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THE EXPANDING ROLE OF THE INDONESIAN MILITARY

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CONTENTS

I. INTRODUCTION

Since Indonesia's President Joko Widodo (Jokowi) took office in October 2014, the actions of the police have triggered widespread public condemnation, with much less attention to the role of the Indonesian military (Tentara Nasional Indonesia, TNI). Both institutions seem to be testing the political waters to see how far they can push their authority in the face of a weak president with little experience in security affairs. The TNI, in particular, seems to be having some success, with its commander, Gen. Moeldoko, as the driving force.

The imbroglio beginning in January 2015 surrounding Jokowi's nomination of a police chief known for his unusual wealth led public confidence in the police as an institution to sink to new lows. Police efforts to weaken the respected Anti-Corruption Commission (Komisi Pemberantasan Korupsi, KPK) sank them further in public esteem. As daily revelations made the police look worse and worse, some voices in civil society and the local media began raising concerns that the military was exploiting both the poor image of the police and the president's need for a reliable ally to press forward with its own interests. In particular, the TNI was interested in regaining some of the internal security functions ceded to police as part of the democratisation process that began following former President Soeharto's resignation in 1998.

The actions that triggered concerns included:

- Signing many Memoranda of Understanding (MoU) between civilian agencies (ministries and state enterprises) and the TNI for the provision of security services;
- Involvement of the TNI in government development programs, such as food self-sufficiency, especially in remote areas;
- Demand by the military for a greater role in counter-terrorism operations, especially in Poso;
- Perceived efforts to exclude the police from national security policy-making;
- Dubious military arrests of criminal suspects in a manner designed to embarrass or intimidate police;
- Pushing for a contentious national security bill to be reinserted on the legislative agenda;
- Delaying the clarification of "grey areas" between the military and police; and
- Expanding military commands.

There is no suggestion that the TNI is intent on returning to the centre of the political stage. While often contemptuous of civilian leaders, senior TNI officers know that their legitimacy depends on full commitment to the democratic system. But there does seem to be a sense that various political factors have combined to give the TNI a new opening to address many accumulated frustrations and resentments.

Many of these resentments are directed against the police, whom the army in particular sees as having not only usurped some of its functions but also its opportunities for rent-seeking. Some are related to the army trying to preserve its position under a presidency that is focused on maritime issues, and the priority that implies for the navy and the air force. All are occurring under a president who shares the military's "can do" mentality but who relies heavily on military rather than civilian advisers on security matters and appears to see little danger in allowing the TNI to regain some of the powers it lost in Indonesia's reform process.

II. BACKGROUND

Without having to do very much, the TNI has gone from one of the country's most loathed institutions, during the last years of the Soeharto government, to one of the most respected.[1] As its image improved, particularly in comparison to the police, pressure to reform waned.

All the major reforms, including separating the police from the armed forces and removing the latter from politics, took place in the first three years of *reformasi* (the reform era, beginning with Soeharto's resignation in 1998).With the emergence of a civilian police force, the military was to be responsible for external defence and the police for public order and internal security. Right from the start, however, this division has been clouded by an additional obligation placed on the TNI to defend national unity and integrity.[2] New security laws mandated further legislation to facilitate military assistance to government or the police.[3]

This initially gave rise to various arguments over supposed "grey areas"—among them counterterrorism, counterinsurgency and narcotics interdiction, as well as serious outbreaks of violence—where the division of labour between the police and military remained unclear. To resolve the lack of clarity, the defence ministry drafted a national security bill (RUU Kamnas), an umbrella law that sought to clarify the role and functions of all national security agencies, establish a National Security Council (NSC), and facilitate the passage or amendment of subordinate legislation regulating their conduct and cooperation.[4] It never got very far because the police suspected it would be used to secure an expanded military role in internal security, and many parliamentarians and civil society groups suspected it could be abused by a president with authoritarian tendencies.[5]

By the time President Yudhoyono took office in 2004, a push for defence modernisation had replaced any serious efforts to restructure the military or make it more accountable.[6] Among other things, this meant that the territorial command structure, which parallels local government down to the village level and which had been essential to the military's internal security function, remained untouched.

A. The End of Reform

There had been some discussion in the early days of *reformasi* about whether the territorial structure should to be retained, now that internal security had largely been taken over by the

1 See "Evaluasi Terhadap Kinerja 100 Hari Pemerintahan Jokowi-JK, Temuan Survei 10-18 Januari 2015", Lembaga Survei Indonesia (LSI), 2 February 2015. The survey shows that of eleven national institutions, respondents had most confidence in the TNI and the presidency. The police were sixth, above the courts, the parliament and political parties.

2 Decision VII on the role of the military and the police, Ketetapan-Ketetapan MPR 2000, (Sinar Grafika: Jakarta, August 2000), p. 81. Article 10 of Law 3/2002 on Defence provides for them to act as an agent of the nation in conducting operations other than war.

3 Article 41 of Law 2/2002 on the Police (Undang-Undang 2/2002 tentang Kepolisian Negara Republik Indonesia) allows them to request military support but left the details to be elaborated in subsequent regulations. The military can also request police assistance in conditions of "military emergency" or "war", but additional regulations are also required for the provision to take effect. Article 19 of Law 3/2002 on Defence (Undang-Undang 3/2002 tentang Pertahanan Negara) obliges the military when confronting non-military threats outside its authority to coordinate with the relevant primary authority.

4 "Menhan Ajukan Empat RUU ke DPR", *Kompas*, 12 August 2005.

5 See comments by Helmi Fauzi a member of the Indonesian Parliament's Commission I in Begi Hersutanto and Afriadi, eds., *Indonesia Berdaulat Bermartabat: Kompilasi Pemikiran Anggota Komisi I DPR RI 2009-20014* (Jakarta 2014, p.5). Although the Jokowi government has put the national security bill back on the legislative agenda and incorporated it in the recently released five-year plan (Renstra III), the Chairman of Parliamentary Commission I, Mahfudz Siddiq, said in April 2015 that his commission had received no comments from the Defence Ministry on it and that it will not be accepted for consideration until all government stakeholders support the government draft. That pushes it back until at least 2016. IPAC interview with Komisi I, 6 April 2015. "Govt revives deliberation on national security bill", *Jakarta Post*, 27 January 2015. See also Al Araf, "RPJMN dan Polegnas Hankam", *Kompas*, 4 May 2015.

6 See Jacqui Baker, "Professionalism without Reform: the Security Sector under Yudhoyono" in Edward Aspinall and Marcus Mietzner, (eds.), *The Yudhoyono Presidency: Indonesia's Decade of Stability and Stagnation*, (Singapore, 2015), pp.114-135.

police. Some military reformers had proposed eliminating the lowest three levels ("village guidance officers", known as Bintara Pembina Desa or Babinsa, as well as the subdistrict and district commands). This proposal, backed by President Abdurrahman Wahid during his brief tenure, had no serious presidential or parliamentary support after he left office in 2001. What little support remained evaporated in the face of further terrorist attacks in 2005 when President Yudhoyono led a call for TNI participation in terrorism prevention efforts.[7] According to Defence Minister Joewono Sudarsono:

> People have realised that we have to use the territorial command to assist the war against terrorism. It is part of the total defence and security system, involving the military, police and the people.[8]

Under Yudhoyono, the emphasis was all on defence modernisation and increasing the military budget, not reform. Military spending reflected an orientation toward an external role, but military thinking, particularly in the army, continued to focus on internal threats. Spending has quadrupled since Soeharto stepped down, increasing by 99 per cent between 2004 and 2014, the ten years of the Yudhoyono presidency.[9] As one assessment noted,

> This expanded external role, and the increased budget that goes with it, can be seen in part as a form of compensation for the TNI's withdrawal from politics and significant reductions in its formerly major role in the Indonesian economy.[10]

B. The Current Political Environment

President Jokowi has shown little interest in defence policy or reform. Neither the Security Coordinating Minister, Tedjo Edhy Purdijatno, nor Defence Minister Ryamizard Ryacudu has any reform credentials. Ryamizard in particular was seen as an arch-conservative even when he was army chief of staff under then president Megawati Sukarnoputri. The TNI commander, Gen. Moeldoko and the army chief of staff, Maj. Gen. Gatot Nurmantyo, may be technically competent but in some areas reflect the values and practices of a bygone era.[11]

In addition to his inexperience, this early phase of his presidency has shown Jokowi to be politically weak, with few friends in parliament, strained relations with his own party and pressure from all sides from vested interests. His guiding light in this miasma is retired General Luhut Pandjaitan, a business associate, personal friend and former Golkar member who was elevated

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7 Four attacks took place in 2005 that shocked the country. On 16 May 2005, five paramilitary police (Brimob) and their cook were killed by men from the extremist groups KOMPAK and Darul Islam in Loki, West Ceram, Maluku. On 28 May, a member of Jemaah Islamiyah detonated a bomb in a crowded market in the largely Christian town of Tentena, near Poso, Central Sulawesi, killing 22. On 1 October, a group led by former JI member Noordin Top conducted the second Bali bombing, killing 20. And on 29 October, the JI group in Poso beheaded three Christian schoolgirls. See "Indonesia Reactivates Intelligence Network Against Terrorism", *Straits Times*, 25 October 2005. On the abolition of territorial forces see Harold Crouch, *Political Reform in Indonesia After Suharto* (Singapore, 2010), p.156-61; and Mayjen TNI Saurip Kadi, *Menata Ulang Sistem Demokrasi Dan TNI Menuju Peradaban Baru* (Jakarta, June 2005).

