

Indonesian National Police in Terrorism Handling Policy During Joko Widodo's Government: Analysis of Role, Function and Evaluation

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Abstract— *In 1998, Indonesia began to enter the democratic system. The consequence of democratic system in security field is how to create a professional military and police. In police aspects, it is called Democratic Policing. But to realize it is not easy because the ways of police still dominant with element of violence. This was inseparable from the values and military approaches in Polri during the New Order period. This difficulty occurs when Indonesia faced terrorism cases after the New Order; from Bali Bombings in 2002 until 2018. The trend of terrorism attacks had up and down; starting from suicide bombings until open physical attacks towards public and the police. Various cases of terrorism that occurred in Indonesia and other countries reopened the review of national security. This review consider the relationship between security and national interests where national interests are a matter of state safety. Based on this assumption, the concept of national security develops with two aspects: military approach and state policy. The relevance of this assumption could be seen on May 25, 2018, when DPR officially ratified The Law No.15/2003 concerning the Criminal Act of Terrorism. This law raises two problems. First, the involvement of the TNI in handling terrorism; second, the freedom of authority granted to Polri. This authority can potentially apply a militaristic approach in handling terrorism cases. These problems made some doubts from human rights activists about Polri's commitment for abandon militaristic ways as part of efforts to create democratic policing. This paper will examine how the role of Polri in handling terrorism cases during in Joko Widodo's government. The review will analyze the role and functions of Polri's institution related to the commitment in creating democratic policing on post New Order.*

Keywords—*police, policy, security, democracy, terrorism*

I. INTRODUCTION

After the New Order government in 1998, Indonesia faced political change from an authoritarian political system to a democratic political system. The choice for democratic political system has implications for several aspects, including the security sector which leads to two institutions. They are military and police (ABRI and Indonesian National Police). The demands in these two institutions are become professional security actors and not related to politics.

For Polri, the demand is a challenge. This is reasonable because in the New Order, when Polri were still a part of ABRI, Polri's function of law enforcement was not optimal; their even tended to be ABRI's tools for supporting the political power of New Order government. It can be seen from the amount of violence committed by ABRI towards the community based on "on behalf of the state" and it was

not touched by the law. Moreover, the task of law enforcement is also controlled by the government. As a result, the community did not feel legal protection which should be the main function of Polri. In addition, for 32 years, the militaristic culture was also firmly embedded in Polri as an impact from the union of Polri with ABRI. Therefore, public's view about Polri at that time so negative, always related to violence against society.

To answer the demand that Polri should be a professional institution, the post-New Order government and Polri itself carried out various number of reform. In 1999, fundamental changes were made by separating Polri from ABRI institutionally through several regulations. Polri then began to reform their internal organization by launching the Internal Police Reformation, which was popular with the term of Polri's Reform. One of the aims of Polri's reform is to change their paradigm and military culture to become humanist as civilian police, close to the public and professional in carrying out the task of law enforcement. Especially in the democracy context and increasingly complex public security threats, it encourages Polri to redefine its duties and functions. This is necessary because Polri can no longer easily carry out reactive and repressive law enforcement duties. Because of that, as a solution, it needs paradigm's change of Polri which far from the military and violence.

II. PROBLEMS

The various steps and efforts made by Polri had indicated that this institution has changed. One of the internal changes that has been made is to remove the militaristic character that had been attached in the New Order era through a change in the paradigm of Polri, namely the Civilian Police.

The Civilian Police paradigm is the starting point of the fundamental change of Polri. Polri as civilian police means changing its identity as a security actor with a civilian character. This certainly has an impact on many things, from physical appearance to behaviour change. To make this effort is certainly not easy because the identity of Polri while still a part of ABRI is closely related to militaristic and violent character. But for Polri, efforts to build an Indonesian Police organization towards civil and democratic police must be carried out so that the function of Polri as law

enforcement, community service, creating security and protecting human dignity can be achieved.

The civilian police paradigm is also in line with social environment changes of Polri in the democratic era. As known, the issue of democracy has an impact on the issue of global social environment such as democratization, freedom, and human rights. These issues have strong influence on all aspects of state, nation and community life. This influence also occurs within the scope of duties and functions of Polri. For Polri, this change certainly not only had an impact on improving police services to the community, but also their role as a public security guard because they are whose 24 hours in a day made contact with the community. Indonesia's success in improving the principles of democracy, freedom, and protecting human rights will be largely determined by the practice of Polri's task in society.

