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THE ROLE OF THE NATIONAL POLICE IN ADDRESSING INSURGENCIES IN INDONESIA



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INTRODUCTION

Since the beginning of the twentieth century, in step with the development of democratic values, the international relations system has undergone a paradigm shift from *realism* to *liberalism* and then towards *constructivism* (Wendt, 1992). The anarchic international system that lacked a single global government and that was dominated by state actors began to change with the emergence of non-state actors, such as international NGOs. This in turn led to a new system of world order, in which the strength and influence of these non-state elements caused the authority of state actors to decline.

The development of *constructivism* was marked by the effort of several state and non-state actors to establish values and norms that could be universally applied. The strength of some of the non-state elements caused several state actors to accept these norms, so that even though no system of global government ever emerged, the world became more orderly and less anarchic because of respect for and acceptance of the construction of these norms.

This paradigm shift had a huge influence on global interaction in all areas. In the context of war, *liberalism* and *constructivism*, which grew stronger after the Second World War, helped to reduce the quantity and quality of incidents of hostilities between states. War itself is nothing less than the extension of politics when no peaceful solution can be found. Conversely, the strengthened role of non-state actors has created new potential for conflict and violence, in which these non-state actors can engage in conflict with other non-state actors, with states, and even with groups of states. Violent conflict between drug cartels in Latin America is one example of a conflict between non-state actors. The MILF insurgency in the southern Philippines is a form of conflict between a non-state actor and a state (Karnavian, 2009), whereas Al Qaeda's acts of terrorism against the West illustrate violent conflict between a non-state actor and a group of states (Phares, 2005 dan Howard, 2006).

This liberal and constructivist global paradigm shift has also affected the potential for conflict in the ASEAN region. Regional ASEAN institutions that originally were not oriented toward security have over time made the region one of the most stable in the world. Apart from a few border disputes among its members, there has not been a single war between members of ASEAN since it was established in 1967. So well has it succeeded in constructing norms for interaction among its members that many observers consider that ASEAN over time has become a security community, and can serve as a model of regional security for other areas (Tomotaka, 2008).

Even so, ASEAN is not free from the potential for violent conflict by non-state actors. The Philippine government is still struggling to end insurgencies in the south, as are Thailand and Myanmar. Indonesia was able to end the conflict with the Free Aceh Movement (Gerakan Aceh Merdeka, GAM) in 2005, but it still faces problems from acts of violence by radical Islamist networks and Papuan separatists.

This presentation is intended to explain the potential for conflict that the Indonesian government faces from non-state actors, which I believe should be seen as forms of insurgency; the strategy for confronting them; and the role of the Indonesian police in this strategy, as the primary institution for protecting internal security.

UNDERSTANDING INSURGENCY

In the literature of Strategic Studies, a branch of International Politics, insurgency constitutes a form of irregular warfare, which differs from conventional war, or regular warfare.

According to Bard O'Neill (2005), insurgency is *"...a struggle between a non-ruling group and the ruling authorities in which the non-ruling group consciously uses political resources (e.g, organizational expertise, propaganda, and demonstrations) and violence to destroy, reformulate, or sustain the basis of legitimacy of one or more aspects of politics"*. In another definition, Wilkinson (2001) terms it *"revolutionary warfare"*, that is *"...a struggle between a non-government group and a government for political and social control of people in a given national territory"*. Insurgency is thus characterized by the presence of non-state actors fighting a state and using political and military resources with the aim of taking power.

There are four basic strategies for any insurgency: conspiracy, urban warfare, gradual, and *military-foco* (O'Neill, 2005). The conspiracy strategy is implemented without involving the masses: it is enough to take power through the elite, for example, with a coup d'état. Urban warfare is frequently undertaken through terrorism and sabotage in cities, for example by exploiting the complexity of urban life both to find shelter and as a source of logistics. The gradual strategy is applied through three main stages: *strategic defensive*, *strategic stalemate* and *strategic offensive*. The classic example of a gradual strategy was the Communist struggle of Mao Tse Tung when he sought to take power from the Nationalist government (Baylis *et. al.*, 2002). At the *strategic defensive* stage, Mao formed an organization, recruited the rural masses by selling the Communist ideology, built a network of military force and launched limited attacks using terrorist and guerrilla tactics. At the stage of *strategic stalemate*, Mao's military strength enabled him to begin to challenge the state openly through guerrilla and conventional warfare, while when he moved to *strategic offensive*, Mao was able to wage large-scale military attacks that the government was unable to put down.

Che Guevara's struggle in Latin America, including his aid to Fidel Castro to take power in Cuba, is the classic application of the strategy of *military-foco* or *military focus* (Johnson, 2006). This strategy does not require the establishment of an organization to take over mass bases and build a large military force. Guevara wanted only to form small military units but ones that were flexible, with high mobility, that had the capacity to undertake sabotage and guerrilla attacks on government military units with hit-and-run tactics. The success of these units in defeating state military force, and their capacity to evade capture made the state frustrated and lowered its credibility in the eyes of the public. One result was to make other resistance groups more willing to attack the state and led to the formation of more small units. The snowball effects continued until the small units became larger, and eventually were able to defeat state military forces, causing the government to surrender.

From the literature of the contemporary radical Islamist terrorist movements, these last two strategies resemble the strategies of *qital nikayah* and *qital tamkin* (ICG, 2010 and Maqdisi, 2009). *Qital tamkin*, the concept of Abu Muhammed Maqdisi, a hugely influential radical scholar, strongly resembles the gradual strategy in its emphasis on the need to build

up a mass base, whereas *qital nikayah*, a concept favored by al-Maqdisi's protégé, the late Al Qaeda leader Abu Musab Zarkawi, suggests a form of struggle that does not require a mass base but rather makes repeated attacks with small forces with the aim of weakening the enemy.

In confronting insurgencies, the government must pay attention to several principles. An insurgent war is one undertaken for public support. Whoever wins that support will win the war. Insurgencies can only be sustained with popular backing, because the community is the source of supplies, recruitment, refuge and so on. Because of this, the key to defeating insurgents or terrorists is the ability to win public support, both at the local and international levels (Ashour, 2009). The next principle is to use minimum force to prevent unnecessary collateral civilian deaths so that the community does not develop an antipathy toward the state. Another important principle is the need for effective propaganda and counter-propaganda, because propaganda can have a major impact on public opinion and can influence the masses about whether or not to support the insurgents (Ramakrishna dan Tan, 2002).

The debate between Marc Sageman (2008) and Bruce Hoffman (2006 and 2008) on the best strategy for handling terrorism was also inspired by the strategies for handling insurgencies. Sageman claims that dealing with the roots of the problem is more important than acting against terrorist networks, while Hoffman believes that destroying networks and organizations, Al Qaeda, will neutralize the terrorism threat.

The thinking of Louise Richardson (2005) offers another approach to handling insurgencies. Richardson, who undertook research on terrorist and insurgent groups around the world, says three factors cause the emergence of terrorism and insurgency: *disaffected persons*, an *enabling group* and a *legitimizing ideology*. To neutralize them, therefore, there needs to be a means of addressing the dissatisfaction of the individuals involved, stopping the organization and neutralizing the ideology that permits and indeed recommends acts of violence.

INSURGENCY IN INDONESIA

Using the definitions of insurgencies by O'Neill dan Wilkinson outlined above, we can see that Indonesia today is confronting at least two kinds of insurgent groups: radical Islamist and separatist (ethno-nationalist).

Violent acts by radical Islamist networks began to be prominent during the post-Suharto Reform era and are often seen as simply terrorist phenomena. But for me, these actions are not so simple and are undertaken by interconnected networks that are more appropriately seen as an insurgent movement. If terrorism is defined as "*The use of force or threat use of force against civilians/non combatants for political or ideological purposes*", then in fact terrorism is nothing more than an insurgent tactic targeting civilians or non-combatants (Merari, 2007). This tactic is chosen primarily because of limited strength and resources compared with the enemy/government, so that by attacking civilians and showing the state's inability to protect its citizens, the terrorists will cause the government to lose its authority and legitimacy. They calculate that in the long term the public will give its support to the terrorists who will have a better bargaining position because of their ability to pressure the government.

The radical Islamist network in Indonesia does not just attack civilian targets with the motive of pursuing the ideology of jihad. In several incidents its members have attacked the security forces, including military combatants. They also have a clear political aim of taking power and changing the Indonesian state, which they view as secular, into an Islamic state based on their version of Islamic law (*shari'a*). To achieve this goal, the network uses political resources such as establishing official organizations (above-ground), leaving the acts of violence with terrorist tactics to be undertaken by a closed network (*underground*).

This network, if examined closely, has its origins in the Darul Islam movement that during the period 1949-1962 waged an insurgency against the Indonesian government (Dengel, 1995 dan Temby, 2010). After the movement was crushed, new groups emerged with the same goal, that is, to establish the Islamic State of Indonesia (Negara Islam Indonesia, NII). Today, these groups include NII, al Jamaah al Islamiyyah (JI), Jamaah Ansharut Tauhid (JAT), Tawhid wal Jihad and a number of small groups with very flexible structures. The network has a significant presence in almost every province with the exception of only small cells in Jambi, Kepulauan

Riau, Bangka Belitung, Kalimantan Barat, Kalimantan Selatan, Kalimantan Tengah, Maluku Utara, NTT and Papua.

From several confiscated documents, we can conclude that the network uses two main strategies to try to achieve its version of an Islamic state: the gradual and the *military-foco*. In JI's main organizational document, the General Guidelines for the Struggle of al Jamaah al Islamiyyah (Pedoman Umum Perjuangan al Jamaah al Islamiyyah, PUPJI), seized by the police in 2003, we can see that JI applies a gradual strategy. There are three phases of its struggle (*Al Manhaj Al Harakiy Li iqomatid Dien*): preparation to establish an Islamic state, realization of that state, and finally the establishment of a world caliphate (Pavlova, 2006).

In the first stage, the focus is on building an organization, developing strength and using that strength. The effort to build an organization (*taqwinul jamaah*) consists of determining the leadership, forming core groups, establishing a clandestine organization (*tanzim siri*), applying the principle of doing good and avoiding evil (*amar maruf nahi munkar*), and establishing an institution for enforcing religious discipline (*hisbah*). The effort to develop strength (*taqwinul quwwah*), is to be accomplished through education, religious outreach (*dakwah*) and moving to an area where Islamic law can be applied (*hijrah*); developing a doctrine of jihad as battle (*qital*); developing military forces (*tajnid*); setting up a secure area (*qoidah aminah*); undertaking military training (*i'dad*); building a financial system (*tamwil*) and an intelligence network (*jasus*); and collaborating with like-minded groups (*tansiq bainal jamaat*). Then, in the phase of using force (*istikhdamul quwwah*), warnings will be given to the opposing side to submit and cease all obstructions to establishing an Islamic state. If the enemy fails to heed the warning, a jihad (*jihad musallah*) will be launched. When the group reaches the stage of establishing an Islamic state, it will form a state authority, issue regulations, form an armed force and continue the jihad for a global caliphate.

Even though some JI leaders, such as Abu Bakar Baasyir, denied any association with PUPJI, interviews with several JI leaders such as Nasir Abas (2006), Ali Imron, Abu Rusdan, Ahmad Roihan, Hambali and many others, and the writings of others who earlier denied it (Baasyir, 2006, 2007, dan Awwas, 2003), confirmed that PUPJI was indeed the document that laid out the strategy for the JI struggle. It is thus clear that JI had adopted the

strategy of gradual insurgency to achieve its political goals. Using the framework of a three-phase strategy of gradual insurgency as outlined by O'Neill, JI was only at the first: *strategic defensive*. The JI organization, both open and clandestine, had been established; a radical doctrine had been developed and recruiting and training were underway (as in Aceh in 2010); firearms and explosives had been mastered, and efforts to gain popular support were underway. All that was needed was limited attacks to undermine the authority of the government and the West. If they had succeeded, there is a possibility that they could have continued on to the next phases of *strategic stalemate* and *strategic offensive*.

The second strategy used by the radical Islamist network was *military-foco*. The application of this strategy was marked by a number of actions by small groups without direct instruction from the organization. Several cases using this model took place, among them the operations of Noordin M. Top and Dr. Azahari after the 2002 Bali bombing, which according to JI insiders were not authorized by the leadership. There are several other cases of "lone wolf" attacks, including the 2006 bombing of an A&W restaurant in East Jakarta and the so-called bicycle bombing in 2010 of a traffic police post in Bekasi. These actions were more driven by ideological aspects, namely the desire to undertake jihad that the perpetrators considered *fardu ain* or obligatory for all Muslims, rather than from a political desire to seize power. Their hope was that in undertaking these actions, their obligation to wage jihad would be fulfilled and would inspire others to do the same. The snowball effect would cause *military-foco* actions to spread and be copied by others until a large movement had been generated to use violence against the government.