8 "Jakarta reactives military's community spy network", *Straits Times*, 25 October 2005.

9 Sam Perlo-Freeman and Carina Solmirano, "Military Spending and Regional Security in the Asia-Pacific" in *SIPRI Yearbook 2014: Armaments, Disarmament and International Security* (Oxford, 2014), p.200.

10 Ibid.

11 Moeldoko is known to be politically ambitious. He let it be known that he was available for the vice-presidential nomination in the 2014 elections, reportedly without informing or seeking the president's prior approval. "Current Data on the Indonesian Military Elite, April 2008-September 2013", *Indonesia*, No. 98 (October 2014). He is also extremely wealthy, a fact that came up during his "fit and proper test" in parliament. Members accepted his explanation that his wealth was legitimately acquired through his wife. See "Miliki Harta Rp.36 M, Panglima TNI Moeldoko Magaku Jujur," *Kompas*, 4 September 2013.

to the vaguely defined but critically important post of Chief of Staff on 31 December 2014.[12] Luhut thus far has focused on breaking up the grip of the political opposition in parliament but he is quietly expanding his policy role into many other areas, from Papua to counter-terrorism.

The defining issue of Jokowi's presidency thus far—at least for the urban elite—has been the battle between the police and the Anti-Corruption Commission (KPK); it is this battle that also seems to have strengthened the TNI's determination to exploit the anger against the police. The broad outlines of the issue are by now well-known, but they are worth repeating to understand why the military saw an opportunity to portray itself as honest, civic-minded and loyal to the president.

Jokowi in January decided to cut short the tenure of the current national police commander and appoint a candidate favoured by his political patron, PDIP chair Megawati Sukarnoputri, in his place. On 10 January, he submitted the name of Gen (Pol.) Budi Gunawan to the parliament for approval, despite the fact that Budi Gunawan had been rejected by the KPK on suspicion of corruption when his name had come up as a possible minister. On 13 January, the KPK formally declared Budi Gunawan a corruption suspect and pressure increased on Jokowi to withdraw the nomination.

On 15 January, despite the indictment, Budi Gunawan was approved by parliament as the next police chief, with support of eight out of ten party factions. On 23 January, the criminal investigation service of the police, led by a Budi Gunawan ally, began to systematically retaliate with criminal charges against KPK commissioners, starting with one of the most respected, human rights lawyer Bambang Widjojanto. Most were based on long-forgotten incidents. Senior police officers also defied Jokowi's orders to cooperate with the KPK's efforts, refusing summons for questioning in the Budi Gunawan case. The president seemed powerless to compel them.[13] On 28 January, an independent team that Jokowi appointed to help him resolve the stand-off recommended that he revoke Budi Gunawan's nomination. In an unprecedented move, Budi Gunawan then challenged his indictment in a procedure (*praperadilan*) usually used only to challenge wrongful arrest and detention.

On 3 February, at the height of tensions, Jokowi met with top military leaders "to review stability" just before he left the country for a trip to Brunei. The meeting was a warning to Budi Gunawan supporters in the police criminal investigation unit not to invade the KPK offices during the president's absence.[14] By stressing that the TNI remained "solid" and loyal to the President as the Commander in Chief, Defence Minister Ryamizard seemed to be suggesting that others, i.e. the police, were not. His remarks also suggested a potential for instability, to the point that military reassurances of loyalty were needed.[15]

On 16 February, with the help of a judge who had been the target of several bribery allegations in the past, the challenge succeeded. Nevertheless, on 18 February, Jokowi formally revoked Budi's nomination and submitted instead the name of the deputy chief, Badrodin Haiti. He also announced temporary replacements for the KPK commissioners who had been forced to resign because of criminal charges, including two men whose anti-corruption credentials

12 "Mengapa Takut Pada Luhut", *Majalah Detik*, Ed. 177, 20-26 April 2015. To "brief and warn" was given as the function of the office of chief of staff. Luhut was the top graduate of his 1970 military academy class and had a stellar career under the direct patronage of Generals Muhammad Jusuf and Benny Moerdani; he later became an ambassador, minister, and businessman. Luhut's influence on the president can be seen from his encouragement of Jokowi to get to know the chiefs more informally. Luhut also has a band of associates who know where all the skeletons are in the retired ABRI/TNI cupboard and can keep would be trouble makers in check should that prove necessary.

13 "Police defy Jokowi's orders, again", *Jakarta Post*, 27 January 2015.

14 Since late 2012 the military had also hosted the detention centre housing suspects for the KPK, among them senior police officers.

15 "Amid cop mess Jokowi meets generals", *Jakarta Post*, 4 February 2015.

were questionable.[16]

Reacting to these developments, TNI Commander Moeldoko told reporters that there was no need for the military to step in because the conflict between the police and KPK was still low intensity. Only if it became high intensity and affected national security would the military become involved.[17] He went on to appeal to the various parties to resolve the dispute and keep it within bounds—and he obviously had some idea of what constituted appropriate bounds.[18] It was an extraordinary statement for a military commander in a democratic country to make and highlighted how closely involved in political affairs Moeldoko was.

On 7 April, the new, more accommodating KPK turned the Budi Gunawan case over to the Attorney General's office, which turned it over to the criminal investigation division of the police for prosecution. It would clearly go no further. Then on 21 April, Badrodin Haiti, the designated police chief, selected Budi Gunawan as his deputy and he was installed in an unusual closed ceremony the next day. It was a measure of how powerful he was, and how weak the president was, that such an appointment could go ahead.

Then on 30 April, a KPK investigator and former police officer, Novel Baswedan was arrested in connection with an assault case that had occurred eleven years earlier when Novel was a detective in Bengkulu, Sumatra. It was an obvious case of score-settling by the police against someone they considered a traitor. President Jokowi ordered the police not to detain Novel in the interests of helping rebuild trust with the KPK. But astonishingly, the police defied the president's orders, handcuffing Novel and transporting him for questioning to the paramilitary police headquarters. The head of criminal investigation said piously that Novel's arrest showed that no one was above the law.[19] Eventually, Novel was released after being held more than 24 hours. The president was reportedly furious, summoning the police top brass to the palace the next day and warning them that this kind of insubordination had better not recur. TNI commander Moeldoko reportedly had to be restrained from issuing his own public warning to the police.[20]

The KPK-police conflict tarnished everyone involved. It highlighted Jokowi's lack of authority and leadership, and the vested political and economic interests swirling around him, in the parliament, political parties and elsewhere in the executive branch (Vice-President Kalla had been a strong supporter of Budi Gunawan). It also demonstrated the extent of corruption in the police and judiciary. The only national institution that seemed to emerge unscathed was the military, and its top officers lost no opportunity to portray themselves as purer, more loyal and ultimately more reliable that the police. It was the perfect political context to demand back some small part of their old internal security role.

III. BATTLE OVER INTERNAL SECURITY

The biggest battle between the police and the military is taking place over internal security, and it has been going on for years. But the KPK battle, the perception of a weak president, and expressed concerns about internal threats—from "latent Communism" to ISIS—allowed the military go on the offensive in reclaiming a role in a way that will almost certainly lead to heightened

16 "PLT Pimpinan KPK Johan Budi, Ruki, Indriyanto Seno Adji Resmi Dilantik Jokowi", Bengawan Solo News Net, 20 February 2015.

17 "Panglima TNI nilai kisruh KPK-Polri masih wajar", Antara, 18 February 2015.

18 His remarks reflected current doctrine that describes four levels of domestic vulnerability in which it is envisaged that the TNI will become increasingly involved in containing social unrest. The doctrine denies that TNI can overcome all national problems but does claim an integral part in overcoming them. Although there is a difference between doctrine and politically authorised engagement it is not always made clear. See *Vademikum* (Seskoad: Bandung, 2012), p. 93 and 223.

19 "Police ignore Jokowi's orders," *Jakarta Post*, 2 May 2015. See also "Budi Waseso: Kalau Novel Dibebaskan, Nanti Polri Boleh Nembak Orang Mati?", Metrotvnews.com, 1 May 2015.

20 IPAC discussions with senior government officials, Jakarta, 13 May 2015.

police-military tensions.