However, the process of Civilian Police realization--in empirical context-- still dominant with the military approach when Polri handling certain cases. One of the highlights from human rights/democracy activists is terrorism cases. The process of handling this case, there have been many indications and findings that Polri is still using militaristic methods. This militaristic character has implications for alleged acts of violence and human rights violations; something that is far away from the principle of the civilian police.

Violence and allegations of human rights violations committed by police officers also occur in handling terrorism crimes. In this context, it is necessary to study and analyze deeply about the handling of terrorism crimes. On one side, there is a consideration that the security of society (and the state) is threatened. Moreover, terrorism crimes which have occurred, especially the pattern of attacks on the public is increasingly "unique." This reality causes the security needs of the people (even the state) had disturbed. Therefore the role of Polri becomes significant because one of the main functions of the police in many countries is maintaining security and public order so that the situation is secure and can be felt by the community. People feel that they are not threatened when carrying out their activities in the public space.

On the other hand, there are also considerations of respect and protection of human rights which are the main principles of democratic countries. This principle is also contained in every aspect of state life including state institutions; including Polri. There is a Chief of Police Regulation (Perkap) No. 8/2009 concerning the Implementation of Human Rights Principles and Standards in the Implementation of Polri Tasks. This regulation is an instrument for every action of the members of Polri to remain based on respect for human rights. However, empirically, this later became a problem in every Polri's act of terrorism crime.

For example, Special Detachment (Detachment) 88. One of their actions was sharply criticized while carrying out the alleged terrorist act in Tuban. This action is considered not based on human rights and contrary to human rights principles as stipulated in the Perkap above. Special Detachment tends to apply the concept of war strategy by killing and massacring terrorist suspects, not by preventive

means. In a number of operations, there were many acts of violence and even shootings against those who were "suspected" as terrorists.

The review above shows that there is a gap between regulation and implementation in looking Polri's role when handling terrorism crimes. Ironically, terrorism cases actually spread in Indonesia when entering the era of democracy. Therefore, before reviewing and evaluating Polri's role in handling terrorism cases, it is necessary to discuss the concept of security in the context of democracy and how Polri's role in it.

III. DEMOCRACY AND SECURITY

A. Security Sector Reform

In Mark Duffield's view, during the cold war, the discussion of the security sector was always shunned in the social and political realm. At that time, the discussion that developed was more about the view of the problem of the society's backwardness, namely the development and lack of assistance. But after the cold war which marked as "victory of democracy," there was increasing awareness among academics that development and security were interdependent where the military and police could make a positive contribution in democratization and development.

Proponents of this paradigm are beginning to understand that providing assistance to countries who experienced transition to democracy must be able to accept the prerequisites for implementing social development and protecting human rights. They also see that social development stability can take place effectively and impartially if there is development in the law and order sector. This is later emerged the concept of military development in the framework of building the security sector according to democratic principles. It is then known as Security Sector Reform.

Security Sector Reform means encourage the strengthening of civil institutions by forming the professionalism of civil defense and security personnel, the professionalism of security forces, institutionalize mechanisms to develop security policies and identifying security needs; and providing assistance to overcome the legacy of war. This means translated into the three principles of Security Sector Reform. These three principles are;

First, control. This means building democratic civilian control over instruments of military power which are considered potentially deadly. Second, capacity. That SSR also builds military and police organizations that must accept that their role is to meet the demands of the government (civil and democratic authority) and must be able to carry out military activities in an effective and efficient manner. Third, cooperation. The role of security institutions is needed to reduce regional and internal security dilemmas by reorientating organizations, increasing self-confidence, and building cross-border partnerships.

B. Police in Democracy

Police is state security institutions that carry out operations under the control of the civil (political) authority. Police is the most visible representatives of the state in society. Related to this, each community has different

character of a police force from other communities. Therefore the development of the system of government will have implications for the different forms of police agencies in each country. The difference is also influenced by the characteristics of the country's people. Therefore, the character of the police depends on the country and its population, including: political culture, history, community development, and the country's economy.

Thus the character of the police depends on their history of birth, development, philosophy, and the formation of police organizations. The police philosophy is different from the military philosophy (army). In general, the philosophy of the police refers to fight crime; not fight the criminals. Related to their duties, the police officer's acts must be accounted for individually so as not to violate human rights.