A separatist insurgency is also taking place in Papua. The goal of several insurgent groups in Papua is clear – to separate Papua from the NKRI and become an independent state. Unlike the Free Aceh Movement or Fretilin in East Timor, which each had a single network and command structure, the separatist movement in Papua is extremely fragmented. There is no single commander and every group has its own leaders. This is more the result of the social system which is still based on clans.

From the perspective of their actions, there are two kinds of movements in Papua. The first relies more on non-military means. In Papua province, the best example is the West Papua National Committee (Komite Nasional

Papua Barat, KNPB) based in Jayapura. The primary activity of this group is to spread propaganda in the local and international media, including through its website. Another is to mobilize mass demonstrations to raise the issue of independence, a referendum, and human rights violations and so on. International diplomatic activities are conducted by a KNPB contact, Benny Wenda, who tries to mobilize international support. The recent opening of an OPM office in Oxford is one of his maneuvers.

Another prominent non-military group is the West Papua National Authority (WPNA) based in Manokwari. This group is smaller than KNPB and has cells in Biak, Serui and the city of Sorong. Its activities are also primarily mass mobilization, demonstrations and use of the media for propaganda.

Violent military actions are undertaken by an armed network usually called the National Liberation Army-Free Papua Organization (Tentara Pembebasan Nasional – Organisasi Papua Merdeka, TPN-OPM). Three main networks are known. *The first* is one that acknowledges Goliath Tabuni as its commander. It is based on Mt. Tinggineri, Kabupaten Puncak Jaya and has cells throughout the regencies of Puncak Jaya, Puncak, Tolikara, Mimika, and Paniai. *The second* recognizes Mathias Wenda as commander. Its headquarters is in the area of Sandaun Province, Papua New Guinea on the border with Indonesia and is known as Markas Victoria. Cells of this network are in the regencies of Kerrom, the Koya border, Puncak Jaya and Lanny Jaya. *The third* is the network that admits Hans Richard Yuweni as leader and is based in the jungle around Depapre, Jayapura regency. Its cells can be found in the city of Jayapura, Sarmi, Mamberamo Raya, Waropen, Yapen, Biak, Sorong and Raja Ampat.

These networks have memberships based on ethnicity and limited numbers of weapons. Their weapons come mainly from raids and thefts of firearms from the Indonesian police and military, but they also purchase from gun dealers in PNG and the southern Philippines; the weapons come in through the North Sulawesi sea to Nabire. They also buy bullets from rogue soldiers and police. They have a low level of logistic support and minimal financing, and lack a strong doctrine to build an armed movement. They rely more on a *military-foco* strategy, using small-scale guerrilla tactics to target members of the military and police. They also occasionally use terrorist tactics aimed at civilians, especially non-Papuan migrants.

Looking at the actions undertaken by the Papuan insurgencies, the movement is still sporadic, divided and lacking a clear strategy. It is true that the KNPB has tried to pull together all military and non-military networks in the effort to build a collective gradual strategy, but it has never succeeded because of the high degree of ethnic sentiment as well as a strong division between the coastal and highland peoples, who each have their own special character and who do not like to be under the command of the other.

STRATEGIES FOR ADDRESSING INSURGENCIES IN INDONESIA

To address the two kinds of insurgency outlined above, the Indonesian government has used hard and soft approaches simultaneously. Initially, to address radical Islamist networks and separatism, the government, especially during the time of Suharto, favored a hard approach, using the military as the vanguard. In the case of Darul Islam, this option succeeded reasonably well in ending the conflict, although the group retained its ideology and metamorphosed into some of the radical groups we have today. But the military option did not succeed as well with groups like GAM, Fretilin and the OPM Papua. All these groups survive and Fretilin was even able to win enough local and international support to result in the emergence of the independent state of Timor-Leste. In the case of Aceh, violent conflict ended with a peace agreement that in the eyes of some parties was more advantageous to GAM than to the government.

In addition to the military option that did not promise to end the insurgency, the change in the international political climate after the end of the Cold War in the 1990s made the military option less effective. Fukuyama (1992) claimed that the history of conflict between major ideologies had ended, and world civilization was all moving toward liberal democracy. Indonesia was hit by this storm in 1998 that led to the fall of the semi-authoritarian New Order and the development of the liberal democracy known as "Reformasi". The noteworthy characteristics of this democracy were the supremacy of law, civilian government, protection of human rights and liberalism in all fields in a way that influenced the way the state and all problems in it were managed.

In the context of addressing insurgencies, the military option was considered inappropriate in this new climate. Civilian government, society, parliament and the media as well as different pressure groups opposed

military operations as a way of resolving conflict. Post-Suharto governments therefore gave primacy to soft approaches focused on dialogue, building prosperity and enlightened ideologies, as well as other peaceful means. In addition, where the hard approach was used, it was undertaken through law enforcement, especially to address acts of violence and other crimes.

In this framework, the government put forward the police as the agency responsible for enforcing the law against the network of radical Islamists. To realize this policy, the police in 2002 formed the Bomb Task Force (Satgas Bom) and in 2003, a special unit called Special Detachment 88 for Countering Terrorism. At a higher level, to improve inter-agency coordination, the Coordinating Ministry for Political, Security and Legal Affairs established a Special Desk for Handling Terrorism (Desk Khusus Penanggulangan Terorisme, DKPT). But aware that law enforcement alone could not solve the complex problem of terrorism, the President in 2010 set up the National Counter-Terrorism Agency (Badan Nasional Penanggulangan Terorisme, BNPT) with the primary task of coordinating the efforts of law enforcement and intelligence, as well as implementing activities aimed at prevention and rehabilitation, that Detachment 88 had had little time or resources to address.

Looked at strategically, the application of a law enforcement strategy was appropriate because there was a major opportunity to win public support at the national and international levels, which is seen as crucial to victory in addressing insurgency. Law enforcement officials used minimal force because they had to ensure that everything was done in accordance with the law and that human rights of terrorist suspects were protected, so that the public would accept the action taken by the government and realize the terrorists were violating the law, rather than being fighters for freedom or religion. On the other hand, the weakness of this strategy was that action was sometimes delayed because of the need to obtain evidence first, which was sometimes difficult because the terrorists understood the need to avoid being ensnared by the law. With a focus on due process, the system of gathering evidence became a major obstacle for law enforcement to bring a suspect to court, especially as the law was weak and did not address various tactics and actions of the perpetrators which were in fact part of the strategy of their struggle. In many countries, because terrorism is considered an extraordinary crime, terrorist tactics are neutralized by what is called a *crime control model*. This has its supporters and critics because

the crime control model has the potential to violate human rights and reduce civil liberties. But with the great risks to national security, it is necessary to find a legal formula that can balance protection of civil liberty and national security (Pollock, 2007).

To address insurgency in Papua, the government believes that the root of the problem lies more in economic well-being than with ideology or other factors. Marc Sageman (2004) states that the three main motives for terrorists are ideology, emotion and material gain. If for the radical Islamist networks, the government believes that the major motive lies in radical ideology (Salafi Jihadism), so that it looks to counter-ideological means as a way toward resolution, it believes that for Papua, the main driver is economic, so that the antidote is to speed up development to raise the standard of living of Papuans.

To realize this policy, the government in 2001 pushed for the creation of Law No. 21/2001 on Special Autonomy for Papua. The law gave many special rights to the Papuans in the political, economic and socio-cultural spheres. For example, it specified that the head of government must be an indigenous Papuan, created the Papuan People's Council to handle customary issues and provided special funding to speed up development. Since 2002 the division of the region has been extraordinarily fast. In 2001 there was only one province; now there are two, Papua and West Papua. Where there were once only ten regencies, now there are 43 so that for 2013, the amount of money in the two provincial budgets reached a staggering Rp. 61 trillion [US\$6 billion], not counting the Rp 33 trillion [US\$3 billion] in special autonomy funds that are managed by the provincial governments and various ministries in Jakarta.

Despite many critics who see special autonomy as having failed to bring prosperity to the people of Papua, many others, both in and out of Papua, believe that special autonomy has succeeded in speedily developing Papua's economy. The size of the budgets in newly created regencies and special autonomy funds have spurred development in many areas, along the coast as well as in the highlands.

As with radical Islamist movements, the law enforcement approach with the police in the vanguard has been used to confront violators of the law from the insurgent movement in Papua. The police have taken legal steps to address mass mobilization, demonstrations, and acts of violence that

violate the law. The military, whose numbers exceed those of the police in Papua, is assigned to help the police to safeguard stability and security in addition to guarding the border areas.

With the strategy of applying hard and soft approaches simultaneously, the radical Islamist and Papuan separatist insurgencies can be more or less managed, if not eradicated. Based on the principle of addressing insurgencies through a focus on public support, political legitimacy and propaganda, these principles can be upheld through the soft approach (deradicalization and economic improvement) with the law enforcement option as the form of the hard approach. The soft approach stressing improved welfare and counter-ideology can be accepted by the public at a local, national and international level. If the two forms of insurgency in Indonesia are still taking place, it may be not because the strategy is problematic, but because it has not been fully implemented.

THE ROLE OF THE POLICE IN THE FRAMEWORK FOR ADDRESSING INSURGENCY IN INDONESIA

In the framework outlined above, the police have a central role, especially in law enforcement. The police are expected to prevent insurgent violence, in addition to detecting, exposing and preparing prosecutions for violations of the law committed by insurgents. Effective law enforcement can have a deterrent effect and put pressure on insurgents while at the same time securing legitimacy and support from the public. To fulfill this role the police must have the capacity for good detection and scientific criminal investigation, as well as a strike force capable of operating in various fields.

That capacity has developed well with the formation of Detachment 88. It has a detection unit able to do analysis using the latest technology, a team for technical intelligence, several extremely well-trained surveillance teams and a team for informant handling. The capacity for scientific investigation is well-developed, with an interrogation team that understands the culture of terrorist networks, and an investigation team rich in experience, as well as technical support from the Forensic Laboratory Center, the Disaster Victim Identification (DVI) team, and the Indonesian Automatic Fingerprints Identification System (INAFIS) team that can help with identification. Operational support is also provided by the Bomb Task Force (Satgas Bom) created after the 2002 Bali bombings. The Task Force can operate very flexibly because it does not fall within the permanent structure of the

police. Its members can be recruited and released from different work units within police headquarters or regional commands without going through cumbersome bureaucratic procedures.

In terms of its tactical capacity as a strike force, Detachment 88 receives support from the Mobile Police Brigade (Brimob). Members of tactical units receive special training in modern weapons so that they can operate in urban environments. In addition to the uniformed members (high profile), there are also teams for clandestine actions who wear civilian clothes (low profile).

With all this capacity, Detachment 88 and the Bomb Task Force have been able to put pressure on terrorist networks. Since 2002, hundreds of perpetrators have been prosecuted and brought to justice in open trials.

Despite the success of these units, the threat of terrorism has not been entirely neutralized. The networks continue to develop, and terrorist incidents continue to take place even now. The primary weakness stems from the less than maximal effort at prevention and rehabilitation, as well as the capacity of law enforcement which is not yet effective. Cronin (2009) claims that based on her research on a number of terrorist and insurgent groups around the world, terrorism and insurgency can end in six different ways: strong pressure from the state, political negotiations, tactical changes in the struggle away from violence and toward the adoption of peaceful means; loss of leadership; loss of public support; and achievement of terrorist or insurgent goals. State pressure alone cannot guarantee an end to terrorism or insurgency. Other methods may be needed in addition to pressure from the state through the use of force.

Prevention efforts have not really been covered by Detachment 88, the Bomb Task Force, or other elements of the police. Detachment 88 has engaged in some very limited prevention and deradicalization activities. Efforts in this field are more the focus of BNPT, which has undertaken many initiatives, including outreach to moderates and radicals alike, as well as campaigns aimed at the general public. The main problem is that these efforts have not reached the terrorist network so the results are not yet optimal. BNPT needs a grand strategy for prevention and rehabilitation or deradicalization that has a solid academic base in order to coordinate all resources of the state, including the police, to put in place a soft approach.

Another constraint is the law, because of the many weaknesses in the current legal system. Law No. 15/2003 on Eradicating the Crime of Terrorism was simply the parliament's enactment of a government regulation known as Perpu No. 1/2002 that was issued on an emergency basis as a response to the first Bali bombing. The main elements in this law were to define different forms that terrorism could take, give heavy penalties, add some additional powers for law enforcement officials so they could address the Bali bombing effectively, and make changes in criminal procedure that would facilitate prosecutions. At that stage it was still unclear who the Bali bombers, let alone their ideological or political motives. Now the terrorist networks have been torn wide open, their strategies and tactics are known, even their ideological motives are understood. Ideally the law should be revised and strengthened to limit the terrorist movement's room for maneuver so that it cannot develop further, including by addressing aspects of prevention and rehabilitation.

