> *Ibid.*

A parliamentarian from the Justice Party (PK) is concerned that the ATL was not guided by adequate political principles, that it would only become a security/legal instrument of power instead of being used for the benefit of public security.

“Does our problem of terrorism lie in the inability of our apparatuses to respond to terrorism or the unwillingness of the state to use them to respond terrorism effectively? If it lies on the latter than the extent of empowerment that we grant towards our apparatuses should not matter, because the state leaders are not able to handle them anyway. I'm concerned that if we facilitate the state leaders with highly capable apparatuses in countering-terrorism, they will abuse them or worse, the apparatuses will take control over them.”<sup>578</sup>

The resistance of the parliamentarians to granting BIN with policing authorities was not based on the assessment of threats or the absence of parliament's oversight over the intelligence agencies. Rather, the main contention of the members of House of Representatives was an abstract notion of ‘the integrity of criminal justice system’ where as an extra-judicial institution, BIN is not supposed to carry out policing tasks.

“I cannot agree with granting the state intelligence with policing authorities because it will disrupt the entire structure of criminal justice system. If state intelligence body acknowledges that there are individuals [who are committing terrorism], it will have to report them to the police immediately. Like it or not, we have to reform the police in order to be more responsive towards indications of terrorism in intelligence reports.”<sup>579</sup>

The fact that BIN was authorised to assess intelligence reports was also criticised by parliamentarians, because there was no mechanism to determine the objectivity of this process. The distrust of the parliamentarians towards BIN leads to a perception that the use of intelligence reports, authenticated only by the Head of BIN, as preliminary evidence is a great expansion of BIN's role in counter-

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<sup>578</sup> Mutammimul Ula, Minutes of Meeting, 10 February 2003.

<sup>579</sup> Jacob Sahetapy, Minutes of Meeting, 21 February 2003.

terrorism.”<sup>580</sup> Parliamentarians criticised the fact that the role of the intelligence body in the civilian realm was actually enlarged by the ATL and this was reminiscent of the Suharto era’s intelligence super body called Security and Order Restoration Command (KOPKAMTIB) and its local branches the Special Local Executors (LAKSUSDA).<sup>581</sup> As memories of the experience of suppression under authoritarian era are invoked, distrust seems to be augmented significantly.

A parliamentarian from the Moon and Crescent Party (PBB Party) Ahmad Sumargono attempted to rationalise these critiques through the parliamentarians’ own experience:

“Our concern in this discussion is to avoid the stipulation of laws that can damage innocent people's lives in their application. As an Islamic activist *I know how it feels to be perceived as part of the radical Islamic and Islamisation agenda by the intelligence*. So I think BIN and the Armed Forces here should take these critiques for granted as some of us here endured the dark period of authoritarian days.”<sup>582</sup>

During the parliamentary hearings, the police representative was ‘safe’ from criticisms. The police was *the least publicly distrusted* security institution compared to the military (TNI) and intelligence (BIN) in terms of human rights abuses. Although the TNI and BIN already had their anti-terrorism units long before the Bali bombings took place, the use of these anti-terror units in public was perceived to potentially invite public criticisms, even after the Bali bombings.<sup>583</sup> As journalist Eko Maryadi stipulated, ‘Indonesians were highly suspicious to anything labelled special forces’ (*pasukan khusus*).<sup>584</sup> In addition, upgrading police professional capacity was long overdue; prioritising the police in counter-terrorism was expected to upgrade its

<sup>580</sup> Trimedya Panjaitan, Minutes of Meeting, 21 February 2003.

<sup>581</sup> *Ibid.*

<sup>582</sup> Ahmad Sumargono, Minutes of Meeting, 21 February 2003, emphasis added.

<sup>583</sup> Indonesia’s Army special forces KOPASSUS has a specialised unit called Detachment 81 Terror Mitigation (Detasemen 81 Penanggulangan Teror/GULTOR) and BIN also has an anti-terrorism unit, see Darmaputra, Rizal, *Badan Intelijen Strategis* (Strategic Intelligence Body), in *Almanak Reformasi Sektor Keamanan Indonesia* (Indonesian Security Sector Reform Almanac), Benny Sukadis (editor), Jakarta: Lesperssi & DCAF, 2007, p. 111

<sup>584</sup> Maryadi, Eko, *Detasemen Khusus 88 POLRI* (Indonesian Police’s Detachment 88), in *Almanak Reformasi Sektor Keamanan Indonesia* (Indonesian Security Sector Reform Almanac), Benny Sukadis (editor), Jakarta: Lesperssi & DCAF, 2007, p. 85

professionalism, because it meant that more trainings and facilities would be provided for the police force, and this was indeed the case.<sup>585</sup>

The few supportive notes from the parliamentarians include a belief in the capacity of District Court Judges to assess intelligence reports as preliminary evidence, even though this view was not explicated as to how the judges may still be independent vis-a vis intelligence agencies.<sup>586</sup> Another sign of support associated the ATL with 'safety measure' for Indonesia's heterogeneity, trust from the international community, and the need to strengthen BIN.<sup>587</sup>

### Critical Notes

The critiques of human rights activists and observers do not reject the ATL but rather its *un-specificity*. The governance of the use of intelligence report in article 26 is also targeted by the speakers. Different from the comments of the parliamentarians, the speakers criticise the fact that the article has not included any regulation concerning the quality of the report; as Indonesian judges were inexperienced in analysing intelligence reports, it should be regulated that intelligence reports should contain strictly facts and not intelligence analysis.<sup>588</sup> The independent examination of the intelligence report used for evidence is also thrown into doubt because article 26 also authorises the State Intelligence Agency (BIN) to examine the report together with district court whose judges are inexperienced in intelligence assessment; other institutions are absent in avoiding manipulation of reports by BIN.<sup>589</sup>

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<sup>585</sup> Indonesian police's tracking of terrorist suspects was helped significantly by Australian Federal Police, Australian and U.S. signals intelligence and National Security Agency, see Chau, Andrew, "Security Community and Southeast Asia", *Asian Survey*, 48:4, 2008, p. 638

<sup>586</sup> Yasril Ananta Baharuddin, Minutes of Meeting, 10 February 2003.

<sup>587</sup> Sidarto, Minutes of Meeting, 13 February 2003.

<sup>588</sup> KOMNAS HAM, Minutes of Meeting, 20 February 2003

<sup>589</sup> Ikrar Nusa Bhakti, Minutes of Meeting, 10 February 2003

The critiques conveyed by the speakers converge on the need for the government to *do more* than just promulgating the law. Customs and immigration authorities and the oversight on the production and distribution of explosives needed more attention and quality enhancement in regard to anti-terrorism. The critiques in general argue that anti-terrorism policies should not be limited to the promulgation of a law which legitimises the use of *potentially abusive and intrusive* authorities in public space without actually responding to real challenges to public security caused by problem that *precede terrorism*, such as uncontrolled circulation of explosives and lack of border security.

Two particular issues that became the central topics of debate between academics/ human rights activists and the parliamentarians were the depoliticisation of 'terrorism' and the non-definition of the concept in the ATL. Despite the fact that academic views and policies of counter-terrorism mostly associate 'terrorism' with 'political objective', the ATL excludes terrorism-crime from politically-motivated crime. This notion was debated on the first meeting between source persons and the members of the Special Committee. The reason for depoliticising 'terrorism' is considered illogical.

"We all know that terrorism cannot be separated from its political objectives, but article 5 of the Interim Law 1/2002 and the draft law stated exactly the opposite. The explanation of article 5, that terrorism-crime is excluded from politically-motivated crimes in order to avoid felons from escaping anti-terrorism prosecution by declaring his actions to be politically motivated, does not make sense to me. If I were to commit terrorist-crime, I would simply have to state that my motives were political, and that should be enough to avoid me from being charged for violating anti-terrorism law."<sup>590</sup>

Parliamentarians did not take the depoliticisation of terrorism by the ATL as a problem at all. A parliamentarian who represented the TNI/POLRI faction stipulated a reason why terrorism is explicitly non-political. It appears that the non-political

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<sup>590</sup> *Ibid.*

meaning of 'terrorism' is based on the need to disassociate terrorism from the Anti-Subversive Law and its attendant problem. The Anti-Subversive Law's criminalisation of subjects based on their 'ideologies' had resulted in the innocence of these subjects, including Abu Bakar Ba'syir, once the law was revoked in 1999. The frame of 'terrorism depoliticisation' is another manifestation of Indonesian leaders' reading of the law as the "new Anti-Subversive Law"; the ATL is an anti-subversive law, without its political designations.

"The reason why we must insist that the law does not treat terrorism as a politically motivated violence is because a person who is convicted as political criminal today, like we had in the past, may become a hero in the future, we do not want this to happen. We want to treat terrorism problem as part of international problem. I disagree with Ikrar that politically motivated violence will not be within the remit of this law, if such violence fulfils the aspects stipulated in this law then it will be treated as terrorism."<sup>591</sup>

The argument of Mr. Siagian from Police/Armed Forces Coalition implies that the non-political understanding of terrorism in the anti-terrorism draft law is meant to produce a legal interpretation of acts as terrorism that is independent from the political context. In other words, no matter what the political identity represented by the current regime, the law must remain effective. Mr. Siagian, therefore, interpreted the non-political understanding of terrorism as an effort to overwhelm various stances of groups and political identities to the phenomena of home-grown terrorism in Indonesia.

The second topic that the parliamentarians were keen to ask to the civilian source persons (academics and human rights advocates) was the definition of terrorism. They tended to argue that the ATL's preference in defining *terrorism-crime* instead of *terrorism* was unacceptable. At the same time they seemed to be reluctant in determining their own definitional stand-point and demanded the speakers to somehow come up with a 'magical' formula of the 'right definition' of terrorism.

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<sup>591</sup> Logan Siagian, Minutes of Meeting, 10 February 2003.

