COUNTERING TERRORISTS IN SOUTHEAST ASIA: THE HARDLINE APPROACH

Kontra Terorisme Di Asia Tenggara: Pendekatan Hardline

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Abstrak

Wacana Perang Global Melawan Teror di negara-negara Asia Tenggara telah direspons dengan ragam cara dalam rangka menghadapi terorisme berbasis motivasi keagamaan. Diantaranya, terdapat pendekatan dengan menggunakan instrumen represif negara seperti: pendekatan berbasis militer, pendekatan berbasis intelijen, dan pendekatan berbasis penegakan hukum. Setiap kebijakan memiliki perbedaan latar belakang dan dipengaruhi oleh ragam aktor-aktor keamanan. Analisa atas keunggulan dan kekurangan diuraikan dalam tulisan ini dengan mengambil fokus pada empat negara, yakni Filipina, Singapura, Malaysia, dan Indonesia. Elaborasi tersebut menyimpulkan bahwa pendekatan berbasis militer yang diterapkan di Filipina merupakan pendekatan paling beresiko terhadap legitimasi pemerintahan di mata publik dunia, meskipun dianggap efektif melemahkan kapabilitas kelompok teroris. Sementara, pendekatan berbasis intelijen meskipun berhasil menetralisir kelompok teroris dengan meminimalkan penggunaan persenjataan, namun dianggap terdapat banyak penyalahgunaan kewenangan sehingga melemahkan dukungan dan legitimasi dari kelompok-kelompok masyarakat luas. Di Indonesia, pendekatan berbasis penegakan hukum terbukti sukses meraih dukungan dan legitimasi publik meskipun tidak efektif melumpuhkan ancaman.

Kata kunci: kontra terorisme, pendekatan hardline, militer, intelijen, penegakan hukum.

Abstract

The Global War on Terror discourse in Southeast Asian countries has been responded in various ways in order to face religious-motivated terrorism. Among those, there are hardline approaches in state level classified as military-focused, intelligence-focused, and law enforcement-focused approaches. Each has different policy backgrounds and is influenced by different actors. The analysis on each's strength and weakness is presented in this writing by focusing on four countries, i.e Philippines, Singapore, Malaysia, and Indonesia. The result shows that military-focused approach implemented in Philippines has proven as the most risky one even though has also proven as effective to paralyses terrorist group capability. Meanwhile, the use of excessive power undermines many achievement of intelligence-focused approach in Singapore and Malaysia. In both countries, neutralizing the terrorist groups is achieved by using less firepower, then decreasing the support and legitimacy of the groups in wider society. In Indonesia herself, law enforcement-focused approach has proven gaining success even though the terrorism threats remain.

Keywords: counter terrorism, hardline approach, military, intelligence, law enforcement.

I. Introduction

The Global War on Terror (GWOT) agenda to fight against Al-Qaeda as religious-motivated terror has been echoed since September 11, 2001. Nowadays, the fight against Islamic State of Iraq and Syria (ISIS) culminates as its successor. United States (U.S.) sets out military-focused approach and aggressive policy.[1] The

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[1] Dan Bayman, *Fighting the War on Terrorism: Better Approach*, in Stephen Van Evera, 2006, *How to Make America Safe: New Policies for National Security*, Cambridge, The Tobin Project, pp.69-72, 2006.

focused approach to military restrictiveness was too dominant in Bush administration. It caused legitimacy crisis and the people's hatred appeared to every U.S. act using military force to achieve its national interests. Therefore, the U.S. image and credence were dissolved, both nationally and internationally. What Bush had left in the end of his administration opened the path for an Afro-American who ever lived in Jakarta, Barrack Husein Obama, to appear as the U.S. president.

Southeast Asia, the "second front"[2] on GWOT, became the subject of research to elaborate the factors behind the implementation of counter terrorism approaches. Which is divided into military focused approach, intelligence focused approach and law enforcement focused approach. In some cases happened in Southeast Asia, terrorism phenomenon performed by insurgent movement who has motivated by social-economic disparities and religion (mis) interpretation. In terms of insurgency and terrorism, I see that terrorism stands as a tactic of insurgents to reach their interests or needs from the government. As the example is the movement of insurgents in South Philippines by hijacking some ships, cooperating with terrorists network and bombing in some places in Philippines (including Bali Bombing in Indonesia which is claimed by Abu Sayyaf-terrorist group in Philippines-as their responsibility for). Meanwhile, many insurgents in Southeast Asia appear as the results of discrimination towards religion disparities as happened in Philippines. Therefore, I think it will be good for us to understanding the concept behind the terms in this paper before I move to explain what is going on to four Southeast Asia countries and what they do for countering terrorism. This article is begun by definitional framework of terrorism. Then I explain my analysis about counter-terrorism strategies in four Southeast Asia countries and their effectiveness and implications to public

legitimacy. The analysis is bounded on to three model approach of GWOT.

II. Conceptual Framework

A. Understanding Terrorism

In defining terrorism, this article uses the concept by James D. Kiras[3]:

> *"The sustained use, or threat of use, of violence by a small group for political purposes such as inspiring fear, drawing widespread attention to a political grievance and/or provoking a draconian or unsustainable response."*

It is explained that the character of terrorism lies on several variables, i.e. the act of small group, the ownership of political goal and/or provocation and the use of violence. However, in order to comprehend the scope of terrorism more holistically, this writing would also use the reversal understanding on the notion of terrorism itself.

"First, if terrorism is something carried out by a small group that means it is not an issue of big group against another big group. Therefore, it is illogic if the issue of terrorism linked with symmetric war, since it is indeed an asymmetric war. The second one, if terrorism uses violent means, then a small group that possesses a political goal but does not apply any violence to pursue it shall not be categorized as terrorism."