Another weakness of law enforcement is the limited capacity of tactical units to operate in theatres other than urban settings. The ability to operate in jungles and mountainous areas is not yet optimal, making tactical operations there difficult, such as the operation against the radical training camp in Aceh in 2010 and ongoing operations since 2012 against Santoso's group in the Poso mountains. This weakness has been caused primarily by the changes in the police since 1998 that led to the gradual abandoning of Brimob's capacity for counterinsurgency (known as Guerrilla Anti Guerrilla, GAG) as the police became a civilian institution.

As for the insurgency in Papua, the national police assigned the regional police command (Polda) in Papua to handle it, with support from other units including the Criminal Investigation Agency (Bareskrim), Brimob, and the Intelligence Security Agency (Baintelkam). Following the central government's policy of emphasizing an economic development approach to resolving the insurgency, Polda has implemented a parallel policy.

The soft approach is undertaken through community policing activities (Binmas) as well as an intelligence approach toward the insurgent network and its supporters and an effort to build support of Papuans toward the state. Polda has undertaken several "soft" operations such as *Sahabat Matoa* and *Aman Matoa* that give primacy to the functions of intelligence, community policing and public relations. The cultural and religious

approaches have also been used, given the strength of the customary (*adat*) and church networks in Papua. Formal and informal approaches to the local bureaucracy have also been made since this network is also very influential.

In terms of the hard approach, law enforcement is always conducted in a proportional manner and with minimum use of force. By “proportional”, we mean in accordance with existing law, both *adat* and national law, although frequently *adat* law is more effective and efficient in resolving problems in Papua than is national law. By “minimum force” we mean that in applying forceful methods, we try to ensure that there are no victims, either from the side of the police or the suspects.

To put these policies into effect, Polda strengthened its capabilities for detection and scientific investigation as well as its tactical strike force capacity. Detection capability was strengthened by the formation of a technical intelligence and analysis team together with a special task force at the level of Polda and several local police commands (Polres) that have the capacity for surveillance and informant handling. Polda’s intelligence unit has been active in supporting and strengthening the Regional Intelligence Community (Komunitas Intelijen Daerah, KOMINDA) in Papua and West Papua so that it can undertake detection and covert operations (*penggalangan*) activities. Scientific investigation capacity has been developed by giving training to investigators from Polda and regency- and subdistrict-level commands (Polres and Polsek), with support from the INAFIS team. In several cases, the Criminal Investigation Agency has also actively supported investigations, while Polda’s Brimob unit has improved its strike force capacity with support from a unit from Brimob headquarters. Occasionally tactical operations are supported by a TNI unit.

Even though law enforcement has seen many successes and many cases of violence have been resolved, there is room for improvement. Weaknesses stem from the lack of trained task forces, especially at the Polda and Polres levels, in the fields of surveillance, undercover operations and informant handling. They still use conventional manual methods and do not have the technology that Detachment 88 uses. Funding for these special task forces is very low, because they still rely on the routine budget. The absence of a forensic laboratory in Papua is also an important constraint in undertaking scientific investigation. Almost all cases of violence involve shooting.

Evidence in the form of bullet shells and cartridges have to be sent to the laboratories in Makassar or Jakarta and this takes a long time.

Likewise for tactical operations, the problem is the same as the one we confront in handling the Islamist radical networks: the Brimob units lack the capacity to undertake operations in jungle and high mountains where the oxygen is thin. As a result, it is difficult to move against armed groups whose members are born and brought up in the mountains. Another obstacle in law enforcement is the insufficiency of equipment and training for riot control. The huge geographic area, the mountainous terrain and remote islands as well as the limited transportation infrastructure, both for official and commercial travel, mean that back-up systems in police operational management do not work well. In the case of social unrest, back-up units from higher levels are slow in coming to the aid of lower levels. The only way out is for the local police to ask for back-up from the nearest military unit. The problem is that the doctrines of the police and military differ, and the risk is that there could be excessive use of force and the potential for human rights violations

CONCLUSIONS AND RECOMMENDATIONS

From the analysis above, we can draw several conclusions as follows:

1. The paradigm shift in world order toward liberalism and constructivism has increased the potential for conflict involving non-state actors. One example is the conflict involving non-state insurgents against the state. In Indonesia, there are two forms of insurgency, Islamist radical networks and separatism in Papua.
2. The government has applied the strategies of soft and hard approaches simultaneously. For radical Islamist insurgents, the government has used the soft approach of countering radical ideologies in the interests of prevention and rehabilitation, while using the option of law enforcement as the hard approach. For separatism in Papua, the government has given primacy to the economic development approach while using law enforcement for the hard approach.
3. The police have done reasonably well in handling the radical Islamist insurgency using Detachment 88 and the Bomb Task Force as its vanguard. Many constraints prevent them from achieving maximum results, however.

BNPT has taken the lead in implementing the soft approach, but the contribution of the police in this area is not yet optimal.

4. In the case of Papua, the police have given the Papua regional police command (Polda Papua) primary responsibility for addressing the insurgency. Polda is implementing a parallel policy to the economic development approach of the government. Polda is supported by police headquarters in promoting the soft approach, with the focus on community policing, intelligence, and public relations. In law enforcement, Polda is trying to apply minimum use of force and build an effective investigation capacity. There is still room for improvement.

Building on these conclusions, we can make several recommendations so that the police can strengthen their effectiveness in handling both radical Islamist and Papuan separatist insurgencies as follows:

1. An understanding of insurgency and counter-insurgency should be instilled in all police officers, in line with their responsibility for internal security and order, especially their role in law enforcement as outlined in Law No. 2/ 2002 on the Indonesian National Police, which puts the police on the front lines in addressing insurgencies in Indonesia.

2. The police must intensify the inclusion of intelligence and community policing function at all levels to implement approaches, co-optation and detection in prevention and rehabilitation efforts aimed at radical Islamist insurgents. For this we need a special budget system within the police budget to support these efforts. The involvement of special regional units is extremely important given the extent of these networks in many provinces. Detachment 88, the Bomb Task Force and BNPT are not able to cover all of these networks.

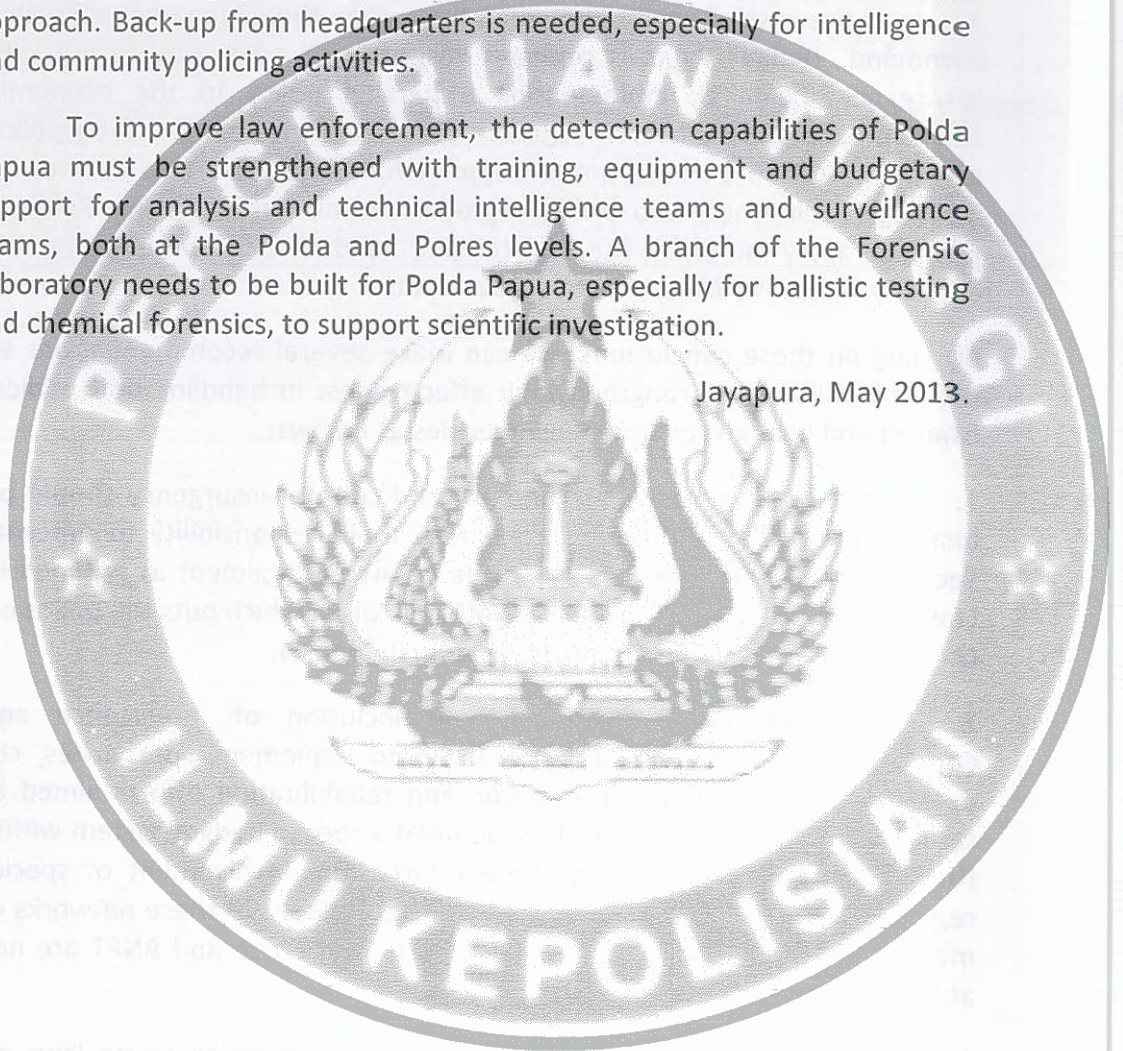
3. The police need to push the relevant agencies to revise laws on terrorism so that they can better protect national security and find a balance between the crime control model and due process of law.

4. The police need to develop the tactical capabilities of Brimob to be more effective in undertaking operations in jungles and mountainous areas while remaining in the framework of law enforcement. This capacity is also important for supporting effective operations of the police in Papua.

5. Intelligence, community policing and public relations of Polda Papua must be strengthened with the support of the necessary personnel, financing and equipment to maximize the effectiveness of the soft approach. Back-up from headquarters is needed, especially for intelligence and community policing activities.

6. To improve law enforcement, the detection capabilities of Polda Papua must be strengthened with training, equipment and budgetary support for analysis and technical intelligence teams and surveillance teams, both at the Polda and Polres levels. A branch of the Forensic Laboratory needs to be built for Polda Papua, especially for ballistic testing and chemical forensics, to support scientific investigation.

Jayapura, May 2013.