Although the police and military are similar (as disciplined, uniformed and armed forces), there are differences between the two. The military has an outward orientation, so it is called to act only in certain situations (wars, national emergencies, and national disasters). While the police duties are related to domestic order so that they involved regularly and every day in people's lives. Therefore the military philosophy leads to the safety and wholeness and sovereignty of the state. In the name of defending sovereignty, the military doctrine applies kill or to be killed. While the philosophy of the police leads to a guarantee of public tranquility and compliance with the law; which became known as the doctrine to protect and serve.

The relation of police and democratic system is law enforcement. The purpose of law enforcement is to uphold the rule of law. Therefore the role of the police is important in maintaining consistency in law enforcement in order to achieve a democratic system strengthening. In a democratic system, the police are also seen as institutions that have the primary responsibility of ensuring the public security.

But the current reality shows the differences between the police and the military that are vague. For example, the military can be called upon to deal with domestic security disruptions, whereas police forces tend to develop increasingly paramilitary characters. This is reflected in the increasingly sophisticated weapons and in many countries (including Indonesia), the police also adopt an operation similar to military operations.

C. Democratic Policing

By looking the police in the political system of democracy, new discourse arises to see the role and function of the police more deeply, and its known as democratic policing. This term is abstract because there is no simple definition. In abstract, all democratic policing systems have aspirations that the police's duties must be in accordance with the rule of law. Because of it, the duty of the police is not only to fulfill the wishes of the ruler. Moreover, the police are state institutions authorized to use violence legally for the sake of upholding law and public order.

The concept of democratic policing contains several important characteristics. First, the police must work professionally, understand human rights standards, and act in accordance with applicable legal provisions. Second, all

police actions refer to the law and uphold ethical values / norms that apply in society and institutions. Third, the police must have the highest priority in securing and protecting people's lives. Fourth, the police serve the community selflessly and responsible to the community. Fifth, police protection of life and property is the other primary function of police operations. Sixth, all police actions must be in accordance with human dignity and human rights. Seventh, carry out duties in a neutral, impartial and not discriminatory manner.

IV. TERRORISM HANDLING POLICY POST NEW ORDER

The formulation of policy in terrorism handling terrorism is quite interesting. On one side, Indonesia post-New Order, faces the challenge of reforming the system of governance and security, namely civilian control of the military, the professionalism of the TNI and Polri, and respect for human rights. For this reason, Polri made internal improvements to be humanist and in line with democratic policing.

On the other hand, the security threat in Indonesia after the New Order experienced an worrying trend. This trend is not only the number of attacks but also the character of the attacks itself. In addition, Global Terrorism Database 2007, out of a total of 421 terrorism cases, more than 90 percent of acts of terrorism occurred at the end of the New Order until enter the era of democracy. The following table shows how up and down of terrorism took place in post-New Order Indonesia.

**TABLE 1
TERRORISM IN INDONESIA POST NEW ORDER ERA**

Year	Terrorism	Number of Victims
2000	Bomb explosion in Bursa Efek's Parking Lot, Jakarta	10 died; 90 injured
	Bomb explosion (24 Desember 2000) in several cities	16 died.
2001	Bomb explosion in Santa Anna and HKBP Church	5 died
	Bomb explosion in Plaza Atrium, Senen	6 injured
2002	Bomb explosion in Bali (Bali I)	202 died
2003	Bomb explosion in JW Marriot Hotel, Jakarta	1 died; 152 injured.
2004	Bomb explosion in front of Australia Embassy	5 died
2005	Bomb explosion in Tentena Market, Poso	20 died
	Bomb explosion in Bali (Bali II)	22 died
2009	2 bomb explosion in JW Marriot and Ritz Carlton, Mega Kuningan	9 died; 50 injured
2010	Shooting of civilians in Aceh	
	Bank robbery, CIMB Niaga Medan	

2011	Suicide bomb in Mapolresta Cirebon Mosque	Perpetrator died; 25 injured include Kapolresta Cirebon
	Suicide bomb in Bethel Injil Sepenuh Church, Solo-Central Java	22 died including perpetrator
2012	Grenade throwing and shooting in several police station for Eid security, Solo.	1 police officer died; 2 police officer injured
	Shooting by armed groups in Tamarana, Poso.	
	Murder of police officer in forest, Tamanjeka, Poso	2 police officers died
2013	Suicide bomb in front of Mapolresta Poso Mosque, Central Sulawesi	Perpetrator died
2016	Shooting in Plaza Sarinah, Jakarta	
	Bomb explosion in parking lot of Menara Cakrawala and police station, Jakarta	8 died (4 perpetrator & 4 civilian); 24 injured.
2017	Bomb explosion in Kampung Melayu, Jakarta	
	Attack in Polda Sumatera Utara	
	Stabbing to police officer in Blok M, Jakarta	
	Attack in Polres Banyumas, Central Java	
	Burning police station in West Sumatra	
2018	Terrorist attack in 3 church and Mapolresta Surabaya, East Java.	11 died; more than 40 injured.
	Terrorist attack in Mapolda Riau	1 police officer died; perpetrator died.

