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## RESEARCH ARTICLE

### THE NEW ROLES OF THE INDONESIAN NATIONAL POLICE IN COUNTER-TERRORISM

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#### ABSTRACT

The trends that evolved in the prevention and counter terrorism in the last twenty years in the world and including Indonesia positioned the State must be observant in responding to the threat of terrorism. This is an integral part of the growing dynamics of terrorism threats. Choosing whether the threat of terrorism is considered a threat to the sovereignty of the State or the threat of extraordinary crime must be responded in a more specific form, including adjustments to the use of existing laws. The existence of the new Anti-Terror Law makes the Police a main component in the prevention and counter terrorism must also make adjustments in order to remain effective in carrying out its roles and functions. However, this paper argues that the prevention and counter of terrorism by the police can be done by integrating the readiness of human resources as well as changes in the pattern of handling more integrated. Therefore, this paper will also analyze the extent to which the model of prevention and combating terrorism by the Police can be effective in positioning the institution with the new Anti-Terror Law, with a more balanced scheme of role and function between prevention and combating in terrorism.

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## INTRODUCTION

The discussion session on the Draft of Anti-Terrorism Law has passed crucial stage where important issues have been discussed well, aside of political faction's interest in the House during the session. The Draft is not yet approved, but in substantial content, the Draft of Anti-Terrorism Law is based on three issues: first, the empowerment of authority of Indonesia National Police (INP) to implement the role and function of combating terrorism, not only based on law enforcement toward de-radicalization, but also on contra-radicalism and disengagement of radicalism.<sup>1</sup> Both have equal level in law enforcement and de-radicalization, where current Law No. 15/2003 on Anti-Terrorism has not yet covered the prevention stages and its action. Second, Anti-Terrorism Law defined the effective coordination function and cooperation between the INP and homeland security institutions. The new Law shall assign the INP to conduct coordination tasks and empowering the authority which made the INP as an active and responsible institution in homeland security issues.

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So far, based on the current Draft of Anti-Terror law, the prevention and combating terrorism cannot be conducted in sectorial strategy, but should be integrated and involving other state institution and society. The most distinguishing issue during the discussion session is the interest of the Indonesia Armed Forces (TNI) to take part in combating terrorism in Indonesia. It is a unique situation where the possibility of military involvement is limited on time and space as the role of TNI as military institutions to counter-terrorism has been stipulated in Law of Indonesia Armed Forces, especially on articles of Military Operation Other Than War.<sup>2</sup> Third, the readiness of human resource as part of counter-terrorism from top to bottom. The context of the idea is the INP not only strengthen the role of Special Detachment of Anti-Terror (Densus-88 AT) as its direct unit, but all personnel of the INP in law enforcement and counter-terrorism. The human resource of the INP is actually ready but has not yet specifically trained to respond threat of terrorism. So, when the INP is being targeted by terrorist, some personnel are unprepared to respond the threat.<sup>3</sup> This article will elaborates on the prevention and

<sup>1</sup> Compare Anti-terrorism Law with integrated policy implemented by United States of America, Central Intelligence Agency. (2003). *National Strategy for Combating Terrorism*. Washington DC: CIA Headquarters. Especially chapter 4.

<sup>2</sup> See Law No. 34/2004 on Indonesia Armed Forces, especially article 7 verse 2. See also Detik.com. (2017). "Peran TNI Atasi Terorisme ada di UU No.34/2004, [Online Available]: <https://news.detik.com/berita/3515072/peran-tni-atasi-terorisme-ada-di-uu-342004-ini-isinya> (Accessed 27 August 2017)

<sup>3</sup> See Forst, Brian. (2014). "Local Police and the 'War' on Terrorism" in Reisig, Michael and Robert J. Kane. *The Oxford Handbook of Police and Policing*. Oxford: Oxford Handbooks Online. See also *Tirto.id*. (2017). "Sejak 2010

counter- terrorism by the INP can be conducted by the readiness on human resources inside the institution and integrated process in response to terrorism threats. Therefore, the article also analyzed on models of prevention and counter-terrorism should be conducted by the INP when new Law of Anti-Terror is in place, with new roles and function based on the balance of prevention and countering the terrorism.