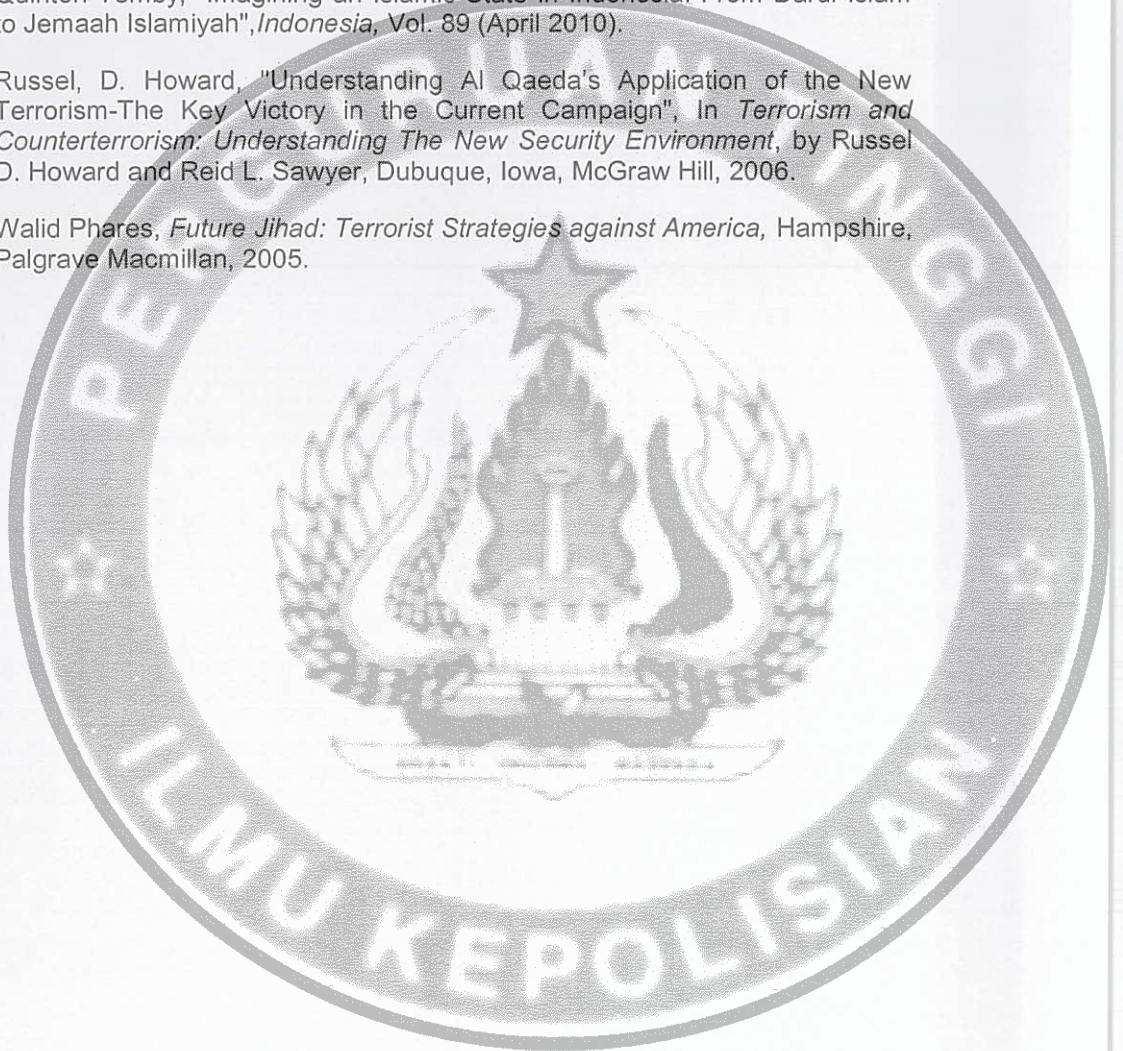
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BIOGRAPHY:



Muhammad Tito Karnavian was born in Palembang on 26 October 1964. After graduating from high school, he was accepted in the Police Academy and graduated in 1987, receiving the Adhi Makayasa Star for best graduating student. His first assignment was in Polda Metro Jaya as a criminal investigator. In 1992 he won a scholarship from The British Council for a master's program in Police Studies. The British education system, which does not have S1 degrees as in Indonesia, made it possible for Tito to take a master's degree at University of Exeter, England and he graduated with an MA degree in 1993. From

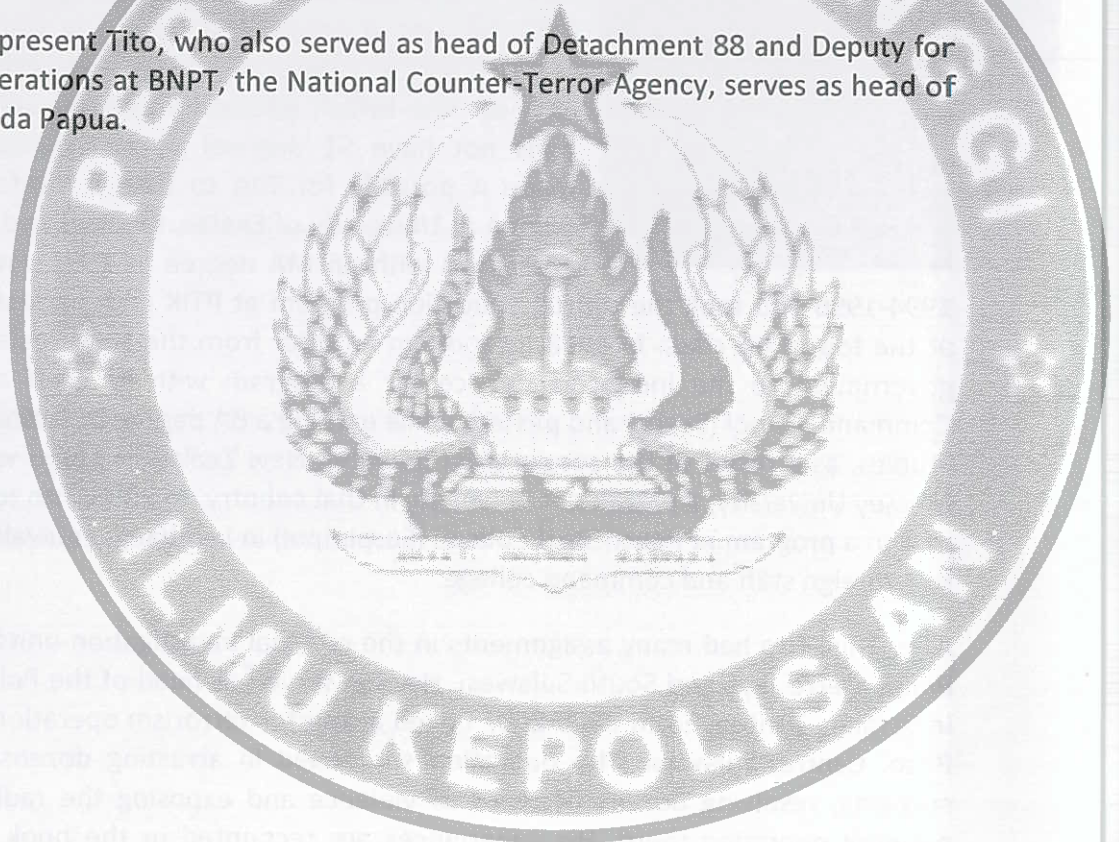
1994-1996 Tito took the official education program at PTIK and graduated at the top of his class. In 1998 he took up an offer from the New Zealand government to the Indonesian police for a program with its Staff and Command School (Sesko) and passed, while earning a BA degree in Strategic Studies, as a result of the cooperation between New Zealand's Sesko with Massey University, a prominent university in that country. In 2000, Tito took part in a program at Police Staff College (Sespimpol) in Lembang, equivalent to a foreign staff and command college.

After this, Tito had many assignments in the criminal investigation units of Polda Metro Jaya and South Sulawesi. He also served as head of the Polres in Serang, Banten. From 2005-2007 he led a counter-terrorism operation in Poso, Central Sulawesi. The operation succeeded in arresting dozens of suspects, resolving dozens of cases of violence and exposing the radical network operating there. His experiences are recounted in the book he wrote with friends who also worked in the operation, entitled *Indonesian Top Secret*, published by Gramedia.

In 2008, Tito secured a scholarship for a PhD program in Strategic Studies, a branch of International Politics, at S. Rajaratnam School of International Studies (RSIS) at Nanyang Technological University (NTU) in Singapore. NTU is included in the category of the 100 best universities in the world and the 20 best universities in Asia. RSIS itself is included in the category of the 50

best think tanks in the world and the third best in Asia. Attracted by the world of terrorism and insurgency, Tito wrote his thesis on Islamic Insurgency, a topic that has been very little explored in the Strategic Studies field, with a case study on the al Jamaah al Islamiyyah movement. In April 2013 he successfully defended his thesis and obtained his PhD with recognition of 2nd Class Upper on 8 Mei 2013. In 2011 Tito also finished a course at the National Resilience Institute (Lemhannas) where he received the Seroja Star award on completion as the best graduate.

At present Tito, who also served as head of Detachment 88 and Deputy for Operations at BNPT, the National Counter-Terror Agency, serves as head of Polda Papua.





ORASI ILMIAH

PERAN POLRI DALAM PENANGANAN INSURGENSI
DI INDONESIA



Irjen Pol. Drs .Muhammad Tito Karnavian, MA, PhD



disampaikan
pada Dies Natalis ke 67

Sekolah Tinggi Ilmu Kepolisian-Perguruan Tinggi Ilmu Kepolisian/STIK-PTIK

Jakarta, 17 Juni 2013



PERAN POLRI DALAM PENANGANAN INSURGensi DI INDONESIA

Oleh: Irjen Pol.Drs. Muhammad Tito Karnavian, MA, PhD

PENDAHULUAN

Sejak awal abad 20, seiring dengan berkembangnya nilai-nilai demokrasi, sistem hubungan internasional sudah mengalami pergeseran paradigma dari *Realisme* menuju *Liberalisme* dan bahkan mengarah pada *Konstruktivisme* (Wendt, 1992). Sistem dunia yang anarki dengan absennya suatu pemerintahan dunia (*single global government*) dan diwarnai dengan dominasi aktor negara mulai perlahan berubah seiring munculnya aktor-aktor non negara, misalnya NGO internasional. Aktor-aktor ini turut menentukan sistem ketertiban dunia. Kekuatan dan pengaruh mereka telah menyebabkan otoritas aktor negara menjadi berkurang.

Perkembangan ke arah *Konstruktivisme* ditandai dengan upaya berbagai aktor negara dan non negara, untuk membentuk nilai-nilai dan norma-norma yang diberlakukan secara universal. Kekuatan aktor-aktor itu telah mampu membuat berbagai aktor negara untuk tunduk terhadap norma-norma tersebut, sehingga meski suatu pemerintahan dunia tidak muncul, dunia telah menjadi lebih tertib dan kurang anarki karena penghormatan dan ketaatan terhadap konstruksi norma-norma dimaksud.

Pergeseran paradigma tersebut berpengaruh besar dalam tata pergaulan dunia di segala bidang. Dalam konteks perang, *Liberalisme* dan *Konstruktivisme* yang makin menguat paska Perang Dunia 2 telah mengurangi kuantitas dan kualitas insiden perang antar aktor negara. Perang itu sendiri tidak lain adalah perpanjangan kebijakan politik yang diambil ketika cara damai tidak dapat menjadi solusi. Sebaliknya, menguatnya aktor non negara telah membuat konflik dan kekerasan yang melibatkan aktor non negara menjadi kian potensial. Aktor non negara ini dapat berkonflik dengan aktor non negara lainnya, dengan aktor negara, bahkan dengan aktor kelompok negara. Konflik kekerasan antar kartel narkoba di Amerika Latin adalah contoh bentuk konflik antar aktor non negara, pemberontakan di Filipina Selatan oleh MILF adalah bentuk konflik antara aktor non negara dengan negara (Karnavian, 2009), dan aksi terorisme Al Qaeda yang menyerang Barat menjadi bukti adanya konflik

kekerasan antara aktor non negara dengan sekelompok negara (Phares,2005 dan Howard, 2006).

Perubahan paradigma dunia yang lebih *Liberalis* dan *Konstruktifis* ini juga berpengaruh terhadap potensi konflik di kawasan ASEAN. Adanya lembaga regional ASEAN yang semula tidak berorientasi pada bidang keamanan, perlahan telah membuat ASEAN menjadi salah satu kawasan yang paling stabil di dunia. Terlepas dari adanya sejumlah sengketa perbatasan di kalangan negara anggotanya, tapi sejak ASEAN didirikan tahun 1967, tidak ada lagi perang antar negara ASEAN. Sedemikian berhasilnya ASEAN mengkonstruksi sejumlah norma tata pergaulan yang dipatuhi negara anggotanya, sehingga banyak pengamat menganggap bahwa ASEAN perlahan akan menjadi suatu komunitas keamanan (*Security Community*), dan dapat menjadi model bagi kawasan lain untuk menciptakan keamanan regional (Tomotaka, 2008).

Namun demikian ASEAN tidak lepas dari munculnya potensi konflik kekerasan oleh aktor non negara. Pemerintah Filipina hingga kini masih berjuang untuk menyelesaikan pemberontakan di bagian selatan negaranya, demikian juga Thailand dan Myanmar. Indonesia telah mampu mengakhiri konflik dengan aktor Gerakan Aceh Merdeka pada 2005, namun masih terus dihadapkan pada persoalan aksi kekerasan oleh jaringan Islamis radikal dan separatisme di Papua.

Paparan ini bermaksud untuk mengupas tentang potensi konflik oleh aktor non negara yang dihadapi oleh pemerintah Indonesia tersebut yang menurut penulis adalah aksi insurgensi, bagaimana strategi menghadapinya dan apa peran Polri, sebagai institusi utama pemelihara keamanan dalam negeri, dalam strategi tersebut.

PEMAHAMAN TENTANG INSURGENSI

Di dalam literatur Strategic Studies, salah satu anak cabang ilmu Politik Internasional, insurgensi merupakan salah satu bentuk "*Irregular Warfare*", yang berbeda dengan perang konvensional atau "*Regular Warfare*".