The KPK-police conflict led to a public perception of a powerful rogue unit within the police closely allied to Jokowi's main political patron, Megawati, although Budi Gunawan's nomination as chief had been supported by all major opposition leaders—a measure of both his political clout and their fear of the KPK. The perception within the police, however, is that on matters of security policy, they are in the political wilderness, without position or influence. They see all the people advising Jokowi on security matters as military, ex-military or close to the military. The best they can do to is channel their concerns after one or two degrees of separation through former BIN chief Hendropriyono, a retired military officer himself without any formal role in the government, or work through other institutions to see that issues get raised on their behalf. Top TNI officers and retired officers see the police as having failed on a number of fronts, including counter-terrorism in Poso, because they have been too stubborn or too proud to ask for TNI help. For the TNI, it is therefore not just an opportune time, but an obligation, to try and rectify the situation.

A. Division of Labour Between the Police and Military

Part of the problem is that the division of labour between the police and military was never clearly defined in law. Internal security is the primary responsibility of the police but two laws, the 2002 Defence Law (Articles 7:2, 7:3, 14, 19, and explanatory notes) and the 2004 Armed Forces Law (Article 7:2b), require the TNI to have the capability to assist with internal security and emergency management when authorised to do so. That authorisation can come from the police, who can call in the military if matters get beyond their control or capabilities, or the government, which can also mobilise the military to assist them even if police themselves do not make the call. Examples of such situations might be the intercept of maritime and aerial intruders; violent incidents in remote or complex onshore or offshore locations; large-scale social unrest or rioting; or situations where the weaponry of armed groups, the terrain, the logistics required, or some combination thereof call for a different kind of expertise or a greater application of force than the police possess. One could argue, and the TNI has, that those conditions could apply to the capture of Indonesia's most wanted terrorist, Santoso, in his mountain hideout in Central Sulawesi.

The 2002 Police Law (Article 41) provides for subordinate legislation to regulate cooperation between the police and military, but it has never emerged due to institutional tensions and a lack of political leadership.[21] A law on national security that was to define the division of labour in the "grey areas died a slow, lingering death, first because of active police opposition, then because of Yudhoyono's own distaste for fighting political battles. Subsequent efforts to improve coordination for handling outbreaks of social conflict, including an MoU signed by the police chief and the TNI commander in early 2013 on military assistance to the police "to build greater

21 Baker, op.cit, p. 130-132.

synergy between the two forces", had no impact in reducing tensions or clarifying roles.[22]

The two institutions have usually reached workable arrangements using outdated legislation from the 1960s, ad hoc MoUs and personal connections; joint operations in Papua, for example, are common.[23] But there are also many situations, especially involving terrorism, where the police have refused to ask for military assistance for fear that the TNI would use the invitation as an opening to increase its role.

The police have also sometimes called on the military to help when they want to arrest military personnel, because the military are not subject to civil law for civil crimes. For example, in February 2015, a joint police-military team arrested a soldier and several workers and confiscated trucks and heavy equipment used in an illegal mining venture in Central Java. It was claimed to be part of a much larger enterprise backed by police, military and government officials.[24] The military are also sometimes called by police to help with more routine law enforcement tasks where they fear being the target of community backlash. For example, the manager of a security company in Kalimantan cited incidents when communities blocked roads over minor incidents until compensation was paid. The police called were unwilling to mediate and called the military to assist in case the reaction turned violent.[25] Crucially, when the police ask for military assistance, it is the police who bear the costs in most cases.[26]

In summary, military assistance with internal security is sometimes required, and the police know full well that the president has the authority under the Defence Law to mobilise the military for internal security purposes, as long as the parliament approves. The fundamental problem is the inability to resolve the institutional tensions between the police and military over when and how they should be involved. These tensions come into particularly sharp relief over counter-terrorism (CT).[27]

B. Counter-Terrorism

President Jokowi has stressed the need for the police and military to work together on terrorism prevention, but the TNI has long wanted more operational involvement.[28] Each of the three services within the TNI—army, navy and air force—has a highly trained CT detachment as part of its special forces unit, but they are rarely employed. Terrorism in Indonesia today is generally low-tech and low-casualty, carried out by poorly trained and inexperienced individuals, and is

22 "Menko Polhukam Menerbitkan Peraturan tentang Pembentukan Tim Terpadu Penanganan Gangguan Keamanan Dalam Negeri Tahun 2013", Coordinating Ministry of Political, Legal and Security Affairs press statement, 8 February 2013. Law 7/2012 on the Handling of Social Conflict provides for the declaration of states of conflict at district, province and national level along with provision for regional heads of government to seek military support from the president under police coordination. However, accompanying powers are restricted to controlling movement of people either in or out of controlled areas. The main purpose of this legislation is to outline responsibilities for conflict resolution. Intsruksi Presiden Republik Indonesia 2/2013 tentang Penanganan Gangguan Keamanan Dalam Negeri (on the Handling of Security Disturbances) and Intsruksi Presiden Republik Indonesia 1/2014 tentang Penanganan Keamanan Dalam Negeri Tahun 2014 (same topic) also address responsibilities for conflict prevention, resolution and recovery, calling for the setting up of integrated teams at the national and local levels. Led by the Coordinating Minister for Political, Legal and Security Affairs, the national team had the national police chief, the TNI commander and the Minister of Home Affairs as deputies. Issued after a spate of violent incidents in 2013, Inpres 1/2014 was little more than a cry of desperation from a frustrated president demanding that the responsible agencies actually coordinate with one another and implement the law.

23 One regulation used is Peraturan Pemerintah 16/1960 tentang Permintaan dan Pelaksanaan Bantuan Militer (Requesting and Obtaining Military Assistance); see http://ppid.tni.mil.id/files/PP_NO_16_1960.pdf. On examples of TNI-Police cooperation in Papua, see Irjen Pol Dr M. Tito Karnavian, *Bhayangkara di Bumi Cenderawasih* (Jakarta, 2014).

24 "Oknum TNI ditangkap karena 'beking' Galian C", Antara, 10 February 2015; "Illegal oil wells found in Cepu", *Jakarta Post*, 16 April 2015.

25 IPAC interview with retired major general and executive of a private security company, Jakarta, 7 April 2015.

26 "Panglima TNI: Penandatangan MoU Tingkatkan Sinergitas TNI-Polri", Antara, 29 January 2013.

27 "Siapa Lawan Teroris?" Tapal Batas, Edisi 20 Tahun 2013; "Panglima TNI: ada pelemahan terhadap kekuatan Negara", Antara, 17 March 2015.

28 "Presiden minta TNI-Polri utamakan pencegahan terorisme", Antara, 3 March 2015.

well within the capacity of law enforcement to address, using a combination of the elite Detachment 88 (known by its Indonesian acronym, Densus 88) and the paramilitary force, Brimob.[29] This has not stopped the TNI from pushing for a larger role in a variety of different ways.

One is through the idea of a Joint Special Forces Command, an idea first raised publicly in 2013. In April 2015, the TNI announced that as an interim measure, it was forming a joint task force comprising the three CT units from the special forces as a standby force with the initial rotation of the 70-person force to be commanded by the army's Kopassus.[30] This will increase pressure for TNI involvement in CT operations.

Second is through the Defence Ministry. Defence Minister Ryamizard wants to focus on concrete threats: terrorism, border security, disaster management, disease, narcotics and cyber warfare.[31] With the exception of the last, none of these is normally the primary focus of a defence ministry. They are important challenges and it is appropriate for the TNI to contribute to overcoming them but to make these the focus contributes to the overall perception that the TNI is trying to push into areas that are not its primary concern.

Third, potentially, is through the National Counter-Terrorism Agency, BNPT. Since its establishment in 2010, BNPT has been headed by a three-star police officer (Komisaris Jenderal, equivalent to Lt. General in the military), with another senior police officer in charge of operations. The military was always relegated to the prevention and deradicalisation directorate, less prestigious than operations. The police are worried that when the current head retires in early 2016, those close to Jokowi who want a greater role for the TNI in CT could push for a military replacement. There is also a proposal to give the BNPT investigatory powers, as the National Narcotics Agency currently has; this could come through an effort to amend Law 15/2003 on countering terrorism. If BNPT came under the control of the military, the police fear this could lead to a wider role for the TNI in investigations more broadly. The new head of the KPK has already created major controversy by inviting the TNI to apply for its many vacancies, including as investigators, a role that since the anti-corruption body's founding has been filled by police, who take leave from the force for the duration of their KPK tenure.[32]

The fourth way that the TNI is pushing for a greater role is with reference to specific threats, and nowhere is this more apparent than in Poso, Central Sulawesi, site of an intense Christan-Muslim conflict from 1998 to 2001 and thereafter as home to different groups of violent extremists.[33]

IV. COMPETITION OVER POSO

In early 2015, Poso became the site of separate efforts by both the police and the military to capture Indonesia's most wanted terrorist, Santoso alias Abu Wardah. The police, under extreme pressure to justify why they had not managed to arrest him and a group of about two dozen armed followers, mounted an operation from January to March but could not get close to his camp, in the jungles of Mount Biru in Tamanjeka, Poso Pesisir district. The military undertook "exercises" in the same area and found the camp but Santoso had fled. It is losing no opportunity to suggest that at least in Poso, the police have had their chance at stopping terrorism and failed, and now the TNI should have its turn.