### Understanding The Police Roles in Counter-terrorism

There are two possibilities related to prevention and combating of terrorism for the last two decades in the world, including Indonesia: first, defining terrorism as threat against the existence and sovereignty of the state and its administration. Governments then responded to threat of terrorism by involving all defense elements, military in this term, like the one conducted by United States of America and other countries in South Asia and Middle East. Terrorism was considered as national threat against state sovereignty and delegitimize of the ruling government. The trend grew stronger after Osama Bin Laden killed in 2011.<sup>4</sup> Terrorist paradigm has changed, not only making western interest as enemy but by establishing a state with caliphate identity.<sup>5</sup> The situation grew stronger after the death of Osama Bin Laden in form of Islamic State of Iraq and Syam (ISIS) which was established by remains of Al-Qaeda.<sup>6</sup> The strategy of establishing a country which was internationally acknowledged was considered smart as the country use Islam as sentiment to attract followers. However, due to brutal and tight approaches in implementing religion law in the territory controlled by ISIS, most of them were then trapped in a war they should not be involved.<sup>7</sup> Second, there was a trend on law enforcement as respond to prevent and counter- terrorism. Some countries stated terrorism as extra ordinary crime that threatened the civil society freedom and its countries. The idea is then to strengthen the law enforcement in these countries as the force to prevent and eradicate terrorism<sup>8</sup>. However, the second concept opens opportunities for state and non-state actors to get involved. The character of terrorist threat is on the situation where all people may experience the impact of terrorism threat. Some countries considered successes in empowering their law enforcement against terrorism are England, Australia, India, Germany and Indonesia. The challenge of the concept is on the diligence of law enforcement to hold coordination and synergy with all security actors.<sup>9</sup>

All both concepts represent characteristic of terrorist threat of a country and another. They depend on four issues: first, public perception on terrorist threat. The situation may build different characteristic of terrorist threat in a country and others. For an illustration, a country where people ignored threat of terrorism as threat against humanity and state sovereignty will build different perspective between country and people.<sup>10</sup> Second, whether threat of terrorism divide the society of the state or not due to sentiment of religion, ethnic, or against the ruling government. The division in the society will open room for bigger terrorism. The characteristic of terrorism in Middle East for example, is different than the one in European and South East Asian countries.<sup>11</sup> Another example, the prohibition of wearing burqa and hijab in Europe has increased threat level of terrorism in Europe than before.<sup>12</sup> The prohibition policy has raised negative sentiments of the country and divides public opinion. Third, state control and reach against threat of terrorism. The stress is important due to public perception on threat of terrorism. The more effective state policy in managing homeland security, the higher perspective of the people on state's ability to protect the citizen.<sup>13</sup>

Fourth, active role of public in responding threat of terrorism. If public is actively involved together with the government in combating terrorism, the characteristic of the country will different compare to other country. At least the people have initiative in defining threat of terrorists as threat against humanity and state sovereignty.<sup>14</sup> Based on stipulated trend of prevention and eradication of terrorism above, police is identified as active actor in prevention and eradication of terrorism. So far, there are three perspectives in combating terrorism based on State's perspective on threat of terrorism: first, terrorism is threat against state sovereignty. The perspective is based on the strength of terrorist force that may threaten the state sovereignty. The state is faced by threat of losing control on territory and public legitimation.<sup>15</sup> Second, state perspective in defining terrorism as extra-ordinary crime. The perspective follows by comprehensive approaches in law enforcement with specific methods and its implementation. It should be different with law enforcement against ordinary crime. Therefore, state empowers police to develop specific approaches in law enforcement and combating terrorism in order to prevent threat of terrorism against the state.<sup>16</sup> Third, state perspective in defining terrorism as threat against state sovereignty and extra-ordinary crime. In this perspective, the role of police and military as state apparatus become clear definition on terrorism as threat against state. In this concept, state should clearly define the threat of terrorism as extra-ordinary crime and threat

Polisi Menjadi Target Serangan Teroris". [Online Available]: <https://tirto.id/sejak-2010-polisi-menjadi-target-serangan-teroris-cpqq> (accessed 27 August 2017).

<sup>4</sup> Jenkins, Brian Michael. (2017). "Five Years After the Death of Osama Bin Laden, Is the World Safer?" [Online Available]: <https://www.rand.org/blog/2016/05/five-years-after-the-death-of-osama-bin-laden-is-the.html> (accessed 1 September 2017).

<sup>5</sup> Hasan Steven. (2017). "ISIS is a Cult That Uses Terrorism: A Fresh New Strategy" [Online Available]: [https://www.huffingtonpost.com/steven-hassan/isis-is-a-cult-that-uses\\_b\\_6023890.html](https://www.huffingtonpost.com/steven-hassan/isis-is-a-cult-that-uses_b_6023890.html) (accessed 2 September 2017).