Menurut Bard O'Neill (2005), insurgensi adalah "*....a struggle between a non-ruling group and the ruling authorities in which the non-ruling group consciously uses political resources (e.g, organizational expertise,*

propaganda, and demonstrations) and violence to destroy, reformulate, or sustain the basis of legitimacy of one or more aspects of politics". Sedangkan Wilkinson (2001) menyebutnya dengan istilah "*revolutionary warfare*" yaitu, "*...a struggle between a non-government group and a government for political and social control of people in a given national territory*". Dengan demikian insurgensi ditandai dengan hadirnya aktor non negara melawan aktor negara dengan menggunakan sumber daya politik dan militer dengan tujuan mengambil alih kekuasaan negara.

Ada empat strategi utama insurgensi: konspirasi, perang kota, gradual, *military-foco* (O'Neill, 2005). Strategi konspirasi dilaksanakan tanpa melibatkan massa, namun cukup dengan melakukan aksi pengambilalihan kekuasaan dengan cepat di tingkat elite, misalnya kudeta. Perang kota (*urban warfare*) banyak dilakukan dengan cara teroris dan sabotase di perkotaan, memanfaatkan kompleksnya kehidupan perkotaan untuk berlindung dan sekaligus sumber logistik. Strategi gradual dikerjakan secara bertahap yang meliputi tiga tahapan utama, yaitu: *strategic defensive*, *strategic stalemate* dan *strategic offensive*. Contoh klasik insurgensi gradual ini adalah perjuangan komunis Mao Tse Tung ketika mengambil alih kekuasaan dari Nasionalis (Baylis dkk, 2002). Pada tahap *strategic defensive*, Mao membentuk organisasi, merekrut massa petani di pedesaan dengan menjual ideologi komunis, membangun jaringan kekuatan militer dan melakukan serangan terbatas dengan taktik terorisme dan gerilya. Pada tahap *strategic stalemate*, saat kekuatan militer menguat Mao mulai menantang negara secara terbuka untuk berperang dengan taktik gerilya dan konvensional. Sedangkan pada tahap *strategic offensive*, Mao melakukan serangan militer besar-besaran sehingga pemerintah dapat ditaklukkan.

Perjuangan Che Guevara di Amerika Latin, termasuk membantu Fidel Castro untuk merebut Kuba, merupakan contoh klasik aplikasi strategi *military-foco* atau *military focus* (Johnson, 2006). Strategi ini tidak memerlukan pembentukan organisasi untuk merebut basis massa dan membangun kekuatan militer besar. Guevara hanya membentuk unit kecil militer, namun fleksibel, mobilitas tinggi, memiliki kemampuan sabotase dan gerilya serta menyerang sasaran unit militer pemerintah dengan metoda *hit and run*. Keberhasilan unit ini mengalahkan unit militer pemerintah dan kemampuan untuk lolos dari penangkapan telah membuat pemerintah frustrasi dan menjatuhkan kredibilitas kekuatan pemerintah di mata publik.

Akibatnya kelompok perlawanan lain menjadi lebih berani dan membentuk unit-unit kecil menyerang pemerintah. Bola salju terus bergulir sehingga unit kecil militer ini membesar dan mengalahkan kekuatan militer pemerintah, hingga pemerintah menyerah.

Dari literatur gerakan terorisme radikal Islamis kontemporer, kedua strategi terakhir di atas mirip dengan strategi *Qital Nikayah* dan *Qital Tamkin* (ICG, 2010 dan Maqdisi, 2009). *Qital Tamkin* yang digagas oleh Abu Muhammed Maqdisi, tokoh radikal Islam yang amat berpengaruh, amat mirip dengan strategi gradual yang memerlukan pembangunan basis massa perjuangan, sedangkan *Qital Nikayah* yang dicetuskan tokoh Al Qaeda lainnya Abu Musab Zarkawi menyarankan bentuk perjuangan yang tidak memerlukan basis massa, namun menyerang terus menerus lawan dengan kekuatan kecil sehingga lawan menjadi lemah.

Dalam rangka menghadapi insurgensi, maka terdapat beberapa prinsip penting yang harus diperhatikan oleh pemerintah. Perang insurgensi sebenarnya perang untuk mendapat dukungan publik (*public support*). Pihak mana yang berhasil memenangkan dukungan publik maka akan menjadi pemenang perang. Insurgen hanya dapat bertahan jika ada dukungan publik, karena publik merupakan sumber logistik, rekrutmen, tempat persembunyian dan lain-lain. Oleh karenanya kunci utama untuk mengalahkan insurgen atau teroris, negara harus mampu merebut dukungan publik, baik lokal maupun internasional (Ashour, 2009). Prinsip berikutnya adalah menggunakan kekuatan minimum untuk menghindari korban kolateral anggota masyarakat yang tidak diperlukan sehingga masyarakat tidak antipati terhadap negara. Prinsip penting lain adalah efektifitas propaganda dan kontra propaganda, karena propaganda akan amat mempengaruhi opini publik dan massa insurgen untuk mendukung atau tidak mendukung insurgen (Ramakhrisna dan Tan, 2002).

Debat antara Marc Sageman (2008) vs Bruce Hoffman (2006 dan 2008) tentang strategi penanganan terorisme juga dapat menginspirasi strategi penanggulangan insurgensi. Sageman mengklaim bahwa penyelesaian akar masalah lebih penting daripada menindak jaringan teror, sedangkan Hoffman yakin bahwa menghancurkan jaringan dan organisasi, seperti jaringan Al Qaeda, akan dapat menetralsir gangguan terorisme.

Pemikiran Louis Richardson (2005) menjadi pertimbangan lain dalam menangani insurgensi. Richardson yang telah melakukan penelitian puluhan

kelompok terorisme dan insurgen di dunia menyatakan adanya 3 penyebab munculnya terorisme dan insurgensi: *disaffected persons*, *enabling group* dan *legitimizing ideology*. Oleh karenanya untuk menetralsirnya, perlu ada upaya untuk menyelesaikan ketidakpuasan orang-orang tersebut, menghentikan organisasinya dan menetralsir ideologi yang membolehkan serta menganjurkan mereka melakukan aksi kekerasan.

INSURGensi DI INDONESIA

Berdasarkan definisi tentang insurgensi sebagaimana diargumentasikan oleh O'Neill dan Wilkinson di atas, maka saat ini Indonesia juga menghadapi setidaknya dua kelompok insurgen: jaringan Islamis radikal dan separatis (etno-nasionalis).

Aksi kekerasan oleh jaringan Islamis radikal yang mulai marak kembali di era Paska-Suharto ini, seringkali dipandang sebagai fenomena terorisme semata. Namun bagi penulis, aksi-aksi tersebut tidak sesederhana itu, aksi-aksi yang dilakukan oleh suatu jaringan yang saling terkait ini lebih tepat dilihat sebagai suatu gerakan insurgensi. Insurgensi lebih luas daripada terorisme. Jika terorisme didefinisikan sebagai "*The use of force or threat use of force against civilians/non combatants for political or ideological purposes*", maka sebenarnya terorisme tidak lebih dari taktik insurgensi dengan memilih target sipil atau non kombatan sebagai sasaran antara (Merari, 2007). Taktik ini dipilih umumnya karena kekuatan dan sumber daya yang dimiliki terbatas, tidak sebanding dengan kekuatan lawan/pemerintah, sehingga dengan menyerang sasaran sipil, pemerintah akan kehilangan wibawa dan legitimasi untuk mampu melindungi warganya. Pada jangka panjang, publik akan mengalihkan dukungannya kepada teroris yang memiliki posisi tawar lebih tinggi karena mampu menekan pemerintah.

Jaringan Islamis radikal di Indonesia, tidak hanya menyerang sasaran sipil dengan motif ideologi jihad semata. Dalam beberapa insiden mereka menyerang sasaran aparat keamanan, termasuk militer kombatan. Mereka juga memiliki tujuan politik yang jelas yaitu ingin mengambil alih kekuasaan dan merubah negara Indonesia yang dipandang sekuler, menjadi suatu negara Islam yang didasarkan pada syariat Islam versi mereka. Untuk mencapai tujuan tersebut, jaringan ini menggunakan sumber daya politik termasuk mendirikan organisasi resmi (*above ground*) dan aksi kekerasan terutama dengan taktik terorisme oleh jaringan tertutup (*under ground*).

Jaringan ini, jika ditelusuri sebenarnya bersumber dari gerakan Darul Islam yang pada periode 1949-1962 melakukan insurgensi terhadap pemerintah Indonesia (Dengel, 1995 dan Temby, 2010). Paska penumpasan gerakan ini, muncul kelompok-kelompok baru dengan tujuan sama yaitu mendirikan Negara Islam Indonesia. Pada masa kini, kelompok-kelompok utama adalah NII (Negara Islam Indonesia), al Jamaah al Islamiyyah (JI), Jamaah Ansharut Tauhid (JAT), Tawhid wal Jihad dan sejumlah kelompok kecil lainnya yang amat fleksibel strukturnya. Jaringan ini hampir ada secara signifikan di semua provinsi di Indonesia kecuali sel kecil di Jambi, Kepulauan Riau, Bangka Belitung, Kalimantan Barat, Kalimantan Selatan, Kalimantan Tengah, Maluku Utara, NTT dan Papua.

Dari berbagai dokumen yang disita, dapat disimpulkan pula bahwa jaringan ini menggunakan dua strategi utama untuk mencapai tujuan politik menegakkan negara Islam versi mereka tersebut, yaitu strategi gradual (*qital tamkin*) dan *military-foco* (*qital nikayah*). Di dalam dokumen utama JI, Pedoman Umum Perjuangan al Jamaah al Islamiyyah (PUPJI) yang disita Polri tahun 2003 dapat dicermati bahwa JI menerapkan strategi gradual. Tertulis bahwa ada 3 tahapan perjuangan mereka (*Al Manhaj Al Harakiy Li iqomatid Dien*) yaitu tahap persiapan untuk penegakan Negara Islam, tahap realisasi penegakan Negara Islam dan tahap mendirikan kekhalifahan dunia (Pavlova, 2006). Pada tahap persiapan untuk penegakan Negara Islam dilakukan upaya untuk mendirikan organisasi, pengembangan kekuatan dan penggunaan kekuatan. Upaya untuk mendirikan organisasi (*taqwinul jamaah*) terdiri dari upaya penentuan kepemimpinan, pembentukan kelompok inti, pendirian organisasi rahasia (*tanzim siri*), penerapan prinsip amar maruf nahi munkar, dan pendirian lembaga untuk menegakkan disiplin agama (*hisbah*). Di dalam upaya untuk mengembangkan kekuatan (*taqwinul quwwah*), dilakukan kegiatan pendidikan, dakwah dan hijrah, mengembangkan doktrin jihad perang (*qital*), pengembangan kekuatan militer (*tajnid*), menentukan daerah aman (*qoidah aminah*), melaksanakan latihan militer (*i'dad*), membangun sistem keuangan (*tamwil*), membangun jaringan intelijen (*jasus*), dan berkolaborasi dengan kelompok sejenis (*tansiq bainal jamaat*). Kemudian dalam tahap penggunaan kekuatan (*istikhdamul quwwah*) dilakukan upaya memberikan peringatan kepada pihak yang bertentangan untuk tunduk dan tidak menghalangi pembentukan negara Islam serta melaksanakan jihad (*jihad musallah*) ketika peringatan tersebut tidak diindahkan. Selanjutnya pada tahap pembentukan negara Islam, maka dilaksanakan kegiatan membentuk

otoritas negara, membuat aturan hukum, angkatan bersenjata, dan meneruskan jihad perang hingga terbentuknya kekhalifahan dunia.

Meskipun PUPJI ini dibantah oleh beberapa tokoh JI, seperti Abu Bakar Baasyir, namun interview dengan sejumlah tokoh JI sendiri seperti Nasir Abas (2006), Ali Imron, Abu Rusdan, Ahmad Roihan, Hambali dan masih banyak lagi, serta tulisan para tokoh yang membantah tadi (Baasyir, 2006, 2007, dan Awwas, 2003), mengkonfirmasi kebenaran isi PUPJI tersebut sebagai dokumen strategi perjuangan JI. Dengan demikian jelas bahwa JI mengadopsi strategi gradual insurgensi untuk mencapai tujuan politiknya mendirikan suatu negara Islam versi mereka sendiri. Dengan menggunakan kerangka teori tiga tahapan strategi gradual insurgensi sebagaimana dijelaskan oleh O'Neill, maka sebenarnya JI masih pada tahap awal yaitu *strategic defensive*. Pembangunan organisasi baik rahasia atau terbuka telah dibentuk, pengembangan doktrin radikal, rekrutmen, pelatihan militer (seperti di Aceh tahun 2010), penguasaan senjata api amunisi dan bahan peledak, serta upaya merebut dukungan massa telah dimulai, dan hanya melakukan serangan terbatas untuk menjatuhkan wibawa pemerintah dan Barat. Jika mereka berhasil melalui tahap ini, dan menjadi besar, tidak menutup kemungkinan akan berlanjut ke tahap berikutnya yaitu *strategic stalemate* dan *strategic offensive*.