29 For an argument against TNI involvement, see Sidney Jones, "TNI and counter-terrorism: Not a good mix," *Strategic Review* (Jakarta), January-March 2012, p.15.

30 "TNI bentuk Komando Operasi Baru", Bergelora.com, 30 April 2015 and "TNI bentuk Komando Operasi Khusus Gabungan", Antara, 5 May 2015. Both the U.S. and Australia have similar joint force commands.

31 IPAC interview with the Director General of Strategy, Ministry of Defence, 14 April 2015.

32 "Setara: Wacana Penyidik TNI di KPK tidak perlu ditanggapi serius", *Kompas*, 10 May 2015; "KPK: Fatwa MA Tak Bisa Atur Penyidik dari TNI atau Independen", CNN Indonesia, 12 May 2015.

33 See Sidney Jones, "Poso's Jihadist Network", Jane's Terrorism and Insurgency Monitor, February 2013, pp.16-19.

A. Santoso and the Efforts to Capture Him

Santoso, an ethnic Javanese who grew up in the Poso area, had been a combatant in the communal conflict, then a member of the local Jemaah Islamiyah affiliate. He was imprisoned from 2004 to 2007 for a robbery, then joined the radical organisation, Jamaah Anshorul Tauhid (JAT) after it began organising in Poso in late 2009. In May 2011, as head of the local JAT military wing, he organised an attack that killed two policemen in Palu, the provincial capital, and thereafter mounted regular, if infrequent attacks on police and police informers. He also held regular training sessions for would-be mujahidin from other parts of Indonesia, the alumni of which total well over 100. Since late 2012, he has called himself the *amir* of Mujahidin of Eastern Indonesia (Mujahidin Indonesia Timur, MIT). He has also referred to himself as the Abu Musab Zarqawi of Indonesia, a reference to one of his idols, the late founder of al-Qaeda in Iraq, a forerunner of ISIS. He has ordered many of the violent attacks, fortunately few in number, that have taken place in Indonesia in the last several years, most of them aimed at the police, and he was one of the first Indonesians to declare allegiance to ISIS. Several of his protégés are now with ISIS in Syria, and it appears that they arranged for a small group of ethnic Uighurs from Xinjiang, China to join Santoso and some two dozen of his armed followers in late 2014, a development that the Indonesian government found particularly alarming.[34] While Densus 88 has picked up dozens of MIT members and supporters, Santoso himself has remained elusive.[35]

Shortly after taking office, President Jokowi met with police chiefs from across Indonesia and made it clear that he did not understand how Santoso could have evaded capture for so long and wanted him arrested. The TNI reportedly encouraged the idea that police had deliberately failed to arrest him to keep counter-terrorism funds flowing, although it is hard to see how the police would have any interest in letting someone go who was periodically killing their officers. The fact was that the police had no capacity to operate in mountainous, heavily forested conditions; efforts to starve Santoso and his men out of his camp did not work, and they refused to ask the military for help.

The TNI, meanwhile, conducted what it called psychological operations in an effort to encourage Santoso and his key lieutenant, Sabar alias Daeng Koro, a former failed Kopassus trainee, to surrender. Police said much of this was done independently of police plans and operations and in a way that was sometimes directly counterproductive. "We no longer know who's friend and who's foe," one police officer said, suggesting the TNI was disrupting police efforts to interdict Santoso's supply lines in their efforts to draw him down from the hills.[36]

The TNI made no secret of its desire to do things on its own. On 23 January, the head of the Wirabuana Military Command covering Sulawesi said territorial forces were being strengthened in Poso district to fight terrorism but also to undertake operations to improve the welfare of local communities. He said the TNI was ready to launch operations in Poso "if required to do so". He also said, however, that he would coordinate with the police.[37]

B. Operation Camar Maleo and the Anoa Laut "Exercises"

Three days later, on 26 January, in response to increasing pressure for military intervention, the police launched the 60-day Operation Camar Maleo, aimed at capturing twenty men on

34 In December 2014, Jokowi's Coordinating Minister for Political, Legal and Security Affairs, Tedjo Edhy Purdijatno, misunderstood a briefing he had been given on foreign fighters in Syria and announced to the press that there were 110 foreign fighters in Poso. In fact, three Uighurs made it to Poso, four were arrested (and were on trial as of May 2015) and two escaped. See "China to Bring Home Uighur Terror Suspects Held in Indonesia", *Jakarta Globe*, 18 March 2015.

35 Ibid.

36 IPAC interview, counter-terrorism police officer, Jakarta, December 2014.

37 "Tumpas teroris, TNI Tambah Kekuatan di Poso", Bisnis.com, 23 January 2015; "Military ready to fight terrorism in Poso", *Jakarta Post*, 23 January 2015

their most-wanted list. The operation involved the Sulawesi provincial command, five district commands (*polres*), one Brimob battalion sent from Jakarta and elements of Densus 88.[38] This brought total police numbers in the area to about 1,600.

Military pressure increased as the TNI announced in late February that it was awaiting a presidential instruction to conduct training exercises for its Quick Reaction Strike Forces (Pasukan Pemukul Reaksi Cepat, PPRC) in the same area being searched by police. According to the military spokesman, it was just a coincidence that the training was to be conducted in Poso but he then contradicted himself by saying that the area was selected because it was a hotbed of terrorism and would serve as a deterrent to terror groups.[39] On 18 March, the TNI announced that the exercises would have two goals: the first was to prepare security for a major tourist event, Sail Tomini, that would take place in the Bay of Tomini off the coast of Poso in September 2015; the second was to reduce the potential for terrorism, especially in light of the planned yachting event.[40]

Called Exercise Anoa Laut 2015, they began, with presidential authorisation, on 22 March, while the police Camar Maleo operation was still underway, and continued for twelve days on Mount Biru, in Poso Pesisir, site of Santoso's suspected hideout. Some 3,000 members of the army, navy and air force took part, with most from the second division of the army strategic reserve command, Kostrad. All were part of the Quick Reaction Strike Force. Moeldoko told the press that the military's main goal was to help the police arrest Santoso, but it was not the kind of help the police wanted.[41]

Because it was an exercise, the president did not need approval from a fractious parliament, as required by the Defence Act for operational deployments, so the military were in effect conducting internal security operations without any legal authority or powers.[42] For example, they have no legal authority to stop, question, search or detain individuals, impose curfews, order compulsory evacuations, or limit movement. Likewise, the residents of operational areas need to know what their rights and obligations are if military forces are operating or exercising in their place of residence and work. The same lack of legal cover applies in other parts of Indonesia and to the everyday operations of the territorial forces. Maj. Gen. (Ret.) T.B. Hasanuddin, now a member of parliament, raised this issue in relation to Papua in 2011 but the TNI ignored him. [43] When soldiers make arrest, they routinely argue that these are legal because of the provision in the Indonesian criminal code authorising "citizen arrests" for crimes where the culprit is caught red-handed. The police felt that they could not frontally challenge the military's plans for Poso, and no one in the government or parliament, with the exception of Hasanuddin, objected.

Operation Camar Maleo, meanwhile, concluded on 26 March. Police claimed to have arrested fifteen men linked to Santoso's gang, but because neither Santoso nor Daeng Koro was among them, the operation was widely seen as a failure.[44] As a result of the military operations, however, Santoso and his men apparently abandoned their camp and dispersed. On April 3, in Parigi Moutong, some 80 kms from the camp, a group of Brimob police intercepted Daeng Koro and about a dozen of his men. They killed Daeng Koro and wounded a few others, but the TNI strike force commander made it clear that it was his men who had forced Santoso and Daeng Koro to

38 "Kejar 20 DPO Poso, Polri gelar operasi Camar Maleo berkekuatan besar", Arrahmah.com, 31 January 2010.
39 "Poso selected as training ground for TNI", *Jakarta Post*, 25 February 2015.
40 "Ada Potensi Terorisme, TNI akan Gelar Latihan Perang di Poso", CNN Indonesia, 18 March 2015.
41 "Panglima; Latihan TNI di Poso Disetujui Presiden Jokowi," Detik.com, 7 April 2015.
42 Law 3/2002 on Defence, Section 14, states that mobilisation of the TNI to confront an armed threat must be authorised by the president with the agreement of the parliament. Had the TNI strike force been deployed under PP 16/1960, then it would have powers under Section 10 of search, confiscation, detention, and use of firearms but the regulation still obliges the authorities to inform affected residents of the planned operations and of the powers the military can lawfully exercise.
43 "DPR: Pengerahan TNI di Papua Langgar UU", Vivanews, 16 November 2011.
44 "Operasi Camar Maleo Gagal Tangkap 'Si Belut' Santoso", Kabar24.com, 27 March 2015.

flee.[45] The army spokesman, Brig. Gen. Wuryanto, also could not resist a few jabs at the police. He told reporters that the TNI was only in Poso for training and it was below their dignity to chase Santoso and his group that comprised only nineteen men and five weapons. He claimed, it would only make them feel more important. He then said that they had been chased so often they had become smarter and the authorities had been inadvertently training them.[46]

C. Institutional Tensions

The whole episode demonstrates the institutional tensions involved and the need to resolve them. If the TNI and police had worked together more closely, they might have been able to achieve more. Santoso's group was relatively small, but it was well armed and ranged over several mountainous, densely vegetated sub-districts requiring large numbers of personnel with good command and control, logistics and air support. The police were reluctant to seek military assistance because they were convinced that doing so would give an opening to the military to gain a more permanent role in internal security at a time when their own credibility with the public was rock-bottom.