<sup>6</sup> See Bill Roggio. (2017). "ISIS Announces Formation of Chalipate". [Online Available]: [http://www.longwarjournal.org/archives/2014/06/isis\\_announces\\_formation\\_of\\_ca.php](http://www.longwarjournal.org/archives/2014/06/isis_announces_formation_of_ca.php) (accessed 27 August 2017).

<sup>7</sup> See *Tribunnews.com*. (2017). "WNI di Suriah Ungkapkan Penyesalan, kami Tertipu ISIS dan Ingin Pulang ke Indonesia". [Online Available]: <http://www.tribunnews.com/internasional/2017/07/04/wni-di-suriah-ungkap-penyesalan-kami-tertipu-isis-dan-ingin-pulang-ke-indonesia> (accessed 27 August 2017).

<sup>8</sup> See Davis, Lois. M. *Et.al.* (2004). *How Prepared Are State and Local law enforcement for Terrorism*. Santa Monica: Rand Corporation. Chapter 1 and 2.

<sup>9</sup> See Hoffman, Bruce. (2005). *Inside Terrorism*. New York: Columbia University Press. Especially Chapter 6.

<sup>10</sup> Seth J. Schwartz. Et al. (2009). "Terrorism: An Identity Theory Perspective". *Studies in Conflict & Terrorism*. No. 32:537-559.

<sup>11</sup> See Gunaratna, Rohan. (2015). *Global Jihad Movement*. Washington DC: Rowman & Littlefield. Especially Chapter 1.

<sup>12</sup> *The Guardian.com*. (2017). "Burqa bans, headscarves and veils: a timeline of legislation in the west". [Online Available]: <https://www.theguardian.com/world/2017/mar/14/headscarves-and-muslim-veil-ban-debate-timeline> (accessed 27 August 2017).

<sup>13</sup> *Independent Institute*. (2017). "The Government's Response to Terrorism: An Evaluation". [Online Available]: [http://www.independent.org/publications/policy\\_reports/detail.asp?id=18](http://www.independent.org/publications/policy_reports/detail.asp?id=18) (accessed 27 August 2017).

<sup>14</sup> See *New York Times.com*. (2017). "A Very British Response to Terror" [Available Online]: <https://www.nytimes.com/2017/06/04/opinion/london-bridge-terrorist-attack.html?mcubz=3> (accessed 27 August 2017).

<sup>15</sup> *Washington Institute*. (2017). "The Growing Islamic State Threat in Jordan". [Online Available]: <http://www.washingtoninstitute.org/policy-analysis/view/the-growing-islamic-state-threat-in-jordan> (accessed 27 August 2017).

<sup>16</sup> Yildiz, Muamer. (2001). *Culture and Subculture in The Turkish Police Force*. Leicester: University Leicester. Especially chapter 5 and 6.

against state sovereignty at the same time.<sup>17</sup> The overlapping definition may cause new problem on the implementation of prevention and counter-terrorism. Therefore, the regulation on the issue also requires details definition to prevent problems among State potentials, when its all component in security can be involved to gather.<sup>18</sup> Based on state perspective on threat of terrorism, police role on the issue is based on three levels: first, the police as supporting actor on preventing and combating terrorism. It is the stage where state considers terrorism as threat against sovereignty. Police and other agencies are supporting component to support military as key component in combating terrorism against state sovereignty. Second level is retrofitting component or mix roles between the police and the military, where police and military is at the same level in combating terrorism.<sup>19</sup> It is based on state perspective in defining terrorism as threat against state sovereignty and extra-ordinary crime. Police and military will respond threat of terrorism in equal level and based on the character of each institution.

The third level is police as a main component against terrorism. State defines threat of terrorism as extra-ordinary crime where police should respond to the threat accordingly. The Police consider terrorism as specific kind of threat at extra-ordinary level compare to ordinary crime. The Police then should have specific approaches in combating terrorism based on the authority of police in law enforcement.<sup>20</sup>