Strategi kedua yang dilakukan oleh jaringan Islamis radikal adalah *military-foco*. Penerapan strategi ini ditandai oleh adanya sejumlah aksi yang dilakukan oleh kelompok kecil tanpa perintah langsung dari organisasi. Sejumlah kasus yang terjadi dengan model ini diantaranya operasi oleh Noordin M. Top dan DR. Azahari paska Bom Bali 2002 yang menurut kalangan internal JI tidak direstui oleh mereka. Beberapa kasus lain adalah kasus "*lone wolf*" pemboman di restoran A&W tahun 2006 Jakarta Timur dan bom sepeda di suatu Pos Polisi Lalu Lintas di Bekasi tahun 2010. Aksi-aksi ini lebih didorong oleh aspek ideologis yaitu keinginan untuk melaksanakan jihad yang mereka anggap *fardu ain* atau wajib bagi setiap Muslim untuk menegakkan syariah, dibanding dorongan politis untuk mengambil alih kekuasaan. Harapan mereka dengan aksi tersebut maka kewajiban jihad mereka telah terlaksana, dan memberi contoh bagi yang lain untuk melakukan jihad yang sama. Bola salju dapat bergulir sehingga aksi *military-foco* ini dapat meluas dan ditiru oleh yang lain menjadi gerakan besar aksi kekerasan melawan pemerintah.

Insurgensi separatisme juga terjadi di Papua. Tujuan sebagian besar kelompok insurgen di Papua cukup jelas yaitu ingin memisahkan Papua dari NKRI menjadi negara merdeka. Berbeda dengan kelompok Gerakan Aceh Merdeka dan Fretilin Timor Timur yang masing-masing memiliki satu jaringan utuh dan kesatuan komando, maka gerakan separatisme di Papua amat *fragmented* (Singh, 2008). Tidak terdapat satu komando dan setiap kelompok memiliki pimpinan sendiri. Hal ini lebih disebabkan oleh sistem kehidupan masyarakat yang masih amat primordial kesukuan.

Dari sudut pandang cara bertindak, ada dua jenis gerakan yang ada di Papua. *Pertama*, kelompok yang lebih menggunakan cara non militer. Di Provinsi Papua, kelompok utama adalah Komite Nasional Papua Barat (KNPB) yang berpusat di Jayapura. Di luar negeri kelompok ini berhubungan langsung dengan Benny Wenda yang tinggal di Inggris. Kegiatan utama kelompok ini adalah melakukan propaganda dengan media lokal dan internasional, termasuk membuka Website. Kegiatan lain berupa mobilisasi massa dan demonstrasi dengan mengangkat berbagai isu kemerdekaan, referendum, pelanggaran HAM dan lain-lain. Kegiatan diplomasi internasional terutama dilakukan oleh figur Benny Wenda yang berupaya menggalang dukungan internasional. Pembukaan kantor OPM di Oxford baru-baru ini merupakan salah satu manuvernya.

Kelompok non-militer lain yang cukup menonjol adalah West Papua Nasional Authority (WPNA) di Manokwari. Kelompok ini lebih kecil daripada KNPB dan memiliki sel jaringan di Biak, Serui dan Kota Sorong. Kegiatan yang dilakukan terutama mobilisasi massa, demo, dan propaganda media.

Aksi kekerasan militeristis dilakukan oleh jaringan bersenjata yang sering disebut sebagai TPN-OPM (Tentara Pembebasan Nasional – Organisasi Papua Merdeka). Ada tiga jaringan utama dikenal. *Pertama*, jaringan yang mengakui Goliath Tabuni sebagai panglima. Jaringan ini bermarkas di gunung Tinggineri, Kabupaten Puncak Jaya dan memiliki sel di sekitar Kabupaten Puncak Jaya, Puncak, Tolikara, Mimika, dan Paniai. *Kedua*, jaringan yang mengakui Mathias Wenda sebagai panglima. Pusat komando ada di wilayah Provinsi Sandaun Papua New Guinea yang berbatasan dengan Indonesia dan dikenal dengan Markas Victoria. Sel jaringan ada di Kabupaten Kerrom, Koya perbatasan, Puncak Jaya dan Lanijaya. *Ketiga*, adalah jaringan yang mengakui Hans Richard Yuweni sebagai panglima bermarkas di hutan Depapre Kabupaten Jayapura. Sel jaringannya terdapat

di Kota Jayapura, Sarmi, Mamberamo Raya, Waropen, Yapen, Biak, Sorong dan Raja Ampat.

Jaringan bersenjata ini beranggotakan masyarakat yang terikat kesukuan dan memiliki persenjataan terbatas. Sumber utama pengadaan senjata dari perampasan dan pencurian senjata aparat keamanan Polri dan TNI yang lengah, membeli dari jaringan penjualan senjata dari PNG dan Filipina Selatan melalui jalur laut Sulawesi Utara ke Nabire, dan juga membeli peluru dari oknum militer dan polisi. Dukungan logistik dan keuangan amat minim disamping tidak adanya doktrin yang kuat untuk membangun suatu kekuatan gerakan bersenjata. Strategi yang dilakukan lebih pada *military-foco*, yaitu melakukan taktik gerilya skala kecil dengan sasaran anggota TNI dan Polri. Taktik terorisme dengan sasaran sipil juga terkadang dilakukan terutama dengan sasaran masyarakat pendatang non Papua.

Melihat aksi-aksi yang dilakukan oleh gerakan insurgensi di Papua, gerakan tersebut masih bersifat sporadis, terpecah dan tidak memiliki strategi yang jelas. Memang ada upaya oleh KNPB untuk menggabungkan semua jaringan militer dan non-militer di atas dan diarahkan pada strategi gradual kolektif, namun tidak pernah berhasil karena sentimen kesukuan yang amat tinggi, serta adanya dikotomi masyarakat pegunungan dan masyarakat pantai, yang memiliki karakter khas masing-masing dan tidak ingin dikomandoi oleh yang lain.

STRATEGI PENANGANAN INSURGENSI DI INDONESIA

Menghadapi kedua jenis insurgensi di atas, maka pemerintah Indonesia menerapkan strategi *hard* dan *soft approach* secara simultan. Semula, untuk menangani gerakan Islamis radikal dan separatisme, pemerintah lebih mengedepankan opsi pendekatan keras dengan militer sebagai ujung tombak, terutama di masa pemerintahan Suharto. Pada kasus Darul Islam opsi tersebut cukup berhasil meredam, meski kelompok ini terus bertahan ideologinya dan bermetamorfosa menjadi berbagai kelompok seperti yang ada sekarang ini. Namun opsi militer, pada kasus GAM, Fretilin dan OPM Papua tidak sepenuhnya berhasil, semua gerakan tersebut terus bertahan, dan bahkan Fretilin mampu memenangkan dukungan publik lokal dan internasional yang berujung pada kemerdekaan negara Timor Leste. Dalam

kasus GAM pertikaian kekerasan diakhiri dengan perjanjian damai yang oleh banyak pengamat dianggap lebih menguntungkan kelompok GAM.

Selain karena opsi militer yang tidak begitu menjanjikan untuk penyelesaian insurgensi, perubahan iklim politik dunia paska perang dingin 1990an juga membuat opsi militer menjadi tidak efektif. Fukuyama (1992) mengklaim bahwa sejarah konflik ideologi besar telah berakhir dan semua peradaban dunia akan menuju pada satu tatanan demokrasi liberal. Indonesia sudah dilanda badai tersebut pada tahun 1998 yang ditandai dengan jatuhnya pemerintahan semi-otoriter Orde Baru dan berkembangnya demokrasi liberal di era Reformasi. Nilai-nilai khas demokrasi liberal yang mengutamakan supremasi hukum, pemerintahan sipil, perlindungan hak asasi manusia, dan liberalisme di berbagai bidang telah mempengaruhi cara pengelolaan negara dan segenap problem di dalamnya.

Dalam konteks penanganan insurgensi, opsi militer dirasakan kurang pas dengan iklim baru ini. Pemerintahan sipil, masyarakat, parlemen dan media serta berbagai kelompok penekan (*pressure groups*) lainnya kurang menyukai opsi operasi militer untuk penyelesaian konflik. Oleh karenanya pemerintahan reformasi mengedepankan upaya pendekatan lunak melalui upaya dialog, membangun kesejahteraan dan pencerahan ideologi serta berbagai upaya damai lainnya. Selain itu pendekatan keras dilakukan dengan opsi penegakan hukum, terutama untuk menangani aksi kekerasan dan bentuk pelanggaran hukum lainnya.

Dalam kerangka ini, maka pemerintah mengedepankan Polri untuk melakukan penegakan hukum terhadap jaringan Islamis radikal. Pada tahun 2002 Polri membentuk Satuan Tugas Bom dan tahun 2003 unit khusus bernama Detasemen Khusus 88 Anti Teror untuk merealisasi kebijakan ini. Pada tataran yang lebih tinggi, untuk mensinergikan upaya koordinasi antar departemen, Kemenko Polhukam membentuk Desk Khusus Penanggulangan Terorisme (DKPT). Namun menyadari bahwa penegakan hukum semata tidak akan menyelesaikan permasalahan terorisme yang kompleks, maka pada 2010 Presiden membentuk Badan Nasional Penanggulangan Terorisme (BNPT) dengan tugas utama mengkoordinasikan upaya penegakan hukum dan intelijen, serta menjadi eksekutor untuk kegiatan pencegahan dan rehabilitasi, yang sebelumnya kurang banyak disentuh oleh Detasemen Khusus 88 Polri.

Dari sudut pandang strategis, penerapan strategi penegakan hukum ini dirasakan cukup tepat karena berpeluang besar untuk mendapatkan dukungan publik nasional dan internasional yang menjadi kunci kemenangan penanganan insurgensi. Penggunaan kekuatan secara minimum oleh penegak hukum karena setiap upaya paksa dilakukan sesuai aturan hukum dan perlindungan HAM para tersangka aksi kekerasan terorisme telah membuat publik menerima cara-cara yang dilakukan oleh pemerintah dan menganggap pelaku teror tidak lain sebagai pelaku pelanggar hukum, dari pada pejuang kebebasan atau pejuang agama. Pada sisi lain, kelemahan utama strategi ini adalah tindakan yang terkadang lamban karena untuk melakukan upaya paksa harus diperoleh bukti-bukti hukum terlebih dahulu, yang acapkali sulit diperoleh karena pelaku teror juga memahami taktik menghindari jeratan hukum. Dengan sistem hukum *due process of law* maka sistem pembuktian ini akan menjadi hambatan serius bagi penegak hukum untuk membawa pelaku ke pengadilan jika aturan hukumnya lemah dan tidak mengatur berbagai bentuk taktik dan perbuatan pelaku yang sebenarnya bagian dari strategi perjuangannya. Di beberapa negara, karena dianggap kejahatan luar biasa, maka taktik terorisme dinetralisir dengan sistem hukum yang bernuansa *crime control model*. Memang ini akan menjadi pro kontra karena *crime control model* berpotensi melanggar HAM dan mengurangi *civil liberty*, namun dengan besarnya resiko keamanan nasional (*national security*) maka perlu dicari formula aturan hukum yang pas yang dapat menyeimbangkan kepentingan perlindungan *civil liberty* dan *national security* ini (Pollock, 2007).

Untuk menangani insurgensi di Papua, pemerintah berpendapat bahwa akar masalah utama gerakan tersebut adalah aspek kesejahteraan dibanding ideologi atau hal lainnya. Marc Sageman (2004) menyatakan ada tiga motif utama pelaku teror melakukan aksinya: ideologi, emosi dan materi. Jika dalam kasus jaringan Islamis radikal, pemerintah berpendapat motif utama gerakan adalah ideologi radikal (Salafi Jihadi) sehingga menekankan upaya penyelesaian pada aspek kontra-ideologi, maka untuk masalah Papua yang dianggap didorong utamanya oleh materi, antidotnya adalah mempercepat pembangunan ekonomi untuk meningkatkan kesejahteraan masyarakat Papua.