The TNI commander did take advantage of the opening to get the president's approval to leave a ready reaction battalion in the area for further operations. He also indicated his unhappiness with the provisions of the Defence Law requiring parliamentary approval of any TNI mobilisation to confront armed threats in military operations other than war.[47] Meanwhile, the acting chief of police acknowledged that the military exercise had unsettled Santoso and his men, forcing them to flee and making them more vulnerable to detection.

The Poso case demonstrates the need for:

- The president to maintain responsibility for overcoming internal security challenges and take the lead where existing arrangements are not achieving the desired results.
- The police to be prepared to engage the military where it lacks adequate resources and capabilities. But instead of concluding from the operations in Poso that they need to work more closely with the military, the police concluded they need their own jungle warfare capacity and have started training a Brimob unit accordingly.[48]
- The military to accept overall police direction of campaigns such as Poso including the involvement of its territorial forces.
- More specific legal provisions covering the TNI's involvement in internal security operations that clearly outline the powers it can lawfully exercise and the limitations on rights of the affected populations. The challenge will be to do so without further entrenching the army territorial commands.

V. EXPANDING THE TNI'S PUBLIC ROLE

The TNI has gradually expanded its public role through the signing of MoUs with various ministries, allowing it to distribute fertiliser, guard prisons, secure public and private infrastructure and undertake other tasks that move it far beyond its defence role. The trend toward this expan-

45 "TNI Temukan Kamp Pelatihan Militer Teroris Santoso", Jpnn.com, 12 April 2015.
46 "TNI deployment in Poso for training not to chase terrorists", *Jakarta Post*, 27 March.
47 "Pengerahan Pasukan TNI Tak Perlu Izin DPR", Okezone.com, 19 February 2015.
48 IPAC interview with senior police officer, Jakarta, 15 April 2015. It might be useful to have a battalion trained to a high standard for this purpose but it would be a waste of national resources to seek to duplicate on a larger scale capabilities held by the TNI.

sion started over two years ago in the waning days of the Yudhoyono administration but seems to have intensified since Jokowi took office. Some of these MoUs are uncontentious, such as one with the police on training, another with the electoral commission on the distribution of electoral materials. Others, however, have created more controversy.

A. Vital Object Protection

One area where the TNI systematically has sought to take functions back from the police is in the provision of security and protection for "vital national objects". These were defined as areas, buildings, enterprises, interests or sources of income that play a strategic role, where a threat or disturbance could affect large numbers of people, disrupt transportation and communication networks or otherwise affect the workings of government. Providing such protection is a lucrative source of supplementary income, and under Soeharto's New Order, this was function of the military.

In 2004, Presidential Decision (Keputusan Presiden, Keppres) No.63 made the police responsible for all vital object protection except military facilities, the presidential palace and the vice-presidential residence, but authorized the police to seek military assistance if required. The decision allows ministers and heads of agencies to determine Vital National Objects within their jurisdictions and obliges the police to assist in defining the security requirements and standards for each place. It does not oblige them to provide the security themselves. In most cases this is performed by a security unit (*satpam*) or private security firms. The police who regulate these arrangements nevertheless can benefit handsomely.[49]

Keppres 63/2004 was issued shortly before the TNI Law was passed, which also includes "securing vital objects", to be defined in subsequent Presidential Decisions, as one of its fourteen "operations other than war". The TNI Law did not, however, authorize the military to actually secure anything without presidential authorization and to date no relevant Presidential Decisions have been issued. Under Keppres 63, the TNI was required to relinquish its security role within six months; it actually took about two years to complete the transfer to police in places such as the Freeport mine in Papua.[50]

Several of the MoU signed by the military in the last several years that include provision of security services would thus seem to be in violation of Keppres 63—most blatantly, the MoU signed on 2 February 2015 with the Ministry of Transportation to provide security at airports, seaports and rail stations. When signing it with the Minister of Communications at TNI headquarters, Gen. Moeldoko said that it was based on a request from President Jokowi, via the Cabinet Secretary, Andi Widjajanto, that the TNI work with the ministries "to facilitate national development".[51]

T.B. Hasanuddin, the outspoken PDIP legislator and retired general who had questioned the exercises in Poso, pointed out that guarding transportation hubs was a law enforcement task. It was contrary to both the TNI law and Keppres 63 and would consume over 32,000 personnel if fully implemented. He called for clarification and suggested that the MoU be reviewed.[52] Several other MoUs, including with the state oil company Pertamina; the National Electricity Board;

49 International Crisis Group, "Indonesia: National Police Reform", Asia Report No. 13, 20 February 2001; and Peraturan Kapolri No. 24/2007 tentang Sistem Manajemen Pengamanan Organisasi, Perusahaan dan/atau Lembaga/Instansi Pemerintah.

50 Subsequent discussions in 2006 sought to return full responsibility for security of vital national objects to the relevant installations using their own personnel or private security companies. See "Pemerintah Susun Instruksi Khusus", *Kompas*, 20 March 2006. This would have left the police free to provide backup as necessary and, as occasion demanded, call for military assistance. This idea was never turned into formal policy so the original presidential decision stands.

51 "Kami bersikap membantu, kita ikuti SOP yang diberikan oleh Kemenhub", Antara, 20 February 2015.

52 "Anggota DPR Minta MoU Kemhub dan TNI Ditinjau Ulang", Beritasatu.com, 27 February 2015.

and PT JIEP (a state enterprise overseeing the industrial estate at Pulogadung), also involve providing security services.[53]

Human Rights NGOs raised concerns that the MoUs were a sign that the TNI was trying to return to its New Order role.[54] Moeldoko dismissed these critics as "one or two elements" who were narrow-minded and intent on creating divisions between the TNI and the people.[55] The TNI, he said, was merely being realistic in undertaking tasks set out in law to overcome terrorism, secure the country's borders and secure strategic national objects. This formulaic rebuttal did not address the fundamental question of why, in what form, for how long, and on what legal basis the TNI was entering such agreements. In particular, do the TNI activities as outlined in these MoUs contravene the provisions of the Keppres 63 and, if so, who will challenge them? The TNI by law is required to be *capable* of protecting vital national objects but responsibility still rests with the police. If the president and his closest advisers are not inclined to place limits on the military's intrusion into various civil spheres, the parliament, and especially Commission I, may provide the only real check.

The Coordinating Ministry for Political, Legal and Security Affairs and the Ministry of Defence are currently sponsoring a revision of Keppres 63 that would give the military a greater and more direct role in the security of designated strategic assets.[56] The question is whether this emerges from a genuine defence concern or rather a determination to wrest the cash cow of asset protection back from the police.

B. Deepening Engagement in Government Programs

The TNI seems to be making a renewed push to burnish its image through development programs. Ensuring close ties between the military and the community has always been a basic component of Indonesia's defence strategy, although in the past, when military-run development programs were used as part of counterinsurgency strategies in Aceh, Papua or East Timor, they often generated more fear and loathing than gratitude. Activities of these civic missions, known as *karya bhakti*, can include, among other things, village development, agricultural extension, health services, reforestation, food storage and literacy training—or cleaning up the Ciliwung River in Jakarta. Since Jokowi took office, the military has sought to take advantage of the president's stated priorities to become more involved in routine government programs and in doing so, broaden its political and economic interests.

Food security is an example. Jokowi's objective of reaching food self-sufficiency by 2017 has prompted local governments around the country to sign MoUs with different agencies, including the TNI, to coordinate efforts to achieve this goal. In January 2015, Agriculture Minister Andi Amran Sulaiman told the military leadership meeting (RAPIM) in Jakarta that reaching the target would require the addressing five challenges: irrigation, seeds, fertilizer, farm machinery, and know-how. The military chief pledged that his 50,000 Village Guidance Officers (Babinsa) would assist with motivation and providing extension services where needed.[57]

Two examples of MoUs in this area come from Riau and Papua provinces. In the first, the dis-

53 "TNI Chief confirms meeting with SKKMigas head", *Jakarta Post*, 4 December 2013; "Indonesia: MOU allowing TNI personnel to guard transportation hubs criticised as throwback to New Order", *Kompas*, 26 February 2015; "TNI-Pengelola Kawasan Industri Pulogadung jalin kerjasama", Antara, 25 February 2015; "Prajurit TNI AD Dilibatkan Pengujian Batubara oleh PLN Pusat", Dinas Penerangan TNI AD, 21 March 2015; "Panglima TNI: ada pelemahan terhadap kekuatan negara", Antara, 17 March 2015.