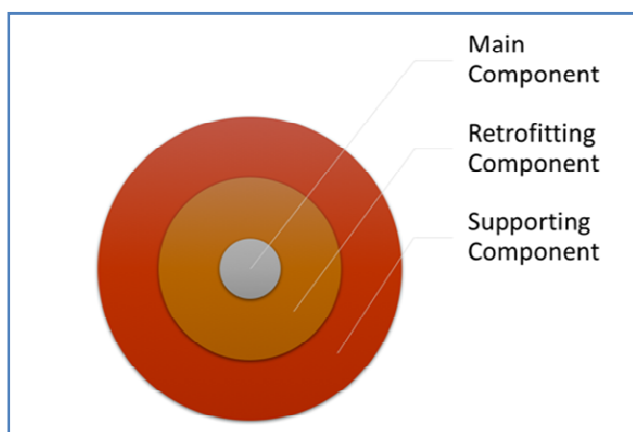


Image 1. Level of Police Involvement in Combating Terrorism

### The New Roles of Police in Prevention and Counter-terrorism

Based on previous elaboration, the new Law of Anti-Terror will provide bigger authority to the INP not only on combating terrorism but also on prevention the terrorism. The situation also strengthens the state definition on threat of terrorism not as threat against state sovereignty. State has authority, so far, to define threat of terrorism as part of homeland security where the INP is the main component.<sup>21</sup> At least there are five

authorities performed by the INP to respond threat of terrorism: first, bigger authority for the INP to arrest person or group identified of being connected to radical and terrorist group at home or abroad.<sup>22</sup> The arrest is needed, based on time limits, for investigation and identify potential involvement of terrorist action and spread of radical thoughts. If the INP cannot find the involvement of the person or group to terrorist network, they shall be released. Second, Law of Anti-Terror also define the role of National Agency of Eradication of Terrorism (Badan Nasional Penanggulangan Terorisme—BNPT) over two issues the coordinating function on many state institutions and strategic planning to counter-terrorism as reference and guidance to all related institutions.<sup>23</sup>

The BNPT cannot implement the two roles ever since it was established in 2010.<sup>24</sup> BNPT should have been able to coordinate tasks among state institutions with the two roles to support the prevention and eradication of terrorism. The unique issue on the new Anti-Terror Law is that the strategic planning to prevent and eradicate terrorism is on the hand of the INP and TNI, not on BNPT. The role of coordination and cooperation with other institution is stipulated but without clear definition on the ruling agency. The presence of BNPT shall be part of the INP in eradication of terrorism at home, while TNI shall monitor on potential threat of terrorism against state sovereignty. The key role of the new Law of Anti-Terror is still the INP. Third, the new Law of Anti-Terror also defines the budget for prevention and eradication of terrorism. The Law stipulates that the budget should be part of State Budget but the institutions may accept independent funds from agencies related to anti-terrorism operation, including foreign aid. This point is to determine the independency of the state in eradication of terrorism despite that agency may accept funds from non-state budget. Based on the source of budget, from state and extern funds, the agencies should made clear report on the source of funds and how it is used in term of combating terrorism to meet aspects of good corporate governance.<sup>25</sup> Fourth, the new Law of Anti-Terror will specify functions inside the Anti-Terror Detachment in Police (the Densus 88 AT) and military, although not specifically stipulated. It is needed to clarify on who does what in prevention and counter-terrorism based on law enforcement.<sup>26</sup> Fifth, the important point of new Anti-Terror Law is on definition of terrorism as extra-ordinary crime that requires specific measures, including in prisons for de-radicalization program, contra-radicalism and disengagement.<sup>27</sup> The current policy in mixing terrorist inmates with criminal convicts in prison does not provide positive impact in prevention and counter-terrorism. The new

<sup>17</sup> See Perl, Raphael. F. (2006). *Terrorism and National Security: Issues and Trends*. Washington DC: Congressional Research Service. Chapter 4 and 5.

<sup>18</sup> Banlaoi, Rommel. C. (2010). *Philippines Security in the Age of Terror: National, Regional and Global Challenges in the Post 911 World*. Boca Raton: CRC Press. Especially on chapter 3 and 5.

<sup>19</sup> Thackrah, J. R. (Jan, 1983). "Army-Police Collaboration against Terrorism" *The Police Journal*, Vol 56, Issues: 1. London: Sage Publication. PP. 41-52.

<sup>20</sup> Durmaz, Huseyin. Et al. (editors). (2004). *Understanding and Responding to Terrorism*. Amsterdam: IOS Press. Pp. 17-25.

<sup>21</sup> for example, see Hoffman. *Op. cit.* Especially Chapter 7. See also, Sageman, Marc. (2004). *Understanding Terror Networks*. Philadelphia: University of

Pennsylvania Press. Especially Chapter 5.  
<sup>22</sup> Gorawantschy, Beatrice. Rohan Gunaratna, Megha Sarmah, Patrick Rueppel. (editors). (2016). *Countering Daesh Extremism*. Singapore: Konrad-Adenauer-Stiftung. Especially Chapter 5.