“I am concerned that we have to produce a law on anti-terrorism but we still do not have a definition of terrorism; this is a serious problem. Do we have to wait until there is one? We might wait for the end of days! Please, as experts can't you provide us with a definition? I do not wish to hear public criticisms that this law does not represent this and that. This is what we are constitutionally inviting you here for today.”<sup>592</sup>

None of the speakers were willing to provide the ‘right’ definition of terrorism. Non-definitional stand-point of ATL towards terrorism issue is affirmed by different actors for different purposes. The attending human rights advocates did not mind that ‘terrorism’ was not explicitly defined in the ATL. Mr. Munir from KONTRAS argued that contemporary international studies on terrorism categorised particular actions as ‘terrorism’; however, the corollary of this situation, according to him, was that the policy-response towards ‘terrorism’ did not need to be named ‘anti-terrorism’. It is better to make amendments to the KUHP in order to include the articles on existing ATL into the KUHP ruling, rather than creating a new law’.<sup>593</sup> The non-definitional position of ATL was on the concept of terrorism appears to fit within the overall parliamentarians’ unwillingness to understand the terrorism problem itself. The non-definitional position terrorism concept was also favoured by the Chief of Police as the ATL already gave the police with anti-criminal legal instruments in the ‘anti-terrorism project’.

“It is only natural that we cannot define terrorism now. It is better for us just to formulate the manifestations of crime we call terrorism. Indeed it is generally the case that the problem of terrorism is separated from its political context.”<sup>594</sup>

While academic references appear (partially) in the concept of extra-ordinary crime and crime against humanity, they are deliberately ignored in deciding definitional terms of terrorism. Almost all academic and legal definitions of terrorism articulate key words of ‘political objective’ or ‘radical political change’ as the ends of

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<sup>592</sup> Yasril Ananta Baharudin, Minutes of Meeting, 10 February 2003.

<sup>593</sup> Munir, Minutes of Meeting of Special Committee on Four Draft Laws on Terrorism-Crime Eradication, Public Hearing, Ninth Session, 20 February 2003.

<sup>594</sup> Da’i Bachtiar, Minutes of Meeting, 19 February 2003.

terrorism. As Indonesian government sought to steer clear from any political references in their response to terrorism, these academic references were abandoned, while legal/moral references of crimes against humanity were adopted. Despite the demands of the parliamentarians for the 'right definition' of terrorism, any political references to the 'political' would not enter Indonesia's definition of terrorism. As Minister Mahendra stipulated in the previous chapter, the ATL is 'strictly for terrorism, not politics'. If one takes Minister Wirajuda's statement, also in the previous chapter, about the need to adopt 'something similar to Anti-Subversive Law', the ATL is an adoption of Anti-Subversive Law *without its political element*.

### **Final Positions**

At the end of the parliamentary hearings, the political understanding of terrorism appeared to be inescapable. The GOLKAR party reminded in their final position that the application of Article 26 of Interim Law 1/2002 which governed the use of intelligence reports as evidence must be applied with extra-caution because 'unlike police's reports that concern ordinary crime, intelligence reports concerning terrorism have a strong political dimension [which may] cause biases and errors as different positions, interests and political beliefs might result in different perceptions'.<sup>595</sup> In light of the GOLKAR Party's assertion, therefore, the political meaning of terrorism in Indonesia is not all-lost. It is relegated to the interpretation of intelligence agencies, police investigators, and judges in closed examinations of intelligence reports for preliminary evidence.

The final positions of the political parties that represent the Special Committee on the Terrorism Crime Eradication Draft laws were pronounced on 6

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<sup>595</sup> Final Position of GOLKAR Party on the Stipulation of Interim Laws 1/2002 and 2/2002 on Terrorism Crime Eradication and Its Application on the 12 October 2002 Bali Bombings as Statutes, House of representatives, Republic of Indonesia, 6 March 2003, p. 4.



March 2003. All but three political parties agreed with passing the draft laws; the agreement was conditional to government's commitment to discuss the draft law on terrorism crime eradication which was expected to be an amendment to Interim Law 1/2002. The Special Committee welcomed the Stipulation of Interim Laws 1/2002 and 2/2002 as statutes. The Special Committee therefore asserted its expectation that the stipulation of Interim Laws 1/2002 and 2/2002 into laws would be proceeded with a new law on Terrorism Crime Eradication that should amend the articles of Interim Law 1/2002 which were objected by the political parties.<sup>596</sup>

Three political parties, the Justice Party (the PK Party), the National Mandate Party (the PAN Party), and Umma's Sovereignty Party (PDU) refused to support the stipulation of the Interim Laws as statutes, and demanded the government to complete the process of legislating the Law on Terrorism Crime Eradication. These three parties posited that the promulgation of Interim Laws 1/2002 and 2/2002 were unconstitutional because the emergency situations' that the 1945 Constitution stipulated to be the requirement of the promulgation of Interim Laws by the president were not fulfilled. Interim Laws 1/2002 and 2/2002 did stipulate the 'emergency situations' that forced the promulgation of the Interim Laws in their Considerations section. The PK and PAN parties therefore disagreed with the stipulation of the Interim Laws as statutes for procedural reasons.<sup>597</sup>

### **Terrorism Public Discourse in Post 2002 Bali Bombings**

Despite the emphasis of the government that the ATL was required in order to prevent terrorism's indiscriminate killings, the promulgation of the laws did not

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<sup>596</sup> Report on the Decision-Making Plenary Session of Special Committee on Four Draft laws on Terrorism Crime Eradication, House of Representatives, Republic of Indonesia, 6 March 2003.

<sup>597</sup> The PK and PAN Parties coalesced under the Reform Coalition. Final Position of the Reform Coalition on the Stipulation of Interim Laws 1/2002 and 2/2002 on Terrorism Crime Eradication and Its Application on the 12 October 2002 Bali Bombings as Statutes, House of representatives, Republic of Indonesia, 6 March 2003, p. 4-5.

see a stop to bombings of public places. From 2003 and 2009, network of individuals that *had been identified* since the Bali bombings could not be stopped from committing acts of terrorism. Spectacular bombings took place on 5 August 2003 in front of the Marriott Hotel in Jakarta, on 9 September 2004 in front of the Australian Embassy in Jakarta, on 1 October 2005 in two restaurants in Bali and on 17 July 2009 inside the Marriott and Ritz-Carlton Hotels. ‘Terrorism’ occupied public discourse whenever a spectacular bombing took place; policy-responses were discussed and debated, security services were demanded to act more proactively; but no real change was visible publicly except more raids and arrests of suspected terrorists.

The ATL’s stipulation into law was used to explain both the need for more securitisation of terrorism, or granting more powers to the security apparatuses, as well as the need to implement the existing legal instrument. In the aftermath of the Marriott Hotel bombing, Head of State Intelligence Agency (BIN) Hendropriyono uttered that he *already predicted* that the Marriott bombing would take place but he could not prevent it because the law that regulated BIN restricted it from arresting suspicious individuals:

“In the arrest of a few bomb owners in Semarang city, some of the bombs were missing; based on this finding we predicted there would be an act of terror in Jakarta; we could not move to capture the suspects because of the limitation of the law that governs BIN.”<sup>598</sup>

There is no clarity in the coverage of the magazine, why the Head of State Intelligence Agency (BIN), as a coordinator of the state’s intelligence community, did not communicate with the police’s security intelligence to act on his ‘prediction’. On the other hand, a part of the anti-terrorism discourse that developed during the legislation, consistently associated anti-terrorism with the use of potentially repressive measures. This anti-terrorism discourse opted for ‘consistent and effective

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<sup>598</sup> *TEMPO*, ‘Bloody Warning! Came True? Which Group had a Motive to Bomb J.W. Marriott?’, 11 August 2003, p. 30

law enforcement' and resisted the granting of more powers to the security apparatuses, notably the State Intelligence Agency.<sup>599</sup>

The divisive nature of the terrorism public discourse that had developed since early 2002 developed further in 2003-2010. 'Terrorism as real danger' and 'terrorism as anti-Islam conspiracy' frames persisted in the representation of the bombings after Bali 2002. The competition between the two discourses sharpened rather than dissipated in representations of the post-Bali 2002 bombings.

### *Terrorism as Real Danger*

'Terrorism as real' discourse juxtaposes itself against the 'debaters and deniers of terrorism'. In the aftermath of Marriott Hotel bombing in 2003, *KOMPAS* editorial used a metaphor to criticise them: '...when a house is on fire, [people] debate about it instead of evacuating everyone inside'.<sup>600</sup> The editorial juxtaposed the Self against the Other who are 'deniers and debaters of terrorism' through an association of the latter with spreading 'unhealthy atmosphere' ('*nuansa tidak sehat*'), 'unfair', 'political' ('*berbau politik*'), 'no action talk only', and 'blaming each other'. On the other hand, the Self consists of people who discuss 'terrorism' in the right way, associated with 'comprehensive' and 'precise' understanding and 'orientation to solution'.

Ultimately, 'anti-terrorism' is associated with 'unity': "in order to respond to the Marriott Hotel act of terror ... *common view, attitude, and politics* are required to make the work more effective."<sup>601</sup> 'Terrorism' is framed in editorials as a cause for national unity as President Megawati emphasised the word 'together' ('*bersama-*

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<sup>599</sup> *TEMPO*, '5 August 2003', editorial, 11-17 August 2003, p. 21

<sup>600</sup> *KOMPAS*, "According To Facts, Terrorism Exists In Indonesia", editorial, 15 August 2003

<sup>601</sup> *KOMPAS*, "Again, On Marriott Hotel Bombing, editorial, 8 August 2003

*sama*’) and ‘united’ (*bersatu-padu*) in advocating the ‘fight against terrorism’ and ‘environmental alertness’.<sup>602</sup>

The rhetorical strategy of terrorism reification took place yet again as the government, through Coordinating Minister for Political and Security Affairs Yudhoyono, represented an abstract concept ‘terrorism’ as an empirical fact which everyone can see.<sup>603</sup> ‘Terrorism’ no longer required an interpretation; although what he really meant was ‘*terrorists* were real and had caused real damages and casualties’ that the Marriott Hotel tragedy represented, but because naming the terrorist had been avoided since the Bali bombings, Minister Yudhoyono reified ‘terrorism’.

After the stipulation of the ATL into law, ‘terrorism as real danger’ discourse developed into ‘anti-terrorism as security-empowerment’ frame which increased in relevance not just because of more bombings took place, but also their association between ‘anti-terrorism’ with the need to amend the newly minted ATL,<sup>604</sup> produce a law to specifically govern/empower the intelligence agencies,<sup>605</sup> as well as the need to ‘re-invent’ anti-subversive law.<sup>606</sup> At the end of the period under study, ‘terrorism as real danger’ discourse adopted new key phrases ‘of intelligence-empowerment’, ‘anti-subversive law’, in addition to ‘crime against humanity’ and ‘extra-ordinary crime’ in a single text.