Untuk merealisasi kebijakan ini, maka pada tahun 2001 pemerintah telah mendorong lahirnya UU No. 21 tahun 2001 tentang Otonomi Khusus Papua. Dengan undang-undang ini banyak kekhususan diberikan dalam bidang

politik, ekonomi, sosial, budaya dan sebagainya. Diantaranya keharusan pimpinan pemerintahan dari putra asli Papua, pembentukan DPR Papua, majelis Rakyat Papua untuk menangani masalah adat dan juga pemberian dana otonomi khusus untuk percepatan pembangunan. Sejak tahun 2002 pemekaran wilayah amat cepat terjadi. Provinsi yang pada tahun 2001 hanya satu telah menjadi dua: Papua dan Papua Barat. Kabupaten yang semula hanya 10, telah dimekarkan menjadi 43 kabupaten hingga tahun 2013 sehingga kucuran dana APBD total kedua provinsi mencapai Rp. 61 triliun, diluar Rp 33 triliun dana otonomi khusus yang dikelola oleh pemerintah provinsi dan kementerian pusat.

Sejak otonomi khusus, meski ada kritik yang menganggap bahwa kebijakan ini gagal untuk mensejahterakan masyarakat Papua, namun banyak pula pihak, baik di luar maupun di Papua sendiri, yang menganggap bahwa kebijakan Otsus telah berhasil meningkatkan ekonomi Papua dengan cepat. Besarnya biaya APBD di daerah pemekaran dan dana Otonomi Khusus telah memacu pembangunan di berbagai wilayah, baik di pantai maupun pegunungan.

Sama seperti halnya terhadap gerakan Islamis radikal, pendekatan penegakan hukum dengan Polri sebagai ujung tombak diterapkan untuk menghadapi berbagai bentuk pelanggaran hukum oleh gerakan insurgensi di Papua. Polri melakukan langkah-langkah hukum terhadap kegiatan mobilisasi massa, demonstrasi dan aksi kekerasan yang melanggar hukum. Militer bertugas membantu kepolisian dalam upaya menjaga stabilitas keamanan disamping menjaga daerah perbatasan.

Dengan strategi penerapan pendekatan lunak dan keras secara simultan ini, maka gerakan insurgensi Islamis radikal dan separatis Papua relatif dapat ditangani, meski belum tuntas. Namun didasarkan pada prinsip penanganan insurgensi yang menekankan aspek dukungan publik, legitimasi politis dan propaganda, maka prinsip-prinsip ini dapat terpenuhi dengan berbagai upaya pendekatan lunak (deradikalisasi dan kesejahteraan) dan opsi penegakan hukum sebagai bentuk pendekatan keras. Pendekatan kesejahteraan dan kontra ideologi serta penegakan hukum dapat diterima oleh publik baik lokal, nasional maupun internasional. Jika kedua bentuk insurgensi di Indonesia masih terjadi, maka bukan strateginya yang bermasalah namun operasionalisasinya yang belum optimal.

PERAN POLRI DALAM KERANGKA STRATEGI PENANGANAN INSURGENSI DI INDONESIA

Dalam kerangka strategi seperti jelaskan di atas, Polri memegang peranan sentral, terutama dalam pelaksanaan penegakan hukum. Polri diharapkan mampu untuk mencegah aksi kekerasan insurgen, disamping dapat mendeteksi, mengungkap dan memproses hukum pelanggaran hukum yang dilakukan oleh para insurgen. Penegakan hukum yang efektif akan dapat memberikan efek deteren, menekan insurgen dan sekaligus memperoleh legitimasi dan dukungan publik. Untuk memenuhi peran ini maka Polri harus memiliki kemampuan deteksi yang baik, penyidikan secara ilmiah (*scientific criminal investigation*), serta *striking force* yang kapabel untuk beroperasi di berbagai medan.

Kemampuan ini sudah cukup berkembang baik dengan adanya Densus 88 AT. Densus telah memiliki unit deteksi dengan kemampuan analisis menggunakan teknologi mutakhir, tim intelijen teknik, sejumlah tim surveillance yang amat terlatih dan tim *informant handling*. Kemampuan penyidikan ilmiah juga cukup memadai karena adanya tim interogator yang memahami budaya jaringan terorisme, tim penyidik yang kaya pengalaman, juga dukungan teknis dari Pusat Laboratorium Forensik Polri, tim DVI (*Disaster Victim Identification*) Pusat Kedokteran Kesehatan Polri, dan tim Inafis Polri yang memiliki kemampuan identifikasi. Dukungan operasi juga diberikan oleh Satuan Tugas (Satgas) Bom Polri yang telah dibentuk paska Bom Bali 2002. Satgas ini bergerak amat fleksibel, karena tidak masuk dalam struktur permanen organisasi Polri. Anggotanya dapat direkrut dan dilepas dari berbagai satuan kerja tingkat Mabes dan kewilayahan tanpa melalui proses birokrasi berbelit-belit.

Sedangkan untuk kemampuan taktis *striking force*, Densus 88 mendapat dukungan dari Kor Brimob Polri. Personel satuan taktis ini mendapat latihan khusus dengan persenjataan modern untuk beroperasi pada kemampuan perkotaan. Selain satuan terbuka berseragam (*high profile*), terdapat juga tim untuk melakukan penindakan tertutup berpakaian preman (*low profile*).

Dengan segenap kemampuan ini, Densus 88 dan Satgas Bom Polri dapat menekan jaringan terorisme. Sejak tahun 2002 ratusan tersangka sudah diproses hukum, dan diajukan dalam sidang terbuka untuk umum.

Terlepas dari cerita sukses ini, ancaman terorisme tidak sepenuhnya dapat dinetralisir. Jaringannya terus berkembang dan sejumlah peristiwa terorisme masih terjadi hingga kini. Kelemahan utama bersumber dari belum maksimalnya upaya pencegahan dan rehabilitasi, serta pada kemampuan penegakan hukum yang belum efektif. Cronin (2009) mengklaim bahwa berdasarkan hasil penelitiannya terhadap sejumlah kelompok teroris dan insurgen di dunia, terorisme dan insurgensi dapat berakhir dengan melalui 6 cara: tekanan negara yang amat kuat, negosiasi politik, perubahan taktik perjuangan ke cara damai, hilangnya kepemimpinan, hilangnya dukungan publik, dan tujuan teroris atau insurgensi tercapai. Dengan demikian tekanan negara yang tanggung tidak akan menyelesaikan terorisme atau insurgensi. Selain itu masih ada cara-cara lain yang dapat diterapkan selain cara keras tekanan negara tersebut.

Upaya pencegahan tidak banyak disentuh oleh Densus 88, Satgas Bom Polri dan elemen Polri lainnya. Memang Densus 88 melakukan kegiatan pencegahan dan deradikalisasi namun masih amat terbatas. Upaya pencegahan dan rehabilitasi lebih bertumpu pada BNPT. Sudah banyak upaya yang diselenggarakan BNPT termasuk pendekatan kepada kelompok moderat dan radikal serta kampanye kepada masyarakat umum. Namun problema utama upaya ini tampaknya belum menyentuh jaringan terorisme sehingga hasilnya belum optimal. BNPT perlu memiliki grand strategi pencegahan dan rehabilitasi atau deradikalisasi dengan landasan akademis yang kuat guna mengkoordinasikan semua sumber daya negara termasuk Polri untuk melaksanakan pendekatan lunak.

Kendala lain adalah faktor hukum karena banyaknya kelemahan dalam sistem hukum yang ada. UU No. 15 tahun 2003 tentang Pemberantasan Tindak Pidana Terorisme merupakan penetapan Perpu No. 1 tahun 2002 yang dibuat dalam keadaan darurat merespon kasus Bom Bali 1. Pokok-pokok pikiran yang diatur dalam undang-undang ini adalah untuk mengatur bentuk tindak pidana terorisme, memberikan hukuman yang berat, menambah sejumlah kewenangan bagi penegak hukum agar efektif mengungkap Bom Bali, dan mempermudah hukum acara bagi proses kasus terorisme Bom Bali. Saat itu belum diketahui siapa pelaku Bom Bali, jaringannya apalagi motif ideologis politisnya. Saat ini jaringan terorisme sudah terkuak lebar, strategi dan taktik operasi mereka sudah banyak diketahui, motif ideologinya pun sudah difahami. Seyogyanya undang-undang ini direvisi untuk diperkuat guna membatasi ruang gerak jaringan

terorisme untuk tidak berkembang, termasuk mengatur aspek pencegahan dan rehabilitasi.

Kelemahan lain dalam penindakan untuk penegakan hukum adalah kemampuan satuan taktis untuk medan selain perkotaan (*urban*). Belum maksimalnya pembangunan kemampuan untuk operasi di medan hutan dan gunung membuat beberapa operasi taktis kurang optimal, seperti operasi penindakan pelatihan militer kelompok radikal di Aceh tahun 2010 dan operasi terhadap kelompok Santoso di pegunungan Poso sejak 2012. Kelemahan ini terutama karena mulai ditinggalkannya kemampuan GAG (Gerilya Anti Gerilya atau *counter insurgency operation*) Brimob sejak 1998 guna memenuhi tuntutan perubahan Polri menuju polisi sipil.

Untuk kasus insurgensi di Papua, Polri mengedepankan Polda Papua untuk menanganinya, didukung oleh satuan kerja lain terutama Bareksrim Polri, Kor Brimob Polri dan Badan Intelijen Keamanan. Menimbang kebijakan negara yang mengutamakan pendekatan kesejahteraan untuk menyelesaikan insurgensi di Papua, maka Polda juga mengambil kebijakan yang paralel dengan kebijakan negara tersebut. Pendekatan lunak lebih banyak dilakukan dengan kegiatan Bimmas (*community policing*) dan pendekatan intelijen terhadap jaringan insurgen, pendukungnya dan membangun dukungan masyarakat terhadap negara. Berbagai operasi lunak dilakukan seperti Sahabat Matoa dan Aman Matoa yang mengedepankan fungsi intelijen, Bimmas dan Humas tingkat Polda dan kewilayahan. Pendekatan budaya dan agama juga dilakukan mengingat kuatnya jaringan adat dan jaringan gereja di Papua. Pendekatan kepada kalangan birokrat juga dilaksanakan secara formal dan informal karena jaringan ini amat berpengaruh terhadap masyarakat.

Khusus untuk pendekatan keras, penegakan hukum dilakukan secara proporsional dengan kekuatan minimum. Proporsional dalam arti sesuai dengan aturan hukum yang berlaku, baik hukum adat maupun hukum nasional. Acapkali hukum adat lebih efektif dan efisien untuk menyelesaikan permasalahan di Papua dibanding hukum nasional. Sedangkan kekuatan minimum dimaksudkan dalam penerapan upaya paksa, dilaksanakan sedapat mungkin tidak terjadi korban baik dipihak petugas maupun tersangka.

Untuk merealisasi kebijakan penegakan hukum ini, maka Polda memperkuat kemampuan deteksi, penyidikan secara ilmiah dan

kemampuan taktis *striking force*. Kemampuan deteksi ditingkatkan dengan dibentuknya tim intelijen teknis dan analisis, serta pembentukan satgas khusus di tingkat Polda dan beberapa Polres yang memiliki kemampuan *surveillance* dan *informant handling*. Intelijen Polda aktif mendukung maksimalisasi Komunitas Intelijen Daerah (Kominda) di Papua dan Papua barat guna melakukan kegiatan deteksi dan penggalangan. Kemampuan penyidikan ilmiah dikembangkan dengan dengan pemberian pelatihan kemampuan penyidik Polda, Polres dan Polsek didukung oleh tim Inafis. Pada beberapa kasus, Bareskrim aktif memberikan dukungan untuk penyidikan. Sedangkan kemampuan taktis *striking force* mengandalkan satuan Brimob Polda dan dukungan satuan dari Kor Brimob Polri. Terkadang, operasi taktis ini didukung oleh satuan TNI.