As once mentioned by Ekaterina Stepanova, not all armed conflicts involve terrorism acts. At the same time, incidents of terrorism or even sustained terrorist campaigns could occur in the absence of open armed conflict, in an environment that would otherwise be classified as 'peacetime'. Nonetheless, in recent decades, terrorism has been the most common and systematic tactic employed in broader armed confrontations. Therefore, although terrorism and armed conflict are closely-related phenomenon, they do not merely overlap.[4]

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2   As mentioned by Amitav Acharya and Arabinda Acharya, "The Myth of the Second Front: Localizing the 'War on Terror' in Southeast Asia", *the Washington Quarterly*, pp.75-90, 2007.

3   James D. Kiras, "Terrorism and Irregular Warfare" in J. Baylis, J. Wirtz, E. Cohen & C.S. Gray (*ed.*), *Strategy in the Contemporary World, An Introduction in Strategic Studies*, pp. 211, 2002.

4   Ekatrina Stephanova, *Terrorism in Asymmetrical Conflict: Ideological and Structural Aspects*, NewYork: Oxford University Press, pp.1, 2008.

Aside from that, terrorism is also viewed as a term having similarity with insurgency. As have been mentioned above, terrorism is not only about the use of weapons by armed forces. It also covers campaign or propaganda which are tactically done by any interest group or party, including insurgents.

B. Terrorism is a Tactic of Insurgent

I see that terrorism and irregular war is the tactic utilized by insurgent group for the consideration, among others, of its inadequate power with the party considered as enemy (asymmetric). Therefore, in my opinion, terrorism will always be attached with insurgent group, and identical with irregular warfare. It is the fact that terrorism is a form of irregular warfare that does not change, although globalization has improved the technical capabilities of terrorists and given them global scope. It means that globalization has not changed the nature of terrorism but only changed the scope of it. For example, Darul Islam, Jama'ah Islamiyah, and Al-Qaeda.

After all it is only a method, as a distinctive phenomenon, it can also be a serious mistake to divide the realm of warfare neatly into the regular and the irregular. Many wars are neither purely regular nor purely irregular. In fact, if one side adheres strictly to the irregular code, it is all but certain to be defeated. Irregular forces do not win unless they can translate their irregular gains into the kind of advantage that yields them military, strategic, and ultimately political effect against their regular enemy. Unless the state loses its nerve and collapses politically, the initially irregular belligerent can only win if it is able to generate regular military strength.[5] We put terrorism as the part of irregular warfare since its general nature that is asymmetric. Nevertheless, there is of course always an insurgent group that might change the tactic from irregular warfare to the regular one after it gains an equal power (symmetric). However, if such a case happens,

then it changes the status of the phenomenon to be other definition than terrorism. If the situation becomes balance in term of power, it does not have any tendency to be called as terrorism nor irregular warfare. Instead, it becomes a struggle war and regulare warfare.

C. Terrorism Motives and Counter Terrorism Methods

Since the 9/11 tragedy, religion rose as the main motive in doing terrorism acts. According to James D. Kiras, there are at least three possible motives of terrorism movement, viz. cultural, economic and religion.[6] Currently, religion stands as the primary one of the movement. The terrorist motivated by religion is called with "new terrorist group"[7]. They believe in global *jihad*, which is the reaction to the perceived oppression of Moslems worldwide and the spiritual bankruptcy of the West. Some terrorists are driven by religious reasons to kill non-believers and unfaithful parties to Islam values and norms.[8] As the impact of globalization and interconnected societies, Moslems have choice, i.e. rejecting their beliefs to integrate with the system (democracy) or preserving their spiritual purity and fight against it (*imamah*). It means anything could happen, as long as the terrorist group have a political objective to replacement of 'illegitimate' governments throughout the world with ones that follow the *Chalipate* or a strict implementation of Shari'a law.

Kurth Cronin in his book argue that "secular terrorism has had as its goal the pursuit of power in order to correct flaws within society but retain the overarching system. Religious terrorists, in contrast, do not seek to modify but rather to replace the normative structure of society"[9]. What terrorist groups idea's about

5   S. S. Gray, "Irregular Warfare: One Nature, Many Characters". *Strategic Studies Quarterly,* 2007, h. 39-41 and Mao's 3-stage theory.

6   James D. Kiras, "Terrorism and Globalization" in John Baylis and Steve Smith, *The Globalization of World Politics.* Oxford: Oxford University Press, pp. 486-488, 2005.

7   ibid, pp.489 and Robin Wright, *Sacred Rage: The Wrath of Militant Islam*, New York: Touchstone, pp. 19–21, 1986.

8   Walter Laqueur, *Fascism: Past, Present, Future.* New York: Oxford University Press, pp.32-33, 1996.

9   Audrey Kurth Cronin, "Rethinking Sovereignty: American Strategy in the Age of Terror," Survival, Vol. 44, No. 2, pp. 41, 2002

replacing democracy with *imamah* system, it can use to explain the underlying rationale of the distinction between secular motivated terrorism and religious motivated terrorism.

It is also tihis religious reason that makes terrorists carries not only powerful motivation, but also indicates that a counter terrorism agenda directed to it shall need a hard and long effort (in which area?). It has something that is potentially hard to end, be it in term of choice in terrorist actions, or irregular warfare, as far as Terrorist's goal has not been achieved. Political control is required to change fundamentally the religious orientation of the state: the English Civil War (1642-1649), the Iranian 'Islamic Revolution' (1979), and the Taliban's struggle in Afghanistan (1994-2001) are examples of different types of conflict fought to impose religious change once political control has been obtained.

In countering terrorism, governments set policies and strategies. Methods of counter-terrorism are classified as the "soft" and "hard" line response. Soft line response is used to address the root of terrorism movements. Meanwhile, the hardline response is focused on how to manage terrorist immediately by strong retribution. As has been mentioned, this article is focused on hardline response with its three approaches, i.e. military, intelligence and law enforcement focused approach.

III. Hardline Approach in Various Southeast Asian Countries

As has been stated, the four countries in Southeast Asia has implemented different approaches in countering terrorism. Philippines choses the military-focused approach, Singapore and Malaysia practices the intelligence-focused one, and Indonesia executes law enforcement-focused one. The following discussion examines three approaches in order to distinguish one approach to the others.