54 See for example "Lakukan MoU dengan Banyak Pihak, TNI Salahi Tugas Aslinya", Okezone.com, 13 March 2015.

55 "Panglima TNI: ada pelemahan terhadap kekuatan Negara", Antara, 17 March 2015.

56 IPAC interview, Director-General for Strategy, Ministry of Defence, 8 April 2015.

57 "Pemerintah Gandeng TNI Sukseskan Program Swasembada Pangan", Liputan6.com, 8 January 2015. The program is to be funded by money saved from the ending of fuel subsidies.

trict government of Rokan Hilir signed an MoU with the district military commander intended to prevent the continuing conversion of agricultural land to other uses and to help farmers to increase their productivity, including by helping to construct or repair irrigation infrastructure.[58] In the second, an MoU signed by the district chief and military commander in Timika in mid-March 2015 is intended to make Mimika one of the food bowls of Papua, with the military providing guidance on how to cultivate rice and other food crops.[59]

The difference between the new civic missions and their predecessors is that the latter were short-term, of two or three weeks' duration. The new MoUs call for more pervasive and long-term commitment to functions that are not the military's primary concern with concomitant political and economic ramifications.

C. The TNI's Move into Law Enforcement

Another aspect of the territorial force that has escaped comment is its continued engagement in law enforcement both separately and at the behest of the police or civil authorities. There are frequent reports of the police seeking military assistance to effect arrests, either because the police fear mob violence or because they lack adequate back-up forces.

For example, in April 2015, the West Jakarta provincial administration and the Jakarta Police launched a program called "House of Three Pillars". They aim to establish over 1,000 teams consisting of a government official, a police officer, and a soldier to tackle petty crime, neighbourhood disputes, sanitation, and disaster management.[60] It should cause the wider public, the parliament, and government some concern that the administration and the police need to make such routine calls on the military for what should be purely civilian tasks.

At the other end of the spectrum the military often engages in law enforcement activities of its own volition, using the concept of citizen arrest. For example, in early March, soldiers from the district military command in Gresik, East Java identified and apprehended a truck carrying a load of illegally acquired subsidized fertilizer and with great fanfare surrendered it to the police. Only specified classes of farmer are entitled to subsidized fertiliser so, like all subsidized goods, it becomes a lucrative enterprise for unscrupulous dealers to secure large amounts for future sale, sometimes working in collusion with individuals in the security forces.[61] Putting aside the motive for apprehending the truck it again raises fundamental questions of under what authority military intelligence investigated this case, detained and questioned the driver, or conducted preliminary investigations to confirm their suspicions before surrendering the truck and evidence to the police.[62]

D. Proxy War

Some of these ventures into civilian roles may be motivated by a determined push to put the police in their place. More conservative elements, however, may also be driven by conspiracy theories, to the embarrassment of their colleagues. The current army chief of staff, Gen. Gatot Nurmantyo, for example, has tried to promote a larger role for the army by arguing that Indonesia is engaged in a "proxy war".[63] He first raised the concept in March 2014 while commander

58 "Pemkab Rohil buat MU sukseskan Program Swasembada Pangan", Detakinfo.com, 15 May 2015.
59 "Prajurit TNI Timika program swasembada pangan", Antara, 16 March 2015.
60 "Greater Jakarta: Police form "House of Three Pillars", *Jakarta Post*, 8 April 2015.
61 "Association slams military's arrests of sugarcane famers", *Jakarta Post*, 15 May 2015.
62 "KODIM 0817 Gresik Tangkap Penyelewengan Pupuk", Tribunnews.com, 2 March 2015.
63 The concept of proxy war has a long history, with the Russian seizure of Crimea as a recent example. What is questioned here is not the concept but the way it is being defined in the Indonesian context.

the army strategic reserve (Kostrad) as a mechanism to promote "back to basics" nationalism.[64] After becoming army chief in July 2014 he launched a nationwide campaign promoting the notion and expanded its definition. He defined three types of war: asymmetric, hybrid, and proxy. He argued that proxy war was being conducted in Indonesia today by third parties including NGOs, mass organisations, social interest groups, and individuals and took various forms, including terrorism. His major historical example was the loss of East Timor, whose independence he said was sought by Australia directly and through third parties to secure the offshore oil and gas resources in the Timor Sea.[65]

Gen. Gatot has promoted the idea of a proxy war in travels around the country and via social media, including on YouTube, Facebook, and Twitter.[66] In an address titled "The Role of Youth in Confronting Proxy War", the army chief told a university audience in October that the abuse of drugs was connected to the strategy of the proxy war. He claimed that drug use had nearly doubled from 1.5 per cent of the population in 2005 to a projected 2.8 per cent in 2015 and that it was part of an international conspiracy to destroy Indonesia's youth, which the government had been unable to halt.[67] In March, he extended the idea to include demonstrations against 19 companies in 2013, rallies against Indonesian-managed oil palm plantations that forced their sale to foreigners, and vandalism on university campuses.[68] In April, addressing a meeting of 2,500 governors, provincial officials and police chiefs from across Sumatra the army chief warned that third parties are being used to seize natural resources and also spoke about war preparations for the future.[69] In a lecture in Yogyakarta in April, he said it was becoming clear now that the object of war was to seize energy and food. This was done by bribing legislators to pass legislation favouring foreign investors and make trade deals favouring imports over Indonesian products.[70]

Critics see the campaign as designed to build paranoia in a way that will justify an expanded role for the TNI and silence civil society opposition.[71] It also has more immediate uses, such as convincing parliament of the urgency of passing defence legislation, promoting the military's concept of nationalism, and preserving the army territorial commands.

The proxy war idea has not been taken up by the Ministry of Defence or the TNI commander, and it will not feature in the forthcoming defence white paper. But it is a clear example of the need for the government to establish clear guidelines for the formulation and approval of policy pronouncements by senior officers. One retired officer said the army chief's function was to raise, train, and prepare the army for use by the TNI commander, not to promote his own ideas to the public and that he should be pulled into line by either the TNI commander or the president.[72]

VI. CHANGES IN STRUCTURE AND POLICY COORDINATION

The TNI emerged from the Soeharto era as a military that for decades had been primarily focused on regime maintenance, with a strong army territorial command as its prime vehicle for

64 "Pangkostrad Letjen TNI Gatot Nurmantyo Ajak Mahasiswa Menangkal Proxy War", Dinas Penerangan TNI AD, 11 March 2014. This was his first public use of the term and seems to be an extension of the New Order concept of the formless threat (*ancaman tanpa bentuk*).

65 See YouTube talk to UI on 10 March 2014 and "KASAD Jend TNI Gatot: Saat Ini Zaman Proxy War Alias Perang Boneka. Know Your Enemy", voa-islam.com, 28 July 2015.

66 See for example "Serbuan Teritorial", on YouTube at www.youtube.com/watch?v=-BV95Rj1zcw.

67 "Kasad: Penyalahgunaan narkoba miliki keterkaitan strategi 'proxy war'", Antara, 11 October 2014.

68 "Indonesia faces proxy war: Army Chief", *Jakarta Post*, 10 March 2015.

69 "Army chief talks of proxy war in Medan", *Jakarta Post*, 2 April 2015.

70 "Waspada Perang Energi dan Pangan Bergeser Ke Daerah Ekuator", Dinas Penerangan TNI AD, 20 April 2015.

71 "'Proxy Wars' Threaten Indonesia, Say Generals", Asia Sentinel, 7 April 2015. For Gatot's response see interview in "Benarkah TNI promosikan isu 'Proxy War?'", Rappler.com, 14 April 2015.

72 IPAC interview with a retired lieutenant general, Jakarta, 21 April 2015.

maintaining political control. As noted above, early expectations of reformers in the immediate post-Soeharto era that the territorial structure would be at least partially dismantled proved wrong. The command changes under consideration now assume that the territorial structure is here to stay, meaning that the TNI will continue to assert a routine internal security role and will continue to compete with police over income-generation at a local level.

A. The Joint Commands

TNI doctrine has long included the idea of joint warfare, involving the army, navy and air force working together. Until 1985, Indonesia had joint commands incorporating the three services; they were then disbanded as not politically useful.[73] The doctrine of joint warfare remained unchanged, but with ad hoc command and control arrangements. With the changing regional dynamics, especially in the South China Sea, and Indonesia's growing inventory of naval and air power, it was only a matter of time before joint commands (Komando Gabungan Wilayah Pertahanan, or Kogabwilhan) came back.

In 2010 then President Yudhoyono authorized their eventual formation but decided to leave them in the next five-year plan (2019-24).[74] The military leadership pressed Jokowi on the matter in November 2014 and he agreed to consider a proposal by the TNI to hasten their establishment.[75] The concept fits comfortably with his maritime emphasis, as the commands will cover the three major approaches to the archipelago from the north, with priority being given the western command covering access to the South China Sea.