“The *anti-subversive law* is a detection instrument; security forces’ capacity to prevent [threats from materialising] is nullified because of the law’s abolishment. They can only act after there is evidence; in the past, even a pin drop could alert the authorities to secure prevention – while now, they

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<sup>602</sup> KOMPAS, “Indonesians Condemned”, 10 September 2004; KOMPAS, “President: Increase Vigilance in the run up to Election”, 14 September 2004.

<sup>603</sup> KOMPAS, “According To Facts, Terrorism Exists In Indonesia”, editorial 15 August 2003

<sup>604</sup> KOMPAS, “Nine Clauses in Anti-Terrorism Law Will Be Revised”, 14 August 2003; KOMPAS, “Minister of Justice and Human Rights: Anti-Terrorism Law Has Defects”, 14 August 2003; KOMPAS, “Clauses To Be Revised Regulate Preventions”, 15 August 2003.

<sup>605</sup> KOMPAS, “Admitted, Anti-Terrorism Law Revision Enhances Intelligence Authorities”, 30 August 2003; KOMPAS, “Intelligence Remains Weak; Developed States’ Aid Unbalanced”, 24 July 2009.

<sup>606</sup> KOMPAS, “Prevent Anti-Terrorism Law Amendment from Returning to Anti-Subversive Law, Legislatures Must Be Aware and Watchful”, 21 August 2003.

always need evidence to arrest people. *Terrorism is a crime against humanity* that can take place unpredictably. That does not mean it cannot be anticipated or detected. Countries that still adopt anti-subversive law like Malaysia and Singapore can detect all terrorism and separatism activities earlier. In addition to anti-subversive law, *intelligence* agencies also need to be equipped with the latest proper instruments to sniff terror threat earlier.”<sup>607</sup>

As the ATL was meant to serve as an ‘umbrella provision’, its stipulation into law was followed by a continued public campaign, by government and non-governmental organisations alike, to produce more ‘national-security laws’ including intelligence, state’s secret and public information access; bombings after the 2002 Bali bombings often served to mediate such campaigns.

### *Terrorism as Anti-Islam Conspiracy*

As in the 2002 Bali bombings, ‘terrorism as Islam marginalisation’ associates the Marriott Hotel bombing in 2003 with ‘foreign scenario’ or ‘target of foreign media speculation’.<sup>608</sup> Suspicions towards this ‘foreign agenda’ became more expressive in the aftermath of the capture of Hambali.

*REPUBLIKA* newspaper criticised the use of Islamic tokens of identity in speculating about the perpetrators.<sup>609</sup> The bombing was perceived to result in speculations which ‘blamed radical or fundamentalist Islam groups’<sup>610</sup> and this is perceived to be ‘a recurring pattern after every bombing’.<sup>611</sup> The bombing itself and its perpetrators are equally condemned in this discourse and disassociated from any religion or organisation.<sup>612</sup> For the Islamic leaders interviewed and quoted by

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<sup>607</sup> W. Purwanto, intelligence analyst, quoted in *Antara News*, “Anti-Subversive Law Needs Re-Adoption”, 27 July 2009, accessed from <http://www.antaranews.com/berita/1248658712/uu-antisubversif-perlu-dihidupkan>, on 10 July 2010, emphasis added.

<sup>608</sup> *REPUBLIKA*, “Avoid Speculating Baselessly”, 8 August 2003; *REPUBLIKA*, “Foreign Media Should Not Accuse JI Involved In Marriott Bombing”, 8 August 2003; *REPUBLIKA*, “Djuanda Saw International Conspiracy Behind the Marriott Bombing”, 9 August 2003.

<sup>609</sup> *REPUBLIKA*, “This is a Barbaric Action”, 6 August 2003.

<sup>610</sup> *REPUBLIKA*, “The Grief of this Country”, editorial, 6 August 2003

<sup>611</sup> *REPUBLIKA*, “Ends and Means Must Both Be Right”, editorial, 7 August 2003

<sup>612</sup> *REPUBLIKA*, “Bomber Gained Curses”, 7 August 2003; *REPUBLIKA*, “Refrain from Hastily Connecting Hambali to Certain Islamic Groups”, 15 August 2003

*REPUBLIKA*, the fact that there were militant Islamists poised to commit violence in Indonesia was true, but their way to actually committing violence was actually made possible by an elusive party; in other words ‘terrorists’ were simply manipulated Islamist militants.<sup>613</sup>

The government’s anti-terrorism policies were criticised for its lack of seriousness in the problems related to terrorism and its public announcements that tend to smear the name of Indonesian Islam; terrorism is put together with thuggery as something that all Indonesians must unite against.<sup>614</sup> ‘Anti-terrorism’ is associated with a ‘security approach to Islam in Southeast Asia’ which tended to perceive Islam in the region as being already dragged into ‘radicalism network’ centered on Al Qaeda and JI.<sup>615</sup> This association is made to argue that the Islamic radicalism phenomenon was true, it was only a small part of and nothing new for the Muslims in the region; a larger part of transnational network between Islamic scholars in the region actually contributed to the modernisation of Islam in the region.

#### *Terrorism De-securitisation*

In response to the ‘security empowerment’ discourse, Indonesian terrorism public discourse saw an emergence of a new third alternative discourse: ‘terrorism desecuritisation’, which associated ‘anti-terrorism’ with measured and accountable policy. Belonging to this discourse, human rights advocates argued that the existing anti-terrorism law was already sufficient in responding to the most ‘relevant threat’ of the moment; laws similar to anti-subversive law, where security agencies were given more authorities, only increased the risk of human rights abuse.<sup>616</sup>

Terrorism desecuritisation frame does not deny that terrorism is real; rather, it associates ‘terrorism’ not exclusively or essentially with ideology, which ‘terrorism

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<sup>613</sup> *REPUBLIKA*, “Yudhoyono: Avoid Accusing JI So Quickly”, 14 August 2003

<sup>614</sup> N. Hidayat, “Terrorist and Militant Islam”, *REPUBLIKA*, 11 August 2003.

<sup>615</sup> A. Azra, “Southeast Asian Islam’s Trans-nationality”, *REPUBLIKA*, 9 September 2004.

<sup>616</sup> B. Susanti, “Misinterpretation Over ISA”, *KOMPAS*, 14 August 2003

as real danger' subscribes to, but with 'real people'. Its goal is to *demystify terrorism*, to explain the concept in empirical terms, away from nationalistic, security, or conspiratorial jargon of the two other discourses. Terrorism is conceptualised as a result of work by individuals who were capable of mobilising others who shared their world-view, skilful in combat and explosives, a 'super-empowered individuals' who are at the same time 'angry for being excluded from the system'.<sup>617</sup> A relational analysis of terrorism, discussed earlier in the literature review chapter, is conducted to trace how 'terrorism' comes through a ground-up investigation. Its main concerns are the instruments that the perpetrators use for their actions, identification of possible bomb-carriers and the individuals who meet and work with them in the past, instead of the organisation and ideology that stand behind the bombings. The existence of 'Jamaah Islamiyah' (JI) and its history are not built by a formal expression from a public figure but rather found from stories told by interviewees. For example, in the coverage of 2004 Australian embassy bombings, names that have been mentioned by the authorities as connected to bombings, notably Malaysian nationals Azhari and Noordin Top, were cross-checked with convicts of the 2002 Bali and 2003 Marriott Hotel bombings to confirm if they had met them in person, which they did.<sup>618</sup> This seemed to become important as other news media, including *REPUBLIKA*, was keen on propounding 'terrorism as engineered' discourse which associates the attacks with 'Islam marginalisation'.

Terrorism is associated to 'public security' or 'security of the ordinary citizens', instead of 'national security'.<sup>619</sup> Rather than a cause for people's unity, terrorism is government's 'unfinished homework' because it was already equipped, both institutionally and financially, to secure its citizens from the danger of terrorism.

<sup>617</sup> *TEMPO*, "Hambali's Deadly Bombs", editorial, 24 August 2003.

<sup>618</sup> *TEMPO*, "A Bloody Morning In Kuningan. There is a recurring pattern in the Bali, JW Marriott, and Kuningan bombings – Azhari and Noordin Top were once Wandering in Jakarta", 13 September 2004.

<sup>619</sup> *TEMPO*, "For Whom the Bomb Exploded?", editorial, 13 September 2004

The governments 'mood swings' in concluding the pursuit of known organisers of the first Bali bombings is implicitly expressed by Police General Pastika: ' they (*fugitives of the Bali and Marriott bombings*) hide when the police are pursuing intensively. But when we slack a little, they will use the opportunity'.<sup>620</sup>

Any solution or response towards terrorism, therefore, should be directed towards protecting the citizens, and the existing agencies should rather work harder in better coordination rather than be empowered.<sup>621</sup> This includes a formulation of a standard operating procedure for ordinary citizens when they saw or in the middle of a bombing's aftermath to act in a way that could help the injured and avoid more deaths;<sup>622</sup> and psychotherapy for those suffering from post-traumatic stress disorder;<sup>623</sup> Coordination between intelligence agencies was prioritised higher rather than granting them with extra-ordinary power such as apprehending suspects which would be too divisive to the nation.<sup>624</sup>

### **Anti-Terrorism Law In Action**

After the legislation process stipulated the Interim Laws 1/2002 and 2/2002 into laws, the Indonesian ATIs became Law 15/2003 and Law 16/2003. Law 15/2003 represented the content of Interim Law 1/2002, and Law 16/2003 governed its retroactive application on the Bali bombings, which was abolished by the Constitutional Court in 2004. The institutional building that followed the securitisation of terrorism issue in Indonesia was few, far between, and far from public attention. Following the promulgation of Interim Law 1/2002, on 22 October 2002 President Megawati signed a Presidential Decree for the Ministry of Security

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<sup>620</sup> TEMPO, "Inspector General I Made Mangku Pastika: I Am Optimistic the Kuningan Bombers Will Be Caught", 20 September 2004.