A. Intelligence as the Key of Success

As refer to intelligence community relying on the information rapidity and giving analysis to policy-makers, intelligence should compete with the swiftness of coverage by media in CNN era as what happens today.[10] The accuracy and recommendation become the products of intelligence which then are followed up by the main institutions or their partners, such as police and army.

The intelligence recommendation against threats is basically focused on what Collin S. Gray called as irregular enemies, the two strategic enemies, viz. insurgency and terrorism[11]. The recommendation has two concerns. First is the people security. In the counter-insurgency and counter-terrorism war, the centre of gravity is on the society and their protection. The mind of people is paramount in the battlefield. If the people can be protected and they believe that they are safe, the counter-insurgency and counter-terrorism will be successful. Therefore, the key of operational success in counter-insurgency and counter-terrorism is the fast and accurate intelligence (*velox et exactus*). In destroying the terrorism and insurgency infrastructure, the information from local public and/or ex-terrorists and ex-insurgents can be collected when people feel protected and have a good future relation with the government. The terrorists and insurgents depend on hiding themselves among the people.

It means that the intelligence recommendation also depends on the approach chosen by the government as the follow-up, whether using military-focused or law-enforcement focused approach. Unfortunately, most of the countries choose intelligence as the main actor which show the intelligence focused approach, so it can be said that clandestine as the most favorable method which is then not followed-up by any institutions, both military and law-enforcement approach. It is not accountable and not legal.

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[10]   Peter L. Hays, Brenda J. Vallance, Alan R. Van *(ed.)*, *American Defense Policy*, Baltimore: John Hopkins Press Ltd., 1997.

[11]   Colin S. Gray , *Irregular Enemies and the Essence of Strategy, Can American Way of War Adapt?*, Strategic Studies Institute, 2006.

B. The Police Versus the Army

There is a great debate about who the effective actor to counter-terrorism is, whether the police or the army. The dilemma needs to be contrasted empirically, started from the understanding that the police have the function to protect the population by enforcing the laws of the land, until the one that the army has to prepare for the old paradigm of "interstate industrial war" as opposed to the new paradigm of "war amongst the people". Therefore, the dilemma is between tackling threats through law enforcement instrument or exerting force through armed force instrument to attempt the mission.

In terms of counter-terrorism strategy, the U.S. military approach seems precisely igniting negative response from everyone. Since then, some people agree that the global politics tends to shift towards the cosmo-political value of human life, the role and identity of police corps as the law-upholder institution are becoming the ideal concepts to be engaged in managing asymmetrical warfare. Thus, the war concept that engages the military needs to be reconsidered.[12]

Unfortunately, there is no article explaining specifically on cases comparison, and proposing clearly that military focused approach has to be left and changed with law-enforcement focused approach. In counter-terrorist, the function of security and intelligence are provided by the police for whom the army is a critical support, but one to the others is never in substitution. Nonetheless, the military approach causes more collateral damage. This creates stronger justification for terrorists, their families, sympathizers and people to believe that governments are the killers of the innocent.

IV. Perceiving Terrorism Models

There are two models in perceiving terrorism, i.e. 'War Model' as has been used by Philippines, and 'Criminal Justice Model'

which is not as popular as the first. The first model perceives terrorism as enemy in war. The second perceives terrorism as a crime that could be handled with the rule of law.

In the "War Model", terror is a problem that has to be solved by using warfare jargon, such as the armed forces, the maximum force, and the war rules. Meanwhile, the "Criminal Justice Model" solves the terrorism through the law with minimum force and peace time perception. Paul Wilkinson stated that the "Criminal Justice Model" has to be considered if a country wants to uphold the liberal democracy.[13] According to him, the primary objective of counter-terrorist strategy must be the protection and maintenance of liberal democracy and the rule of law. In this case, the use of force is situated in a continuum.

"Criminal Justice Model" has elements of law enforcement. Firstly, based on principles of democratic environment, there are due process, presumption of innocence, and equality before the law. Secondly, police stands as the main instrument in intelligence function to detect and disrupt. In every police corps, there is intelligence agent, but it has different function with the military intelligence or national intelligence. Thirdly, criminal investigation is obligated to reveal incident, arrest and investigation. Fourth, prosecutor has the right to prosecute. Fifth, the court provides open trial. Sixth, the prison is the legal institutional to punish and rehabilitate. Finally, specific legislation is used for countering terrorism in criminal justice system paradigm.

Terrorism character as extra-ordinary crime compels the police to have specific unit dealing with the network and its specific characteristics. The function of this unit is to build coordination in tackling highly mobile criminal network. Moreover, the unit could be used to increase intelligence's capability, both in man power, data base and technology. It enables the unit to conduct scientific criminal investigation, forensic laboratory and strengthen network

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12   Van Baarda, A and Verweij, D.E.M., *The Moral Dimension of Asymmetrical Warfare,* Boston: NIJHOFF Publisher. p. 17, 2009.

13   Wilikinson, Paul, *Terrorism versus Democracy: The Liberal State Response,* New York: Routledge, 2001.

with other agencies. This could help the police answering public questions about their policies.

A liberal country in implementing counter-terrorist policy has to deal with two challenges, i.e. detecting, preventing, and revealing incidents on the field; and presenting evidence to legally prove the wrongdoing of terrorist. In terms of some criminal justice system profession other than police, there is something to be prepared in counter-terrorist agenda. For example is the prosecutor profession. The prosecutor should be accompanied by police officer in conducting investigation. There should also be clear distinction between police (field investigator) and prosecutor (to prosecute in court).

In other judicial area, the judges have to have sufficient knowledge on terrorism and terrorist networks. Setting up specific prison for terrorist is also basic need, due to the possibility of growing radicalization and to prevent engagement to outside network. The specific treatment for terrorist versus ordinary treatment as applicable to common criminals should also include different terms for family visit, access to outside, etc.