<sup>23</sup> For example, see Gunaratna, Rohan and Muh. Taufiqurrahman. "Insurgency and Terrorism in East Asia: Threat and Response". In Pardo, Ramon Pacheco and Jeffrey Reeves. (editors). (2016). *Non-Traditional Security in East Asia: A Regime Approach*. London: Imperial College Press. Pp. 23-48.

<sup>24</sup> *Kompas.com*. (2017). "Jokowi Berharap Kepala Baru BNPT Sekaliber Tito Karnavian". [Online Available]: <http://nasional.kompas.com/read/2016/07/19/22032161/jokowi.berharap.kepal.a.baru.bnpt.sekaliber.tito.karnavian> (accessed 4 September 2017).

<sup>25</sup> *The Jakarta Post.com*. (2017). "Govt Backs TNI's Role in Anti Terror Law". [Online Available]: <http://www.thejakartapost.com/news/2016/07/20/govt-backs-tnis-role-in-anti-terror-law.html> (Accessed 5 September 2017).

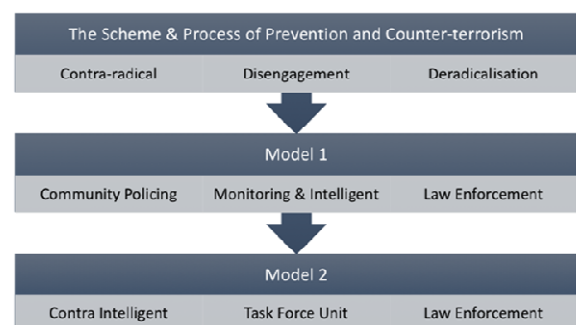
<sup>26</sup> Muradi. (2012). "The Coordination of Counter-terrorism in Indonesia". In Romaniuk, Scott Nicolas. *New Wars: Terrorism and Security of the State*. Pittsburgh: Red Lead Press. Pp. 140-152.

<sup>27</sup> Hoffman. *Op. cit.* Pp 57-60.

Law of Anti-Terror does not stipulate on specific development of prison for terrorist, but the possibility is stipulated in articles of the Law to integrate contra-radicalism and disengagement involving State Ideology Unit (UKP Pancasila), Ministry of Religion Affairs, Ministry of Social Affairs, Ministry of Home Affairs and other agencies.<sup>28</sup> Based on explanation above, the INP as an institution is on important position to prevent and combating terrorism. The INP has bigger authority will become main component to prevent and counter-terrorism with serious consequences.<sup>29</sup> Based on the situation there are two models of prevention and counter-terrorism that could be implemented by the INP as main component as its explain in the new Anti-Terror Law. These two models are actually having been implemented partially and sporadic by the INP not in term of structural works (see Image 2).

The first model is on the empowerment of community policing program and Public Security Agency (Badan Pembina Keamanan dan Ketertiban-Babinkamtibmas). Both of them currently are not in strategic pattern and program anymore, even its still running as periodic program in several local police.<sup>30</sup> In early 2000, community policing was well implemented as national program of the INP. Unfortunately, it turned into local program again with basis of community security agency (Polisi RW, Bintara RW) or even community police unit that integrated public in policing activities. The first model should not be based on the role of community policing and the *Babinkamtibmas*, but on the improved ability of police personnel them self. On this stage, the INP also have authority to conduct law enforcement to arrest person or group with potential on spreading or implementing radical ideas or related to radical groups.<sup>31</sup> The next step is contra-radicalism where police conduct intelligence activity by involving active personnel and public at the same time. The second stage requires skillful personnel to convince people who were affected by radical thoughts so they could disengage from the radical ideas and return to the society like before. This step also requires the involvement of community to support the disengagement process. The third stage is on law enforcement when people or group have conducted terror and have spread hatred and hostility. The step should be followed by de-radicalization and integration of similar programs provided by other institution. One of them is the separation of terrorist inmates from other criminal inmates in prison, whether by building specific prison or other non-permanent separation process.<sup>32</sup> The second model was started through contra-intelligent (see Image 2). The stage is conducted if radicalism is spread and difficult to involve public in prevention. The stage could be conducted by penetration in the organization or groups identified as radical organization.<sup>33</sup> The stage is