<sup>621</sup> TEMPO, "The story of a 'Tiger' In the Kuningan Bombing", 20 September 2004

<sup>622</sup> I. Malik, "Learning from Three Major Bombs", TEMPO, 20 September 2004

<sup>623</sup> TEMPO, "Terrible Events Haunt Them", 20 September 2004

<sup>624</sup> S. Jones, "How Much Did We Learn From the Past?", TEMPO, 20 September 2004



and Political Affairs to form a 'non-structural unit' within the ministry's secretariat; it was tasked with the formulation of policies to "eradicate terrorism-crime" and report to the president about these policy formulations so as to 'comprehensively reveal every terrorism activity'.<sup>625</sup> The president's decree resulted in the establishment of a Coordination Desk for Terrorism Eradication (*Desk Koordinasi Pemberantasan Terorisme*) within the Ministry of Political and Security Affairs. The Coordination Desk was to last until 2010, when President Yudhoyono established an independent body called National Terrorism Mitigation Body (*Badan Nasional Penanggulangan Terorisme*/BNPT).

The institutional follow up from the promulgation of Laws 15/2003 and 16/2003 was the elite police anti-terrorist force Special Detachment 88. The establishment of the elite force was not known to Indonesian public until their actions were reported by the media. The formal basis of the unit's formation was Chief of Police's Decree, instead of any cabinet level's decision. Chief of Police General Da'i Bachtiar, previously mentioned here as one of the securitising actors during the parliamentary hearings of the ATL, issued his decree on 30 June 2003. Special Detachment 88 became the most publicised actor in Indonesian anti-terrorism policy. Its existence is associated by analysts to be the single factor in degrading the operation of Jemaah Islamiyah (JI).<sup>626</sup> It became the closest association to the concept 'anti-terrorism' in Indonesian public discourse. Detachment 88 was initiated as a 400-strong counter-terrorism unit capable of handling bomb investigations, terrorist acts, hostage-taking and armed assaults. But its reputation is also constituted by its history of heavy U.S. support for its establishment. It was initially funded, trained, and armed by the U.S. government through the U.S. State Department; members of the diplomatic security service, retired agents from the U.S.

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<sup>625</sup> President's Decree No. 4/2002.

<sup>626</sup> B. Vaughn *et. al*, *Terrorism in Southeast Asia*, New York: Nova Science Publishers, 2008, p. 19-20

Secret Service, the Federal Bureau of Investigation and the Central Intelligence Agency were employed to train specially screened Indonesian policemen.<sup>627</sup> The U.S. government also provided \$16 million in funding for the new police unit in order to procure communications equipment, night-vision gear, technical support and weaponry; this was in addition to the U.S. Justice Department's \$40 million spending on a project to make the Indonesian police more responsive since the separation of the police from the military in 2000.<sup>628</sup>

After the 2002 Bali tragedy, public discourse of terrorism is constituted by details of individual terrorist suspects based on police information which associates the suspects with possible involvement in bombings of public places. On the other hand, Indonesian anti-terrorism practice is mostly about the pursuit, capture or killing of terrorist suspects. Such anti-terrorism practice proved to be shocking and destabilising for the affected people. There are moments where the conduct of counter-terrorism, or 'terrorism-crime eradication', was publicly questioned for its abusiveness. In the aftermath of the Marriott Hotel bombing, the police arrested 13 men without warrants and notification to the family of the suspects.<sup>629</sup> It created a public consternation as the wives of the arrested men went to seek legal assistance to find justice in their husbands' disappearance.<sup>630</sup> Critics of these arrests used the word 'kidnapping' to describe the event and the arrested men were described as people who 'just happened to be Afghan alumni'.<sup>631</sup> The Indonesian police was able to control the public discourse through associating the arrests with 'suspicion of involvement in various cases of terrorist-bombing' and aspects of terrorism-crime stipulated in Law 15/2003 that the men were suspected of committing, and their

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<sup>627</sup> J. McBeth, "Elite Force: The U.S. Trains A Special Police Unit to Tackle Terrorist Threats Throughout the Country", *Far Eastern Economic Review*, 166: 45, 2003, p. 18

<sup>628</sup> *Ibid.*

<sup>629</sup> *KOMPAS*, "Police Admitted To Have Arrested 13 Men Associated With Bombings", 16 September 2003

<sup>630</sup> *Media Indonesia*, "Arrest Without Warrant Is Kidnapping", 17 September 2003

<sup>631</sup> *Media Indonesia*, "'Afghan Alumni' Families Reported to MUI", 16 September 2003

mistake was tardiness in issuing announcements to the suspects' families.<sup>632</sup> The police's practice of counter-terrorism left the families of the arrested men stigmatised and rejected in their neighbourhoods.<sup>633</sup>

In June 2007, police anti-terrorist unit Detachment 88 was sued in a pre-trial in the case in the shooting of a JI's military-wing leader Abu Dujana. Observers describe him as Abu Bakar Ba'asyir's personal secretary and JI's operational commander in Poso city in Central Sulawesi province.<sup>634</sup> The elite force was accused of human rights violation for shooting Dujana's leg when he was already captured; the description in the news coverage was that Dujana was driving a motorcycle with his wife and three kids to watch the election of a village head before under-cover police stopped him and shot his leg in front of his family.<sup>635</sup> The judge who presided the case responded in an exactly the same wording of police's defense of the shooting, that the police officers were 'forced to incapacitate the suspect as he fought and potentially endanger the safety of the officers'.<sup>636</sup> As in the 2003 arrests case, Abu Dujana's family was evicted from their neighbourhood.<sup>637</sup> It appears that the association between terrorism and 'crime against humanity' in the aftermath of bombings had led to the public toleration of abusive anti-terrorism practices, although they were protested by the families of the captured perpetrators. These families have been researched by Sulastri Osman to 'harbour deep-seated

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<sup>632</sup> KOMPAS, "The Thirteen Men Were Arrested or Kidnapped By the Police", editorial, 17 September 2003

<sup>633</sup> *Media Indonesia*, "'Afghan Alumni' Families Reported to MUI", 16 September 2003

<sup>634</sup> P. Chalk, A. Rabasa *et.al.*, *The Evolving Terrorist Threat to Southeast Asia*, Santa Monica: RANDA, 2009, p. 162-163

<sup>635</sup> KOMPAS, "Det-88 Captured Another One – Mahfud's Wife Still Under Interrogation of the Police", 11 June 2007, p. 15

<sup>636</sup> E. Maryadi, *Special Detachment 88*, in *Almanak Reformasi Sektor Keamanan Indonesia* (The Almanac of Indonesia's Security Sector Reform), B. Sukadis (ed.), Jakarta: LESPERSI & DCAF, 2007, p. 85.

<sup>637</sup> KOMPAS, "Terrorism: Abu Dujana Once Met With Bin Laden", 13 June 2007, p. 24

resentment towards the governing authorities for the unjust treatment of their kind'.<sup>638</sup>

A parliamentarian from the PDI-P party who sat in the Defense and Foreign Affairs wrote that between 2000 and 2013, Detachment 88 arrested 840 terrorist suspects, 60 of whom were shot on the spot for 'resisting the officers'.<sup>639</sup> It is interesting to note the casualness in his articulation as the killing of these of suspects seems unproblematic as simple statistics. The fact that his public utterance did not raise public attention indicated how the authority of the state, particularly the police, on the issue was taken for granted. As arrests and killings of terrorist suspects were made by Detachment 88, new cells of terrorism-operators form up. The success of Detachment 88, and Indonesian counter-terrorism policy, has been reflected by arrests and killings of terrorist suspects. In the Indonesian context, it may well be that as long as there are terrorist suspects to be captured or killed the success of anti-terrorism policy is measurable. In this regard, Detachment 88 also reflected the Indonesian police's increasing capacity to utilise the news media.<sup>640</sup> The elite force, despite the secretive method of its work, is more than happy to share its success stories with the media. Together with the media's dependence on the police for trusted sources in reportage of anti-terrorism operations,<sup>641</sup> the Detachment became the embodiment of Indonesian anti-terrorism. Indications of human rights violation sometimes led to public questioning of the performance of government's counter-terrorism but never to a demand of accountability over mistreatment of suspects and incapability to prevent terrorist attacks from taking place.

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<sup>638</sup> S. Osman, "Jemaah Islamiyah : Of Kin and Kind", *Journal of Current Southeast Asian Affairs*, 29/2, p. 157-175

<sup>639</sup> T. Kumolo, "Terror Anticipation Never Dies", *Suara Merdeka*, 6 January 2014

<sup>640</sup> Maryadi, *op.cit.*, p. 87

<sup>641</sup> H. Rahman *et.al.*, *Journalists' Guidance to Terrorism Coverage (Panduan Jurnalis Meliput Terorisme)*, Jakarta: Association of Indonesian Journalists, 2011, p. 56

## Conclusion

The previous chapter has explained that the government's terrorism discourse associated the concept with extra-ordinary crime and crime against humanity. As such, the policy response to terrorism associates 'terrorism' and the 'terrorist' with one and the same aspect: acts of terrorism crime. The exclusive association of terrorism with crime means that terrorism is politically sanitised. The ATL explicitly excludes terrorism crime from political crime or politically motivated violence. The implication of the depoliticisation of terrorism is the non-definitional stance on 'terrorism'. As the Government's Explanation document suggests, 'terrorism' is not defined in the ATL; rather, the law *describes* or stipulates the aspects of actions committed in *terrorism-crime*. The second implication of terrorism's depoliticisation is the reification of terrorism; it is an abstract concept that is treated as a source of insecurity and behaves as a terrorist-subject ('terrorism kills', 'terrorism has vast network', and 'terrorism produces wide-spread fear').

The parliamentary hearings on the discussion the ATL reflect two ways of intertextuality. First, the government's association between terrorism and 'extra-ordinary crime' and 'crime against humanity' was adopted and developed by security and law-enforcement officials who gave their views in the parliamentary hearings. The 'anti-terrorism' concept is exceptionalised in the same utterances that exceptionalise terrorism through the association of the concept with the granting of more powers to the security apparatuses. Secondly, the public discourse of terrorism is adopted by speakers and parliamentarians. However, as the previous chapter already explained, the public discourse is divided between accepting the government's discourse of terrorism as an extra-ordinary crime and associating the concept with conspiratorial concepts of 'Islam-marginalisation' and 'entrapment of

the U.S. 'War on Terrorism'. As a result the concept of 'Anti-Terrorism' is also divided between exceptionalisation and de-exceptionalisation of the concept.