The desirable number of joint commands and the geographical divisions among them can be debated, but at least with three, each service can head one and perhaps even allow the Marines to have an occasional turn. The return of the joint commands will have no effect on the territorial commands, except that another layer of command would be inserted between them and TNI headquarters. Indeed current plans call for the addition of two more army regional commands (Kodam) in North Sulawesi and West Papua.[76]

B. The Position of Deputy TNI Commander

The TNI has also proposed to President Jokowi to re-establish the post of deputy commander of the TNI, a position that existed under Presidents Soeharto, Habibie and Abdurrahman Wahid. President Wahid later abolished the post when he lost military support. Yudhoyono had considered the proposal during his second term but eventually rejected it because he could not see any justification for it.[77] It is not yet clear how Jokowi will respond.

Gen. Moeldoko argues that he needs a deputy to cover for him during his absence and that the TNI chief of staff could not fill this role because he was only a lieutenant general and therefore junior to the service chiefs.[78] This is a spurious argument. One role of the chief of staff is to exercise command on behalf of his commander or one of the chiefs could be temporarily appointed in case of prolonged absences. The real purpose may be to ensure that either the commander or deputy commander is an army officer, if the position of commander rotates back to the air force or navy. That is, it is designed to preserve army interests as the TNI strengthens its maritime capability and focus.

73 Robert Lowry, *The Armed Forces of Indonesia* (Allen & Unwin: St Leonards, 1996), p. 46-84.
74 Peraturan Presiden 10/2010 tentang Susunan Organisasi Tentara Nasional Indonesia, 28 January 2010.
75 "Presiden Jokowi pertimbangkan usulan penambahan organisasi TNI", Antara, 28 November 2015.
76 Ibid., and "Markus calon Kodam Papua Barat di Arfai Manokwari", Antara, 25 February 2015.
77 IPAC interview with retired lieutenant general, Jakarta, 21 April 2015.
78 "Wakil Panglima TNI punya kewenangan Komando", Antara, 19 March 2015.

C. *Policy Control of Police and Military*

The question of whether the chiefs of the military and police should be *ex-officio* members of cabinet or subordinated to a minister has been debated since independence.[79] As it stands now, the national police chief is in effect both minister and operational head of the force. He reports directly to the president, a privilege that the TNI deeply resents. The TNI commander must go through the Ministry of Defence on issues of policy, strategy, procurement, and budgetary matters, although the ministry sometimes chooses not to exercise control of what are clearly policy matters, such as TNI's signing MoUs with other agencies.

The military could try to use the current opening to press President Jokowi and members of parliament to support legislation that would end the direct link of the police to the president. However, institutional jealousies will force the president to move cautiously and even-handedly with both forces. As a first step he could either allocate police ministerial functions to an existing ministry or create a new ministry for police, internal security, and emergency services. Alternatively, as a stepping stone he could direct the police to form a separate division to exercise defined ministerial functions. Either is likely to encounter fierce resistance, but the police-KPK conflict points to an urgent need to separate policy control from the operational force.

D. *"Integrated National Security" and a National Security Council*

The police are convinced that the defence and security section of the Jokowi administration's first five-year plan (RPJMN 2015-2019) was changed at the last minute by TNI elements to exclude them from any say in policy-making. The plan is set out in Presidential Regulation 2/2015 and is supposed to represent the "vision, mission and agenda" of the government for the medium term, which coincides with the government's five-year term in office It is also supposed to be guided by the government's long-term plan which looks ahead to 2025.

In May 2014, when the Jokowi campaign announced its nine-point "Nawa Cita" agenda, the first point addressed security. It promised a government that would "produce once again a state that could protect and give a sense of security to all of its citizens via an active foreign policy, a national security program that people trusted, and an integrated national defence involving the three services based on national interest that would also reflect Indonesia's position as a maritime state."[80] The RPJMN on security was designed to reflect these broad guidelines.

The first drafts of the RPJMN on security contained six strategic issues: upgrading of military and police equipment and strengthening of the domestic defence industry; welfare and professionalisation of soldiers; professionalisation of police (frankly acknowledging the need to overcome the public's lack of trust); intelligence and counter-intelligence; security disturbances, violations of law in Indonesian waters and land border areas with Malaysia, Papua New Guinea and Timor-Leste; and narcotics abuses. All of these were agreed to by both the police and military. When Presidential Regulation 2/2015 was issued in January 2015, however, a seventh strategic issue appeared: "an integrative system of national security".

The "system" includes the formation of joint regional commands (Kogabwilhan), a National Security Council (NSC), updating the national security information system, formulating a national security strategy, controlling and observing national security, and implementing national

79 The basic objection is that subordinating them to a minister risks politicisation of the institutions and restricts the opportunity for the two principal agencies of the state to have their concerns registered and arbitrated at the highest level in a timely manner. The first post-Soeharto civilian defence minister, Professor Juwono Sudarsono, tried and failed to have the military and police subordinated to relevant ministers in 1999. During Yudhoyono's first term, he predicted that this change would occur within three years but his initiatives were rebuffed by both the chiefs and the president. See "Integrasi TNI-Dephan Butuh Waktu 3 Tahun", *Kompas*, 21 December 2004.

80 "'Nawa Cita', 9 Agenda Prioritas Jokowi-JK", *Kompas*, 21 May 2014.

defence education. It also lists the supporting legislation as the national security bill currently before parliament and a presidential instruction on the formation of a NSC. The plan does not make clear whether the latter is dependent on the former.[81]

The police say the seventh point was inserted without consultation and were reportedly outraged. Rather than fighting back directly, they let others voice their concerns. Natalius Pigai, a member of the National Human Rights Commission, for example, told the media that the integrated system embracing everything from human security to traditional defence matters, as well as the proposed NSC and joint regional commands could take Indonesia back to the New Order.[82]

The issue of human security was a particular concern, not because it was a bad idea to think about security in broader terms—environmental security, food security, climate change and so on—but because it could give the TNI a broad mandate beyond its traditional role. Moreover, responsibility for setting up this "integrative system", including undertaking policy studies, rests with three TNI-dominated organisations: the National Resilience Institute (Lemhamnas); the National Resilience Council (Wantannas) and the Defence Ministry.[83] These same bodies would have responsibility for setting up a NSC. The NSC would have responsibility for everything from human security to war.[84] The role and functions of the proposed NSC are so all-encompassing that the fears of the public, some members of parliament, and police can be readily understood. Nothing suggests that the bill will be passed into law anytime soon, but the police fear that it could be bypassed by executive action.

VII. JUSTICE AND ACCOUNTABILITY

There would be less concern about the expansion of the TNI's role if there had been any progress in the last decade on improving military accountability, but there has been almost none. Military personnel currently are only subject to military courts except where the military agrees to joint justice arrangements. Subordinating the military to civil control means, among other things, that soldiers are subject to civil law for civil offences, but efforts to bring this about have failed.

A. Military Justice Bill

Article 65 of the 2004 TNI Law said that "soldiers must obey the military courts in the case of violations of military law and the civilian courts in the case of violations of criminal law" but that this would be regulated in further legislation.[85] Later in 2004, parliament responded with the Military Justice Bill (RUU Peradilan Militer) that would have made servicemen and women answerable to the civil courts for civil offences.

The bill was strongly opposed by the government and the military on various grounds: it was an insult to the prestige of the military; it would force detained service personnel to miss out on the training and rehabilitation services they would receive in a military prison; it could lead to wrongful arrests; and it could mean that the police would use their new-found authority to muscle the military out of illicit income-generating activities used to supplement meagre salaries and reap the rewards for themselves.

Discussions dragged on, with political and procedural obstacles obstructing passage. In 2006,

81 Herry Darwanto, "RPJMN 2015-2019 Bidang Pertahanan", available at www.kemhan.go.id/kemhan/?pg=31&id=1625.
82 "Komnas HAM Curiga Pemerintah Jokowi Mau Bawa Lagi Sistem Otoriter", RMOL.co, 26 February 2015.
83 Peraturan Presiden 2/2015 tentang RPJMN 2015-2019 Bidang Pertahanan dan Keamanan, Points 6.2 to 6.5.
84 Rancangan Undang-Undang Republik Indonesia Nomor ... Tahun ... tentang Keamanan Nasional", draft legislation as at 16 October 2012, available at www.kontras.org/data/RUU%20Kamnas%2016%20Oktober%202012.pdf.
85 See discussion in Baker, op.cit., p. 125-126.

for example, Defence Minister Juwono Sudarsono, said that the military justice law should be changed before the law on civil jurisdiction was settled and implemented, and that they needed to explore whether they would be affected by other laws, such as Islamic law applied in Aceh.[86] The bill was batted around for another year before, in a letter to the parliament on 30 January 2007, Juwono agreed that the law could be applied after a grace period of two or three years.[87] In the lead-up to the 2009 elections, President Yudhoyono and his party reportedly dropped their support for the law in exchange for the TNI's help in the campaign.[88]

B. Military Discipline Law

Instead, a new law was adopted in September 2014, with just days to go before the end of the parliament's term, that was designed to strengthen punishments available to the internal military justice system for crimes committed in the civil sphere.[89] It is not an adequate substitute.