Specific legislation (Counter-Terrorism Acts) is also needed to include specific crimes, with the harder penalties to give a deterrence effect, e.g. giving the laminar penalties for terrorism in layered crime, such as hijacking, armed robbery, and damaging public properties. The legislation also covers the penalty for the supporters' activities. The accessory activity which is considered as the terrorists' activities ranges to any functional engagement, such as financing terrorist network, incitation, propaganda, recruiting, joining proscribed-terrorist network, etc.

V. Analysis

The Use of Force: Hardline Strategies in Practice

Can hardline approaches to countering religious motivated terrorism work? This section compares the implementation of military-focused approach in Philippines, intelligence-focused one in Singapore and Malaysia, and law enforcement-focused one in Indonesia.

A. Military-Focused: The Philippines

In Philippines, the Armed Force of Philippines (AFP) executes military OPLANS against: Communist Party of the Philippines – New People's Army (CPP-NPA), Moro National Liberation Front (MNLF), and Moro Islamic Liberation Front (MILF). Focused on three terrorist groups which are the religiously motivated terrorism, the following analysis shows how military's responses to armed conflict changes periodically – where they failed, where they succeeded, and why. The following analysis shows how the military response to the armed conflict changed periodically, as well as shows in what aspects they fail, in what aspects of their work, and how the correlation between military operations and development activities of insurgency/terrorism.

a. *Ferdinand Marcos (1965-1986)*

Marcos' era is known as era of martial law which is declared in 1972. All uniformed services were under Marcos' control. At the time, the growth of communist insurgency and Moslem separatism were increasing. In Marcos' era, there were two big operations. The first was OPLAN Bagong Buhay against MNLF. This operation had heavy casualty rates on both sides, but military operations reduced MNLF forces from 16,900 to less than 7000 in 1976 and succeeded to encourage the group to join negotiation table. Nevertheless, triumph proved short-lived. Moreover, the Moslem separatist movement persisted and outlived martial law.

The second was OPLAN Katatagan against NPA. Marcos dealt with CPP-NPA in similar fashion and resulted on the persisting and spreading of insurgency. The goal of these operations was more about defending the state than securing population. In their process presented lack of political will to continue. Besides insurgency persisted and spread to other parts of Luzon.[14]

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14 Acop. Dencio S, *Assessing the Expanded Role of the Armed: Forces of the Philippines in Nation-Building,* Asia-Pacific Social Science Review 6(2), pp. 136 – 138, 2006.

b. *Corazon Aquino (1986-1992)*

Aquino's era is also known for the military operations against terrorism and insurgency threat. OPLAN Mamamayan was run in 1986 as the continuation of OPLAN Katatagan. The military capacity to deal with such movements was bolstered by setting up Special Operations Team (SOTs). Military sought tougher stance against communist insurgents and Moslem separatists. However, the result was only as far as being able to muffle aggression. OPLAN Lambat Bitag in 1988 continues with military offensives which then was called with "unsheathing the sword of war". This operation was the successor of OPLAN Mamamayan. Its purpose is to end insurgency by addressing political, economics, and social causes. But, the immediate aim was to use military to crush insurgency. Due to the militarization, the number of human rights observance and pressure to the national reconciliation policy increased. Communist strength was greatly reduced but insurgency continued.[15]

c. *Fidel V. Ramos (1992-1998)*

Ramos' era has OPLAN Lambat Bitag using some basic strategy, such as negotiations with rebels, amnesty offer, anti-subversion law repeal, pursuing national reconciliation policy, peace agreements forged with all armed groups, encouraging rebels to give up arms, transferring internal security task from AFP to the national police, and peace talks. Basically, Ramos still used the military operation but combined it with forged peace agreements with armed groups, pursuing policy of national reconciliation in order to enable economic recovery and growth, offering amnesty, economy political and social reforms, consensus building, and negotiation with rebels.

The legislation effort was also done through anti-subversion law as paved way for former subversive groups to pursue political and social goals through parliamentary rather than armed struggle. There was also a program encouraging rebels to give up arms for seed money to start a new live. The purpose is to diminish mass base of communist insurgency. Further reduction led scaling down of AFP role in counterinsurgency to supporting role; internal security task transferred to Philippine National Police (PNP) but Mindanao, Basilan, Tawi-Tawi, Bicol Region, Southeastern Quezon and Cordillera Administrative Region remained under AFP. Peace talks striven by Ramos and MNLF eventually led to ceasefire and the signing of peace agreement in September 1996. The Southern Philippines Council for Peace and Development (SPCPD) was established. Selected Moro Army members were integrated into AFP. MILF also started peace talks in 1997.

d. *Joseph Estrada (1998-2001)*

When Estrada succeeded Ramos, all-out war declared against MILF in Central Mindanao happened in April 2000 after MILF rejected ultimatum for peace agreement. Estrada's term was marked by increase in strengths of communist insurgency and Moslem secessionism.[16]

e. *Gloria Macapagal-Arroyo (2001-2010)*

OPLAN Bantay Laya in 2002 was held during Arroyo's administration. This counter-insurgency operation involved both military and civilian agencies. In the past OPLANs, military found itself performing developmental responsibilities of civilian agencies for which it has no training in. Now AFP's role is to strengthen government's control over disputed areas and play supportive role to civilian agencies. This operation was claimed to defeat Abu Sayaf Group (ASG), stop the growth of CPP-NPA, contain the Southern Philippines Separatist Groups (SPSG re: MNLF, MILF, etc.). However, they still experienced the lack of coherent policy for five years. Government responses to insurgency/terrorism were still very much military-led even as government tried to slowly shift responsibilities over to the police.[17]

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15   *Ibid.,* pp. 138 – 139.

16   Department of National Defense, *Annual Accomplishment Report 2007* (Quezon City, Department of National Defense, 2008), pp. 5.