The exceptionalisation of terrorism is represented by security and law-enforcement officials. In order to exceptionalise 'terrorism', the concept is generally associated with the situation of 'legal vacuum' where the existing laws do not have regulations concerning crimes committed by 'closed, disciplined, self-sufficient' and 'barbaric' individuals and result in 'indiscriminate killings'. 'Legal vacuum' situation demands the creation of 'legal adequacy' which is fulfilled by the empowerment of the security apparatuses. 'Legal adequacy' exceptionalises 'anti-terrorism' through the association of the concept with different terms depending on the agency. State Intelligence Agency (BIN) associated anti-terrorism with intelligence-centered policy, where the agency is granted with policing roles. Similarly, the Armed Forces also associated 'anti-terrorism' with empowerment of security agencies. The Indonesian Police (POLRI) associated anti-terrorism exclusively as a crime-fighting endeavour. The ATL is considered ideal by the police as it allows the response to terrorism exclusively as a form of crime. The formulation of terrorism concept is dependent too heavily on the discourse of security institutions; the exceptionalism of terrorism, as a result, is limited to 'mass casualty killing' and 'organised and professional group of terror executors'. Exceptionalism of terrorism is not constituted by the challenge it poses to values of justice and freedom; rather, it is constituted by the essentialisation of the concept in indiscriminate killings.

Because of its dividedness, the public discourse of terrorism produces two discourses of anti-terrorism. An exceptionalised discourse associates terrorism with extra-ordinary crime and, with it, anti-terrorism discourse is exceptionalised as a 'unilateralist' response that overcomes the public debates on terrorism. Non-exceptional anti-terrorism discourse is represented by panellists who problematise

depoliticisation of terrorism and the unspecific regulations that the ATL provided on the use of intelligence reports; the latter argue not for a total absence of ATL but an amended ATL. Speakers who criticise the exceptionalisation of terrorism, notably from Indonesian Institute of Science (LIPI) and human rights advocacy KONTRAS, view that the associations between terrorism and 'extra-ordinary crime' and 'crime against humanity' essentialised the 'terrorism' concept and helped 'side-step' the discussion of the actual problems that terrorism issue exposed, including border security, immigration and customs and explosives control. Although they agree with specific and serious effort to respond to terrorism, they also demand anti-terrorism to be a publicly accountable process and leave room for questioning intrusive or abusive conducts in the due process of law of terrorism cases.

The arguments and questions of the parliamentarians reflect concerns about problems related to criminal procedure of terrorism crime, specifically on the role of State Intelligence Agency in domestic counter-terrorism and the absence of formal definition of terrorism in the law. Their arguments associate the proposed anti-terrorism measure with the role of the state's intelligence community in Indonesia's authoritarian past. Opposing the proposal of State Intelligence Agency to grant the agency with policing authorities, the parliamentarians' responses centralise on prioritising the police as the only institution with policing authorities; the concept 'anti-terrorism' is associated almost exclusively with 'criminal justice institutions'. The key phrase 'integrity of criminal justice system' appears in the arguments of the parliamentarians in prioritising the role of the police over the intelligence and the Armed Forces in domestic anti-terrorism.

The definition of terrorism-crime was seen by parliamentarians to be inadequate for the purpose of legislation because it fails to define *terrorism* in its own right (instead of terrorism-crime). In contrast to parliamentarians' concern over

the absence of a terrorism definition, speakers of different occupations who were invited into the hearings welcomed this aspect of the law, albeit for different purposes. For human rights advocates, the fact that terrorism is *described* as aspects of terrorism-crime means a specific law on anti-terrorism is not required; rather, the existing Penal Code should be amended to include articles that govern such crime. For the police, not defining ‘terrorism’ means ‘politically de-contextualising’ terrorism; this is to them a welcomed solution as it facilitates the approach of pursuing terrorist field-operators as the main anti-terrorism response.

As the parliamentarians were unable to present an alternative definitional stance on ‘terrorism’ and accept the political-sterilisation of the terrorism concept. Influenced by the notion of legal vacuum problem, emerging in the public discourse in the early days in the aftermath the Bali bombings and then brought forward on the parliament floor by security and law enforcement officials, six out of nine political parties that compose the members of the House of Representatives accepted the stipulation of anti-terrorism interim laws into law. Their rhetorical speeches suggest that this acceptance is subject to the government’s compliance to the continuation of the discussion of anti-terrorism draft law in the parliament. Nevertheless, the legislation of a ‘new law’ on anti-terrorism has not materialised up to the moment of writing.



## Chapter 8

### Conclusion

This thesis has sought to explore the language-in-use within the securitisation process of terrorism in Indonesia. It is based on the principle that the success of a securitising move depends on the capability of securitising actors to formulate security rhetoric with regard to preceding public and political processes. The analysis on the influence of public process on the security rhetoric of the government is required because the meaning of actions and events are not always determined by the rules of rhetorical securitising speeches formulated by the Copenhagen School.<sup>642</sup> The articulation of existential threat, emergency action, and the impact that this emergency 'rule-breaking' measure that the Copenhagen School prescribed for securitisation analysts<sup>643</sup> are not always present in their entirety. In this thesis case study, an articulation of an existential threat was non-existent, although emergency law was promulgated and it caused frictions within the society when it is applied.

#### Summary of Central Arguments

Three central arguments have been outlined in this thesis. **First**, terrorism is a mediated event because it is intended to produce a reaction or

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<sup>642</sup> T. Balzacq, "The Three Faces of Securitization: Political Agency, Audience and Context", *European Journal of International Relations*, 11: 2, 2005, p. 176.

<sup>643</sup> B. Buzan, O. Waever, J. de Wilde, *Security: A New Framework for Analysis*, London: Lynne Rienner, 1998, p. 26

response from the audiences towards the act of terrorism.<sup>644</sup> Therefore, one's analysis to the problem of terrorism must treat 'terrorism' as an abstract concept. As such, societies give meaning to terrorism through associating it with terms that they draw from their own life experiences. Chapter 2 shows that the analysis of terrorism as a mediated event is not illustrated by studies that focus on relational network and ideological dispositions of terrorist organisations and individuals. Studies that focus on the ideological position of the terrorists or the relational network between individuals associated with terrorism may have successfully explained the behaviours of the terrorists and why one joins terrorism, respectively. However, in these two traditions, events and actors are pre-designated by the researchers as terrorism and terrorists. This means that the social understanding of what events are possible to be designated as terrorism and what type of actors are designated terrorists are still under-discussed in these literatures.

Since terrorism is a mediated event, the approach that needs to be undertaken to analyse it should focus on studying the public discourse of terrorism. Discourse analyses, or analysis on *language-in-use* in regard to terrorism allows one to study public discourse of terrorism. The latter is constituted through articulation of frames or metaphors associated with events explicitly referred to as 'terror' or 'terrorism' (post-structuralist discourse analysis) or juxtaposition of values associated with the counter-terrorist 'Self' and the terrorist 'Other' (Critical Discourse Analysis). A discourse analyst working on the public discourse of terrorism can utilise either post-structuralist or Critical Discourse Analysis approach in order map out the public discourses of terrorism. This thesis has undertaken the first choice of post-structuralist discourse analytical approach which is more useful for mapping out the

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<sup>644</sup> O. Lynch, C. Ryder, "Deadliness, Organisational Change and Suicide Attacks: Understanding the Assumptions Inherent in the Use of the Term 'New Terrorism'", *Critical Studies on Terrorism*, 5:2, 2012, p. 260

structure of what can be articulated publicly in regard to terrorism. In this approach, an analyst traces the associations of 'terrorism' and 'anti-terrorism' in the public text and the possible policy implications that follow them.

**Secondly**, a policy of anti-terrorism can be produced out of the escalation of terrorism issue from public/political to security. As such, a successful securitisation of terrorism needs to be analysed in terms of how securitisation or exceptional treatment of the issue is congruent with the existing public process in discussing the issue. This is because the securitisation rhetoric of the (executive) leaders is 'supplied' by the existing public discourse which contains frames of associations for the issue under securitisation. A securitisation process can only be understood against the background of 'existing policy discourses, embedded collective memory of past lessons, defining metaphors and the significant circles of recognition for the collective identities of a country'.<sup>645</sup>

This study has therefore focused on the associations that the securitising actor and his/her audience make in regard to the issue at hand. It has traced the articulated interpretations to particular events explicitly referred to as 'terror' or 'terrorism', which associate the concept 'terrorism' with other terms that make it exceptional, and the result is the leaders' securitisation rhetoric does not follow the facilitating conditions set out by the Copenhagen School. The government used their own 'formula' of linking and differentiation that refrained from clear-designation of the terrorist-enemy and yet facilitated the promulgation of exceptional measures. The

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<sup>645</sup> S. Guzzini, "Securitization as a Causal Mechanism", *Security Dialogue*, 42: 4-5, 2011, p. 336

authority of the securitising actor depends not just on his/her power position but also his capability in presenting an issue as exceptional through associating it with concepts and subject positions (linking and differentiation).<sup>646</sup>

Thirdly, existential threat presentation, in keeping with the Copenhagen School, should ideally present the enemy-Other as a source of negation to the basic principles for the existence of the Self. Because of its impact on social divisiveness, as has been outlined in Chapter 3, as well as because of the unavailability of a Self-Other juxtaposition in the public discourse, the exceptionality of terrorism is established through a different construction. Terrorism is exceptionalised mainly through its association with indiscriminate violence and depoliticised meaning in Indonesia's present (post-Bali bombings) context. Meanwhile, the exceptional response is justified through terrorism exceptionality which goes beyond the remit of the existing law. More importantly, however, the exceptional measures are justified through their presentation in a juxtaposition between Indonesia's present identity as a democracy and its past Self-identity as an authoritarian state: exceptional measures are more compatible to the first and will be harmful to the citizens as in the latter.

The fourth and final argument is in regard to the who the securitising agents are. Non-governmental securitising actors precede the securitising move of the government. In this study of securitisation of terrorism in Indonesia, academics and activists' advocacy for more decisive response to the possibility of Al-Qaeda's presence is publicised by the news media before the 2002 Bali bombings. The government's role in securitisation is initiating the formal securitisation and advocating the exceptional measure to the formal audience.

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<sup>646</sup> L. Hansen, *Security as Practice: Discourse Analysis and the Bosnian War*, Oxon, New York: Routledge, 2006, p. 54.

These four arguments were the basis of the thesis' exploration of the gradual construction of terrorism public discourse and the government's securitising move which capitalised on the existing public discourse. Another source of authority of securitising actors' texts, both written and uttered, is intertextuality of the texts and the texts that preceded them. The choice of words used by the government to securitise terrorism can be situated within the limits set by the texts produced in public discourse.