Source: processed from various sources

Terrorism attacks until Joko Widodo's government show a complex trend. Some acts of terrorism in this period show a shift in methods and modifications. The same mode still remains: suicide bombings, from Bali Bombing I and II to suicide bombings at Surabaya Police Headquarters. But there was a shift in the "way" to carry out the suicide bombing. Initially carried out individually, then shifted to open attacks, even carried out by one family.

Terrorism's cases in 2010-2018 was called Lone Wolf Terrorism. Ramon Spaaij (Spaaij, 2012: 16) formulates the characteristics of Lone Wolf Terrorism; (1) carried out individually; (2) not part of a terrorist group or network; (3) the operation is understood and regulated by individuals without command. These three characteristics are very different from terrorism which is controlled through organizations consisting of many members, large networks and supported by means and implemented in a planned

manner. In addition, there have been changes in terror targets between 2010-2018. The target of terrorism is no longer Western symbols, but rather civil society, security forces, especially the police.

Then how is the government's policy dealing with diverse acts of terrorism? The Bali I bombing was a big momentum for Indonesia to declare war on terrorism. At that time the Government immediately issued Perppu Number 1/2002 concerning Eradication of Criminal Acts of Terrorism. The government also issued Perppu Number 2/2002 for Bali Bombers I.

In 2003, Perppu Number 2 /2002 was strengthened to the provisions of the law in UU No. 15/2003 concerning the Establishment of Perppu No. 1/2002 became a law. Then Perppu Number 2/2002 was strengthened in UU No. 16/2003. However, this Act was declared no binding legal force by the Constitutional Court (MK) on July 23, 2004. The Constitutional Court's consideration was that the Indonesian constitution prohibits the implementation of the Act retroactively.

On the Polri level, a task force was formed. It is Polri Bomb Task Force through Polri's decree No: 2 / X / 2002 to handle the Bali Bombing case. This task force consist of combination of Metro Jaya Regional Police and the National Police Headquarters through the coordination of the Bali Regional Police Chief. This task force is the forerunner of the establishment of the Special Detachment 88.

The basis for the formation of Special Detachment 88 is Polri's Decree: Kep / 30 / VI / 2003 made by Kapolri Da'I Bachtiar. The task of Special Detachment 88 is to foster and carry out an investigation function in the context of law enforcement. Its function is actually to collect data and develop information about the existence, activities of each element of society that is considered as network or potentially as a network to carry out terrorist activities.

In the era of SBY's administration, eradication of terrorism became the main program within the framework of the United Indonesia Cabinet. Even counter-terrorism is included in the government's 100-day Work Program, which is supported by a number of departments and non-departmental government agencies. The forms of this counterterrorism work program include:

1. Increasing deterrence against terrorism; in the form of tightening firearms ownership permits and terrorism danger campaigns to the public.
2. Eradication of terrorism. The focus is arresting terrorist Noordin M. Top and Dr. Azhari and supervision of terrorist groups.
3. Institutional strengthening by changing the Coordination Desk for Eradication of Terrorism to the Coordination Agency for the Eradication of Terrorism (BNPT) through Presidential Regulation Number 46/2010, which was later amended by Presidential Regulation Number 12/2012. The establishment of the BNPT is the National Policy on Counterterrorism in Indonesia. BNPT was also formed as a regulation from elaboration of UU No. 34 /2004 concerning TNI and UU No.2/2002 concerning Polri, to regulate more detailed provisions on TNI "Rule of Engagement", related to

military operations other than war, including rules involvement of the TNI in dealing with terrorism and the task of assisting the TNI with Polri.

4. Increasing international cooperation and intelligence support. One of them is by establishing bilateral cooperation with Australia in the form of establishing the Jakarta Center for Law Enforcement Cooperation (JCLEC). The formation of the JCLEC was triggered by the Bali bombing. JCLEC was inaugurated by President Megawati on July 3, 2004. Although it was a bilateral cooperation between JCLEC which focused on training law enforcement in counter-terrorism, training participants covered many countries.