17   Yap, "A Review of the Government's Counter-Insurgency Strategies," pp. 36.

For a better understanding on the difference of the instruments in Philippines, it is important to review the profile of the Philippines National Police, especially the PNP Special Action Force (PNP-SAF). The PNP Special Action Force is a highly specialized police unit designed to fight against organized crime groups, terrorists, insurgents, lawless elements and Southern Philippine Terrorists. With a rapid deployment force, SAF destroys enemy forces that undermine the nation's stability with overwhelming combat power and by engaging the latter at anytime and anywhere in the country even in the most rugged terrain.[18] The explanation shows that although it was named as police corps, it was still very much focused on the use of overwhelming force. It also proves that Philippines still used military-focused approach periodically.

f. *Benigno Aquino III (2010- 2016)*

The holistic cases study about Philippines is limited to Arroyo's era, because President Ninoy, Benigno Aquino III has only ruled for five years. Moreover, the agreement between the Government of Philippines and MILF was signed on October 15, 2012. It is still unknown whether the asymmetric relations between the Government of Philippines and the government of Moro would be more harmonious, or, whether the asymmetric warfare would continue as the character of the battle between the government and insurgent groups.

Strengths and Weaknesses of Military Focused Approach

Based on the Philippines cases, the military focused approach has some strength. One of them is that the strong military capacity could cripple rebel movements. It could force the rebel groups to the negotiation table. Moreover, the military force can assure to against terrorist or insurgent group if the terrorist is perceived as combatant in military war condition.

Meanwhile, the weaknesses are also diverse. This includes the risk of using of maximum force which definitely creates higher amount of military expenditure. Besides, the military is not trained to deal with internal security issues. They are trained to kill the enemies. Military is also not equipped to organise and lead civil projects. By this, every civil problem would only be perceived as insignificant in war. Military operations are also perceived similar to terrorism activities done by insurgent group in terms of causing civilian victims.

In Philippines, the case is long drawn-out and over periods of administration. It creates the doubt on the hardline military approach as the solution for armed conflicts. Philippines in the eye of international community are not perceived as a humanistic -country, especially in the Moslem community perception because she uses repressive approach. As the example is an incident on February 2007. Eight civilians, in which five of them are two children, two teenagers, and a pregnant woman, are killed during an AFP operation against Abu Sayyaf militants. In this incident, military action seems only able to stop the insurgents and terrorists operations temporarily, but unable to eradicate the threat.

B. Intelligence-Focused: Singapore and Malaysia

a. *Singapore*

There is Internal Security Department (ISD) in Singapore which operates based on Internal Security Act (ISA). So, it has the rights to detain without charge for up to two years and it can be extended. This agent works in network approach. National Security Task Force (NSTF) reports to Empowers Ministry of Home Affairs (MHA) and works closely with Defense Ministry, Joint Counter-Terrorism centre, National Security Secretariat, Security Policy Review Committee, and Whitley Road Detention Centre.

In its development, there were some operations could be recorded. The 1963 Operation Coldstore was the Malaysian-Singapore joint operation in arresting 117 opposition party and labour union leaders,

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[18] See Department of National Defense, *Annual Report 1997* (Camp Aguinaldo, Quezon City: Office for Public Affairs, 1997), pp. 10–20.

some of whom were detained for up to 17 years. In December 2001, fifteen alleged members of the Jama'ah Islamiyyah militant group were arrested for involvement in the Singapore embassies attack plot. The third was happened during August - September 2002 in which other 21 alleged members of Jama'ah Islamiyyah were arrested.

Despite these protests, many Singaporeans expressed their strong support for the government's actions. This latter view contrasted sharply with the negative public reaction toward the 1987 arrests, which stemmed from the belief that the government had misused the ISA.[19] Following the 1987 arrests, the ISA was widely perceived as an instrument of the People's Action Party (PAP) regime to curtail dissent, rather than as an instrument to protect Singapore from security threats. In the 'new security environment' that followed the September 11 attacks, many Western democracies have rushed to enact or fortify national security legislation. The features common in such anti-terrorism laws included:

i) a concentration and expansion of power in the executive arm of government;

ii) an erosion of political and civil liberties;

iii) a weakening of judicial procedures; and

iv) a focus on pre-emptive action against suspected terrorists.[20]

For instance, under Section 412 of the USA Patriot Act, a non-US citizen may be detained if the attorney general has 'reasonable grounds to believe' that the suspect is or has been involved in terrorist activity.[21] A person, who is defined as a terrorist in Section 411 of the Act, is subject to indefinite detention regardless of whether he/she has in fact committed an act of terrorism or engaged in terrorist activity.[22] The attorney general is not compelled to provide the detainee with evidence supporting his/her detention or to grant an opportunity for the detainee to contest the evidence through administrative review procedures. The detainee's only recourse is to submit a writ of habeas corpus[23] to the Supreme Court, a federal district court or the Court of Appeals, to seek his/her release from detention.[24]

Such draconian prescriptions have made global anti-terrorism legislation strikingly akin to the Internal Security Act of Singapore. Countries that had in the past been overtly critical of the ISA were now enacting similar legislation in their own jurisdictions. This prompted a Singapore commentator to remark: 'Has the rest of the world come to appreciate Singapore's position?' (Hor 2002: 31). The ironic turn of events has not prevented critics of Singapore's ISA from asserting that the Singapore government's use of the Act is still dictated by political considerations rather than security concerns. In the opinion of Geoffrey Robertson, an international human rights lawyer, the Singapore government is obsessed with 'prosecuting liberals instead of worrying about the people who are running unlawful arms and explosive shipments which would cost hundreds of lives in the region'.[25]

b. *Malaysia*

Malaysia's case points to Article 150 of Malaysian Constitution. The King could issue such as proclamation if he 'is satisfied that a grave emergency exists whereby the security, or economic life, or public order in the Federation or any part thereof is threatened. In

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[19]   Hor, Michael. 'Terrorism and the Criminal Law: Singapore's Solution'. Singapore Journal of Legal Studies, July: 30-31, 2002.