### **Summary of Findings**

The securitisation of terrorism in Indonesia was made possible through three main features. **First**, securitisation is performed by more actively by non-governmental actors through the news media, including social organisation activists, academics, legal experts, political parties, instead of the government. The government's securitisation move followed, rather than initiated, these non-governmental securitising voices; it was derived from an existing legal-humanitarian public discourse to exceptionalise terrorism. Governmental securitising actors performed securitising moves more prominently during the parliamentary hearings; they comprised of military and security officials, instead of the executive leaders.

**Secondly**, terrorism exceptionalisation was made possible through its presentation by the government as 'extraordinary crime' and 'crime against humanity'. Terrorism is not presented as an existential threat to the survival of the state; rather, it is presented as a human-rights violation regardless of the identity of the perpetrators and their motives. **Thirdly**, the success of securitisation is due to the ability of the securitising actor to

securitise the issue *without* placing claim to a particular subject as the enemy 'Other'. The securitisation process does not always need to invest a particular group identity with culpability for the impending danger. Rather, the securitisation process utilised the designation of the terrorist 'Other' made by international claimants.

**Fourthly,** the success of securitisation is due to the government's ability to convince the parliament of the need to pass the anti-terrorism draft laws into laws in order to avoid legal vacuum which would lead to the inability of the state to prosecute the Bali bombers. The timing of the legislation, which took place on February and March 2003, placed the formal securitisation process in the middle of a legal due process of the capture Bali bombers. Therefore, the 'danger' of failing to properly sanction the perpetrators and appear 'lethargic' about the Bali tragedy became more real for the parliamentarians. Therefore, the terrorism issue in Indonesia was securitised *via* the securitisation of the 2002 Bali bombings. All of the features of Indonesia's securitisation of terrorism mentioned in points 1 through 3 could not have been possible without the occurrence of the Bali tragedy. The utilisation of the concepts 'extraordinary crime', 'crime against humanity', and 'balance of justice', which are central in *exceptionalising* terrorism, appeared 'real' due to the carnage displayed by the Bali tragedy. The international condemnations of the Bali tragedy and the designation of Jemaah Islamiyah as a terrorist organisation by the United Nations allowed the Indonesian government to promulgate an anti-terrorism policy *without naming* the terrorists. Finally, the success of the legalisation of anti-terrorism laws was due to the urgency (argued by the government's security apparatus) to prosecute the Bali perpetrators. The following section will spell out these findings in more detail.

## **The Securitising Actors in Indonesia's Securitisation of Terrorism**

Securitisation and desecuritisation (including politicisation) roles are performed by actors within the governmental and non-governmental sectors. Within the government, exceptionalism of terrorism was voiced consistently by Coordinating Minister for Political and Security Affairs Yudhoyono. He was the first Indonesian executive leader who addressed the perpetrators of the bombings as 'terrorist organisations' after the Christmas Eve bombings hit Indonesian cities in 2000, suggesting experienced perpetrators to stand behind the bombings. However, Yudhoyono was also careful not to point out to a particular identity or group in Indonesia, which later on became a 'default fashion' of Indonesian government in addressing terrorism. Minister of Foreign Affairs Wirajuda seemed inconsistent as he performed desecuritisation before the Bali bombings and securitisation in their aftermath. Minister of Defense Matori Djalil's supposedly-securitising voice of associating the Bali bombers with Al-Qaeda network seemed to stand as exceptionality rather than a dominating frame. In any case, ministers and vice-presidents seem to have a considerable freedom to attempt to shape the public discourse based on their own predispositions.

Indonesian Presidents seemed to perform different roles throughout the period under study, including desecuritisation (President Habibie, by framing the bombings as a threat to inter-religious harmony), politicisation (President Wahid, by framing the bombings as an attempt to destabilise his government) and securitisation/ exceptionalisation (President Megawati, by framing the bombings as a potential threat to national security). These different roles depend on the dominating political problem (communal

conflicts, Suharto family's trials, and the Bali bombings respectively) and the existing public discourse.

News editorials either reinforced (securitised) or criticised (desecuritised) securitisation moves. News editorials set the acceptable dominating frames of terrorism, and each of the different news outlets selected in this study featured different dominating frame. The most widely-read newspaper *KOMPAS* seldom strayed from government's framing of terrorism; *TEMPO* magazine critically assessed government's policy in respect to democratisation agenda, while *REPUBLIKA* was concerned with the fate of Indonesian Islamic movement. These different views, while co-existing as frames of terrorism, seemed to converge on nationally-prioritised response through judicial framework. The news media also performed as an outlet for various strains of securitising and de-securitising arguments of academics, legal experts, and religious leaders to publish their editorial-approved views. The government's 'late securitisation' can therefore be explained as a result of its willingness to benefit from the resulting reservoir of terrorism and counter-terrorism frames and to gauge the dominating frame and choose the most suitable one as a policy-response with considerable chance of public approval.

#### **The Securitising Actor Exceptionalised 'Terrorism' within the Structure of Public Discourse of Terrorism**

Within the securitisation framework, speech acts must follow both the grammar of security (existential threat, point of no return and possible solution)<sup>647</sup> and impact a particular behaviour on the audiences. This should not mean, however, that a successful securitising actor disregards the reservoir of public discourses and yet impacts an approval of emergency measure. The adherence to the securitisation framework's internal rules of security speech act does not mean that the securitising

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<sup>647</sup> Ibid., p. 33



actor can invent a securitising rhetoric outside the existing terms associated to the issue under securitisation. When securitisation takes place within a society whose public discourse does not recognise a particular issue as a threat to survival, how should the securitising actor securitise the issue? In order to solve this tension, this thesis has built a ground-up discourse analytical approach in analysing securitisation where it studies what the concept of 'terror' or 'terrorism', the issue that is being securitised, is publicly discussed as a political, and then security issue. The associations that the news media and political actors make between terrorism/anti-terrorism with other terms have been traced throughout the course of this study in order to find the discursive structures with which terrorism exceptionalism is constituted. The purpose of this exercise is to see what type of associations to terrorism the government employs in order to place terrorism in the exceptional and the congruence that this association has with the existing public discourse of terrorism.

Before the Bali bombings, acts of terrorism were continually framed as a politically motivated crime, and the government, notably presidents Habibie and Wahid were often the ones who initiated the political terror discourse. Their politicisation of acts of terrorism desecuritised terrorism issue as it was publicly discussed in association of the interests of 'old powers'. The employment of political frames to articulate 'terrorism' was preceded by the ongoing public discourse of 'sectarian conflicts' where bombing might have been perpetrated to instigate more sectarian conflicts, 'provocateurs' of communal riots where the Armed Forces were accused of instigating violence, and 'Suharto trials' where demands were high for the state to bring him to justice. However, as public place bombings kept taking

place with no clarity as to the identity and motives of perpetrators and no serious effort seemed to be undertaken by the government, the Indonesian public began to care about problems that they can help with and that was the people who fell victims to the bombings and their family. This then led to a growing discourse of terrorism as an exceptional issue.

The exceptionalisation of terrorism was initiated by non-governmental organisations who called for people to care about those who were left injured or left behind by the victims of bombings. Since the aftermath of the Jakarta Stock Exchange bombing, a small but growing part of Indonesian public discourse began to disassociate 'terrorism' from the questions of identity which had been unsatisfactorily answered. 'Terrorism' is associated with 'unacceptable crime', 'barbarism' or 'uncivility', and 'severe violation of human rights'. However, there was no divisiveness in Indonesia's public discourse in the period of 1999-2001. Human rights advocates who called for more serious effort from the government to find the 'masterminds' of the bombings did not speculate that the bombings might have been a conspiracy against a particular group.

The role of the government in the discourse construction before and after the Bali bombings differs. Before the Bali bombings, the Indonesian government was part of the advocates of political frames on acts of terrorism. Chapter 5 noted that the frames of 'terrorism as instability', 'terrorism as election-sabotage', 'terrorism as provocation to instigate sectarian conflicts', were propounded by the government. In the early 2002, as 'Al-Qaeda's presence' began to create divisiveness in the public discourse, as well as within the society itself, the government was for the most part associated the discourse with 'Islam-defamation' and 'intervention' discourses.

In the aftermath of the Bali tragedy, the government's choice of language appears defensive. It asserted that 'terrorism is real, around us, a real danger' but only a 'potential threat to national security'. It also discouraged public statements that associated the government with inactions towards foreign government's warnings of attacks can also be seen as anticipation against *securitising discourse* criticising the lack of response towards foreign intelligence reports. In this sense, the government was actually responding to two frames of terrorism that had developed in a more contrasting stance against each other as a result of the 'Al-Qaeda's presence' discourse: 'terrorism as security' and 'terrorism as conspiracy'. As Chapter 6 illustrated, the first criticised the government's lack of visible decisiveness in handling the issue of terrorism, the latter criticised the government's handling of terrorism issue as marginalising Islam. This divisiveness in the public discourse, which developed further since the growth of Al-Qaeda's presence discourse in early 2002, structured the choice of language of government's rhetoric on terrorism. The chasm between 'terrorism as security issue' and 'terrorism as conspiracy' might lead to larger conflicts within the society; at the same time, the Bali bombings were heavily condemned by other governments and Australian government whose citizens constituted most of the victims already blamed JI, in addition to the United Nation's designation of JI as terrorist organisation.

The government's choice in exceptionalising the terrorism issue was in *legal-humanitarian* frame which was also present in the public discourse and was the most acceptable to the other existing frames. The securitising rhetoric employed by the Indonesian government does not entirely follow the rhetorical formula put forth by the Copenhagen School, who suggested

that the 'grammar of security' is where a particular issue is phrased as a problem that requires immediate radical treatment otherwise nothing else matters and 'constructs a plot that includes existential threat, point of no return and a possible way out.'<sup>648</sup> Because the 'grammar of security' was practiced by the main stream nationalist news media in and it competed fiercely with the 'grammar of conspiracy' in the smaller Islamic media, government's adoption of existential threat discourse would, for example through projecting the values adopted by the terrorist organisation JI as in contra-distinction with the *Pancasila* ideology, would deteriorate the competition into an outright internal conflict.