considered as a non-optional task due to negative response from contaminated community if Police implemented community policing in form of Police Partnership Forum Community (Forum Kemitraan Polisi dan masyarakat-FKPM) or assigning the *Babinkamtibmas* personnel.<sup>34</sup> The next step of the second model is by developing taskforce to integrate disengagement tasks from radical and terrorism ideology. The step also defines the need to understand the State ideology, especially the four pillars of the Nation: The State Ideology, Pancasila, the State Unity in Diversity, *Bhinneka Tunggal Ika*, State Unitary Form as a country, NKRI and the State Constitution, UUD 1945. So far, the idea could be implemented by forming taskforces to strengthen the role of involved state institution.<sup>35</sup> The third step is more likely the same with law enforcement on the first model. The distinguished difference was on the involvement of other institutions during disengagement of radical ideas. It is necessary to create steps on law enforcement. The two models of prevention and combating terrorism, generally, could be integrated with other institutions than the INP. However, the important point on both models is on the role of the INP as main component in prevention and counter-terrorism. Therefore, there are three prerequisites related to the implementation of the two models based on the new Anti-Terror law: first, the availability of human resource in the INP to respond massive threat of terrorism and also to provide positive image in public and institution. Second, the change of paradigm from combating terrorism and law enforcement into prevention and counter-terrorism and law enforcement at the final step in the INP. The situation is important as law enforcement is no longer the only step to respond terrorism. The involvement of regular police personnel could be conducted since early in the beginning of anti-terrorism process but it requires the change of basic paradigm. It is necessary to prevent even the smallest mistake that may disrupt the role and function of the INP as main component against terrorism threats. Third is integrated policy from the INP commander related to prevention and counter-terrorism. The INP, besides formulating strategic policy in prevention and combating terrorism, should create integrated policy for internal improvement to response the terrorism threats. If the policy is implemented, the INP may conduct prevention and counter-terrorism on the two models as its explained above.



**Image 2. Models of Prevention and Counter-terrorism**

<sup>28</sup> For example, see *The Jakarta Post.com*. (2017). "All Returnees from Syria Require to Join Deradicalization Program" [Online Available]: <http://www.thejakartapost.com/news/2017/07/04/all-returnees-from-syria-required-to-join-deradicalization-program.html> (Accessed 5 September 2017).

<sup>29</sup> *The Jakarta Post. Com*. (2017). "Terrorism Law Still in Limbo". [Online Available]: <http://www.thejakartapost.com/news/2017/05/27/terrorism-law-still-in-limbo.html> (Accessed Available 5 September 2017).

<sup>30</sup> For example, see Asman, Yuni. (editor). (2004). *Community Policing: Falsafah Baru Pemolisian*. Jakarta: Pencil 234. Especially Chapter 1.

<sup>31</sup> For example see Karnavian, Tito and Hermawan Sulisty. (2017). *Democratic Policing*. Jakarta: Pencil 234.

<sup>32</sup> For example, see *Media Indonesia.com*. (2017). "Mendesak, Penjara Khusus Teroris". [Available Online]: <http://mediaindonesia.com/news/read/113604/mendesak-penjara-khusus-teroris/2017-07-19> (Accessed 6 September 2017).

<sup>33</sup> See *The Jakarta Post.com*. (2017). "NU Calls for Stronger Laws Against Radical Groups" [Online Available]:

<http://www.thejakartapost.com/news/2017/04/18/nu-calls-for-stronger-laws-against-radical-groups.html> (Accessed 6 September 2017).

<sup>34</sup> *Detik.com*. (2017). "Patroli Masih Pasif, Polisi RW Dibentuk di Jakarta Pusat" [Online Available]:

<https://news.detik.com/berita/3519203/patroli-masih-pasif-polisi-rw-dibentuk-di-jakarta-pusat> (Accessed 6 September 2017).

<sup>35</sup> See *Media Indonesia.com*. (2017). "Radikalisme dan Terorisme Ancaman Utama Pancasila" [Online Available]: <http://mediaindonesia.com/news/read/130867/radikalisme-dan-terorisme-ancaman-utama-pancasila/2017-11-07> (Accessed 6 September 2017).

## Conclusion

The article concludes that the prevention and counter-terrorism by the INP should be conducted by integrating the readiness of human resources inside the INP and integrated management of the anti-terrorism issue in both the INP and also the government. There are two models of prevention and counter-terrorism that could be implemented by the INP related to the new Anti-Terror Law. The two models could be effectively implemented under three prerequisites: readiness of human resource to respond massive threat of terrorism, the change of paradigm from combating terrorism and law enforcement into integrated prevention, counter-terrorism and law enforcement, and the last is integrated policy from the INP commander relate terrorism threats.

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