[20]   Barker, Nancy V. 'National Security versus Civil Liberties'. Presidential Studies Quarterly, 33(3): 556, 2003; Hocking, Jenny. 'Counter-Terrorism and the Criminalisation of Politics: Australia's Detention, Proscription and Control'. Australian Journal of Politics and History 49(3): 355. 2003.

[21]   S 412 USA Patriot Act – Amendment to S 236 of The Immigration and Nationality Act, S 236A (a)(3).

[22]   S 412 USA Patriot Act – Amendment to S 236 of The Immigration and Nationality Act, S 236A (a)(2); S 412 USA Patriot Act – Amendment to S 236 of The Immigration and Nationality Act, S 236A (a)(6).

[23]   A writ of habeas corpus is a judicial mandate to a prison official ordering that an inmate be brought to the court so it can be determined whether or not that person is imprisoned lawfully and whether or not he should be released from custody.

[24]   S 412 USA Patriot Act (b)(2).

[25]   HARD Talk, British Broadcasting Corporation, 23 September 2003.

its development, there are four incidents that could be taken in order to review the execution of this constitution. Those incidents happened during 1964, 1969, 1966 (in Serawak), and 1977 (in Kelantan).

The legal basis of intelligence focused approach in Malaysia is the Sedition Act of 1948 and ISA which was created in 1960. Ministry of Home Affairs (MHA) in the name of law can detain without trial if he see that the detention of any person is necessary. ISA also gives the rights to government to detain without charge for up to two years and it can be extended. The detainee arrested based on ISA should be placed in *Kamunting* Prison.

Strengths and Weaknesses of Intelligence Focused Approach

Intelligence focused approach in Singapore and Malaysia has the strength as the preventative measures. It isolates group's mobility. It doesn't require legal evidence that is basically difficult and time-consuming to provide. It also gives quick outcome. Nonetheless, its weaknesses lie on the criticism of domestic and international society towards the government for abusing human rights. However, there is possibility that domestic response doesn't flare up. This is resulted from the fear of people to talk freely which is then popularly known as the 'culture of silence'. In the long term, this approach could lead to loss of support and legitimacy towards the government.

C. Law Enforcement Focused: Indonesia

From 1997 to 2001, Indonesia had four successive presidents who had to focus on domestic rather than regional problems. This diminished Indonesia's leadership role in ASEAN and its international standing. In 2001 President Megawati Soekarnoputri inherited a government facing formidable economic, political and security challenges. Indonesia was facing the dual challenge of democratisation and the crippling effects of the 1997/98 economic crisis, which shrivelled its economy, and

caused massive economic dislocation.[26] TNI's dwifungsi or dual military and sociopolitical role was curbed amid accusations of human rights violations and abuses during Soeharto's 33-year rule. TNI's ability to stabilise Indonesia was put to a severe test in the sectarian conflicts in Ambon and Poso, and in East Timor, whose separation created nationalist resentment among Indonesians against the West, particularly Australia and the US. East Timor's separation also triggered growing demands in Aceh and West Papua for independence.

Democratisation also unleashed the forces of political Islam, which took advantage of the new political freedoms afforded by the fall of President Soeharto. The conflict in Ambon and Poso drew JI as well foreign and local Islamic militants to wage a jihad against Christians.[27] In 1999, Islamic parties won a strategic number of parliamentary seats in Indonesia's first-ever democratic elections since the 1950s. These small parties played a crucial role in electing Abdurahman Wahid, the leader of Nadhatul Ulama, to the presidency. In 2001, the same Islamic parties helped orchestrate Wahid's downfall and replacement by his vicepresident, Megawati Soekarnoputri, and the election of Hamzah Haz, leader of the largest Islamic party, as Indonesia's new vice-president.[28] This ideologically tenuous coalition between the Islamic parties and Megawati's secular nationalist party complicated Indonesia's response to transnational terrorism and cooperation with the US on terrorism.

President Megawati's visit to the US a week after the 11 September attacks improved relations between the two countries and raised hopes that suspended bilateral military ties would be restored.[29] The US needed Indonesia's

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[26] Anthony L. Smith, Strategic Centrality: Indonesia's Changing Role in ASEAN, Pacific Strategy Paper 10 (Singapore: Institute of Southeast Asian Studies), pp. 29-30, 2000

[27] CRS Report for Congress, p. 16.

[28] Angel M. Rabasa, "Political Islam in Southeast Asia: Moderates, Radicals and Terrorists," The Adelphi Papers (Vol. 358, Issue 1), p. 32, 2003.

[29] A major hurdle to the normalisation of Indonesia-US relations were the military sanctions imposed by the US Congress on the Indonesian military. In 1999, Senator

political support, as the largest Muslim country, in the war against terrorism, while Indonesia sought US investments to boost the Indonesian economy and the normalisation of bilateral military ties. Indonesia initially supported US moves against terrorist networks, reportedly even offering overflight clearance for US military support aircraft.[30] However, when Islamic groups, including some of Megawati's coalition partners, opposed US plans of a military strike in Afghanistan, she modified her tone by criticising the use of force against terrorism and regretting the civilian casualties in Afghanistan.[31] Washington's advocacy of pre-emptive strikes ran counter to Jakarta's traditional adherence to non-alignment principles and opposition to the unilateral use of military force by major powers.

Amid this backdrop, it was understandable that there was no specific mention of Afghanistan or the necessity of military action against terrorists in the ASEAN leaders' 2001 statement in Brunei. Indonesia's delicate situation may also explain the strong emphasis by the leaders not to identify terrorism with any religion or ethnic group in their statement and the statement of the Special ASEAN Ministerial Meeting on Terrorism in May 2002.