Instead of outlining the plot of existential threat, the government formulates its securitising rhetoric through associating 'terrorism' with concepts of 'extraordinary crime' and 'crime against humanity'. In addition, the government also presented the issue of terrorism as an international concern and part of the international legal regime to which the state must adhere to. As such, the securitising rhetoric is formulated in *universal and academic terms*, instead of an existential threat to the nation's survival or a juxtaposition of 'Self' and enemy 'Other'. These universal and academic terms became more apparent in the Government's Explanation of the Draft Law on Terrorism-Crime Eradication where the reference towards particular 'enemy Other' or the terrorist entity that the government was assessing as a security challenge was completely absent.

The exceptionalisation of terrorism issue was not meant to be a nation-mobilising moment. Indeed, presenting terrorism as an exceptional problem should be differentiated from presenting it as an existential threat. Existential threats are essentially exceptional problems. However, as Chapter 1 already suggested they

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<sup>648</sup> B. Buzan *et al.*, *op.cit.*: p. 33.

required the mobilisation against the enemy-Other and may lead to a greater leverage for exceptional measures to the securitising actors. Indonesian government's securitisation presented terrorism as an exceptional problem but not an existential threat. The exceptionalisation of terrorism was strictly purported to accomplish the adoption of a legal coverage for anti-terrorism measures. In order to do this, the discursive strategy is to limit the understanding of extra-ordinary crime strictly in the nature of the harm that it caused. In the Government's Explanation document, the Interim Law 1/2002, and the speeches of security officials in the parliamentary hearings, 'terrorism' becomes exceptional because of its impact in indiscriminate killing. By doing so, the government does not seek to position the 12 October 2002 Bali bombings as a marker of a different era where 'radical insecurity' is the new consideration of national security; it is rather a moment where exceptional measures can be employed to prosecute individuals whose actions are categorised by the law as terrorism-crime. The ATL was presented as a legal instrument to prosecute terrorist-criminals, *not to deter* future terrorists. As a comparison, the attacks of 11 September 2001 were presented by the U.S. government as a "new era of radical insecurity" and a warning of future attacks which justify the need to devise counter-measures aimed at preventing future attacks.<sup>649</sup>

However, the concept of extraordinary crime itself was adopted selectively. The adoption of the concept should ideally be purported to treat 'terrorism' as political violence. Academic definition of terrorist violence excludes it from ordinary crime because of the non-political purpose of the

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<sup>649</sup> L. Jarvis, "Times of terror: writing temporality into the War on Terror", *Critical Studies on Terrorism*, 1:2, 2008, p. 247

latter: 'Terrorist violence includes incidents as diverse as, among others, assassinations, bombings and armed attacks, arson and fire, kidnapping, and skyjacking, unless they are acts of ordinary crime or the violence is for purposes purposes other than political, such as drug trafficking'.<sup>650</sup>

Indonesian government's adoption of extraordinary crime was not meant to treat the issue as political violence but rather to justify the need for categorising terrorism beyond the remit of existing laws so as to and to issue a new legal instrument. The adoption of anti-terrorism law after the Bali tragedy can be seen as a 'criminal law reform' after acts of terrorism; and it confused the citizens whether the failure to stop terrorism is due to the enforcement of existing criminal law or the criminal law itself. To blame the criminal law for the failure to stop terrorism has been argued to be a false suggestion by legal scholars, because 'broad definitions of terrorism, as well as claims that tough new anti-terrorism laws are consistent with rights protection instruments, may also encourage the spread of incursions on criminal law principles beyond the terrorism context'.<sup>651</sup>

The second discursive strategy of terrorism exceptionalisation is to associate terrorism as a 'crime against humanity'. The adoption of the concept, which bears an intertextuality with the Rome Statute on the International Criminal Court and the Article 5 of the Statute of the Criminal Tribunal for the Former Yugoslavia (ICTY), is not consistent with the understanding of these international laws because 'terrorism' is not on the list of crimes against humanity.<sup>652</sup> If the 2002 Bali tragedy were to be legally treated as a crime against humanity, then provisions on murder,

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<sup>650</sup> E. Neumayer, T. Plümpner, "International Terrorism and the Clash of Civilizations", *British Journal of Political Science*, 39:4, 2009, p. 722

<sup>651</sup> K. Roach, *The Criminal Law And Terrorism*, in *Global Anti-Terrorism Law and Policy*, V. Ramraj, M. Hor, K. Roach (eds.), Cambridge: Cambridge University Press, 2005, p. 129

<sup>652</sup> C.L. Lim, *A Generic Definition of Terrorism*, in *Global Anti-Terrorism Law and Policy*, V. Ramraj, M. Hor, K. Roach (eds.), Cambridge: Cambridge University Press, 2005, p. 54

premeditated murder, arson, explosives and arms within Indonesia's existing Penal Code (KUHP) and Law 12/1951 should be adopted, instead of the anti-terrorism law because these crimes are consistent with the *original* understanding of crimes against humanity.

Minister of Law and Human Rights Yusril Mahendra who propounded the invocation of the concept crime against humanity sought to present 'terrorism' as a site of legal vacuum in Indonesia. 'Terrorism' is a form of human rights violation, and yet Indonesia's constitution mandated that it is citizens' basic rights not to be prosecuted with retroactive laws. The norm-breaking aspect of the anti-terrorism Interim Laws, which is their extra-constitutional retroactive application on the Bali bombings, is presented to be proportional because of two reasons: the exceptionality of the event, in regard to its massive casualty and impact, and the need to uphold human rights. Terrorism as exceptional crime stands outside the remit of existing law, and to let the Bali bombers go unsanctioned by a new anti-terrorism is to tolerate human rights violation. The promulgation of Interim Laws 1/2002 and 2/2002, and their adoption as national laws, is therefore a legal measure against terrorism *via* the prosecution of the Bali bombings perpetrators.

**The success of Indonesia's Securitisation of Terrorism Issue is due to an absence of a Particular Terrorist Image**

The capability of the securitising speech act to modify its receptivity is realised through "investing an individual group with a specific ominous tone."<sup>653</sup> On the other hand, being part of home-grown terrorism studies, this thesis also claims that the securitising actor of home-grown terrorism

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<sup>653</sup> Balzacq, *op.cit.*, p. 181.

issues must find a less performative way to exceptionalise terrorism. The home-grown terrorism issue is more susceptible to politicisation compared to international terrorism. The 'terrorist' actor is capable of identifying him/herself with the larger part of the society and the ruling government also identifies ideological similarity between a part of their constituents and the terrorist. The exercise of mapping out associations in this thesis found how the Indonesian government 'escaped' the need to designate the terrorist, while accomplishing its need for the parliament to pass the anti-terrorism law.

Indonesia's case of terrorism securitisation presents a problem for the notion of exceptionalism and securitisation framework. Ole Waever has argued that in the securitisation framework, the exceptional *is* the end of politics.<sup>654</sup> The consideration of terrorism as a non-political issue, its disassociation with politically motivated violence and competition between political power holders in the country is a crucial ingredient of the success of its securitisation. The consequence of associating the concept terrorism with extra-ordinary crime is to design an anti-terrorism policy as a *pre-crime* instrument, where groups or communities within the society are considered vulnerable or susceptible to join or commit terrorism.<sup>655</sup> The adoption of extra-ordinary crime in Indonesia's securitisation is to do the exact opposite; it is to let the criminal justice and security sector handle the problem, take it over the political actors' hands. This is not entirely tolerable for a critical part of the public who regarded the Indonesian government's emphasis on promulgating the Interim Laws and Draft Laws on anti-terrorism as 'misleading', because terrorism, while recognised as a serious problem (threat to national security or otherwise)

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<sup>654</sup> S. Guzzini, "Securitization as a Causal Mechanism", *Security Dialogue*, 42: 4-5, 2011, p. 332

<sup>655</sup> P. Palmer, "Dealing With The Exceptional: Pre-Crime Anti-Terrorism Policy and Practice", *Policing and Society*, February 2012, p. 9



requires a lot more than just a set of laws.<sup>656</sup> The larger part of Indonesian public, the ones that news editorials serve to lend voice to, perceived the political debate on terrorism unproductive. However, this does not let the government escape from the necessity to be cognizant of the historical associations that the public make with measures proposed as anti-terrorism policy.

The depoliticisation of the terrorism issue is important in escaping the political debate on acts of terrorism from 1999 to early 2002 which had been perceived to be an obstruction to the serious handling of terrorism. The juxtaposition between the temporal identity of 'Anti-Terrorism Law' and 'Anti-Subversive Law' appeared to serve depoliticisation purposes. Anti-Terrorism is associated with the characters of *reformasi* Indonesia: 'democracy', 'human rights protection', 'strong legislative', 'strong civil society', and 'non-political'. 'Anti-Subversive Law' is associated with New Order Indonesia's characters: 'political role of the military', 'strong executive', and 'highly political'. Through this juxtaposition Minister Mahendra hoped to see that Indonesians would instantly tell the difference and stop worrying that the Anti-Terrorism Law could perform the same way the Anti-Subversive Law did.

Another avenue that served the depoliticisation of terrorism is the Anti-Terrorism Law itself. Interim Law 1/2002 specifically provided a regulation that excluded terrorism from political crime, crimes related to political crime, and politically motivated crime.<sup>657</sup> Depoliticisation can be explained as the lesson-learned of the Indonesian government in which a

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<sup>656</sup> B. Widjojanto, quoted in *KOMPAS*, "Signed, Two Interim Laws on Terrorism", 17 October 2002, p. 1

<sup>657</sup> Article 5, Interim Law 1/2002

person who is prosecuted with political crime law would be set free when political regime changed. The argument of Parliamentarian Logan Siagian from Police/Armed Forces Coalition implies that the non-political understanding of terrorism in the anti-terrorism draft law is meant to produce a legal interpretation of acts as terrorism that is independent from the political context. In other words, no matter what political identity is represented by the current regime, the law must remain effective. Mr. Siagian, therefore, interpreted the non-political understanding of terrorism as an effort to overwhelm various stances of groups and political identities to the phenomena of home-grown terrorism in Indonesia.

“The reason why we must insist that the law does not treat terrorism as a politically motivated violence is that because a person who is convicted as political criminal today, like we had in the past, may become a hero in the future, we do not want this to happen. We want to treat terrorism problem as part of international problem. I disagree with Ikrar that politically motivated violence will not be within the remit of this law, if such violence fulfils the aspects stipulated in this law then it will be treated as terrorism.”

<sup>658</sup>

As ‘terrorism’ is detached from its political meaning, the government and the public have a considerable freedom to associate it with any terms, although they must be relevant with existing public discourse. In addition, as terrorism is detached from its political meaning, it lost its agency. The threat of terrorism comes from terrorism itself.