The law had been initiated by the parliament's Commission I in May 2013 after two particularly bloody clashes between TNI and police earlier that year. In early March 2013, an artillery sub-unit in Ogan Komering Ulu, South Sumatra, attacked a police post setting it and police vehicles on fire and savagely beating four police officers and a civilian cleaner in revenge for the death of one of their number shot dead at a police road block. This drew claims that it was part of a 300 per cent increase in such clashes.[90] Before this dispute was settled an even more alarming incident occurred later the same month when a squad of special forces (Kopassus) soldiers broke into the Cebongan jail in Central Java killing four inmates detained on suspicion of killing a Kopassus sergeant in a café days before.

The president described the killings as "a direct attack on the authority of the state" and, through the coordinating minister, ordered the commander TNI and police chief to conduct a thorough investigation.[91] Meanwhile, the senior military commander in the region, Maj. Gen. Hardiono Saroso—either deliberately, in ignorance of the facts, or through an excess of zeal to protect his troops—denied that the military was involved in the incident that soon saw him dismissed from the command.[92] To limit damage to its reputation the military also sought to downplay the seriousness of the incident by highlighting the bad character of the suspects. As usual, although the actual crimes were investigated and the culprits charged and found guilty, there was no public investigation into the background of the case that would probably have revealed some unsavoury dealings.[93] The three executors got eleven, eight, and six years' imprisonment respectively and were dismissed from Kopassus; the others involved got lighter sentences.[94]

These and other serious breaches of discipline prompted the foreign affairs and defence committee of parliament to initiate a military discipline bill (RUU HDM) in May 2013. It was designed to strengthen punishments available to the internal military justice system for crimes committed in the civil sphere.[95] Later, the commission chair, Mahfudz Siddiq, said the bill was intended to, "safeguard and improve" the TNI as individuals and as an institution.[96]

The commission examined examples of military law from other countries but it did not add

86 "Govt says TNI trials need time", *Jakarta Post*, 7 September 2006.
87 "Militer Akan Diadili di Peradilan Umum: Ada Masa Transisi 2-3 Tahun", *Kompas*, 9 February 2007.
88 Baker, op.cit, p. 126.
89 "RUU Hukum Disiplin Militer usul inisiatif DPR", Antara, 20 May 2013.
90 "Kondisi Kapolsek Martapura Masih Kritis", Antara, 7 March 2013; "Bentrok TNI vs Polri naik 300 persen", Antara, 8 March 2013.
91 "Presiden nilai kasus LP Cebongan serangan kewibawaan negara", Antara, 26 March 2013.
92 "Former Yogya Military Brass "Proud" of Kopassus Jail Killings", *Jakarta Globe*, 10 April 2013.
93 "Mystery still shrouds Cebongan prison attack", *Jakarta Post*, 11 April 2013.
94 "Cebongan killers get 6 to 11 years in prison", *Jakarta Post*, 5 September 2013.
95 "RUU Hukum Disiplin Militer usul inisiatif DPR", Antara, 20 May 2013.
96 "Legislator: RUU HDM jaga institusi TNI", Antara, 4 October 2013.

much to the credibility of the exercise when it visited Beijing to conduct a comparative study.[97] In any event, the new law is a necessary if long overdue reform but it is not a panacea for the frequent excesses of espirit de corps, or the constant clashes between the police and the military, or corruption that only broader reforms can address. It was finally passed into law 24 September 2014.[98]

Meanwhile, despite the army chief declaring after the Kopassus incident that there would be no more impunity for the army, and within days of the passage of the new disciplinary law, another serious clash between the military and the police erupted in Batam on 21 September 2014.[99] The clash was the seventh between the army and police for the year and broke out when soldiers tried to interrupt police raiding an illegal store of subsidized fuel. Four soldiers were wounded.[100] A joint investigation found that the soldiers were involved in the fuel racket and tensions dragged on culminating in a seven-hour attack on the Brimob headquarters on Batam on 19 November in which a soldier was killed and a bystander wounded.[101]

The Kodam and battalion commanders were replaced and about 100 soldiers were relocated; two ringleaders were also bought to trial. The army acknowledged that social jealousy and welfare issues were a factor in the clashes and pledged to improve the financial and housing conditions of the soldiers.[102]

VIII. CONCLUSIONS

There are no signs that the military is seeking a full return to its New Order role, but it sees the current climate as an opportunity to put the police in their place and position themselves as the president's loyal ally. The current TNI and army leadership have grown more assertive as a response to both a weak president and a highly unpopular police, insinuating themselves into non-military functions and trying to claw back a role in internal security. The longer they stay engaged in such activities, the greater their political clout and the harder it will be to extract them, especially given that they are effectively immune from prosecution under civil law. At the same time, the more the police are seen as a law unto themselves, engaging in outright insubordination and defiance of presidential directives, the more the president and his advisers will turn to the military as a reliable alternative. And the more the military tries to move back into internal security, the higher the potential for counterproductive competition and military-police clashes.

The only effective way to ensure that both forces are subjected to the kinds of checks and oversights that a democratic system requires is to refocus energies on security sector reform, in a way that would address the police as well as the TNI.

The needs in this area have been touched on lightly here but include allocating the police to a ministry, removing the ex-officio cabinet status of the TNI commander and the police chief, subjecting the military to civil law for civil crimes, and removing the causes of endemic corruption. Needless to say, these reforms will never happen if left to the forces themselves. They must be implemented by government and the parliament, in the face of what will surely be determined opposition.

Some of the changes that should happen will not. Not only will the TNI and the army in particular reject any suggestion for any alteration of the territorial commands structure but others

97 "Komisi 1 DPR ke Cina bahas RUU Hukum Disiplin Militer", Antara, 28 October 2013.
98 "RUU Hukum Disiplin Disetujui Jadi UU", HukumOnline.com, 24 September 2014.
99 "No more impunity: Army chief", *Jakarta Post*, 29 April 2013.
100 "Tiada 'jasa pengamanan' di balik bentrokan personel TNI-Polisi", Antara, 23 September 2014.
101 "Poor military leadership in Batam", *Jakarta Post*, 21 November 2014.
102 "TNI to rotate 100 soldiers involved in Batam clash", *Jakarta Post*, 23 December 2014.

in the government and parliament support its retention as a safeguard against the possible failure of the political system and the inadequacies of the police.[103]

There are several measures the Jokowi government could take, however, that could help strengthen civil control of the military and forestall the incipient creep of military influence into areas unrelated to its core function of defence.

The parliament should commission an independent review of defence policy, strategy and force structure as a guide to TNI modernization, as well as a separate, independent review of the police as a guide for comprehensive reform and professionalisation. An independent review of the analytical capacity of Indonesia's intelligence agencies should also be undertaken. All could be justified under the terms of Presidential Regulation 2/2015. No deliberation of a national security bill should take place until these reviews are complete.

Even if that bill is deferred, a clarification of the division of labour between the police and military is urgently needed, especially given the TNI's broad interpretation of its mandate to deploy its forces in "operations other than war." President Jokowi could do this in an instruction, clarifying that the wording of the TNI Law that says the military must have the *capacity* to engage in specified functions does not mean it can engage in those functions without explicit authority to do so. He could also issue a regulation replacing and updating Government Regulation 16/1960 on Requesting and Obtaining Military Assistance.

The government needs to assuage both police and military fears that the one is being strengthened at the other's expense. The police should be formally included in discussions on "integrated defence" and participate in any drafting of the terms of reference for a National Security Council. It should be made clear in any amended law on counter-terrorism that police are the lead agency, and the head of BNPT should be drawn from police ranks. Any plans to give BNPT investigative powers in a strengthened anti-terrorism law should be dropped.

At the same time, the police need to reconsider plans for creating a special team for operations in remote mountainous or forested areas, such as the capture of Santoso would require. This is a role that belongs to the military, and the police need to know when to ask for help. Just as the TNI should not be encouraged to intrude into areas of police authority, the police do not need to develop a capability that duplicates what the army already has.

The government should cancel any MoUs the TNI has undertaken with ministries that violate existing regulations, with particular attention to the area of protecting vital national objects. At the same time, the corruption that ensues from outsourcing security to private firms owned in full or in part by retired officers should be seriously investigated.

All of these reforms will require firm leadership from a president able to stand up to vested interests. Thus far, the TNI has seemed like a loyal friend as Jokowi battles other enemies. But this is an institution that was pushed back to the political sidelines with great effort. In a democratic society, it should stay there.

103 See reaction to Gen. Gatot Nurmantyo's comments in October 2013 while he was commander Kostrad that democracy had gone too far. "An Open Letter for Elections 2014: Civilian Politicians In Indonesia Need to Clean Up Their Mess", The Establishment Post, 14 March 2014.

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