America's decision to attack Iraq caused a clear policy shift in Jakarta, a year ahead of national elections. Thousands protested in Jakarta against the invasion, which saw US favourable opinion among Indonesians plummet from a high of 79 percent in 1999 to a low of 15 percent in 2003.[32] Unlike US actions in Afghanistan, Megawati had little choice but to categorically oppose the US-led invasion of Iraq, to preserve the unity of her fragile coalition and ensure regime stability. Supporting the US-led war in Iraq would have created a backlash that would have erased the gains the president

had achieved in restoring a measure of political and economic stability. Yet, at the same time, Indonesia continued to cooperate quietly with the US in combating terrorism.[33] In June 2002, Indonesia handed over Asian Al Qaeda leader Omar Al-Faruq to US custody for interrogation despite bilateral tensions.[34]

Even Jakarta's counter-terrorism posture apparently was not spared from domestic pressures. Despite the string of bombings in Indonesia from 1998 to 2001, including one against the Philippine ambassador, no major arrests were made against the perpetrators and masterminds, some of whom would later be linked to JI.[35] After major arrests of JI members in Singapore and Malaysia, both governments shared vital information on extremists operating in Indonesia, but the suspected members of JI were still not arrested. Senior Minister Lee Kwan Yew's comment that Singapore remained under threat while the leaders of terrorists were at large in Indonesia sparked a sharp retort from Indonesian Foreign Minister Hassan Wirajuda. Wirajuda suggested that his country could not just apprehend anyone without sufficient proof, in contrast to Singapore's more authoritarian approach.

The 12 October 2002 Bali bombings, however, galvanised Indonesia into clamping down on extremists. The bombings threatened regime stability and the Indonesian economy, prompting the Indonesian government to finally recognise the full gravity of the terrorist threat. Since the Bali attacks, Indonesia has demonstrated greater political resolve to combat terrorism. It has arrested and prosecuted many of those behind the Bali bombings, three of whom were given the death

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Patrick Leahy introduced an amendment that banned the resumption of military ties with Indonesia until reforms were pursued by the TNI, including the prosecution of those behind the 1999 carnage in East Timor. See Ressa, Seeds of Terror, pp. 200-201.

[30] David Capie, "Between a Hegemon and a Hard Place," The Pacific Review (Vol. 17, No.2), p. 228, 2004.

[31] Ibid.

[32] CRS Report for Congress, p. 19.

[33] This included a pledge of US$60 million counterterrorism assistance announced by the State Department in 2002. See Capie, "Between a Hegemon," p. 229.

[34] Capie, "Between a Hegemon," p. 230.

[35] The dominant thinking in government apparently was that arresting the extremists "could radicalise the moderate Muslim majority, if it were perceived as unjust and taken at American behest". Having just recovered from the riots of 1998, the threat of social and religious unrest loomed large as more serious than any terrorist threat. See Capie, "Between a Hegemon," p. 228.

penalty.[36] The government passed tough anti-terrorism laws that served as basis for the arrest and prosecution of a number of JI leaders and members, including Abu Bakar Bashir. It also allowed the Australian Federal Police to help in the investigation of the Bali bombings and co-hosted with Australia an important regional ministerial conference on counter-terrorism in Bali in 2003.[37]

Rather than an Islamic backlash, the bombings produced a backlash against extremism. The two largest Indonesian Muslim organisations, Nadhatul Ulama and Muhammadiya, threw their support behind the government's tougher policy on terrorism and distanced themselves from religious extremism.[38] With greater domestic support for counterterrorism, Indonesia gained wider room for manoeuvre and greater openness for cooperation with other countries. In October 2003, President Bush visited Bali where he expressed support for President Megawati's actions against terrorism.[39] Indonesia has also coordinated and cooperated more closely with Malaysia, the Philippines, and Singapore on a bilateral basis. It has also agreed to hold joint patrols of the Straits of Malacca with Singapore and Malaysia in an effort to prevent sea piracy and maritime terrorism.[40]

At the same time, Indonesia has had to balance its stronger domestic response to terrorism with a more nuanced foreign policy on the global war on terrorism. It continues to emphasise multilateral and regional measures to counter terrorism, through the UN and ASEAN, while opposing the US occupation of Iraq. Its counter-terrorism approach is still very much influenced by its perception of the threat in terms of regime stability and the role of the US in regional and global affairs.

Indonesia as the object in this paper chooses this approach in its effort to counter-terrorism and insurgency. Thus, the police instrument is in the front line since Reformation 1998. This approach was reinforced after Bali Bombing in 2002, proven by the formation of Specific Bombing Task Force as a part of police corps. Finally, the Special Detachment 88 Indonesian Special Forces counter-terrorism squad was formed in 2003. This approach results on satisfying outcome, such as ability to reveal most of the attempts of attacks, networks, and arresting/prosecuting more than 400 people. As a part of its success, there was no major attack during 2006-2016.

Strengths and Weaknesses of Law-Enforcement Focused Approach

Law-enforcement focused approach has some normative strength. Firstly, the government gains support and legitimacy from public. This is the critical elements in counter-terrorism because terrorism, actually, is benefited if regime de-legitimation happens. Moreover, by simplifying terrorism as a crime and terrorist as a criminal, every accusation would be processed before law. If the accusation is proven wrong, the accused should be released and his or her reputation must be restored. Arrested the wrong person will make the government as the object for public's criticism. By consistently implementing this approach, democratic country is able to show its commitment to rule of law as the key element of democracy. This would help the country to gain international support.

Moreover, the use of minimum and selected force reflects not only the rule of law, but also the key success to counter-terrorism. The terrorists who have been punished and

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[36] "Bali bomber let out for coffee at Starbucks" 9 June 2004, The New Zealand Herald, online at www.nzherald.co.nz/storydisplay.cfm?storyID=3589469&thesection=news&thesubsection=world&thesecondsubsection=&reportid=712591.

[37] "New Indonesian-Australian Law Enforcement Centre Boosts Regional Battle Against Terrorism," Joint Press Release of Australian Foreign Minister Alexander Downer with Senator Chris Ellison, Minister for Justice and Customs, 3 July 2004, online at www.foreignminister.gov.au/releases/2004/fa099a_04.html.

[38] Daljit Singh, "ASEAN Counter-terrorism Strategies," p. 204.