The result of depoliticisation of terrorism is the definitional focus of the ‘terrorism’ concept on the *harms done by the acts of terrorism*. The ATL does not provide an exact definition of terrorism. Government’s explanation states:

“This law does not provide a definition on the *term terrorism* because various references suggest that it is not easy to define terrorism; rather,

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<sup>658</sup> Logan Siagian, Minutes of Meeting, *Dewan Perwakilan Rakyat RI* (Indonesian People’s Legislative Assembly), 10 February 2003.

terrorism can be acknowledged based on its characteristics ...Therefore, we define terrorism in this Interim Law as *actions that fulfil the elements of terrorism-crimes*.<sup>659</sup>

The anti-terrorism law does not define terrorism *per se*. Article 1(1) of the ATL, which is traditionally a place for the definition of key terms in Indonesian laws, does not define terrorism and instead stipulates: "Terrorism-crime is all actions that fulfil the aspects of crime governed by this Interim Law."<sup>660</sup> The anti-terrorism law was not meant to define terrorism, only to describe its elements. Articles 6 through 23 are the stipulations of these elements of terrorism crime

Securitisation in the aftermath of an exceptional event acquires a significant boost of chance of success. On the other hand, this does not release the securitising actor from the need to be cognizant and anticipate the historical associations that audiences make to their own experiences and collective memory. Government's incentive to 'politicise' the terrorist's political agenda, that is to include their agenda as legitimate political aspirations, depends on the extent of the public common understanding of knowledge regarding the relationship between its ideological position, cause and relations with the state. America's metaphor of a 'war on terrorism' seems to provide a source of intertextuality for Indonesia. As it is translated freely into Indonesian words without worrying that it might point to a particular individuals or organisations.

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<sup>659</sup> Ministry of Justice and Human Rights, *Government's Explanation On the Draft Laws on Terrorism-Crime Eradication*, *op.cit.*, p. 10.

<sup>660</sup> Article 1(1), Interim Law 1/2002 On Terrorism-Crime Eradication (*Peraturan Pemerintah Pengganti Undang-Undang No. 1 Tahun 2002 Tentang Pemberantasan Tindak Pidana Terorisme*), accessible from <http://www.hukumonline.com/pusatdata/detail/17264/node/lt52283d8baca11/perpu-no-1-tahun-2002-pemberantasan-tindak-pidana-terorisme>, accessed 10 January 2010

### **The Government was able to convince the Parliament to Pass the Anti-Terrorism Law with the Virtue of ‘Legal Adequacy’ and ‘Legal Vacuum’ Arguments**

Transcripts of the parliamentary hearings show that *there is less negotiation on the security-ness of terrorism than there is on the exceptionality of anti-terrorism measures*. The security-ness of terrorism had been established by the Bali tragedy itself and it was supported by the larger part of the audience, as shown by the mainstream media coverage. The un-specificity of the provisions laid out in Interim Laws 1/2002 and 2/2002 that the government produced as an exceptional measure became the central of the criticisms which led to the generation of terrorism desecuritisation discourse. However, what is pertinent for the focus on enabling audience is that the approval of government’s proposal for exceptional measure partly hinges on its ability to convince the parliament that the exceptional measure is the *only* policy possible to prosecute the Bali bombers.

The legal vacuum concept is another practice of intertextuality in Indonesian discourse of terrorism. The concept had previously been invoked to refer to 11 September 2001 attacks in order to justify the need ‘throw the existing international frameworks overboard.’<sup>661</sup> In Indonesia, the legal vacuum concept was first invoked by a legal scholar in an opinion article in *KOMPAS*, a news daily with the highest rate of readership in the country; the article referred to the professional capacity of the terrorist groups in carrying out violent actions, the ‘seriousness’ of terrorism problem and the casualties it caused.<sup>662</sup> In the meeting with the parliament before the latter proceeded with the legislation process, the government, via Minister of Law and Human Rights Mahendra propounded the notion of legal vacuum as a threat that might be realised if the parliament decided to revoke Interim Laws

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<sup>661</sup> J. Huysmans, “International Politics of Insecurity: Normativity, Inwardness and the Exception”, *Security Dialogue*, 37:1, 2006, p.13

<sup>662</sup> G.T. Lumbuun, “*Rechtsvacuum Became an Obstruction in Handling Terrorism*”, *KOMPAS*, 19 October 2002

1/2002 and 2/2002: 'If these interim laws are rejected [by the parliament], while the legislation of Anti-terrorism Draft Law is unfinished, not only that the government will have difficulty in uncover the Bali case, but we will also have difficulty in anticipating terrorism'.<sup>663</sup>

As explained in Chapter 7, the government proposed four draft laws to the parliament: two draft laws on the stipulating the Interim Laws into laws, and two Draft Laws on Terrorism-Crime Eradication and its retroactive application which were identical to Interim Laws 1/2002 and 2/2002. It was never clarified how exactly revoking the interim laws would lead to 'difficulty in resolving the Bali case'. The word 'uncover' or 'reveal' ('*mengungkap*') appears to indicate that the ongoing investigation of the Bali bombings will simply halt or end in failure to catch the perpetrators; but if these laws were that 'powerful' in enhancing the capability of Indonesian law-enforcement, why not apply them to other 'unrevealed' bombings in the past? The constitutional barrier to produce retroactive laws was likely to be the reason invoked by the government had this question been seriously discussed. A parliamentarian from Moon and Crescent party argued that the existing Penal Code (KUHP) would not 'stand a chance' of being a legal basis to handle terrorism-crime because the KUHP had not covered the governance over organised crime and 'terror provisions'; the latter equipped the law with new items recognised as instrument of evidence and authorities for communications interception.<sup>664</sup> It is not entirely clear which was more problematic, the law or the law-enforcer.

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<sup>663</sup> *KOMPAS*, "Government: Discuss Anti-Terrorism Draft Law First", 1 November 2002

<sup>664</sup> Hamdan Zoelva, quoted in *ibid*.

The prospect of having the Bali case ‘unrevealed’ seemed to make an impact on the legislature. Both the Head of Police<sup>665</sup> as well as the Special Committee leader<sup>666</sup> ‘shepherded’ the parliamentarians to accept the Interim Laws. They made sure that there would be further legislation with the Draft Laws on Terrorism-Crime Eradication which would revoke the parliamentary-approved Interim Laws once they were passed into law, which never took place. Legal inadequacy or legal insufficiency is a similar concept as a legal vacuum, with the emphasis on granting the security apparatuses with new powers.

**The government established its authority in the securitisation process through drawing references from international and academic terms.**

The Indonesian government referred to academic terms in order to gain authority to exceptionalise terrorism. In addition to gaining authority through academic terms, as has been explained for the concepts ‘extra-ordinary crime’ and ‘crime against humanity’, a form of inter-textuality also emerges from the similarity between Indonesian and the U.S. governments’ strategy of exceptionalism, which is to place ‘terrorism’ outside the remit of any existing laws. Again, this inter-textuality was selective on the Indonesian government; as the U.S. government opted for military-response to terrorism, its Indonesian counterpart opted for criminal law enhancement.<sup>667</sup>

The phrase ‘war against terrorism’ was also intertextually adopted into Indonesian government’s policy articulation. In announcing their policy of coordination of the nation’s intelligence community, President Megawati emphasised that this policy is part of an overall attitude of the government of waging ‘war against terrorism’:

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<sup>665</sup> Da’i Bachtiar, Minutes of Meeting, 19 February 2003.

<sup>666</sup> Ibrahim Ambong, Minutes of Meeting, 19 February 2003.

<sup>667</sup> C. Greenwood, “International Law and the ‘War Against Terrorism’”, *International Affairs*, 78:2, 2002, p. 305

“The cabinet meeting stipulated that enough is enough. The government asserted once again [that we are are] war against war against terrorism must be waged together with the whole nation coherently and totally. The state will do as much as possible, the government will keep working. However, without vigilance and help from the people, there will be loopholes for the terrorists to commit their actions.”<sup>668</sup>

While war should mean military deployment to conduct operations, Indonesians took it unproblematically that ‘war’ simply meant an all-out effort that did not have to involve the military.

### **How Useful Is the Securitisation Framework?**

When does securitisation take place? The Copenhagen School does not define ‘securitisation’ because they believed it that ‘the meaning of the concept lies in its usage and is not something we can define analytically or philosophically according to what would be best’.<sup>669</sup> As securitisation is the activity of various actors, state or non-state, it becomes more appropriate to name the activity ‘exceptionalisation’ rather than ‘securitisation’. Exceptionalisation had been undertaken in the case study long before the government undertook the approach; and when they did it, they did everything legally possible to ensure the issue is exceptionalised.

Securitisation framework becomes less useful, however, when exceptionalisation language is associated solely with ‘existential threat’. This is particularly the case when the society is too overwhelmed by crisis in other problems. The coverage of the bombings often associates terrorism with other pressing issues of more ‘ordinary’ violence. When the public discourse of national security had been over-powered for more than three decades by

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<sup>668</sup> *KOMPAS*, “Formed, Intelligence Coordination Mechanism”, 15 October 2002

<sup>669</sup> B. Buzan, *op.cit.*, p. 24

the discourse of *national resilience*, 'of which economic development and internal political stability were primary pillars',<sup>670</sup> an image of existential threat to survival created more divisiveness as people reacted to it through blaming each other and self-pity. Perhaps because of this condition, universal and humanitarian terms, although 'mean little' for securitisation framework, bring back national nobility and unity.

The practice of anti-terrorism, little discussed in this thesis, suggested a general casualness of the Indonesian public towards legal due process concerns of anti-terrorism operations that they so often criticised during the period before anti-terrorism laws were promulgated. Instead, frames of national unity, empowerment of the security sector, and re-activation of anti-subversive law. The widely celebrated Detachment 88, in addition to other has also been deployed to handle the demands for a referendum in Papua.<sup>671</sup> The period after the legislation, therefore, is best described as normalisation, in addition to silent expansion of the exceptional measures in the name of 'anti-terrorism'.

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<sup>670</sup> J. Liow, *The Politics of Indonesia – Malaysia Relations: One Kin, Two Nations*, London: RoutledgeCurzon, 2005, p. 135

<sup>671</sup> P. King, J. Elmslie, C. Webb-Gannon, *Comprehending West Papua*, Sydney: The University of Sydney, 2011, p. 231



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