However, all the counter-terrorism policies before Joko Widodo era did not strong. For Polri, the policy was only limited to counter-terrorism when terrorism took place. Polri can play a role (arresting the perpetrators) when the crime occurs. As a result, casualties continued until church bombings in Surabaya and terrorist prisoner riots detained at Brimob Headquarters, Depok.

Therefore the pressure to complete the revision of UU No. 15/2003 concerning the Eradication of Criminal Acts of Terrorism continues. Because for Polri, this Law is very important to prevent terrorism cases. With the existence of the Act, Polri can arrest suspected terrorists before he carries out the action.

The culmination of the discussion of Act revision ended in the Joko Widodo's Government. President Joko Widodo wants the policy to tackle the threat of terrorism in Indonesia to be completed. Because of that, as the highest political authority, President Joko Widodo gave orders to Polri to act decisively without compromise in combating terrorism. At the policy level, he also warn DPR and relevant ministries for revision of the terrorism law. If until June 2018 the law has not been completed, the president will issue Perppu.

On May 25, 2018, the DPR approved the revision of UU No. 15/2003 concerning the Criminal Act of Terrorism. The DPR plenary meeting officially approved the revision of UU NO 15/2003 concerning Terrorism Acts. In this new law, as long as it can be proven that it is associated and connected by a terrorist group or organization, then the process can be convicted because the training act was constructed for acts of preparation for terror.

V. HIGHLIGHTING THE ROLE OF POLRI IN HANDLING TERRORISM: EVALUATION

When tracing the course of policies that have been issued to tackle terrorism in Indonesia, there have been significant efforts from the government; starting from Megawati Sukarnoputri to Joko Widodo. Appraisal and appreciation were also given to Polri because of its rapid response in dealing with terrorism crimes. This is inseparable from the wider role and authority of Polri in handling this case, plus the opening of opportunities for the involvement of the TNI as a task of assisting the Police.

However, spotlight still leads to the role of Polri in dealing with terrorism crimes. This is occurred both before and after UU No.15/2018 was passed. Before being ratified,

there were criticisms of BNPT's role which was considered not optimal in the deradicalisation program as an effort to prevent the occurrence of terrorism. This strong criticism came from the Commission III-DPR RI in 2017. According to Commission III, it is not a matter of the reaction of Polri who are quick to handle terrorism, but rather the optimization of efforts to prevent radicalism that are more important.

In the process of ratifying UU No. 15/2018 raises polemic on two aspects. First, the involvement of the TNI in handling terrorism; second, the freedom of authority granted to Polri. This freedom raises doubts from human rights activists. They questioned the commitment of Polri to abandon militaristic methods. This doubt happened because the freedom could backfire for Polri while they are trying to free from elements and militaristic methods.

In this Law, there are several Polri authorities that are quite free and open to the application of a militaristic approach that has the potential for human rights violations in handling terrorism cases. For example, the police could increase the detention period to 21 days if the investigation was still considered incomplete. During the detention period and 21 days, the alleged occurrence of violence emerged from activists on human rights protection. This lawsuit is quite strong considering that so far the police, represented by the Special Detachment did not hesitate to shoot someone who was still in an unexpected status while making an arrest. This phenomenon is clearly seen by the public through news in the mass media and social media. The potential for violence occurs when suspects are in custody given their existence has been completely removed from the media spotlight.

So far, the militaristic approach with dominant violence was seen when Polri took action to deal with terrorism. This is a critical note from many human rights activists because human rights should be an absolute requirement in tackling terrorism. Human rights standards must be taken into account in every process of counter-terrorism, from arrest to prosecution. This is to prevent the case of wrongful arrests, arbitrary acts (torture), and so on. In addition, efforts to preventive and mitigative approaches have not been optimally carried out compared to the responsive-reactive approach. Though this approach is far more effective in preventing the occurrence of terrorism crimes.

VI. CONCLUSION

From the point of view of the security approach in regulating the duties and roles of Polri, this law has been high enough or large to give the authority of law enforcement (Polri) to determine legal justice for terrorists. From the point of view of a democratic approach, this authority opens up opportunities to use militaristic methods in handling the threat of terrorism. This is certainly contrary to the spirit of democratic governance which has been the main goal of Indonesia after the New Order. This is a note that needs to be criticized more deeply on Polri in handling criminal acts of terrorism. It also includes determining indicators of success in all approaches, both reactive and preventive (deradicalization) approaches.

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