[39] Text of Bush-Megawati news conference, The Associated Press, 22 October 2003, online at www.newsday.com/news/nationworld/world/wire/snsap-bush-megawatitext,0,1417051.story?coll=sns-ap-worldheadlines.

[40] "Anti-piracy drive in Malacca Straits," BBC News, 20 July 2004, online at www.news.bbc.co.uk/2/hi/asiapacific/3908821.stm.

repented must be released and rehabilitated because a criminal is actually an ailing person who needs to be corrected.

The weakness of this approach is that it seems reactive, like fire brigade – not able to address underlying causes, until it requires to exposes intelligence sources and methods in terms of giving valid information to the public. This approach is also proven time-consuming due to collecting evidence process. In the period for collecting data, problems of incarnation can also be happened.

This approach also lacks of ability to cope with the non-violent strategy of terrorist network. Actions that are perceived as propaganda or proselytizing violent ideology can't be categorized as criminal acts. Therefore, the doers cannot be arrested nor punished.

The fair trial and the use of minimum force make public can see by themselves in televise. If the process proves that the terrorists are guilty, the support and legitimacy will strengthen. Indonesia has Moslem majority society and it is a part of international democratic world. Therefore, criminal justice model makes its image and position are continued to be relevant. The other strength is the success of police which is persistently and consistently pressures the network as a kind of the "real" threats/the vanguard of the Islamist threats by arresting more than 400 people engaged in terrorists' network and surely prove it in the court The government also made the specific unit of public prosecutors, shared background knowledge on terrorism and terrorist network amongst police, public prosecutors, judges and prison wards – respond accordingly.

There are of course the weaknesses in this model as its risks. One of them is the incapability for arresting the people who are indirectly proven even they have the important role in the network. The violation to the human rights in large scale, stringency and other criminal acts are the reasons which are used for arresting the terrorists. That is why the main people in terrorists' network, such as Zulkarnain, military wing leader of Jama'ah Islamiyyah couldn't be attained.

The other weakness is the incapability to ensnare non-violent activities, especially those actually enabling the network to be in function, i.e. the people recruiting, propagating, religious propagating, etc. Moreover, the incapability to address underlying causes, e.g. violent ideology, psychological trauma in conflict areas, etc. is a part of this model's weaknesses.

Finally, the criminal justice model also impacts to slow response for collecting evidence, even less as the terrorists develop tactics to eliminate evidence. Not having the specific prison and treatment in prison make the terrorists able to communicate with the networks. Moreover, in development of police tactics in intelligence are exposed in trials, the terrorists can develop counter tactics, e.g. mobile phone tapping.

VI. Conclusion

Based on the condition in Philippines, Singapore, Malaysia, and Indonesia, there are three evaluations on counter-terrorism strategy which is based on hardline approach. Firstly, the military focused approach in Philippines is proven with the highest risk, both materially and non-materially. This includes the situation in which government losing its face and legitimacy before their own citizen and other public such as Islamic world and human rights citizen. This approach is similar to the one chosen by United States in countering terrorism. Therefore, the impacts and risks are considerably same, such as loosing morale legitimacy and igniting civilian hatred over her aggressiveness.

Secondly, the intelligence focused approaches in Singapore and Malaysia are maybe reputed as the appropriate approach for countering terrorism with its lesser use of firepower. But, both governments could lose their legitimacy and support from their people. Meanwhile, the law-enforcement focused approach in Indonesia achieves significant success, especially in gaining the legitimacy and support. However, it needs to build the short-term strategy to counter-terrorism.

The decision on choosing one approach over the others is diverse, based on respective

Table 1. Summary: Application of hard power CT in SEA

Country	Strategy	Reasons	Strengths	Weaknesses
Indonesia	Law-enforcement Focused	– Liberal democratic country – Moslem majority society (85%) – National law categorized terrorism as a crime and terrorist as a criminal	– Success in revealing and disrupt network – Apprehending most of senior leaders – Gain legitimacy and supports	– Unable to ensnare non violent – Unable to stop extremism – Unable to stop rebuilding of disrupted network – Unable to address root causes
Philippines	Military focused	– Groups with significant firepower – Groups hold territory – Strong influence of military in politics	– Could control and take over territory quickly – Disrupt network, esp. commanding leaders and operatives – Reduce firepower significantly	– Frequent excessive use of force – Undermine Law Enforcement efforts – May legitimize terrorists – Possibility of losing popular supports – Unable to address root causes
Malaysia	Intelligence focused	– Enabled by legislation (ISA) – Weak military capabilities of terrorists	– Quick confinement of movement – Could lead to long-term victory	– Possibility of losing legitimacy and support due to any abuse of power or law – Liable to exploitation by political opponents which diminishes supports
Singapore	Intelligence focused	– Enabled by legislation (ISA) – Weak military capabilities of terrorists Strong political will by politicians and community	– Quick confinement of movement – Could lead to long-term victory As above – Favorable in Post 9/11	– Possibility of losing legitimacy and support due to any abuse of power or law – Liable to exploitation by political opponents which diminishes supports

government's basic understanding towards the ideology. Any government who lacks understanding on the ideology and also on Islam seems likely to only pour oil onto the fire that escalates the armed conflicts. The governments apply democracy, accountability, and criminal justice system to make sure that civilians have control to the state public policy. Therefore, the civilians have rights to correct governments' policies, rules and movements. Then, public supports would not only strengthen the legitimacy of the government, but also exterminate the terrorist influence among people.

Aside from above conclusion, there is wider space for further discussion of the discourse in different regions. The discussion may include not only the effectiveness of the approaches in other areas suffering from terrorism acts, but also the impacts of the implementation. Further discussion may also cover the role of civil society that hasn't been examined here. This includes their role in utilizing space created by democracy, accountability, and criminal justice system, to protect themselves from the influence of radicalization, to naturally conduct moderation effort, as well as to promote modern, comprehensive and benign Islamic values.

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