Meskipun telah banyak hasil yang dicapai dengan pengungkapan sejumlah kasus kekerasan dalam rangka menjalankan peran penegakan hukum ini, namun masih belum optimal. Kelemahan berasal dari masih belum terlatihnya Satgas khusus tingkat Polda dan Polres di bidang *surveillance*, *undercover* dan *informant handling*. Kemampuan mereka masih manual konvensional dan belum menggunakan teknologi seperti Densus 88. Anggaran untuk operasi Satgas khusus ini juga masih amat minim karena hanya mengandalkan anggaran rutin. Absennya laboratorium forensik di Papua, juga menjadi kendala penting dalam rangka melaksanakan penyidikan secara ilmiah. Hampir semua kasus kekerasan terjadi dengan modus penembakan. Barang bukti anak peluru atau selongsong yang ditemukan harus dikirim ke Labfor di Makassar atau Jakarta untuk pemeriksaan yang memakan waktu cukup lama. Sedangkan untuk operasi taktis, problema yang sama seperti dihadapi dalam penindakan jaringan insurgensi Islamis radikal, Satuan Brimob kurang mampu untuk melakukan operasi taktis di hutan dan gunung yang tinggi dengan oksigen tipis. Akibatnya kelompok bersenjata yang lahir dan besar di gunung sulit untuk ditindak. Hambatan lain dalam penegakan hukum adalah kurangnya peralatan dan latihan untuk penindakan huru hara. Letak geografis yang luas, medan gunung hutan dan pulau yang sulit serta terbatasnya sarana transportasi baik dinas maupun komersial membuat sistem *back-up* lapis kemampuan dalam manajemen operasional Polri kurang berjalan. *Back-up* dari satuan atas cenderung terlambat untuk mendukung satuan bawah dalam hal terjadi kerusuhan. Jalan keluarnya, satuan Polri kewilayahan meminta *back-up* dari satuan TNI terdekat. Permasalahan yang muncul, karena doktrin Polri dan TNI berbeda, maka dapat beresiko terjadinya

penggunaan kekuatan yang berlebihan (*excessive*) dan berpotensi melanggar HAM.

KESIMPULAN DAN REKOMENDASI

Dari penjelasan di atas dapat ditarik beberapa kesimpulan sebagai berikut:

1. Perubahan paradigma sistem ketertiban dunia yang mengarah pada Liberalisme dan Konstruktivisme telah menyebabkan potensi konflik yang melibatkan aktor non negara menjadi lebih besar. Salah satunya adalah gerakan insurgensi oleh aktor non negara terhadap negara. Saat ini di Indonesia, terdapat dua bentuk insurgensi yaitu oleh jaringan Islamis radikal dan separatisme di Papua.
2. Pemerintah menerapkan strategi pendekatan lunak dan keras secara simultan. Untuk kasus insurgensi jaringan Islamis radikal pemerintah menekankan pendekatan lunak kontra ideologi untuk pencegahan dan rehabilitasi, serta opsi penegakan hukum sebagai bentuk pendekatan keras. Sedangkan untuk separatisme di Papua, pemerintah mengedepankan pendekatan kesejahteraan dan penegakan hukum untuk pendekatan keras.
3. Polri sudah cukup baik dalam penanganan penegakan hukum insurgensi jaringan Islamis radikal dengan ujung tombak Densus 88 dan Satgas Bom. Namun masih banyak mengalami kendala untuk memberikan hasil maksimal. Sedangkan pendekatan lunak dilakukan dengan mengedepankan BNPT. Kontribusi Polri untuk pendekatan lunak ini belum optimal.
4. Untuk kasus insurgensi di Papua, Polri mengedepankan Polda Papua yang menetapkan kebijakan paralel dengan pendekatan kesejahteraan pemerintah. Polda didukung Mabes Polri mengutamakan pendekatan lunak dengan ujung tombak fungsi Bimmas, Intelijen dan Humas. Dalam konteks penegakan hukum Polda berupaya menerapkan kekuatan minimum untuk penindakan dan membangun kemampuan penyidikan yang efektif. Hasil yang dicapai juga belum maksimal.

Selanjutnya, diajukan sejumlah rekomendasi agar Polri dapat melaksanakan perannya secara optimal dalam penanganan insurgensi baik terhadap jaringan Islamis radikal maupun di Papua sebagai berikut:

1. Pemahaman tentang insurgensi dan kontra insurgensi perlu diserap oleh semua perwira Polri, karena sebagai penanggung jawab keamanan dan ketertiban masyarakat di dalam negeri khususnya penegakan hukum sesuai dengan UU No. 2 tahun 2002 tentang Kepolisian Negara Republik Indonesia, maka Polri berada pada garis terdepan penanganan insurgensi di Indonesia.
2. Polri perlu mengintensifkan pelibatan fungsi intelijen dan Bimmas semua tingkatan satuan untuk melaksanakan pendekatan, penggalangan dan deteksi dalam upaya pencegahan dan rehabilitasi insurgensi Islamis radikal. Untuk itu perlu diatur sistem anggaran khusus dalam sistem anggaran Polri guna mendukung upaya ini. Pelibatan satuan kewilayahan amat penting mengingat luasnya jaringan di banyak provinsi. Densus 88 dan Satgas Bom Polri serta BNPT tidak akan mampu menyentuh semua jaringan ini.
3. Polri perlu mendorong instansi yang lebih berkompeten untuk merevisi aturan perundang-undangan tentang pemberantasan tindak pidana terorisme agar dapat lebih kuat guna melindungi keamanan nasional, dengan tetap mengutamakan perlindungan HAM (*equilibrium of crime control model and due process of law*).
4. Polri perlu mengembangkan kemampuan taktis Brimob Polri agar dapat efektif melaksanakan operasi penindakan di medan hutan dan gunung, dengan tetap dalam kerangka operasi penegakan hukum. Kemampuan ini juga perlu dikembangkan untuk mendukung efektifitas operasi penindakan Polri di Papua.
5. Intelijen, Bimmas dan Humas Polda Papua perlu diperkuat dengan dukungan personel, anggaran dan peralatan yang memadai untuk memaksimalkan upaya pendekatan lunak. Back-up dari Mabes Polri juga diperlukan, khususnya untuk kegiatan intelijen dan Bimmas.
6. Agar penegakan hukum dapat lebih baik, maka kemampuan deteksi Polda Papua perlu ditingkatkan dengan dukungan pelatihan, peralatan dan anggaran untuk tim analisis, intelijen teknik, dan tim surveillance baik di tingkat Polda maupun Polres. Suatu cabang Laboratorium Forensik perlu dibentuk di Polda Papua, khususnya untuk kemampuan uji balistik dan kimia forensik, agar dapat mendukung kemampuan penyidikan secara ilmiah.

Jayapura, Mei 2013.

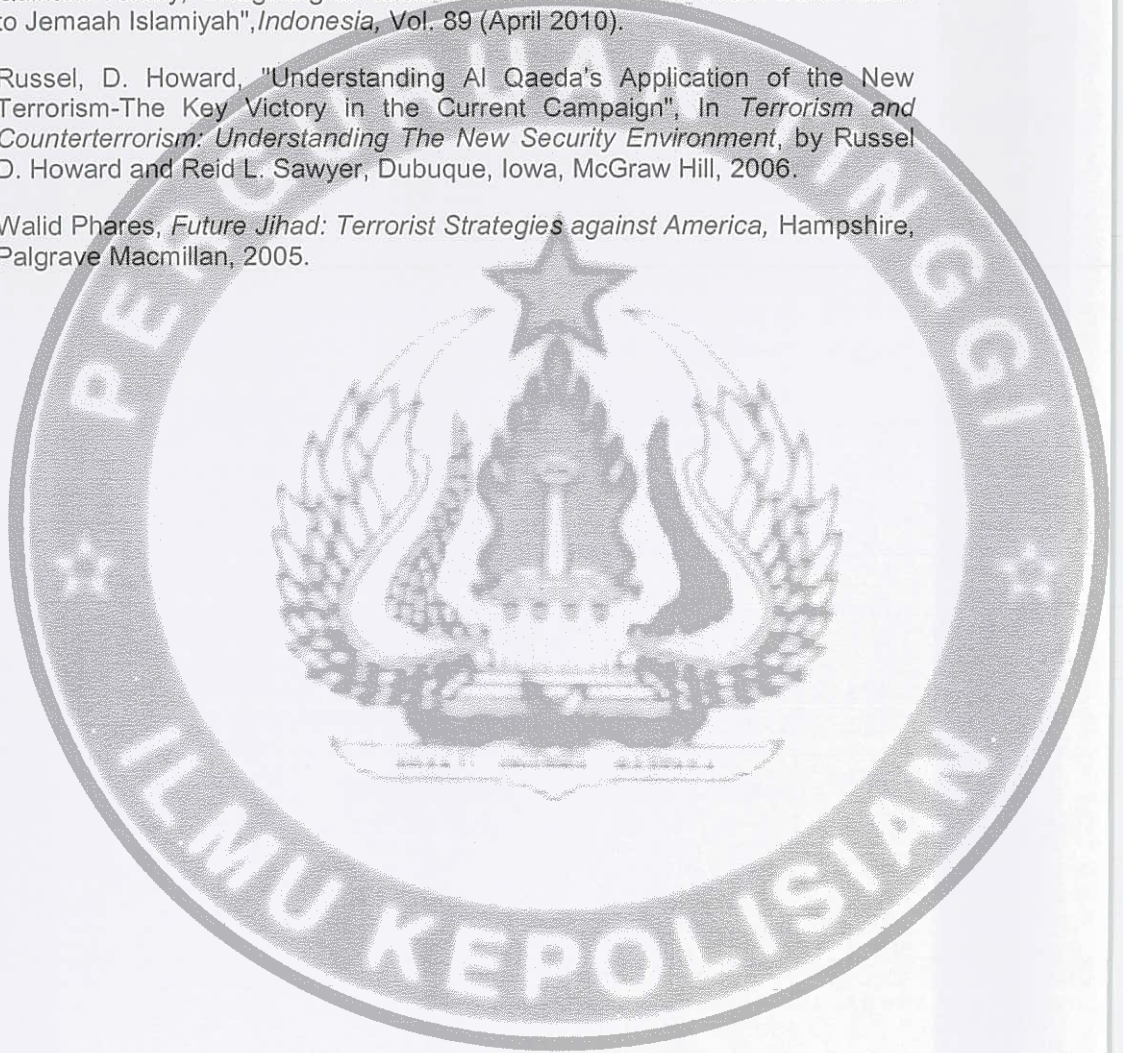
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BIOGRAFI:



Muhammad Tito Karnavian dilahirkan di Palembang pada tanggal 26 Oktober 1964. Setelah tamat SMA di Palembang ia diterima di Akademi Kepolisian dan lulus tahun 1987 sebagai penerima Bintang Adhi Makayasa lulusan terbaik. Penugasan pertama di Polda Metro Jaya sebagai perwira reserse. Tahun 1992 mendapat bea siswa dari The British Council untuk program Master in Police Studies. Sistem pendidikan di Inggris yang tidak mengenal S1 seperti di Indonesia memungkinkannya untuk mengikuti program S2 di University of Exeter, Inggris dan lulus dengan gelar MA di tahun 1993. Tahun 1994-

1996 Tito mengikuti pendidikan kedinasan PTIK dan lulus sebagai peserta terbaik. Pada tahun 1998 tawaran dari pemerintah New Zealand kepada Polri untuk program Sesko ia peroleh dan lulus sekaligus menyandang BA dalam bidang Strategic Studies, karena kerjasama Sesko New Zealand dengan Massey University, salah satu universitas ternama di negara itu. Pada tahun 2000, Tito mengikuti program penyamaan Sesko luar negeri di Sespimpol Lembang.

Setelah itu Tito banyak bertugas di jajaran reserse Polda Metro Jaya dan Sulawesi Selatan, serta Kapolres di Serang, Banten. Pada tahun 2005-2007 ia memimpin operasi kontra terorisme di Poso Sulawesi Tengah. Operasi ini sukses menangkap puluhan tersangka, mengungkap puluhan kasus kekerasan dan jaringan radikal yang beroperasi disana. Pengalaman ini membuahkan buku "Indonesian Top Secret" terbitan Gramedia yang ditulis Tito dan rekan-rekannya dalam operasi tersebut. Pada tahun 2008, Tito mendapat beasiswa pada program PhD bidang Strategic Studies yang merupakan anak cabang dari disiplin ilmu Politik Internasional di S. Rajaratnam School of International Studies (RSIS) di Nanyang Technological University (NTU) Singapore. NTU merupakan universitas yang masuk dalam kategori 100 universitas terbaik dunia dan 20 besar universitas terbaik di Asia. Sedangkan RSIS sendiri masuk dalam kategori 50 *think-tank* terbaik di dunia dan nomor 3 di Asia. Tertarik dengan dunia terorisme dan insurgensi, Tito menulis tesisnya tentang Insurgensi Islamis yang masih belum banyak

dieklorasi dalam literatur Strategic Studies, dengan studi kasus gerakan al Jamaah al Islamiyyah. Pada bulan April 2013 ia berhasil mempertahankan tesisnya dan memperoleh gelar PhD dengan penghargaan 2nd Class Upper (setingkat Magna Cum Laude dengan GPA 4.25) pada 8 Mei 2013. Tahun 2011 Tito juga menyelesaikan pendidikan Lemhannasnya dengan predikat penerima Bintang Seroja lulusan terbaik. Saat ini Tito, yang pernah menjabat sebagai Kadensus 88 Anti Terorisme dan Deputy Penindakan pada Badan Nasional Penanggulangan Terorisme, bertugas sebagai Kapolda Papua.